

THE CASE FOR SHORTER PRISON TERMS: The Illinois Experience

By James Austin, Ph.D.

INTRODUCTION

Prison crowding continues to plague most state prison systems. According to the Bureau of Justice Statistics (BJS), only eight states' prison systems were not crowded at year-end of 1992 (U.S. Department of Justice, 1992). More importantly, it is highly unlikely that the crowding problem will soon disappear. The first six months of 1993 witnessed the third largest increase in prison population growth (a 5 percent increase) ever recorded by the BJS (U.S. Department of Justice, 1993). Furthermore, the past year has seen an unprecedented level of legislative activities dramatically increasing prison populations. The U.S. Senate Crime bill includes provisions to encourage states to pass so-called "truth in sentencing provisions" that would require inmates to serve 85 percent of their prison terms. The tragic death of Polly Klaas has triggered a national wave of "three strikes and you're out" initiatives. The most dramatic version of these proposals was passed in California and would add over 58,518 inmates to the projected base of 165,000 inmates by the year 1998. This law will add nearly 250,000 inmates by the year 2024. At 1993 costs, the additional annual operating costs for the California prison system would exceed \$5.7 billion and require an additional 275,000 prison beds at a cost of \$21.4 billion (Welch, 1994).

One frequently cited and relied-upon solution to the never-ending prison crowding crisis has been the accelerated use of "good-time." Commonly referred to as a "back-end" solution, good-time is used to shorten prison terms. When such a program is applied to a large portion of the prison population, it can substantially reduce the projected prison population.

Many states initially adopted such policies as a temporary measure to moderate prison crowding. As time passed and prison populations continued to increase, many of these "emergency release" programs have become institutionalized via state statute or administrative law. Evaluations of these programs have prompted administrators and legislators to draw the conclusion that carefully managed early release programs are safe and relatively effective short-term responses to prison crowding.¹

Reducing prison terms is, however, a controversial approach to curbing prison crowding. While the prison system directly benefits from lowered prison populations, there are several potential negative reactions that may result. Crime rates may increase as more prisoners are released ahead of their "normal" release dates. A well-publicized early release program might adversely affect the deterrent effect of incarceration if it becomes common knowledge that prison terms are being

lowered. More importantly, the public may become further disenchanted with what it already perceives as an ineffective and overly lenient criminal justice system.

In this NCCD report, a well-established early release program—the Illinois Meritorious and Supplemental Meritorious Good-Time (MGT and SMGT) program—is evaluated in terms of its impact on the following three key issues that surround all early release programs:

- (1) What is the impact of shorter prison terms on controlling prison population growth?
- (2) What is the impact of shorter prison terms on recidivism rates?
- (3) What is the impact of shorter prison terms on public safety?
- (4) What is the impact of the shorter prison terms on reducing costs?

IMPACT OF SHORTER PRISON TERMS ON CONTROLLING PRISON POPULATION GROWTH

In 1980, Illinois abolished parole and indeterminate sentencing. The new determinate sentencing structure required each inmate to receive a fixed sentence within a range set for each offense. All inmates were eligible to receive day-for-day statutory good-time credits, which meant that inmates who behaved would serve 50 percent

TABLE 1
THE USE OF MGT AND SMGT
JULY 1990 - JUNE 1992

	FY 1991	FY 1992	TOTAL ¹
Average Daily Population	29,115	31,640	NA
Total Releases	17,095	16,876	33,971
MGT Releases	14,050 ²	15,356 ³	29,406 ⁴
MGT % of Total Releases	82%	91%	87%
Average MGT	79 days	80 days	80 days
Averted ADP due to MGT	3,039	3,363	6,402
SMGT Releases	8,004	12,028	20,032
SMGT % of Total Releases	47%	71%	59%
Average SMGT	68 days	84 days	78 days
Averted ADP due to SMGT	1,490	2,766	4,256
Averted ADP due to MGT + SMGT	4,529	6,129	5,329 ⁵ inmates

¹ Totals calculated by adding across rows FY 1991 and FY 1992.
² Includes the 8,004 SMGT Releases.
³ Includes the 12,028 SMGT Releases.
⁴ Includes the 20,032 SMGT Releases.
⁵ Reflects average averted ADP for FY 1991 and FY 1992.
 Source: Illinois Department of Corrections.

