

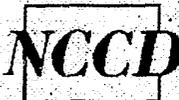
**PRELIMINARY EVALUATION OF THE
ILLINOIS SUPPLEMENTAL MERITORIOUS
GOOD TIME PROGRAM**

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EXECUTIVE SUMMARY

In 1990 the Illinois legislature enacted HB3838. This bill, passed as Public Act 86-1090, permitted inmates currently eligible for 90 days of Meritorious Good Time (MGT) to be awarded 90 additional days of Supplemental Meritorious Good Time (SMGT). This legislation, which took effect on July 13, 1990, made selected inmates eligible for a 180 day early prison release, instead of 90 a day early release. In effect, the SMGT program established by the bill expands the impact of the early release program by doubling the sentence reduction period previously offered to eligible inmates. The purpose of this legislation was to help control the state's growing prison crowding crisis by moderately reducing inmate prison terms.

To determine the impact of this program on public safety, prison crowding and costs, the Illinois Department of Corrections (IDOC) contracted with the National Council on Crime and Delinquency to conduct a comprehensive evaluation of the SMGT program. This report includes NCCD's preliminary findings on how the program is currently functioning and is meeting its goals to help control the state's growing prison crowding crisis and offset increasing operating costs by reducing inmate prison terms. A second study will be completed next year which provides additional results on the program impact on public safety and costs.

SUMMARY OF FINDINGS

1. **Does the IDOC administration of the SMGT program comply with the legislative intent of HB3838?**

The NCCD review of IDOC procedures for awarding SMGT to offenders discloses both total compliance with the legislative intent of HB3838 and very rigorous administration of the program. Only three minor problems were discovered among the 4,640 cases reviewed and none of these resulted in the release of an ineligible offender. The conclusion drawn from the NCCD audit is that the performance standard achieved by IDOC staff who screen offenders for SMGT has been exceptionally high.

2. **What is the estimated impact of the SMGT program on the marginal cost of state prisons and expenditures for new prison construction?**

Accrued savings in the marginal cost of operating the Illinois prison system are estimated to be \$4,713,638 during the 1991 fiscal year. This estimate projects SMGT program operations during the last three months of 1990 through the end of 1991.

At the end of December 1990, the SMGT program was in effect contributing 1,395 beds to the Illinois prison system. Assuming that the program can sustain that (December 1990) level of SMGT releases indefinitely, it may eliminate the need for construction of a new 1,400 bed facility.

In terms of averted long term operating and construction costs, SMGT will avert at a minimum \$1.2 billion over the next 10 years.

3. **What is the impact of the SMGT program on public safety?**

The SMGT program appears to have a very small impact on public safety. Only 31 or 1.4 percent of the 2,226 inmates released during the first four months of program operation were returned to prison during their SMGT release period. Among the 31 offenders returned, only 6 were convicted of a new offense.

4. **Can the SMGT Program be Expanded?**

It appears that a substantial number of inmates who are eligible for SMGT are not receiving these credits. NCCD estimates that as many as 1,848 inmates per year will not receive consideration for SMGT awards.

RECOMMENDATIONS

1. Based on these findings to date, the SMGT program is proving to be a cost-effective and safe method for controlling prison population growth. Consequently, NCCD recommends that the program be retained. Future research will determine whether the program can be further expanded in the future.
2. Despite the positive findings thus far, the SMGT program will not have a sufficient impact on reducing the state's projected prison crowding problem. Even with the continuation of the SMGT program through, the state will need to construct an additional 24,000 prison beds by the year 2000.
3. In terms of expanding the SMGT program, the following options should be considered:
 - a. Eliminate the Department's own internal policies of not allowing inmates to receive SMGT until they have been in custody for at least 90 days and/or are within 180 days of release.
 - b. Consider the possibility of further amending HB3838 to allow inmates sentenced for Class X crimes to receive an additional 90 days (or a total of 180 days of SMGT plus 90 days of MGT) if they are within one year of their scheduled release date and are classified for minimum custody.
 - c. Improve the IDOC's internal capacity for identifying inmates eligible for SMGT by developing computerized searched of the inmate population and distributing lists of potential candidates to the institutions on a weekly basis.

BACKGROUND

Prison crowding continues to plague most state prison systems. According to the Bureau of Justice Statistics (BJS), only 11 of the nation's prison systems were not overcrowded at year end of 1989 (BJS, 1990). Thirty-three state prison systems were facing court intervention in at least one of their major institutions as a result of overcrowding or improper operation of their facilities. And, it is highly unlikely that the problem will soon disappear. Despite recent declines in crime rates and a leveling off of prison admissions in some states,¹ the nation's prison population has risen to historic levels as the effects of sentencing laws that lengthen prison terms have begun to take hold (Austin, 1990).

One frequently cited solution to the prison crowding crisis has been the use of good-time. Commonly referred to as a "back end" solution, good-time is used to reduce an inmate's expected period of imprisonment. This, in turn accelerates the rate of prison releases. If the program is applied to a large portion of the prison population, it can substantially reduce the prison population.

Accelerated use of good-time is, of course, a controversial approach to curbing prison crowding. While the prison system directly benefits from lowered prison populations, the public may suffer; as accelerated prison releases can jeopardize public safety. One can also question how a well-publicized early release program might adversely affect general deterrence. If it becomes common knowledge among the public that the state is reducing prison terms, then marginal offenders may be more inclined to engage in criminal activities. More importantly, the public may become further disenchanted with what it perceives as an ineffective criminal justice system.

¹ Prison admissions have stabilized in Nevada, Michigan, Florida. Other states are reporting declines in the rate of increases including California, Tennessee, Indiana, and Virginia. However, such declines have not occurred for Illinois.

Shortening prison terms through good time is no longer a novel response to prison crowding. Since Illinois initiated its early prison release program in 1980, more than a dozen states have adopted a similar practice. And while the procedures employed to reduce prison terms vary considerably from state to state, the reason for implementing these policies is the same for each jurisdiction -- the demand for prison beds exceeds capacity.

Many states adopted such policies as a temporary measure that would moderate prison crowding and the attendant problems of institutional unrest, demoralized prison staff, and class action law suits. As time passed and prison admissions continued to increase, many of these accelerated release efforts became permanent correctional programs fully recognized in state statute or administrative law. Instances in which an early release program has been adopted and later abandoned are rare. On the other hand, there are numerous examples of efforts to expand the impact these programs have on correctional populations by increasing the number of inmates eligible or extending the length of the early release period. In large part, state decisions to maintain and/or expand their early release programs are a testimony to their success. Extensive evaluations conducted in Illinois and elsewhere have drawn administrators and legislators to the conclusion that carefully managed early release programs are safe and relatively effective short term responses to prison crowding. Past research findings suggest that reduced prison terms effectively control prison population growth and can achieve that goal without compromising public safety.²

The public safety issue is clearly the most important reason for questioning the use of early release methods. The NCCD evaluation of Illinois' 1980 Forced Release initiative, which awarded meritorious good time to prison inmates, found that the program caused no

² James Austin, "Using Early Release to Relieve Prison Crowding: A Dilemma in Public Policy", Crime and Delinquency, 32(4):404-502 (1986).

appreciable increase 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 sentence. On that information, Wisconsin increased the early release period for eligible inmates -- first to 130 days and then to 180 days.

Since 1980, the Illinois Department of Corrections (IDOC) has been authorized by the legislature to award up to 90 days of Meritorious Good Time (MGT) to inmates for purposes of controlling prison population growth. NCCD conducted a previous study of the effects of that program and found that the state was saving substantial amounts of funds without jeopardizing public safety. Based in part on the results of that study and the continued growth in the prison population, the legislature enacted in 1990 HB3838. This bill, passed as Public Act 86-1090, permitted inmates currently eligible for 90 days of Meritorious Good Time (MGT) to be awarded 90 additional days of Supplemental Meritorious Good Time (SMGT). This legislation, which took effect on July 13, 1990, made selected inmates eligible for a 180 day early prison release instead of 90 days. In effect, the SMGT program established by the bill expands the impact of the early release program by doubling the sentence reduction period previously offered to eligible inmates.

In 1990, the Illinois Department of Corrections (IDOC) contracted with NCCD to conduct a performance audit of the Supplemental Meritorious Good Time Program (SMGT). Questions posed for NCCD and the method used to examine them are summarized below.

1. **Does the IDOC administration of the SMGT program comply with the legislative intent of HB3838?**

This question is addressed through an evaluation of the IDOC's procedures for awarding SMGT to inmates made eligible by the act and an examination of the characteristics of inmates awarded SMGT.

2. What is the estimated impact of the SMGT program on the marginal cost of state prisons and expenditures for new prison construction?

Cost savings estimates were derived from actual program operating data available for SMGT releases made between July and December of 1991.

3. What is the impact of the SMGT program on public safety?

To address this question, NCCD examined new offenses and parole violations committed by program participants during their SMGT release period.

In this report, preliminary answers are provided for each of the three questions. These findings then will be updated next year to more fully address the issues of costs and public safety by conducting a more comprehensive analysis of recidivism (using re-arrest data and a longer follow-up period) and costs (including the costs to victims). However, before the results of this analysis are presented, a historical background of the use of MGT and SMGT is presented in the next section.

