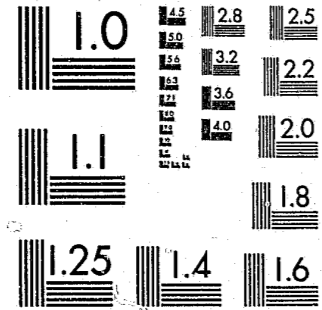


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National Institute of Justice
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11/29/84

GOVERNOR'S TASK FORCE ON PRISON CROWDING

RECOMMENDATIONS

September, 1983

James R. Thompson
Governor

Peter B. Bensinger
Chairman



STATE OF ILLINOIS

94369

CHAIRMAN'S ACKNOWLEDGMENTS

That the Task Force was able to complete its work with full participation and thoroughness is due in no small part to the efforts of many individuals and organizations. The contributions of Gail S. Funke, Ph.D., Consultant to the Task Force, the John Howard Association, the MacArthur Foundation, Anthony M. Scillia and Dennis M. Dougherty of the Department of Corrections and Jim Williams of the Governor's Office were all critical and are gratefully acknowledged here. In addition, special thanks go to the Task Force subcommittee chairs, Senator George Sangmeister, Joyce O'Keefe, and Michael Mahoney for their extra time and effort. We would also like to thank our outside professional resource representatives for their time and assistance: Bobby Huskie, Executive Directors of PACT, Inc.; Perry Johnson, Director of the Michigan Department of Corrections; Kay Knapp, Director of the Minnesota Sentencing Guidelines Corrections; and A. Victor Rawl, Member of the House of Representatives, South Carolina. Finally, the Task Force members themselves demonstrated a willingness to attend emergency meetings and to attend seven all day and one all night sessions.

We have submitted our recommendations based on our findings after considerable research, discussion, and deliberation. The impact of these recommendations remains to be seen. But those most representative of criminal justice administration in Illinois were active participants in this effort.

Peter B. Bensinger, Chairman
September 26, 1983

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TABLE OF CONTENTS

Chairman's Acknowledgements	i
NCJRS	
Introduction	1
JUL 2 1984	
ACQUISITIONS	
I. Long Term Recommendations	3
1. Community Corrections Act	4
2. Community Center Expansion and Supervised Release	7
3. Statewide Probation	9
4. Criminal Sentencing Commission	11
5. Standards of Sentencing	12
6. Sentencing Guidelines	13
7. Prison Capacity and Construction	14
8. Programs for Special Populations	15
9. Juvenile Facilities	16
10. Private Sector Contracting	17
11. Residential Burglary	18
12. Employment Opportunities for Offenders Leaving Prison	19
II. Short Term Emergency Recommendations	20
1. State Prison Capacity Expansion	21
2. Safe and Constitutional Prisons	23
• Double Celling	
• Emergency Release Review Authorization	
III. Members of Governor's Task Force on Prison Crowding	26
IV. Date of Task Force Meetings and Locations	30

INTRODUCTION

The Illinois Governor's Task Force on Prison Crowding was convened on April 4, 1983, with a charge from Governor James Thompson to recommend meaningful, lasting, and comprehensive solutions to the problems facing the Illinois correctional system. The perspective taken by the Task Force over the ensuing months was broad in nature and did not focus on new construction as the exclusive solution to prison crowding. The Task Force has been sensitive to resource constraints and sought recommendations that were fiscally prudent, yet mindful of public safety and the need for punishment for wrongdoing. The Task Force also realized the considerable complexity of prison crowding and its impact on all elements of the criminal justice system. The very composition of the Task Force reflects its systemic approach -- legislators, judges, prosecutors, defense attorneys, law enforcement, correctional officials, and citizen interests were all represented at the state, county, and municipal level. This representation of different interests helped assure that solutions would be acceptable and realistic to key individuals and groups in the system -- those who would be responsible for implementing and monitoring change. No recommendation is intended to strip any system component of its power to address crime in Illinois or its administrative authority to carry out official functions. The Task Force concentrated on issues of:

- who goes to prison -- which offenders would receive this most serious and costly of sanctions;
- how long they stay -- an examination of sentence length and under what correctional program sentences should be served;
- system capacity -- the development of a coordinated justice system (beyond prison capacity) for the State of Illinois.

The recommendations which emanate from this approach necessarily overlap the three focal areas but do indeed meet the Task Force criteria of being lasting, meaningful, comprehensive, and realistic in terms of implementation and conservation of state funds.

The Task Force rejected a concept of system capacity limited to prison bedspace alone. In supporting short-term expansions of work release and work camps, the Task Force realized that more diverse alternatives were necessary. To that end, a broad-based Community Corrections Act, enhanced and expanded probation, and special placements are recommended. This broadened - and more comprehensive -- definition of system capacity will enable Illinois to properly sanction its criminals without bankrupting its taxpayers or decimating other social service programs. Indeed, the Task

Force believes that more appropriate sanctions may be imposed on greater segments of the offender population by broadening the base from which punishments may be administered.

