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ILLINOIS DEPARTMENT OF CORRECTIONS

POLICY DEVELOPMENT

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INMATE ATTITUDES ABOUT DETERMINATE SENTENCING

NCJRS

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ACQUISITIONS

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INTRODUCTION

A pilot survey of inmate attitudes toward determinate sentencing was conducted in March 1980 at the Joliet Correctional Center. Through the efforts of James Irving, Chairman of the Prisoner Review Board and Nancy Harm, Assistant Warden at Joliet arrangements were made to have staff interview offenders at the reception stage of the intake process. Each of 193 inmates was individually interviewed by a staff who completed an INMATE SURVEY from the response received.

The inmate attitudes reflect their feelings toward sentencing shortly after conviction and imprisonment. These attitudes as well as the feasibility of the counselor interview approach of collecting such information are of special interest in the agency's continuing efforts to assess the impact of determinate sentencing. The intake process, of course, represents the earliest point at which inmates attitudes can conveniently be gathered. The inmates attitudes may be better formed and modified through the prison stay.

INMATE SURVEY RESULTS

The majority of inmates committed to the Department of Corrections during the survey period were under the new determinate sentence. The law allows no option in sentencing for those whose crime was committed after February 1, 1978. Those with a crime committed before February 1, 1978 are allowed to choose between the old indeterminate sentence or the new determinate sentence. At least by March, 1980, when this survey occurred, the bulk of the commitments were being sentenced under the new law -- without any option.

For those few committed indeterminately the usual minimum sentence was in the 1 to 3 year range while the typical maximum sentence was between 3 and 6 years. Half of the determinate sentences were in the 1 to 3 year range. It is surprising to find about 10% of the determinate sentences were over 10 years-- it is likely that those with an indeterminate maximum sentence over 10 years will on the average serve significantly less time in prison before release than those under a similar determinate sentence.

Most offenders were committed under a determinate sentence without an option. For the 8 who thought they had an option the majority chose an indeterminate sentence. A small number were committed with an indeterminate sentence but did not think they had a sentencing option. This group may be technical parole violators without a new crime. They would indeed be correct in assuming they had no option at the reception stage.

Those admitted to the Department indeterminately may in most cases choose to remain indeterminate or to elect a determinate sentence at their first parole hearing. Only 8 of the inmates interviewed said they were entitled to a future choice between types of sentencing. Those who had already had such a choice were few but a fixed out-date had been chosen by each one.

Half of the inmates surveyed had not been in prison before, about a third were returning for a technical violation of their parole rules; two-third were returning with a new criminal offense.

Confusion occurred in answering the question about length of time already spent in prison. Some inmates were unsure if the question referred to total time including previous commitments (the actual intent of the question) or the time spent on the most recent admission. About 40% reported a length of stay between one and three years.

Of those inmates who expressed a preference between a fixed out-date and a more indefinite minimum-maximum sentence, the determinate sentence was the overwhelming choice. The new law was seen as fairer than the old law by the majority of those who stated an opinion. But the determinate sentence was not seen by most as providing the same sentence for the same crime! The day-for-day good time provisions of determinate sentence were strongly favored over the indeterminate sentence system of statutory and compensatory good time awards. Flat sentences were viewed by those with a definite opinion as a tension reducer among inmates.

The comments of inmates suggest attitudes about their flat time sentencing preference that can be captured in a future survey: for those who prefer a determinate sentence is it because a probable release date is known at commitment or because the expected length of stay for lower offenses is shorter?

TABLE 1

Determinate Commitment Rate

	NUMBER	PERCENTAGE
Determinate Commitments	172	89%
Indeterminate Commitments	14	7%
Information Not Reported	<u>7</u>	4%
Total	193	

TABLE 2

Length of Imposed Sentence

	INDETERMINATE SENTENCE MINIMUM	SENTENCE MAXIMUM	DETERMINATE SENTENCE FIXED SENTENCE
1 to 3 years	10	1	78
3 to 6 years	2	9	50
6 to 10 years	1	2	25
Over 10 years	1	2	19
Life/Death	0	0	0

TABLE 3

Inmate Sentencing Option

	NUMBER	<u>PERCENTAGE</u>
No Option: Indeterminate	11	6%
No Option: Determinate	168	87%
Option: Elected Indeterminate	6	3%
Option: Elected Determinate	2	1%
Information Not Reported	<u>6</u>	3%
Total	193	

TABLE 4

Additional Inmate Sentencing Option
(Indeterminate at Admission with further Option to Change)