CRIMINAL JUSTICE TRENDS IN ILLINOIS PRIOR TO THE USE OF MGT

To understand the present study of SMGT one must understand historical changes in Illinois's sentencing laws over the past two decades that have significantly affected prison population growth. From 1965 to 1974, Illinois's prison population actually experienced a steady and significant rate of decline. During that time period, the state operated under an indeterminate sentencing structure and had launched an ambitious program of prison reform. But beginning in 1974 this declining population trend was reversed as the state began to experience a staggering rate of growth which has continued to the present (see Figure 1). Between 1974 and 1980 the state almost doubled its prison population (from 6,100 in 1974 to nearly 11,000 by 1980). Close analysis of this rapid population growth shows that it was fueled not so much by escalating crime rates or net population growth but by large increases in felony convictions (Table 1). From 1974 to 1980, the number of court dispositions and

FIGURE 1
ILLINOIS PRISON POPULATIONS
FY 1965 - 1991

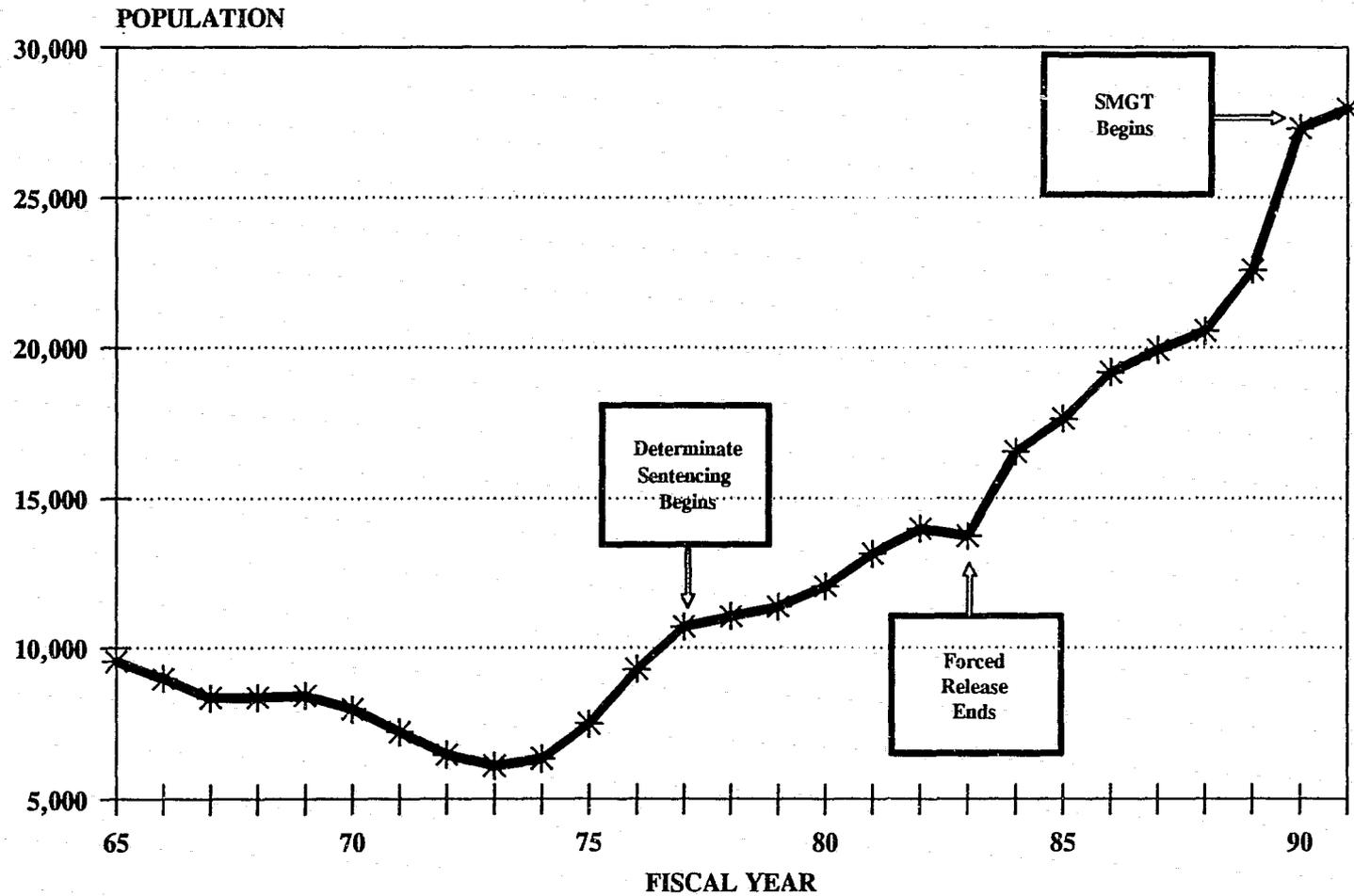


TABLE 1			
ILLINOIS CRIMINAL JUSTICE TRENDS, 1974 - 1980			
	1974	1980	% Change
State-at risk population * age 15 - 39	4,215,571	4,698,670	11.4
Reported index crimes	564,568	592,989	5.0
Index arrests	119,653	133,473	11.5
Felony dispositions/convictions			
total dispositions	30,661	49,176	60.3
convictions	13,571	25,714	89.4
conviction rate	(44.3%)	(52.2%)	17.8
Sentences of felony convictions			
prison	4,937	9,814	98.7
probation	7,219	11,397	57.8
probation and jail	1,161	4,238	265.0
jail	244	220	(0.4)
other	10	45	--
prison commitment rate	(36.3%)	(38.1%)	5.7

* Illinois Bureau of the Budget, Population Tables (Raw Data); Human Services Data Report: Part I, 1981 - 1983, Volume III, Illinois Department of Corrections.

convictions produced from felony arrests increased by 60 percent and 90 percent, respectively.

The explanation for these dramatic increases is largely economic. Prosecutors in the state had become much more efficient at winning felony-level cases. Interestingly, the state's at-risk population, reported felony crimes, felony arrests, and the felony conviction rate had also increased but at much slower rates.

Fueled by the large increases in convictions, the volume of prison commitments almost doubled even though the prison commitment rate had remained largely unchanged. Clearly, there was a major effort by prosecutors and the courts to file more complaints and convict

a larger proportion of felony arrests than in the past. As court resources became more effective in processing criminal cases, both prison admissions and the prison population doubled by 1980.

A second but less important factor affecting population growth was the abolition of the state's indeterminate sentencing law in 1978 and the adoption of a determinate sentencing structure. Although this sentencing reform was not the primary cause of prison population growth, it aggravated in several ways the trend that surfaced in 1975. First, as shown in Table 2, the legislation created six major classes of offenses for which convicted felons could be sentenced to prison: Class M (murder), Class X (robbery, assault, rape, kidnapping), Class 1 (attempted robbery, rape, and drug sale), and Classes 2, 3, and 4 that represent property (burglary, theft, fraud, and so on), drug offenses (possession and sale), and simple robbery. Class X was the most significant sentencing category as it mandated that judges sentence offenders convicted of these crimes to prison terms of between 6 and 30 years with possible enhancements of 30-60 years. Offenders sentenced for these offenses began serving longer terms under the new law at the same time that inmates were being awarded increased amounts of statutory good-time (day for day statutory good-time as opposed to the previous 1/3 statutory good-time system). This, in turn, created a "stacking" effect in the prison population that did not begin to take effect until several years after the legislation had been adopted.

Of equal significance was the law's provision to abolish discretionary parole release. Under determinate sentencing, inmates could only have their prison terms reduced by receiving statutory good-time (MGT) credits that could be awarded at the discretion of the Director of Corrections. In effect, the abolition of discretionary release from prison

TABLE 2			
ILLINOIS DETERMINATE SENTENCING CATEGORIES AND SENTENCING RANGES			
Felony Category	Regular Terms	Extended Terms	Examples
Murder	life or 20-40 years		murder
Class X	6-30 years	30-60 years	rape; armed robbery; aggravated kidnapping
Class 1	4-15 years	15-16 years	dealing in major narcotics
Class 2	3-7 years	7-14 years	burglary; arson; robbery
Class 3	2-5 years	5-10 years	theft (over \$150); child abuse; involuntary manslaughter; aggravated battery; sale of cannabis
Class 4	1-3 years	3-6 years	possession of cannabis (30-50 grams); sale of child pornography; theft (under \$150)

greatly restricted the state's ability to moderate prison population growth by influencing parole board release rates. This resulted in a continuing decline in the number of prison exits.

Although many observers had expressed fear that determinate sentencing would greatly expand the prison population, Illinois was not well prepared to provide the necessary resources for the rapidly growing prison system. This does not mean that no effort was made. In fact, Illinois expanded its prison capacity by almost 4,000 beds between 1975 to 1980; this represented a 50 percent increase. However, the capacity expansion program was not enough to keep pace with a more efficient court system and a tougher sentencing law.

With parole abolished, the only administrative means for the IDOC to effectively control population was to expand the use of awarding of MGT days (or credits) that would reduce prison terms and thus increase prison releases. It was hoped that a short-term policy of early release would buy the state sufficient time (3-4 years) to continue its prison capacity expansion program and, thus, meet the long-term projected growth in the prison population.

OVERVIEW OF THE MGT PROGRAM

The use of MGT to reduce prison terms formally began on June 1, 1980 under a program called "Forced Release". This program operated through 1984 and was highly controversial. Although Forced Release no longer exists, the practice of awarding MGT credits has continued to the present and has actually increased with the advent of SMGT. The awarding of MGT credits is accomplished via authority granted the Director of Corrections (Illinois Revised Statutes, chapter 38, section 1003-6-3, adopted in 1978). The specific rules governing releases are set forth in departmental Administrative Regulation 864. As interpreted by the state, that regulation permits the Director to award up to 90 days of meritorious good-time credits.

Although adopted as part of the 1978 determinate sentencing law, authority to grant MGT credits had traditionally been a part of Illinois penal law. Under indeterminate sentencing, it had been rarely used by Directors and then only to expedite a parole board date for selected inmates. During the formulation of the 1978 determinate sentencing law, MGT was included as the legislature and IDOC officials negotiated on specific statutory language, though no one at that time thought of using the statute to authorize early release on such a massive scale.

Inmates selected for MGT and "Forced Released" have to meet the following criteria: 1) they must have been within the custody of IDOC for at least 90 days; and 2) they must have been approved for release by the warden of the institution. Also, inmates who have violated work release conditions or who were previously in Forced Release (but returned to prison) are ineligible for Forced Release. The program was called Forced Release because the IDOC was, in effect, being forced to release inmates on a non-voluntary basis so that the number of releases would balance the number of admissions. And since prison admissions were escalating, the number of releases had to increase at roughly the same level.

NCCD, with funding from the U.S. Department of Justice, conducted a comprehensive analysis of this MGT program and reached the following conclusions:

1. Since the implementation in 1980, the MGT program had reduced the projected inmate population by approximately 10 percent. More specifically, between 1980 and 1984 over 5,900 prison years were averted by the use of MGT.
2. Prisoners who received MGT credits had a lower one year re-arrest rate (42 percent) than inmates serving their full-terms (49 percent).
3. Less than 1 percent of all crimes committed in Illinois were attributed the MGT program.
4. In terms of prison and criminal justice costs, approximately \$49 million were averted in prison operating costs.³

Based on these results the use of MGT has continued. However, in 1983 there was a legal challenge by several State's Attorneys of the IDOC's interpretation of the statute which allows the Department to make multiple 90 day MGT awards. On July 12, 1983, the Illinois Supreme Court decided that inmates could receive no more than a total of 90 days of MGT credits during a single period of incarceration. In effect, this ruling limited the IDOC's

³ James Austin, "Using Early Release to Relieve Prison Crowding: A Dilemma in Public Policy", Crime and Delinquency, 32(4):404-502 (1986).

ability to increase the use of MGT as the prison population continued to receive more offenders sentenced for longer periods of time.

