

# Getting to 25% by 2025

Presentation by

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# The Sentencing Stream: Diversion From Prison to Probation

- Strengthening Probation
- Creating Fiscal Incentives for Community Corrections
- Reducing or eliminating mandatory penalties
- The “Recycling Rate” of People Released From Prison
  - Rearrests & reducing recidivism
  - Technical violations



Source: Todd R. Clear and Dennis Schrantz (2011):

*Strategies for Reducing Prison Populations*, The Prison Journal, 91(3) Preparing people to lead extraordinary lives

# Strategies Related to LOS (Length of Stay)

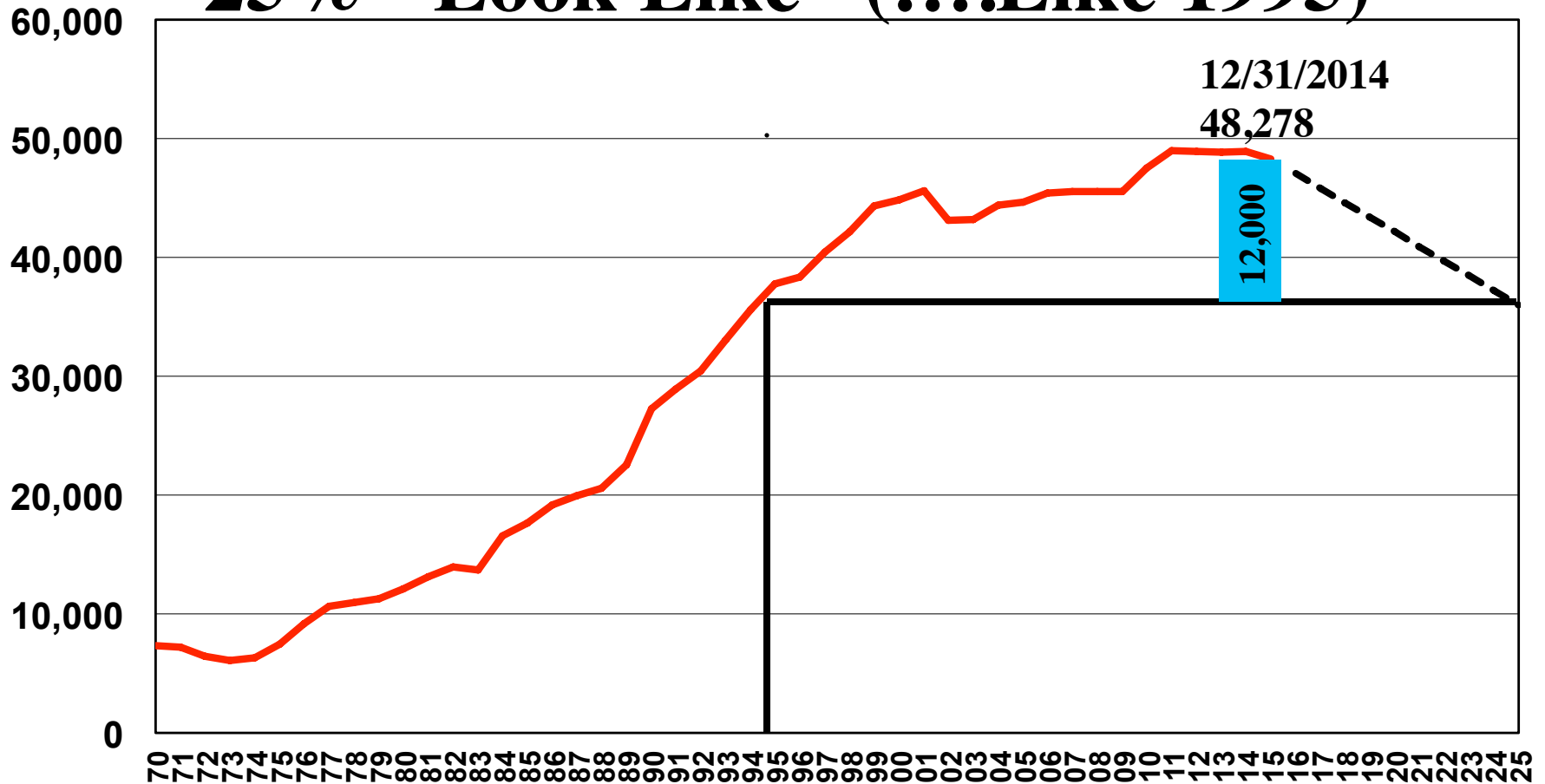
- Parole (Indeterminate sentencing structures)
- Special Early Release
- Targeted Sentence Reduction
- Offense-Specific Statutory Changes
- Recidivism Statutes



Source: Todd R. Clear and Dennis Schrantz (2011):

*Strategies for Reducing Prison Populations*, *The Prison Journal*, 91(3) Preparing people to lead extraordinary lives