Decisions about which individuals truly need and deserve prison sentences -- and for how long -- are critical to the ultimate expansion of system capacity. The Task Force, in recommending an active Sentencing Guidelines Commission, recognized the positive, powerful role of guidelines in alleviating correctional problems, sentencing disparity and providing certainty of punishments. By reserving the prison sanction for those offenders who most warrant it, truly dangerous and violent offenders can be incarcerated without the constant need to release them to create room for the nonviolent and less dangerous.

Finally, the members of the Governor's Task Force on Prison Crowding, recognize that our recommendations, while conceived in thoughtful and deliberative fashion, require vigilance for their enduring success. Just as the problems facing Corrections today have developed over time, so their solutions will require consistent application and commitment. We urge the attention of the citizenry, the General Assembly and the public officials of the State of Illinois so that these proposed recommendations can be converted into lasting change.

Peter B. Bensinger, Chairman
September 26, 1983

I. LONG TERM RECOMMENDATIONS

Recommendation 1

COMMUNITY CORRECTIONS ACT

POSITION - The Task Force recommends that the Illinois General Assembly adopt a Community Corrections Act, effective July 1, 1984. Such act shall be implemented through a subsidy chargeback system providing funds to local communities and enabling them to expand local criminal justice sanctions, or punishments. The Act shall define "community corrections" to encompass all community sanction alternatives to state incarceration, including but not limited to residential and nonresidential placements, restitution, victim compensation, public service, and victim-offender programs.

RATIONALE - Solutions to prison crowding require shared responsibility at both state and local levels. It is accepted that local jurisdictions cannot assume the extra (burden of new) offenders with existing resources. By providing funding to local units of government, the State of Illinois would be addressing the long term prison crowding crisis by encouraging regions and counties to develop alternative programming which would enable them to retain target offenders in their own communities. In addition, the Act would enable judges to be more selective in sentencing offenders to prison and more appropriately place them in specialized programs, or order them to complete community service work and pay restitution to victims. Such an Act would better address the needs of victims through compensation and/or victim-offender programs.

DISCUSSION - An increase in community sentences would, in the long run, alleviate crowding pressure in state prisons. By increasing resources to keep nonviolent, low criminal history offenders in communities, state administrators would better be able to use their resources to provide safe and humane conditions to those in their custody.

The enabling legislation should not be without certain restrictions and guidelines. The defined target population should exclude offenders who would otherwise be sentenced to probation or receive a lesser sanction and include only those who would otherwise receive a state prison or county jail sentence. Determination of eligibility would be made after a prison sentence is imposed, but before actual commitment, by a qualified advisory body so designated (probation staff or professionals contracted from the private sector). The sentencing judge would have overriding authority. Reduced subsidy to the local government in the amount of state costs would result if local communities did not meet target levels.

Formulas for local government subsidies should be based on the following process:

- development of offender eligibility level;
- determination of the capacity of Illinois Department of Corrections facilities;
- development of an analytical methodology capable of projecting prison intake by class of offense;

- determination of resource needs in local communities, based on the above factors;
- estimation of community corrections eligible populations;
- establishment of a statewide subsidy level based on the number of offenders who will be involved in community-based sanction programs and the projected savings per participant committed locally and not sent to the state;
- allocation of subsidy funds among local governmental units on the basis of a set formula, including population and prior levels of commitment rate to the state; and
- development of performance evaluation criteria for both subsidy maintenance and chargebacks.

This process will permit the state to maintain the level of spending for corrections at projected levels, while providing long-range fiscal predictability and stability to local governments. Local discretion would be maintained, albeit at a loss of subsidy for deviation from projected eligible populations.

In addition, local taxation would be used to supplement state subsidies for community-based sanction programs. Currently only two counties, Cook and DuPage, have the statutory authority to generate such revenues. The General Assembly could permit other counties to assess property taxes at a rate of, for example, five cents per one-hundred dollars of assessed value to use for expenditures, such as operations, staffing and renovation or expansion of local detention facilities and programs. Broad administrative oversight and control should be vested in a state-level agency such as the Illinois Department of Corrections or the Administrative Office of the Courts.

Positive features of a Community Corrections Act include: alleviation of prison crowding in a cost-effective way; direct, immediate and full sharing by counties in state cost savings; retention of offenders in their own communities, and expansion of sanctions available as punishment for offenders. Disadvantages include: the time necessary to implement a range of sanctions; the need for strict monitoring; and the fact that some offenders will be treated at the state level if their county does not participate fully in developing community corrections.

Finally, the administrative focus must be determined. Logical candidates for this responsibility include the Illinois Department of Corrections and the Administrative Office of the Courts. Which option is most appropriate depends on the final structure of the Act.

There are arguments for giving this control to both agencies. The Illinois Department of Corrections already has control over most other subsystems that carry out court dispositions. In addition, decisions involving resource allocations and establishment of priorities are made in the executive branch along with allied human service agencies.