After 1983, the IDOC was able to effectively manage its population growth by maintaining the MGT program and by adding nearly 9,000 prison beds to the system (an increase in bed capacity of 64 percent). But despite these efforts, the prison system is now over-crowded and will continue to be over-crowded in the future. Figure 2 graphically portrays the current crowding crisis in Illinois. For FY 1991, the prison system will have a bed capacity of 23,987 with an inmate population of 29,300 (a prison crowding ratio of 122 percent). Based on current projections, the inmate population will increase to over 48,000 by the year 2000 meaning that the state will need to construct over 24,000 beds. More significantly, the long term forecast assumes the continued use of the recently authorized SMGT program which allows inmates to receive an additional 90 days of MGT. As will be shown below in NCCD's analysis of SMGT, the level of crowding would be substantially worse had SMGT not been implemented.

IDOC ADMINISTRATIVE COMPLIANCE WITH HB3838

Awarding SMGT

The legislative intent of HB3838 is to exclude certain inmates from a SMGT award. In effect, inmates serving a sentence for one of the 19 offenses specified in the act are ineligible for SMGT. A list of these exclusionary offenses is reproduced below.

1. First Degree Murder
2. Reckless Homicide While Under the Influence of Alcohol or Any Other Drug
3. Aggravated Kidnapping
4. Kidnapping
5. Aggravated Criminal Sexual Assault
6. Rape
7. Criminal Sexual Assault

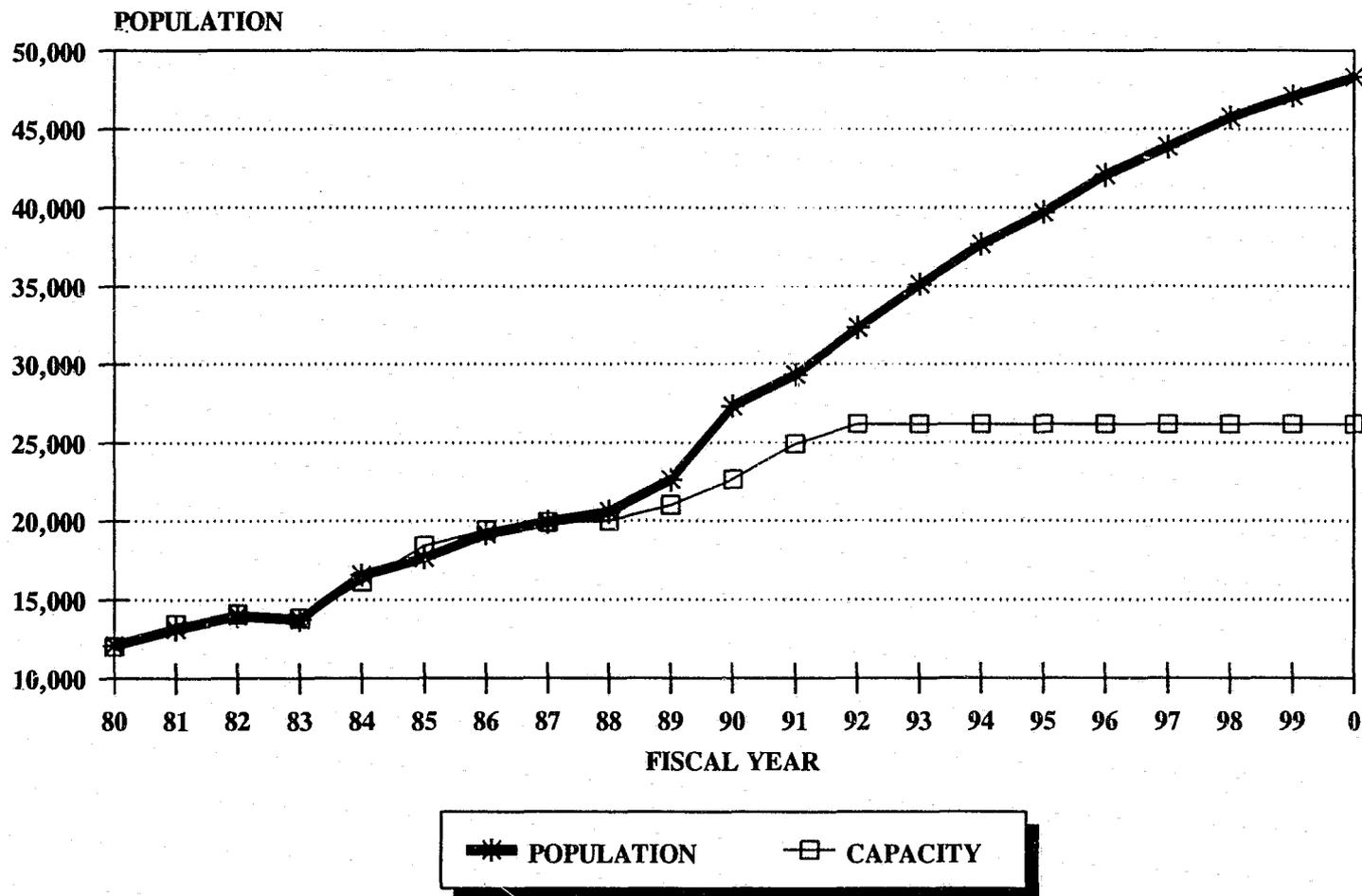
8. Deviate Sexual Assault
9. Aggravated Criminal Sexual Abuse
10. Aggravated Indecent Liberties With a Child
11. Indecent Liberties With A Child
12. Child Pornography
13. Heinous Battery
14. Aggravated Battery of a Spouse
15. Aggravated Battery of a Spouse With a Firearm
16. Aggravated Battery of a Child
17. Endangering the Life or Health of a Child
18. Cruelty to a Child
19. Narcotic Racketeering

In addition to eligibility based on past conviction offenses, IDOC established additional eligibility guidelines necessary to exercise its administrative responsibility to review cases that apply for SMGT and grant or deny the award. In effect, these guidelines are secondary review criteria the department used to screen SMGT applications. This review process denies a SMGT award to offenders who have a conviction for an offense listed above or:

1. **Have not been awarded 90 days of MGT at the time of their SMGT application.**
2. **Have more than six months remaining on their sentence.**
3. **Were admitted to prison less than 90 days prior to the SMGT application.**
4. **Have outstanding revoked good time.**
5. **Currently have a disciplinary grade of B or C.**

Assuming that an offender was eligible for SMGT based on his or her offense record, failure to meet any one of these five conditions could delay and, in some cases, deny a SMGT award. For the most part, these guidelines screen out offenders who posed disciplinary problems during their prison term.

FIGURE 2
ILLINOIS PRISON POPULATION AND CAPACITY
FY 1980 - 2000



Characteristics of Inmates Awarded SMGT⁴

During the first six months of program operation, 4,640 inmates were awarded an average of 61.7 days of SMGT, and by December 31, 1990, 3,527 of them were released from prison. The characteristics of the 4,640 inmates awarded SMGT are described in Table 3. The demographic race and sex characteristics of inmates awarded SMGT are typical of the race and sex general inmate population. They are predominantly male (93.6 percent) and approximately 58.9 percent are Black, 33 percent White, and 8 percent Hispanic. Most (58.5 percent) of these inmates were committed to prison from Cook county.

Inmates receiving SMGT typically have holding offense classifications that fall in the Class 2 through Class 4 felony range. Nearly 73 percent of the SMGT awards were made to offenders serving time for these less serious felonies. The two most common types of holding offense were property (59.0 percent) or drug (25.4 percent) related crimes. Average maximum sentence length was 4 years.

Because of the offense eligibility restriction imposed by HB3838, relatively few (7.2 percent) of the inmates receiving SMGT awards had been convicted of potentially violent offenses such as murder, rape, armed robbery, assault, or battery.

Inmates were typically in minimum (75.4 percent) or medium (21.5 percent) custody when they received the SMGT award. Based on estimated or actual discharge dates, these offenders should serve, on average, 1.03 years in prison prior to their SMGT release.

⁴ The inmate data used to create the descriptive table presented above was provided to NCCD by the Illinois Department of Corrections' Planning and Budget Unit. A similar analysis was performed by the Planning and Budget Unit and issued in a January 1991 report. The NCCD findings are based on a more recent data extract they provided to us and our results are nearly identical to those published in their January report. Discrepancies which exist may be attributable to the more recent data extract or a slightly different methodology. We would like to thank Planning and Budget staff for their assistance.

**TABLE 3
CHARACTERISTICS OF INMATES AWARDED SMGT**

Characteristic		Cases	% Cases
Race	Black	2,732	58.9%
	White	1,532	33.0%
	Hispanic	370	8.0%
	Other	6	0.1%
Sex	Male	4,342	93.6%
	Female	298	6.4%
Age at Award	18 - 25 years	1,513	32.6%
	26 - 30 years	1,145	24.6%
	31 plus	1,982	42.7%
	Average Age	4,460	30.3 years
Holding Offense Classification	Class X	556	12.0%
	Class 1	701	15.1%
	Class 2	1,767	38.1%
	Class 3	1,015	21.9%
	Class 4	601	13.0%
Holding Offense Type	Property	2,739	59.0%
	Drug	1,178	25.4%
	Violent	333	7.2%
	Other	390	8.4%
Inmate Custody Level At Time of SMGT Award	Maximum	67	1.4%
	Medium	996	21.5%
	Minimum	3,499	75.4%
	Pending	78	1.7%
Commitment County	Cook	2,713	58.5%
	Other	1,927	42.5%
Amount of SMGT Awarded	Average Award	4,640	61.7 days
Estimated* Time Served at Release	Less than 1 year	2,481	53.7%
	1 - 2 years	1,838	39.8%
	3 plus years	322	6.5%
TOTAL		4,640	100.0%

* Data missing on 19 cases.