# Illinois Adult Prison Population: What Does 25% “Look Like” (...Like 1995)



— Actual Population    - - - Goal

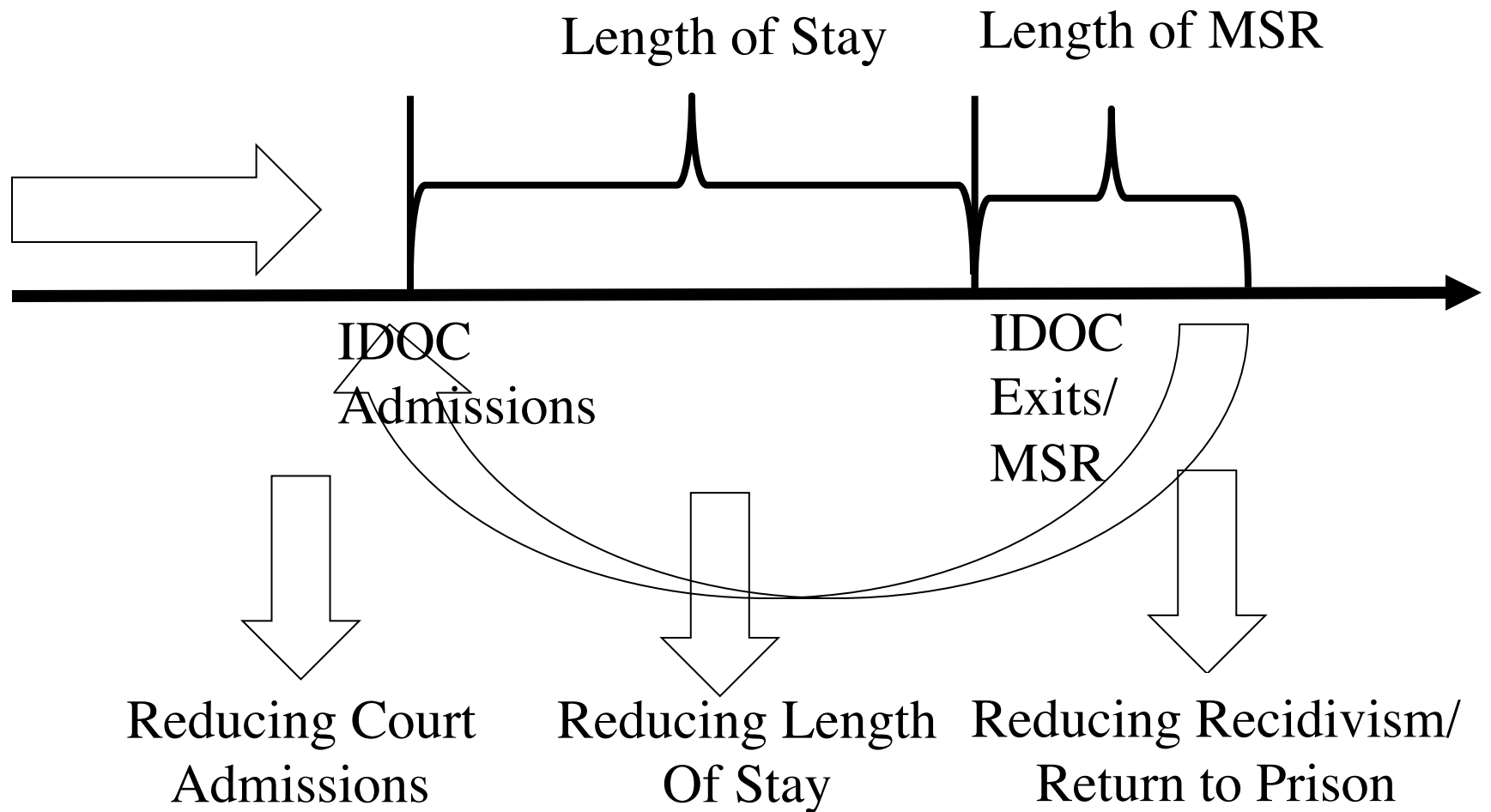


# The Math of Prison Populations

- Prison populations are driven by two factors, admissions and length of stay
  - Admissions
    - Court admissions
      - Probationable & Non-probationable offenses
      - Probation violators
      - Recidivists
    - MSR (Parole) violator admissions
      - Parole policy and practice
      - Legislative requirements for revocation
  - Length of stay
    - Prison sentences, various sentence credits, Truth-in-Sentencing



# Focal Points for Reduced Prison Populations



# **Achieving a 25% reduction will require multiple changes in practice and policy**

- Immediate or long-term results;
- Some changes cost nothing, but reduce the population and improve public safety;
- Some changes require more spending to yield population reductions and improve public safety;
- Some require legislative changes, other changes can be done by changing IDOC policy or practice;
- Some focus on court admissions, some on lengths of stay, and some on reducing recidivism and return to prison.

# Some examples that cover the spectrum

- Raised by some of the subcommittees
- Raising by those working in the field for 29 years
- Not official positions of commission, and not final assessments of impact