Conversely, the Administrative Office of the Court has established a substantial degree of centralized direction for the judiciary, and has extensive relationships with local county boards. This Office could use its current powers and credibility to promote consistency throughout the state and conformity with non-mandatory guidelines.

Recommendation 2

COMMUNITY CENTER EXPANSION AND SUPERVISED RELEASE

POSITION - The Task Force recommends the immediate expansion of community placements for the Illinois Department of Corrections. Such expansions shall include the necessary resources and authority for Illinois Department of Corrections to increase the population and percentage of inmates in community centers. Community placements are defined as "front-end" (new admissions) and "back-end" (pending releases), and include work camps, work release, restitution and victim compensation programs and gradual release.

RATIONALE - Community Center expansion would not only alleviate the immediate crowding crisis, but address the long term problem as well. These Centers can serve two separate functions by a front end placement option targeted at offenders who need more structure than probation supervision, but need not necessarily be incarcerated in maximum and medium security prisons, and as a transition period for those offenders who have served time in prison and need reintegration support before returning to the community. Presently, only 20 percent of releasees spend any time in community centers.

DISCUSSION - During the recent legislative session, proposed Illinois Department of Corrections community correctional beds and parole staff cuts were restored. The Task Force passed a resolution in July recommending the restoration. This allowed for 376 community beds to remain open. In addition, \$12.1 million was budgeted to be used for 474 work camp beds and 300 work release beds.

That budget restoration was the first step toward essential Community Center program expansion. The argument for this development is clear:

- prison population projections coupled with capacity shows a continuous shortage of beds;
- examination of recent admissions show increasing Class 3 and 4 felony admissions; and,
- the per capita cost of a Community Correctional Center bed is significantly lower than in a state prison.

Community Centers can serve as a "front-end" placement option for the Illinois Department of Corrections. The Illinois Department of Corrections Adult Classification System has a component class "community" which, when coupled with the current Community Center screening instrument, can predict the risk level of transferring individual inmates to Community Centers. Work camps and work release protect public safety in a work-oriented environment, and restitution and victim compensation programs directly benefit the victim.

However, current policy does not allow inmates to be sent directly to these Centers for Reception and Classification. A policy change should be implemented which would enable inmates qualified from personal criminal history and diagnosis to be transferred to a Center immediately, saving both high cost institutional expense and bedspace.

Community Centers are valuable resources for the reintegration process: yet data show that few Illinois offenders receive such services. Community Centers need to be expanded not only as a "front-end" placement option for the Illinois Department of Corrections, but also as a part of the crucial release process which must address the needs of offenders returning to the community.

Illinois Community Centers presently serve only Class 2, 3, and 4 felony and misdemeanor offenders. Class M, X, and 1 offenders are excluded from eligibility. However, these latter offenders have served longer terms and, as a result, are the group most in need of reintegration support services as they approach release. Providing these services to long term offenders at the conclusion of their sentences is a vital part of enhancing public safety during the critical months prior to the offender's return to the community.

Intensive supervision services should be provided to all long-term, serious offenders for up to the last year of their sentence. While not a community placement, such a program would provide the needed integration - now absent - for those individuals most in need. In keeping with determinate sentencing, such intensive supervision should be part of the offender's sentence, not an adjunct.

The advantages of Community Centers are numerous: they provide a range of punishments within the Illinois Department of Corrections; they are less costly than prisons; properly administered, they need not endanger public safety; they are more flexible and may be expanded more readily than secure capacity; finally, they can enhance public safety through provision of intensive supervision and other reintegrative services as the offender's sentence nears completion.

Public education will be a necessary element of Community Center expansion to illustrate that Community Centers still constitute a serious sanction and that long-term effects on criminal behavior may be more positive than those resulting from the current system of direct release from a maximum security prison.

Recommendation 3

STATEWIDE PROBATION

POSITION - Probation is one of the most widely used court imposed sentences in Illinois and nationally, but it does not enjoy the necessary confidence of courts, police and the public. In order to make probation a meaningful sanction and to fuse the fragmented probation network which now exists, it is recommended that Illinois centralize its probation departments under the Illinois Courts, Administrative Office. In addition, the probation classification system must be upgraded in order to identify low and high risk cases so that appropriate and extensive supervision can be administered to those who need it.

RATIONALE - In 1981, 61 percent of Illinois convicted defendants were sentenced to probation. During that time, 133,000 individuals passed through probation supervision. While it is the most widely used criminal justice sanction, it is the most defused element within that system. In Illinois:

- There are 92 probation departments, several with multi-county jurisdictions;
- Of the 92 probation departments, 84 have at least one full-time probation officer while 8 have only part-time probation officers; and,
- 27 probation departments have only one full-time probation officer.

Although there have been many positive achievements over the past years in the probation departments of various counties, dramatic improvement is still needed to make probation a safer community sanction and a meaningful and appropriate punishment. A single statewide system is currently in use in 25 other states.