TABLE 2
REARREST AND RETURN-TO-PRISON RATES
BY RELEASE TYPE

	MGT RELEASES [*]		SMGT RELEASES [*]		TOTAL	
	N	%	N	%	N	%
Total Sample	249	100.0	493	100.0	742	100.0
Rearrests						
12-Months	111	44.6	194	39.4	305	41.1
MGT Window	43	17.3	73	14.8	116	15.6
SMGT Window	0	NA	54	11.0	54	7.3
Combined MGT and SMGT Windows	0	NA	127	25.8	149	20.1
Return to Prison						
12-Months	42	16.9	86	17.4	128	17.3
MGT Window	5	2.0	9	1.8	14	1.9
SMGT Window	0	NA	20	4.1	20	2.7
Combined MGT and SMGT Window	0	NA	29	5.9	34	4.6

^{*} Random samples of released inmates who received MGT and/or SMGT credits were drawn from a list of inmates released in 1990.
 NA = Not Applicable

of their sentences. Almost immediately, the prison population began to grow quite rapidly, resulting in the Illinois Department of Corrections' (IDOC) developing new methods for controlling prison crowding. Concern about crowding led the IDOC to implement the MGT and, later, the SMGT good-time policies.

Beginning in 1980, IDOC began awarding up to 90 days of MGT credits. Based, in part, on the positive results of an NCCD study of the MGT program, the legislature enacted in 1990 a bill that allows inmates to be awarded 90 additional days of SMGT for a potential total of 180 days of either MGT or SMGT credits. For a typical five-year sentence, an inmate could serve two years, assuming one received six months of MGT and SMGT credits and 2.5 years of statutory good-time.

The cumulative effects of both programs have been substantial. Between July 1, 1990, and June 30, 1992, approximately 87 percent of all prison releases were awarded an average of 80 days of MGT time, while 59 percent were awarded an additional 78 days of SMGT credits (Table 1). Based on these figures, the MGT program averted 6,402 years of imprisonment over this two-year period, while the SMGT program averted an additional 4,256 years of imprisonment. In total, 10,658 years of imprisonment have been averted over this two-year period. Put differently, the prison population would have been approximately 5,300 inmates (or 18 percent) higher than the actual 29,000 to 31,000 prison population.

IMPACT OF SHORTER PRISON TERMS ON RECIDIVISM

Three measures were employed to determine the rate of recidivism for two samples of released inmates who received SMGT and/or MGT credits (Table 2). The first measure *rearrests*, reflects the percentage of inmates rearrested at least once within 12

months of release from prison. Forty-one percent of all inmates receiving either MGT or SMGT were rearrested at least once during the 12-month window.² The MGT sample has a slightly higher overall 12-month rearrest rate (44.6 percent) than the SMGT sample (39.4 percent).

Recidivism was also calculated based on arrests that occurred during either the MGT or SMGT "release window." For example, if an inmate was released 90 days early, only those arrests that occurred during the 90-day window were counted. These arrests represent crimes that would not have occurred had the MGT or SMGT programs not existed.³ The MGT sample had a rearrest rate of 17.3 percent compared to the SMGT sample rate of 14.8 percent during the MGT window. Only 11 percent of inmates released via SMGT were rearrested during the SMGT window.

The third recidivism measure was *return-to-prison* rates, which indicate the percentage of released inmates who were returned to prison. The combined return-to-prison rate 12 months after release was 17.3 percent.⁴ As with the rearrest rates, there was virtually no difference in the return-to-prison rates during the 12-month window for the MGT and SMGT samples (16.9 percent versus 17.4 percent). Very low numbers (2-4 percent) of both groups were readmitted to prison during the MGT or SMGT windows.

