



The Illinois Task Force on Crime and Corrections

Final Report

142786



Anton R. Valukas
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March 1993

The Illinois Task Force on Crime and Corrections

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ACQUISITIONS

Anton R. Valukas
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March 1993

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Recommendation 11: The State should embark on a long-range expansion of Illinois Correctional Industries through a stronger partnership with the private sector; a permanent Correctional Industries Advisory Board, consisting of business, labor, and correctional leaders, should be created by law to guide this process.

Recommendation 12: The State must provide sufficient spending authority to support Illinois Correctional Industries.

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Recommendation 16: Establish a special 350-bed unit for older and chronically ill inmates at an existing correctional institution.

Recommendation 17: Authorize the Department of Corrections to establish, based upon a stringent risk-assessment analysis, an electronic detention program for older inmates, except those serving time for Aggravated Criminal Sexual Assault, Criminal Sexual Assault, Aggravated Criminal Sexual Abuse, or Felony Criminal Sexual Abuse, for up to the last two years of their sentences.

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Throughout its tenure, the Task Force was assisted in the most meaningful way by several individuals who should be acknowledged publicly. Staff of the Illinois Criminal Justice Information Authority, and in particular Barbara McDonald, Kevin Morison, John Firman, and their respective staffs, gathered information from throughout the State and the Nation, carefully reviewed that material, and provided the analysis which serves as the basis for the recommendations of this Report. The results they produced reflect not only their dedication but their high professional standards.

The Task Force has had the complete and total cooperation of the Illinois Department of Corrections, and in particular Karl Becker, Bill Gilbert, and Nola Joyce. The expertise which these individuals brought to the task cannot be underestimated. They, like their compatriots at the Illinois Criminal Justice Information Authority, were blunt, candid, and professional in their assessment of the information which was gathered. That approach served not only the Task Force in its deliberations but will serve the General Assembly, the Governor, and the people of the State of Illinois in determining how best to approach this complex problem.

Finally, Barry Levenstam, a partner at Jenner & Block, assisted by Brenda Rudolph, his administrative assistant, contributed his time and talent not only in organizing the Task Force, its meetings, and its deliberations, but also in bringing his insightful analysis to the problems which are addressed in this Report. Ultimately it fell upon Barry to help write the initial drafts of this Report and then to later revise those drafts in accordance with the deliberations of the Task Force.

On behalf of all the members of the Task Force, I thank these individuals for their extraordinary service to this community.

Anton R. Valukas
Chairman

Part I: Background Information

Chapter 1: Introduction

Chapter 2: The Task Force

**Chapter 3: Summary of Major Issues
Facing Corrections**

This Final Report is the fruit of a year of arduous study and analysis by the Illinois Task Force on Crime and Corrections and its staff.¹ Our approach has been to obtain as much information as possible concerning prison crowding and to identify and analyze plausible options for addressing both the causes and the consequences of crowding. Discussions at the Task Force meetings were open and in depth. Avoiding myths and slogans, members brought to bear their broadly diverse areas of specialized knowledge and experience to enhance the overall analysis of all options. In the end, the Task Force has produced a Report that contains recommendations and, where appropriate, alternatives to those recommendations, together with the rationale supporting our decisions.

The Task Force's recommendations propose to attack the problem of prison crowding in four primary ways:

- By reducing recidivism through a variety of programs to alter inmates' behavior and provide a more structured return to the community;
- By reducing initial entry into prison through earlier intervention and community-based sanctions;
- By reducing long-term costs through increased correctional industries and through cost-saving programs; and
- By reducing the stockpiling of inmates through modifications to sentencing statutes and screening of proposed new laws.

If all Task Force recommendations are adopted, the Department of Corrections estimates the potential reduction in the projected prison population growth over the next four years will be almost 7,500. To put this number in perspective, the population of our State's four maximum-security institutions in the week before this Report was issued was a combined total of 7,959 inmates. With no action on these recommendations, however, the State's prison population, by June 1997, will exceed its design capacity by 19,000 inmates and its effective capacity ceiling by 6,000 inmates.² In other words, *not* implementing these recommendations inevitably will lead to spending *hundreds of millions of dollars* on prison construction over the next decade.

The Task Force recommendations set forth in this Report are offered, *not* as a menu from which to select individual recommendations that appear simple or inexpensive, but rather as a cohesive plan for attacking the prison crowding crisis now and strengthening the prison system for the future. This point cannot be emphasized strongly enough.

For example, implementing the recommended Earned-Time Credit Program without expanding the availability of activities for which credit can be earned would accomplish little; implementing these expanded activities without adding staff would expose current staff and inmates to even greater stress and danger; implementing these activities without counteracting the ability of the few very disruptive prisoners to bring them to a halt by causing

The Task Force proposes to attack the problem of prison crowding in four primary ways.

If all Task Force recommendations are adopted, the potential 4-year reduction in prison population growth will be almost 7,500 — roughly the combined population of Illinois' four maximum-security prisons.

lockdowns will doom these activities and the Earned-Time Credit Program to failure. Similarly, electronic detention cannot assume its recommended central role unless trained detention officers are put in place in sufficient numbers to monitor all of the electronic detainees.

Finally, failure to commit the funds necessary to implement these recommendations will lead inevitably to their failure. This, in turn, may lead to a disaster in our prison system or to a public safety crisis in our communities, or to both.

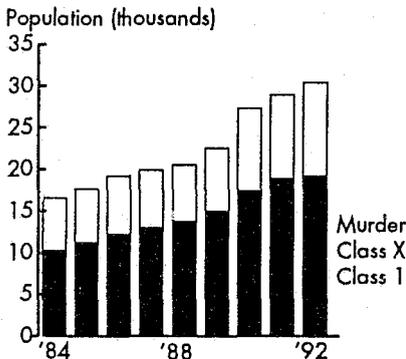
The Problem: Prison Crowding

The crowding of inmates in the Illinois prison system has reached crisis proportions — and the crisis is growing worse by the day. The alarming projections of prison population growth set forth in the Task Force's Interim Report in June have already proven too *conservative*. The latest projections from the Illinois Department of Corrections indicate the State's prison population will grow by nearly 8,500 inmates over the next three-and-one-half years — not 6,200, as originally projected. By July 1994, the Department will have reached its capacity ceiling of 36,000, which means that all possible double-celling will have been done and the Department will have simply run out of space. But the influx of offenders will not stop; by June of 1996 the prison population will surpass 40,000 — leaving more than 4,000 offenders whom the Department will not be able to incarcerate.

In our work as a Task Force, we have encountered a prevalent belief that the prison system contains a large number of first-time nonviolent offenders, that the prison system is overcrowded with inmates who do not need to be incarcerated. This is a myth. More than two-thirds of the inmates in our State's prisons are guilty of the crimes that carry the stiffest sentences: Murder and Class X and Class 1 felonies. Many of the rest of the inmates are repeat offenders, who continue to commit offense after offense between trips to prison. Obviously, both the most serious offenders and the repeat offenders must spend time in prison. Consequently, the Task Force quickly recognized that inexpensive solutions such as simple early release would not foster public safety or respect for the criminal justice system.

However, not all Class X and Class 1 offenders are violent.³ Consequently, the Task Force focused on means of selecting nonviolent offenders and placing them in programs, both inside of prison and out, that have proven successful in curtailing or eliminating criminal behavior. The situation is not without hope, but it is deteriorating rapidly. The State must be prepared to increase funding to these programs now in order to save very substantial sums in the long term. At the same time, recognizing the budgetary situation that exists, the Task Force has sought, and found, certain means for saving and even making money within the prison system.

Two-thirds of prison inmates in Illinois have been convicted of the most serious felonies



The Causes of Crowding

Three phenomena seem to be driving the prison crowding crisis: increases in crime rates and enforcement, high levels of recidivism (i.e., people released from prison being reincarcerated), and longer sentences for many crimes.

- **Increases in both drug and violent crimes, and in enforcement, have contributed to the explosive growth in the prison population.** Reports of violent crime in Illinois were up 20 percent between 1989 and 1991. 1992 was the second most deadly year in Chicago history: 939 murders were committed.⁴ 1991 was the third most deadly, with 927 murders. 1991 also set records statewide for criminal sexual assault, robbery, and aggravated assault.
- **The high recidivism rate is a second reason for prison overcrowding.** Research in Illinois reveals that approximately 46 out of every 100 inmates released from prison today will find their way back into the prison system within three years. Clearly, we must find ways to enable the prison system to do an efficient job of reducing recidivism. Success at this endeavor will increase public safety and help to break the vicious cycle that increases crowding at an accelerating rate.
- **Longer sentences also have contributed to the growth of the inmate population.** During much of the 1970s and 1980s the legislative response to spiraling crime statistics was to "toughen" sentencing laws: longer sentences for certain offenses, mandatory minimum sentences, mandatory consecutive sentences, mandatory sentence enhancements, habitual offender statutes, and the creation and enhancement of numerous drug offenses. While public safety may well be enhanced by having these offenders imprisoned for longer periods of time, crime itself has not been deterred. Moreover, longer sentences coupled with an undeterred crime rate have imposed staggering costs upon our State. Over the past 15 years Illinois has built 15 new prisons, an average of one prison each year — at a cost in excess of \$560 million in the last decade alone. Yet, we still face a prison system that is more crowded and more volatile than ever before.

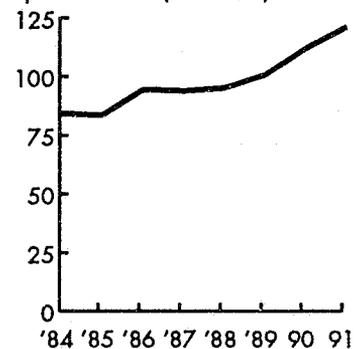
The Consequences of Crowding

The severe level of prison crowding that exists today in Illinois has many consequences for the Department of Corrections beyond the necessity of finding beds for a record number of inmates.

- **Crowding creates overwhelming security problems throughout the prison system.** With increased crowding comes increased violence; inmate attacks on inmates — and on prison staff — are occurring at an alarming rate. This violence is most common in the maximum-security facilities, both because they contain the inmates who have proven themselves to be the most dangerous in the system and because they are among the oldest and most poorly designed facilities in the

Violent crime in Illinois has risen steadily since the mid-1980s

Reported crimes (thousands)



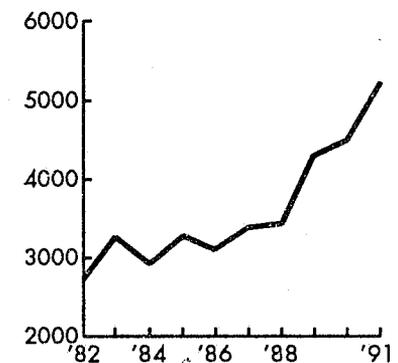
The dramatic impact of recidivism

With a 46-percent recidivism rate . . .

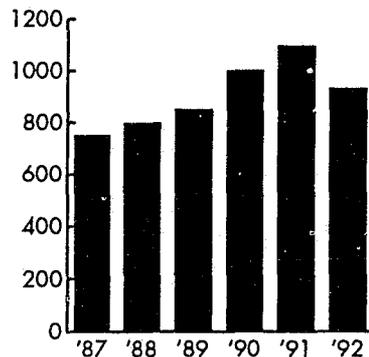
- 9,844 inmates released in 1989—**4,558 back in** within 3 years
- 16,876 inmates released in 1992—**7,814 back in** within 3 years

Illinois is imposing stiffer prison sentences on a growing number of offenders

Offenders sentenced to seven or more years



While down slightly in 1992, assaults on prison staff have risen as crowding has worsened



In 31 other states, litigation related to prison crowding has led to court intervention in the corrections system.

state. Stateville Correctional Center, the “newest” maximum-security institution in the system, is almost three-quarters of a century old, and the other three are more than 100 years old. Pontiac opened during Benjamin Harrison’s presidency; Menard during Rutherford B. Hayes’s; and Joliet during the last year of James Buchanan’s — the year in which Abraham Lincoln was elected.

Moreover, the medium-security facilities, which have borne much of the recent flood of incoming offenders, have suffered startling increases in violence: a 41-percent increase in attacks on inmates between FY90 and FY91. Worse yet, the same time period saw an 85-percent increase in attacks on correctional officers and other staff. Ironically, the people that we, as the citizens of this State, hire to protect ourselves from the dangers posed by these inmates are the very people exposed to greater risks of injury and death whenever prison funding is cut or prison conditions worsen.

- **Crowding creates problems in providing services and programs to inmates.** In addition to housing inmates, the Department of Corrections feeds them, clothes them, provides them with medical care, and attempts to prepare many of them — through education, training, and treatment — for their eventual return to the community. Quality programs that provide inmates with the means to improve themselves, such as education, job training, and substance abuse treatment, are overrun with inmates who want to participate — huge waiting lists are commonplace. Consequently, many inmates do not get the opportunity to participate in programs that would help them reintegrate successfully into the community, and are released with the same problems that led them to prison in the first place. Obviously, this has a negative impact on public safety. Moreover, it creates a vicious cycle that only adds to the crime rate — and to the prison crowding problem.
- **Crowding is exacerbating serious health problems in the prisons.** A new, resistant form of tuberculosis (already a highly contagious disease) has appeared in the Illinois prison system and is both difficult and very expensive to control. Additionally, AIDS is becoming a major health problem for our prisons. The costs associated with the health-care needs created by these two diseases alone will be astronomical. Finally, the lengthening of sentences is creating yet another major health-care concern: the increasing number of geriatric inmates. As a general rule, older inmates are the most expensive to incarcerate because of the health-care costs associated with aging.
- **Crowding could lead to court intervention in the control of our prison system.** Underlying all of these concerns is the possibility that, in the very near future, the Department of Corrections will be faced with a situation, like that in 31 other states, where litigation leads to court intervention in the Illinois prison system.⁵ Such litigation can only aggravate the severe budgetary problems associated with prison crowding and, in the extreme, could lead to the mandatory release of

inmates. This potential public safety crisis could undermine the entire criminal justice system and the public's trust and faith in it. In short, something must be done immediately — and over the long run — to address this situation, or the State of Illinois may lose the opportunity to address the situation itself.

Recommended Responses: An Executive Summary

There are no simple solutions to the problems of crime and prison crowding. The Task Force has devoted a full year to studying the problems, keeping foremost in mind the objectives of promoting public safety and respect for the criminal justice system. Our goal throughout has been to design recommendations that make good corrections sense, regardless of the crowding and budgetary problems the State faces — recommendations that will strengthen our prison system in the long run.

To this end, we have heard the testimony of dozens of experts from our State and across the Nation. We have searched for approaches that have succeeded elsewhere. We have analyzed many potential responses for their likely impact on prison crowding, and we have conducted cost and savings projections of the responses we considered. Ultimately, the Task Force has made hard decisions based upon what its members thought would benefit the State in the long run from the standpoint of prison crowding and costs, and from the standpoint of public safety, even though some of these decisions will require additional expenditures in the short run to get the recommendations implemented and some may be politically unpopular.

The Task Force recommends a number of responses that will, with time, work together to improve our correctional system and reduce the problem of prison crowding. The following Executive Summary provides a short overview of many of the programs recommended in the rest of this Report.

- **Reduce Recidivism through Education, Industries, and Treatment.** Recidivism *can* be reduced. Intensive substance abuse education and treatment programs have proven effective in helping inmates to stop substance abuse — itself one of the major contributors to the likelihood that an offender will return to prison. Education and vocational training programs have also been shown to be effective in reducing recidivism. And in many jurisdictions, participation in correctional industries has led to higher post-release employment rates and, as a result, to lower levels of recidivism.

Reducing recidivism will have a substantial effect on freeing up scarce prison beds (and therefore on not having to open up entire new prisons), on reducing costs, and on enhancing public safety. The three-year recidivism rate for inmates released in 1989 was 46 percent — 46 out of every 100 inmates released in 1989 returned to prison by the end of 1992. If our recommended anti-recidivism programs are even modestly successful — for example reducing the three-year recidivism rate to just 41 percent — we will have saved 488 beds over three years,

The Task Force recommends a number of responses that will work together to improve our correctional system and reduce the problem of prison crowding.

Reducing the recidivism rate from 46 percent to 41 percent would save 488 prison beds and — by a conservative estimate — more than \$1.5 million a year after three years.

an average of 163 beds per year, from the first class of program graduates released alone. If the programs continue simply to hold recidivism down to this level year in and year out, the bed-saving effect becomes cumulative: 163 beds saved in year 1; 326 beds saved in year 2 (because the second class of releasees also recidivate at the reduced rate); and 488 beds saved in year 3 and in each year thereafter (as the third and following classes of releases continue to recidivate at the lower rate). If recidivism can be reduced by more robust amounts — 8–10 percent, for example — the number of beds saved would be even larger (see Appendix F for the estimated potential impact of reduced recidivism at various levels).

Calculating cost savings is slightly more complicated because cost savings are a function of how long each person who does not recidivate would have spent back in prison if he or she had. Making the very conservative assumption that recidivists stay in prison an average of only one year upon their return, and the second conservative assumption that the marginal cost for each such recidivist is \$3,143 per year (and will not go up), cost savings over three years on the first class of program graduates released will exceed \$1.5 million (an average of \$511,261 per year).⁶ Again, the impact becomes cumulative over time, so that after three years, if this modest five percentage point reduction holds, the annual savings would approximate \$1.5 million. In reality, cost savings will be much higher if the programs make a more substantial cut in recidivism, or if marginal costs increase, or if the average stay for recidivists upon their return to prison is greater than one year.

- **Earned-Time Credit Program.** Given the proven effectiveness of education, substance abuse treatment, and correctional industries at reducing recidivism, the Task Force is recommending that an Earned-Time Credit Program be implemented that will allow inmates to earn days off of their sentence by participating successfully in these recidivism-reducing activities. Absolutely crucial to the success of this Earned-Time Credit Program, however, is sufficient funding to provide timely and safe access to these activities for all inmates who stand to participate in the program and to benefit from it.
- **Electronic Detention and Boot Camp.** Electronic detention also has been demonstrated to have a positive effect upon new releasees' re-entry into society; recidivism rates actually drop when certain inmates are released from prison early but spend that additional time in the community on electronic detention. Studies also show that the "boot camp" experience (called Impact Incarceration in Illinois) not only significantly shortens the stay of qualified nonviolent offenders but, more important, also produces "graduates" who recidivate less often than their prison counterparts. The Task Force recommends expansion of these programs as well.

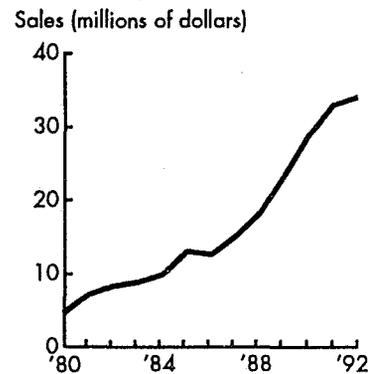
Recidivism rates actually drop when certain inmates are released from prison early but spend that additional time on electronic detention.

- Continuum of Community-Based Sanctions.** The Task Force is recommending, on a pilot program basis in several counties, the implementation of a complete continuum of community-based sanctions. This recommendation seeks to avoid for many offenders incarceration in a penitentiary, by far the most expensive form of criminal sanction. These community-based sanctions are less expensive and less restrictive than incarceration, but involve means of keeping regular — even daily — tabs on offenders serving their sentences under them. This fact makes these sanctions a far more effective means of early intervention in a prospective career criminal's life. They should keep many younger offenders off of the well-travelled path that leads from repeating minor offenses to committing more serious crimes and, ultimately, to the criminal finishing schools that the prisons have become. As an added benefit, if this continuum is in place, some of its sanctions can also be used after incarceration to assist recent releasees in reintegrating successfully into society.

- Increase Profits from Correctional Industries.** The Task Force has studied ways to reduce the costs of the prison system. After conducting on-site inspections of, and hearing testimony concerning correctional industries, the Task Force has concluded that through these programs offenders can be made to pay a greater share of their own expenses, which will make the prison system less burdensome on the taxpayers of the State. The existing correctional industries program, though small in terms of the number of inmates employed, has demonstrated an ability to earn a substantial profit for the Department of Corrections — more than \$1.5 million in each of the last two fiscal years. This program should be expanded, and its profits used to defray costs of the prison system. As an added bonus, correctional industries benefit the inmates who participate in the program, providing useful job training and sometimes even job placement upon release. The program also gives inmates a financial means to provide compensation for the victims of their crimes and support for their families (in some situations, saving the State even more money as the need for Public Aid is reduced).

- Cost Savings Concerning Special Needs Inmates.** The Task Force has investigated the unique problems created by certain groups of inmates with special needs. With respect to older prisoners, who pose significant cost and space problems for the Department of Corrections, the Task Force is making several recommendations designed to reduce the monetary costs of incarcerating and caring for these inmates. For example, housing older inmates together would enable the Department to consolidate the staff necessary to provide the specialized health care these inmates require. This approach would also take advantage of the reduced security risk that these inmates pose, and thereby free up beds at the higher security institutions for offenders who pose a greater risk to staff and other inmates. Having learned that age is one of the most accurate predictors of recidivism (with older

With increased sales, Illinois Correctional Industries is turning an annual profit of \$1.5 million

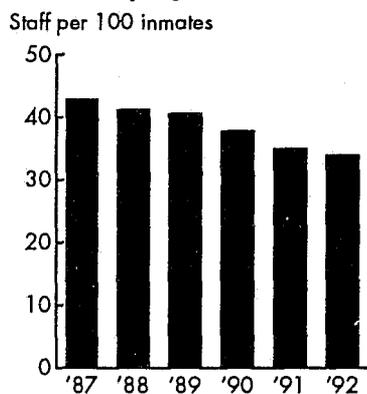


The Task Force is proposing that the Department of Corrections work in partnership with the nationally renowned Project for Older Prisoners.

inmates among the least likely to commit new crimes), the Task Force is proposing that the Department of Corrections work in partnership with the nationally renowned Project for Older Prisoners to develop an objective risk assessment program that will lead to the parole or placement on electronic detention of appropriate older inmates.

- **Increased Capacity.** Unfortunately, the responses that the Task Force recommends will not work overnight. In the interim, the sobering and immutable facts of the current prison crowding crisis have led the Task Force to conclude that some construction will be necessary in the immediate future. The Task Force has learned the lesson of the past 15 years: building prisons is *not* a cost-effective solution to the crowding problem. But for this past construction, however, both prison crowding and reduced public safety would have become even greater problems than they are now. In the short term, therefore, while other recommendations are phasing in and taking effect, some limited cellhouse construction will be essential to safely house the growing prison population and to enhance prison staff and inmate safety. The Task Force recommends that this building be done on existing prison sites to save much of the high overhead costs associated with building a new prison from the ground up.
- **Increased Staffing.** Of vital importance to the success of the Earned-Time Credit Program and its underlying anti-recidivism activities is additional staffing. These expanded activities simply cannot be implemented with existing staff at its current desperately low levels. Each time inmates move — for example, to and from substance abuse treatment, education classes, or correctional industries — security staff must be present. The Department of Corrections does not now have sufficient numbers of correctional officers at its prisons to expand these programs safely. Similarly, the State must be prepared to provide adequate funding to make the community-based sanctions and programs succeed. For example, the electronic detention programs the Task Force proposes must be monitored by trained staff to be safe for the public and effective in reintegrating offenders into the community. Current staff levels are too low to handle the influx of electronic detainees that will occur when certain of the Task Force's recommendations are implemented. Additionally, after-care must be provided to assist inmates in re-entering their communities successfully.
- **Managing Violent Inmates To Avoid Lockdowns.** Similarly, the Earned-Time Credit Program and related activities (i.e., correctional industries, education, and substance abuse education and treatment) cannot succeed if they are repeatedly interrupted by institutional lockdowns caused by the violent and predatory behavior of a relatively small number of inmates. Anti-recidivism activities — substance abuse treatment, education, vocational training, and correctional industries — are all shut down when a prison is locked down. Lockdowns occur because of violence in the institutions which, as we have seen, is a direct result of the prison crowding that continues to increase due in

With the staff-to-inmate ratio already declining, more staff will be needed to safely expand anti-recidivism programs

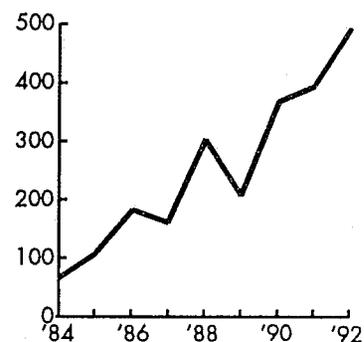


part to recidivism. The Task Force is *unanimous* in its conclusion that we must break this self-defeating cycle — we must ensure that these constructive programs and their inmate participants have the maximum chance to succeed, and we must create a strong disincentive to the serious violent misconduct occurring in the maximum- and medium-security facilities.

The question of what means to use for breaking this vicious cycle is perhaps the most difficult issue with which the Task Force has had to grapple. Ultimately, the Task Force has decided to recommend, as the most efficacious means of breaking this cycle, the construction of a 500-bed “super-maximum” security institution. The Task Force emphasizes that the purpose of the proposed super-maximum security facility is *inmate management*, and *not* to house the growing number of offenders coming into the system. The Department of Corrections *must* have an *effective* and *humane* means of separating and controlling the most dangerous inmates, gang leaders, and those who attack staff or other inmates. There are alternatives to a super-maximum security facility (discussed later in this Report) that are less expensive, but they still involve some construction (and therefore significant expense) and may not be as effective. The Governor and the General Assembly ultimately must decide how much of the limited pool of tax funds may go to the correctional system, but this much is *certain*: some means of controlling these inmates must be provided. Just as a chain is only as strong as its weakest link, the entire set of our recommended prison programs will fail if this cycle is not broken. The very small number of disruptive inmates must not be permitted to hold our programs, the Department of Corrections, and eventually the State of Illinois hostage through their violent acts.

- **Sentencing Modifications and Moratorium on Sentencing Enhancements.** Based upon testimony given by many experienced judges, from across the State, sitting on the Circuit and Appellate Courts, the Task Force has concluded that, in certain limited instances, mandatory consecutive sentences and, to a lesser extent, mandatory minimum sentences, can result in incarceration for lengthy periods of time not justified by the underlying criminal acts. Frequently, for example, drug addicts can be arrested on minor possession or theft charges, miss a court date (which means jumping bail), be arrested again on a second minor possession charge, and end up sentenced to nine or ten years. In these circumstances, the taxpayers of this State should not be required to pay some \$16,000 a year in average costs to incarcerate each such offender: much less money would be much better spent on community-based sanctions involving intensive substance abuse treatment. Consequently, we are recommending in these types of situations that the stiffer sentences be made optional, to be imposed where the criminal acts warrant them. At the same time, the Task Force calls upon the General Assembly to impose upon itself an informal moratorium on additional sentencing enhancements.

