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Impact Analysis: Proposed "Truth-in-Sentencing" Legislation

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Executive Summary

Public officials and policymakers concerned with what they perceive to be a worsening crime problem have proposed that prison inmates, who currently serve less than 50 percent of the sentence imposed by a judge, be required to serve a greater percentage of their sentence. Consequently, several "truth-in-sentencing" (TIS) legislative proposals were introduced during the current Illinois General Assembly session. In general, these proposals require that convicted offenders serve at least 85 percent of their prison sentence.

To provide decision makers with objective information on the truth-in-sentencing issue, staff of the Illinois Criminal Justice Information Authority assessed the impact of TIS on the length of time inmates serve, as well as on their age at release and corresponding recidivism rate. More specifically, the analyses answer the following questions:

- How much longer will specific types of offenders be kept in prison if TIS is implemented and offenders are required to serve 85 percent of their sentences?
- How much older will specific types of offenders be when released from prison if TIS is implemented, and how much less likely will they be to recidivate because of their older age?

The major findings are:

- The impact of TIS on prison length of stay will vary across offenders.

TIS will significantly increase length of stay for murder. Such offenders could expect to serve an additional 14.87 years in prison if TIS is implemented. TIS would also have a measurable impact on certain other violent crimes -- for example, adding 6.5 years to the length of stay for those offenders convicted of aggravated criminal sexual assault.

Offenders sentenced for less serious crimes such as property offenses will see a minimal impact on their length of prison stay due to TIS. These types of offenders account for a large number of the criminals sentenced to the Illinois Department of Corrections (IDOC) and could expect to serve an additional 1.63 years in prison if TIS is implemented. They have accounted for 46 percent of the offenders sentenced to the IDOC over the past 10 years.

- The impact of TIS on age at release and recidivism will also vary across offenders.

TIS will increase age at release for offenders sentenced for crimes against persons and sex offenses, and as a result, will likely reduce the recidivism rate for these offenders. The average age at release for offenders sentenced for crimes against persons, for example, would increase from 29, where the recidivism rate is 43.8 percent, to 33 where the recidivism rate is 35.7 percent.

- TIS would have very minimal effects on age at release and recidivism rates for property offenders.
- If TIS is implemented "across the board" and applied to all categories of offenders, its effect will be to increase the prison population over the next ten years by 45,000 inmates. To house this additional prison population growth, it would be necessary to build and operate 28 new 1,600-bed prisons at a ten-year cost of \$5.8 billion.

If TIS is implemented for only those offenders whose lengths of stay would be most affected -- those convicted of murder and aggravated criminal sexual assault -- the prison population would increase by 2,496 inmates, and the ten-year cost would be approximately \$245,944,000.00, significantly less than if TIS were implemented for all offenders.

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I. INTRODUCTION

At present, most convicted felons sentenced to serve time in the Illinois prison system serve less than 50 percent of the sentence imposed by the judge, largely because Illinois law allows "good-time" credits to be awarded to inmates who satisfactorily obey correctional institution rules and/or participate in various correctional programs. The purpose is to offer incentives to inmates so certain behaviors will be reinforced and to control prison populations, which have grown dramatically in the past decade.

The Illinois Unified Code of Corrections (730 ILCS 5/3-6-3) spells out how inmates receive good-time credits from the Illinois Department of Corrections (IDOC). Under the provisions, the IDOC can award the following credits, subject to review by the Illinois Prisoner Review Board:

- **Good-Time Credit:** one day of good-conduct credit for each day served in prison for all but "natural life" sentences, which reduces an inmate's incarceration period by 50 percent.
- **Meritorious Good-Conduct Credit:** authorizes the Director of IDOC 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:** authorizes the Director of IDOC to provide eligible inmates an additional 90 days good time for meritorious good conduct. Inmates convicted of first-degree murder, reckless homicide while under the influence of alcohol or drugs, kidnapping, criminal sex offenses and offenses against children cannot earn this credit.
- **Earned-Time Credit:** inmates who participate in educational, vocational, drug rehabilitation, or prison industry programs receive an extra one-half day of good-time credit for each day of program participation.

By earning good-time credits, Illinois prison inmates often serve less than half of their original sentences. Public officials and policymakers, concerned with what they perceive to be a worsening crime problem, have proposed requiring inmates to serve a larger percentage of their sentences. Consequently, several "truth-in-sentencing" (TIS) proposals were introduced during the current Illinois legislative session. Each require convicted offenders to serve at least 85 percent of the prison sentence imposed by a judge.

TIS proponents say the following benefits would be realized from this shift in policy:

1. **Crime rates would decrease.** Since inmates would have to serve more of their sentences they would be kept off the streets for a longer period of time and would therefore

prevented from committing additional crimes in their communities.

2. Serious criminals would be kept off the streets long enough so that, when released, they would be in an age group that commits proportionately fewer crimes.
3. The integrity of the criminal justice system would be strengthened. Current disparities between prison sentences and actual length of stay breed disrespect for the system among offenders, victims and the general public.
4. Expenditures would decrease. Cost increases associated with incarcerating offenders for longer periods would be offset by savings associated with keeping criminals off the streets, including costs for criminal justice processing and the personal costs to victims.

TIS opponents, on the other hand, cite the following as rationale against the proposed legislation:

1. Truth-in-sentencing proposals that eliminate good-time credits will hamper correctional officials in their efforts to increase good conduct and lower the risk of violence in prison.
2. Increased time in prison will cause further crowding at a time when many states simply cannot afford to build more prison cells. Pending federal crime bills offer funding assistance in this area, but final passage of those bills is not guaranteed.
3. Defendants, attorneys, judges, and other criminal justice officials are already aware of the good-time credit provisions in the Illinois Code of Corrections and how that will likely affect length-of-stay in prison. Thus, the professed need for TIS is mostly public relations oriented.
4. It is possible to use procedures already in place to achieve greater knowledge among victims, their families and the general public about how much prison time a criminal will actually serve. The Rights of Crime Victims and Witnesses Act addresses this point, because it says state's attorneys must make a good-faith effort at sentencing hearings to let victims and family members know the least amount of prison time a criminal will actually serve.
5. Being aware of the additional lengths of stay under TIS, judges might simply adjust many of the sentence lengths they impose -- resulting in offenders serving the same, or nearly the same amount of time in prison.