Approximately 53.7 percent will have served less than one year and the remainder more than one year.

NCCD Audit of SMGT Award Procedures

In conducting the assessment of IDOC compliance with the legislative intent of HB3838, NCCD staff considered both the offense exclusions stated in the act and the administrative guidelines adopted by IDOC. The objective of the NCCD audit was to reassess data on offenders granted SMGT during the first six months of the 1991 state fiscal year by an independent application of eligibility of the legislative criteria and IDOC guidelines.

To conduct the eligibility review, NCCD requested IDOC computer tape extracts of offender information relevant to the SMGT grant decisions. These files included the offense history, good time award records, and admission and release data necessary to apply the SMGT screening procedures to each case. A computer program code was written by NCCD to perform a computer-assisted screening necessary to identify offenders whose case records appeared to violate any one of the eligibility criteria discussed above. Only 65 (1.4 percent) of the 4,640 offenders awarded SMGT failed this initial audit. The reasons for these audit exceptions are noted in Table 4.

In the second stage of this audit, NCCD performed a direct review of correctional case records for the 65 offenders who failed the initial computer screening. These case reviews, conducted by NCCD staff in Springfield, were made to confirm or deny exceptions from the initial audit.

A disqualifying offense history was the most frequent exception to the initial audit (51 cases). Direct inspection of these case files, including a careful reading of the statement of facts describing the crime(s), did not confirm any errors in the IDOC inmate screening

procedure. None of the 51 offenders identified in the initial audit had, in fact, been convicted of an offense that would disqualify them for a SMGT award. Most offense history

<p style="text-align: center;">TABLE 4</p> <p style="text-align: center;">INITIAL AUDIT EXCEPTIONS AND CASE REVIEW CONFIRMATIONS FOR SMGT AWARDS</p>		
Reason for Exception	Initial Audit Exceptions	Case Review Confirmations
Offense History	51	0
Less than 90 days of SMGT	6	0
In Prison less than 90 days	6	3
Remaining Sentence more than 6 months	3	0
Revoked Good Time Outstanding *	0	0
Disciplinary Grade of B or C	0	0
Total Exceptions	66*	3
Offenders with Exceptions	65	3

* One case failed for two reasons.

exceptions to the initial audit were the result of minor errors in offense coding at data entry or the failure to distinguish, for instance, attempted battery from actual battery convictions. Offense history is arguably the most important criteria for determining SMGT eligibility. The fact that offenses are specifically referenced in HB3838 emphasizes their priority in legislative intent. The audit disclosed strict compliance with these legislative provisions.

The remaining 15 audit exceptions concerned the three administrative guidelines adopted by IDOC that specified when a SMGT award could be granted. These guidelines require that the offender have been credited with the full 90 days of regular meritorious good time; have served at least 90 days in prison; and have less than six months left to serve on

his sentence when the SMGT award is made. Only 3 of the 15 initial exceptions to these rules were confirmed during the on-site case reviews (see Table 3, right-hand column). All three confirmations involved award of SMGT to an inmate who had more than six months remaining on his or her sentence. In each case, the discrepancy was traced to a clerical error made at the prison when the offender's sentence data was entered. None of these errors caused an ineligible offender to receive a SMGT release. The SMGT days were merely awarded a few days before they should have been.

SUMMARY OF AUDIT FINDINGS

The NCCD review of IDOC procedures for awarding SMGT to offenders discloses both total compliance with the legislative intent of HB3838 and very rigorous administration of the program. Only three minor problems were discovered among the 4,640 cases reviewed and none of these resulted in the release of an ineligible offender. The conclusion drawn from the NCCD audit is that the performance standard achieved by IDOC staff who screen offenders for SMGT has been exceptionally high and conforms to the legislative intent of HB3838.

THE IMPACT OF SMGT ON AVERTED CORRECTIONAL COSTS

The impact of SMGT awards on correctional costs is a function of three factors: 1) the number of inmates released with a SMGT grant; 2) the amount of the SMGT awarded them; and 3) the length of program operation. Since the awards cannot exceed 90 days, the number of inmates released with a SMGT award during the period examined here has the largest potential impact on correctional costs.

There are three kinds of cost savings that can be attributed to SMGT awards. The first and most conservative measure is averted marginal per capita operating costs realized through

the shortening of prison terms. The two other costs measures to be considered would be averted full per capita operating costs and capital construction costs. A brief discussion of these costs factors are discussed below.⁵

The IDOC provides operating costs estimates for each of its facilities. These figures vary for each institution depending upon the prison's security design and associated staffing levels. In general, the average IDOC FY 1990 operating costs per inmate range from \$13,675 (at Menard) to \$20,815 (at Logan). In determining the short-term averted costs associated with the SMGT program it may not be appropriate to use these fully loaded per capita cost estimates for the following reasons. As will be shown later on in this report, the savings in prison population attributed to SMGT is necessarily limited during the initial year of operations. Had the SMGT policy not existed, one could argue that the additional inmate populations the system would have had to absorb could have been accommodated simply by over-crowding existing facilities. Marginal costs reflect the averted costs of over-crowding on a short-term basis by accounting for largely non-personnel expenditure items. Most prison budgets are heavily driven by personnel costs that reflect the salaries, fringe benefits and administrative costs associated with the hiring of full-time staff. When a prison population is impacted by a particular policy, it may not require any immediate changes in staffing levels. For example if SMGT had not been in existence during this time period, the population would have been that much larger, but may not have required the need to add additional staff. But increases in the inmate population at these levels would have required additional expenditures necessary

⁵ In completing a comprehensive cost benefit analysis, one must also include the costs of recidivism to the victim and additional criminal justice re-processing costs for crimes attributable to accelerated release policy. In the next phase of this evaluation NCCD will be including these costs in the analysis as well.

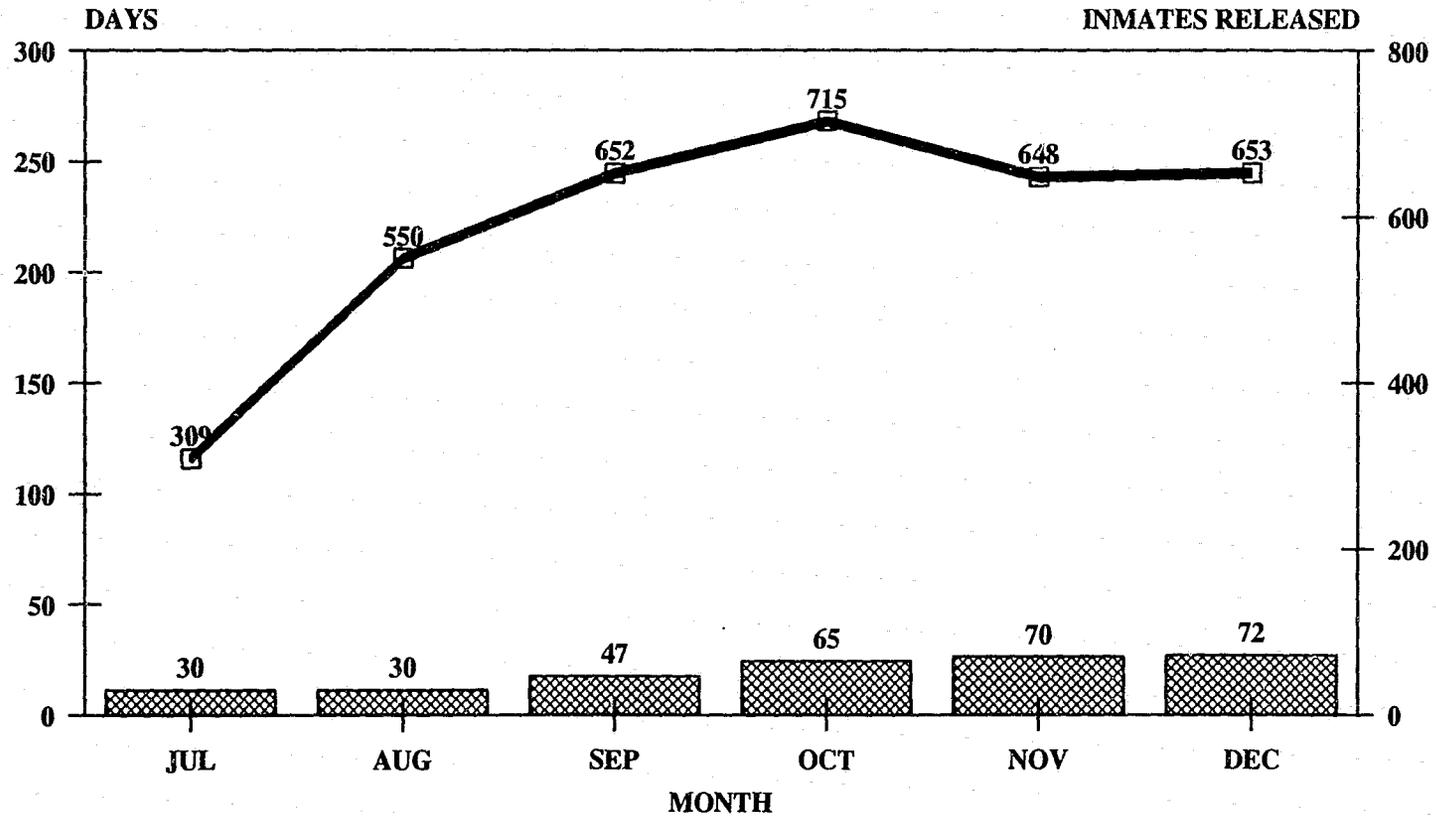
to feed, clothe, and provide medical care or personal maintenance to these inmates (the basis for computing marginal operating costs are shown in Appendix 1).

In effect, these kinds of expenditures represent the marginal operating costs necessary to add one more offender to an existing facility. They do not, however, include the true or full operating or capital expenditures associated with the construction and maintenance of a new facility. Thus, implementation of the SMGT program can impact all three of these costs measures (marginal operating costs, full operating costs and construction costs). In this preliminary evaluation, marginal cost savings are considered first.

