Getting to 25% by 2025

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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

Strategies Related to LOS (Length of Stay)

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


Actual Population

Goal

12/31/2014
48,278

12,000
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

- IDOC Admissions
- Length of Stay
- IDOC Exits/MSR
- Length of MSR
- Reducing Court Admissions
- Reducing Length Of Stay
- Reducing Recidivism/Return to Prison
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.
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.
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.**
- 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.
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.

Combined reduction of 5,950, or 49% of goal

25% Reduction Goal

- Left for Goal
- Presumptive Probation I
- Sentence Credit Eligibility
- Class X drug reclassification
- Short-Term 3 & 4 Diversion
- Expansion of Program Credit Eligibility
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)**
• Annual reduction of 2,500 inmates;
• Currently, LOS for these inmates averages less than 1 year;
• No prior convictions for crimes of violence

![Presumptive Probation Version II Chart]

- Combined reduction of 6,450, or 54% of goal
- 25% Reduction Goal
- Left for Goal
- Presumptive Probation II
- Sentence Credit Eligibility
- Class X drug reclassification
- Short-Term 3 & 4 Diversion
- Expansion of Program Credit Eligibility
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

Graph showing reduction goals and categories:
- 25% Reduction Goal
- 12,000
- 10,000
- 8,000
- 6,000
- 4,000
- 2,000
- 0

Categories:
- Expansion of Program Credit Eligibility
- Class X drug reclassification
- Short-Term 3 & 4 Diversion
- Sentence Credit Eligibility
- Presumptive Probation II
- Expand & Improve Drug Tx
- Left for Goal
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
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