This study provides data that can be used to analyze truth-in-sentencing proposals now before the Illinois General Assembly. The purpose of this report is not to debate the strengths or weaknesses of TIS legislation, or even to consider all of the issues raised by both proponents and opponents of the legislation. Rather, the analyses that follow are intended to shed some light on the debate by examining the impact of the proposed legislation on specific kinds of

offenders currently incarcerated in the IDOC.

Most of the TIS proposals before the Illinois General Assembly amend the Unified Code of Corrections so a person sentenced to prison in Illinois must serve at least 85 percent of the imposed sentence. In other words, even with good-time credits the sentence could not be reduced below 85 percent.

In some TIS proposals, the 85 percent requirement applies only to persons convicted of specific crimes, such as Class X felonies, criminal sexual assault, first degree murder and aggravated battery of a child. Some proposals also specify good-time credits be limited to those associated with inmates' participation in substance abuse programs, corrections industry assignments and educational programs.

Only a handful of states have TIS laws or policies. A survey conducted by the National Institute of Corrections in November 1993 found only seven that required violent criminals to serve at least 85 percent of their sentences. They are: Arizona, Delaware, Minnesota, New Hampshire, Oregon, Pennsylvania and Wyoming. In most cases, however, these practices reflect historical limits on good-time credits rather than the passage of TIS legislation. Arizona, California, Missouri, and North Carolina recently approved TIS legislation.

California's legislation, which went into effect in March 1994, was part of a comprehensive sentencing reform package. Under this new law, anyone convicted of a violent or serious crime must serve at least 80 percent of his or her sentence. Besides the usual violent Index crime categories, serious crimes include felonies in which the offender used a gun or inflicted great bodily injury, bank robbery, residential burglary, kidnapping, theft of a firearm and offering certain controlled substances to a minor.

The Arizona and North Carolina laws are somewhat similar in that they are components of comprehensive structured sentencing packages which essentially classify felons based on the severity of their crime and the extent and gravity of their prior record. Minimum and maximum sentences are then prescribed for each combination of offense class and prior record level. The minimum sentence, however, is 85 percent of the maximum. Offenders can earn time off the maximum sentence for good behavior, work performed, or participation in training, educational, or rehabilitational programs, but the time can never be reduced below the minimum sentence. The Arizona law, in effect since December 31, 1993, also reduced prison terms for the most common felonies. The North Carolina law affects people sentenced after October 1, 1994.

More states may pass similar measures, since several proposals pending in U.S. Congress would authorize large appropriations for prison construction, as long as the states enact certain TIS legislation. The federal funds would cover either up to 75 percent of the cost to build or expand correctional facilities or construction of regional prisons to house felons convicted at the state level. States would be eligible for the funds if they complied with certain requirements, including one that says felony prisoners must serve at least 85 percent of their sentences.

Keeping the above background in mind, Authority staff have assessed the impact of truth-in-sentencing through two analyses: Impact of TIS on Length of Time Served by Crime Type; and, Impact of TIS on Age of Releasees.

I. Impact of TIS on Lengths of Time Served by Crime Type

The first analysis assessed the impact of TIS by examining whether *specific types of criminals* will be kept off the street for significantly longer periods of time. This was done by calculating the current proportion of prison sentences being served by *different offender groups* and then comparing those findings to the prospective changes in length of time served that would result under TIS legislation. Several statistical overviews are presented from this analysis:

- A. **Trends in sentence lengths:** A statistical overview of prison sentence lengths in Illinois over the past 10 years by: felony class (murder, Class X and Class 1-4 felonies) and general offense categories (person, property, drug and sex offenses).
- B. **Trends in time served:** A statistical overview of lengths of time served by offenders sentenced to prison in Illinois over the past 10 years by: felony class and general offense categories.
- C. **Analysis of sentence proportion being served:** By comparing the 10-year averages for sentence lengths to 10-year averages for time served, a statistical overview of the proportion of prison sentences being served in Illinois is provided for both felony class and general offense categories.
- D. **Impact assessment of TIS on sentence lengths:** Applying a factor of 85 percent to the 10-year averages for sentence length, and comparing those results to current average lengths of time served, allowed us to determine the additional amount of time served as a result of TIS legislation (assuming no statutory or judicial sentencing changes). Once again, separate analyses are carried out by felony class and general offense category.

II. Impact of TIS on Age of Releasees

The second analysis assessed whether TIS would reduce crime by releasing offenders at an age where they are less crime-prone. Adding the additional time served by inmates under the proposed legislation to their current average age at release allowed us to determine the new age at release under the TIS legislation. These changes in age were then analyzed in the context of known age-based recidivism patterns. Several statistical overviews are presented from this analysis:

- A. **Analysis of releasees' ages:** A statistical overview of the age of offenders who were released from the IDOC over a recent multi-year period, by general offense categories (person, property, drug and sex offenses).
- B. **Overview of recidivism patterns:** A statistical overview of recidivism patterns for offenders released from the IDOC, by age and general offense category.

- C. **Analysis of TIS impact on releasees' ages and recidivism:** A statistical overview of how old the average offender released from the IDOC would be under TIS, compared to age-specific recidivism rates, to determine whether releasees for the four general offense categories will be released into an age group with appreciably lower rates of recidivism.