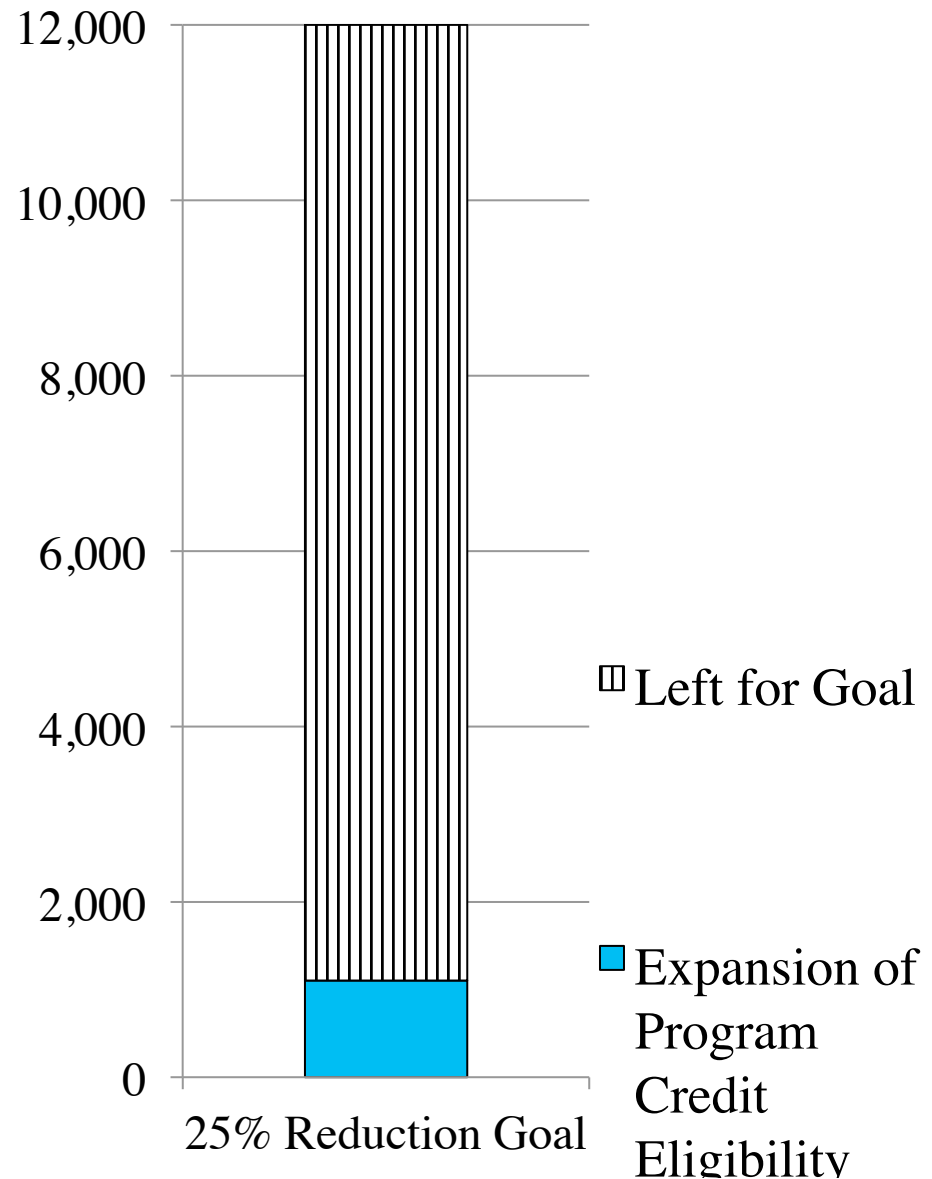


# Example: Program Sentence Credit Eligibility

- **Current Policy:** ½ day sentence credit for each day in rehabilitative programs if completed. Restrictions for current offense, if 2 or more prior prison sentences or if they earned credit during previous prison sentence.
- **Proposed Policy:** Limit restriction only to those subject to TIS.
- **Rationale:** Increases willingness to participate for higher need/risk inmates, increases likelihood of completion, & reduces recidivism if criminogenic needs addressed.
- **Impact:** Increases program sentence credits from 1,100 years annually to 2,200 years annually.
- **Requires legislative change but no new resources.**

- Annual reduction of 1,100 inmates;
- Increased motivation for treatment;
- Increased turnover in program slots, resulting in more inmates accessing treatment;
- Reduced recidivism from effective programming;
- Larger impact if capacity of programs increased & fidelity of programs ensured through monitoring.

## Program Sentence Credit Reform

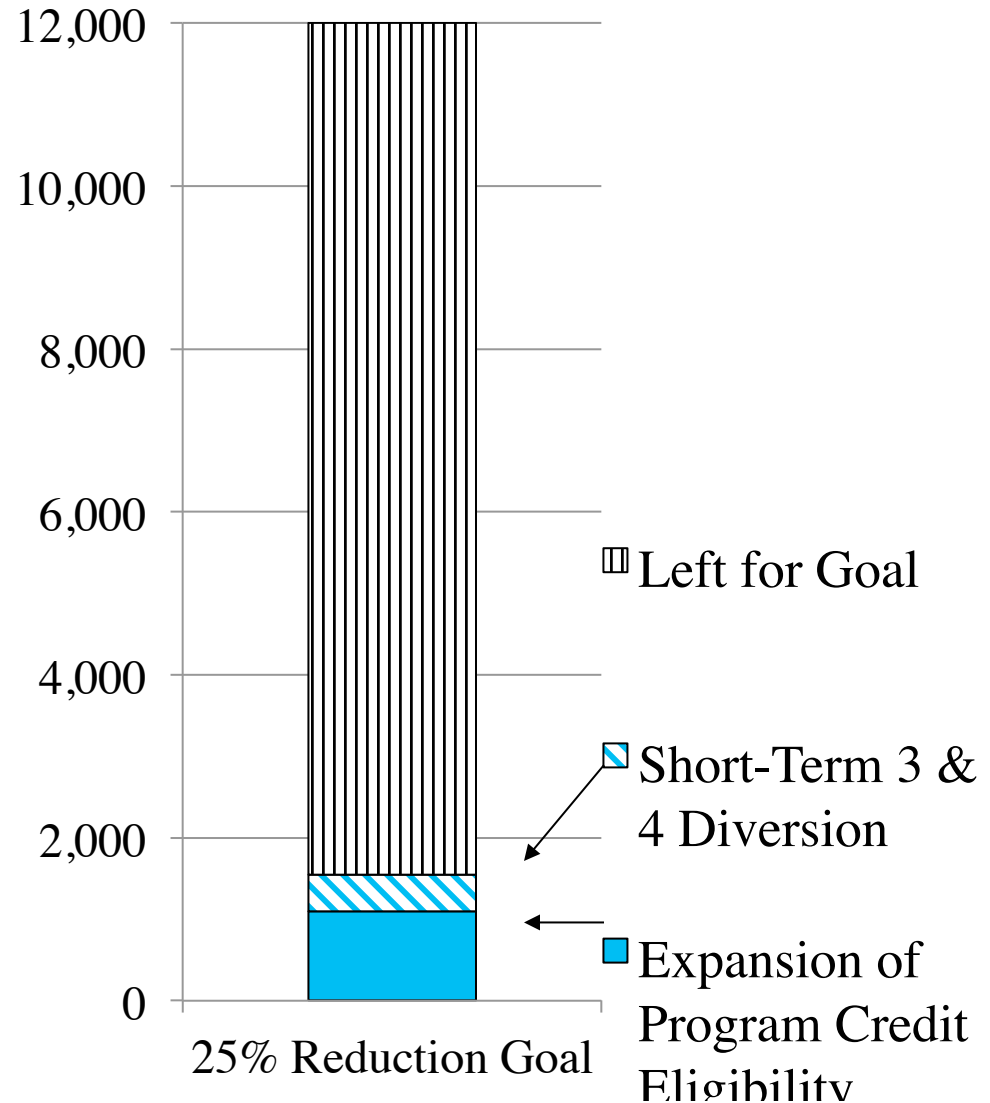


# **Diversion of Non-Violent Class 3-4 Felony Inmates in IDOC for Less than 4 months**

- **Current Practice:** About 1,800 Class 3-4 non-violent felons in IDOC for less than 4 months.
- **Proposed Policy:** Identify these individuals pre-sentence and divert from IDOC.
- **Rationale:** Length of stay too short to access treatment in IDOC, extensive resources used to process through R&C and transport to parent facility, short period of time on MSR (1 year), and does nothing to improve public safety.
- **Impact:** If all were diverted, it would reduce IDOC population by 450 inmates annually.
- **Potential legislative changes, resources for local jurisdictions (ARI).**

- Annual reduction of 450 inmates;
- Reduced IDOC processing and transportation costs;
- No impact on treatment services;
- Minimal public safety benefit from less than 4 months of incarceration;
- Need resources to address criminogenic needs locally.