IMPACT OF SHORTER PRISON TERMS ON PUBLIC SAFETY

The impact of early release on public safety can be made by comparing the number of crimes (based on arrests) attributable to the early release policy to the overall state crime rates. In making this assessment, the following calculations were completed.

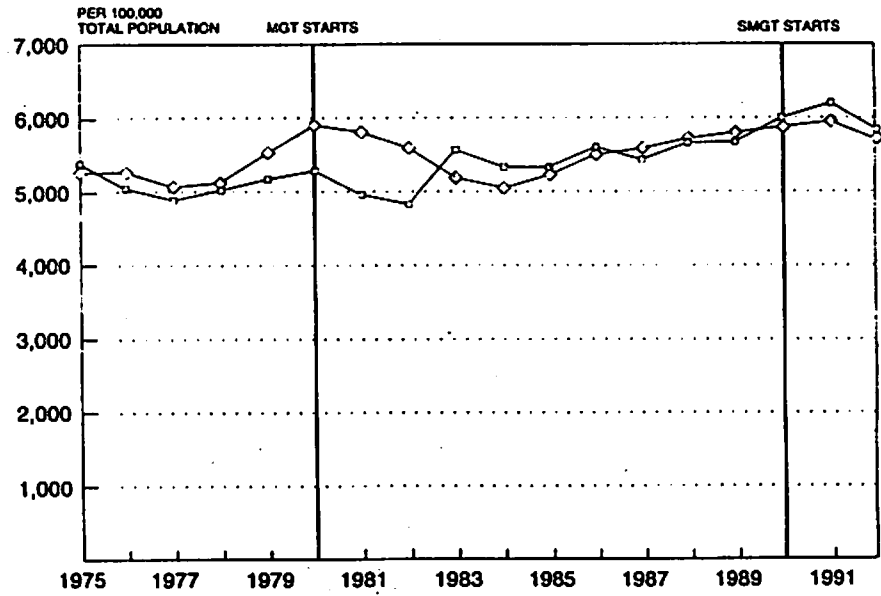
As shown in Table 3, there were 671,586 adult arrests and 102,034 juvenile arrests during 1990 in Illinois (Illinois State Police, 1991). Juvenile

**TABLE 3
IMPACT OF MGT/SMGT ON 1990 STATE ARRESTS**

A. Total state arrests ¹	671,586
B. Total prison releases ²	17,095
C. Total MGT/SMGT releases ²	14,050 ³
D. Total MGT/SMGT releases arrested within 12 months ⁴	5,775
E. Total MGT/SMGT releases arrested within MGT/SMGT window ⁵	2,824
F. Total arrests associated with MGT/SMGT releases within MGT/SMGT release window ⁶	4,321
G. State arrests attributable to MGT/SMGT ⁷ policy	0.6%

¹ Source: *Crime In Illinois 1990*, Illinois State Police. Arrest data from 1990.
² Source: Illinois Department of Corrections, Research and Planning Division.
³ See Table 1.
⁴ Based on estimate from sample data, recidivist rate 41.1% (see Table 2).
⁵ Based on estimate from sample data, recidivist rate 20.1% (see Table 2).
⁶ Based on estimate from sample data, mean arrests = 1.53.
⁷ Estimated by dividing F by A.

**FIGURE 1
ANNUAL CHANGES IN CRIME RATES
ILLINOIS VS. U.S.**



SOURCE: FBI UNIFORM CRIME REPORTS

—○— ILLINOIS —◆— U.S.