DISCUSSION - Probation can be a viable and inexpensive alternative to incarceration. The potential for creating an effective and responsive probation system exists and is eminently possible in Illinois.

As a result of the current probation subsidy system, Illinois now has a comprehensive system of uniform statewide probation statistics and has improved in-service training which is now provided on a mandatory basis each year. In spite of these improvements, extreme fragmentation still exists. The 1982 probation statistics illustrate this problem. There are large discrepancies in caseloads and expenditures. For example:

- The probation caseload in the 6th Judicial Circuit (DeWitt, Macon, Moultrie, Piatt, Douglas, and Champaign Counties) averages 63 offenders while that in the 2nd Circuit (St. Clair, Monroe, Washington, Randolph, and Perry Counties) is an astonishing 296. An average caseload of 122 prevails statewide and in Cook County;
- The 2nd Judicial Circuit spends \$106 annually per case while in the 16th Circuit (DeKalb, Kane, and Kendall Counties) this figure is \$1083. Statewide this figure is \$499 and in Cook County, \$577; and
- The current subsidy system reimburses expenditures at a rate of 21% in the 1st Circuit, but only 10.3% in the 8th Circuit.

The first step toward improving probation services would be the adoption of a statewide system. Illinois must recognize that counties do not have the capability to adequately fund probation programs and that the development of effective local programming will only follow the development of a unified system of funding and oversight.

Once the system has been unified, unmanageable caseloads could be reduced and specialized intensive caseloads created. While Illinois now has a uniform adult probation classification system which is presently being implemented, the use of this system must be upgraded to identify low and high risk cases. Varied caseloads in which high risk offenders are intensively supervised while low risk individuals receive minimal supervision is currently in use in other states and should be adopted in Illinois.

The cost of developing an intensive probation supervision program within the statewide system, targeted at those individuals identified as high risk, has been estimated. Such a program would require 30 state units, 15 in Cook County. Each unit would consist of two officers with no more than 25 cases between them. Offenders would participate in the program for one year, then would be supervised under the regular probation program.

The program would be targeted to Class 3 and 4 felony offenders, with a judge reviewing eligibility after a prison sentence has been imposed. The program could potentially divert 750 offenders, enough to fill one prison. At an approximate cost of \$2,000 per case, the total statewide expenditure would be \$1.6 million annually as compared to a state prison operating expense of \$10 million.

Statewide probation is not a new concept in Illinois. The lesson to be learned from past efforts and the current subsidy bill is that while actions have encouraged improvements in local systems, the need to reduce fragmentation and to make probation a meaningful and safe community sanction is still obvious and calls for decisive action. This will only be accomplished when Illinois unifies its probation system and provides it with the teeth and leadership to do the job.

Recommendation 4

CRIMINAL SENTENCING COMMISSION

POSITION - The Task Force recommends that an expanded mandate for the Criminal Sentencing Commission be approved. Necessary resources should be allocated to increase commission staff, broaden its membership, raise its visibility, and expand its purview beyond preparation of prison impact statements. It is further recommended that the Criminal Sentencing Commission be located in Springfield so that it can more fully utilize the resources of the Administrative Office of the Illinois courts and those of the Department of Corrections.

RATIONALE - Since 1978, legislation has been passed by the Illinois legislature which has had and will have dramatic consequences for Illinois' prison populations. Much of this legislation has been enacted without careful examination of its effect on the Department of Corrections; current and projected capacity. The problems of scarce resources at both the state and Illinois Department of Corrections level, the lag between increased populations and increased bedspace, and the need for decision-makers to be aware of the fiscal and human consequences of their actions combine to underscore the critical role of the Commission.

DISCUSSION - The State of Illinois and the Department of Corrections, in 1977, embarked on a massive expansion program in order to meet the projected prisoner population needs of the Department. Since 1977, over 7,000 beds have been added. Even with this expansion, it is projected that the Department will still fall short of its bedspace needs. By reviewing pending legislation and providing the legislature with the potential prison and fiscal impact, sufficient information will be provided to the legislature in order to analyze the consequences of new proposed bills. With the present office relocated to Springfield, additional interaction between other state agencies and the legislature should result in the Criminal Sentencing Commission taking a more proactive role in addressing and accomplishing their legislative mandates. All state criminal justice elements, not just the Department of Corrections, will benefit from better planning and exchange of information.

Recommendation 5

STANDARDS OF SENTENCING

POSITION - Criminal sentencing should be based upon society's considered judgment of what the just punishment is for a particular crime, given the severity of the offense and the criminal background of the offender.