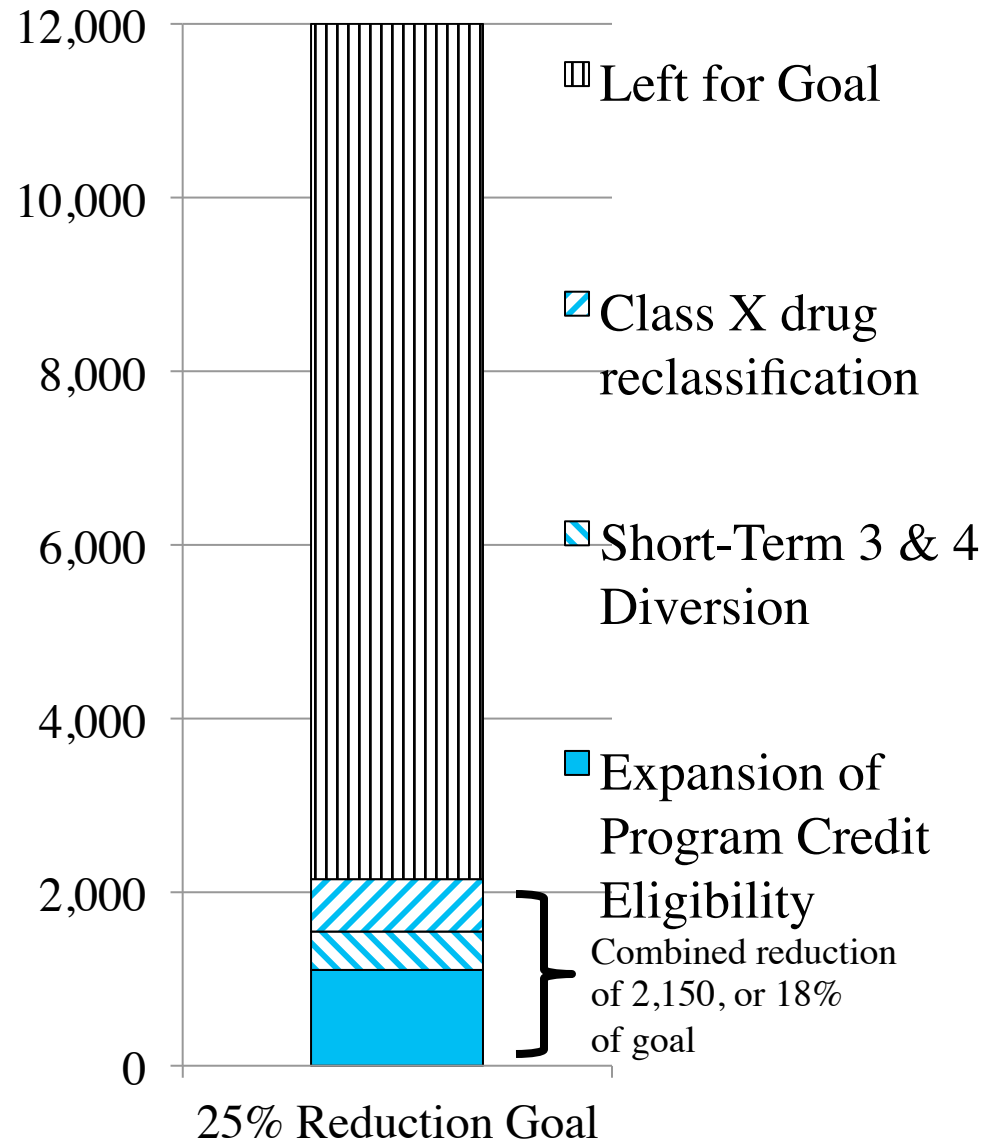
## Diversion of Short-Time Non-violent Class 3-4 Felons



# Reclassification of Class X Drug Offenses

- **Current Practice:** Annually about 480 Class X drug offenders sentenced to/released from IDOC. Class X sentencing range is 6-30 years; Almost 2/3 of Class X drug sentences are 8 years or less; 1/3 get minimum 6 year sentence.
- **Proposed Policy:** Change Class X drug offenses to Class 1, which carry 4-15 year sentence range.
- **Rationale:** Currently these offenses classified same as attempted murder, aggravated criminal sexual assault and armed robbery, for an offense that involves roughly \$1,500 to \$2,000 worth of drugs. Classification as Class 1 allows up to 15 year sentence.
- **Impact:** If these offenses were sentenced 25% higher than the current average for non-violent Class 1 felonies, the reduced LOS would reduce IDOC's population by 600 inmates annually.
- **Would require legislative change.**