**TABLE 4
AVERTED PRISON OPERATING AND CONSTRUCTION COSTS
FY 1991**

1. FY 1991 MGT AND SMGT PROGRAM PARAMETERS	
A. MGT and SMGT Releases	14,050
B. Average Reduction in Prison Term	79 days
C. Averted Years of Imprisonment	4,529
2. AVERTED PRISON COSTS	
A. Operating Costs	
@ \$16,000 per year of imprisonment	\$72.5 million
B. Amortized Construction Costs	
@ \$1,950 per year of imprisonment	\$8.8 million
C. Amortized Debt Service Costs	
@ \$5,250 per year of imprisonment	\$23.8 million
3. TOTAL AVERTED PRISON COSTS	\$105.1 million
4. AVERTED PRISON COSTS PER MGT/SMGT RELEASE	\$7,480

**TABLE 5
CRIMINAL JUSTICE RECYCLING COSTS
ATTRIBUTED TO MGT/SMGT ARRESTS**

A. Arrests Attributed To MGT/SMGT	4,321
B. Arrest Costs @ \$2,018 x 30% x A	\$2,615,933
C. Cases Prosecuted @ 33% x A	1,426
D. Court Costs @ \$1,030 x 30% x C	\$440,634
E. Cases Jailed @ 48% x A	2,074
F. Detention Costs @ \$47/day x 30% x 25 days x E	\$731,085
G. IDOC Admissions @ 23% x A	994
H. IDOC Costs @ \$44/day x 30% x 104 days x G	\$1,364,563
I. TOTAL RECYCLING COSTS (B+D+F+H)	<u>\$5,152,215</u>

Sources: Cook County Sheriff's Department
Cook County State's Attorney's Office
Chicago Police Department
Illinois Criminal Justice Information Authority

arrests were excluded from the calculations, as all of the prison releases were adults. The next step was to estimate the number of adult arrests one could attribute to the MGT/SMGT policy. In 1990, 14,050 out of 17,095 (82 percent) prison releases were released with MGT or SMGT. The Table 3 cumulative rearrest rate for inmates arrested either during their MGT or SMGT window was 20.1 percent, or 2,824 inmates. For each inmate arrested, the average number of arrests was 1.53, resulting in a total of 4,321 arrests that occurred during MGT or SMGT windows. These arrests account for less than 1 (0.6) percent of the 671,586 adult arrests made in 1990.⁵

Another way to assess the impact of early release on public safety is to compare historical fluctuations in crime rates both before and after the MGT and SMGT policies were introduced. Figure 1 reports the serious crime rate (murder, rape, kidnapping, robbery, assault, burglary, and theft), as measured by the FBI's Uniform Crime Reports from 1975 to 1992 for both Illinois and the U.S.

After the MGT policy was implemented in 1980, there was a slight drop in the crime rate that was similar to the national trend. Thereafter, both the Illinois and U.S. rates increased slightly until 1991, at which time a slight decline occurred. In general, there is no significant increase or decrease in the Illinois crime rate that can be associated with the shortening of prison terms. This finding is consistent with the previous analysis indicating that only a small percentage of the state's annual crime rate can be attributed to the early release of inmates.

COST BENEFITS OF SHORTER PRISON TERMS

There are two types of costs one must account for in assessing the overall costs savings of early release: (1) averted correctional costs and (2)

costs associated with recidivism (recycling of inmates and victim costs).

Reduced Correctional Costs

There are three types of averted costs attributable to early release: (1) prison operating costs, (2) capital construction costs, and (3) construction debt service costs.⁶ The IDOC provided NCCD with actual 1990 operating, construction, and construction financing costs. These cost figures were applied to the projected number of prisoners and beds (4,529) that were not required in 1991 due to the use of MGT and SMGT. As shown in Table 4, the MGT and SMGT programs in FY 1991 averted a total of \$105.1 million dollars in prison operations, construction and debt service costs. The greatest and most direct savings were \$72.5 million in prison operating costs. The average savings per inmate released through MGT or SMGT was \$7,480.

Incurred Costs Associated with Shorter Prison Terms

As with any prison release policy, there is no "free lunch." A number of negative side effects also must be accounted for before a "bottom-line" assessment can be made. In this situation, one negative side effect is increased crime. As inmates are released earlier, crimes that otherwise would not have occurred are being committed—at least within a specified time equal to the amount of time an inmate's prison term is reduced.

In making these calculations, two costs were estimated: *recycling criminal justice costs*, which reflect expenditures associated with the rearrest, prosecution, and sentencing of SMGT and MGT releases; and *victim costs*, which represent monetary losses suffered by victims for those crimes associated with each MGT or SMGT arrest.

