

**TESTIMONY OF JEAN MACLEAN SNYDER**  
**ON BEHALF OF PROJECT I-11**  
**TO ILLINOIS STATE COMMISSION ON CRIMINAL JUSTICE AND SENTENCING REFORM**  
**JULY 27, 2015**

**WHO WE ARE**

I am here with Aviva Futorian and Sara Garber; we are members of a group that calls itself Project I-11. That name refers to the section of the Illinois Constitution saying that prison sentences should aim to restore the prisoner to useful citizenship, as well as to punish. Our goal is to improve the circumstances of Illinois' long-term prisoners, both by finding ways to shorten lengthy sentences, and also by improving access to meaningful programs and jobs for long-termers.

We formed our group several years ago because of the experience many of us have had in representing men and women formerly on death row, or those serving lengthy sentences. From these folks we learned that some of the people serving decades-long sentences are not defined by the terrible acts that brought them to prison. Instead, they have turned their lives around and deserve a second chance.

**WHAT WE SUPPORT**

We are here to ask the Commission to consider recommending legislation that would establish a system of parole release for men and women sentenced for serious crimes. Presently, those convicted of serious crimes automatically receive lengthy sentences with no wiggle room.

What we recommend is a sentencing structure that moves away from our mandatory sentencing model to one that allows for the possibility of earned release based on good behavior.

No, we are not recommending a return to the previous parole release program, part of indeterminate sentencing, which was abolished in the late 1970's. We understand that Illinois' old indeterminate sentencing ended up as a system that released people automatically and arbitrarily.

Instead, we support a *new* system – one that uses the risk assessment instrument that IDOC is perfecting to guide decisions about parole release. That way, the right people will be let out at the right time, and those who appear unworthy will remain in prison.

Here is why we support parole release.

→ First, it is a meaningful way to reduce the prison population – releasing or providing probation for low-level offenders alone will not do the job.

- To decrease the prison population, you need to release dozens and dozens of short-termers to get the same net gain as you achieve by releasing one long-termer early. It's just simple arithmetic.

- Left unaddressed, the problem will only get worse. While sentence lengths for less serious felonies have remained relatively stable over the past 20 years, those for serious felonies (Murder, Class X, and Class 1 and 2) have increased dramatically.

Those conclusions are established by research performed by the Illinois Sentencing Policy Advisory Council (“SPAC”). SPAC has produced a chart, titled “Prison Resource Consumption by Offense Class,” which makes this point dramatically – in color – and also shows the high cost of long-term sentences. (Exhibit 1) SPAC’s chart is based on the average number of prisoners released each year from 2011 to 2013. The chart shows that during that time, on average 273 offenders convicted of first degree murder were released annually, while at the same time 7,740 prisoners convicted of Class 4 felonies were released. Here’s the sobering news: during their incarceration –the 273 offenders serving time for first degree murder cost the State almost as much as we paid to incarcerate the 7,740 prisoners convicted of Class 4 felonies. And then there’s a footnote on SPAC’s document (Exhibit 1) which shows that this situation will get worse. SPAC notes that had the 273 long-term prisoners been sentenced under our current 100% truth-in-sentencing requirement, their average stay would have more than doubled, from 16 years to 40 years. Under that analysis, the 273 prisoners would

have taken up *more than twice* the resources of the 7,740 Class 4 prisoners. That's what the future will hold, if we do nothing.

Here are the dollar figures. When a Class 4 offender leaves IDOC, he (or she) has cost the State less than \$15,000. Under Truth-in-Sentencing, when someone convicted of first-degree murder leaves, the cost to us will be more than three-quarters of a million dollars.

→ Second, instituting parole release will keep costs down because long-termers are more expensive to house than short-termers. Not just because they're in prison longer. But because they're older.

Estimates are that it costs three times as much to house an "elderly" prisoner as it does to pay for someone who is younger. And by "elderly" we mean age 50 or over. That's because research shows that a prisoner's physiological age is, on average, seven to ten years higher than the chronological age. So 50 is the cutoff that IDOC and other prison systems use to designate "elderly prisoners."

There's an additional fallout effect of Illinois' embracing of lengthy mandatory sentences for serious crimes: our aging population is growing exponentially.

Our Project I-11 group was able to gather data from IDOC about the growth of our prison's aging population. Here's what we learned. In 1990, Illinois' prisons housed 1,030 men and women over age 50. In 2013, the number had grown to 7,162, an increase of 600 per cent. Thus, in 1990 the over-50 group constituted 4 per cent of the prison population; now it is 15 per cent. (Exhibit 2) To return to SPAC's chart on prison resource consumption – that chart (Exhibit 1) was based on *average* costs – it didn't account for the fact that the elderly are much more likely to be long-termers – so that the cost differential of lengthy sentences versus short ones is even greater than shown on the chart.

In just over 20 years, the population of our most expensive prisoners has grown 600 per cent. And that is a hidden cost of our mandatory sentencing structure, which is a system that has no parole release.

→ Third, a program of parole release will reduce recidivism. The parole release system we are proposing is “earned release.” It is not “open the flood gates.” Instead, you have to earn your way out. Under this system, the deciding entity – perhaps an independent board like the Prisoner Review Board – will release only those who have shown that they have a strong likelihood of adapting successfully to the outside without endangering others. Those who can’t show this will stay in prison longer.

There’s an additional reason why a parole system for long-termers will have a low rate of recidivism. Older prisoners are less likely to commit crimes than folks who are younger. There’s plenty of research to back up that conclusion. And you can look to the experience of the Prisoner Review Board in granting release to some C number prisoners (people sentenced before 1978, when we had parole release): the Board can point to a recidivism rate that is very low.

We know that the Commission has heard from David Olson and others that the worst thing you can do is to let prisoners max out and then simply fling them onto the streets – ready or not. But Illinois’ tough-on-crime mandatory sentencing scheme almost does just that. We’d like to see it end.

→ Fourth, providing parole release is consistent with our democratic values and is morally right.

Sometimes, yes, people who commit serious crimes need to be locked up and forgotten. But if we forget all of them, we miss seeing that some should be given another chance. The possibility of another chance also gives prisoners a reason to reform, and to behave better in prison. All we’re asking is that we give folks a chance.

My client Joe S., who’s in the fourth decade of his life sentence for a crime he committed just after he turned 20, has voiced his optimism about getting a second chance. He has told me, “Hope dies last.”

My wish is that Joe’s confidence proves justified, so that one day I’ll be able to tell him, “You were right.”