	NUMBER	<u>PERCENTAGE</u>
Indeterminate Admission: Elected Fixed Out-Date	6	3%
Indeterminate Admission: Future Fixed/Indeterminate Option	8	4%
Indeterminate Admission: Elected Continued Indeterminate	0	0%
No Option	169	88%
Information Not Reported	<u>10</u>	5%
Total	193	

TABLE 5

Inmates Previously Released From Prison

	<u>NUMBER</u>	<u>PERCENTAGE</u>
Not Previously Released	109	56%
Previously Released: Mandatory Supervised Release	17	9%
Previously Released: Mandatory/Conditional Release	11	6%
Previously Released: Parole	41	21%
Previously Released: Other	8	4%
Information Not Reported	<u>7</u>	4%
Total	193	

TABLE 6

Reason for Return to Prison

	<u>NUMBER</u>	<u>PERCENTAGE</u>
Technical Violation of Parole Rules	23	30%
Parole Violation and New Crime	29	38%
New Crime	22	29%
Information Not Reported	<u>3</u>	4%
Total	77	

TABLE 7

Length of Time in Prison

	<u>NUMBER</u>	<u>PERCENTAGE</u>
Less than a year	34	18%
1 to 3 years	82	42%
3 to 6 years	15	8%
6 to 10 years	2	1%
Over 10 years	1	1%
Information Not Reported	<u>59</u>	31%
Total	193	

TABLE 8

Preference for Determinate or Indeterminate Sentence

	<u>NUMBER</u>	<u>PERCENTAGE</u>
Flat Sentenced Preferred	108	56%
Minimum - Maximum Preferred	31	16%
Information Not Reported	<u>54</u>	28%
Total	193	

TABLE 9

Flat Sentence Tension Reduction Attitudes

	<u>NUMBER</u>	<u>PERCENTAGE</u>
Flat Sentence Reduces Inmate Tension	66	34%
Flat Sentence Does Not Reduce Inmate Tension	17	9%
"Don't Know"	75	39%
No Opinion	31	16%
Information Not Reported	<u>4</u>	2%
Total	193	

TABLE 10

Attitudes toward Uniformity of Sentences under the New Law

	<u>NUMBER</u>	<u>PERCENTAGE</u>
Same Crime Receives Same Sentence	25	13%
Same Crime Receives Different Sentence	74	38%
"Don't Know"	63	33%
No Opinion	30	16%
Information Not Reported	<u>1</u>	1%
Total	193	

TABLE 11

Preference for New Day-For-Day Good Time

	<u>NUMBER</u>	<u>PERCENTAGE</u>
Prefer New Day-for-Day Good Time	115	60%
Prefer old Statutory/Compensatory Good Time	20	10%
"Don't Know"	55	28%
Information Not Reported	<u>3</u>	2%
Total	193	

TABLE 12

Fairness of the New Law Compared to the Old Law

	<u>NUMBER</u>	<u>PERCENTAGE</u>
New Law (Determinate) Fairer	79	41%
Old Law (Indeterminate) Fairer	16	8%
"Don't Know"	52	27%
No Opinion	43	22%
Information Not Reported	<u>3</u>	2%
Total	193	

INMATE COMMENTS ABOUT NEW DETERMINATE SENTENCING LAW

1. It's rough.
2. New law is better because it ends the confusion and frustration caused by reviews by the review board.
3. It's fair.
4. Doesn't approve of mandatory parole.
5. It is better all around than old law.
6. Is more fair because you are given an out date and don't have to worry if you are going to be released or not, on parole when eligible.
7. New law is lousy - as far as the Dept. is concerned it is good, but not for the inmate.
8. Men with large sentences do not have as much opportunity to demonstrate rehabilitation under the new law.
9. Not fair for big timers.

5. How long have you been in prison?

1-3 yrs 3+ to 6 yrs 6+ to 10 yrs Over 10 yrs

6. If you had an option, would you rather have the new flat sentence or a minimum-maximum sentence?

flat sentence minimum-maximum

7. Do you think there will be less tension between inmates if everybody gets a flat sentence?

Yes No Don't know No opinion

8. Do you think people who commit the same crime are getting the same sentence under the new law?

Yes No Don't know No opinion

9. Would you rather receive day-for-day good time or the old statutory and compensatory good time?

day-for-day statutory and compensatory Don't know

10. Overall, do you think the new law is fairer than the old?

Yes No Don't know No opinion

11. Have you any other comments about the new determinate sentencing law?

END