The growing number of lockdown days caused by violent inmates is making it increasingly difficult for constructive prison programs to succeed



In certain instances, mandatory consecutive sentences can result in incarceration for lengthy periods of time not justified by the underlying criminal acts.

A Unified Approach

The Task Force recognizes that many of the recommendations in this Final Report will be controversial. Even among the members of the Task Force not every recommendation passed with enthusiastic unanimity.⁷ Nevertheless, these recommendations flow from the common wisdom of this diverse and knowledgeable group, after much study, debate, and revision, as the best available *unified* approach it could design after our year-long study of this urgent and extremely difficult problem of prison crowding in Illinois.

If this unified approach is adopted, the Department of Corrections estimates a reduction of 7,495 in the projected prison population growth over the next four years, with an additional capacity of 2,311 in new beds or electronic detention assignments.

As a best-case analysis, if this unified approach is adopted in total, the Department of Corrections estimates a reduction of 7,495 in the projected prison population growth over the next four years, with an additional capacity of 2,311 in new beds or electronic detention assignments (see Appendix E for details on the estimated potential impact of the Task Force's recommendations). With no action, the prison population will exceed its design capacity by 19,000 inmates and its effective capacity ceiling by 6,000 inmates by the end of June 1997. These proposals, if fully implemented, will instead result in an inmate population of 9,500 over design capacity and 4,000 *below* the projected capacity ceiling.

	Potential reduction in prison population growth	Additional capacity	Additional electronic detention assignments	Cumulative impact
Year 1	2,583		215	2,798
Year 2	1,983	1,944	99	4,026
Year 3	1,522		17	1,539
Year 4	1,407		36	1,443
TOTAL	7,495	1,944	367	9,806

Note: In addition to this additional capacity, the proposed super-maximum security facility would provide 500 more beds. Because this is proposed as an inmate management tool, however, it is not included in these calculations. See Appendix E for more detailed impact information.

Conclusion: Address the Underlying Causes of Prison Crowding

The ultimate solutions to crime and prison crowding must focus not on the current prison population, but on the current preschool population and their families.

Finally, the Illinois Task Force on Crime and Corrections urges the Governor and the General Assembly to look specifically at ways to address the underlying causes of the growth of crime in Illinois. Unfortunately, the ultimate answers to the problems of crime and violence (and the prison crowding that comes with them) are outside the practical scope of this Task Force's charge. They are subsumed in the answers to the overarching problems confronting our society, including poverty, unemployment, lack of education, the decreased stability of the family unit and decline of moral values, street gangs, the ready availability of handguns and assault rifles, and drugs.

While the Task Force believes that its recommendations will alleviate the current crowding crisis, the ultimate solutions to crime and prison crowding must focus not on the current *prison* population, but on the current *preschool* population and their families.

Notes

- ¹ A list of Task Force and subcommittee meetings is included in Appendix C.
- ² See Page 19 for definitions of prison capacity.
- ³ All offenders serving Class X or Class 1 sentences have committed very serious offenses, but not all have committed violent offenses. For example, almost 100 people in state fiscal year 1992 were given Class X sentences for committing their third Class 1 or Class 2 offenses (see 703 ILCS 5/5-5-3(c)(8)). By definition, this is a population of inmates who could benefit from the recidivism-reducing programs proposed in this Report. Class X also includes certain drug offenses (see 720 ILCS 570/401(a)(1)(A), (a)(2)(A), (a)(3)(A), (a)(4), (a)(5), (a)(6), and (a)(7)(A)). Class 1 felonies also include state benefits fraud (720 ILCS 5/17A-3(a)(5)); theft (720 ILCS 5/16-1(b)(6)); and criminal damage to property (720 ILCS 5/21-4); as well as certain drug offenses (e.g., 720 ILCS 570/401(c)).
- ⁴ 1974 saw the most murders in Chicago history: 970. But in that year Chicago had approximately 400,000 more people than it does now. On a per-capita basis, 1992's *murder rate* of 33 per 100,000 was, in fact, the highest in Chicago's history.
- ⁵ As of January 1992, 31 correctional agencies nationwide reported that over 230 institutions were under conditions of confinement as ordered by federal or state courts. Court-ordered population caps were also placed on 30 correctional agencies throughout the country, affecting 206 institutions. Additionally, 18 state correctional agencies have a court-ordered inspector to monitor inmate and institution conditions.
- ⁶ Throughout this report, estimates of potential cost savings through the use of community-based sanctions (such as electronic detention) versus incarceration have been calculated by subtracting the average per-offender cost of a selected community-based sanction from the current annual *marginal* costs of incarcerating that same offender in prison. Marginal costs are used in place of the more traditional *average* annual cost per inmate.

Marginal costs reflect the basic expense to house an additional inmate in prison (food, clothing, medical needs, etc.), but *do not include* (as would average costs) expenditures for the addition of any further staff, resources, or facilities to the state's correctional system. For example, under present conditions, if Illinois' correctional system experiences an increase of 500 additional inmates (admissions), it disperses those inmates among existing facilities, as opposed to constructing a new 500-bed facility. By using marginal costs to estimate savings, the Task Force presents the *most conservative* savings estimate. Marginal costs, while accurate today, do not reflect the inevitable long-term inmate housing costs. Once the capacity ceiling in existing facilities is reached, the Department will need to build new facilities, add new staff, and expand program resources. Marginal costs will then give way to more realistic, or *average*, per-inmate costs, which reflect the cost of additional facilities, staff, and program resources. While current marginal costs for each new inmate are \$3,143, current average costs are approximately \$16,000.

In short, when assessing cost savings in this Report, the reader must keep in mind that the cost of not implementing these changes will, in the next decade, include hundreds of millions of dollars in new prison construction and operations.
- ⁷ The legislative members of the Task Force have been very supportive of the Task Force's work and are supportive of this Report in general. Consistent with the obligations of their office, and as the Task Force recognizes, they may seek to modify or dissent from certain of the recommendations, concerning Class X offenders and residential burglars for example, when the General Assembly addresses these recommendations.

Prison crowding is more than just a correctional management problem. It is a criminal justice problem that affects the personal safety and tax burden of all Illinois citizens. To address the range of issues inherent in Illinois' prison crowding crisis, Governor Jim Edgar created the Illinois Task Force on Crime and Corrections in February 1992. The Governor charged the Task Force with exploring new ways not just to deal with prison crowding, but also to protect society, to ensure justice, and to do so in an affordable, cost-effective manner.

Governor Jim Edgar created the Illinois Task Force on Crime and Corrections in February 1992.

The Task Force's Mandate

The Governor's Executive Order Number 1 (1992) gave the Task Force four primary duties (see Appendix A for a copy of the Executive Order):

- To study the future needs for space in Illinois prisons, along with the potential costs, based on projections of future crime, arrest, and incarceration.
- To study alternatives to incarceration that offer cost-effective means of protecting public safety and penalizing offenders.
- To analyze current prison policies, statutes, sentencing, and other factors that influence inmate populations.
- To identify solutions that, first, protect public safety, and, second, do so in a manner the taxpayers of Illinois can afford.

"The safety of the public will be the foremost concern of this Task Force as it addresses the problem of prison overcrowding," the Governor said in announcing the formation of the panel. "We will continue to put dangerous criminals behind bars and keep them there. But we need to find innovative, cost-effective alternatives to building one prison after another."

"The safety of the public will be the foremost concern of this Task Force as it addresses the problem of prison overcrowding. We will continue to put dangerous criminals behind bars and keep them there. But we need to find innovative, cost-effective alternatives to building one prison after another."

Membership and Staffing

In assembling the Task Force, Governor Edgar drew from a diverse range of backgrounds, organizational interests, and areas of the state. The Task Force has 29 members, representing law enforcement, community and public interest groups, legal scholars, prison employees, the judiciary, the defense bar, the General Assembly, and various executive branch agencies (see the inside front cover for a list of Task Force members). The Governor appointed Anton Valukas, a partner with the Chicago law firm of Jenner & Block and the former U.S. Attorney for the Northern District of Illinois, to chair the Task Force.

—Governor Jim Edgar

In his Executive Order, the Governor also directed the Illinois Criminal Justice Information Authority to provide staff support for the Task Force, including data collection, research and analysis, publishing, and overall project coordination. Personnel from the Illinois Department of Corrections and the law firm of Jenner & Block have also provided substantial

assistance to the Task Force on these tasks. The Task Force thanks its entire staff for handling this immense undertaking superbly.

Approaches to the Problem

The Task Force has relied on a variety of different approaches and an array of experts in gathering information, sifting through it, and developing meaningful proposals.

Research. A review of research data has been a major source of information for the Task Force (see Appendix B for a list of source materials and related readings used by the Task Force). Almost all of the group's work in the first few months centered on conducting a thorough examination of the nature and extent of crime and prison crowding in Illinois. Staff from the Illinois Criminal Justice Information Authority and the Department of Corrections put together detailed statistical profiles of who is in prison, the offenses they committed, their criminal histories and recidivism rates, and current correctional capacity and programs. Staff also analyzed the larger social, demographic, and crime trends that are likely to affect the criminal justice system in the future. Finally, staff assembled for the Task Force an extensive compendium of statistics and research on various correctional sanctions and programs in use in Illinois and in other states.

In addition to studying empirical data, the Task force visited several correctional settings to hear directly from wardens, correctional officers, program staff, and inmates.

Site visits. In addition to studying empirical data, the Task Force considered it imperative to visit several correctional settings — to see first-hand the conditions of Illinois' prisons, to learn more about in-prison programs, and to hear directly from wardens, correctional officers, program staff, and inmates. The Task Force or its subcommittees held meetings at the Stateville Correctional Center in Joliet, the Dwight Correctional Center for women, Cook County's electronic monitoring facility, the Cook County Adult Probation Department, and the Interventions drug treatment center on Chicago's South Side (see Appendix C for a list of all Task Force meetings). The visit to Stateville, in particular, gave Task Force members a close-up look at prison crowding and its effects on staff, on inmates, and on prison facilities and programs. The visits to Dwight and Interventions provided important perspective on the underlying problem of substance abuse among criminal offenders.

Public input. The Task Force also solicited ideas and input from the broader criminal justice community, as well as academia and community organizations. In March 1992, Chairman Valukas sent letters to approximately 1,500 people — police chiefs, sheriffs, state and federal prosecutors, public defenders, judges, probation and court services officials, wardens, county board members, mayors and city managers, community representatives, and others — seeking their comments on such broad issues as the purpose of incarceration, the appropriate use of prison and intermediate sanctions, and ways to reduce recidivism. Close to 100 people responded in writing (see Appendix D for a list of people who provided information

to the Task Force). In addition, the Criminal Justice Information Authority coordinated a separate survey of law enforcement executives through the Illinois Association of Chiefs of Police.

The Task Force also held two public hearings in August to hear from various experts in a more focused, interactive setting. Thirty-two people, including federal and state prosecutors, agency directors, community leaders, and criminal justice scholars, appeared before the Task Force (see Appendix D). Due to time constraints, the Task Force did not hear testimony in person from all who sought to be heard. However, the Task Force accepted and considered written testimony from everyone who wished to submit it. While the suggestions offered by all of the witnesses were varied (and often conflicted with one another), their comments helped to put in focus many of the complex issues facing the Task Force.

The Task Force looked to a variety of individual experts to provide advice and direction on specific, often technical matters.

Expert witnesses. Finally, the Task Force looked to a variety of individual experts to provide advice and direction on specific, often technical matters. For advice on correctional industries programs, the Task Force called on Frank Considine, Chairman of the Executive Committee of American National Can Company and a key member of the recent national commission on correctional industries. On issues related to older and chronically ill inmates, the Task Force heard from George Washington University law professor Jonathan Turley, who has helped establish the POPS initiative (Project for Older Prisoners) in several states. Chuck Colson, former Watergate conspirator and prison inmate and now an official with the Justice Fellowship, offered insight into various prison reform issues. Cooley School of Law Professor Lynn S. Branham, past chair of the American Bar Association's Corrections and Sentencing Committee, also provided a substantial list of proposals for our consideration.

In addition, the Task Force organized several expert panels — to hear from judges about sentencing laws, probation officials about intermediate sanctions, drug treatment specialists about drug abuse and crime, and correctional staff about programs and security concerns. Finally, the Task Force assembled a panel of former prison inmates who had successfully reintegrated in the community. Their comments, and letters from several prison inmates and their families, have given the Task Force a first-hand perspective on prison life and on what can be done to stop crime and reduce recidivism.

These different approaches provided Task Force members with a range of information and a variety of perspectives on the problems of crime and corrections in Illinois. All of the recommendations contained in this report are based on this thorough and rigorous process of fact-finding and analysis.

Summary of Major Issues Facing Corrections

In its June 1992 Interim Report, the Task Force on Crime and Corrections provided an historical perspective on Illinois' prison crowding problem and the projected consequences of continued, uncontrolled prison population growth. As the Interim Report indicated, Illinois' prison crowding problem is an extremely urgent and complex public safety issue — one that threatens the well-being and security of both society at large and the employees and inmates within the prisons — and one that has no easy answers. Unfortunately, the disturbing figures and trends portrayed in the Interim Report have actually fallen short in depicting the magnitude of Illinois' prison crowding crisis. Current estimates and population projections from the Department of Corrections forecast an even more alarming future for the corrections system and further underscore the need for immediate action by the Governor and General Assembly in concert with Illinois' public safety policymakers and correctional officials.

Current Facts and Figures

As of December 31, 1992, Illinois' prison population exceeded 32,000 inmates — more than 50 percent over its design capacity and within 88 percent of the system's capacity ceiling. Recently updated projections on Illinois' prison population by the Department of Corrections indicate that in the future Illinois' inmate population will grow significantly faster than previously expected. The Department's analyses show that over the next three years, Illinois' prison population will grow by nearly 8,500 inmates, to a level surpassing 40,000 inmates by state fiscal year (FY) 1996. These projections exceed previous estimates by more than 2,000 inmates.

The Department's revised projections are based upon its most recent experience. In the first six months of FY93, Illinois' prison population has grown by over 1,200 inmates. If this rate of growth continues, the Department of Corrections will run out of bed space by July 1994. These revised projections use extremely *conservative* assumptions; i.e., that the large growth in court admissions experienced in the past year will begin to slow down, and that the General Assembly will not enact any penalty enhancements to current criminal statutes over the next four years. Since these projections reflect the likely impact of current laws and policies upon the State's prison population, the potential impact of any new legislative initiatives that increase penalties for criminal offenses or create new offenses has not been considered. Should additional criminal legislation be enacted, the already dismal outlook for corrections will worsen, escalating the projected time that the system will essentially have to close its doors to new inmates or open its doors for those already inside.

The accelerated growth in the inmate population is driven in large part by increased admissions of serious offenders and parole violators with new sentences. In the late 1980s, many new felony admissions to the Department of Corrections emanated from drug-related offenses, primarily Class

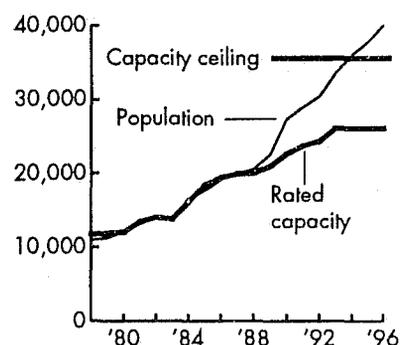
Definitions of "Prison Capacity"

Design Capacity. The number of inmates a correctional facility was originally designed to house. Design capacity as of December 31, 1992: 20,818.

Rated Capacity. The number of inmates a correctional facility should house based on administrative judgments and sound correctional practices. Rated capacity as of December 31, 1992: 24,562.

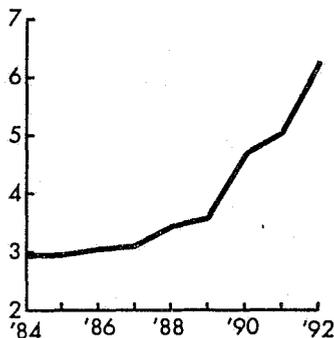
Capacity Ceiling. The maximum number of inmates a correctional facility can accommodate in existing housing (with 80 percent double-celling systemwide). Projected capacity ceiling: 36,000 (factors in facilities to be opened later this fiscal year).

Illinois' prison population versus prison capacity, projected through 1996



Offenders admitted to the Illinois Department of Corrections for Murder, Class X, and Class 1 offenses

Thousands



Because of crowding, more than 1,000 inmates are on a waiting list for adult basic education, and nearly 2,000 inmates do not have work assignments.

2, 3, and 4 felony offenses. In FY92, however, this trend reversed itself, as the growth in admissions for serious offenses — Murder and Class X and Class 1 felonies — far outstripped those for lower class offenses. In addition, the number of violent offender admissions surpassed the number of drug offender admissions for the first time in years.

These new trends are significant for several reasons beyond the sheer increase in the number of individuals entering prison. Due to the more serious nature of these offenders and their offenses, inmates are being sentenced for significantly longer periods of time. As the distribution of admissions shifts toward these more serious criminals serving longer sentences, the stockpiling of the most serious offenders will accelerate exponentially. Although it is projected that new court cases will increase by only 5-6 percent annually over the next four years, the prison population will increase at a much faster rate due to the longer lengths of stay for these serious offenders. The changing character of new prison admissions will also mean that an increasing proportion of the prison population will comprise both serious and difficult-to-manage offenders, a factor that will serve to further complicate institutional management and security efforts.

Similarly, the Department of Corrections' revised projections also indicate that the number of parole violators returning to prison with new sentences will increase to more than 4,304 in FY96, an increase of more than 834 inmates over previous projections. The growth in the number of parole violators returning to prison with a new sentence is a result of the increased numbers of offenders entering and subsequently exiting the prison system over time.¹ Given that more than 40 percent of all offenders who are released from prison recidivate within three years, the increased number of offenders being released from prison means that an increased number will be returned for new offenses. These figures highlight the critical importance of focusing on remedial efforts to reduce recidivism.

Inmate Management and Staffing Issues

Prison crowding presents a myriad of complex operational and human management issues beyond the mere lack of physical space in which to house offenders. Crowding intensifies the tension within institutions, not only as more people are added to limited space, but also as demands for basic services exceed the institution's capabilities to provide them. As services and order deteriorate, the safety of staff and inmates decreases.

The practical implications of this fact are now clearly evident in Illinois' correctional system. Due to crowding and budget constraints, the number of inmates in the Department of Corrections waiting to participate in educational programs continues to grow. Currently, there is a waiting list of over 1,000 inmates for the adult basic education program. Nearly 2,000 inmates do not have work assignments and consequently are consigned to idleness, one of the most detrimental forces at work in prisons. During the last calendar year, fewer than 10,000 inmates received substance abuse education or treatment, though *two times* that many inmates need these

services. The Department's ability to provide services is not keeping pace with the rapid inmate population growth.

As crowding continues to increase in the Department's institutions, basic living conditions are worsening. Physical space has decreased, noise levels have increased, tempers have become increasingly shortened because of long lines for food and recreation. These problems are having a critical impact on the level of tension within Illinois prisons.

At the same time, the staff-to-inmate ratio has dropped from 43 staff per 100 inmates in FY87 to 34 staff per 100 inmates in FY92. Of the more than 9,500 staff in the adult institutions, 72 percent are working in the security function; 12 percent are in the clinical, medical, mental health, or related functions; 3 percent in the dietary function; and 4 percent in the utilities, maintenance, or similar functions. The remaining 9 percent of staff work in the business, record, or administrative offices.

The demands and pressures on existing staff are multiplying as the prison population grows without appropriate staff increases. Dietary staff must prepare and serve 115,000 meals a day. Medical staff must handle over 60,000 sick calls a month. Correctional counselors must review cases and prepare paperwork to transfer over 3,400 inmates a month to institutions or community correctional centers. Each month, security staff must transport and escort nearly 1,000 inmates to outside medical treatment, and another 700 inmates to court. These tasks are accomplished by removing officers from their institutional posts, thus creating an even greater shortage of security staff.

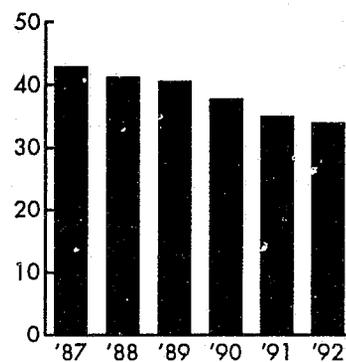
This shortage compounds stress on existing staff by placing them in a higher risk environment. Lower staff-to-inmate ratios result in less inmate supervision. Coupled with increased numbers of idle inmates because of limited programs or work assignments, a more and more dangerous situation is being created.

With increased crowding, decreased services, and worsening living conditions, order has declined noticeably. In FY92, there were 931 assaults against staff. Thirty-five percent (323) were committed with a weapon and 47 required outside hospital treatment. During the same time period, 554 inmate-on-inmate assaults occurred, with 23 percent (127) committed with a weapon. Sixty-five inmates required outside hospital treatment and one inmate died from his wounds.

Physical Crowding Implications

The implications of the projected increase in prison crowding are profound. By the end of FY96, the Department's projected inmate population will reach 40,026 — surpassing its projected rated capacity of 26,314² by 52 percent (13,700 inmates). More significantly, these projections show that by July 1994 the Department of Corrections will have reached its capacity ceiling, housing approximately 36,000 inmates. At that point — despite all of the new beds scheduled to become available later this year; despite the double-celling of all bed space to the practical limits

Correctional staff per 100 inmates in Illinois



In 1992, there were 931 assaults against prison staff: 35 percent were committed with a weapon.

By July 1996, there could be 4,000 sentenced offenders whom the Department of Corrections will not be able to incarcerate.

supported by prison infrastructures, including all medium- and minimum-security institutions, and despite maintaining the current level of crowding in the maximum-security institutions — there will be *no* physical space left in which to house any additional offenders. As a practical matter, this means that by the end of FY96, there will be more than 4,000 sentenced offenders whom the Department of Corrections will not be able to incarcerate.

Current resources and planning are not sufficient to enable the Department to overcome these projected shortfalls. Additional crowding beyond these levels would intolerably endanger the safety of both staff and inmates, and virtually guarantee the likelihood of major disruption and costly federal court intervention in the State's prison system. The Task Force's efforts and recommendations represent the State's most promising opportunity to avert this imminent crisis. Without these efforts, our correctional system will surely be faced with problems and dangers of unprecedented nature and scope.

Notes

¹ The projected increases in the number of parole violators returning to prison does not, however, represent an increase in the rate of violations. Historically, approximately 14 percent of the parole population returns to prison with new sentences annually. This same rate is substantiated in the Department's revised projections above.

² This projected rated capacity assumes opening 1,902 beds in FY93 at Big Muddy River Correctional Center, Greene County boot camp, DuQuoin, Paris, and Clayton work camps, and a community correctional center in Chicago. It also includes opening an additional 100 beds at Kankakee Correctional Center in FY95.

Part II: Recommended Programs to Reduce Recidivism

Chapter 4: Earned-Time Credit Program

**Chapter 5: Substance Abuse Treatment Programs
for Offenders**

**Chapter 6: Expansion of Illinois' Impact Incarceration
(Boot Camp) Program**

Chapter 7: Electronic Detention

**Chapter 8: A Continuum of Punishment-Oriented,
Community-Based Sanctions**

A principal reason why Illinois prisons are as crowded as they are today, and why crowding gets worse with time, is recidivism. As noted in the Introduction, research, in Illinois and other states, confirms that a sizeable percentage of inmates released from prison today — as many as 46 out of every 100 — will be back behind bars within three years.

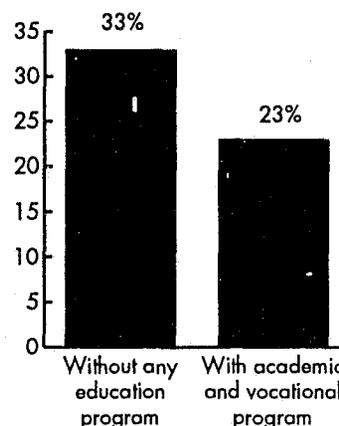
Research also suggests that recidivism can be reduced (and employment levels increased) among offenders who participate in meaningful educational and work programs while they are incarcerated. In a 1988 study, the Illinois Council on Vocational Education found that nearly one-third of inmates who did not participate in any educational programs while in prison were rearrested within one year of their release. But for inmates who received both academic and vocational training, the rearrest rate was substantially lower — 23 percent.

The success of vocational training is also borne out by research at the federal level. The Post-Release Employment Project (PREP), a study by the Bureau of Prisons' Office of Research and Evaluation, supports the view that prison training programs have a positive impact on participants. Initial PREP results indicate that inmates who receive vocational training and experience during their incarceration are less likely to receive misconduct reports in prison, more likely to be employed during their halfway house stay and after release, and less likely to recidivate than similar inmates who are not trained during their imprisonment.

To take advantage of these successes, Illinois implemented an education earned-time credit program in 1991. This program rewards inmates who enroll in full-time academic or vocational classes and who meet specific educational goals: for every four days an inmate participates in an educational program, his or her prison stay is reduced by an additional one day. Experience with the education earned-time credit in Illinois demonstrates the potential of the Earned-Time Credit concept. Since its implementation over two years ago, a total of 10,441 education earned-time credit awards have been received (an inmate may receive more than one award). The average award amount is 21 days per inmate. Inmates who want to participate in the current program express their interest to the education department at the institution. Depending on the inmate's academic abilities and availability of classes, he or she is placed in the appropriate class or — and this presents a problem that will have to be resolved — on a waiting list.

Currently more than 8,800 adult inmates and 1,400 youths in 35 correctional institutions are served monthly by School District 428, the Department of Corrections' own school district. Most of these participants are attending an academic course. During FY92, 64 different vocational programs were made available to inmates. The Department of Corrections contracts with community and four-year colleges for vocational and higher education programs. In FY92, 1,935 GED certificates, 2,654 vocational

Percentage of Illinois inmates released from prison who were rearrested within one year



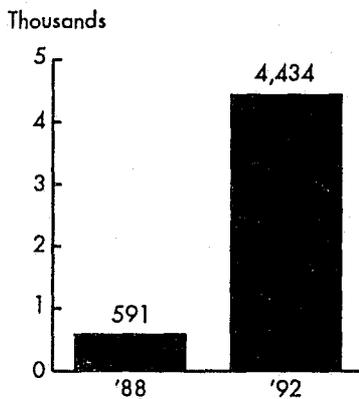
Degrees and certificates earned by inmates during fiscal 1992

GED	1,935
Vocational certificates	2,654
Associate degrees	368
Bachelor degrees	91

certificates, 368 associate degrees, and 91 bachelor degrees were awarded by or through the Department of Corrections' school district.

While many inmates are either required to enroll in classes because of poor reading levels or are simply interested in improving their skills, the award of earned-time credits serves as an important additional incentive in motivating inmates to enroll in educational programs. In 1990, the Illinois Criminal Justice Information Authority surveyed inmates concerning their educational experience and plans while in the Department of Corrections. The Authority's study reported that more than 82 percent of all inmates indicated plans to take one or more courses during their incarceration. Two-thirds of those not planning to enroll said they did not have enough time remaining on their sentence to complete an educational program. Approximately 14 percent said they preferred to work or already had a vocational skill they could put to use in the Department. Only 5 percent of those with no plans to enroll in classes said they had no interest in education.