SMGT Impact on Marginal Per Capita Operating Expenditures

Figure 3 summarizes the program operating data required to estimate savings in marginal operating expenditures. The line in Figure 3 indicates the number of inmates released with a SMGT award each month and the bar below the average SMGT days awarded them. In July 1990, for instance, 309 inmates were released with an average SMGT award of 30 days. Since HB3838 did not take effect until July 13, the July figures represent an abbreviated operating period. It should also be noted that the Department was struggling to keep its inmate population from growing above the 27,300 level. As population pressures increased, the Department accelerated its use of SMGT in August but only for the purposes of maintaining the population at or below the 27,300 ceiling. By October, releases had risen to 715 and the average SMGT award increased to 65 days. The IDOC's operations for processing eligible inmates appear to have stabilized during November and December. During those two months, the number of inmates released remained around 650 and the average SMGT grant rose to around 70 days.

**FIGURE 3
INMATES RELEASED WITH SMGT AND
AVERAGE SMGT DAYS AWARDED
FISCAL YEAR 1991**



AVG SMGT DAYS

 # SMGT RELEASES

Marginal operating cost savings can be estimated from the SMGT release activity described in the preceding graph. The marginal operating cost necessary to maintain one inmate in an existing institution for one year have been estimated by IDOC at \$3,640 (see Appendix 1 for an itemized breakdown of marginal operational costs). Since SMGT awards reduce prison occupancy, they produce cost savings at the approximate rate of \$3,640 for every 365 days awarded or \$9.97 for each SMGT day awarded. Table 5, below, estimates the monthly and total savings attributable to SMGT releases through December of 1990.

TABLE 5			
ESTIMATE OF THE MARGINAL OPERATING COSTS SAVED BY SMGT AWARDS			
Month	Inmates Released	Average SMGT Award	Estimated Marginal Cost Savings
July	309	30	\$ 93,370
August	550	30	\$161,805
September	652	47	\$304,950
October	715	65	\$461,338
November	648	70	\$454,296
December	653	72	\$468,872
TOTAL	3,527	55	\$1,944,632

As the table suggests, the program's estimated monthly impact on marginal operating costs increased dramatically between July and October and then stabilized at \$450,000 plus in the October through December period. Total marginal cost savings which should accrue to SMGT releases made during the first half of the 1991 fiscal year are estimated at \$1,944,632.

The average monthly savings for the three months ending December 1990 should provide the best estimate from which to project future savings in marginal operating costs. If the same savings (\$468,872) are realized during each of the remaining six months of the 1991 fiscal year, the SMGT program will have yielded a minimum of marginal cost savings of \$4,713,638. These estimates are not adjusted for the increased days of parole supervision or community center occupancy associated with early SMGT prison releases, but the marginal operating cost of providing those services is relatively small.

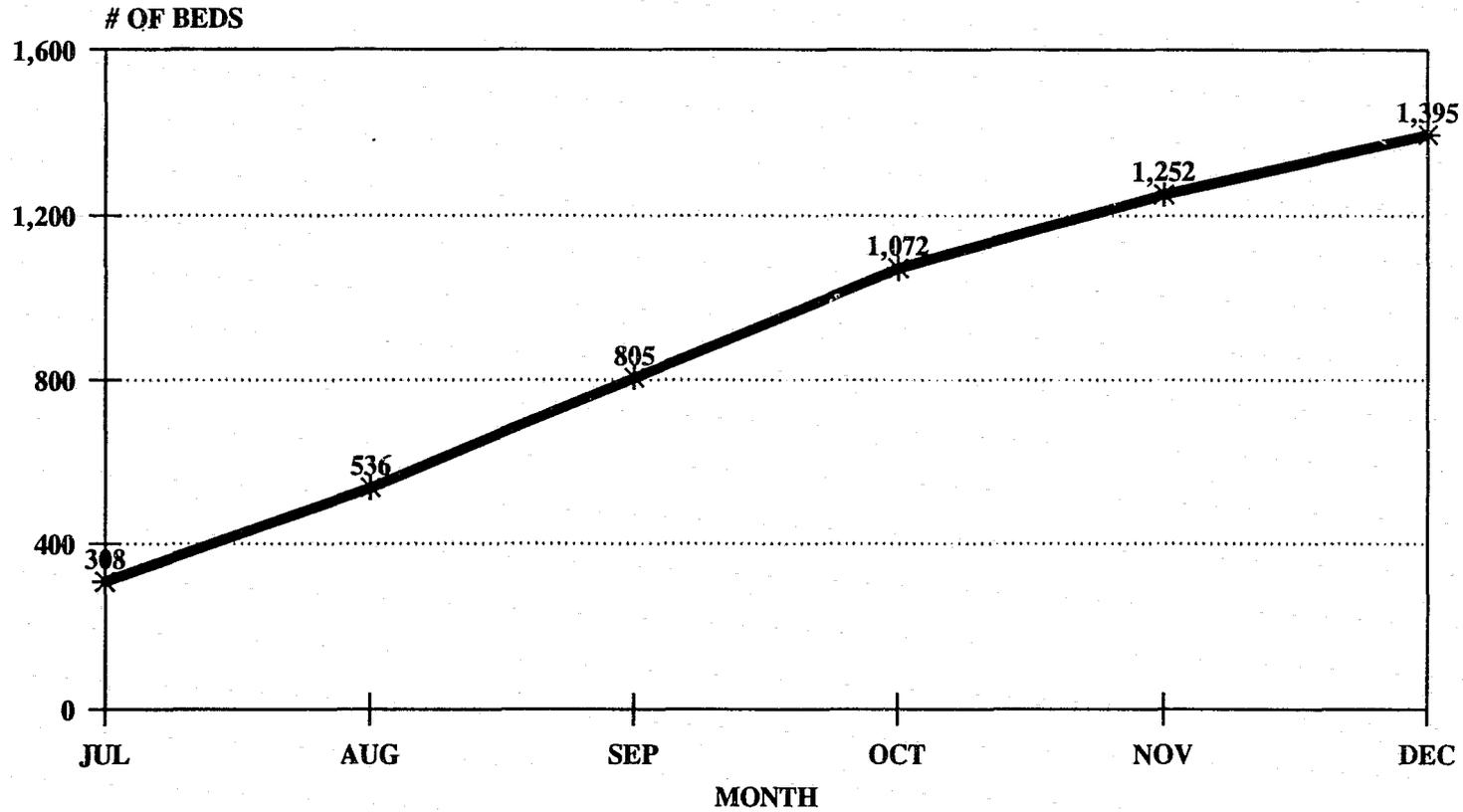
PRELIMINARY IMPACT OF SMGT ON AVERTING OPERATING AND NEW FACILITY CONSTRUCTION COSTS

The program's impact on capital expenditures and full operational costs associated with new facility construction must be viewed from a longer term perspective than that adopted for marginal operating costs. While it is clear that SMGT releases effectively add bed capacity to the prison system, the questions concerning how much and for how long are more important to assess but less easily answered at this time.

The most reliable way to measure the immediate impact on bed capacity is to estimate bed savings at different points in time after program implementation. Each estimate in Figure 4 represents the number of inmates SMGT awards have removed from the Illinois prison population on the last day of the month thus far.

The bed savings estimates are based on a model that takes into account the date each inmates was released with SMGT and the length of his or her SMGT award. Essentially, this estimation method indicates exactly how many inmates the program removed from IDOC prisons on a given day -- in this case the last day of each month. During the period observed in the graph, the bed savings attributable to SMGT grew from 308 on the last day of July to 1,395 on December 31, 1990. This steep, upward curve is related to program start up.

**FIGURE 4
PRISON BED SAVINGS ATTRIBUTABLE
TO SMGT RELEASES
FISCAL YEAR 1991**



*** SMGT PRISON BED SVGS**

Last Day of the Month

Releases and the length of SMGT awards increased during each month of the July - October period, but began to stabilize in November - December.⁶

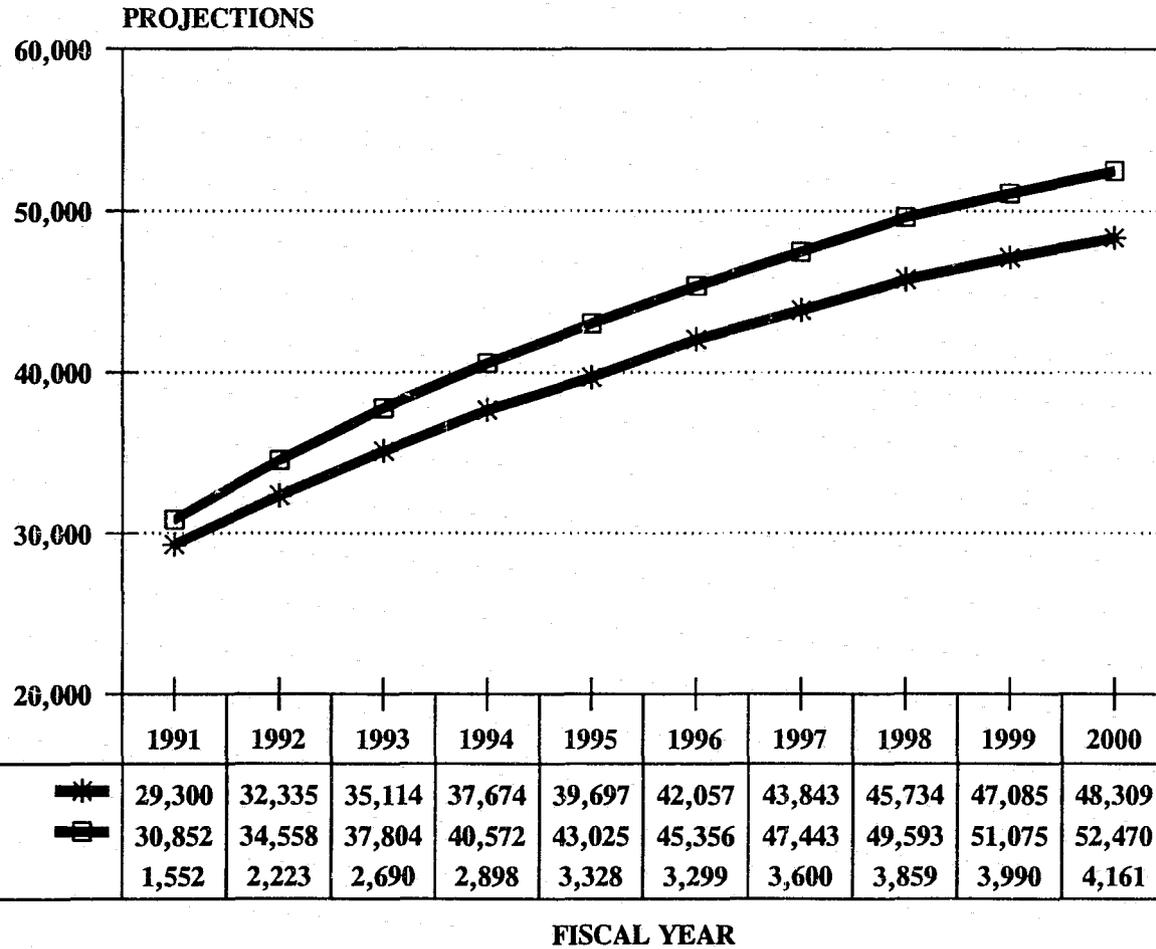
Although we only have been able to document the amount of time that have been awarded during the initial six months of program operations, it is possible to reasonably estimate the impact of continuing the current SMGT program over the next decade using the IDOC policy simulation forecasting model. That forecasting model allows the IDOC to project the prison population through the year 2000 assuming that current sentencing policies remain constant. The current IDOC ten year forecast assumes that the SMGT program will continue to operate near the current level for the next ten years. Without SMGT, the ten year forecast of the IDOC population would reach 52,470 inmates by the year 2000. With SMGT, the ten year forecasts is reduced by 4,161 inmates (see Figure 5).