II. TRENDS IN PRISON SENTENCES, LENGTH OF TIME SERVED AND PROPORTIONS OF SENTENCES BEING SERVED IN ILLINOIS

Major findings

- Between 1983 and 1992, the average sentence length for all offenders sent to IDOC prisons decreased by 5.5 percent, while the overall length of time served in prison decreased 5.2 percent.
- Between 1983 and 1992, the average prison sentence was 5.6 years; the average length of time served was 1.9 years, or 34 percent of the average sentences imposed during that period.
- Although sentence length and length of stay are highest for offenders convicted of the most serious felony classes, those offenders generally serve a lower percentage of their imposed sentences in prison than offenders convicted of less serious felonies such as property crimes. In particular, persons convicted of murder and aggravated criminal sexual assault are serving only 35 percent and 30 percent of their prison sentences, respectively.

Analysis

In this section, the impact of TIS on the length of time served for prison inmates is considered for both felony offense *classes* and general offense *categories*. In Illinois, there are six classes of felonies -- Class M (murder), Class X and Class 1 through 4. Class M and X felonies carry a mandatory minimum prison sentence upon conviction, whereas Class 1 through 4 felonies can result in either a prison or probation sentence, with the range of sentence lengths varying by felony class.

The general offense *categories* used in this analysis includes crimes against persons, property crimes, sex crimes and drug crimes. Crimes against persons include murders, batteries, robberies, armed violence, weapons offenses and other offenses which, according to IDOC officials, "imply a high risk of personal injury." Property crimes include burglaries, thefts and various types of fraud. Drug crimes include manufacture, delivery and possession of a controlled substance or cannabis. Sex crimes include rape (pre-1984), criminal sexual assault or abuse and other similar crimes.

Trends in the length of prison sentences imposed and length of time served over the past 10 years were analyzed for offenders in various felony classes and in general offense categories. Data from the analyses were then compared to determine the proportion of imposed sentences served by offenders. It is important to note, however, that the data used to analyze sentence lengths and length of time served come from two *separate* populations. Data on average sentence length are for those inmates *admitted* to the IDOC in each of the past 10 years, while data on average length of time served are based on those inmates *released* during each year. Because of this, 10-year *averages* for sentence lengths and lengths of time served were calculated and then compared, to estimate the proportion of sentences served by Illinois inmates.

Trends in Prison Sentence Lengths, by Offense Class

Between 1983 and 1992, the average prison sentence length for all offenders committed to the IDOC was 5.59 years, although a great deal of variance existed between felony classes. During that same period, the average sentence length for those admitted for murder was 29.74 years. The average sentence length for Class X felony admissions was 11.19 years, compared to 6.11 years for Class 1 felons, 4.02 years for Class 2 felons, 2.98 years for Class 3 felons and 1.90 years for Class 4 felons (Table 1 and Figure 1).

Although the average sentence to IDOC between 1983 and 1992 decreased by 5.5 percent, from 5.9 years to 5.4 years, the trends varied dramatically between different offense classes. In 1992, the average prison sentence length for murder was 33 years, almost 20 percent longer than those sentences imposed in 1983. On the other hand, the average prison sentence lengths for Class X and Class 1 felonies in Illinois decreased between 1983 and 1992. The average sentence length for Class X felonies decreased by 13 percent, from 12.3 years in 1983 to 10.7 years in 1992. Class 1 felony prison sentence lengths fell 6 percent during the same period, from 6.2 years to 5.8 years. The prison sentences for Class 2, 3 and 4 felonies, which accounted for 70 percent of all prison sentences between 1983 and 1992, remained relatively stable between 1983 and 1992.

Trends in Sentence Lengths, by General Offense Categories

In considering these trends for general offense categories, it was found that the average sentence length from 1983 to 1992 for sex offenders was the longest of the four general categories of crime, at 8.82 years (Table 2 and Figure 2). Offenders convicted of aggravated criminal sexual assault, the most serious sex offense, had an average sentence length of 11.9 years. Average sentence lengths for those convicted of crimes against persons (8.16 years) was longer than the averages for both property and drug offenses (3.68 years and 3.82 years, respectively). As stated previously, the average sentence length for all offenders admitted to IDOC between 1983 and 1992 was 5.59 years.

A comparison of sentence lengths imposed in 1992 with those in 1983 reveals the average prison sentence length for offenders committing crimes against persons remained relatively stable between 1983 and 1992 (decreasing by 2.5 percent), while sentence lengths for property and drug offenders increased during the same period (by 8.6 percent and 12.1 percent, respectively). Sentence lengths for sex offenders decreased more than 22 percent between 1983 and 1992, from 10.6 years to 8.2 years.

Trends in Length of Time Served, by Offense Class

Between 1983 and 1992, the average length of time served by all offenders released from the IDOC was 1.98 years. As with sentence lengths, however, the length of time served varied dramatically across different felony classes and general categories of crime. Among convicted murderers released by the IDOC, average length of time served was 10.41 years, while at the other end of the spectrum, those convicted of a Class 4 felony served an average of 0.73 years.

(Table 1 and Figure 1).

Examining changes in the length of time served by those released *between* 1983 and 1992, the analysis revealed that for all felony classes combined the average length of time served in prison decreased 5.2 percent, from 1.98 years to 1.8 years. This trend, however, varied by felony class. The average length of time served in prison by offenders sentenced for murder and released in 1992 was 11.6 years, almost 14 percent longer than in 1983. The average length of time served by Class X felons also increased during that same period, from 3.7 years to 4.1 years (an 11 percent increase). The average length of time served by Class 1 felons increased steadily between 1983 and 1989, and then decreased. The average length of time served in prison by Class 2, 3 and 4 felons in Illinois did not change considerably between 1983 and 1992. Thus, offenders sentenced for the most serious offense classes (murder and Class X felonies) are spending more time in prison now than 10 years ago, while offenders sentenced for Class 1-4 felonies are either serving the same or slightly less time than they did in 1983.