Number of Illinois inmates on waiting lists for educational programs



Inmates who said they had no educational plans were asked whether the chance to learn a job skill, acquire earned-time credit for completing a program, receive tutoring by other inmates, or study a subject of their choice would encourage them to change their mind about entering an educational program. Acquiring earned-time credit proved to be the strongest incentive for enrollment in an educational program — more than 77 percent of the inmates said they would enroll if successful completion would reduce time on their sentences.

To reduce the number of inmates returning to prison in Illinois, and thereby to ease the level of prison crowding, the State needs to establish a means to get more inmates into meaningful prison programs that improve their chances of success in the community. A carefully crafted Earned-Time Credit Program should succeed in motivating inmates to participate. But motivating inmates is only half of the battle. As the Task Force discovered when it interviewed educators on-site at the penitentiaries, the Department simply does not have the capacity, at current funding and staffing levels, to provide educational (and other) programs to all of the inmates who want to participate. In fact, long waiting lists are commonplace for classes ranging from adult basic education to college-level offerings. For example, there are more than 4,400 inmates on the waiting list for education programs alone, and it is impossible to know how many more, daunted by that list, simply fail to sign up.

Two things must happen to make this Earned-Time Credit Program successful. *First*, the program must be expanded to give credit for participating in activities beyond academic and vocational training. For now, the Task Force has identified correctional industries and substance abuse education and treatment as appropriate activities for inclusion in the Earned-Time Credit Program because of their proven track records of reducing recidivism. Ultimately, other skill-building activities should be promoted and rewarded too, if evidence establishes that these activities reduce recidivism. *Second*, the education, industries, and treatment

activities for which credit is given must be expanded substantially so that waiting lists are eliminated and all eligible inmates can have access to these activities soon after their arrival at a penitentiary. If the Department's experience with the education earned-time credit holds, a broader system of earned-time credits — based on strong incentives and backed up by sufficient program capacity — should reduce recidivism and ultimately reduce correctional crowding and costs.¹

Expand the Earned-Time Credit Program to include participation in correctional industries and substance abuse education and treatment activities, and increase the amount of earned-time credit an inmate can earn.

Recommendation 1

This recommendation would change the current statute authorizing the Department of Corrections to give earned-time credits, 730 ILCS 5/3-6-3. Specifically, the statute should be amended to:

1. Allow inmates participating in correctional industries and drug education and treatment programs, as well as in educational and vocational programs, to earn credit upon successful completion of those programs.
2. Increase the amount of earned-time credit awarded from .25 days to .5 days.
3. All inmates would be eligible for the Earned-Time Credit Program *except* for: (a) inmates assigned to mental health units, boot camps, and electronic detention; and (b) inmates serving sentences for any of the following offenses (or any predecessor or successor offenses with the same or substantially the same elements):
 - First-Degree Murder, 720 ILCS 5/9-1;²
 - Criminal Sexual Assault, 720 ILCS 5/12-13;
 - Aggravated Criminal Sexual Assault, 720 ILCS 5/12-14;
 - Criminal Sexual Abuse, 720 ILCS 5/12-15;
 - Aggravated Criminal Sexual Abuse, 720 ILCS 5/12-16;
 - Aggravated Battery with a Firearm, 720 ILCS 5/12-4.2;
 - Bringing Contraband into, or Possessing Contraband in, a Penal Institution (relating solely to firearm, firearm ammunition, or explosive contraband), 720 ILCS 5/31A-1.1(j);
 - Any "Super-X" Drug Offense, 720 ILCS 570/401(a)(1)(B), (C), (D); 401(a)(2)(B), (C), (D); 401(a)(3)(B), (C), (D); 401(a)(7)(B), (C), (D);
 - Calculated Criminal Drug Conspiracy, 720 ILCS 570/405; and
 - Inchoate offenses relating to the foregoing offenses (where applicable), 720 ILCS 5/8-1, 5/8-1.1, 5/8-1.2 (Solicitation); 5/8-2 (Conspiracy); and 5/8-4 (Attempt).³

Rationale

Currently, inmates enrolled full-time in the Department of Corrections' educational and vocational programs who are improving literacy or satisfactorily completing other academic or vocational training programs receive .25 days of credit for each day of program participation. This credit is in addition to other forms of good-time credit (see the Addendum to this Chapter, Page 31, for more information on good-time). Inmates convicted of Murder or a Class X felony, and those who have previously participated in the program and are subsequently convicted of a felony, are not eligible under the current law.

This recommendation will create an expanded Earned-Time Credit Program that will allow more inmates to earn credit for a broader range of institutional activities; in addition to the current educational/vocational programs, participation in substance abuse education and treatment and correctional industries will also result in accumulating earned-time. The amount of earned-time will also be increased from .25 days to .5 days. The goal of these changes is to provide an incentive to inmates to participate in a broader range of meaningful activities that will increase the likelihood of their success after release, and thereby reduce their chances of returning to prison.

Recommendation 2 **Expand the number of educational, correctional industries, and substance abuse education and treatment programs to accommodate the recommended Earned-Time Credit Program, and provide the Department of Corrections with sufficient additional staff to safely and successfully implement and run these expanded activities.**

Rationale

The key to successful implementation of an expanded Earned-Time Credit Program in Illinois is providing sufficient high-caliber educational, vocational, substance abuse education and treatment, and correctional industries programs for inmates, with an ongoing commitment of the resources necessary to sustain these programs. While the Department of Corrections currently provides a variety of programmatic and work opportunities for inmates, these offerings are not sufficient to support existing demand, and could not sustain an expanded Earned-Time Credit Program.⁴ An expansion of the Department of Corrections' Earned-Time Credit Program will require an equally significant expansion and enhancement of in-prison programs and assignments.

Throughout the nation, correctional systems are faced with the same challenge, allocating scarce resources to in-prison programs, while meeting the more basic and critical requirements of security, clothing, housing, and medical care. Quite often, educational and treatment programs are shortchanged in the competition. Unfortunately, these are the programs that offer the best opportunity to help reduce the probability of inmates returning to prison.

For example, in the Department of Corrections today, there are approximately 5,000 inmates assigned to general laborer duties, which include cellhouse help, runners, lawn workers, laundry handlers, and janitors. If more meaningful assignments in correctional industries or in educational and treatment programs were available, many of these inmates could use their time more productively, while receiving earned-time credit. The Task Force is recommending the expansion of Illinois' Correctional Industries (ICI) program to allow more inmates to participate in meaningful and beneficial work assignments (see Chapter 10). Currently 1,300 inmates are involved in ICI, learning job skills and work habits that are transferable to the community when released.

If more meaningful assignments in correctional industries or in education and treatment programs were available, many of the 5,000 "general laborer" inmates could use their time more productively.

Similarly, the Department's School District 428, which is the third largest school district in the State, currently serves over 8,800 inmates monthly, most of whom are enrolled in academic courses. While every Department of Corrections institution provides some type of academic and vocational programs for inmates, because of budget cuts, only 31 percent of the total institutional population is being served by School District 428. Four out of every five inmates surveyed at the time of admission to the Department of Corrections indicate they want to enroll in an educational program, but only one in three actually enrolls. One of the primary reasons cited was the long waiting lists for popular courses.

The Department's treatment programs, including substance abuse and mental health programs, are also limited and serve only a small portion of the inmates who require assistance. Currently, there are three in-prison residential drug treatment programs funded by either the Department of Alcoholism and Substance Abuse or the Illinois Criminal Justice Information Authority. These programs provide individual and group counseling to 45 inmates at Graham Correctional Center, 45 inmates at Sheridan Correctional Center, and 32 inmates at Dwight Correctional Center. Although it is estimated that approximately 70 percent of the Department's inmate population have a reported history of substance abuse, treatment programs currently serve less than 1 percent (244) of the 32,000 inmates now in prison. As recommended in Chapter 5 of this Report, a 500-bed pre-release drug treatment program should be implemented by the Department of Corrections to serve approximately 1,000 inmates annually as an initial step toward meeting the broader treatment needs of offenders.

The Director of Corrections should be directed to provide regular biennial reports on the Earned-Time Credit Program to the Governor and General Assembly, and should be authorized to request the General Assembly and the Governor to add to the list of programs for which earned-time credit is given.

Recommendation 3

Rationale

The Earned-Time Credit Program is designed to encourage inmates to simultaneously "earn their way out" and "learn to stay out."

The Earned-Time Credit Program is designed to reduce prison crowding not by letting inmates out early, but by encouraging them to improve themselves as a means to simultaneously "earn their way out" and "learn how to stay out." To this end, the Task Force has selected three programs (education, correctional industries, and substance abuse education and treatment) because research suggests that participation in these programs reduces recidivism. This recommended reporting requirement will enable the General Assembly and Governor to determine whether these programs have this salutary effect. In the unlikely event that they do not, then the Earned-Time Credit Program should be reassessed.

If, as we anticipate, however, there is a statistically significant reduction in recidivism among participants, the Director should be encouraged to try to expand the Earned-Time Credit Program to include other activities and programs that have demonstrated the ability to reduce recidivism. For example, it may be that credit could be given for certain institutional work assignments that require the development and use of skills that would assist an inmate in finding a job in the community upon release (for example, in carpentry, plumbing, or heating/air conditioning repair). Similarly, there may be a program or programs specifically designed to address issues unique to female offenders that might reduce their recidivism levels.

Finally, the Director should use this biennial report to inform the Governor and General Assembly of the adequacy of funding and staffing for the anti-recidivism activities that form the basis for the Earned-Time Credit Program. Given the importance of these activities to this program, and the importance of this program to the overall response to prison crowding, this reporting function will be of crucial importance. The Task Force believes that the State will be best served by establishing regularly scheduled formal communications between the Director and the Governor and General Assembly in regard to the Earned-Time Credit Program.

Population and Cost Impact

Modification to statutory eligibility criteria	Program expansion needed	Population reduction		Gross cost savings		Program expansion costs
		Year 1	Year 3	Year 1	Year 3	
1. Increase the amount of earned-time an inmate may earn and make correctional industries programs and substance abuse education/treatment programs eligible for earned time.	None	794	1,525	\$2,495,542	\$4,793,075	None
2. Expand the number of educational, correctional industries, and substance abuse education/treatment programs by 5,000.	5,000	1,498	2,881	\$4,708,214	\$9,054,983	\$6,922,000*

* Program costs include expansion of educational, substance abuse education/treatment, and correctional industries programs. Cost estimate of \$2.5 million to expand new programs for correctional industries requires increased expenditure authority for Illinois Correctional Industries but does not increase the Department's operating budget and is not included here as a program cost. Expense for residential drug treatment program is included in Chapter 5.

Addendum

Current Good-Time Credit Program

Like most states, Illinois has a statutorily authorized good-time program for inmates incarcerated in state prison. *Good-time*, which reduces an inmate's period of incarceration for good conduct, has become an important and necessary population management tool for prison systems throughout the country. For example, most inmates sentenced to the Illinois Department of Corrections for 10 years, will actually serve less than five, a fact understood by judges, prosecutors, defense counsel and other participants in the criminal justice system, including offenders. Even with these good-time credits, however, inmates convicted of the most serious crimes in Illinois today are serving longer sentences than similar offenders convicted under the previous indeterminate sentencing structure.

Illinois' Unified Code of Corrections (730 ILCS 5/3-6-3) sets forth the provisions by which offenders receive good-time credits from the Illinois Department of Corrections. According to these provisions, the Department of Corrections is authorized to provide offenders with the following good-time credits, subject to review by the Prisoner Review Board:

1. *Good-conduct credit (day-for-day good-time)*: Provides one day of good-conduct credit for each day of service in prison other than where a "natural life" sentence has been imposed. Each day of good-conduct credit reduces by one day the inmate's period of incarceration.
2. *Meritorious good-conduct credit (meritorious good-time)*: Authorizes the Director of Corrections, as deemed appropriate, to award up to 90 days good-conduct credit to inmates for meritorious service, in addition to day-for-day good-time.
3. *Supplemental meritorious good-conduct credit (supplemental meritorious good-time)*: Added as an amendment to the meritorious good-conduct provision in 1990. Allows the Director of Corrections to provide eligible inmates with an additional 90 days good-time, essentially doubling the meritorious good-conduct credit for eligible inmates. Inmates convicted of certain serious crimes, including first-degree murder, reckless homicide while under the influence of alcohol or drugs, kidnapping, criminal sex offenses, and offenses against children are not eligible for this credit.
4. *Educational credit (earned good-time)*: Provides that inmates participating full-time in approved Department of Corrections educational/vocational programs aimed at improving literacy or satisfactorily completing other academic or vocational programs shall receive 1.25 days of good-conduct credit for each day of program participation. (Actually, this credit of .25 days is added to the day-for-day good-time.)

This statute also empowers the Prisoner Review Board to order that an inmate serve up to one year of the sentence imposed by the court which was not served due to the accumulation of good-conduct credits.

Illinois' Good-Time Credit Program Defined

Good-conduct credit: Provides one day of good-conduct credit for each day of service in prison other than where a "natural life" sentence has been imposed.

Meritorious good-conduct credit: Authorizes the Director of Corrections to award up to 90 days good-conduct credit to inmates for meritorious service, in addition to day-for-day good-time.

Supplemental meritorious good-conduct credit: Allows the Director of Corrections to provide eligible inmates with an additional 90 days good-time, essentially doubling the meritorious good-conduct credit for eligible inmates.

Educational credit: Inmates participating full-time in approved Department of Corrections educational/vocational programs receive 1.25 days of good-conduct credit for each day of program participation (credit of .25 days added to day-for-day good-time).

Impact and Implications of Good-Time

While simple good-time programs have become widely recognized as an effective and necessary inmate management tool, these programs are not without controversy. In many cases, the public perception is that good-time for offenders can jeopardize public safety, undermine the general effectiveness and deterrent effect of corrections, and breed disrespect for the criminal justice system.

Despite these criticisms, extensive research and evaluations of these strategies in Illinois and elsewhere have found that, when properly administered, they are safe and effective prison population management tools. Evaluations of Illinois' meritorious good time (MGT) and supplemental meritorious good time (SMGT) programs conducted by the National Council on Crime and Delinquency (NCCD) found that MGT and SMGT were safe and cost-effective methods for alleviating prison crowding in Illinois. NCCD recommended that these programs not only be retained, but also be expanded.

Data collected by NCCD on Illinois' MGT and SMGT programs portray their significant impact on Illinois' prison population growth. NCCD found that since its implementation in 1980, Illinois' MGT program had reduced the projected inmate population by almost 10 percent. More specifically, between 1980 and 1984, over 5,900 "prison years" were averted through use of MGT. In terms of corrections and criminal justice expenditures during this same time frame, the MGT program saved the State nearly \$49 million in prison operating costs.

Similarly, NCCD's 1991 evaluation of Illinois' SMGT program found that by the end of the fiscal year 1992, the SMGT program had reduced the Department of Corrections' projected prison population by 2,766 inmates. According to NCCD, the projected combined effect of the MGT and SMGT programs will be to reduce Illinois' projected prison population by 8,200 inmates from what it would have otherwise been in the year 2000.

NCCD's evaluation also found that Illinois' MGT and SMGT programs had little or no negative impact on public safety. The study found that recidivism rates for inmates released under the MGT and SMGT programs were essentially the same as for other releasees. Only one-half of 1 percent of all reported crimes could be attributed to the MGT and SMGT programs.

Recent evaluations found that Illinois' meritorious good-time programs had a significant impact on reducing prison population growth, but little or no negative impact on public safety.

Notes

¹ The Task Force also acknowledges the efforts of private and religious groups who operate privately funded programs that assist in reducing recidivism. For constitutional, legal, and practical reasons, these programs are not a part of the Earned-Time Credit Program, but the Task Force notes that many of these groups have had a successful record in reducing recidivism. The Task Force applauds their efforts and urges these private groups to continue to work to reduce recidivism with inmates and releasees.

² The Task Force had considerable discussion concerning whether persons convicted of Second-Degree Murder, 720 ILCS 5/9-2, should be eligible for the Earned-Time Credit Program. Recognizing the seriousness of the offense, we also recognize very strong arguments for including persons convicted of Second-Degree Murder in the Earned-Time Credit Program. We note, for example, that Second-Degree Murder is a Class 1 felony and is probationable, and that victims of domestic violence who kill an abusive partner may be convicted of this offense. We urge the General Assembly to give careful consideration to this issue.

³ There are other violent Class X crimes that the General Assembly may wish to consider excluding from this program, including Aggravated Arson, 720 ILCS 5/20-1.1, Aggravated Kidnapping, 720 ILCS 5/10-2, and Home Invasion, 720 ILCS 5/12-11. The Task Force urges the General Assembly to be specific in its selection of exclusions, because there are Class X offenders, particularly those convicted of drug offenses, and perhaps some three-time Class 1 or 2 offenders, who stand to benefit greatly from the substance abuse treatment and other anti-recidivism aspects of this program.

⁴ The current education earned-time statute, 730 ILCS 5/3-6-3, has a provision that releases the Department of Corrections from liability because of an inability to provide sufficient educational program resources. The Task Force recommends expanding the scope of this statute by adding the bracketed (or similar) language:

“The inability of any inmate to become engaged in any such educational [, correctional industries, substance abuse, or other] program [for which earned-time credit is given] by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate.”

730 ILCS 5/3-6-3(a)(4).

Substance Abuse Treatment Programs for Offenders

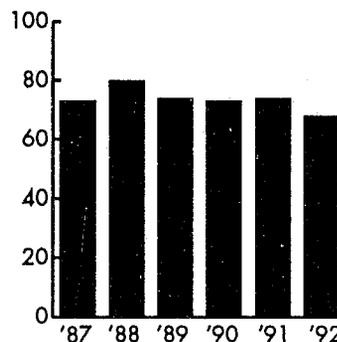
Illegal drugs, alcohol, and crime are closely related, and treatment for substance-abusing inmates is key to reducing recidivism and ultimately reducing the growth of Illinois' prison population. Research clearly indicates that treatment works. While treatment may not always eliminate substance abuse, it can effectively reduce it and thereby reduce the user's criminal activity. A greater investment in treatment is a cost-effective way to achieve major public policy and public safety goals.

A greater investment in treatment is a cost-effective way to achieve major public policy and public safety goals.

Testimony provided to the Task Force by current and former inmates confirmed that substance abuse can play a primary role in generating or intensifying a criminal career. In case after case, addiction to drugs and/or alcohol was cited by these offenders as the primary factor contributing to their criminal activity. With approximately 70 percent of all inmates admitted to Illinois' prisons reporting use of drugs or alcohol, it is imperative that the substance abuse problems of inmates be addressed. Without appropriate assessment, treatment, and aftercare, inmates with chronic substance abuse problems will have little chance for success once released from prison. They will likely resume criminal activity due to their addiction and eventually return to prison.

Prison-based drug treatment programs can have a substantial effect on the behavior of chronic drug-abusing offenders. Model programs operating in other states, such as those in New York, Florida, and Oregon, have significantly reduced drug use, criminal activity, and recidivism among inmate participants. Further, treatment programs can have a direct effect upon the climate of prison facilities, the morale of staff and inmates, and safety. Because inmates participating in treatment programs are subject to a disciplined routine and held accountable in a manner unknown in most prisons, treatment programs can reduce tension, lower violence among inmates and toward correctional officers, and set standards of behavior for the entire inmate population.

Percentage of Chicago arrestees testing positive for illegal drugs



Prison-based programs may also be the only chance we have to treat a significant number of substance-abusing offenders successfully. Most substance-abusing inmates have never participated in treatment before, and would be unlikely to do so voluntarily once returned to the community. Left to their own devices, most of these inmates would continue their substance abuse and criminality upon release at great cost to the criminal justice system and society. The prison environment, however, provides a controlled and often threatening existence, which can go far toward motivating individuals to seek treatment. Further, clients entering treatment programs under legal coercion typically remain in treatment longer than those who enter treatment voluntarily; the length of time someone stays in treatment has been consistently identified as one of the key factors contributing to treatment's success. Thus, prison-based treatment programs may also be the best and only chance we have to break the cycle of substance abuse and crime for many offenders.

A comprehensive treatment strategy for any correctional system should include a continuum of services ranging from assessment, to self-help groups, education, counseling, and therapeutic communities.

A comprehensive treatment strategy for any correctional system should include a continuum of services ranging from assessment, to self-help groups, education, counseling, and therapeutic communities. Assessment involves the evaluation of inmates to determine the severity of substance abuse and readiness for treatment. Self-help groups, such as Narcotics Anonymous and Alcoholics Anonymous, use peer interaction to provide inmates with models for learning and following a drug-free lifestyle. Drug education programs provide information about drugs, their effects, and rational decision-making. Counseling uses trained professionals to provide therapy to inmates either individually or in a group setting. Therapeutic communities provide inmates with a variety of intensive rehabilitation services in a residential setting over a period of several months.

The Department of Corrections has made significant progress toward developing a continuum of treatment services for inmates over the past few years. Prior to 1988, drug education programs existed in only three adult institutions and one juvenile institution, and long-term substance abuse therapy groups existed in only four adult institutions. Today, services range from basic substance abuse education to intensive residential treatment, and there are at least education programs in all adult and juvenile institutions, all work release centers, several special parole units, and the Impact Incarceration Program (boot camps). The specific components of this system are:

Substance Abuse Education: In 1989, the Department created a 30-hour substance abuse education curriculum and trained correctional counselors in presenting the program. Forty-three counselors have been certified by the state board as substance abuse counselors and another 60 have begun training toward certification. The drug education program is the first level of substance abuse contact for many inmates, and provides the broadest base for early detection of substance abuse, and subsequent referral to appropriate treatment options. Substance abuse education is present in all institutions.

Outpatient Treatment Groups: Several institutions provide "outpatient" treatment (meaning that the patients live in the general prison population rather than in the treatment group). Typically this type of treatment occurs on a once-per-week basis. These groups are presented by the institution's certified counselors or mental health professionals as a continuation of substance abuse education.

Transitional Treatment Units: These units offer a level of treatment more intensive than outpatient but less intensive than a residential community. They offer a variety of group therapy and educational experiences. The first unit established serves females at Dwight Correctional Center. In March 1992, a transitional living unit for up to 30 men was established at Graham Correctional Center, and in June 1992, a unit for up to 30 men was established at Sheridan Correctional Center.

Therapeutic Communities: These programs are essentially identical to long-term residential treatment programs in the community and include a variety of therapeutic, educational, and self-help activities. Units are located at Dwight, Graham, Sheridan, and the Illinois Youth Center - Valley View.

Work Release Treatment: Offenders at each of the Department's 10 work release centers have access to outpatient treatment services. Every work release center is connected with a designated community-based substance abuse treatment provider.

Services for Parolees: In October 1992, inpatient and outpatient treatment slots were purchased for about 150 adults on parole or mandatory supervised release statewide (out of 23,304 as of December 31, 1992). Services are provided regionally by three treatment vendors.

Community Drug Intervention Units: Originally begun as a pilot program in Springfield, and later expanded to Chicago, Aurora, and East St. Louis, these units team two parole agents with a substance abuse counselor to provide high levels of supervision, frequent drug testing, and special case management services to about 330 parolees at high risk for substance abuse. These four programs' efforts are complemented by the availability of both juvenile and adult residential and outpatient treatment slots purchased statewide.

Boot Camp Program: A key aspect of the Department's Impact Incarceration Program is its substance abuse component. All participants receive an assessment and an individualized treatment program that includes at least two hours of drug education or treatment, five days per week, plus a detailed post-release treatment plan.

Despite the recent expansion of treatment services within the Department, current capacities lag far behind demand for services. While the Department would be well served to increase capacity in each of its current service areas, additional therapeutic community beds are needed most.

Although many treatment models exist, therapeutic communities have proven to be the most effective means of treatment for hard-core abusers. Therapeutic communities are residential units that provide a comprehensive array of diagnostic, clinical, counseling, and educational services. They offer a blend of confrontation and support that enables inmates to undergo the arduous changes necessary for successful rehabilitation. Rather than merely attempting to persuade participants to give up drugs, therapeutic communities provide opportunities for learning and practicing more constructive and responsible patterns of behavior. They offer the most difficult group of drug-abusing offenders a complete change in lifestyle, including drug abstinence, elimination of anti-social behavior, and the development of positive attitudes, values, behaviors, and skills.

Despite the recent expansion of treatment services within the Department, current capacities lag far behind demand for services. While the Department would be well served to increase capacity in each of its current service areas, additional therapeutic community beds are needed most.

Recommendation 4 Implement a high-intensity, pre-release drug treatment program for offenders who are substance abusers.

This program's participants should be limited to inmates with a documented history of substance abuse. Participants should be assessed for amenability to treatment. Inmates with prior prison sentences will be eligible, and participation will not be limited only to those inmates who volunteer. As such, the potential pool of program participants is quite large, at 3,420. In addition, successful participants will receive earned-time credit, as set forth in Chapter 4.¹

Inmates would be selected for the program based on standardized criteria that would take into account factors such as prior criminal history, propensity for violence, institutional behavior, and escape risk. The program would target nonviolent offenders who have already served some of their sentence and are within a year of release. The Task Force recommends that the most serious and persistent of these offenders be placed in the program first, since successful intervention with chronic offenders will result in the biggest payoff. Ultimately, this program should be expanded so that all offenders with a history of substance abuse receive intensive treatment before being released at the end of their sentences.

The program would consist of 180 days of intensive programming in a residential setting. Assessment, encounter group therapy, psychotherapy, tutorial learning sessions, remedial and formal education classes, and residential job duties would be the primary program components. The purpose of the program is to confront and "shock" the offender into accepting responsibility for his or her substance abuse problems. The primary outcome is for the offender to continue in treatment after release, and consequently his or her drug usage and criminal activities would be reduced or eliminated.

Prior to release, referrals will be made to community agencies for continued substance abuse treatment, urinalysis, mental health, educational, vocational, employment, family assistance, and other required services. Special contracts should be developed with service providers, using funds from the Criminal Justice Information Authority and Department of Alcoholism and Substance Abuse, for continuing residential or outpatient treatment for these offenders. Aftercare services should continue in the community for at least six months.

Recommendation 4A Add a community reintegration phase to the substance abuse treatment program.

A very helpful addition to this recommendation is to require the inmate to serve three months of community-based supervision on electronic detention while visiting an outpatient treatment center (see Chapter 7). The community reintegration phase would require the offender to establish a schedule and have it approved by the center. The offender would be required to report to the center on a routine basis, very similar to a day reporting center. This phase will include outpatient treatment involving

counseling, training in social skills, and urinalysis. Referrals would also be made to community agencies for mental health, educational, vocational, employment, family assistance, and other required services.