# Reclassification of Class X Drug Offenses



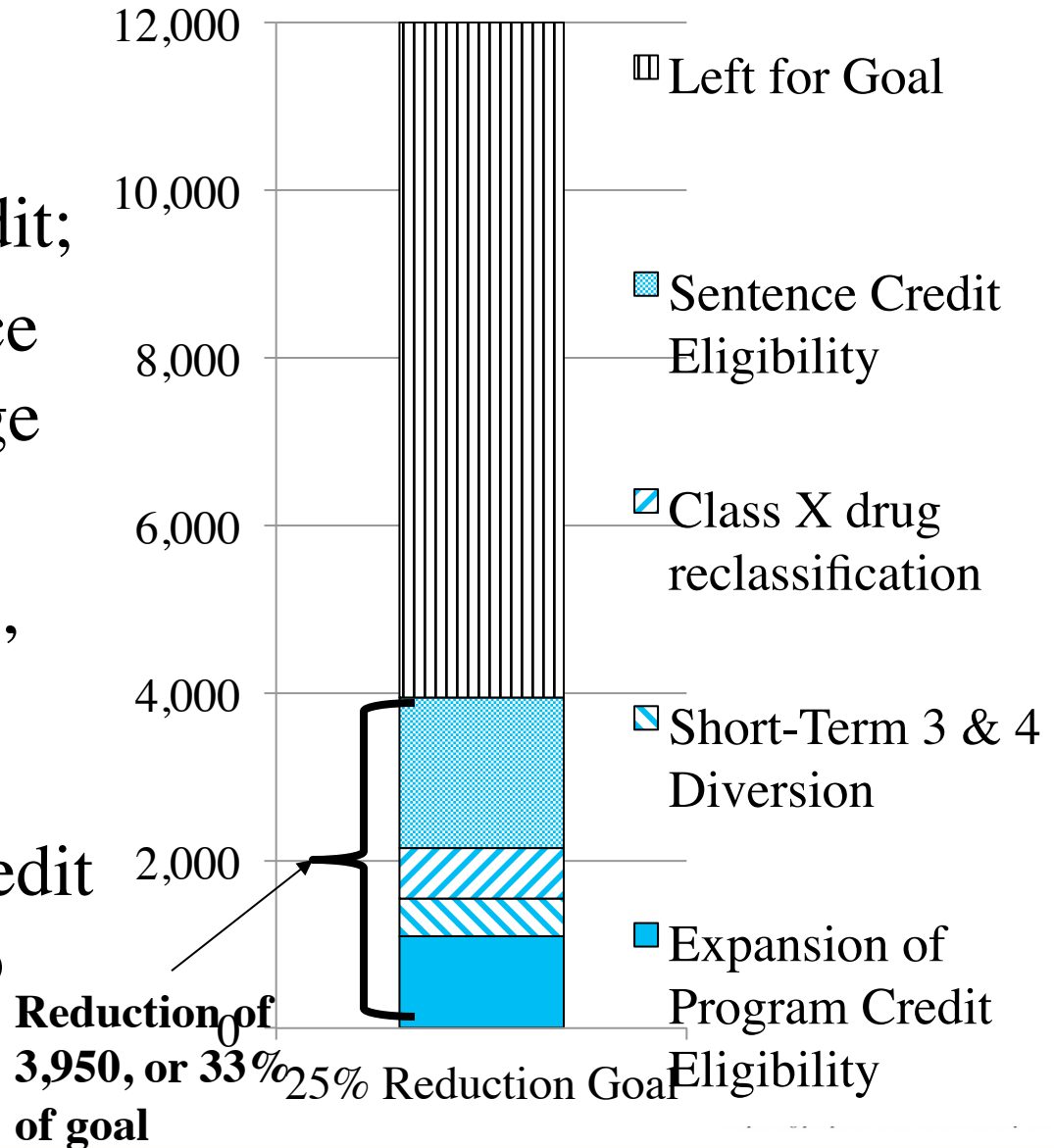
- Annual reduction of 600 inmates;
- Align serious drug-delivery offenses with other serious, non-violent offenses;
- Retain access to treatment services with long prison stays;
- Currently have lower post-prison recidivism rates than other releasees;
- Reduce MSR length from 3 to 2 years.

# Expansion of Eligibility for Sentence Credit

- **Current Practice:** Currently 12% of exits receive sentence credit, compared to 88% pre-2011. SFY 2014 exit who got credits received an average of 130 days.
- **Proposed Policy:** Align eligibility criteria with risk factors and good behavior to expand program.
- **Rationale:** The percent of inmates currently receiving the credit suggests that prior criminal history beyond convictions for violent offenses may be reducing eligibility.
- **Impact:** If the modifications/verification of eligibility increased the proportion receiving the credit from 12% to 36%, that would translate to 1,816 fewer inmates in IDOC annually.
- **May require legislative change or IDOC practice**

- Annual reduction of 1,800 inmates;
- Majority of inmates (64%) may still not be eligible to receive credit;
- Only marginally reduce lengths of stay (average of 130 days);
- Possibly larger impact, but depends on specifically which inmates receive the credit and potential access to treatment.