Trends in Length of Time Served, by General Offense Categories

Sex offenders released from the IDOC between 1983 and 1992 served the most time, with an average of 3.23 years. (Offenders convicted of aggravated criminal sexual assault served an average of 3.6 years.) Offenders released during those years who had been convicted of crimes against persons served an average of 2.64 years. Offenders released for either a property offense or a drug crime served the least amount of time among the four general offense categories considered, averaging 1.50 years and 1.30 years, respectively (Table 2 and Figure 2).

Generally, the length of time convicted offenders in all four general offense categories served increased between 1983 and 1992. The average length of stay for offenders released in 1992 and convicted of a person crime was 2.7 years, 35 percent more than those offenders released in 1983. Similarly, the average length of time served by sex offenders increased almost 30 percent between 1983 and 1992, from 2.7 years to 3.5 years. During that same period, the average length of time served by property offenders increased 27 percent, from 1.1 years to 1.4 years. For drug offenders, the average length of time served increased 30 percent, from 1 year to 1.3 years.

Proportion of Sentences Served, by Offense Class

As cited earlier, although offenders may be sentenced to serve a specific length of time in the IDOC, IDOC officials often grant inmates a variety of good-time credits. This reduces the amount of time served by an inmate, thus reducing the *proportion* of the original sentence served.

Based on overall prison sentence length and lengths of time served between 1983 and 1992, the average prison inmate served 35 percent of his/her sentence. However, this percentage varied across felony classes and general offense categories. On average, Class 2 felons served the largest proportion of their sentence. In general, offenders committed to the IDOC for murder

and Class X felonies served a smaller proportion of their sentences than offenders committed for less serious felonies. This may be due, in part, to the fact that a larger *portion* of Class 1-4 felons' sentences are credited for time served in pre-trial detention. Regardless, it must be remembered that murderers and Class X felons are incarcerated for a *longer period* of time than offenders sentenced for Class 1, 2, 3 and 4 felonies (Table 1). These data also are presented graphically in Figure 1.

Table 1
Average Sentence Length in Years, Average Length of Time Served, and Percent of Sentence Served, by Offense Class, 1983 to 1992

	Murder	Class X	Class 1	Class 2	Class 3	Class 4	Total
Average Sentence Length in Years ¹	29.74	11.19	6.11	4.02	2.98	1.90	4.74
Average Length of Time Served in Years ²	10.41	4.16	2.34	1.74	1.19	0.73	1.90
Percent of Sentence Served	35.00%	37.18%	38.30%	43.28%	39.93%	38.42%	34.05%

¹ Based on the average of those offenders *admitted* to IDOC between 1983 and 1992

² Based on the average of those offenders *released* from IDOC between 1983 and 1992

Proportion of Sentences Served, by General Offense Categories

Examining the proportion of sentences served by general offense category reveals that offenders sentenced and incarcerated for property and sex offenses serve a larger proportion of their sentence than those incarcerated for crimes against persons or drug offenses (Table 2). It should be noted, however, that offenders convicted specifically of aggravated criminal sexual assault are serving, on average, only 30% of their sentence. This percentage is the lowest among all Class X felonies. The data on average sentence length and length of time served by the general offense categories are also illustrated in Figure 2.

Table 2
 Average Sentence Length in Years, Average Length of Time Served, and Percent of Sentence Served, by General Offense Categories, 1983 to 1992

	Crimes Against Persons	Property	Drug	Sex Offenses	Total
Average Sentence Length ¹	8.16	3.68	3.82	8.82	5.58
Average Length of Time Served ²	2.64	1.50	1.30	3.23	1.90
Percent of Sentence Served	32.35%	40.76%	34.03%	36.62%	34.05%

¹ Based on the average of those offenders *admitted* to IDOC between 1983 and 1992

² Based on the average of those offenders *released* from IDOC between 1983 and 1992

Figure 1

Average Prison Sentences and Lengths of Time Served, by Felony Class

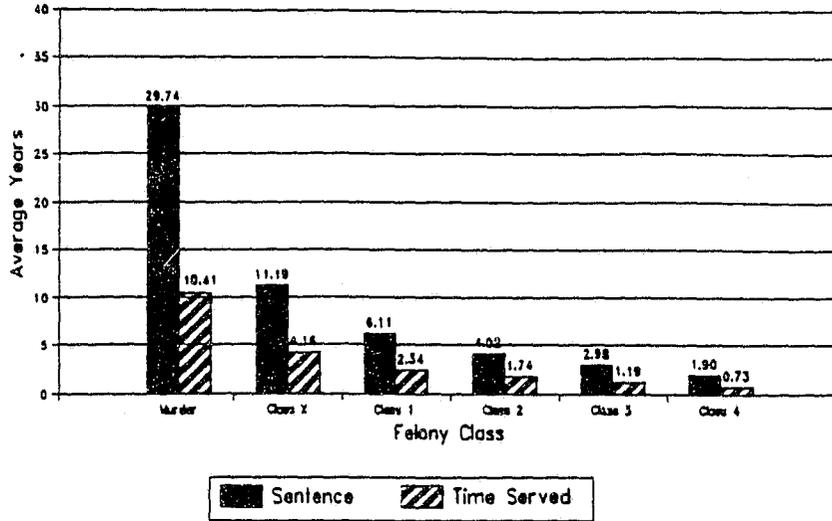
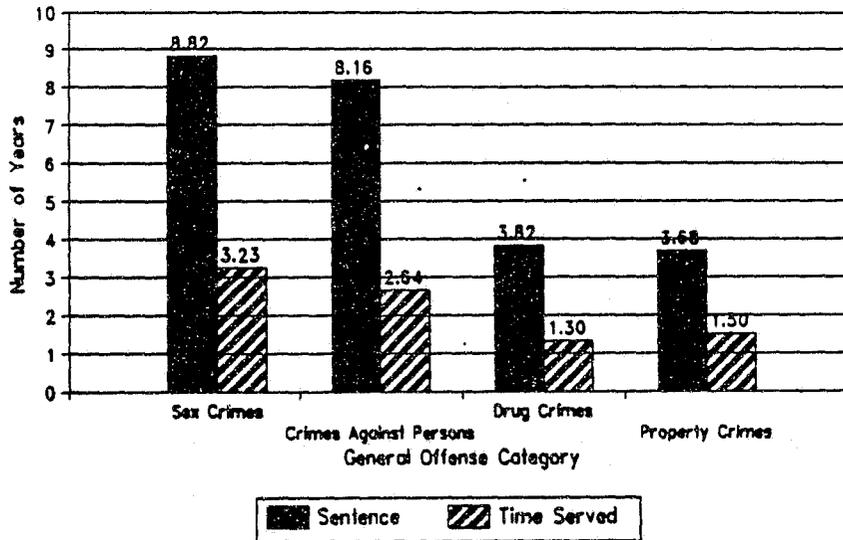