Enforcement during this phase would involve a variety of sanctions that would be applied on a case-by-case basis for drug use and relapse. Such sanctions could include increased reporting to the center, night and weekend placement in the center, return to the residential program, and ultimately, return to prison.

Rationale

Serious drug and alcohol abusers account for a large and growing proportion of the prison population and they are responsible for a considerable proportion of crime. For these individuals, criminal activity is highly correlated with drug use. A significant reduction in their drug use and criminality can occur through treatment. Without treatment, they are likely to return to prison, imposing continued legal and social costs. Thus there is an immediate need for effective treatment programs.

Prison-based treatment programs reduce substance abuse, crime, and recidivism among a hard-to-reach population.

Prison-based treatment programs work. They reduce substance abuse and crime among a hard-to-reach population, and they reduce recidivism, which is key to ultimately reducing the growth of the prison population.

Population and Cost Impact

The number of beds and eligible participants would vary depending on site selection and specific eligibility criteria. The following table provides annual estimates based on 12 months of operation. The savings from this program are long-term and result from reducing the recidivism rate.

Program	Number of inmates served	Number of beds needed	Population reduction	Gross cost savings	Program expansion costs
1. Implement a high-intensity, pre-release therapeutic community drug treatment program	1,000	500	500	\$1,571,500	
• Treatment program					\$2,200,000
• Aftercare services					\$ 660,000

Note: The cost savings projected by the Department of Corrections assumes a six-month reduction in time served.

Implementation Issues

Facilities at existing institutions or an entire existing correctional center would need to be converted into therapeutic community residential units. This would be the fastest way to start the program and would require minimal capital costs.

As noted in Chapter 4, at Recommendation 3, the Director of Corrections should use his regular reports on the Earned-Time Credit Program to report on the success of the Department's substance abuse treatment activities, and should include in his reports any recommendations for expansion or changes in these treatment activities.

Notes

¹ Inmates excluded from the Earned-Time Credit Program will not receive earned-time credit and consequently should receive lower priority for this substance abuse treatment program than those who will receive earned-time credit. Under ideal circumstances, with sufficient funds to provide the substance abuse treatment program to all inmates who need it, however, we would recommend placing in the program all inmates in need who will be returning to the community, even though some will not receive the earned-time credit for their participation. As long as a substance-abusing inmate is returning to the community, his or her chances for successful reintegration increase with treatment, even if the original offense was such that we recommend against permitting him or her to receive earned-time credit toward an early release. For example, even many murderers eventually return to their communities. Clearly public safety is better served if a murderer has received treatment for a substance abuse problem before release than if he or she has not.

Expansion of Illinois' Impact Incarceration (Boot Camp) Program

In recent years innovative correctional programs, patterned after military boot camps, have been implemented throughout the country to attempt to correct the criminal behavior of youthful offenders. These correctional boot camps provide a unique combination of intensive work, education, and treatment programs, along with a strict regimen of military-style discipline and physical activity. The goal of these programs is to help offenders develop a strict sense of discipline, responsibility, self-esteem and a positive self-image. They also address the underlying issues that lead to criminal behavior. As of October 1992, 54 correctional boot camps were in operation in 27 states, with an estimated 7,600 inmates participating.

As of October 1992, 54 correctional boot camps were in operation in 27 states, with an estimated 7,600 inmates participating.

Similarly, Illinois' boot camp program, officially known as the Illinois Impact Incarceration Program (IIP), currently places youthful, first-time prison inmates into a military-style basic training program for three months, followed by an extensive period of community supervision. IIP emphasizes education, life skills, and drug treatment programs. It also uses a multi-phased approach to community reintegration, which requires the program's graduates to complete a minimum of three months on electronic detention, followed by an extended period of up to two years on aftercare.

Currently, offenders are sentenced to the Department of Corrections and recommended for the boot camp program by the sentencing judges. Statutory criteria (730 ILCS 5/5-8-1.1(b)) limit eligible participants to recommended nonviolent offenders between the age of 17 and 29, who are entering prison for the first time, and have received a sentence of five years or less. Additionally, offenders must be deemed physically and mentally able to complete the program and must volunteer to participate. The typical IIP participant is a 21-year-old black male with an 11th grade education and a history of substance abuse. He stands convicted of a property or drug offense and has received a 46-month sentence.

Of the 1,717 offenders who have gone through the Illinois Impact Incarceration Program, 63 percent have successfully completed it.

In October 1990, the Department opened its first boot camp at Dixon Springs. Since its inception, 1,717 offenders (1,687 men, 30 women) have gone through IIP. Of those offenders, 63 percent (1,088) have successfully completed the program and have returned to the community under close supervision. IIP is producing other positive results, too. Of the 209 boot camp inmates taking the GED test, 89 percent passed. Furthermore, because of the shorter incarceration time associated with IIP, the cost of incarceration for successful graduates has been reduced by a total of \$3.5 million.



At present there are approximately 200 inmates housed at the Shawnee Correctional Center waiting for transfer to the boot camp program. These are inmates who have been recommended by the court for the program and have been found eligible by the Department of Corrections. To address the waiting list of inmates for the boot camp program, the Department recently announced that the planned work camp located in Greene County will be converted to a boot camp facility. This boot camp is scheduled to open in March 1993.

A recent study by the Department of Corrections also showed that the IIP is succeeding in reducing recidivism. IIP graduates returned to prison for new offenses during their first year in the community at a rate of only 5 percent, as compared to a 12-percent first-year rate for offenders with similar profiles in the general prison population. The impact of IIP in reducing recidivism points to its effectiveness in deterring further criminal activity and providing a satisfactory measure of public safety.

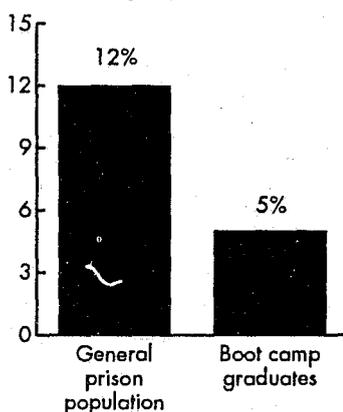
Recommendation 5 Expand current statutory eligibility criteria to provide more offenders with the benefits of the Impact Incarceration Program, and convert an existing work camp to a boot camp facility.

This recommendation would require the following changes to 730 ILCS 5/5-8-1.1(b):

1. Amend subsection (b)(1) to change the maximum eligibility age from 29 to 39 years old.
2. Amend subsection (b)(2) to allow offenders who have previously been incarcerated, but have not previously participated in IIP, to participate. Offenders convicted of Murder, Class X, and other offenses listed under section (b) (3) would continue to be excluded from the program. To make clear that this limitation applies regardless of whether a (b)(3) offense is the current committing offense or a prior offense, the word "not" in (b)(3) should be amended to "never."¹
3. Amend subsection (b) (4) to allow offenders with a sentence of up to eight years to participate.²
4. Amend subsection (a) to replace the word "youthful" with "certain."

Recidivism rates within the first year following release

Percent returning to prison



Rationale

Experience in other states has shown that boot camp programs can be of equal benefit and effectiveness with a wider pool of offenders than now eligible in Illinois. Given the success of Illinois' IIP program to date, the program's eligibility criteria should be expanded beyond its current parameters.

Population and Cost Impact

Implementation of these three changes to IIP's statutory eligibility criteria would create substantial savings in terms of both costs to the Department of Corrections and in the reduction of the prison population. The savings to the Department of Corrections would be more than \$1.75 million annually. When the cost of the electronic detention component is factored in, the net annual savings to the Department would still exceed \$1 million. In addition, the Department of Corrections' annual prison population would be reduced by approximately 560 inmates.

Specifically, each of the recommended changes would have the following impact:

Modifications to statutory eligibility criteria	Boot camp beds needed	Population reduction	Gross cost savings	Electronic detention costs
1. Age limit of 39	100	216	\$675,475	\$264,000
2. Prior IDOC admission	60	129	405,447	158,400
3. 8-year maximum sentence length	100	216	675,475	264,000

Implementation Issues

The General Assembly and the Governor would have to enact changes to 730 ILCS 5/5-8-1.1 defining eligibility for IIP. These changes would expand the inmate population eligible for the boot camp program which would, in turn, require the opening of a third boot camp. This third boot camp can be converted from an existing work camp with only minimal modifications. The increased use of IIP, in combination with strict community supervision mechanisms, would make prison bed space available without diminishing public safety.

Notes

¹ As amended, (b)(3) would read:

"The person has ~~not~~ ~~never~~ been convicted of a Class X felony, first or second degree murder, armed violence, aggravated kidnapping, criminal sexual assault, aggravated criminal sexual abuse ~~or~~ ~~and~~ ~~has~~ ~~not~~ ~~had~~ a subsequent conviction for criminal sexual abuse, forcible detention, or arson."

² This amendment would give the sentencing judge the flexibility to provide an appropriate offender with a greater incentive (in the form of a stiffer sentence) to volunteer for boot camp. It also serves the salutary function of providing the offender with a greater motivation to succeed in the boot camp, since dropping out would mean returning to prison to serve a longer sentence.

The vast majority of inmates in prison today will one day be released back to their communities. Research by the Illinois Criminal Justice Information Authority found that almost 60 percent of prison releasees will be arrested within two-and-one-half years of their release from prison; more than half of these arrests will occur during the first six months. The Authority concluded that the longer a former inmate can "survive" in the community — that is, not be rearrested or reincarcerated — the greater his or her chances become of never returning to prison.

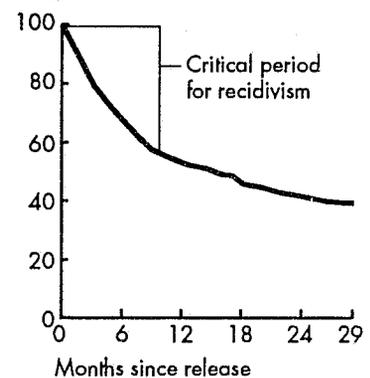
For many inmates, therefore, the support mechanisms in place to monitor and control their behavior during the initial few months following release can be a crucial factor in determining whether they will once again add to the burgeoning prison population. Studies indicate that for many inmates, serving a period of electronic detention at the end of a sentence is more likely to prevent recidivism than is spending that same time in continued penitentiary incarceration.

In many jurisdictions, including Cook and several other Illinois counties, electronic detention is used either to monitor defendants awaiting trial or as a way of supervising some convicted offenders in the community, or both. Since 1989, the Illinois Department of Corrections has used electronic detention to monitor the reintegration of certain inmates back into the community. Statutorily eligible inmates whom the Department deems suitable for the program are allowed to spend the last months of their sentences on electronic detention instead of in an institution. The average time these inmates spend on electronic detention is five months, a critical time period for recidivism. Offenders who violate the terms of the electronic detention program can be returned to prison to complete their sentences.

An offender under electronic detention is essentially sentenced to home confinement, with technology to monitor his or her whereabouts. There are many types of electronic monitoring. The most common, and the type employed by the Department of Corrections, uses a device, strapped to the offender's ankle, that sends a continuous signal to a transmitter located in the offender's "host site" (usually the home). When the signal is being received, the agency monitoring the offender can be assured the person is where he or she is supposed to be. But if the signal is interrupted — except during periods of approved or required absences (such as job interviews or employment, doctor's appointments, visits to a parole agent, etc.) — the monitoring agency is notified of a potential violation. Electronic detention has not eliminated the need for probation officers or parole agents — someone is still needed to provide services and investigate possible violations — but the technology has added a much greater degree of control over the supervision of offenders in the community.

An offender under electronic detention is essentially sentenced to home confinement, with technology to monitor his or her whereabouts.

Percentage of former inmates not rearrested in the months following release



Beyond having their whereabouts monitored, most inmates under electronic detention also must participate in various community-based programs, such as job counseling, substance abuse testing and treatment, face-to-face contacts with parole agents, and other programs. Electronic detention used as a reintegration strategy has proven to be beneficial to the Department of Corrections, to the offenders, and, ultimately, to the public. For the Department of Corrections, the program frees up valuable bed spaces: by moving inmates who are nearing the end of their sentences into closely monitored community settings, the Department can make room for incoming inmates who have been recently convicted of serious crimes. For offenders, electronic monitoring means returning to the community at a more gradual pace and in a more structured setting. For the public, electronic detention of offenders provides significant public safety protection and is less expensive than prison. For these and other reasons, the Task Force is recommending an expansion of electronic detention as a reintegration strategy for more inmates.

Recommendation 6 Using an objective risk-analysis instrument, the Department of Corrections should be allowed to assign carefully selected offenders to serve portions of their sentences, as set forth in the numbered subparagraphs below, under community-based electronic detention programs. Where appropriate, electronic detention will be served in conjunction with other sanctions including, for example, means-based fines to help defray the costs of the monitoring, participation in community-based drug treatment programs, regular or random drug testing, reporting to a day reporting center, or having to reside in a community halfway house.

Eligibility for electronic detention (subject to selection by the Department) would be as follows:

1. All offenders, *except* those convicted of:
 - First-Degree Murder¹, 720 ILCS 5/9-1;
 - Aggravated Criminal Sexual Assault, 720 ILCS 5/12-14;
 - Criminal Sexual Assault, 720 ILCS 5/12-13;
 - Bringing Contraband into, or Possessing Contraband in, a Penal Institution, 720 ILCS 5/31A-1.1(j);
 - Aggravated Battery with a Firearm, 720 ILCS 5/12-4.2;
 - Any "Super-X" Drug Offense, 720 ILCS 570/401(a)(1)(B), (C), (D); 401(a)(2)(B), (C), (D); 401(a)(3)(B), (C), (D); 401(a)(7)(B), (C), (D);
 - Calculated Criminal Drug Conspiracy, 720 ILCS 570/405;
 - Or an inchoate offense relating thereto (or any predecessor or successor offense with the same or substantially similar elements), 720 ILCS 5/8-1, 5/8-1.1, 5/8-1.2 (Solicitation); 5/8-2 (Conspiracy); and 5/8-4 (Attempt),

would be eligible to serve up to the last 90 days of their sentence in electronic detention.²

2. Offenders convicted of Class X or Class 1 offenses, *excluding* the offenses listed above, and further excluding offenders convicted of Aggravated Criminal Sexual Abuse, 720 ILCS 5/12-16, and Felony Criminal Sexual Abuse, 720 ILCS 5/12-15, would be eligible to serve up to the last year of their sentence in electronic detention, *provided* the sentencing judge made a finding at sentencing that the offender should be eligible for participation in this program.

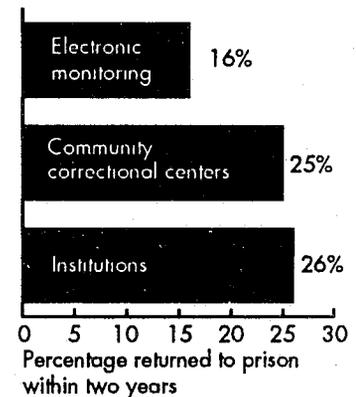
Rationale

Illinois law currently limits eligibility for the Department of Corrections' electronic detention program to those offenders incarcerated for a Class 2, 3, or 4 offense, or residential burglary, a Class 1 offense (730 ILCS 5/5-8A-3). Use of electronic detention with Class 2, 3, and 4 offenders, coupled with physical spot checks and appropriate supervision strategies, has proven effective at helping inmates to re-establish family and community ties, at reducing recidivism, and at freeing up needed bed space for high-risk offenders. Since July 1989, the Department of Corrections has placed more than 6,139 inmates on electronic detention to serve the last portion of their sentences. Of these inmates, fewer than 4 percent have been arrested while on detention.

Offenders placed on electronic detention also have a considerably lower two-year recidivism rate than offenders released from other correctional programs. Among inmates who have completed their sentences on electronic detention, the two-year recidivism rate (as measured by return to prison) is 16 percent. By comparison, the recidivism rates are 25 percent for offenders exiting from community correctional centers and 26 percent for those leaving institutions. Focusing just on reincarcerations caused by new offenses (as opposed to parole violations), the recidivism rates for electronically monitored offenders are even lower. The new-offense recidivism rate for these inmates is 6.7 percent, half the rate for the other types of offenders.

While the results of electronic detention have been impressive with the offender population it has been used with to date, the full potential of the program — in reducing recidivism and easing prison crowding — has not been realized because of limits on placing Class X and Class 1 offenders in the program. There is nothing inherent in electronic detention itself that suggests similar results could not be achieved if carefully selected Class X and Class 1 offenders were allowed to complete the last few months of their sentences on the program. In fact, before legislation was passed in 1991 prohibiting their participation in the program, the Department of Corrections placed 100 Class 1 offenders and 56 Class X offenders on electronic detention to complete their sentences. Of these 156 inmates who were monitored in the community, only 1.6 percent have returned to prison for a new offense. These results suggest that the electronic detention program

Recidivism rates for inmates released from various Illinois correctional programs



Before legislation was passed in 1991 prohibiting the practice, the Department of Corrections placed 100 Class 1 and 56 Class X offenders on electronic detention to complete their sentences. Only 1.6 percent have returned to prison for a new offense.

not only does not compromise public safety but also appears to improve the reintegration of more serious offenders into the community.

Paragraph 1 of this recommendation would expand the pool of eligible inmates for electronic detention to include certain Class X and Class 1 offenders for 90 days. The Department of Corrections estimates that an additional 9,300 inmates would meet eligibility criteria for the program under Paragraph 1 of this Recommendation. This would add 150 offenders to the average daily population on electronic detention. Paragraph 1 could be implemented as soon as the law becomes effective and sufficient detention staff are in place to handle the additional electronic detainees. Paragraph 1 is designed to take advantage of the benefits that electronic detention provides for prisoners re-entering their communities.

Paragraph 2 of this Recommendation is designed to serve a related, but slightly different function. Paragraph 2 recommends providing sentencing judges with the flexibility to authorize up to a year on electronic detention for offenders who might be determined to need a longer period of structured reintegration into the community — subject to the Department's concurrence based upon strict standards, including conduct while serving the first part of the sentence in the penitentiary. For example, a number of Class 2 or lesser offenses become Class X or Class 1 offenses upon a second or third conviction. This recommendation would authorize (but not compel) a sentencing judge to give such a demonstrated recidivist a full year of structured and electronically monitored reintegration at the end of the sentence, which should substantially reduce the likelihood of further recidivism.

Given that this electronic detention program is available only to inmates who will be coming back to their communities in a year anyway, the Task Force believes that sentencing judges and the Department should (if they agree) be able to give these inmates, where appropriate, an extended period of monitored reintegration. There may be other Class X or Class 1 offenses, drug offenses for example, where a first-time offender would also benefit from a prolonged period of monitored re-integration, especially in conjunction with community-based substance abuse treatment. As this part of the recommendation requires a specific judicial finding of eligibility at sentencing, it will have only prospective application, i.e., it will apply only to offenders sentenced after the new law is adopted.

Population and Cost Impact

The most significant impact of allowing selected Class X and Class 1 offenders to spend the last few months of their sentences on electronic detention is the freeing up of needed bed space for serious and high-risk offenders who are just entering the prison system. It is estimated that Paragraph 1 of this Recommendation alone will add 150 offenders to the average daily population on electronic detention, freeing up the same number of institutional beds.

In addition, the cost of placing an offender on electronic detention for the

last six months of his or her sentence is somewhat lower than the marginal costs to house an offender in prison. The per-capita supervision cost of electronic detention is \$2,640, which represents a savings of 16 percent over the per-capita marginal cost of \$3,143 for institutional incarceration. Assuming a daily average of 150 additional inmates on electronic detention, the Department of Corrections would save approximately \$75,450 a year over marginal costs.³

The impact of Paragraph 2 — allowing selected Class X and Class 1 offenders to be placed on electronic detention for up to one year — will be delayed until those persons being sentenced are recommended for participation. After adoption of the enabling legislation and a person is sentenced, it will be over 13 months before a Class 1 offender (with average length of 2.2 years) becomes eligible for this program; it will be over 40 months (with average length of stay of 4.3 years) before a Class X offender becomes eligible.

Implementation Issues

The General Assembly will need to amend 730 ILCS 5/5-8A-3 to allow the additional Class X and Class 1 offenders to participate in the Department of Corrections' electronic detention program. In addition, the Department of Corrections will need to add five detention agents to monitor the new offenders. The increased staff would allow the present inmate-to-detention agent ratio to remain at the current ratio of 30 offenders for every detention agent. Finally, judges would have to be informed of the option to make a finding of eligibility for the one-year electronic detention at the time of sentencing.

Notes

¹ Because of their generally low recidivism rate and the extremely high cost of their health care, the Task Force is recommending, in Chapter 11 of this Report, that persons incarcerated for murder who reach the age of 55 in prison be considered for electronic detention under certain specified conditions. This is not true, however, for sex offenders, who demonstrate a high recidivism rate.

² As with participation in the Earned-Time Credit Program, the Task Force urges the General Assembly to give careful consideration to the question whether to permit offenders convicted of Second-Degree Murder to participate in the electronic detention programs (see Chapter 4, Note 2). In addition, the Task Force again recognizes that the General Assembly may wish to expand the list of exclusions to add other Class X offenses. As with the Earned-Time Credit Program, the Task Force urges that exclusions be made selectively so as not to deprive Class X offenders who could benefit from the structured reintegration of electronic detention — or the communities to which they will shortly be returning anyway — of the positive effects of this program (see Chapter 4, Note 3). Finally, particularly with respect to electronic detention, the General Assembly also may decide to add Escape, 720 ILCS 5/31-6, to the list of excluded offenses.

³ See Chapter 1, Note 6 for a discussion of marginal costs.

A Continuum of Punishment-Oriented, Community-Based Sanctions

For many of Illinois' 32,000 prison inmates, the "career path" is tragically familiar. Poor, undereducated, often addicted to alcohol or drugs, most offenders began committing crimes at an early age. According to the Illinois Criminal Justice Information Authority's Repeat Offender Project (1986), almost 40 percent of prison inmates in Illinois had been arrested as an adult at least once before their 18th birthday (in other words, within the first year of their becoming an adult under our Criminal Code). The average inmate in the Authority's study had been arrested nine times (one-third had been arrested 10 or more times), had two prior incarcerations, and may have had multiple sentences of probation.

As this offender profile illustrates, prison crowding in Illinois is being driven not by an influx of first-time property offenders or by people convicted of possessing small amounts of illegal drugs. Rather, it is being driven by the incarceration of a growing number of career criminals, many of whom have "graduated" to more serious and violent crimes. Approximately two-thirds of the current inmate population have been convicted of the most serious offenses — Murder or Class X or Class 1 felonies. Almost all inmates have extensive criminal histories that include several prior arrests, convictions, and sentences of either probation or incarceration.

The profile also suggests that, for most offenders, the criminal justice system has done a woefully inadequate job of intervening early, and meaningfully, in their criminal careers. Part of the reason for this failure lies with the limited range of correctional options that are available to judges and other criminal justice professionals. Despite much of the recent attention paid to "intermediate sanctions" and "alternatives to incarceration," the justice system continues to rely on a simplistic dichotomy of punishment options: fines and straight probation on the one hand, and incarceration (often for long periods of time) on the other.

Recent trends call into question the effectiveness of this approach:

- Serious and violent crime continues to occur at an alarming rate — in Illinois, the violent crime rate increased more than 22 percent between 1989 and 1991.
- The recidivism rate — the percentage of inmates who return to prison within three years of their release — remains at 40 percent or more in Illinois and nationwide.
- State prisons, increasingly relied upon during the 1980s as the sanction of choice for a growing number of offenders, are filled almost to maximum capacity. The Illinois prison system may well reach its effective capacity limits within the next 16 months.

In place of this simple dichotomy of probation and prison, many national experts have called for a true *continuum of criminal sanctions*. As envisioned by the National Institute of Corrections and other experts in the corrections field, the continuum would include a coordinated series of sanctions, beginning with the least restrictive options (fines and restitu-

According to a 1986 study, the average prison inmate in Illinois had been arrested nine times (one-third had been arrested 10 or more times) and had two prior incarcerations.

The justice system continues to rely on a simplistic dichotomy of punishment options: fines and straight probation on the one hand, and incarceration on the other.

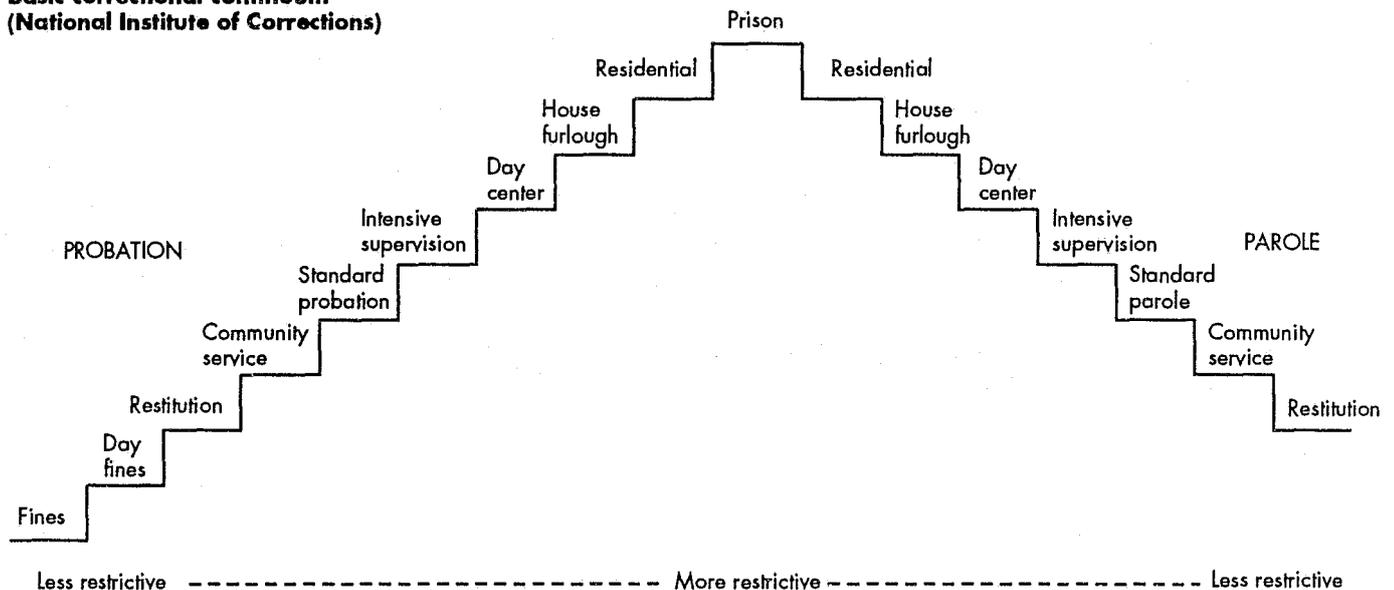
tion), continuing through a series of increasingly strict community-based punishments (house arrest, electronic monitoring, intensive probation), and culminating in incarceration (in a jail, boot camp, or prison). As the most restrictive sanction, incarceration would be reserved for serious and violent offenders and for those offenders who continually fail in the less restrictive sanctions on the continuum. (See the basic model of the continuum concept below.) The community-based sanctions in the continuum could also be used to help reintegrate incarcerated offenders back into the community. Where appropriate, any or all of these punishments could be imposed in conjunction with substance abuse treatment.