## Expansion of Eligibility for Sentence Credit



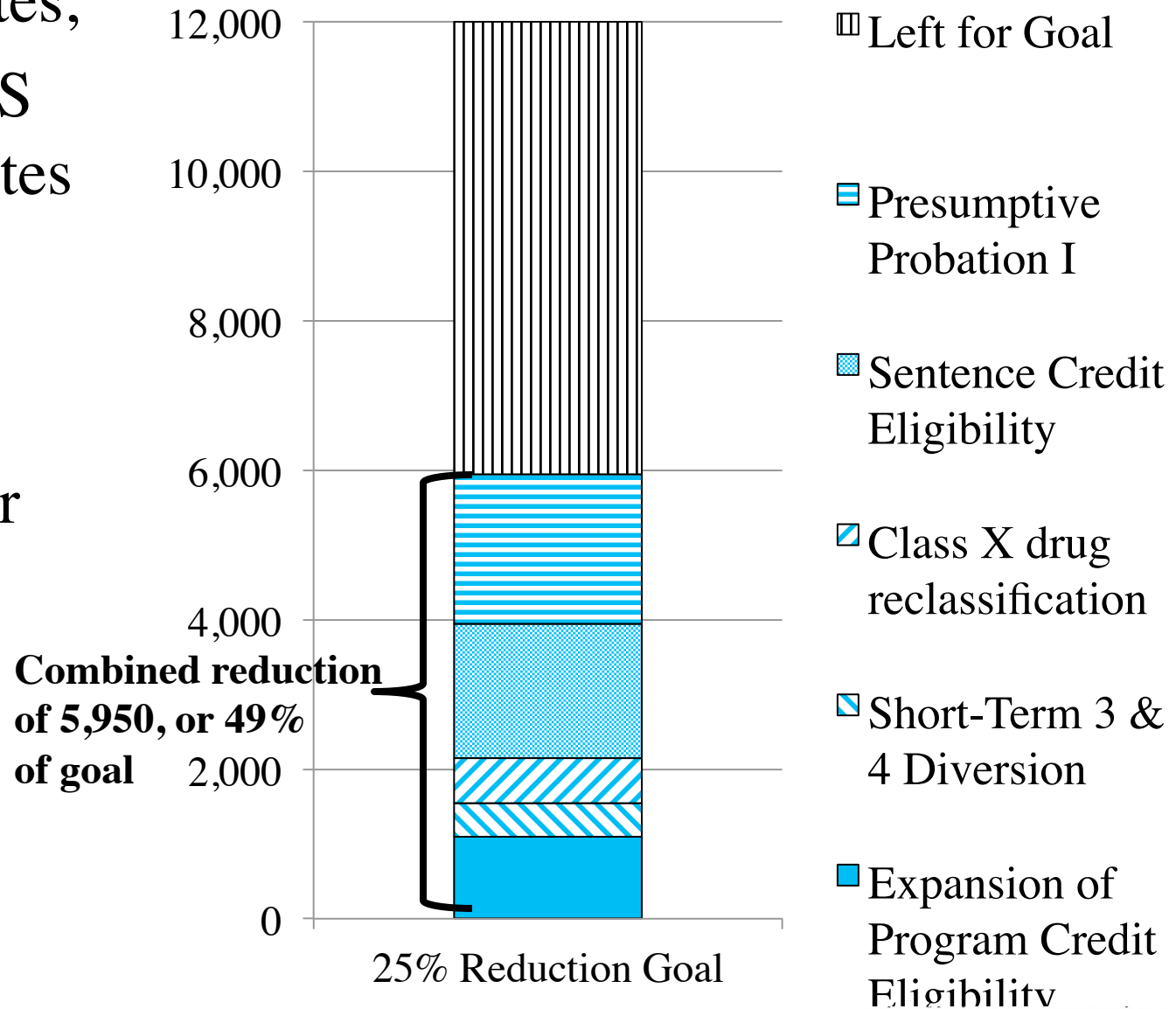


# **Presumptive Probation Version I: Class 3 & 4 With No Prior Probation**

- **Current Practice:** Annually about 2,900 offenders sentenced to IDOC for a Class 3 or 4 felony who did not have any prior sentences to probation.
- **Proposed Policy:** Require probation to be the presumptive sentence for Class 3 and 4 felons who have not previously been sentenced to probation
- **Rationale:** These individuals may be high need, but not necessarily high risk, and have not been sentenced to/served by probation.
- **Impact:** Of those with no prior probation, if all were diverted, annual reduction of 2,000 inmates; If 50% were diverted, 1,000 fewer inmates in IDOC annually.
- **Legislative changes or changes in local practices/resources (ARI).**

# Presumptive Probation Version I

- Annual reduction of 2,000 inmates;
- Currently, LOS for these inmates averages less than 1 year;
- No prior convictions for crimes of violence, and have not accessed probation services.