DISCUSSION - Fundamental principles of justice demand that those who commit serious crimes be punished for their acts. Punishing wrongdoers serves several essential purposes: 1) it reinforces society's belief in and attachment to its articulated standards of acceptable behavior, 2) it serves as an example to others who might be inclined to criminal activity, and 3) it satisfies the need of the victim or the victim's family for retribution. The people of Illinois, acting through their elected representatives, have determined that prison is the appropriate punishment for all of those who commit murder, Class X offenses (e.g., attempt murder, rape, deviate sexual assault, armed robbery), and residential burglary. For other serious offenses imprisonment is an optional sentence to be determined by the judge familiar with the details of the crime, with the various mitigating and aggravating factors, and with the prior criminal record of the offender. When prison is not required, Illinois judges choose it as the appropriate punishment 31% of the time. The other 69% of those convicted of felonies for which a sentence to prison is not mandatory receive some form of probation.

While the main reason for sentencing an offender to prison is to justly punish, other useful social goals may also be served. One of these is rehabilitation. Although high recidivism rates by former prisoners have led many to conclude that significant rehabilitation is not taking place in state prisons, it is very much in society's self-interest to provide inmates with the opportunity -- through educational and job training programs -- to become responsible citizens. Nonetheless, length of sentence should be determined not by the likelihood of rehabilitation -- which is rare and virtually impossible to predict with a reasonable level of confidence -- but by the principle of just punishment. For example, if it was known with certainty that six months in prison would successfully rehabilitate all murderers, it would not follow that the appropriate sentence for murder would be six months. Such a low sentence, grossly disproportionate to the severity of the offenses, would be totally unacceptable to society.

Another useful goal served when serious offenders are sentenced to prison is incapacitation. By isolating dangerous individuals from the rest of the society for the term of their incarceration, prisons protect innocent persons from victimization and contribute to a safer society. Obviously, if the 13,800 felons now incarcerated in Illinois prisons were suddenly released, crime would increase. Conversely, if the criminal justice system in Illinois did a better job of apprehending, convicting, and incarcerating high-rate offenders, this would contribute to a reduction in crime. Like rehabilitation, however, incapacitation is a collateral benefit of imprisonment and not the basic justification or purpose. Society does not punish individuals for what they might do in the future, but for what they have done in the past. Nonetheless, by punishing for past offenses society benefits by preventing a certain amount of future crime.

Recommendation 6

SENTENCING GUIDELINES

POSITION - Recognizing that different sentencing policies are a major contributing factor to prison populations, the Task Force recommends that the Criminal Sentencing Commission develop comprehensive sentencing guidelines for the State of Illinois. Such guidelines shall examine all Illinois sentencing legislation and practices, including sentence length and crimes now presumptively punishable by prison sentence. The Commission's goal should be to provide a more equitable and selective sentencing structure and to reserve Illinois prisons for serious and dangerous offenders. The enabling legislation for the Commission shall reflect this duty.

RATIONALE - Sentencing guidelines should incorporate the two most serious concerns about criminal behavior: severity of offense and criminal history. In addition, they reduce sentencing disparity by providing equal treatment/disposition for equal crimes; result in active time served more closely resembling actual sentence; and assure that serious and repetitive offenders will receive the most severe punishment. Finally, they speak to ultimate concerns about fiscal prudence by assuring that individuals sentenced to prison are most deserving of that costly sanction while others are punished effectively with fewer resources. In essence, sentencing guidelines will affect prison populations without needless sacrifice of public safety nor conflict with principles of punishment for wrongdoing.

DISCUSSION - Guidelines utilize criteria for seriousness of offense and criminal history to determine whether an offender should be presumptively sentenced to prison or presumptively sentenced to alternative community punishment. They are advisory in nature, but written justification is required for departures for the presumptive structure.

Thus, the developmental process is a critical one. The Criminal Sentencing Commission will evaluate all activities deemed crimes in Illinois and will determine which of these, either by their instant seriousness or repetitive nature, deserve prison sanctions. Other states' experience with sentence guidelines has illustrated their appropriateness as evidenced by low rates of departure from the presumptive structure.

The advantages of the sentencing guidelines approach include: the fact that the process is one of public policy, whereby presumptive guidelines are developed, maintained and monitored by a representative body; the provision of assurance to the public that certain crimes will be punished by prison sentence and that sentence imposed and time served will more closely resemble one another; and that coupled with a Community Corrections Act, the certainty that deviant behavior will indeed be appropriately sanctioned.

Conversely, sentencing guidelines require time for deliberation, development, and implementation, as well as provision for ongoing monitoring and revision. They constitute a continual commitment to the principles discussed above.

Recommendation 7

PRISON CAPACITY AND CONSTRUCTION

POSITION - The size of the state's prison system should be a function of 1) the amount of crime, 2) the effectiveness of police, prosecutors, and courts in arresting and convicting criminals, and 3) society's standards of just punishment. It is inconsistent with the proper goals of the criminal justice system to make sentencing practices a function of prison capacity.

The Task Force recommends that additional prison capacity be provided and that as Illinois proceeds with prison construction that the most cost-effective methods combined with established system needs be pursued.