Figure 2

Average Prison Sentences and Lengths of Time Served, by Offense Category



III. IMPACT OF TRUTH-IN-SENTENCING ON LENGTH OF STAY

Major findings

- Under TIS, offenders sentenced to IDOC facilities would serve, on average, an additional 2.77 years in prison. In other words, the average 1.98 years currently served would increase to 4.75 years if offenders served 85 percent of their sentences.
- The impact of TIS would vary enormously for different types of sentenced offenders. Class X felons would be imprisoned an additional 5.3 years, and Class 1 felons an additional 2.9 years. Similarly, offenders sentenced for crimes against persons and sex crimes would serve an additional 4.3 years in prison, while the additional prison time for drug and property offenders would be less than two years.
- TIS would have a significant impact on length of stay for the most serious crimes -- murder and aggravated criminal sexual assault. Those sentenced for murder would be imprisoned an additional 14.87 years, and offenders serving time for aggravated criminal sexual assault would serve an additional 6.5 years.

Analysis

Under Illinois' proposed truth-in-sentencing legislation, felons sentenced to IDOC facilities would serve 85 percent of the sentence imposed by the judge. The following analyses examine how this would impact the average length of time offenders serve. First, average sentence lengths between 1983 and 1992 were multiplied by .85 to determine the average length of time offenders would serve in the IDOC under TIS. Second, the average length of time currently being served was compared to those numbers. This analysis determined the additional years people convicted of each of the six felony classes and the four general offense categories would serve under TIS.

Impact on Length of Stay, by Offense Class

The impact of TIS is such that, overall, offenders incarcerated in the IDOC would serve an average of 2.77 extra years, or a total of 4.75 years. This impact would, of course, vary enormously by offense class. Offenders serving a prison sentence for murder have, during the past 10 years, served an average of 10.41 years. Under the proposed legislation they would serve 25.28 years, or 14.87 more years (see Table 3 and Figure 3). At the other end of the spectrum, offenders sentenced to prison for a Class 4 felony (the least serious felony class) currently serve an average of 0.73 years. Under the proposed legislation they would serve an additional 0.89 years, or a total of 1.62 years.

Table 3

Current Average Length of Time Served, Proposed Average Length of Time Served Under TIS, and the Difference Between the Current and Proposed Time Served, by Felony Class

	Current Average Length of Time Served (in Years)	Proposed Average Length of Time Served Under TIS (in Years)	Difference Between Current and Proposed (in Years)
Murder	10.41	25.28	14.87
Class X	4.16	9.51	5.35
Class 1	2.34	5.19	2.85
Class 2	1.74	3.42	1.68
Class 3	1.19	2.53	1.34
Class 4	0.73	1.62	0.89
Total	1.98	4.75	2.77

Impact on Length of Stay, by General Offense Categories

The impact of TIS would also vary for offenders convicted of different general offense categories. Offenders sentenced for crimes against persons and sex offenses would be affected the most. Those convicted of crimes against persons would serve an additional 4.30 years, and sex offenders an additional 4.28 years under the proposed legislation (see Table 4 and Figure 4). In particular, offenders sentenced for aggravated criminal sexual assault would serve an average of 6.5 additional years, the second largest impact after murder (14.87 years). On the other hand, offenders sentenced for drug offenses would serve slightly less than two additional years, and property offenders would serve 1.63 more years (Table 4).

Table 4

Current Average Length of Time Served, Proposed Average Length of Time Served Under TIS, and the Difference Between the Current and Proposed Length of Time Served, by General Offense Categories

	Current Average Length of Time Served (in Years)	Proposed Average Length of Time Served Under TIS (in Years)	Difference Between Current and Proposed (in Years)
Crimes Against Persons	2.64	6.94	4.30
Property Crimes	1.50	3.13	1.63
Drug Crimes	1.30	3.23	1.95
Sex Crimes	3.22	7.50	4.28
Total	1.98	4.75	2.77