In recent years, much of the focus on community corrections has been on "filling in the middle" of the continuum — that is, identifying punishment-oriented, community-based sanctions that would make the continuum a useful tool for judges, probation officials, correctional personnel, and others. While some elements of the continuum do exist in Illinois today, they are generally scattered both geographically and programmatically. And despite a 1986 state law authorizing the development of such a continuum, no one single jurisdiction in Illinois, much less the State as a whole, has implemented a full continuum of criminal sanctions.

Recommendation 7 Implement and expand the Illinois Community Corrections Act in two phases, first as a pilot program in a select number of counties, and then statewide.

The General Assembly, the Governor, and other state and county government leaders should work together to implement and expand our six-year-old Community Corrections Act, 730 ILCS 110/16. The goals of this effort should be to promote public safety and reduce prison crowding by

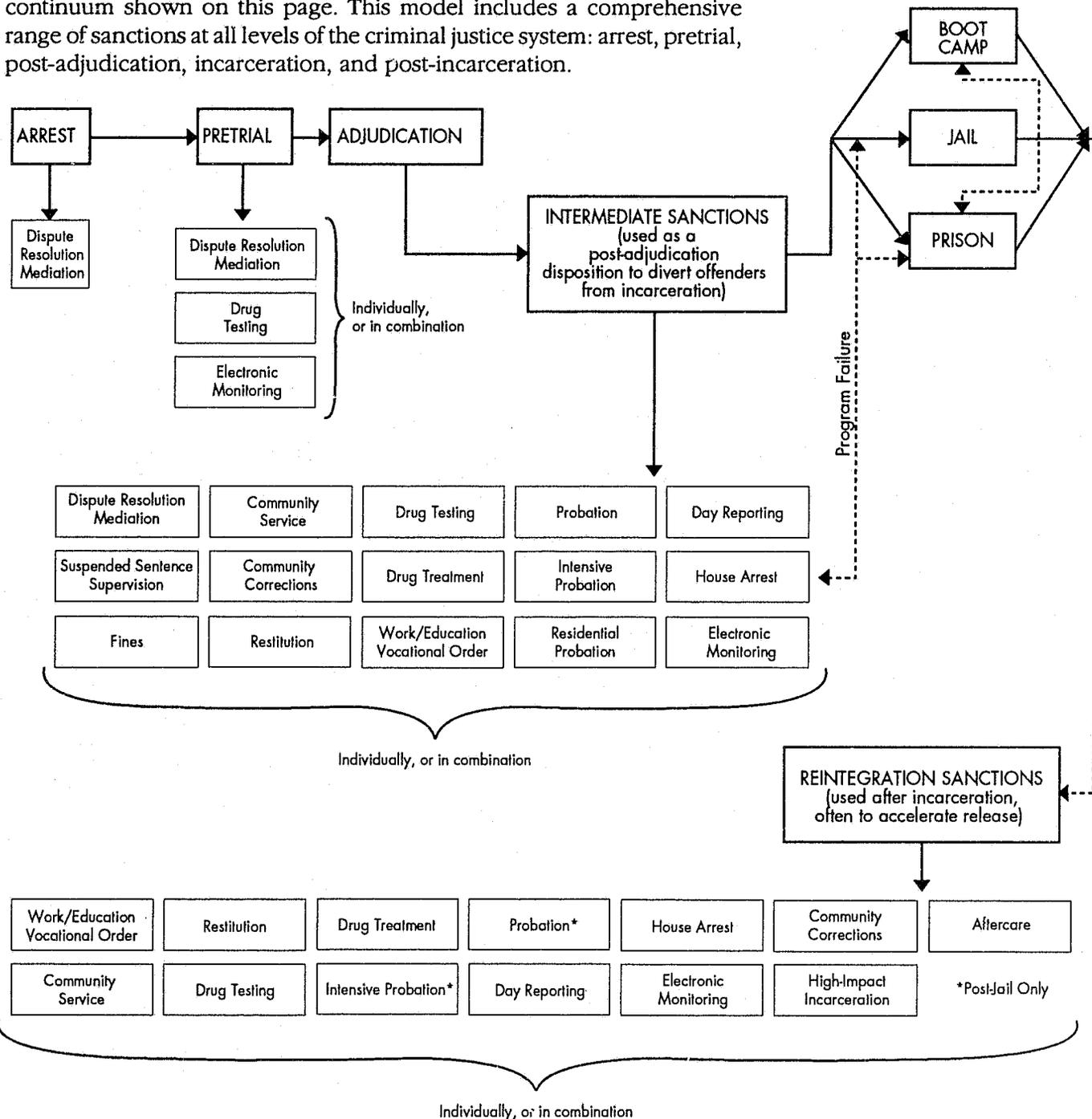
**Basic correctional continuum
(National Institute of Corrections)**



(1) lowering recidivism rates through earlier and more meaningful intervention in the criminal careers of offenders, and (2) diverting some carefully screened prison-bound offenders into structured intermediate sanctions in the community.

Full implementation of the Community Corrections Act should be carried out in two phases: *first*, institute pilot programs and follow-up evaluations in a select number of counties; *second*, statewide implementation by fiscal year 1997 (see "Implementation Issues," below). Where possible, community corrections in Illinois should be modeled after the criminal sanctions continuum shown on this page. This model includes a comprehensive range of sanctions at all levels of the criminal justice system: arrest, pretrial, post-adjudication, incarceration, and post-incarceration.

Model criminal sanctions continuum for Illinois



Rationale

In December 1986, Illinois enacted the Community Corrections Act, 730 ILCS 110/16. Its purpose was to "support the development of local individualized programs" that will "[p]rovide a continuum of sanctions to increase sentencing options to the judiciary of the State." The law established a mechanism by which counties could apply to the Illinois Supreme Court for funds to implement the continuum in their jurisdictions.

While much fanfare accompanied the passage of this law, today it exists only on paper. State funds to implement the statute were made available to counties for only *one month of one year* — a total of \$366,700 in fiscal year 1987. No state funds have been appropriated since then. While some counties are using probation services fees and local resources to establish new programs or to continue programs begun with the "seed" money appropriated more than five years ago, the spirit of the Community Corrections Act — and the potential of community corrections — are not being realized in Illinois.

Elements of the Model Continuum. The model continuum endorsed by the Task Force brings a variety of local, state, and even private-sector resources together to provide a systematic approach to criminal sanctions in Illinois. At each point in the continuum, these resources, either alone or in combination with one another, may be applied to an offender as needed to provide appropriate punishment and to intervene in his or her criminal career.

The continuum is designed to provide criminal justice officials with more than simply a wider choice of sentencing alternatives. The sentencing alternatives in the continuum form a logical progression of increasingly severe sanctions. Ideally, if an offender sentenced to probation (with conditions including the payment of restitution to the victim and the payment of some probation fee to the State) fails to meet the requirements of that sanction (reporting to the probation officer, making payments, etc.), the court or other appropriate authority could move him or her along the continuum to a more restrictive sanction — for example, home confinement with electronic monitoring (in addition to all other existing conditions such as restitution). The mechanism for moving offenders among different punishment options, however, is currently limited in Illinois.

The model continuum does *not* imply that every offender, or even most offenders, will start at the beginning of the range. The model allows for offenders to be placed at any appropriate sanction (or combination of sanctions) along the continuum, including incarceration for the most serious offenders. At the same time, the continuum does recognize that neither straight probation nor incarceration is the most effective sanction for punishing, and potentially rehabilitating, certain offenders, especially those who are at the greatest risk of recidivating. A broader range of sanctions, and a mechanism for imposing progressively stringent punishments on offenders who fail to meet the conditions of their sentences (or less intensive sanctions for those whose behavior improves), would provide criminal justice officials with more flexibility to deal with the

State funds to implement the 1986 Illinois Community Corrections Act were made available to counties for only one month of one year — a total of \$366,700 in fiscal year 1987.

The continuum recognizes that neither straight probation nor incarceration is the most effective sanction for punishing, and potentially rehabilitating, certain offenders.

complex range of offenders entering the criminal justice system today. The continuum may also help prevent some of the less serious offenders from graduating to more serious and violent criminal careers.

As envisioned by the Task Force, the correctional continuum includes sanctions at all phases of the criminal justice process, not just after adjudication. Dispute resolution at the arrest stage, drug testing and electronic monitoring during the pretrial period, and at least 15 post-adjudication "intermediate sanctions" are all part of the model continuum (see page 53). For those offenders whose crimes demand incarceration, or for those who have failed at various community-based options, incarceration is the controlling sanction in the continuum. Finally, the continuum includes a number of *reintegration sanctions* to help smooth, and sometimes expedite, the re-entry of the offender into the community.

Experience with Intermediate Sanctions. Some elements of this model continuum already exist in Illinois, and there is statutory authority to create or expand these types of correctional options. However, use of these intermediate sanctions is largely scattered and uncoordinated. Sentencing options differ widely from county to county, and no one jurisdiction has anywhere near the complete range of sanctions contained in the model continuum.

For example:

- Only 17 of Illinois' 102 counties have Intensive Probation Supervision for adults (four counties have juvenile IPS programs). Among those counties without IPS are some of the State's largest, including DuPage, Winnebago, Sangamon, and Rock Island.
- Only 38 counties used electronic monitoring for adult probationers during 1991, and in most of those counties only a handful of offenders were monitored during the course of the year. Twelve counties also used electronic monitoring for pretrial defendants during 1991. In Cook County, which has the State's largest pretrial electronic monitoring program, almost no adult probationers are electronically monitored following conviction.
- Almost no jurisdictions operate day reporting centers in Illinois; Cook County operates one for women offenders only.
- Residential probation is almost non-existent.
- Drug treatment programs are in short supply in Illinois, and most have long waiting lists for criminal justice clients — despite research by the National Institute of Justice and others showing that large numbers of offenders are in need of treatment (nearly two-thirds of the people arrested in Chicago, for example, test positive for cocaine).

While Illinois has had only limited success in implementing intermediate sanctions, our experience is not unique. In fact, many states have enacted community corrections acts since the mid-1980s, but few have followed through with aggressive plans to create and fund a continuum of intermediate sanctions. There are exceptions, however. Michigan is

The State of Intermediate Sanctions in Illinois

Only 17 of Illinois' 102 counties have Intensive Probation Supervision for adults.

Only 38 counties used electronic monitoring for adult probationers during 1991.

Almost no jurisdictions operate day reporting centers in Illinois; residential probation is almost non-existent.

Most drug treatment programs have long waiting lists for criminal justice clients.

Net Widening

"Net widening" is the phenomenon by which judges impose newly available intermediate sanctions on offenders who were not prison-bound and likely would not have been punished as strictly.

A recent evaluation of the Florida Community Control Program found that while 54 percent of the offenders sentenced to community control otherwise would have gone to prison, the remaining 46 percent likely would have been sentenced to a less stringent sanction.

While net widening may result in somewhat higher costs, it also has an important beneficial effect: early intervention in the lives of many people before they have a chance to become career criminals.

providing resources to help localities develop community-based correctional programs that offer a range of sanctions for diverting nonviolent offenders from jails and prisons. In Florida, the Community Control Program, an intensive-supervision/house arrest program implemented in 1983, is the single largest intensive-supervision, prison-diversion program in the Nation, having placed more than 40,000 offenders on community control since 1983.

In addition to statewide efforts, there have been some attempts at the local level to implement a correctional continuum in a single jurisdiction. The Cook County Sheriff's Department, for example, is in the process of establishing an ambitious criminal justice continuum that includes day reporting centers, electronic monitoring, a county-level boot camp, and other options. The goal of this program is to ease crowding at the county jail, which is populated mostly by defendants awaiting trial rather than by offenders already convicted of a crime.

Harris County, Texas (which includes Houston), is in the first phase of a multi-year transition to a Community Justice Plan. Funded in part by the state, this plan calls for a dramatic expansion of intermediate sanctions, including Super-Intensive Probation, a Court Intermediate Sanctions Facility (residential programming), and a Court Regimented Intensive Probation Program. Unlike the Cook County program, its goal is to reduce not only local jail crowding, but also the number of offenders committed to state prisons.

One concern with any community-based sanctions continuum designed to divert offenders from prison is "net widening," i.e., the phenomenon by which judges impose the newly available intermediate sanctions on offenders who were not prison-bound and likely would not have been punished as strictly. A recent evaluation of the Florida Community Control Program found that while 54 percent of the offenders sentenced to community control otherwise would have gone to prison, the remaining 46 percent likely would have been sentenced to a less stringent sanction. Although such net-widening can dilute the effectiveness of a program intended strictly to divert offenders from prison, it provides the added benefit of a more meaningful intervention for young or first-time offenders who might otherwise become career criminals and serve time in prison.

Although experience with a true continuum of criminal sanctions is limited, it does suggest the continuum is a viable approach to filling the middle between probation and prison. If implemented properly — in terms of which offenders are placed in intermediate sanctions and how those who fail are moved along to more restrictive sanctions — the continuum can help achieve the goals of protecting the public, reducing recidivism, and alleviating prison crowding. In the long run, it may be able to achieve those goals without necessarily increasing spending on correctional supervision.

Implementation Issues

Implementation of the Illinois Community Corrections Act should be carried out in two phases:

Phase 1. The State should immediately implement a meaningful continuum of punishment-oriented criminal sanctions in a select number of counties around the State. For purposes of testing and evaluation, these counties should include a range of jurisdictions: urban, suburban, and rural. The Illinois Criminal Justice Information Authority has already designated approximately \$1.5 million in federal funds for establishing community-based alternatives to detention in up to three demonstration sites (this would not include Cook County). The State should commit an equal amount of money to establish a continuum of intermediate sanctions for convicted felony offenders in Cook County, which accounts for approximately 60 percent of the State's prison admissions. This money must supplement, not supplant, money for existing state probation reimbursements.

Further, the General Assembly should lay the legislative groundwork by amending the Community Corrections Act, 730 ILCS 110/16, to expand the types of programs mentioned in Section 16(2) of the Act to include the full range of pre- and post-adjudication options and reintegration strategies included in the model continuum (see page 53). Moreover, amendments must be made to empower sentencing judges to make full use of the expanded continuum, including moving offenders up (or down) the continuum of punishments as their behavior warrants, and including making substance abuse treatment more broadly available (see 20 ILCS 305/10-101 to 10-104), especially for persons convicted of possessing or delivering minor amounts of controlled substances. Only by making the full continuum of punishments available and coordinated with treatment availability during the pilot programs will the experience in those programs provide accurate information on the impact of a fully functioning continuum.

In addition, Phase 1 would include detailed process and impact evaluations of these pilot programs by the Criminal Justice Information Authority (again funded with federal dollars). The goal is to provide immediate and ongoing feedback concerning the costs and benefits of the continuum in the demonstration sites. This research will provide the foundation for designing and implementing Phase 2 of this Recommendation.

Phase 2. The State should begin to put in place the necessary mechanisms to implement the Community Corrections Act on a statewide basis by fiscal year 1997. As a first step, the State should identify an agency that would immediately begin strategic planning for full implementation of the Community Corrections Act. This planning activity would include the development of operational models for implementing community corrections, the creation of budgetary estimates, and the development of legislative strategies. Specifically, amendments to the Community Corrections Act, 730 ILCS 110/16, should be considered that would:

The State should immediately implement a meaningful continuum of punishment-oriented criminal sanctions in a select number of counties around the State.

The State should identify an agency to begin strategic planning for full implementation of the Community Corrections Act by fiscal year 1997.

- Streamline and improve the process by which local jurisdictions can apply for state funds to support intermediate sanctions, and encourage multi-county applications where appropriate.
- Include performance criteria and evaluation requirements to ensure that the Act is achieving its goals of diverting some offenders from prison, while also reducing recidivism through earlier and more aggressive criminal justice intervention.
- Provide a stable funding mechanism for the State to support local implementation of the continuum.

Clearly, the largest impediment to the implementation of Illinois' Community Corrections Act has been the lack of money.

Clearly, the largest impediment to the implementation of Illinois' Community Corrections Act has been the lack of money. Following passage of the 1986 law, the State provided funds to local jurisdictions for only one month of one fiscal year. An infusion of federal and state resources, coupled with a commitment of money from county governments, will be needed to successfully get the Community Corrections Act off the ground again. To protect against a repeat experience of limited, one-time funding for the program, the General Assembly needs to identify a stable source of funding and to appropriate a sufficient level of resources to maintain the program.

Population and Cost Impact

For a variety of reasons, complete population and cost impacts are difficult to estimate at this time. While the costs of individual community-based sanctions are known (and are generally much cheaper than incarceration, see below), it is difficult to estimate the costs of implementing a full continuum of these sanctions. For one thing, given Illinois' limited experience with many sanctions such as day reporting centers and residential probation, cost data are unavailable in many cases. Another (currently unknown) element that needs to be factored in is the target population of offenders to be served in the continuum.

	Offenders per year	Capital costs per offender	Average length of stay (months)	Daily costs per offender	Average cost per offender stay
Prison	29,000	\$41,000	22.0	\$43.84	\$28,934
Boot camp	920	n/a	4.0	44.39	5,327
Treatment, in	5,903	n/a	3.0	91.00	8,190
Treatment, out	12,821	n/a	27.5 hrs	24.00	660
Electronic det.	1,766	3,000	3.0	10.95	985
Intensive prob.	916	n/a	12.0	9.86	3,550
Probation	41,214	n/a	19.6	1.92	1,129

Note: All offender estimates are based on 1990-1991 caseload information. All cost estimates are in 1991 dollars. All information is composite (aggregate across several programs). Single figures cannot be attributed to any one program, but are intended solely for comparative purposes.

If any expanded system of intermediate sanctions were used primarily to "widen the net" — that is, to provide more stringent community-based sanctions for offenders who would not otherwise be going to prison, in an attempt to head off future criminal activity — the short-term costs to the justice system would increase, and there would be little or no immediate

impact on the prison population. In the long run, however, both costs and prison population could be reduced if this approach does succeed at lowering recidivism rates. Furthermore, if the continuum is used to divert at least some offenders who are currently bound for prison, there is the potential for substantial short-term costs savings and a reduction in prison admissions (as well as the potential for long-range benefits from reduced recidivism).

Data from two other states seem to bear this out. In Florida, where 54 percent of the offenders sentenced to the Community Control Program were prison-bound, the estimated cost savings of the program (even with a net-widening effect of 46 percent) was almost \$275,000 per 100 offenders placed in the program. In addition, offenders placed in the Community Control Program had a lower recidivism rate than those sentenced to prison. This difference was particularly dramatic among drug offenders in Florida: only 11 percent of the drug offenders sentenced to the program were convicted of new offenses, while 27 percent of those sentenced to prison for drug offenses were convicted of new crimes within 18 months of being released. In Harris County, Texas, a recent report suggests its Community Justice Plan is having a measurable impact as well. The county reported a 28 percent *decrease* in state prison commitments during the first half of 1992, compared with the first six months of 1991. At the same time, probation placements increased by 19 percent, and more than 3,000 offenders were placed in new alternative sentencing programs during the first year they were available.

Because of differences in prison populations, community-based sanctions, and sentencing laws, caution must be exercised in applying the Florida and Texas experiences to Illinois. For example, the incarceration rate in Texas and the makeup of its prison admissions are significantly different from those in Illinois. As a result, the Harris County program is targeting groups of offenders — including a wide array of probation violators — who have traditionally gone to prison in large numbers in Texas, but not in Illinois. Despite differences such as these, the Harris County model and the Florida program do suggest that implementing a community-based continuum of sanctions in a large jurisdiction has the potential of achieving cost savings, some immediate measure of prison population control, and (in the case of Florida) some effect on long-term recidivism rates.

For this Recommendation, approximately \$3 million in federal and state start-up resources will be needed to implement the demonstration projects proposed for Phase 1. Thereafter, the proposed Phase 1 evaluation will provide more detailed information on the actual start-up costs and potential cost savings of the continuum in a broader application. The study will also analyze the impact of the continuum on Illinois' correctional population (both people in prison and those in intermediate sanctions) and on recidivism rates for offenders who participate in community-based sanctions. This information will be critical for designing and executing Phase 2 of this Recommendation.

Offenders placed in Florida's Community Control Program had a lower recidivism rate than those sentenced to prison; the difference was particularly dramatic among drug offenders.

The proposed Phase 1 evaluation will provide more detailed information on the actual start-up costs and potential cost savings of the continuum in a broader application.

Part III: Recommended Improvements to Correctional Resources

Chapter 9: Increased Capacity

Chapter 10: Correctional Industries

Chapter 11: Inmates with Special Needs

**Chapter 12: Management of Violent and
Aggressive Inmates**

Chapter 13: Use of Federal Surplus Property

Most of the recommendations in this Report involve expanding or implementing programs in the existing prisons or in the community to reduce recidivism. These recommendations cannot be implemented overnight and will not have an immediate effect. Time will be needed for the General Assembly to draft and adopt necessary legislative changes and for the Governor to sign them. Time will also be needed for the development of policies, procedures, and programs. Even then, new programs will need time to take effect. Meanwhile, the prison population continues to grow at near-record levels.

While the other recommendations in this Report are being phased into operation, the Task Force is persuaded that a limited construction program is needed. The only apparent way to avert a crowding crisis is an *immediate* fiscal year 1993 capital appropriation that would add nearly 2,000 beds. The recommendations presented here will add these beds in the quickest and most cost-effective manner possible. These beds will buy the time necessary to develop and implement the recommended programs in a manner that will help to ensure public safety.

While the other recommendations in this Report are being phased into operation, the Task Force is persuaded that a limited construction program is needed.

Complete conversion of an abandoned school building (Assumption) in the Metro-East area of the State to a minimum-security institution.

Recommendation 8

Rationale

The completion of Assumption Correctional Center in East St. Louis would add 600 minimum-security beds. Currently, 46 percent of the inmates (6,349) housed in Illinois' medium-security prisons are assessed minimum-security, thus demonstrating the need for additional minimum-security beds.

Locating a minimum-security correctional center in the Metro-East area would have added public service benefit. The Department of Corrections is already providing inmate work crews to help clean up the city of East St. Louis. The location of a correctional center nearby will allow for an increase in assistance to the city, thus improving the quality of life for its citizens and maximizing the use of inmate labor.

The State has already invested \$4 million in the planning and site preparation for Assumption Correctional Center. An additional capital appropriation of approximately \$13 million would be needed to complete the conversion. Completion of the facility would take approximately 16 months from the release of funds.

With an immediate supplemental appropriation, the institution could be opened in July 1994, which is also the point at which the Department of Corrections projects it will reach its capacity ceiling. A delay in capital funding would result in the Department of Corrections being forced to

either sleep inmates in institution gymnasiums and chapels or increased double-celling at maximum-security institutions. Both options would pose more risk to staff and inmate safety.

Population and Cost Impact

A \$13 million capital appropriation is needed to complete the 600-bed facility. It is estimated that a staff of 285 would be needed to operate this facility. The annual operating cost would be \$14.5 million.

Implementation Issues

For these beds to be available by July 1994, an immediate (March 1993) supplemental capital appropriation is needed. Even then, the release of funds, bid process, and construction must be "fast-tracked" to meet this target date.

Recommendation 9 Add three cellhouses at existing medium-security institutions.

Rationale

A capital appropriation of \$18 million would be needed to add a new X-design cellhouse at each of three existing medium-security institutions.¹ These cellhouses would provide 1,344 additional medium-security beds (doubled-celled). Currently, there are 2,694 medium-security inmates housed in maximum-security prisons. Opening additional medium-security prison beds should ease the population pressure at the dangerous maximum-security prisons.

This approach is the most cost-effective and quickest means of adding new bed space to the prison system. Water, sewer, and other utilities already are in place, as are dietary and medical services. Construction costs for these cellhouses are approximately \$13,400 per bed. By comparison, the Department's most recently completed new institutions (the Big Muddy River Correctional Center and the new work camp sites) cost \$50,200 and \$20,700 per bed, respectively. Assuming capital funds were made available immediately, beds in the three new cellhouses could be occupied by May 1994.

Not only would the construction of these cellhouses be cost-effective, but so would their operations. The Department of Corrections estimates that the annual operating cost will be around \$2.1 million for 1,344 new beds. For comparison, Jacksonville and Lincoln Correctional Centers house 1,600 inmates at a combined cost of \$28.7 million.

Population and Cost Impact

This recommendation will add 1,344 medium-security beds at a construction cost of \$18 million. Each new cellhouse would require an additional staff of 18, or a total of 54 new staff members for the three cellhouses. The Department estimates start-up cost at \$343,000, with an annual operating cost of \$2.1 million.

Implementation Issues

For these beds to be available by May 1994, it is necessary to have an immediate (March 1993) supplemental capital appropriation. Even then, the release of funds, bid process, and construction must be "fast-tracked" to meet this target date.

Notes

¹ An X-design cellhouse has an elevated secure control room for supervising and controlling inmate movement into and out of the cellhouse and each of the four 56-bed, two-tier housing wings. It provides clear sight lines for supervision, allowing the control room officer to monitor all staff and inmate movement and to open doors and security gates electronically.

When it comes to addressing both the immediate needs and the long-range goals of corrections, few programs offer as much promise as correctional industries. The benefits—and beneficiaries—of these so-called “factories with fences” are many:

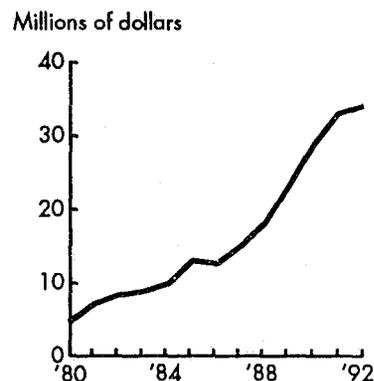
- The prison system benefits from a skilled work force that can produce low-cost goods and services for its correctional institutions.
- Taxpayers benefit from reduced government spending on prisons and on other government functions supported by correctional industries. When the incomes of inmate employees are garnished to contribute to the payment of fines, restitution, and family support, the public also benefits from the increased collection of criminal fines and reduced spending on public aid for the families of inmates.
- Correctional staff benefit from a productive inmate population that is less prone to misbehavior or violence.
- Victims of crime benefit from the increased payment of restitution using inmates' wages.
- Inmates themselves benefit from the wages, the job skills, and the work habits they acquire.
- When inmates are able to apply these skills and experiences back in the community following their release, recidivism and prison crowding can be reduced.

While the benefits of correctional industries have been widely recognized, and the program has been expanded over the years in Illinois, its full potential remains untapped.