RATIONALE - Prisons are the most costly corrections' option and should be undertaken only after extensive examination and deliberation. Secure facilities are indeed a last - albeit sometimes necessary - resort and public expenditures of such magnitude require discretion as well as careful study.

DISCUSSION - Costs can be controlled in the following ways:

- 1) Determining prison space needs on the basis of who should be incarcerated, rather than who is incarcerated (true future needs).
- 2) Resisting pressure to overbuild "just in case" (each additional bed can cost \$30 - 80,000).
- 3) Focusing on minimum-security bedspace. Illinois, as other states, has ample maximum security space -- the most expensive -- for its needs, but lacks minimum and medium security housing.
- 4) Exploring creative financing for prison construction (such as private sector lease backs).
- 5) Exploring creative construction for prison space. Precast concrete and modular steel units cost somewhat less than traditional construction and are faster to build.
- 6) Being wary of "quick-fix" solutions. County jails could require as much as \$50,000/bed to bring them up to state prison standards, for ancillary program needs ranging from libraries, showers, medical facilities, recreation, as well as space for special populations. "Conversions" of non-correctional facilities such as mental health facilities are not instantly usable and may require substantial, costly alteration.
- 7) Being sensitive to operating costs. A commitment to build is also a commitment to staff and to maintain a prison. Each new prison bed will require \$14,000 annually for maintenance (\$10.5 million for a 750-bed prison), and unlike construction, must be financed from annual general revenue fund resources.

Recommendation 8

PROGRAMS FOR SPECIAL POPULATIONS

POSITION - The Task Force recommends that appropriated funds for additional correctional capacity be provided -- directly and/or through a subsidy chargeback to local communities -- for additional nonprison bed correctional capacity provided for special populations. This special purposes capacity would be available for those who would otherwise be in prison but have no serious or violent offense history and have a recognized and verifiable need related to specialized treatment or related to efficiency of correctional operations or related to humane custody (e.g. drug or alcohol abuse, mental illness, mental retardation, physical handicap, developmental disability, older offender).

RATIONALE - Expensive, permanent, and relatively slow-to-provide prison construction will increase correctional capacity. Some facilities and programs for special populations exist now. Further expansion of special placement will be quicker and more responsive to the offender than additional prison cells. Such special placement options represent a highly flexible component of system capacity. If prison commitments increase, so too can community placements for special populations, reducing the need for expensive new construction.

Service to special populations can provide other benefits: lower rates of return to prison, economies of scale, more humane care, more complete use of community resources, and greater local involvement with the correctional process.

DISCUSSION - Capacity can be added to the front and back of the correctional system with alternative placements for special populations. Offenders who are prison bound can be diverted to facilities such as drug abuse programs as an alternative to all or part of their sentence: several months before the end of a sentence an offender can be placed in a community residential drug program to complete the sentence.

Special population programs are available in the private sector, local government, and in under-utilized agency capacity outside of Corrections - mental health facilities can be used without turning that facility into a prison. The expansion of Community Centers to serve special populations could also be accomplished in a relatively short time and with a demonstrated lower cost than prison beds.

Alternative placements for special population offenders will lessen overcrowding in prison if the offenders actually would be in prison without the placement. It also requires the proper identification of the special need, evaluation of the likelihood to succeed in the special placement, a risk assessment, careful screening against criteria for seriousness of offense and violation history, a network to work with the noncorrectional service providers, a monitoring system on the offender's behavior and a reporting system to inform corrections or the court of an offender's behavior that would make that offender inappropriate for continued retention in an alternate placement. There are organizations, such as TASC, that already have experience with these unique requirements.

Recommendation 9

JUVENILE FACILITIES

POSITION - While the Illinois Department of Corrections should expand its capacity as rapidly as possible to house adult felons, this should not be done in a way that is detrimental to IDOC's juvenile program -- either by reducing necessary beds available for juveniles or by limiting the programming options for different classification of juvenile offenders.

Discussion - The Juvenile Division of the Illinois Department of Corrections has a mandate to "provide care, custody, treatment and rehabilitation for the persons committed to it." The eight juvenile residential facilities provide distinct levels and intensity of programming to meet the needs of different juvenile offenders. Rehabilitation of young offenders who might be headed toward a life of crime is properly the chief goal of the Juvenile Division. It would be counterproductive to convert juvenile facilities into adult facilities, if this reduced the diversity of programming options available for youths committed to IDOC. The proposed closing of the youth facility at Hanna City to provide additional space for adults should to be evaluated in this light.

Dramatic increases in the number of juveniles committed to IDOC in recent years highlights the long-term danger in reducing the capacity of the Juvenile Division. In Cook County alone the number of juvenile committed to IDOC more than doubled from 1980 to 1981 (441-941), and has continued to increase since then. Future commitments are likely to remain at least this high. In addition, the new provision of Illinois law requiring the automatic transfer to adult court of 15 and 16 year olds who are charged with murder, rape, deviate sexual assault, and armed robbery with a firearm could result in more juveniles serving longer periods of incarceration in Juvenile Division facilities pending eventual transfer to adult facilities. Any actions taken now by IDOC which would limit the capacity of its Juvenile Division could result in pressures to reduce the time that juveniles are incarcerated, thereby making effective rehabilitation less likely and perhaps returning juvenile offenders back prematurely in the environment of their formal criminal activity.