Since most of these averted prison beds occur for inmates who are housed in minimum custody at the time they received SMGT credits (see Table 3) one can assume that the averted costs relate primarily to minimum security facilities. Estimated annual per inmate costs for such a facility for Fiscal 1991 are \$17,046. Assuming a cost of living/inflation factor of 5 percent per year after FY 1991, averted operational costs would approach \$654.7 million through the decade.

Furthermore, the state will avert considerable construction costs as well. Assuming that SMGT has averted the need to construct 4,161 additional minimum security beds at a FY 1991 cost of \$43,433 per bed, SMGT will have averted \$181 million in construction costs (assuming no inflation in construction costs). Finally, one must also take into account that

⁶ Although somewhat different estimation procedures are employed, the NCCD estimate is very similar to that reported by the IDOC Planning and Budget Unit in their January 1991 report. That report used an estimate based on SMGT awards to all inmates rather than SMGT releases and employed an average daily population calculation.

**FIGURE 5
ILLINOIS PRISON POPULATION PROJECTIONS
FY 1991 - 2000**



these construction costs will be financed by revenue bonds issued by the state that must be retired over a 20 year period. The prevailing interest rate of state bonds is now 8 percent. To retire the bonds would cost taxpayers another \$398 million.

Table 6 summarizes the expected averted costs associated with SMGT as presently being used by the IDOC. In this fiscal year alone, the program has averted \$4.7 million in marginal operating costs. But assuming the program continues at its present levels for the next 10 years, SMGT will have averted over \$1.2 billion in prison operational and construction costs. Again, because these estimates assume savings only for the least expensive facilities (minimum custody) and no inflation for construction costs, these estimates should be viewed as conservative.

TABLE 6	
LONG-TERM AVERTED IDOC COSTS ATTRIBUTED TO SMGT	
I. Averted Inmate Population (1991-2000)	4,161
II. Averted Marginal Prison Operating Costs	\$4.7 million
III. Averted Prison Operating Costs @ \$17,046 per inmate per year plus 5 percent annual inflation	\$654.7 million
IV. Averted Prison Construction Costs @ \$43,433 per bed - non inflation	\$180.7 million
V. Averted Debt Payment @ 8 percent annualized interest rate over a 20 year period	\$397.6 million
VI. TOTAL AVERTED COSTS	\$1,237.7 million

PRELIMINARY IMPACT OF SMGT RELEASE ON PUBLIC SAFETY

An assessment of the post-release behavior of offenders released with SMGT awards is difficult to conduct at this point. Many of the offenders released during 1990 have spent insufficient time in the community for a new offense to cause their return to an IDOC institution. It is possible, however, to examine prison recidivism during a 90-day post-release follow-up period for offenders released with SMGT. Because new admission data are available only through January of 1991, the analysis is limited to the 2,226 offenders released between July 13 and October 31, 1990. Table 7 describes prison admissions for a technical violation or new conviction which occurred after an SMGT release.

<p align="center">TABLE 7</p> <p align="center">POST-RELEASE PRISON RECIDIVISM OF SMGT RELEASES*</p> <p align="center">DURING A 90-DAY FOLLOW-UP</p>		
Prison Recidivism:	Cases	% Cases
None	2,172	97.6%
Technical Violation	42	1.8%
New Offense	12	0.6%
TOTAL	2,226	100.0%

* July through October 1990

Because it is the same length as the longest SMGT award, the 90-day follow-up period provides an estimate of the criminal offenses SMGT offenders commit during the maximum

early release period. Overall prison recidivism is very low (2.4 percent) and the majority of readmissions were for technical violations (1.8 percent).⁷

Since very few of the program participants released during this period received a full 90-day SMGT award, a more precise method of calculating the number of return to prisons attributable to the SMGT program would only take into account offenses committed during the period inmates were on SMGT status. In other words, if an inmate received 60 SMGT credits, one should only count those violations occurring during that 60 day "window". Recidivism calculated in this manner is displayed in Table 8 below.

TABLE 8		
POST-RELEASE PRISON RECIDIVISM OF SMGT RELEASES* DURING THE SMGT RELEASE INTERVAL		
Prison Recidivism:	Cases	% Cases
None	2,195	98.6%
Technical Violation	25	1.2%
New Offense	6	0.2%
TOTAL	2,226	100.0%

* July through October 1990

As expected, the recidivism rate is even lower with only 31 (1.4 percent) of the 2,226 inmates released with an SMGT award returned to prison during the early release interval.

⁷ The Planning and Budget Unit performed a similar analysis of recidivism. They examined all prison returns for 1990 SMGT releases. This analysis observes recidivism which occurs within 90 days after SMGT release and limits the release group to inmates for whom a standardized 90 day follow-up can be performed. See Supplemental Meritorious Good Time: The First Six Months. IDOC Planning and Budget Unit, January, 1991.

Twenty-five were returned for technical violations of their parole and only six for a new offense.

While the offenses and violations recorded in Table 8 occurred during a time period when each offender would have been in prison had the SMGT program not been implemented, this does not substantiate a conclusion that the program caused this behavior. In fact, early release of 90 days duration is very unlikely to have any impact on the probability that an inmate will commit a new offense at some point after release and, thus, endanger public safety. In the time period which extends indefinitely after his or her prison release, each offender will either engage in criminal behavior or avoid it entirely. A variety of factors may influence an offender's decision to commit another criminal act and few of them can be known for certain. An early release from prison may alter the time frame in which an offense occurs, but it is very difficult to assign responsibility for a particular crime to a slightly abbreviated prison term. Consequently, the impact of the SMGT program on public safety is very difficult to judge. The findings presented in Table 8 represent a worst case scenario; i.e., it assumes that all the new criminal behavior committed during the SMGT release period can be attributed to the program. Even when this very conservative assumption is applied, the impact of the SMGT program on criminal activity must be seen as exceptionally small.

CAN THE SMGT PROGRAM BE EXPANDED?

The preceding analyses have demonstrated that SMGT awards have had a significant impact on the Illinois correctional system without increasing the risk to public safety. The program has substantially reduced marginal operating costs and may prevent construction of a new facility. The question posed here is whether the SMGT program has reached its full potential within the legislative intent of HB3838. In other words, are there substantial

numbers of inmates who are not receiving SMGT but who are eligible? If so, it might be possible to expand the impact of SMGT by streamlining administrative procedures for screening inmates at the institutional level? For the most part, these questions address administrative issues related to the identification and outprocessing of eligible inmates. This section of the report examines 1990 SMGT operations in an effort to improve future program impact.

To address this issue, NCCD received a computer extract file of 8,650 inmates released from July 13, 1990 through December 31, 1990. This data file included detailed prison records that permitted NCCD to examine not only those inmates who received SMGT but also those who did not. This allowed the researchers to determine what proportion of all releasees are benefiting from the program.

PROPORTION OF RELEASED INMATES RECEIVING SMGT, MGT OR NOTHING

Table 9 summarizes the characteristics of interest to this study for inmates who were released during the last six months of 1990. Of the 8,650 released inmates, only 682 (or 8 percent) did not receive either MGT or SMGT credits. Over 51 percent only received MGT credits while 41 percent received both MGT and SMGT credits. The table also shows the average amounts of MGT and SMGT being awarded as well as other transactions affecting an inmate's release date. MGT only inmates received an average of 86 credit days compared to a total of 145 days for inmates receiving both MGT and SMGT - well below the potential 180 credit maximum.

Inmates can also lose statutory good-time credits that are vested to the inmate at admission. In Illinois, inmates receive day for day Statutory Good Time (SGT) credits that serve to reduce the inmate's sentence by 50 percent. However, should the inmate become

involved in disciplinary misconduct, SGT credits can be removed and later restored should the inmate's conduct record improve. In general, the SGT revocation and restoration actions are somewhat insignificant. The average amount of SGT credits revoked at the time of release equaled one half of a day. This figure probably under-reports the actual amount of SGT credits being revoked since it reflects the amount of outstanding revoked SGT credits that have not been restored at the time of release. As expected, SMGT inmates have no outstanding revoked SGT credits while MGT releases have only an average of .3 SGT days revoked. inmates not receiving either MGT or SMGT have the highest average of revoked SGT (4.4 days) which is consistent with the IDOC policy of not awarding MGT or SMGT credits to inmates who are disciplinary problems.