Figure 3

Average Additional Length of Time Served Under TIS, by Felony Class

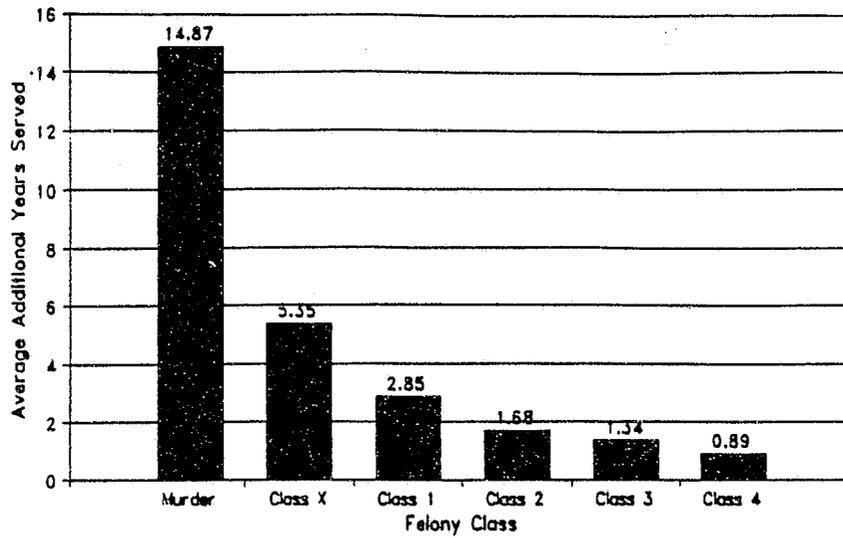
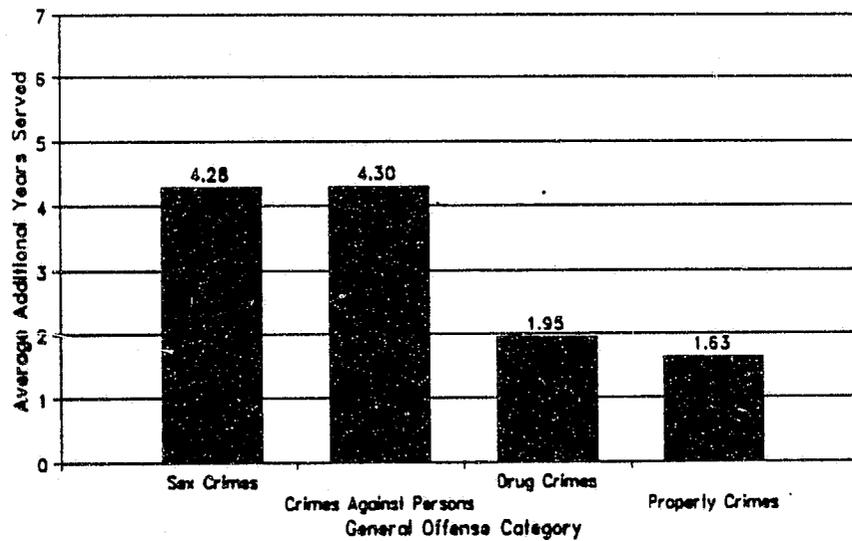


Figure 4

Average Additional Length of Time Served Under TIS, by Offense Category



IV. IMPACT OF TRUTH-IN-SENTENCING ON AGE OF RELEASEES AND RECIDIVISM

Major findings

- By adding almost three years to the average length of time served, TIS would raise the average age of prison releasees from 30.59 to 33.43. For offenders convicted of certain offense categories, being older at release would place them in a less crime-prone age bracket, and make them less likely to return to the IDOC.
- The greatest impact of TIS on average age at release among the four general offense categories considered would be on offenders convicted of crimes against persons and sex crimes -- in particular, murder and aggravated criminal sexual assault -- since changes in their age at release would place them in age categories with significantly lower recidivism rates. As a result, TIS would keep many of these offenders from being readmitted to the IDOC. Changes in the release age for incarcerated property offenders, however, would not significantly reduce their likelihood of being readmitted to the IDOC.

Analysis

One of the stated goals of Illinois' TIS legislation is to incarcerate offenders for a longer period of time so that when released, they will be older and less crime-prone. To determine the impact TIS would have in accomplishing this objective, the results of the previous analyses were used to calculate what the average age of prison releasees would be under this proposal. Those calculations were then compared to known recidivism rates for various age groups.

Impact on Age of Releasees

Table 5 presents the average age of offenders released in 1993 for crimes against persons, property, drug and sex crimes; the additional years offenders would serve under TIS; and, the "new" average age at release if this additional time were served. Again, the offenders released for the general offense categories of crimes against persons and sex crimes would be impacted most under the proposed legislation. Those serving time for crimes against persons had an average age at release in 1993 of just less than 29. If these offenders had to serve an average of 4.30 more years, their average age at release would have been 33.27. Those convicted of murder would age the most. In 1993, their average age of release was 38.05; the age at release under TIS would be 52.60. The average age of sex offenders at release in 1993 was 34.63 compared 38.91 if TIS was in place. Those convicted specifically of aggravated criminal sexual assault the average age of release in 1993 was 34.42; under TIS it would be nearly 41. As discussed earlier, drug and property offenders would age the least, with the average age at release still being younger than 32.

Table 5
Average Age of IDOC Releasees, Additional Years Served Under TIS, and
New Average Age at Release, by General Offense Categories

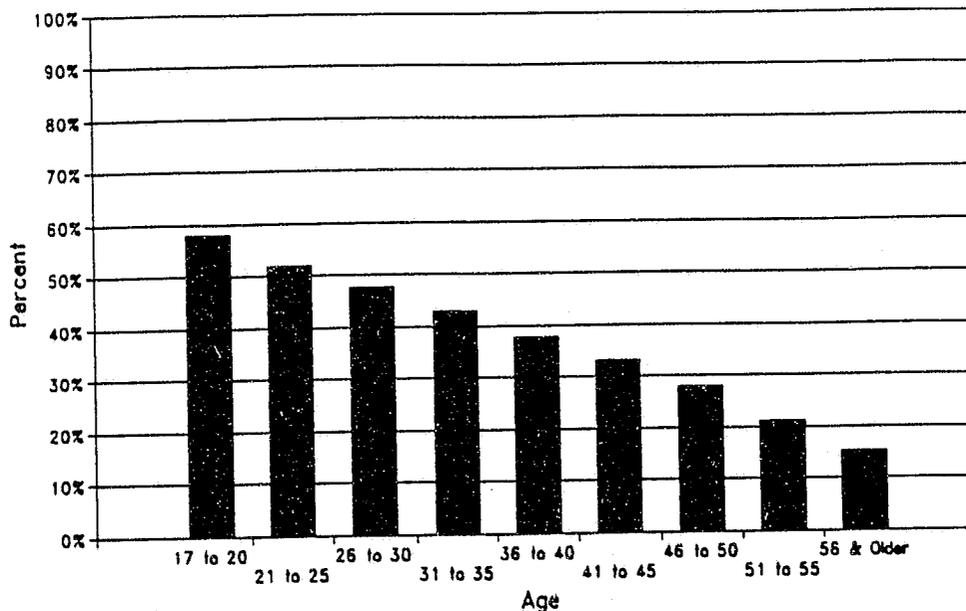
	Average Age of Releasees	Additional Years Incarcerated Under TIS	New Average Age at Release
Crimes Against Persons	28.97	4.30	33.27
Property Crimes	29.47	1.63	31.10
Drug Crimes	29.28	1.95	31.23
Sex Crimes	34.63	4.28	38.91
Total	30.59	2.84	33.43