Recommendation 10

PRIVATE SECTOR CONTRACTING

POSITION - The Task Force recommends that the State of Illinois consider the private sector for correctional facilities and services where fiscally cost-effective and administratively feasible. Such contracting shall include Community Center placements, as well as prison facilities and services.

RATIONALE - Private sector provision is a potentially economical and flexible way to expand placement options for offenders. Operating costs are ordinarily lower and capital and financing costs of new institutions can be avoided. By contracting with private agencies, bedspace can be obtained immediately, when it is needed. Should demand decline, contracts may be terminated, yet no prison will stand unused.

The leasing of privately-constructed prisons can greatly reduce the cost of additional secure bedspace to Illinois taxpayers. Should new prison beds be required, fiscal prudence demands that the least costly options be pursued. If lease-back arrangements from private investors are considered, both a short term and long term cost analysis should be completed to determine its cost-effectiveness.

DISCUSSION - Operating costs per inmate are substantially lower at private agencies, where resources are readily available for programming, than at state run facilities. The average annual cost of contracted beds is \$8192., 80% of the operating cost of state Community Center beds. The potential savings are significant if inmates are transferred from prisons, where annual costs are \$14,000, to Centers during the final stages of Illinois Department of Corrections custody, or upon commitment to Illinois Department of Corrections.

In addition, by contracting with private agencies, the state can eliminate the never-ending costs of building new facilities, funding increased prison staff, and servicing debt while addressing the short term issues of the crowding crisis. Bedspace would be increased immediately through these contracts.

The need for Community Center expansion is clear. Illinois has a gap in placement options and release services. Expansion of this option would fill this need.

Finally, when secure prison facilities are required, lease-back arrangements could be explored before the state enters into more traditional construction options.

Recommendation 11

RESIDENTIAL BURGLARY

POSITION - The Task Force recommends that legislation be introduced changing residential burglary from a mandatory prison sentence to a felony for which either imprisonment or probation can be ordered at the discretion of the judge.

RATIONALE - In many instances, first time offenders have been mandatorily sentenced to prison even when viable community based alternative programs existed. In fact, a 17 year old youth convicted of stealing a bicycle at a summer home in Wauconda, Illinois, was sent to prison for four years at a time when violent offenders were being released early.

DISCUSSION - With limited prison bed space available, judicial discretion is more important now than ever. Mandatory prison sentences for crimes which had been probationable only further compounds the current prison crowding crisis. There are approximately 861 inmates in the Department of Corrections who have been sentenced under the residential burglary legislation many of whom could have easily and possibly more affectively been sentenced to probation.

Recommendation 12

EMPLOYMENT OPPORTUNITIES FOR OFFENDERS LEAVING PRISON

POSITION - The Task Force recommends that every effort should be made by public officials to facilitate employment opportunities for offenders leaving prison.

RATIONALE - In 1982 alone, there were 10,466 inmates released from the Department of Corrections. This, of course, does not include those released upon completion of sentences served in county jails. Employment for ex-offenders is an important function of community safety and an inmates successful reintegration.

DISCUSSION - Training and employment for ex-offenders is an essential element for a successful reintegration into society and substantially reduces the likelihood of a return to criminal activity. Recent budget reductions at the federal and state level have basically eliminated all funding for job development and job training for ex-offenders. The only public source of funding at the state level for job development and job training for ex-offenders is through Title XX and these monies must be matched with local funds in order to be eligible.

II. SHORT TERM EMERGENCY RECOMMENDATIONS

RESOLUTION ON
STATE EXPANSION

WHEREAS: Governor Thompson has called upon the General Assembly to approve an emergency plan to alleviate overcrowding in the Illinois correctional system; and,

WHEREAS: The Governor's Task Force on Prison Crowding agrees that prison capacity expansion is necessary; and,

WHEREAS: The Governor's Task Force on Prison Crowding is addressing the problem of prison crowding on a long range basis; and,

WHEREAS: The Governor's Task Force on Prison Crowding has considered since its inception that additional community correctional resources should be provided and that other systematic issues relative to sentencing, probation, state and local responsibility be addressed.

NOW, THEREFORE, BE IT RESOLVED that the Governor's Task Force on Prison Crowding at its meeting in Chicago, Illinois, on this 31st day of August, 1983, recommends support for:

- 1) Expansion of work camps and work release centers; and,
- 2) Expansion of prison capacity for female offenders with increased emphasis on work release or public work assignments; and,
- 3) Accelerated construction at planned institutions for expanded prison capacity at Dixon, Vienna II and Danville; and,
- 4) Expand prisons under construction - Vienna II and Danville; and,
- 5) Expansion for the Training Academy; and,
- 6) Additional funding for transportation costs and other operational costs.