The other factor impacting an inmate's release date in Illinois is the amount of time spent awaiting trial in local county jails. Inmates released in 1990 received an average of 251.6 days, or approximately 8.3 months. These county pretrial and sentence days are deducted from the sentence to further reduce the inmate's entire period of incarceration. By summing up all of these various credits one can see the overall impact on length of stay (LOS). Overall, released inmates spend an average of 16.4 months. The shortest length of stay is for the SMGT group (14.9 months) followed by MGT releases (17.2 months) and the no credit group (19.3 months). As a proportion of an inmate's typical sentence of 56.1 months, an inmate's sentence will be reduced by approximately 70 percent taking into account all of these various time calculations (see Figure 6). This figure underscores the importance of these factors in controlling prison growth and state expenditures. For example, if the state were to eliminate the use of all forms of good time, the current length of stay would increase 31.5 months (28 months in statutory good-time credits and 3.4 months in

FIGURE 6
FACTORS AFFECTING LENGTH OF STAY
IN ILLINOIS PRISONS

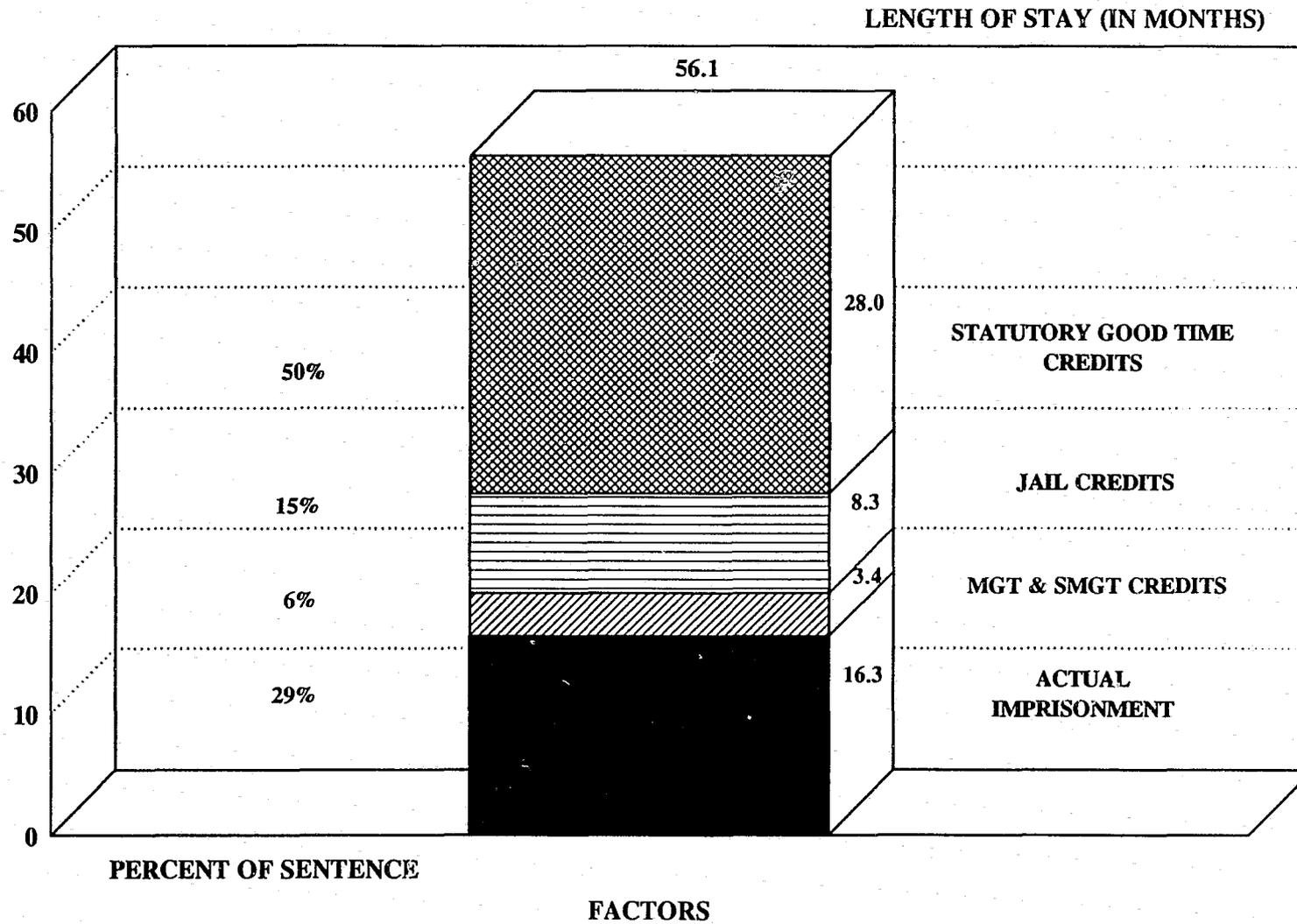


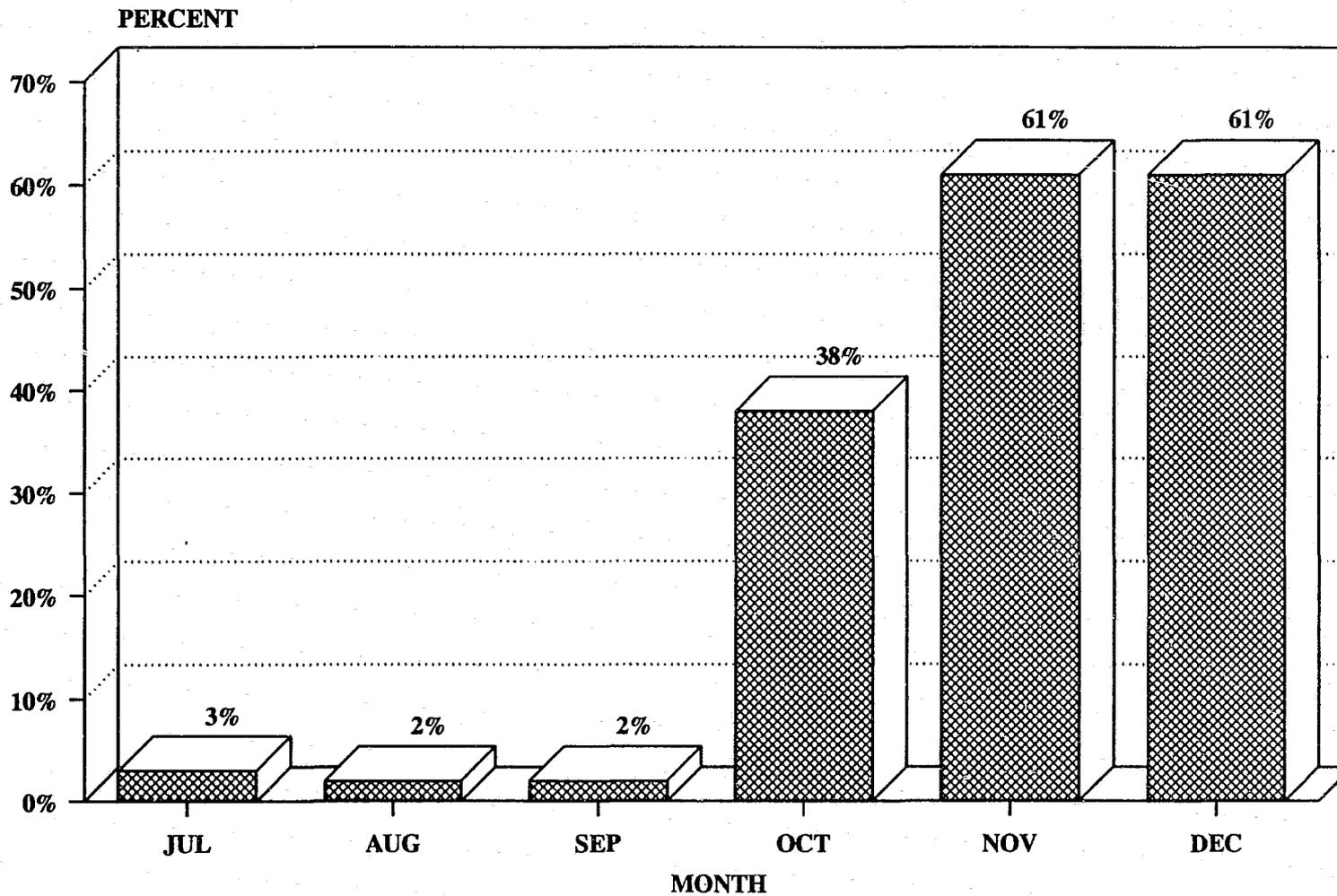
TABLE 9
KEY CHARACTERISTICS OF PRISON RELEASES
JULY 13, 1990 - DECEMBER 31, 1990

Characteristics	No Credits	MGT Only	MGT + SMGT	TOTAL
	(N = 682) 7.9%	(N = 4,431) 51.2%	(N = 3,522) 40.7%	(N = 8,650) 100.0%
Average Sentence Length	60.3 mos	60.6 mos	49.5 mos	56.1 mos
Average MGT/SMGT	0.00 days	85.9 days	145.1 days	103.2 days
Average SGT Revoked	4.4 days	0.3 days	0.0 days	0.5 days
Average SGT Restored	2.4 days	0.3 days	0.7 days	0.7 days
Average Jail Credits	287.7 days	251.4 days	244.9 days	251.6 days
Average Length of Stay (mos.)	19.3 mos	17.2 mos	14.9 mos	16.4 mos
Offense Class				
Class M	1.5%	2.0%	0.0%	1.1%
Class X	15.2%	14.1%	12.0%	13.3%
Class 1	14.0%	13.5%	13.8%	13.7%
Class 2	31.8%	30.0%	37.3%	33.1%
Class 3	17.8%	23.1%	22.0%	22.2%
Class 4	19.7%	17.3%	14.8%	16.5%

MGT and SMGT) from 16.4 months to 47.9 months. This change in LOS would nearly triple the current prison population.

Figure 7 indicates the percentage of inmates released each month with an SMGT award greater than 75 days. Awards that approach the 90 day maximum obviously have a greater impact on operating costs. Consequently, the 75 day plus award serves as a rough

FIGURE 7
PERCENT OF INMATES RELEASED WITH
MORE THAN 75 DAYS SMGT



FISCAL YEAR 1991

measure of how efficiently eligible inmates are identified and outprocessed from Illinois prisons. A major difficulty correctional staff face when identifying inmates for SMGT eligibility has to do with the limited amount of time to complete the entire review. Staff must identify potentially eligible inmates, certify their SMGT eligibility, and outprocess them before they would be released normally.

The low percentage of 75 day plus SMGT awards during July through September is caused by the Department's policy of selectively using SMGT for purposes of controlling population growth at the 27,300 level. By October, however, the prison population was continuing to escalate which in turn was forcing the Department to expand its use of SMGT. As a result, the number of inmates receiving more than 75 days of SMGT increased dramatically from 2 percent in September to 38 percent in October before rising again to 61 percent in November and December. These last two months of 1990 can provide us with the best estimate of future SMGT operations.