Illinois Correctional Industries (ICI) operates programs in almost all Department of Corrections adult facilities. ICI programs range from traditional ventures such as furniture making and agricultural services to the new and emerging fields of data processing, asbestos removal, and the recycling of used automobile tires. ICI sells its goods and services to a variety of state agencies (including the Department of Corrections) and to units of local government, colleges and universities, and not-for-profit organizations; a recent Illinois law also permits ICI to enter into joint ventures with the private sector.

In fiscal year 1992, ICI turned a profit of nearly \$1.5 million on sales of \$34 million — five times the annual sales of a decade ago. ICI programs not only help defray the Department of Corrections' operating costs, but also save the State money in other ways. For example, ICI's Optical Lab at the Dixon Correctional Center supplies eyeglasses to prison inmates and to Public Aid recipients. Since it opened in 1986, the Optical Lab has saved the State approximately \$4.9 million.

Illinois Correctional Industries sales



Even with ICI's overall growth, only a small percentage of Illinois inmates are able to get jobs in correctional industries, and only a small percentage of eligible government purchases are made from ICI (despite a long-standing state law requiring such purchases). Many more prisoners could be earning money to support their families, to compensate victims, and to gain valuable job skills if more government, not-for-profit, and even private-sector organizations purchased goods and services from ICI.

The following recommendations are designed to expand Illinois' correctional industries program substantially and to improve ICI's business and marketing opportunities. The goal is to take full advantage of the many benefits that an aggressive and market-wise correctional industries program can offer the prison system, the taxpaying public, and the offenders themselves.

Recommendation 10

The Governor should issue an Executive Order reinforcing current Illinois law requiring state agencies to purchase correctional industries products and encouraging short-term expansion of Illinois Correctional Industries through a detailed assessment of customer needs.

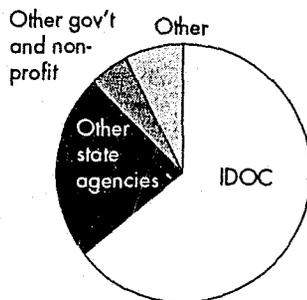
Current Illinois law on this subject is clear: "The State, its political units, its agencies and public institutions *shall* purchase from the Department [of Corrections] all articles, materials, industry related services, food stuffs, and supplies required by them which are produced or manufactured by persons confined in institutions and facilities of the Department" (730 ILCS 5/3-12-7).

Despite this statutory requirement, ICI sales and employment figures indicate the law is not being implemented aggressively. In some instances, state agencies are purchasing goods and services from other suppliers even though ICI offers the same products. In other instances, state agencies have no choice but to go to outside vendors because ICI does not provide the products they need. At the same time, other eligible customers in local government, colleges and universities, and not-for-profit agencies are not even aware of the opportunity to buy ICI goods and services. In FY92, these other eligible customers accounted for just 12 percent of ICI's total sales.

To address these short-term problems, the Governor should immediately issue an Executive Order on Correctional Industries. The Executive Order should:

- Reinforce the existing statutory obligation of state government entities to purchase ICI goods and services when available, and encourage state agencies, legislative bodies, and other public institutions to make optimal use of the correctional industries program.
- Require state agencies, within 60 days of the issuance of the Executive Order, to report to the Governor and the Director of Corrections on recent purchasing trends and anticipated future needs for goods and services that are, or could be, provided by ICI.

Illinois Correctional Industries sales breakdown, fiscal 1992



- Require ICI to complete, within six months of the issuance of the Executive Order, a detailed, statewide assessment of the purchasing needs of its primary customers in state and local government, colleges and universities, and the not-for-profit sector. This needs assessment should be conducted in conjunction with the proposed Correctional Industries Advisory Board (see Recommendation 11).
- Require the state to better inform local units of government, colleges and universities, not-for-profit organizations, and other entities of their ability and, when appropriate, their obligation to purchase ICI goods and services. (For example, state grants or contracts could include a standard clause notifying recipients of this purchasing option.)
- Require state government entities and ICI to report, on a regular and ongoing basis, how the purchasing law is being implemented.

Rationale

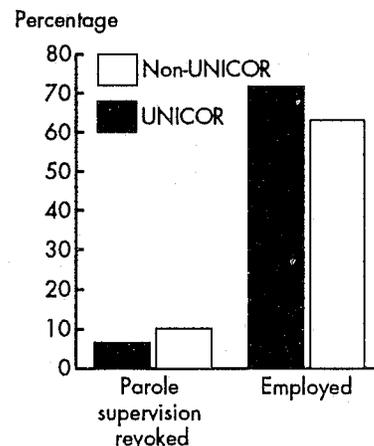
Research indicates that participation in correctional industries not only improves an inmate's behavior while in the institution, but also increases his or her chances of succeeding in the community after release. A 1991 study by the Federal Bureau of Prisons found that inmates employed by Federal Prison Industries (UNICOR) were less likely than other inmates to have received a misconduct report within the last year of their confinement. When inmate employees did receive a report, it was less likely to involve a serious incident.

The same study also found that correctional industries programs are successful in helping to break the cycle of crime, incarceration, and recidivism that has become all too common for many offenders. According to the study, UNICOR inmates were much more likely to have found employment during their first year in the community after release.

Perhaps most important, inmates who participated in vocational training and work programs while in prison were less likely to have returned to prison by the end of their first year back in the community: 6.6 percent of these inmates had their parole supervision revoked because of violations or new crimes, compared with 10.1 percent of a comparison group of former inmates.

Although similarly detailed research has not been conducted in Illinois, anecdotal evidence suggests the State is achieving similar results with its correctional industries program, but operates its program on a much smaller scale. In 1991, UNICOR employed 32 percent of the federal inmate population. ICI, on the other hand, employed only about 4 percent of Illinois' prison population during FY92 (an average of 1,124 inmates per month). While many other inmates fill non-ICI jobs that are essential to the maintenance of the prison system (dietary, clerical, skilled labor, etc.), the Department of Corrections estimates there are still approximately 1,500–2,000 inmates with no work or educational assignments, and another 5,000 inmates currently classified as "general laborers" who have work assignments but who do not receive the structure, discipline, job skills, and wages

Status of Federal parolees who had participated in Federal Prison Industries (UNICOR), 12 months after release



that come with ICI jobs. These inmates form a large pool of potential employees for an expanded correctional industries program in Illinois.

Expansion of correctional industries in Illinois will need to be done aggressively but thoughtfully. Over the long run, new and innovative approaches to products and product marketing — in particular, joint ventures with the private sector — will be needed (see Recommendation 11). But in the short term, there are a number of ideas outlined in this Recommendation that could be implemented *quickly* within the confines of existing markets.

Top priority must be to get state agencies to comply more fully with existing state law. The proposed Executive Order would deliver a clear, unequivocal message on this issue. It would also require state agencies to analyze and justify their purchasing patterns, and it would help ensure that local government agencies and not-for-profit organizations are better informed of what ICI has to offer them.

At the same time, ICI must better understand the current and future needs of its existing customer base. This understanding will be achieved through the proposed needs assessment. Only by analyzing the changing needs and wants of its customers will ICI be able to expand and compete in an increasingly competitive state, national, and even global economy.

Illinois Correctional Industries must better understand the current and future needs of its existing customer base.

Population and Cost Impact

The needs assessment study contemplated by this Recommendation will be essential to an accurate estimation of sales and employment potentials. Therefore, once the Executive Order has been issued and the needs assessment completed, specific numerical goals for ICI sales and employment can be identified. As a very rough estimate, however, we believe that there were state agency purchases in the range of \$5 million that could have been supplied by ICI now; there were perhaps \$35 million more of state agency purchases in related or potential target areas that ICI could move to produce. Additionally, state colleges and universities could be expected to make \$50 million of purchases. All these purchases would amount to nearly a 300-percent increase in business for ICI, which could then be expected to make a like increase (4,000 inmates) in the inmate work force.

Inmate population reduction through the Earned-Time Credit Program (see Recommendation 14), and related bed and cost savings, are included in the estimates in Chapter 4. In addition, ongoing research and evaluation will be needed to assess the long-term impact of correctional industries on prison crowding, prison violence, correctional and other government costs, victim restitution, family support, and other anticipated benefits (see Recommendation 13).

Implementation Issues

The Governor will need to issue an Executive Order. Within established deadlines, state agencies will need to review, analyze, and report on their purchasing trends and needs, and ICI will need to complete a detailed needs assessment.

The State should embark on a long-range expansion of Illinois Correctional Industries through a stronger partnership with the private sector; a permanent Correctional Industries Advisory Board, consisting of business, labor, and correctional leaders, should be created by law to guide this process.

Any long-term expansion of correctional industries will require more than simply increasing sales to the traditional markets of state and local government, colleges and universities, and the not-for-profit sector. It will require a creative partnership with the private sector in developing and marketing goods and services that are competitive on the open market.

To explore these long-range options, the Governor should immediately issue an Executive Order creating an advisory board of business, labor, and correctional leaders who will oversee the process of increased private-sector involvement in correctional industries. Enabling legislation amending 730 ILCS 5/3-2-6 also should be passed to give the proposed Correctional Industries Advisory Board permanent status along with other Department of Corrections advisory panels. Corrections officials, job-training experts, and representatives from the Illinois Manufacturers Association, Illinois State Chamber of Commerce, AFL-CIO, Illinois Taxpayers' Federation, and individual companies should be included on this board.

Building on the work the Task Force has already done in this area, the new Advisory Board would analyze in depth the myriad issues involved in establishing and fostering a strong relationship between Illinois Correctional Industries and the private sector. The Board would also assist ICI in completing its statewide needs assessment (see Recommendation 10). There are a number of issues the Advisory Board should explore promptly:

- ¥ New products and services for correctional industries (particularly in the environmental services area), and new markets for selling those goods and services (without endangering Illinois businesses or threatening the jobs of law-abiding citizens).
- ¥ Current laws governing correctional industries and impediments to the sale of these products on the open market.
- ¥ Sufficient and stable funding for Illinois Correctional Industries (see Recommendation 12), while ensuring the program remains self-supporting.
- ¥ The possibility of an interstate commerce agreement that would permit the sale of ICI products in other states.

Recommendation 11

An Advisory Board of business, labor, and correctional leaders should be created to oversee the process of increased private-sector involvement in correctional industries.

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- Demonstration programs for testing the feasibility of direct business ventures between ICI and private companies.
 - Incentives for private industry to hire ex-offenders who have received the requisite job training and skills while in prison.
 - Union apprenticeship programs for prison inmates and the increased placement of these offenders in jobs once they are released.
 - Greater private-sector involvement in correctional industries job training, program management, and product marketing.

The Governor should request that, within six months of the issuance of the Executive Order, the Advisory Board report back with a detailed plan for greater private-sector involvement in correctional industries. This plan should address two critical areas: (1) the establishment of joint business ventures between ICI and private companies, and (2) the sale of prison-made goods and services on the open market.

In addition, this Executive Order should establish the Advisory Board as a permanent "board of directors" for ICI, advising the Director of Corrections on the continued operations and expansion of correctional industries in Illinois. No such board, incorporating the ideas and input of business and union leaders, now exists in Illinois.

Rationale

In 1967, the President's Commission on Law Enforcement and the Administration of Justice concluded that correctional industries programs could be strengthened if states aggressively sought out untapped markets, better promoted their goods and services, and tried to provide inmates with work experiences comparable to those in private industry. More recent guidelines by the American Correctional Association (ACA) and other organizations have stated that labor, business, and industrial organizations should be included in the planning, development, and expansion of correctional industries.

Experience in other jurisdictions demonstrates the benefits of this cooperative approach. UNICOR, the Federal Prison Industries program, has grown to employ nearly one-third of the federal inmate population and generate nearly \$344 million in annual sales. Much of this growth has been the result of a cooperative relationship with the private sector. UNICOR's board of directors includes representatives of the business and labor communities. UNICOR officials point out that 95 percent of the program's income is returned, either directly or indirectly, to the private sector — through salaries, equipment, and the purchase of raw materials.

Other states are stressing private-sector cooperation as well. In Arizona, the Department of Corrections has worked with the Best Western motel chain for several years, employing inmates on the company's 24-hour national telephone reservation system. Several states are benefiting from cooperative arrangements with labor unions, which provide apprenticeships and

The Federal government and several other states are stressing private-sector cooperation with their correctional industries programs.

job placement help for inmates in correctional industries jobs. These types of innovative models have not yet been implemented in Illinois.

ACA policies further state that correctional industries should be “unencumbered by laws and regulations that restrict access to the marketplace, competitive pricing, and fair work practices except as necessary to protect the offender and the system from exploitation.” While Illinois law currently *allows* the sale of prison-made products on the open market, ICI has not taken full advantage of this capability in generating sales to the private sector.

While Illinois law currently allows the sale of prison-made products on the open market, ICI has not taken full advantage of this capability in generating sales to the private sector.

Addressing these two avenues for expansion — joint business ventures with the private sector and increased sales of goods on the open market — will require considerable attention and leadership of top business, labor, and correctional experts. The proposed Advisory Board is the appropriate forum for providing an infusion of leadership and ongoing direction to Illinois’ correctional industries program.

Population and Cost Impact

It is difficult to estimate the likely population and cost impact of this Recommendation. Once the Executive Order has been issued and the Advisory Board has developed its long-range plan, specific numerical goals for ICI sales to, and joint ventures with, private-sector companies could be identified. In addition, ongoing research and evaluation will be needed to assess the long-term impact of a correctional industries-private sector partnership on prison crowding, prison violence, correctional and other government costs, victim restitution, family support, and other anticipated benefits (see Recommendation 13).

Implementation Issues

The Governor will need to issue an Executive Order creating the Correctional Industries Advisory Board. In addition, the General Assembly should pass enabling legislation, amending 730 ILCS 5/3-2-6, to give the Advisory Board permanent standing and to codify its membership and duties. The Advisory Board would need to be assembled and staffed, and it will have to develop a long-range plan within the deadline established by the Executive Order.

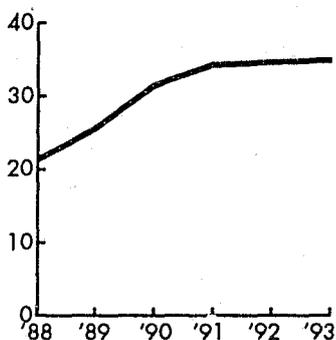
The State must provide sufficient spending authority to support Illinois Correctional Industries.

Recommendation 12

Illinois Correctional Industries is one of the few state programs that is self-supporting. The funds that pay inmate wages, the wages of civilian employees, and operational costs come from the sale of ICI products and services. The Working Capital Revolving Fund has been established to hold the proceeds and make the payments associated with the State’s correctional industries program. The money in the Fund should *not* be spent elsewhere in state government.

Spending authority for Illinois Correctional Industries

Millions of dollars



Reducing ICI's spending authority and using its working capital funds for other purposes rob the program of its ability to meet its basic business obligations and to fulfill the broader goals of correctional industries.

Regardless of its revenues, however, ICI can spend only the amount appropriated by the General Assembly. In the last three fiscal years, ICI's line item appropriation — its authority to spend money on wages, raw materials, and other necessary costs — has remained essentially unchanged, which means that investments needed to maintain and expand the program have had to be deferred. In addition, \$2.3 million in proceeds deposited in the Working Capital Revolving Fund as a result of ICI product sales have been transferred to the State's General Revenue Fund over the last two years and used for non-ICI expenditures. ICI's current expenditure authority is insufficient to support even existing programs through the rest of FY93. Unless increased, this expenditure authority will be woefully inadequate to meet the needs of future years.

ICI's appropriation for FY94 and subsequent years should be sufficient not only to continue existing programs, but also to provide for the program expansions recommended by the Task Force and planned by the Advisory Board. Finally, the Task Force urges the state to refrain from transferring funds from ICI's Working Capital Revolving Fund to cover other (non-ICI) state expenditures.

Rationale

Reducing ICI's spending authority and using its working capital funds for other purposes rob the program of its ability to meet its basic business obligations and to fulfill the broader goals of correctional industries. Without sufficient spending authority, ICI cannot make the necessary investments in raw materials, wages, and other operating expenses. Without these investments, ICI cannot generate the sales and the profits that help defray prison operating costs. Without sales, ICI cannot pay inmate wages or provide offenders with the job skills and work habits that come with prison jobs. And without jobs, inmates cannot make family support and victim restitution payments, and they lose valuable experience that could be applied in the community after release.

Because ICI is, in essence, a self-sufficient operation (and one that is currently turning a profit), it makes no sense — financially or programmatically — to limit its spending authority to levels below what is needed to support its existing programs. While cutting ICI's spending authority may create the politically expedient impression of a "lean" budget, in reality the practice does nothing to reduce the expenditure of tax dollars. In fact, limiting ICI's spending authority may actually *increase* costs for the Department of Corrections and other state agencies that have come to rely on prison-made products.

Recent fiscal decisions also inhibit the opportunity for expanding ICI's program in partnership with the private sector. Sufficient working capital funds and spending authority are needed not only to meet existing obligations, but also to support some initial joint ventures with private concerns. The private sector is unlikely to be enthusiastic about joint ventures with ICI when overall State support of ICI is stagnant or declining.

Population and Cost Impact

The costs of Illinois Correctional Industries specifically, or state government in general, would not be increased by increasing ICI's appropriation (spending authority). In fact, limiting the program's ability to spend its working capital funds for program investments could end up costing the state money in the form of higher costs for the Department of Corrections and other agencies that purchase ICI products. The direct impact of this recommendation on the prison population is difficult to estimate.

Implementation Issues

The General Assembly needs to pass, and the Governor sign, a sufficient ICI appropriation for FY94.

A program of ongoing, independent research and evaluation of correctional industries should be established.

Recommendation 13

Any expansion of Illinois Correctional Industries should be accompanied by ongoing research and evaluation of how well the program is meeting its goals. Correctional industries should be evaluated on several measures: (1) maintaining control and reducing violence inside the institutions; (2) helping inmates find jobs once they are released to the community; (3) reducing recidivism; (4) creating cost savings for state government; and (5) generating family support payments, compensation for victims, and payment of fines.

ICI is already required by state law to report Items 2 and 3 to the General Assembly on an annual basis (730 ILCS 5/3-12-11), but it has not had the resources to do so in recent years. Results on all of these measures, as well as other aspects of correctional industries, should be reported annually to the General Assembly and the public.

Rationale

Unlike the federal government, which completed a major evaluation of Federal Prison Industries in 1991, Illinois has not conducted any recent research on its correctional industries program. Ongoing research of correctional industries would provide:

- A "snapshot" of how the program is currently operating.
- Data for measuring changes over time.
- A means for analyzing and reporting the impact of specific changes to the correctional industries program (such as the introduction of new products and services, the growth of joint ventures with the private sector, etc.).

This type of research would provide the Department of Corrections with valuable feedback for designing and improving not only its correctional industries program, but its vocational training and community reintegration efforts as well.

Population and Cost Impact

This recommendation would have no direct impact on the prison population. The proposed evaluation program would cost approximately \$100,000 a year. However, if this expense were paid out of the Working Capital Revolving Fund, it would have no direct impact on tax expenditures.

Implementation Issues

A stable source of funding must be identified, and guidelines for the evaluation program must be established. To ensure impartiality, an independent research organization will need to be identified. The evaluation process could be managed by the Illinois Criminal Justice Information Authority, which has substantial experience in designing and implementing criminal justice evaluation efforts.

***Recommendation 14* Include participation in correctional industries in the Earned-Time Credit Program.**

Rationale

As noted earlier, participation in correctional industries provides inmates with the work ethic and employable skills; in the future, it will also provide apprenticeship positions, mentors, and job placement through the involvement of labor and industry. Federal experience demonstrates that correctional industries' participation leads to a significant reduction in recidivism, which makes it an appropriate activity for earned-time credit.

Population and Cost Impact

This information is included in Chapter 4, which sets forth the proposed Earned-Time Credit Program.

Certain populations of inmates have special needs, which may place special demands upon the Department of Corrections. One such group is female inmates. For instance, the Task Force has urged the Director to look into the question of whether there are anti-recidivism activities that focus on the needs of female offenders, which might at some point become part of the Earned-Time Credit Program. For the most part, however, the recommendations of the Task Force relate equally to inmates of both genders.

Two other groups of special needs inmates, whose problems require the Department to pay extraordinary expenses, are older inmates and terminally ill inmates. Both groups are growing, and the Task Force believes that the Department should move promptly to prepare itself to deal with the problems of these groups in a cost-effective manner.

Older inmates and terminally ill inmates are two groups with special, and expensive, needs. Both groups are growing, and the State should move promptly to deal with their special problems in a cost-effective manner.

Older Inmates

One of the most complex problems facing the Nation's correctional agencies today is adequately addressing the physical, social, and medical needs of an increasingly older inmate population. It is estimated that by the turn of the century older inmates in the Nation's prisons will exceed 125,000.

In Illinois, 619 inmates (599 men and 20 women) housed in the Department of Corrections are currently 55 years or older. (While this age level would not define "older persons" in the general population, experts agree that an inmate's "institutional age" is usually much greater than his or her chronological age because of the extreme stresses to which inmates are subjected.) The average age of these 619 older inmates is 61; the oldest inmate is 85. Of these 619 older inmates, 82 percent (505) were convicted of Murder or a Class X or Class 1 offense, and 87 percent (540) are serving determinate sentences.¹ Nine out of ten, however, are serving their first prison sentence. On average, they have already served six years of their sentence, with an average of five years left to serve before release.

This large older inmate population presents many special and difficult challenges, which place intense demands on the correctional system and make their care exceedingly more complex and difficult to manage. With advanced age, particularly given the quality and type of life many of these inmates have had, comes a plethora of complicated, long-term medical, dental, and mental health problems. After the age of 55, inmates on average will suffer three chronic illnesses. The costs to care for the older inmate are substantially greater than for the average inmate.

Older inmates, especially those with health problems, require a significant level of attention and service from corrections staff, and can often be exceedingly difficult to supervise. Corrections staff who handle older offenders liken their care to the demands and rigors associated with raising young children. Older inmates with lengthy or life sentences can be

particularly difficult to manage because they have little incentive to cooperate. A significant level of generational tension often exists between older inmates and younger correctional officers that can lead to frequent disciplinary actions.

As prisoners age, however, they tend to become far less dangerous to release. Numerous research studies have shown: (1) that age is one of the most reliable predictors of recidivism, and (2) that recidivism drops significantly in males over the age of 35. After that age, the older a man is when released from prison, the less likely he is to return to crime. In Illinois, the recidivism rate for inmates 55 years of age and older, as measured by a return to prison, is only 17 percent as compared to 46 percent for all inmates.

Recommendation 15 **Establish the Project for Older Prisoners (POPS) in Illinois.**

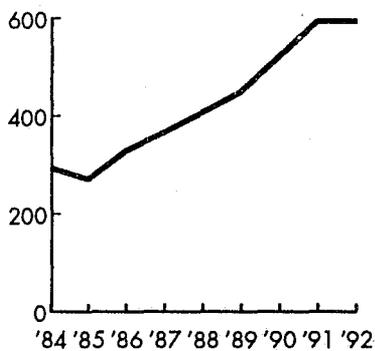
Rationale

The older inmate population in Illinois is expected to grow from just over 600 today to 854 by June 1994, and 927 by June 1996. The combination of age, poor health, and low recidivism makes many of these inmates good candidates for conditional release, parole, electronic detention, or special housing in an institutional setting.

To help address the special needs of older inmates in a cost-effective manner and to help reduce prison crowding, the Task Force recommends enlisting the assistance of Professor Jonathan Turley of George Washington University Law School in Washington, D.C. Professor Turley has established the Project for Older Prisoners (POPS), a nationally recognized project for dealing with the problems of older prisoners. "POPS addresses a real need in the prison system to reach prisoners who have been essentially forgotten," says Turley. "At three times the average cost of a younger prisoner, this silent population must be considered if we are going to get through the worsening prison crisis." Professor Turley has provided the Task Force with a preliminary report of his recommendations for Illinois, some of which are incorporated in this chapter. He has also expressed a desire to start a POPS program in our State.

The POPS program is already operational in several states, including Louisiana, Virginia, and Florida. The POPS program encompasses a variety of options for managing older offenders, including parole, electronic detention, the development of special needs units within existing institutions, and compassionate release provisions for terminally ill offenders. Professor Turley's POPS program analysis is done without a fee. He associates with a local law school and uses student volunteers to gather information on individual older prisoners, which he uses to assess them and to make recommendations on what to do with each one.

Inmates age 55 and older in the Illinois Department of Corrections



Professor Turley already has received substantial basic statistical information concerning the older prisoner population in Illinois, which is incorporated in his preliminary report. Several POPS options for managing older and terminally ill offenders are being recommended now for Illinois. Other components of the POPS program aimed at managing chronically ill inmates and inmates sentenced to indeterminate sentences are deemed worthy of further study and consideration. The POPS options recommended now include:

Establish a special 350-bed unit for older and chronically ill inmates at an existing correctional institution.

Recommendation 16

Rationale

There is an 80-bed unit at Dixon Correctional Center dedicated to older and chronically ill inmates. Dixon currently houses 19 percent of the Department of Corrections' older inmates, the largest percentage at any institution. The remaining 81 percent of the older inmate population is dispersed throughout the prison system. Currently, 17 percent of older inmates are housed in maximum-security facilities, 54 percent in medium-security facilities, and 24 percent in minimum-security facilities. Another 2 percent are in Dwight, the female institution, and 2 percent are in the Menard psychiatric facility.

The Department of Corrections' medical staff estimate that an additional 350-bed unit will be needed to accommodate the growing population of older and infirm inmates. This unit would also accommodate individuals with vision, speech, or hearing impairments and would have specially assigned program and social worker staff to provide both on-site programming and adequate post-release arrangements.

By establishing one centralized facility to accommodate the specialized medical needs and costs associated with caring for older and infirm inmates, a more effective means of operational, administrative, and fiscal management may be achieved.

With a single facility to accommodate the specialized medical needs and costs associated with older and infirm inmates, a more effective means of operational and fiscal management may be achieved.

Population and Cost Impact

Cost savings would be generated by consolidating older and chronically ill inmates in one location.

Implementation Issues

This Recommendation would require the establishment of a specialized unit within existing housing at the Department of Corrections and the associated necessary changes in medical staff and transfer of inmates.

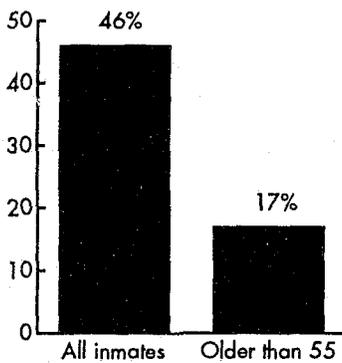
Recommendation 17 Authorize the Department of Corrections to establish, based upon a stringent risk-assessment analysis, an electronic detention program for older inmates, except those serving time for Aggravated Criminal Sexual Assault, Criminal Sexual Assault, Aggravated Criminal Sexual Abuse, or Felony Criminal Sexual Abuse, for up to the last two years of their sentences.