Since the proportion of total state arrests attributable to early release is negligible (0.6 percent), the additional

**TABLE 6
ESTIMATED NUMBER AND COST OF MGT/SMGT CRIMES**

	SAMPLE DISTRIBUTION PERCENT	ESTIMATED # MGT/SMGT RELEASE ARRESTS	AVERAGE VICTIM COSTS	TOTAL VICTIM COSTS
Forced Sex Acts	0.9	39	\$484	\$18,876
Robbery	4.8	208	\$253	\$52,624
Assault ¹	10.5	454	\$100	\$45,400
Burglary	8.3	359	\$230	\$82,570
Theft	33.2	1,435	\$74	\$106,190
Motor Vehicle Theft	2.2	95	\$275	\$26,125
Deception	0.9	39	\$20	\$780
Misc. Property Crimes	3.5	151	\$384	\$57,984
Homicide	0.4	17	NA	NA
Misc. Crimes against Persons	0.9	39	\$192	\$7,488
Trespassing	3.9	169	0	0
Weapons Violation	3.9	169	0	0
Misc. Sex Offenses	0.4	17	\$484	\$8,228
Sale/Manufacture of Controlled Substances	1.7	74	0	0
Possession of Controlled Substances	10.9	471	0	0
Illegal Gambling	0.4	17	0	0
Possession of Narcotic Instrument	0.4	17	0	0
Interference w/ Law Enforcement	1.7	74	0	0
Disorderly Conduct	0.9	39	0	0
Misc. Crimes	10.1	436	0	0
Totals	100.0²	4,321²	\$192	\$406,265

¹ Aggravated and Simple Assault
² Columns do not sum to total due to rounding.
 NA = Not Available

costs to law enforcement, courts, and local detention facilities for processing these cases are, at best, marginal. Table 5 presents the costs associated with each MGT and SMGT arrest,

prosecution, detention, and IDOC readmission using *marginal cost rates*. In total, \$5.2 million in criminal justice recycling costs can be attributed to the MGT and SMGT programs.

With respect to victim losses, the victim costs associated with each arrest were tallied by recording actual victim losses found in the actual inmate rearrest reports or national victim losses reported by the National Crime Victim Survey (NCVS).⁷

Most crimes have a relatively low victim loss since (1) a majority of arrests reflect victimless crimes and/or (2) a majority of victims come from lower economic classes with few assets. These figures are conservative, as they do *not* account for the amount of reimbursement made by insurance

carriers or property recovered and returned to the victim.⁸

Total victim losses were \$406,265 (Table 6). Taking into account victim losses and the costs of recycling recidivists, reduced prison terms saved Illinois taxpayers over \$100 million during FY 1991 (Table 7). Overall, the state saves \$7,000 for each inmate released an average of four months early via the MGT and SMGT programs with no additional risk to public safety.

The primary factors that produce these results are (1) low criminal activity by

released inmates in proportion to the total crime rate, (2) low victim losses associated with each crime, and (3) high costs of imprisonment (operating, construction, and financing costs). Under these conditions, moderate reduction in an inmate's length of stay is a cost-effective policy for states to control prison crowding and costs. Offenders can be punished using shorter sentences with no adverse risk to public safety and at considerable savings to taxpayers.

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ENDNOTES

1. The NCCD evaluation of Illinois' 1980 Forced Release initiative, which awarded meritorious good-time to prison inmates, found that the program caused no appreciable increase