Even during these two most stable months of program operation two significant barriers to a full 90-day SMGT grant remain. These are short sentences coupled with pretrial and sentenced jail credits as noted above. For example, among the 1,301 inmates released with SMGT during the peak operating period of November through December, 25 percent had a minimum sentence of one year or less. Only 48 percent of these individuals received an SMGT award greater than 75 days. On the other hand, 71 percent of the inmates serving a minimum sentence of two years or more received a 76 plus day SMGT award.

This situation is exacerbated given the amount of jail time credits which further shorten an already short sentence. Case data for November and December releases indicate that 28 percent of the inmates released with SMGT had jail time of 2 to 4 months and 54 percent had more than 4 months. These numbers mean that many inmates will not be in prison long

enough to receive a significant SMGT award. For instance, only 40 percent of inmates sentenced to 3 years or less who had 2 to 4 months of jail time received a 75 day plus SMGT award.

Administrative remedies, such as awarding MGT and SMGT to eligible offenders at the same time, may offer the best opportunities to maximize SMGT awards. The joint award of MGT and SMGT, for instance, would permit IDOC staff to begin processing SMGT eligibility for SMGT earlier in the sentence. If good time was subsequently revoked for disciplinary reasons, release can be delayed or denied. This option should be explored by IDOC, although short sentences and jail time will probably prevent any dramatic future increase in the length of SMGT awards.

THE SMGT "MAYBE" GROUP

A greater and more correctable situation involves those inmates who are clearly eligible but are not being properly identified by institutional staff for SMGT. Between July and December of 1990, a relatively large group of inmates were released who might have been eligible for an SMGT award based on the following two conditions: 1) they had received 90 days MGT at release, and 2) they appear to meet the holding offense conditions required by HB3838. In total NCCD identified 3,242 such inmates who constitute what can be referred to as the SMGT "maybe" group. It is difficult to determine if all of these individuals were eligible for SMGT because the computerized inmate records cannot provide all the necessary information. But these inmates have characteristics that clearly recommend them for further study.

For the most part, inmates in this group have the same characteristics as inmates actually released with SMGT (see Table 10). For instance, they have similar holding offense

TABLE 10
CHARACTERISTICS OF INMATES RELEASED WITH SMGT
VERSUS HB3838 OFFENSE ELIGIBLES WITH 90 DAYS MGT

Characteristic	Released with SMGT		90 days MGT		
	Cases	% Cases	Cases	% Cases	
Race	Black	2,108	59.6%	1,975	60.9%
	White	1,161	32.8%	987	30.4%
	Hispanic	265	7.5%	271	8.4%
	Other	1	0.0%	9	0.2%
Sex	Male	3,294	93.1%	3,043	93.9%
	Female	243	6.9%	199	6.1%
Holding Offense Classification	Class X	422	11.9%	394	12.2%
	Class 1	487	13.8%	406	12.5%
	Class 2	1,320	37.3%	1,021	31.5%
	Class 3	778	22.0%	851	26.2%
	Class 4	530	15.0%	570	17.6%
Holding Offense Type	Property	1,159	57.0%	1,649	50.9%
	Drug	548	26.9%	644	19.9%
	Violent	135	6.6%	584	18.0%
	Other	206	10.1%	365	11.2%
Institution Security Level	Maximum	43	1.2%	185	5.7%
	Medium	750	21.2%	1,067	32.9%
	Minimum	2,730	77.2%	1,848	57.0%
	Pending	14	.4%	142	4.4%
Minimum Sentence	Less than 1 year	162	4.6%	382	11.8%
	1 - 2 years	742	21.0%	659	20.3%
	3 plus years	2,633	74.4%	2,201	67.9%
Prison Admission Status	Technical Violation	321	9.1%	805	24.8%
	Other	3,216	90.9%	2,437	75.2%
Revoked Good Time	Yes	412	11.6%	933	28.2%
	No	3,125	88.4%	2,309	71.8%
TOTAL		3,537	100.0%	3,242	100.0%

classifications, race, and sex. There are, however, differences in offense type, offense length, and other characteristics that offer some possible explanations for why they failed to receive SMGT. They are more likely to have been convicted of a violent offense (18.0 percent versus 6.6 percent), or admitted to prison for a technical violation of their supervision (24.8 percent versus 9.1 percent) than offenders who did receive SMGT (see Table 10).

In addition, they are more likely to be released from Maximum or Medium security (38.6 percent versus 22.4 percent) and a much larger percentage had good time revoked at some time during their sentence (28.2 percent versus 11.6 percent).

Obviously, these characteristics, particularly violent offense convictions or good time revocation, hint at reasons for SMGT ineligibility. Another factor affecting the SMGT award was mentioned earlier. During the early months of the project, it was simply impossible to identify and release all eligible SMGT candidates before their normal release date. The question is how many of these 3,242 inmates could have received SMGT? Since this analysis relies entirely upon MIS data, it cannot provide a conclusive answer. The available information is not accurate enough to duplicate eligibility screening, but it may help approximate whether there is a reasonable prospect for expanding SMGT releases.

The strategy pursued here for estimating SMGT expansion potential limits the analysis to the peak program operating period of October through December 1990. Adopting this time frame eliminates the impact of program start-up on SMGT eligibility processing. During those three months, 2,034 inmates were released with SMGT and 1,349 offenders were released who had received a 90-day MGT award and met the holding offense conditions stated in HB3838 (based on MIS records). These 1,349 inmates form the initial pool of "potential" SMGT releases. These potential eligibles can be reduced to smaller group by eliminating any offender who: 1) was admitted as a technical violator; 2) had a holding offense classified as

violent (armed robbery, assault, etc.); or 3) had revoked good time. After applying this kind of eligibility screening on the 1,346 cases, 462 offenders remain. This number means that as many as 1,848 inmates (462 releases per quarter) per year are not receiving SMGT credits who are eligible for such consideration. Assuming an average award of 75 days per inmate, the IDOC would be saving another 380 beds per year (1848 releases per year x 75 SMGT credits/365.25 days per year).

Since even this very conservative strategy for duplicating eligibility screening identifies a large number of inmates who might have been candidates for SMGT, the prospects for expanding SMGT releases have to be viewed as positive. To correct this problem of missing potential SMGT eligibles, the IDOC should develop administrative procedures to ensure all eligible inmates are being screened. The most helpful and direct method would be for the MIS division to prepare computerized selection routines that would search the inmate population on a bi-weekly basis for SMGT eligibles. Production lists could then be distributed to each institution indicating those inmates who appear to be eligible for SMGT. Institutional staff, especially Clinical Services staff, should be informed that the proper awarding of SMGT credits is a high priority for the Department in trying to deal with the current crowding situation.

SUMMARY OF FINDINGS

1. **Does the IDOC administration of the SMGT program comply with the legislative intent of HB3838?**

The NCCD review of IDOC procedures for awarding SMGT to offenders discloses both total compliance with the legislative intent of HB3838 and very rigorous administration of the program. Only three minor problems were discovered among the 4,640 cases reviewed and none of these resulted in the release of an ineligible offender. The conclusion drawn from the NCCD audit is that the performance standard achieved by IDOC staff who screen offenders for SMGT has been exceptionally high.

2. **What is the estimated impact of the SMGT program on the marginal cost of state prisons and expenditures for new prison construction?**

Accrued savings in the marginal cost of operating the Illinois prison system are estimated to be \$4,713,638 during the 1991 fiscal year. This estimate projects SMGT program operations during the last three months of 1990 through the end of 1991.

At the end of December 1990, the SMGT program was in effect contributing 1,395 beds to the Illinois prison system. Assuming that the program can sustain that (December 1990) level of SMGT releases indefinitely, it may eliminate the need for construction of a new 1,400 bed facility.

In terms of averted long term operating and construction costs, SMGT avert at a minimum \$1.2 billion over the next 10 years.

3. **What is the impact of the SMGT program on public safety?**

The SMGT program appears to have a very small impact on public safety. Only 31 or 1.4 percent of the 2,226 inmates released during the first four months of program operation were returned to prison during their SMGT release period. Among the 31 offenders returned, only 6 were convicted of a new offense.

4. **Can the SMGT Program be Expanded?**

It appears that a substantial number of inmates who are eligible for SMGT are not receiving these credits. NCCD estimates that as many as 1,848 inmates per year will not receive consideration for SMGT awards.

RECOMMENDATIONS

1. Based on these findings to date, the SMGT program is proving to be a cost-effective and safe method for controlling prison population growth. Consequently, NCCD recommends that the program be retained. Future research will determine whether the program can be further expanded in the future.
2. Despite the positive findings thus far, the SMGT program will not have a sufficient impact on reducing the state's projected prison crowding problem. Even with the continuation of the SMGT program through, the state will need to construct an additional 24,000 prison beds by the year 2000.
3. In terms of expanding the SMGT program, the following options should be considered:

- a. Eliminate the Department's own internal policies of not allowing inmates to receive SMGT until they have been in custody for at least 90 days and/or are within 180 days of release.
- b. Consider the possibility of further amending HB3838 to allow inmates sentenced for Class X crimes to receive an additional 90 days (or a total of 180 days of SMGT plus 90 days of MGT) if they are within one year of their scheduled release date and are classified for minimum custody.
- c. Improve the IDOC's internal capacity for identifying inmates eligible for SMGT by developing computerized searched of the inmate population and distributing lists of potential candidates to the institutions on a weekly basis.

APPENDIX 1

ILLINOIS DEPARTMENT OF CORRECTIONS

**PER CAPITA COSTS FOR ADDING AN INMATE TO AN
EXISTING CORRECTIONAL FACILITY FOR 365 DAYS**

Contractual		
Medical	\$1,214	
Water & Sewer	124	
Postage	35	
Miscellaneous	15	\$1,388
Commodities		
Food (\$1.25/meal x 2.7 meals x 365 days)	\$1,232	
Clothing	195	
Household supplies	244	
Household equipment	53	\$1,724
SMIC (Inmate Wages)		
		\$ 208
Equipment		
		\$ 103
Staff Overtime		
		\$ 217
TOTAL MARGINAL COSTS PER INMATE		\$3,640