Rationale

This approach would allow the Department of Corrections to place on electronic detention, for up to the last two years of their sentence, older inmates who pose little public risk, who are serving determinate sentences, and who have served at least 25 percent of their prison term. The length of stay on electronic detention could be up to the last two years of the offender's sentences, but would not, in any way, reduce the offender's sentence length. Before any older inmate would be placed on electronic detention, he or she would have to pass a stringent risk assessment analysis designed to detect potential recidivists or those who would otherwise represent a danger to the community. Moreover, because of their high rates of recidivism, offenders convicted of Aggravated Criminal Sexual Assault, 720 ILCS 5/12-14; Criminal Sexual Assault, 720 ILCS 5/12-13; Aggravated Criminal Sexual Abuse, 720 ILCS 5/12-15; and Felony Criminal Sexual Abuse, 720 ILCS 5/12-16, would be automatically excluded from this program. This option would make scarce bed space available for other more dangerous offenders and would be a more cost-effective means of supervision than incarceration.

In addition, notice should be provided to the Prisoner Review Board when older inmates are placed into this program.

Percentage of inmates who return to prison within three years of release



Population and Cost Impact

There are currently 129 older inmates in the Department of Corrections who meet these criteria. Because the marginal institutional costs (costs to feed, clothe, and provide medical care) for each older inmate is \$4,000 annually, while the annual per-capita cost for electronic detention is only \$2,640, there would be a savings of \$1,360 per year per inmate on this program. Assuming that half of these inmates (65) were placed on electronic detention, there would be an immediate annual total savings of \$88,400 plus, of course, vital bed space for an equal number of new, more dangerous inmates.

Implementation Issues

This Recommendation would require amending 730 ILCS 5/5-8A-3 to allow older inmates (i.e., those over 55 years of age) to be placed on electronic detention for up to two years.

Terminally Ill Inmates

Establish a compassionate conditional release option for terminally ill inmates with a life expectancy of one year or less, and allow the Prisoner Review Board to recommend to the Governor inmates for this release option.

Recommendation 18

Rationale

This Recommendation would authorize the Governor, upon recommendation of the Prisoner Review Board, to grant the conditional release of dying inmates. The Task Force suggests that these releases be based upon a determination by the Department of Corrections' Medical Director that the inmate has less than one year to live; this determination should be corroborated by an independent medical assessment of the offender's condition. The terms of release would be based on the offender's behavior. This provision would allow terminally ill inmates to spend their last days with family and friends, would allow medical and other care costs to be picked up by Medicare and Public Aid (which would not cover these people in prison), but would still provide a mechanism for returning inmates to prison should they engage in inappropriate behavior after release. There are approximately 24 inmates in the Department of Corrections with a life expectancy of less than one year due to terminal illnesses such as AIDS, cardiac disease, and cancer.

Population and Cost Impact

The population and cost impact of this Recommendation in the immediate future is based on the 24 inmates in the Department of Corrections who are terminally ill with a prognosis of one year or less to live. While exact figures are not available for this Recommendation, for purposes of example, the cost for caring for an inmate with AIDS is approximately \$38,000 per year. Assuming costs for all terminally ill inmates to approximate this number, and assuming that all 24 inmates received compassionate release, cost savings would approximate \$900,000. In addition, a valuable prison bed is freed up with each compassionate release granted.

Implementation Issues

This Recommendation would require amending 730 ILCS 5/3-3-13, on executive clemency, to allow the conditional release of dying inmates.

Notes

¹ Approximately 13 percent of these older inmates were sentenced under the indeterminate sentencing structure in effect before December 1977. These inmates are commonly known as "C-number inmates." C-number inmates appear before the Prisoner Review Board for parole hearings. While we are not making a formal recommendation concerning parole, the Task Force has asked the Chairman of the Prisoner Review Board (who is a Task Force member), and he has agreed, to investigate the possibility of providing more guidance to the C-number inmates and their counsel on the standards that the Board uses to evaluate their eligibility for parole.

Violence is all too common in Illinois' maximum-security prisons, fueled by far too many violent inmates, cramped spaces crowded with rival gang members, and too few corrections staff to keep this explosive situation under constant control 24 hours each day, 365 days each year. These factors lead to the volatile and dangerous day-to-day environment of these institutions. In addition, the few constructive and educational activities currently available that could serve to improve this grave situation are themselves constantly interrupted by this chaos.

As one correctional officer in a maximum-security institution stated, "My work environment makes it feel like I'm working in a heated-up pressure cooker." Small wonder, given that, statistically, a maximum-security correctional officer's odds of being assaulted by an inmate during the course of a year are one in three — one in eight for being assaulted with a weapon.

These frightening statistics arise from even more frightening incidents, like those suffered by Michael Bailey and Mike Bushue, correctional officers at the Menard Correctional Center, a maximum-security facility. The following accounts are excerpted from a recent Copley News Service special report on Illinois prisons:

It was lunch time at the Menard Correctional Institution two days following a lockdown. Bailey was on the second tier turning the crank to unlock the inmates' cells. He sensed someone was behind him. Suddenly, a burning pain welled up on his right side. He had been stabbed and was bleeding. He doubled over and was stabbed again. Bailey still managed to subdue the inmate and take away his weapon. The wounds were deep, but no vital organs were harmed. After 7 weeks of rest, Bailey dutifully returned to work.

One month earlier at the same institution:

Mike Bushue was bringing a prisoner back into a cell when the prisoner's cellmate, who was on lockdown, decided he wanted to get out. Other inmates tried to push Bushue into the cell. He managed to keep hold of the cell door and was stabbed 17 times.

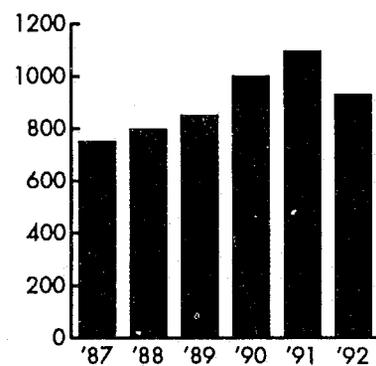
Inmates make weapons out of metal pieces from their beds, and any other sturdy materials they can acquire. As one correctional officer said in the same Copley report, "When you come to work here, you come to work knowing something might happen. But you try to put that in the back of your mind, or you'll drive yourself nuts."

Contrary to general public perception, staff supervision is the primary tool used by the Department of Corrections to control difficult and aggressive inmates. Most of the Department's correctional officers are not armed or well protected. In fact, the only protection that most of these officers have is a radio, a pen, their training, common sense, and good instincts.

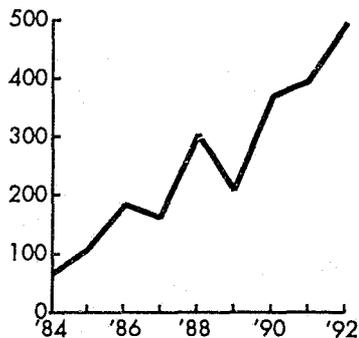
Since the deadly 1978 riot at the Pontiac Correctional Center, eight Department staff have lost their lives in the line of duty in the State's four

The odds of a correctional officer in a maximum-security institution being assaulted by an inmate during the course of a year are 1 in 3 — 1 in 8 for being assaulted with a weapon.

Assaults on Department of Corrections staff, systemwide



Days Illinois prisons were locked down, systemwide



maximum-security prisons. Many more have been attacked and seriously injured.¹ In many respects, correctional officers and staff are the forgotten heroes of the criminal justice system. As a State, we have given them an overwhelming task — a task that gets even more difficult every time we enhance a sentencing law or otherwise make the criminal laws tougher. We simply cannot continue to impose greater burdens on these people without providing them with tools they need to do the job properly — and to protect themselves from injury or death each day on the job.

Recent statistics bear this out. In the State's maximum-security prisons, in the one-year period between July 1991 and June 1992 alone, there were 45,839 disciplinary reports written; 698 assaults on Department staff, 248 of which involved a weapon; 142 incidents requiring the use of a chemical agent; and 86 shots fired to quell an incident. During that same 365-day period, *four hundred ninety-three (493) institution-days* were spent on lockdown throughout the prison system (449 of them in maximum-security institutions) — more than twice the number of four years earlier. Unless changed, this trend spells doom for all of the in-prison anti-recidivism programs recommended in this Report.

One major factor in prison violence is the prevalence of street gangs in the prison system. Some experts estimate that as many as 80 to 90 percent of inmates are affiliated with gangs. Gangs offer protection, financial reward, and access to drugs or other contraband to their members. Furthermore, gang leaders often order "hits" on rival gang members, in an attempt to control the smuggling of contraband into the prisons and to extort money or services from inmates.

Another major factor is the need to double-cell most inmates. Illinois prisons are currently operating at 150 percent of their design capacity, and nearly all beds available for double-celling have already been doubled-celled. Indeed, Illinois is one of the few states that double-cells in maximum-security institutions.

Finally, two other factors contributing to violence in Illinois maximum-security prisons are the lack of space available in segregation units and the brevity of segregation stays. More than 5,100 inmates were transferred to maximum-security institutions last year, many for disciplinary reasons related to violence in less restrictive institutions. On any given day more than 900 inmates are in segregation in these institutions. The amount of time an inmate can be kept in segregation is limited by the amount of space available and by Department rules. These rules allow a maximum segregation time of only one year per offense.

More importantly, however, regardless of the amount of time specified by the rules, there is simply not enough space to keep inmates in segregation for the full term of their segregation confinements. Inmates are often released early from segregation so that other inmates can be segregated. Given these conditions, despite the Department's efforts to segregate and punish inmates involved in violent incidents, violence continues. In very serious cases, perpetrators of violence will be criminally prosecuted, but even upon conviction these perpetrators remain in the prison system.

The excessive number of violent incidents in maximum-security facilities is directly attributable to housing the most serious and dangerous offenders in crowded and antiquated facilities. Stateville, which opened in 1920, is the "newest" of the maximum-security institutions, while Pontiac, Menard, and Joliet were opened during the second half of the last century. These institutions were not designed to handle the number and type of inmates they currently house.

Of equally grave concern is the recent increase in violence in the medium-security facilities. Attacks on staff in these institutions increased a shocking 85 percent from FY90 to FY91. At the same time, inmate-on-inmate attacks in these institutions increased 41 percent.

Violence affects more than just the victims and offenders involved in specific incidents: it also exerts a disruptive influence on the entire prison environment, detracting from the rehabilitative opportunities available to other inmates housed in any institutions where serious violence occurs. In many instances, violent incidents require that the institutions be put on lockdown status, during which inmates are kept in their cells 24 hours per day. As noted above, there were 493 lockdown days in our prison system in a recent one-year period, virtually eliminating the Department's ability to offer consistent education and vocational programs, job assignments, and treatment programs.

Consequently, the Task Force has concluded — *unanimously* — that the Department of Corrections absolutely *must* be given an adequate management tool for controlling the behavior of these violent inmates. The unfortunate fact is that the most troublesome offenders currently have little or no incentive to behave appropriately. Segregation units, which are taxed to the limit, simply do not provide a strong disincentive to their violence, and the current maximum-security facilities offer no other satisfactory tools for controlling these inmates. Already overcrowded and hopelessly antiquated, these facilities give rise to the problem, not the solution. At the same time, it would be incongruous, counterproductive, and terribly dangerous to incarcerate the worst inmates of the maximum-security facilities at any of the other facilities, including the newer facilities, that were designed for lower security level inmates. Unless the Department obtains an effective and humane tool for managing these inmates, staff and other inmates will remain at the mercy of these few inmates — as will the State's efforts to provide the programs needed to reduce recidivism and ultimately to address the crowding problem.

Perhaps the single most difficult question the Task Force has had to confront is what constitutes an adequate management tool for controlling these inmates. Based upon the testimony of experts, we have concluded that some means must be provided to separate the violent offenders and gang leaders from the rest of the inmate population, and that all of the realistic alternatives will involve some construction. Different Task Force members have advocated different means. As one alternative, the Task Force discussed the prospect of building additional cellhouses at the

The excessive number of violent incidents in maximum-security facilities is directly attributable to housing the most serious and dangerous offenders in crowded and antiquated facilities. Of equally grave concern is the recent increase in violence in the medium-security facilities.

Unless the Department of Corrections has an effective and humane tool for managing violent inmates, our prisons will remain at their mercy — as will the State's efforts to provide the programs needed to reduce recidivism.

current maximum-security facilities. This proposal, however, raises questions as to whether the aged infrastructures at these institutions would support the substantial increase in beds and as to the wisdom of investing such a substantial sum at an older facility. Security issues also arise at the prospect of conducting such construction at one of the maximum-security facilities. A second alternative involves rehabilitating an existing cellhouse in one of the maximum-security facilities. Here the obvious problem is what to do with all of the maximum-security inmates housed in the cellhouse during the reconstruction. Moreover, new or reconstructed cellhouses at an existing facility would not provide an efficient means to avoid lockdowns at the facility. However, such cellhouses would at least provide some improved means for controlling violent inmates.

A third alternative is to construct a new, full-sized maximum-security penitentiary with adequate segregation facilities. This alternative has the advantage of providing a sizeable number of new beds, and could be the first step in the process of replacing the current antiquated facilities. Once again, however, this alternative does not provide the separation that serves as insurance against disruptive lockdowns.

A fourth alternative discussed was the possibility of working toward the construction of a Federal facility that would house inmates from several states who had engaged in conduct requiring that they be separated from the general population of their institutions. This concept has the advantage of permitting Illinois to share costs with the federal government and neighboring states. Unfortunately, however, the federal government does not appear to be interested in participating at this time. Moreover, the simple fact that control of the institution — from the design phase through the construction phase to the management phase — would be out of the hands of the Department of Corrections is itself a disadvantage. Illinois and the Department need this important management tool now; we cannot wait for a federal project that may never come to pass.

After lengthy debate, and recognizing legitimate concerns relating to cost, staff safety, and inmate civil rights, the Task Force has concluded that the best management tool for controlling violent and aggressive inmates is a "super-maximum" security facility.

After lengthy debate, and recognizing certain legitimate concerns relating to cost, staff safety, and inmate civil rights, the Task Force has concluded that the best management tool to give the Department for controlling these inmates is a "super-maximum" security facility. However, the Task Force also recognizes that this recommendation carries substantial costs with it. Ultimately, the Task Force recognizes that the General Assembly and the Governor must balance competing demands for a limited number of tax dollars. We urge them to heed our warning in striking that balance: some means — involving some construction — must be provided to separate and control these few disruptive inmates, or all of the in-prison programs that constitute our main line of attack on crowding will be in jeopardy.

Build a super-maximum security level institution ("Super-Max") to manage dangerous and predatory inmates and enable the Department of Corrections to provide a habilitative environment for inmates in other institutions.

Recommendation 19

Rationale

The best way to reduce violence, protect the safety of staff and inmates, and improve the functioning of the four antiquated maximum-security facilities is to remove from the general population those predatory inmates who disrupt the orderly operation of these institutions. Those inmates who kill, routinely assault staff and other inmates, threaten the safety, security, or operation of the facility, or direct others to perform these acts, would be the prime candidates for the Super-Max facility. By design, the Super-Max facility would be geared to maximize inmate control and safety, would be self-contained and highly secure, and would house up to 500 of the Department's most dangerous prisoners.

To succeed as a management tool, a Super-Max facility should not generally be used as a permanent assignment. On the contrary, there should be a steady stream of inmates coming out, so that inmates in the maximum-security facilities know that there is room to accommodate them at the Super-Max if they engage in violent or disruptive conduct.

The lengths of stay for inmates in the Super-Max facility would be determined by their institutional behavior. Three levels of security would be established, each level increasingly restrictive, varying by the amount of out-of-cell time, privileges, and visits. Inmates would be required to earn their way to progressively less restrictive levels, and eventually back to the general prison population, by exhibiting clear conduct for a reasonable amount of time at each level. Reviews of inmate behavior would be made every 30 days.

There are serious pitfalls to super-maximum facilities. Representatives of prison staff warn that super-maximum inmates may feel they have nothing to lose once they are there, and may develop an intense rage against their very restrictive surroundings. By a process of selection, each and every inmate at a Super-Max facility can be a violent assault waiting to happen. The smallest design flaw on the part of the planners or the slightest hesitation or mistake on the part of the correctional officers can lead to serious injury or death. A super-maximum facility is, therefore, an exceedingly tense and difficult place to work.

If a super-maximum security facility is to be used to improve safety in our correctional system, policy makers *must* be willing to make a total commitment to it. Cutting corners, either in the construction or the staffing of a Super-Max facility, will have *fatal* consequences.

Reputable human rights organizations also have expressed legitimate and serious concerns about practices in existing super-maximum security facilities. The Task Force recommends that our Super-Max facility be

If a super-maximum security facility is to improve safety in our correctional system, policy makers must be willing to make a total commitment to it. Cutting corners, either in construction or staffing, will have fatal consequences.

The Task Force recommends that our Super-Max facility be required by statute to conform to certain requirements concerning constitutional and humanitarian safeguards.

required by statute to conform to certain requirements concerning constitutional and humanitarian safeguards. Since these highly restrictive environments, if misused, can create conditions tantamount to long-term isolation, the Department of Corrections will have to establish clearly defined rules and regulations to govern the admission and release of inmates from the Super-Max facility and to monitor its operation and administration closely. The Super-Max institution should be used — without exception — to house only those inmates who have in their current incarceration inflicted or caused others to inflict physical harm against staff or other inmates.

Minnesota, Washington, Indiana, California, Canada, and the Federal Bureau of Prisons all operate Super-Max facilities. Although there has been no formal evaluation of these units, all of these state and national governments have reported that these units have helped provide greater levels of inmate management and control, and have stabilized maximum-security populations by removing disruptive and violent inmates. The positive reactions from these jurisdictions provide additional support for building a Super-Max facility in Illinois.

Population and Cost Impact

As a management tool, a Super-Max institution would have an impact on the entire prison population, not just those housed in the facility. The construction of a Super-Max institution would add 500 beds at a cost of \$60 million. Six million dollars would be needed in FY94 to get the project started, with the balance of funds to be appropriated in FY95. The annual operating cost for a Super-Max facility is estimated to be \$11 million.

Implementation Issues

For a Super-Max facility to be opened by May 1996, the initial funds would need to be appropriated by September of this year. Following that time line, design would be completed by June 1994. Assuming the entire capital appropriation would be available by September 1994, construction could be completed, with the facility ready for occupancy, by May 1996.

Because the movement of inmates in a Super-Max is restricted, that facility would need an auxiliary inmate work force available to handle dietary, laundry, commissary, general store and warehouse, and general and grounds maintenance functions. The Department estimates that 200 minimum-security inmates would be needed to perform these duties. The Task Force suggests that the Department investigate the feasibility of building the Super-Max adjacent to a nearby minimum-security institution or work camp, which would then be located just outside the perimeter of the Super-Max prison.

Although the Task Force recognizes the potential for problems that a Super-Max facility poses and although we appreciate the concerns expressed by the various organizations and individuals who have raised issues regarding this concept, the Task Force has also seen first-hand the

effects of inmate violence and of the resulting lockdowns on prisons in our system. After considerable research and deliberation, we have found no viable means that address these problems as effectively as Super-Max. Too much is at stake — the safety of staff and other inmates, the success of programs to reduce recidivism and crowding — to permit the violent few to continue their destruction unabated.

The Department should continue to refine its security classification system to incorporate the super-maximum security level and to fully and properly integrate that management tool into the prison system.

Recommendation 20

Rationale

For more than a decade, Illinois has been a leading state in the use of an objective system for classifying inmates according to security level. As noted above, however, the federal government and several states have preceded Illinois in the construction and operation of a “super-maximum” security level institution. The Task Force suggests that the Department of Corrections seek to benefit from the experience of other jurisdictions in opening and operating their super-maximum facilities, particularly with respect to any impact this new level of security classification will have upon the individual inmates and the classification system as a whole. The fundamental principle underlying the Super-Max institution is that it is a management tool for addressing specific security problems that hinder delivery of essential services and anti-recidivism activities to the general population — it is *not* simply a place to put 500 inmates in an otherwise overcrowded system. To serve its purpose, inmates must move in *and out*, based on some objective classification and standards.

Notes

¹ During that same time period, 32 inmates have died violent deaths. Of course, inmates, too, must be protected from the violent and predatory people living in their midst.

The Federal Surplus Real Property Identification and Acquisition Program presents a viable opportunity to correctional officials in Illinois. Under this program, state and local governments may acquire Federal surplus real property for correctional purposes without cost.

Several federal agencies are involved in the management of the surplus property program. The principal program component (Federal Surplus Real Property Transfer Program) is administered by the U. S. Department of Justice, Bureau of Justice Assistance (BJA) within the Office of Justice Programs (OJP). Actual property management is handled by the General Services Administration (GSA). The National Institute of Corrections (NIC) runs the technical assistance and training component of the larger BJA effort. NIC relies heavily on the Department of Housing and Urban Development (HUD) for information about available properties.

Federal properties available under this program include real, surplus, and under-utilized land or facilities. These properties include:

- Unimproved land
- Single-family residences
- Multiple-family residences
- Commercial properties
- Industrial properties

Materials provided by NIC indicate that properties range from nominal value (storefronts, single-family residences) to multi-million dollar complexes (for example, all facilities and land within the Chanute, Illinois, Air Force Base).

Once a property is acquired by a state or local government, the Federal Surplus Property Program requires that it be used for "correctional purposes." Fortunately, the program views correctional use broadly, including traditional secure facilities, community corrections, work release facilities, and restitution centers.

The Governor should appoint a committee to investigate the opportunities presented to the Department of Corrections by the Federal Surplus Property Program, and to report back to the Governor, the General Assembly, and the Director of Corrections.

State and local governments may acquire — without cost — Federal surplus real property for correctional purposes.

Recommendation 21

In the short term, as the pilot community correctional programs are pursued within the criminal sanctions continuum recommended by the Task Force (see Chapter 8), it is possible that single-unit dwellings, storefront properties, and the like may be available in the pilot program areas. There may also be available properties for future boot camps, work camps, correctional industries, or treatment facilities. The Governor should appoint a committee to investigate any such opportunities and report its

findings back to the Governor, the General Assembly, and the Director within six months. Any appropriate properties should be sought aggressively. Money saved in property acquisition can then be used for other Department purposes.

In the long term, the Department should implement a policy whereby it either obtains a regular status report concerning available federal properties or, in the alternative, checks the availability of such federal properties before expending funds to purchase new properties on which to establish additional facilities.

Part IV: Recommended Sentencing Modifications

Chapter 14: Modifications to Sentencing Laws

On December 28, 1977, Illinois embarked on a major reform of its criminal sentencing laws when Governor James R. Thompson signed into law Public Act 80-1099. This Public Act amended the Illinois Criminal Code and the Unified Code of Corrections and converted the Illinois sentencing structure from an indeterminate to a determinate system. The change to determinate sentencing reduced, and in some instances eliminated, the use of discretion in sentencing. For example, this Act created the category of Class X felonies, which carry mandatory prison sentences and are nonprobationable. The Act also mandated specified ranges into which sentences for all offenses fit, standardizing (and often lengthening) sentences imposed for criminal offenses.

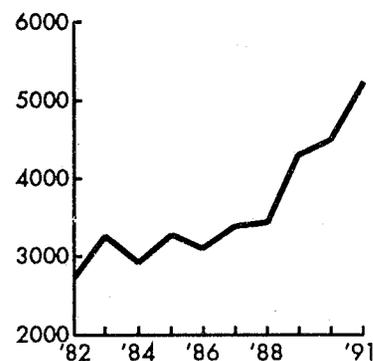
Since 1978, the General Assembly has amended the Illinois Criminal Code many times to make certain offenses nonprobationable or to create new nonprobationable offenses, including residential burglary and the manufacture and delivery of certain amounts of drugs. For example, under Illinois law, a first offender convicted of residential burglary would be sentenced as a Class 1 felon. While Class 1 felonies generally are probationable, residential burglary carries a mandatory prison sentence of 4 to 15 years.¹

In addition, other amendments require that some sentences, even for relatively minor offenses, be imposed consecutively. For example, an addict arrested for possession of a small amount of drugs, who is placed on bond (because the jail is overcrowded) while awaiting trial (without any treatment for the addiction) and who then commits another minor property or possession crime to support his or her addiction, must be sentenced to serve consecutive sentences for both the second crime committed and a bail bond violation. In this fashion, minor offenses frequently compound themselves into mandatory eight-, nine-, or ten-year sentences.

In principle, and certainly in practice with respect to the most serious offenses, the Task Force believes that the Class X and determinate sentencing laws have had the desired effects of standardizing and lengthening sentences. In certain limited circumstances, however, the Task Force believes that some fine-tuning of the system is in order.

Because the criminal justice process is an adversarial system that provides opportunity for both the prosecution and defense to advocate for appropriate sentences, the Task Force believes that in the situations set forth below, the State should rely upon its judiciary to determine whether certain penalties should be served consecutively and whether certain nonviolent offenders should be sentenced to intermediate sanctions. This should provide a modicum of useful flexibility to the system without a return to indeterminate sentencing.

Number of inmates sentenced to 7 or more years



The Class X and determinate sentencing laws have had the desired effects of standardizing and — for the most serious offenses — lengthening sentences. In certain limited circumstances, however, some fine-tuning of the system is in order.

Recommendation 22 Make consecutive sentences optional rather than mandatory in limited circumstances.

Consecutive sentences require an offender to complete time on one sentence before serving time on the second. In contrast, concurrent sentences allow the offender to satisfy two sentences at same time. For example, an offender with two consecutive four-year sentences must serve eight years, minus any good-time credits. Consecutive sentences obviously lengthen the amount of time an offender must stay in prison. In some instances, mandatory consecutive sentences can make a series of relatively minor property or possession offenses into a very lengthy penitentiary sentence.

In FY92, Illinois courts imposed 1,289 consecutive sentences. The exact conditions under which all of these sentences were imposed is not known. The Task Force believes that the following statutory amendments — coupled with the anti-recidivism programs set forth in Part II of this Report — can lead to shorter, less expensive, and ultimately more successful, sentences:

1. Amend 730 ILCS 5/5-8-4(h): If a person charged with a felony commits a separate felony while on pre-trial release or in pretrial detention in a county jail facility or county detention facility, the sentences imposed upon conviction of these felonies ~~shall~~ may be served consecutively
2. Amend 730 ILCS 5/5-8-4(i): If a person admitted to bail following conviction of a felony commits a separate felony while free on bond . . . any sentence following conviction of the separate felony ~~shall~~ may be consecutive to that of the original sentence
3. Amend 720 ILCS 5/32-10: Any sentence imposed for violation of this Section [bail bond] ~~shall~~ may be served consecutive to the sentence imposed for the charge for which bail had been granted

Recommendation 23 Allow additional conditions of probation to be ordered along with treatment.