**TABLE 7
NET COST/SAVINGS ATTRIBUTABLE TO MGT AND SMGT
FY 1991**

I. FY 1991 MGT AND SMGT PROGRAM PARAMETERS	
A. MGT and SMGT Releases	14,050
B. Average Reduction in Prison Term	4 months
C. Averted Years of Imprisonment	4,529
II. AVERTED PRISON COSTS	
A. Operating Costs @ \$16,000 per year of imprisonment	\$72.5 million
B. Amortized Construction Costs @ \$1,950 per year of imprisonment	\$8.8 million
C. Amortized Debt Service Costs @ \$5,250 per year of imprisonment	\$23.8 million
D. Total Averted Prison Costs	\$105.1 million
III. INCURRED CRIME COSTS	
A. Criminal Justice Recycling Costs	\$5.1 million
B. Victim Losses	\$0.4 million
C. Total Crime Costs	\$5.5 million
IV. NET <COSTS>/SAVINGS	\$99.6 million
V. NET SAVINGS PER MGT/SMGT RELEASE	\$7,089
VI. IMPACT ON CRIME RATE	Less than 1 percent

in the state's crime or arrest rates. A similar evaluation conducted in Wisconsin found that inmates who were given a 90-day early release had a slightly lower new offense rate than similar offenders who served their entire sentences. On that information, Wisconsin increased the early release period for eligible inmates — first to 130 days and then to 180 days (Austin, 1986; pp. 405-502).

2. This rate is identical to the 41.8 percent, 12-month rearrest rate for MGT releases reported by NCCD in its earlier evaluation of the inmates released via MGT between 1980 and 1983. (Austin, 1986; p. 465, Table 18).

3. This is not to say that these arrests and crimes would not have occurred during other time periods. Given that individual arrest rates remain unchanged regardless of whether an inmate receives MGT or SMGT credits or both, the more accurate interpretation is that these arrests were accelerated, not eliminated.

4. The return-to-prison measure is considerably lower than the 12-month

rearrest rate since it reflects the fact noted earlier that over two-thirds of all arrests are not prosecuted and another large proportion is for less serious crimes that do not warrant a return-to-prison decision by either the IDOC or courts.

5. A somewhat different approach can be used to assess the impact of MGT and SMGT on reported crime rates. Such a process is more speculative, since no one knows how many crimes (reported or unreported) were committed by released inmates. NCCD did such an analysis using a statistical analysis similar to the one completed in the 1986 evaluation noted above. Much as in the arrest-based analysis, we found that the MGT/SMGT policy was contributing no more than 1.3 percent of the total crimes reported to Illinois law enforcement agencies and that most of these crimes were for nonviolent misdemeanor-level crimes.

6. The construction debt service costs take into account that construction costs are financed by revenue bonds issued by the state and must be retired

over a 20-year period. The prevailing interest rate of state bonds is now 6 percent. Consequently, the total cost figures actually represent the amount of averted costs to be paid out over a 20-year period.

7. The latter is an annual national survey conducted by the U.S. Census of households. A recent publication of the NCVS data shows that the average victim loss per crime is relatively low (\$218 for crimes of violence, \$221 for theft, and \$834 for burglary). The median loss for robbery was \$89, theft \$55, and burglary \$50 (U.S. Department of Justice, 1994).

8. The NCVS has estimated that approximately one-third of these losses are eventually recovered by the victim. It should also be noted that the Chicago victim losses were generally lower than the NCVS rates.

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- The nation's homicide rate has remained quite stable since 1972 (8 to 10 per 100,000).
 - Only 21 percent of all murders are committed by strangers.¹
- The lifetime risk of being murdered is 42 per 1,000 for black males as compared to 6 per 1,000 for white males.¹
 - The total monetary loss to crime victims in 1992 was \$17.6 billion.
 - The total cost of the criminal justice system in 1990 was \$74.2 billion.²
- The median victim cost of a crime in 1992 was \$26 while the average cost was \$524.³

¹ Jeffrey Roth, Understanding and Preventing Violence, (Washington, D.C.: National Institute of Justice, U.S. Department of Justice, February 1994).

² Patsy A. Klaus, The Costs of Crime to Victims, (Washington, D.C.: National Institute of Justice, U.S. Department of Justice, February 1994).

³ National Council on Crime and Delinquency, Reducing Crime in America: A Pragmatic Approach, (San Francisco, CA: National Council on Crime and Delinquency, August 1, 1993).

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