Relationship of Age to Recidivism

The impact of TIS on offender age at release is important because recidivism rates decrease with age. For this analysis, recidivism is defined as reincarceration in the IDOC within three years following release. Based on data provided by the IDOC, approximately 46 percent of all offenders released from prison in Illinois in 1990 were back in IDOC facilities within three years. However, the recidivism rate varies considerably by offense types. Youthful offenders, those between the ages of 17 and 30, are overwhelmingly more likely to be reincarcerated than older offenders. Data also indicate that these offenders account for the largest number of offenders being released from, and returning to, the IDOC. As seen in Figure 5, as the age of prison releasees *increases*, the recidivism (return to prison) rate *decreases*.

Figure 5

Three-Year Recidivism Rates for
Total IDOC Releasees, by Age



Relationship Between Age and Recidivism, by General Offense Categories

Although the overall recidivism rate among 1990 IDOC releasees was 46 percent, offenders released for property offenses are much more likely to be reincarcerated than are offenders released for crimes against persons, drug, or sex offenses. Almost 54 percent of property offenders released in 1990 were reincarcerated within three years, compared to 42 percent for offenders released for crimes against persons. Those who had been convicted specifically for murder, however, had a recidivism rate of only 21.9 percent. Among the four general offense categories, offenders released for drug and sex offenses had the lowest recidivism rates, at 35 percent and 31 percent, respectively (Table 6). Those convicted of the most serious sex offense, aggravated criminal sexual assault, had a recidivism rate of nearly 34 percent.

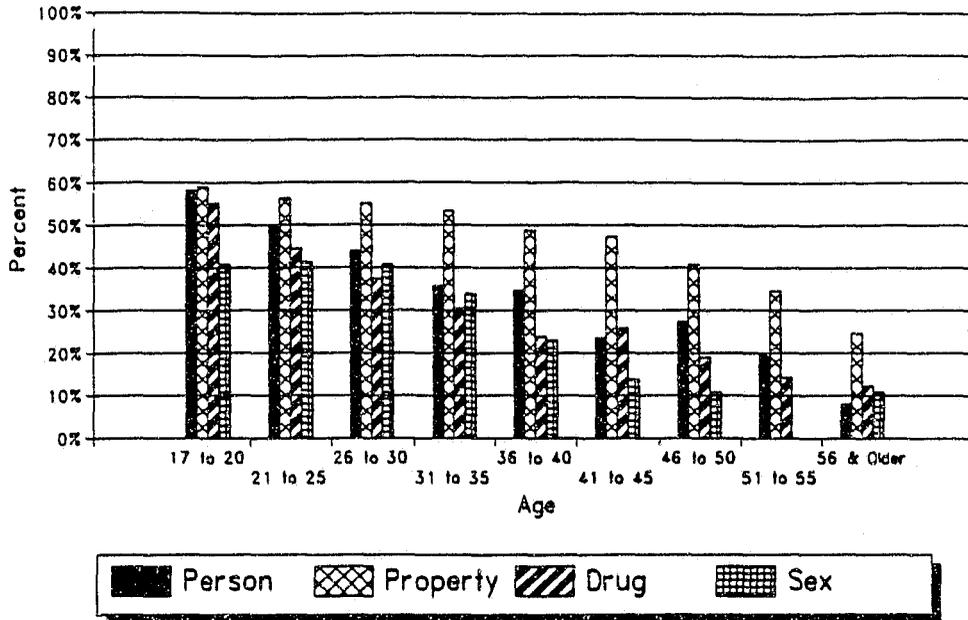
Table 6
Three -Year Recidivism Rates for 1990 IDOC Releasees,
by Age and General Offense Categories

Age	Crimes Against Persons	Property	Drug	Sex	Total
17 to 20	58.24%	58.92%	55.20%	40.74%	57.99%
21 to 25	50.05%	56.18%	44.54%	41.29%	51.82%
26 to 30	43.83%	54.97%	37.35%	40.86%	47.55%
31 to 35	35.71%	53.40%	30.33%	33.75%	42.80%
36 to 40	34.82%	48.69%	23.89%	23.00%	37.63%
41 to 45	23.68%	47.37%	25.76%	13.64%	33.23%
46 to 50	27.27%	40.78%	18.97%	10.81%	27.96%
51 to 55	20.00%	34.62%	14.29%	N/A	21.17%
56 & Older	8.00%	24.49%	12.12%	10.71%	15.15%
Total	42.33%	53.78%	35.09%	31.32%	45.79%

These same varying recidivism rates between general offense categories are also found in most of the individual age groups. In nearly every age group, property offenders have the highest prison recidivism rate, followed in order by offenders committing crimes against persons, drug and sex offenders (Table 6 and Figure 6). The only exception to this is that sex offenders have a higher recidivism rate than drug offenders in the 26- to 35-year-old age group.

Figure 6

Three-Year Recidivism Rates for IDOC Releasees, by Age Group & Offense Type



V. CONCLUSIONS

Impact of TIS on Lengths of Stay

As seen from the preceding analyses, if TIS legislation becomes law, it would have a significant impact on the length of time served for inmates sentenced for murder. On average, these offenders could expect to serve an additional 14.85 years in prison. Offenders sentenced for murder, however, comprised only 1.6 percent of all persons sentenced to the IDOC during the past 10 years. Since many homicides are not premeditated but are rather crimes of passion, the deterrent effect of longer sentences may be minimal.