Amend 20 ILCS 305/10-102: . . . and fulfills the other conditions of probation ordered by the court . . . is a breach of probation. Other conditions of probation that the court may order shall include any condition of probation as authorized by section 5-6-3 of the Unified Code of Corrections.

Rationale

Under current law, judges cannot order other conditions of probation, such as fines, public service, etc., when ordering treatment as a condition of probation under 20 ILCS 305. As a result, some judges may not use treatment alternatives because of this limitation.

Allow the sentencing court to correct an improper sentence or explain the basis for a sentence imposed.

Recommendation 24

Amend 730 ILCS 5/5-8-1(c): A motion to reduce a sentence may be made, or the court may reduce a sentence without a motion, within 30 days after the sentence is imposed. A defendant's challenge to the correctness of a sentence or to any aspect of the sentencing hearing shall be made by a written motion filed within 30 days following the imposition of sentence. However, the court may not increase a sentence once it is imposed.

Rationale

This amendment creates a requirement that a party seeking to challenge a sentence do so first in a post-trial motion before the sentencing court. It would allow the sentencing court to resolve most sentencing issues, while providing the side benefit of clarifying or entirely eliminating issues before appellate review.

Increase the pool of nonviolent offenders eligible for alternative sanctions.

Recommendation 25

1. Amend 730 ILCS 5/5-5-3(c)(2)(F): A period of probation . . . shall not be imposed for the following sentences . . . A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within ~~10~~ 5 years of the date on which he committed the offense for which he is being sentenced;

Rationale

Under current law, an offender must be sentenced to prison if he or she is convicted of a Class 2 or greater felony within 10 years of a previous conviction for a Class 2 or greater felony. This statutory change would lower the time period from 10 years to 5 years, thus making more offenders eligible for intermediate sanctions, without precluding prison terms if deemed appropriate by the sentencing judge.

2. Amend 730 ILCS 5/5-5-3(c)(8): When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted of any Class 2 or greater Class felonies in Illinois, and such charges are separately brought and tried and arise out of different series of acts, such defendants ~~shall~~ may be sentenced as a Class X offender.

Rationale

This recommended statutory change would give judges the option, but not require them, to sentence such offenders to mandatory prison sentences as Class X offenders in those cases where a mandatory prison sentence of

at least six years would be warranted. This change would give greater sentencing flexibility to the judiciary to accommodate such instances.

In FY92, 97 inmates were admitted to the Department of Corrections as Class X offenders even though their crimes involved a lower statutory class of offense. If this recommendation were implemented, some percentage of these offenders probably would not have been sentenced as Class X. The length of stay for these offenders, even if they received a prison term, could be reduced by 1.8 years for each Class 1 offender and 2.3 years for each Class 2 offender.

3. Amend 730 ILCS 5/5-5-3(c)(2)(G): Residential burglary, if the defendant had been convicted of any felony within 20 years of the date on which he committed the offense for which he is being sentenced;

Rationale

Currently a conviction for residential burglary requires a 4- to 15-year prison sentence in all instances. This recommended statutory change would allow judges to use less expensive community-based sanctions for offenders convicted of their first felony, such as electronic detention, intensive probation, substance abuse therapy, means-based fines, and/or restitution, but would also allow for prison sentences if deemed appropriate by the judge.

Data analyses conducted on the rap sheets of inmates admitted to the Department of Corrections for residential burglary between July 1, 1990 and January 31, 1991 indicate that 18 percent of these offenders had no prior felony convictions on their rap sheets. In FY92, 1,050 offenders were admitted to the Department for residential burglary with an average sentence of six years. Assuming that 18 percent (189) of the inmates could have received probation, the population reduction achieved after the second year of enactment could reach 378, with an associated cost reduction of approximately \$1.2 million.²

Recommendation 26 Undertake an informal moratorium on proposed legislation that would create new nonprobationable offenses or make current probationable offenses nonprobationable.

Rationale

The Task Force, having conducted an extensive study of the prison crowding crisis in this State and both the Criminal Code and Unified Code of Corrections, has concluded that, as a general rule, existing laws provide appropriately strict sentences for offenders who have been caught and convicted. Further sentence enhancements will add to the stockpiling of inmates in our prisons. Of course, the Task Force recognizes that from time to time the General Assembly is confronted with situations in which anti-social and even harmful conduct is beyond the direct reach of the law, and

that in such instances the enactment of new legislation is necessary to protect the public. The Anti-Stalking laws, 720 ILCS 5/12-7.3, 7.4, provide an excellent example of this situation. Given the stockpiling phenomenon and the resulting costs to the taxpayers of Illinois, the Task Force suggests that proposed new laws be screened to ensure that their benefits outweigh their costs in this regard.

Population and Cost Impact

Because the population and cost impacts of the sentencing law modification recommendations are a function of how judges might alter their sentencing decisions, it is impossible to estimate accurately how many inmates will not receive prison sentences or receive reduced prison sentences, and how these changes will impact prison population in Illinois. These proposed amendments do provide the potential to reduce the prison population, in conjunction with the other recommendations in this Report.

Implementation Issues

The Task Force has benefited greatly in its understanding of the actual day-in and day-out impact of sentencing statutes on the corrections and criminal justice systems by sharing in the experience of its judicial members and by the enthusiastic participation of judges from across the State who testified at length before us. Consequently, we strongly urge leaders of the General Assembly to ensure that legislators get regular feedback during each legislative session from members of the Judiciary of this State concerning the practical impact on the criminal justice system of the various provisions of the Criminal Code and Unified Code of Corrections. The Task Force believes that the citizens of the State (and the Department of Corrections) stand to gain from enhanced cooperation between these two coequal branches of our State government.

The specific recommendations of this Chapter would require legislative action. Additional changes might well come from the program of enhanced cooperation described above.

Notes

¹ Residential burglary occurs when a person "knowingly and without authority enters the dwelling place of another with the intent to commit therein a felony or theft" (720 ILCS 5/19-3). While no one would denigrate the seriousness of this offense, its broad definition covers a wide spectrum of activities, including dashing into an open door to grab something off of a table — arguably behavior which, in a first offense, might be dealt with more effectively and less expensively by community-based sanctions than by penitentiary incarceration. At the same time, the most serious range of the spectrum would be covered by other offenses. Entry into a residence with a "dangerous weapon," for example, would be covered by the Class X offense of Armed Violence, 720 ILCS 5/33A-2; entry into a residence in which the offender "knows or has reason to know that one or more persons is present," either while armed or, even if not armed, if someone is injured, would be covered by the Class X offense of Home Invasion, 720 ILCS 5/12-11.

² This cost reduction to the Department of Corrections does not take into account the costs of the community-based sanctions these offenders would serve.

Part V: Conclusion

Chapter 15: Conclusion

This Final Report represents the Task Force's *unified* plan to address the prison crowding crisis and to strengthen the prison system in the future. The Task Force urges the Governor and the General Assembly to act promptly and to meet the crisis directly and fully. While in the long run considerable State funds can be saved, that is true only if the required funds are allocated and spent *now*. Additional staff must be hired, and some additional construction must be done, or the programs will not be implemented properly and matters will continue to deteriorate.

Finally, the Task Force warns all who read this Report that the prison crowding crisis is, despite its overwhelming proportions, merely symptomatic of larger problems that still must be examined and addressed. As a State, and indeed as a Nation, we must focus on our children; we must strengthen their families, and improve the social environment in which they are growing up. If we cannot address the underlying social issues, the problem of prison crowding will be with us for a very long time (perhaps not in quite the crisis proportions we face now), despite the best efforts of this Task Force and others. If, on the other hand, we can succeed in improving the conditions in which all of our children are growing up, we will be able, in a generation, to focus on the problem of what to do with our excess prison capacity.

If we can succeed in improving the conditions in which all of our children are growing up, we will be able, in a generation, to focus on the problem of what to do with our excess prison capacity.

Appendixes

Appendix A: Executive Order

**Appendix B: Source Materials and
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Appendix C: Task Force Meetings

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**Appendix E: Department of Corrections Detail
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Recommendations**

**Appendix F: Impact of Potential Reduced
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Appendix A: Executive Order



EXECUTIVE ORDER

NUMBER ONE (1992)

EXECUTIVE ORDER CREATING THE ILLINOIS TASK FORCE ON CRIME AND CORRECTIONS

WHEREAS, tougher penalties and aggressive law enforcement over the past two decades have contributed to a dramatic increase in Illinois' prison population; and

WHEREAS, communities are safer today because of the apprehension and incarceration of dangerous offenders; and

WHEREAS, Illinois' prison population has more than quadrupled since 1973 and fourteen prisons were built in the last 14 years to accommodate that growth; and

WHEREAS, despite Illinois' aggressive prison construction initiative of recent years, its prisons are still facing potential overcrowding; and

WHEREAS, excessive prison crowding potentially endangers the lives of guards and other employees and invites court intervention that could force Illinois to undertake costly construction or dangerous early release programs; and

WHEREAS, innovative alternative methods and policies of incarceration exist that can relieve prison crowding, such as boot camps and electronic monitoring; and

WHEREAS, states throughout the nation are exploring ways to protect society from dangerous offenders in an affordable manner that does not require a general tax increase;

THEREFORE, I, Jim Edgar, order the following:

I. CREATION

There shall be established the Illinois Task Force on Crime and Corrections.

II. PURPOSE

The duties of the Task Force shall include, but not be limited to, the following:

A. to study the future needs for space in Illinois prisons, along with the potential costs, based on projections of future crime, arrest and incarceration.

B. to study alternatives to incarceration that offer cost effective means of protecting public safety and penalizing offenders.

C. to analyze current prison policies, statutes, sentencing and other factors that influence inmate populations.

D. to identify solutions that, first, protect public safety, and, second, do so in a manner the taxpayers of Illinois can afford.

III. MEMBERSHIP

A. The Task Force shall consist of 21 members as follows: one legislative member appointed by the President of the Senate, one legislative member appointed by the Minority Leader of the Senate, one legislative member appointed by the Speaker of the House, one legislative member appointed by the Minority Leader of the House, and 16 members appointed by the Governor.

B. The gubernatorial members shall be representatives of crime victims, law enforcement, the judiciary, the bar, academia, state corrections employees and community residents.

C. The Governor shall select a chairman from among the members of the Task Force.

D. Ex officio members of the task force shall include the Director of the Illinois State Police, the Director of the Illinois Department of Corrections, the Chairman of the Prisoner Review Board, the Chief Legal Counsel to the Governor and a Special Assistant to the Governor.

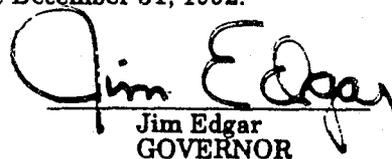
E. Members will serve without compensation but may be reimbursed for expenses.

F. The Task Force will be provided staff support services by the Illinois Criminal Justice Information Authority.

G. The Task Force will release an interim report to the Governor and to the Members of the General Assembly by June 1, 1992, and a final report by December 31, 1992.

IV. EFFECTIVE DATE

This Executive Order Number 1 (1992) shall be effective upon filing with the Secretary of State and shall be repealed effective December 31, 1992.


Jim Edgar
GOVERNOR

FILED
INDEX DEPARTMENT

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**IN THE OFFICE OF
SECRETARY OF STATE**

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Appendix C: Task Force Meetings

Following is a list of meetings held by the Task Force and its various subcommittees and working groups. Not included are several meetings the Chairman held with staff of the Task Force.

Date	Meeting
February 28, 1992	Task Force
March 20, 1992	Task Force
April 1, 1992	Intermediate Sanctions Subcommittee
April 9, 1992	Task Force
April 24, 1992	Task Force
May 6, 1992	Corrections Budget Subcommittee
May 6, 1992	Inmate Programs and Security Subcommittee
May 6, 1992	Task Force
May 13, 1992	Subcommittee Chairs
May 15, 1992	Intermediate Sanctions Subcommittee
May 15, 1992	Task Force
June 19, 1992	Task Force — Site Visit, Stateville Correctional Center
July 10, 1992	Intermediate Sanctions Subcommittee
July 24, 1992	Intermediate Sanctions Subcommittee — Site Visit, Cook County Adult Probation Department, Project Safeway
July 24, 1992	Task Force
July 31, 1992	Task Force
August 7, 1992	Intermediate Sanctions Subcommittee — Site Visit, Cook County Department of Corrections, Electronic Monitoring Unit
August 12, 1992	Task Force — Public Hearing, Springfield
August 14, 1992	Task Force — Public Hearing, Chicago
September 4, 1992	Intermediate Sanctions Subcommittee — Site Visit, Interventions Southwood Drug Treatment Facility, Chicago
September 14, 1992	Subcommittee Chairs
September 24, 1992	Task Force — Site Visit, Dwight Correctional Center

October 9, 1992	Task Force
October 22, 1992	Intermediate Sanctions Subcommittee
October 23, 1992	Intermediate Sanctions Subcommittee
October 23, 1992	Task Force
November 6, 1992	Intermediate Sanctions Subcommittee
November 6, 1992	Task Force
November 23, 1992	Task Force
December 11, 1992	Task Force
December 18, 1992	Task Force
January 15, 1993	Task Force
January 30, 1993	Task Force
February 11, 1993	Statutory Exclusion Working Group
February 19, 1993	Task Force
February 27, 1993	Task Force

Appendix D: Witnesses

The following people appeared before the Task Force, testified at public hearings, supplied written comments, or otherwise provided information to the Task Force.

Danny Adams	Danville Correctional Center
Rodney Ahitow	Warden, Illinois River Correctional Center
Mary Ann Andersen	Executive Director, Illinois Alcoholism and Drug Dependence Association
Bill Anderson	President, Illinois Association of County Officials
Deborah Anderson	Department of Court Services, Henry County
Robert Astorian	Director of Court Services, Madison County
James Atkins	Stateville Correctional Center
John Bailey	Interventions, Chicago
James Bartlett	Director of Court Services, Mercer County
Peter Bellmio	Director of Safety Services, Decatur
Robert Bingham	Director of Probation and Court Services, Lake County
Hartzel Black	Southeastern Illinois College
R. Barry Bollensen	Assistant Director of Probation Services, Administrative Office of the Illinois Courts
Daniel C. Bosse	Warden, Logan Correctional Center
Peter Bokus	Interventions, Chicago
Lynn Branham	Professor, Thomas M. Cooley School of Law, East Lansing, Michigan
Richard Brown	Public Defender, Randolph County
Michael Buettner	Deputy Director of Court Services, St. Clair County
Judith Bukowski	Illinois Department of Mental Health and Developmental Disabilities
Margaret Burns	Attorney, Chicago
Mike Bushue	Menard Correctional Center
John Brady	Judge, Circuit Court of Cook County
Nancy Carlson	Director of Sexual Assault Services, YWCA, Glen Ellyn
Bob Churchich	Sheriff, Madison County

Judy Coe	Public Health Coordinator, Illinois Department of Corrections
Chuck Colson	Justice Fellowship
Frank Considine	Executive Committee Chairman, American National Can Company
Keith Coopridger	Probation and Court Services, Lake County
Anthony Corbo	Chief of Police, Summit
Michael Colwell	Chief Judge, 16th Circuit Court
Dan Coughlin	SAFER Foundation, Chicago
Raymond Curran	Executive Director, SAFER Foundation, Chicago
William Dart	Illinois Manufacturers Association
Karl Davidson	Department of Public Safety, Northwestern University, Evanston
Sister Patricia Davis	Prisoner and Family Connections, Chicago
Thomas Demetrio	President, Chicago Bar Association
Ruthanne DeWolfe	Legal Assistance Foundation of Chicago
Linda A. Dillon	Warden, Menard Psychiatric Center
Gino DiVito	Justice, Appellate Court of Illinois, First District
Georgia Dockery	Stateville Correctional Center
Don Doneske	Chief of Police, Riverside
Jeanie Fairman	Dwight Correctional Center
Fred Foreman	United States Attorney, Northern District of Illinois
William Foster	Chief United States Probation Officer, Chicago
Robert Frascone	Chief of Police, Bellwood
Rita A. Fry	Public Defender, Cook County
Robert R. Fuesel	Executive Director, Chicago Crime Commission
David Gasperin	Treatment Alternatives for Special Clients, Chicago
Barbara Gazzolo	St. James Lutheran Church, Lake Forest
Gary Gillespie	Dwight Correctional Center
John Gilligan	Human Service Center, Peoria

Jerry Gilmore	Warden, Henry C. Hill Correctional Center
Salvador Godinez	Warden, Stateville Correctional Center
Norbert Goetten	Director, Office of the State's Attorneys Appellate Prosecutor
Theodore A. Gottfried	State Appellate Defender
Richard Gramley	Warden, Pontiac Correctional Center
George Graves	Chief of Police, Downers Grove
Robert Haida	State's Attorney, St. Clair County
William Haine	State's Attorney, Madison County
Sophia Hall	Presiding Judge, Juvenile Division, Circuit Court of Cook County
Paul Harmon	Mayor, City of Normal
Charles Hartman	State's Attorney, Stephenson County (President, Illinois State's Attorneys Association)
Melody Heaps	President, Treatment Alternatives for Special Clients, Chicago
Frederick J. Hess	United States Attorney, Southern District of Illinois
Thomas Hett	Judge, Circuit Court of Cook County
Herb Higgins	Interventions, Chicago
George Hovanec	Deputy Director, Illinois Bureau of the Budget
Hi Howard	Neighborhood Institute, Chicago
Michael Hughes	Director of Court Services, Coles County
John Hunschen	State's Attorney, Woodford County
Robert "Boots" Ingram	Executive Director, Community Corrections Centers
Gary Johnson	State's Attorney, Kane County
Farid Karimi	Forensic Psychiatry Consultant
David J. Keefe	Waukegan, Illinois
Judy Kerby	Probation and Court Services, Lake County
Stephen Kernan	Chief Judge, 20th Circuit Court
Raymond Kimbell	State's Attorney, Knox County
Janet Kittlaus	Lutheran Social Services, Evanston
Timothy Knop	Menard Correctional Center

George Koertge	Executive Director, Illinois Association of Chiefs of Police
Robin Leaf	Cook County Adult Probation Department
Janet Lease	East Moline Correctional Center
Lawrence Lesza	Jail Superintendent, Lake County
James E. Long	Director, Illinois Department of Alcoholism and Substance Abuse
Vito LoVerde	Lieutenant, Niles Police Department
John Lundin	Executive Director, United Ministries, Palatine
Chip Markel	Menard Correctional Center
Nancy Martin	Chief Probation Officer, Cook County Adult Probation Department
John L. McCorkle	Superintendent, Illinois Impact Incarceration Program
Denise L. McDonald	Victim Services Director, Mothers Against Drunk Driving, Illinois Chapter
Michael McInerney	Public Defender, Kane County
Jana Minor	Prison and Family Ministry, Des Plaines
Vincent Moreth	State's Attorney, Macoupin County
Pearl Mourey	Belleville, Illinois
James Mueller	Director of Court Services, Kane County
Samuel Naylor	State's Attorney, Hancock County
James Nowlan	President, Taxpayers Federation of Illinois
David O'Dell	Chief of Police, Mattoon
George E. Ogle	Director, Illinois Impact
Ron Ohlson	Chief of Police, Villa Park
Gary Olsen	Dixon Correctional Center
Jack O'Malley	State's Attorney, Cook County
William O'Sullivan	Warden, Western Illinois Correctional Center
Nancy Owen	State's Attorney, Coles County
Deborah Pape	Substance Abuse Services, Marion
Edna Pardo	League of Women Voters, Chicago
Jane Peerson	Chief Probation Officer, DuPage County
Joanne Perkins	Deputy Director, Illinois Department of Corrections

John J. Petrilli	Executive Director, Illinois Coalition for Community Services
Gary Pumilia	Public Defender, Winnebago County
Robert Ray	Chairman, Stephenson County Board
J. William Roberts	United States Attorney, Central District of Illinois
Jack & Mary Rogers	Somonauk, Illinois
Michael J. Rohan	Director of Court Services, Cook County (President, Illinois Probation and Court Services Association)
Charles Romani Jr.	Chief Judge, 3rd Circuit Court
Dennis Rosenbaum	Director, Center for Research in Law and Justice, University of Illinois at Chicago
Claudia Rowland	Salvation Army Correctional Services
David Sandahl	Warden, Shawnee Correctional Center
John Schou	Public Safety, Winnebago County
Kathy Schuerman- Donnelly	People Against Violent Environments, Centralia
Arthur Schultz	Mayor, City of Joliet
Augustus Scott Jr.	Warden, Lincoln Correctional Center
Jeanne Scott	Chief Judge, 7th Circuit Court
Robert J. Selinger	Illinois Planning Council on Developmental Disabilities
Patricia Shull	East Moline Correctional Center
Cristal Simmons	Voices for Illinois Children, Chicago
Don Slazinik	Director of Public Safety, O'Fallon
Jonnie Smith	Stateville Correctional Center
Sue Turner Smith	Chief Probation Officer, Mason County
Vicki Smith	Executive Director, Illinois Coalition Against Domestic Violence
Robert Steere	General Counsel, Illinois State Chamber of Commerce
Robert Steigmann	Justice, Appellate Court of Illinois, Fourth District
Marlene Stern	Executive Director, Citizens Committee on the Juvenile Court, Chicago
David Struckoff	President, Justice Research Institute, Joliet

Jim Swartz	Treatment Alternatives for Special Clients, Chicago
Gibbs E. Taylor	Catlin Township
Mary Jane Theis	Judge, Circuit Court of Cook County
Gwen V. Thornton	Warden, Dwight Correctional Center
Kenneth W. Torluemke	Public Defender, DuPage County
Dorothy Trippel	Dwight Chapel Project, LaGrange
Jonathan Turley	George Washington University Law School, Washington, D.C.
Richard Vandenboom	Chief Probation Officer, Saline County
David E. Van Landegen	Director of Court Services, Rock Island County
John Vargas	Director of Juvenile Court Services, Sangamon County
Odie Washington	Warden, Dixon Correctional Center
Stan Waznis	Cook County Department of Corrections
D.C. Weatherford	Director of Court Services, Champaign County
Barry Weisberg	Civic Consultants, Chicago
John Weiss	Center for Conflict Resolution, Chicago
Jeff Whitfield	Stateville Correctional Center
Rich Whitney	Cook County Department of Corrections
Lori Wilbert	Illinois Impact
Darrell Williamson	State's Attorney, Randolph County
Sister Miriam Wilson	Illinois State Bar Association
Benjamin Wolf	ACLU Roger Baldwin Foundation, Chicago
Sally Wolf	Chief Managing Officer, Ford County Court Services
Larry Yarrington	Illinois Area Director, Prison Fellowship

Appendix E: Department of Corrections Detail for Estimated Potential Impact of Recommendations

This table contains details of the Department of Corrections' estimate of the potential impact on projected prison population growth of the Task Force's recommendations. It represents a best-case scenario that assumes adoption of all recommendations and adequate funding of programs. It is conservative, however, from the standpoint of not including an estimate of the impact of the continuum of community-based sanctions (see Chapter 8), which could be substantial even in the pilot phase, because Cook County is identified as a pilot county. The table also does not include an estimate of the impact of modifications in sentencing laws. Finally, this table does not include the impact of any reduction in recidivism resulting from these programs. Projections for that reduction are set forth in Appendix F.

	Reduction in prison population growth	Additional capacity	Additional electronic detention assignments	Cumu- lative impact
Year 1 after implementation of programs				
Expand Earned-Time Credit Program to correctional industries and drug education/treatment	794			
Increase program opportunities that are eligible for Earned-Time	704			
Expand eligibility for boot camp	561			
Establish intensive pre-release drug treatment program	500			
Establish a compassionate release program for terminally ill inmates	24			
Expand eligibility for electronic detention to include selected Class X and 1 felony inmates (Recommendation 6, paragraph 1)			150	
Expand eligibility for electronic detention to include selected older inmates			65	
Subtotal	2,583		215	2,798
Year 2 after implementation of programs				
Increase program opportunities that are eligible for Earned-Time	922			
Continue expanded boot camp program	561			
Continue intensive pre-release drug treatment program	500			
Open minimum-security Assumption Correctional Center		600		
Open three new cellhouses at existing institutions		1,344		
Continue expanded eligibility for electronic detention among selected Class X and 1 felony inmates (Recommendation 6, paragraph 2)			99	
Subtotal	1,983	1,944	99	4,026
Year 3 after implementation of programs				
Increase program opportunities that are eligible for Earned-Time	461			
Continue expanded boot camp program	561			
Continue intensive pre-release drug treatment program	500			
Continue expanded eligibility for electronic detention among selected Class X and 1 felony inmates (Recommendation 6, paragraph 2)			17	
Subtotal	1,522		17	1,539
Year 4 after implementation of programs				
Increase program opportunities that are eligible for Earned-Time	346			
Continue expanded boot camp program	561			
Continue intensive pre-release drug treatment program	500			
Continue expanded eligibility for electronic detention among selected Class X and 1 felony inmates (Recommendation 6, paragraph 2)			36	
Subtotal	1,407		36	1,443
TOTAL	7,495	1,944	367	9,806

Note: In addition to this additional capacity, the proposed super-maximum security facility would provide 500 more beds. Because this is proposed as an inmate management tool, however, it is not included in these calculations.

Appendix F: Impact of Potential Reduced Recidivism on Projected Population Growth

Currently, 46 out of every 100 releasees returns to prison within three years. While it is impossible to predict by how much recidivism may be reduced, this table sets out the impact, per year, that the Task Force's anti-recidivism programs would have on projected population growth if those programs collectively were to reduce recidivism by 3, 5, 8, or 10 releasees per 100 releasees (in other words, if the recidivism rate were reduced to 43 percent, 41 percent, 38 percent, or 36 percent).

Reduction in three-year recidivism rate for Year 1 releasees	Reduction in offenders returning to prison (Year 1 releasees only)			
	Year 1	Year 2	Year 3	Years 1, 2, 3 cumulative
3 per 100 (to 43 percent)	126	102	64	292
5 per 100 (to 41 percent)	210	171	107	488
8 per 100 (to 38 percent)	337	274	172	783
10 per 100 (to 36 percent)	421	343	216	980

Note: These reductions are explained at Page 7-8 of this Report. These reductions would be in addition to the reductions shown in Appendix E. (Calculations provided by the Department of Corrections.)

The table above, however, is limited to releasees from the hypothetical "Year 1." Another group of inmates will be released in "Year 2," and another in "Year 3" and every year thereafter. Assuming the programs continue to have the same impact (i.e., releasees from all years after Year 1 maintain the same reduced recidivism rate), the reduction in offenders returning to prison will be cumulative. This effect is reflected below:

Reduction in three-year recidivism rate	Reduction in offenders returning to prison (Years 1 through 3)			
	Year 1	Year 2	Year 3	Years 1, 2, 3 cumulative
3 per 100 (to 43 percent)	126	228	292	646
5 per 100 (to 41 percent)	210	381	488	1,079
8 per 100 (to 38 percent)	337	611	783	1,731
10 per 100 (to 36 percent)	421	764	980	2,165

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