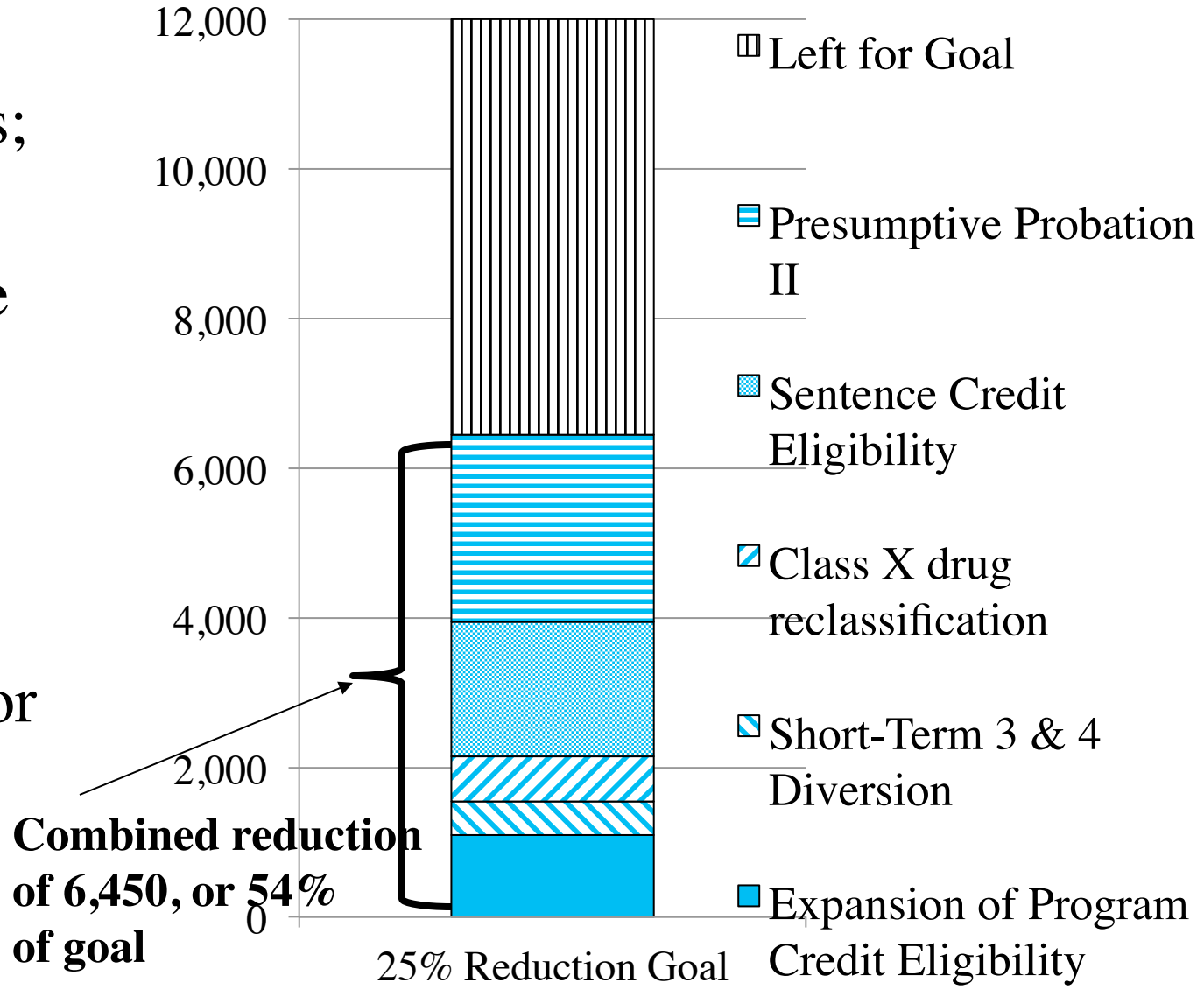


# **Presumptive Probation Version II: Class 3 & 4 Non-Violent Felonies w/no Prior Violent Conviction**

- **Current Practice:** Annually about 7,100 offenders were sentenced to IDOC for a non-violent Class 3 or 4 felony with no prior convictions for a violent offense.
- **Proposed Policy:** Require probation to be the presumptive sentence for non-violent Class 3 and 4 felons who have no prior convictions for crimes of violence.
- **Rationale:** These inmates may be high need and high risk, but not necessarily high risk for violence.
- **Impact:** If 50% of these offenders were diverted, 2,500 fewer inmates in IDOC annually.
- **Legislative changes or changes in local practices/resources (ARI)**

# Presumptive Probation Version II

- Annual reduction of 2,500 inmates;
- Currently, LOS for these inmates averages less than 1 year;
- No prior convictions for crimes of violence



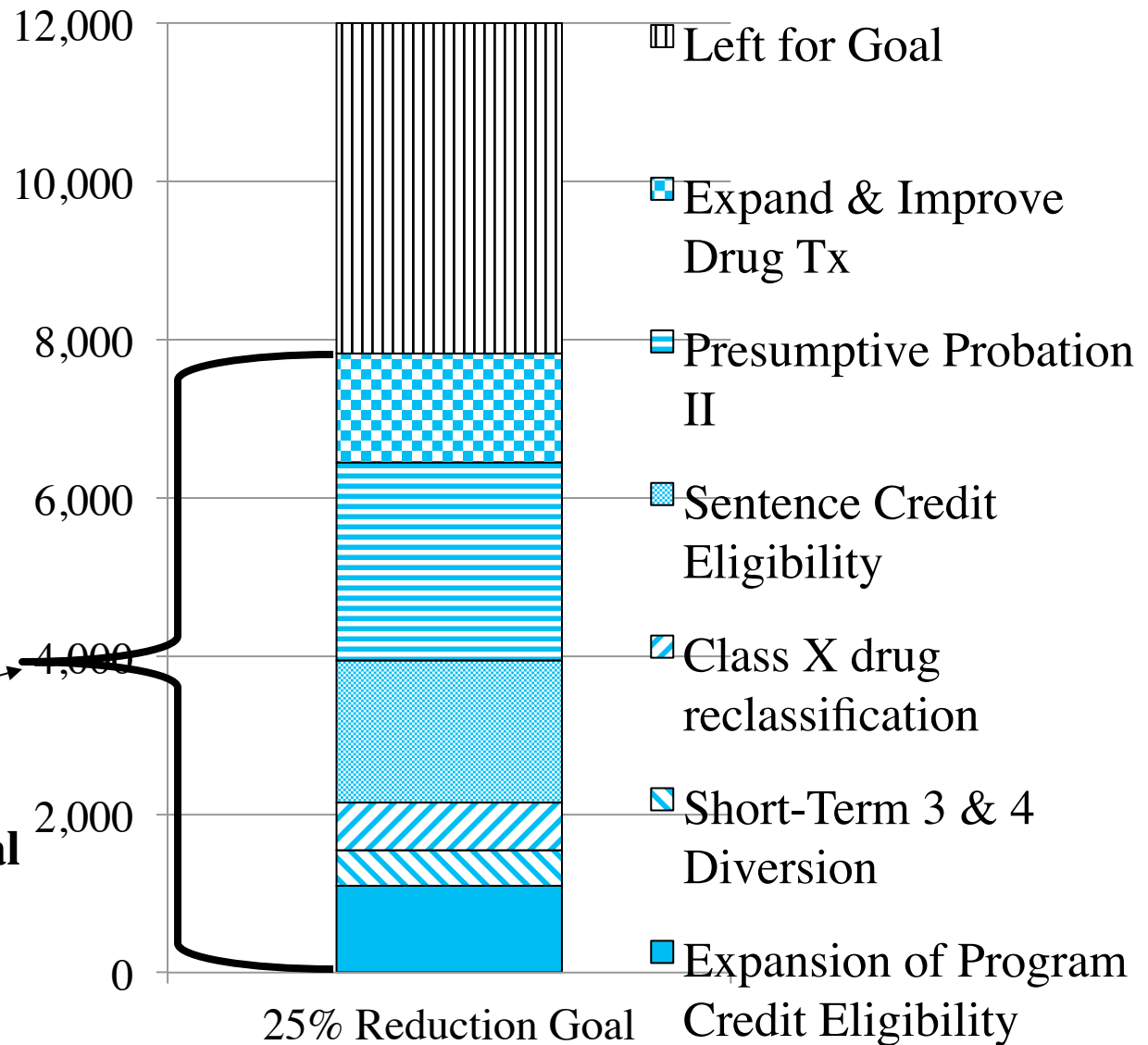
# Improve Effectiveness of Drug Treatment Programming

- **Current Practice:** Annually roughly 7,800 inmates receive substance abuse treatment in IDOC (15% of those in need of treatment access it while in IDOC).
- **Proposed Policy:** Enhance monitoring of drug treatment programs to ensure fidelity to evidence-based practices, and ensure high-risk, high-need offenders are targeted
- **Rationale:** The current selection process and criteria does not ensure high risk/high need offenders access treatment, and no systematic monitoring and evaluation of existing programs.
- **Impact:** Roughly 400 fewer inmates would return to prison annually; expand capacity so that 30% of those in need access treatment, and improve fidelity & targeting, 975 fewer returns to prison annually
- **Changes in IDOC policy/practice; resources to expand.**