More likely, TIS would have a measurable impact on length of time served by Class X felons. Over the past 10 years, such felons comprised 14.6 percent of the offenders sentenced to IDOC prisons. The Class X category includes attempted murder, aggravated criminal sexual assault, armed robbery, some offenses involving the manufacture/delivery of a controlled substance and other serious offenses. Collectively, Class X felons would serve, on average, an additional 5.3 years in prison—a major increase in actual prison time served (Table 3 and Figure 3). The potential impact on specific *violent* Class X offenses is even greater. Those sentenced for attempted murder, aggravated sexual assault and armed robbery would see their prison stays increase, on average, by 6.3, 6.5 and 5.6 years, respectively.

For Class 1—4 felons, the average increased time served in prison would be less than three years, and less than 20 months for Class 2, 3 and 4, felons, the groups which together accounted for almost 71 percent of those sentenced to the IDOC during the past 10 years. Moreover, the growth rate from 1983 to 1992 for Class 1, 2 and 4 felons sentenced to IDOC has exceeded the growth rate for both Class M and Class X felons. It would seem from this analysis, then, that the overall incapacitative and deterrent benefits of TIS on the majority of inmates would be minimal.

A somewhat different picture emerges when the impact of TIS is analyzed by general offense categories. Those felons sentenced to the IDOC for crimes against persons and sex offenses would serve, on average, an additional 4.30 and 4.28 years, respectively, in prison. In particular, persons convicted of murder would serve 14.55 additional years, while aggravated criminal sexual assault offenders would serve 6.5 additional years. Those sentenced for property and drug offenses would only serve an additional 1.63 years and 1.95 years respectively (Table 4 and Figure 4). It appears, then, that TIS would have the greatest incapacitative impact on those offenders who commit crimes against persons and sex crimes. Those offenders, however, accounted for only about one-third of all offenders sentenced to the IDOC during the past 10 years. Property offenders, on the other hand, accounted for 46 percent of all offenders sentenced to IDOC over the past 10 years.

It is important to note that the growth rate for drug offenders sentenced to the IDOC between 1983 and 1992 was dramatically higher than that for all other offender groups. While the number of offenders sentenced to prison for crimes against persons, property and sex crimes increased by 69.1 percent, 48.8 percent and 68.5 percent respectively, the number of sentenced drug offenders increased by 779 percent during that same time period.

Impact of TIS on Age of Releasees

The other issue being addressed in this impact assessment is whether TIS would reduce crime by releasing offenders from prison at an age where they are less crime-prone. The recidivism data used in this analysis relate to released inmates who are subsequently readmitted to IDOC. They serve only as an indirect and conservative indicator of how many prison releasees recidivate *by committing new crimes*. The primary question being addressed with these data, then, is how many readmissions to the IDOC may be prevented through TIS by releasing offenders from prison at an age where they are less crime-prone. The answers are very different for the separate categories of offenders sentenced to the IDOC.

For those sentenced for crimes against persons, the 4.3 additional years served under TIS would raise the average age at release from 29, where the recidivism rate is 43.8 percent, to 33, where the recidivism rate is 35.7 percent. Although TIS would raise the average age at release for convicted murderers from 38.05 to 52.60, the corresponding recidivism rate would drop only moderately, from 25.9 percent to 20 percent. If the 4,114 personal crime offenders released from the IDOC in 1992 had an average age of 33 (as they would if TIS was in place), approximately 1,469 would return to prison within three years, instead of the 1,802 29-year-olds expected back within three years under current conditions, a difference of 333 prison admissions.

TIS would change the average release age for drug offenders from 29.28, where the recidivism rate is 37.4 percent, to 31.23, where the recidivism rate is 30.3 percent. If the 4,585 drug offenders released from the IDOC in 1993 had an average age of 31.23 (as they would if TIS was in place), approximately 1,389 would return to prison within three years, instead of the 1,715 29-year-olds expected back within three years under current conditions, a difference of 326 prison admissions.

TIS would change the average release age for sex offenders from 34.63, where the recidivism rate is 33.8 percent, to 38.91, where the recidivism rate is 23 percent. For those convicted of aggravated criminal sexual assault, the 6.5 additional years would place their release age at the threshold of an age group that has a much lower recidivism rate -- 17.6 percent versus 32.6 percent. If the 782 sex offenders released from IDOC in 1993 had an average age of almost 39 (as they would if TIS were in place), approximately 180 would return to prison within three years, instead of the 264 35-year-olds expected back within three years under current conditions, a difference of 84 prison admissions.

In contrast, TIS would have very minimal effects on reducing recidivism rates for property offenders. It would change their average release age from 29.47, where the recidivism rate is 55 percent, to 31.10, where the recidivism rate is about the same, 53.4 percent. If the 6,389 property offenders released from IDOC in 1992 had an average age of 31.10 (as they would if TIS was in place), approximately 3,412 would return to prison within three years, instead of the 3,514 29-year-olds expected back within three years under current conditions, a difference of 102 prison admissions.

Costs associated with TIS

IDOC projects that if TIS were implemented on all offender types, it will increase the prison population over the next 10 years by 45,000 inmates. In order to house this additional prison population growth, it would be necessary to build 28 new 1,600-bed prisons. The capital cost for constructing these facilities would be \$1.5 billion, with an operating cost of \$4.3 billion over 10 years -- for a total expenditure of \$5.8 billion.

If, however, TIS were implemented for the most serious crimes -- murder and aggravated criminal sexual assault -- a significant impact might be obtained at a much lower cost. TIS would significantly increase the length of stay and age of release for murder and aggravated criminal sexual assault, and as a result decrease recidivism. Implementing TIS for these two crimes would increase the prison population by 2,496 inmates over the next 10 years. Housing this population would require approximately \$85,800,000 in capital costs and \$160,144,000 in operating costs over the next 10 years, for a total of \$245,944,000.