- Better and expanded treatment will lower recidivism and returns to prison;
- Reduced admissions to prison by 975

**Combined reduction of 7,825, or 65% of goal**

# Enhance & Expand Drug Treatment

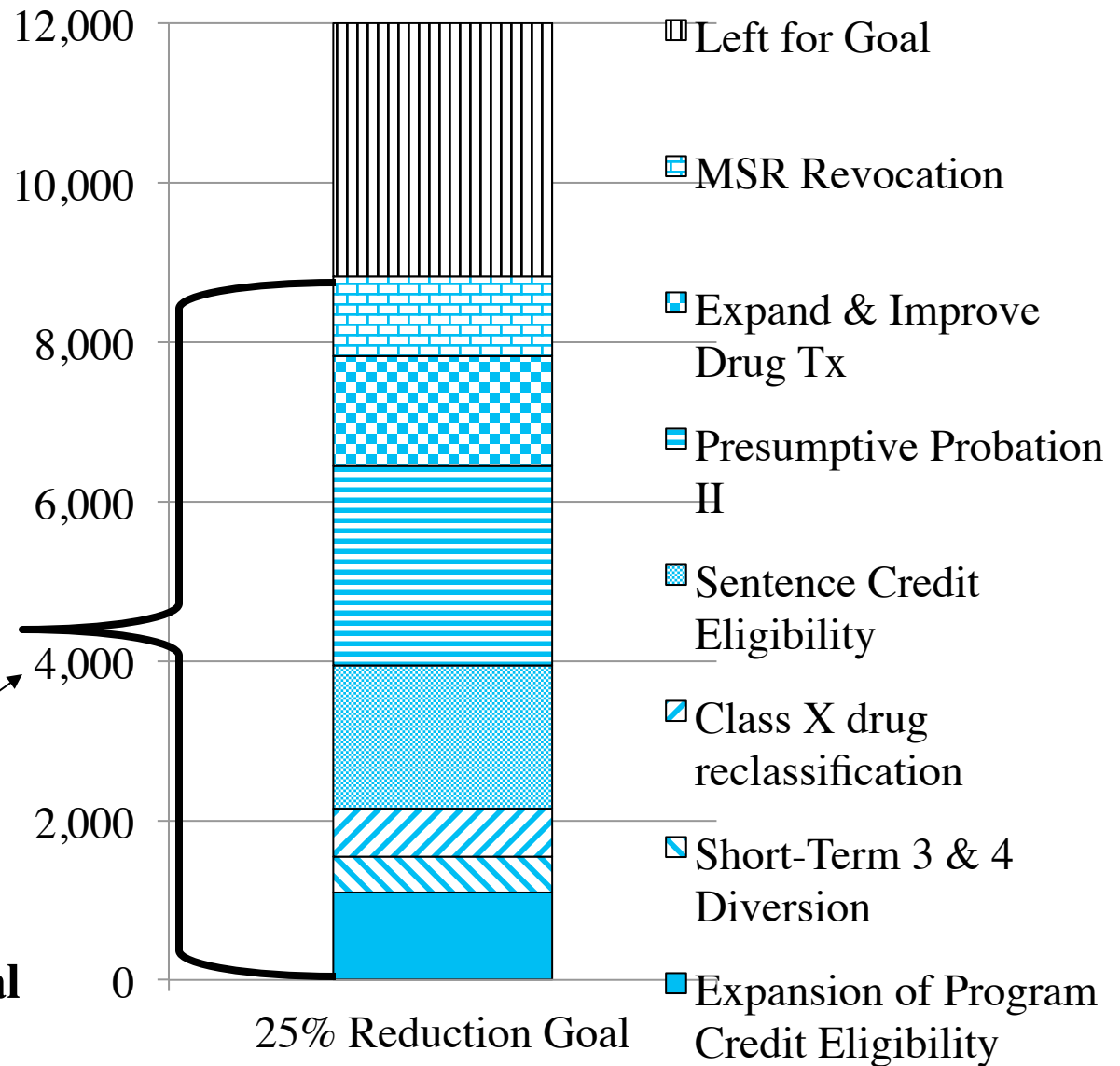


# **Revise Mandatory MSR Revocation for New Arrests**

- **Current Practice:** Annually more than 3,500 releasees are returned to IDOC because of a pending felony charge, and many arrests require a warrant be issued by parole for return to IDOC.
- **Proposed Policy:** Eliminate or modify requirement that individuals must be returned to IDOC on felony arrests.
- **Rationale:** Individuals on MSR are returned to IDOC on arrests that often do not result in a felony conviction, and IDOC must transport inmates to local courts for hearings.
- **Impact:** Eliminating returns on technical violation of those ultimately not convicted of new charge would reduce annual IDOC population by 1,000.
- **Legislative changes, changes to parole policy/practice potentially expansion of local resources**

- Reduce annual population by 1,000;
  - Those not convicted would not be incarcerated in IDOC;
  - Reduce costs of R&C, and court transportation
- Combined reduction of 8,825, or 73% of goal**

## Modify Mandatory MSR Revocation for New Charges





# Allow Probation for Certain Non-Violent Offenses that are Currently Non-Probationable

- **Current Practice:** Annually
  - Residential Burglary (Class 1): 900;
  - Possession with intent/ Man/Del. (Class 1): 760;
  - Class 1 sentencing range is 4 to 15 years
- **Proposed Policy:** Allow probation to be considered for these offenses.
- **Rationale:** Provide flexibility to impose a probation sentence if warranted given the risk and needs of the offender.
- **Impact:** If 80% still got prison, and 20% were sentenced to probation, impact of residential burglary would be 360 fewer inmates annually. Impact of Man/del would be 270 fewer inmates annually.
- **Legislative changes; potential local resources.**

# Allow Probation for Class 1 Residential Burglary & Man/Del.

- Reduce annual population by 630;
- Still allows for prison and substantial sentences to IDOC;

**Combined reduction of 9,500, or 79% of goal**