BE IT FURTHER RESOLVED, that the Governor's Task Force on Prison Crowding realizes the ultimate scarcity of fiscal resources; and,

Therefore, recommends, that its long range recommendation which will be presented subsequently will not rely exclusively on prison construction.

STATE EXPANSION

Rationale

Immediate short-term expansion of work camp, work-release and prison beds already under construction is necessary to alleviate the present shortage in capacity.

The Task Force is not advocating prison construction alone as its major recommendation. Rather, the focus has been on an expanded and flexible system capacity with prisoner housing and placement that will meet the needs of safe and secure custody and constitutional and manageable standards. Fiscal prudence suggests that solutions to prison crowding be multiple. Ultimate scarcity of resource demands that comprehensive solutions be developed which do not rely on the exclusive use of single or limited sanctions such as prison construction. The Task Force will recommend appropriate sanctions and/or punishment for criminal behavior which are safe, realistic for Illinois, and consistent with constitutional and professional standards.

RESOLUTION ON
SAFE AND CONSTITUTIONAL PRISONS

WHEREAS: The mission of the Governor's Task Force on Prison Crowding is to develop recommendations for the State of Illinois and the Department of Corrections in order to maintain safe and constitutional prisons; and

WHEREAS: The Illinois Supreme Court ruled on July 12, 1983, that the Department of Corrections can grant no more than 90 days Good Conduct Credits per inmate, thus severely impairing the Department of Corrections' ability to maintain its average daily population within its capacity limits; and

WHEREAS: The current state statute precludes the Department to double cell in all of its remodeled and newly constructed prisons; and

WHEREAS: The Department, through the July 12th Supreme Court ruling and the current state statutes on minimum square feet per person per cell, has been put in an untenable position where it has no control over the increasing admissions and decreasing exits; and

WHEREAS: The State of Illinois and the Department of Corrections are in the midst of a massive expansion program of its prison capacity yet will be unable to safely and constitutionally maintain the projected populations within constitutional and ACA standards.

NOW, THEREFORE, BE IT RESOLVED, that the Governor's Task Force on Prison Crowding at its meeting in Chicago, Illinois, on this 31st day of August, 1983, recommends to the Governor and the Legislature that:

- 1). Section 1003-7-3(b) of the Illinois Revised Statutes be revised to eliminate the words "for each person," thereby allowing the Director of the Department of Corrections to double cell inmates at its medium and minimum security institutions as he deems necessary; and
- 2) Such revision in the statute should include a sunset clause allowing for its termination on January 1, 1985.

BE IT FURTHER RESOLVED, that the Governor's Task Force on Prison Crowding recognizing the need for the Department of Corrections' population to remain within its capacity; and

NOW, THEREFORE, FURTHER RECOMMENDS that the state statutorily create an emergency release act:

- 1) That allows the Director of the Department of Corrections to certify to the Governor that a state of correctional emergency exists once the prison population exceeds 105% of the Department's cumulative capacity; and

- 2) That the Director of the Department of Corrections shall forward a list of names of inmates simultaneously who are within 90 days of release, to the Prisoner Review Board and the respective sheriff and state's attorney from which the inmates were committed; and
- 3) That no inmate names shall be forwarded to the Prisoner Review Board who have been sentenced on a Class X or murder conviction; and
- 4) That the sheriff and state's attorney shall have no more than 14 calendar days in which to respond to the Prisoner Review Board regarding the emergency release of such inmate; and
- 5) That the Prisoner Review Board shall authorize prisoner sentences to be served in the community for those prisoners it deems appropriate; and
- 6) That once the Department's prison population falls within 95% of its cumulative capacity the state of correctional emergency shall cease; and
- 7) The Emergency Release Act will include a sunset clause causing its termination on January 1, 1985.

SAFE AND CONSTITUTIONAL PRISONS

Rationale

Safe and constitutional prisons will depend upon increased capacity afforded by temporary revisions in space provisions through the easing of the double celling provisions and an emergency release procedure which will safeguard the safe and humane constitutional operations of Illinois prisons. The Governor's Task Force on Prison Crowding is not recommending that the Department of Corrections utilize double celling as a permanent solution to the current prison crowding problem, rather only as a quick and flexible option which would be available for use by the Director as he deems necessary to control the escalating prison population. The sunset provision is necessary to ensure that this temporary provision does not become a permanent change in Illinois law or correctional standards. An emergency release program will also provide the state with additional flexibility in controlling the prison population. Legislation will provide sufficient checks and balances in order that the new emergency release program will be used only as a last resort. An authorization, for prisoner release by the Prisoner Review Board, will be made upon the recommendation by the Department of Corrections and with advanced notification from the state's attorney and the sheriff on each case.

III. MEMBERS OF GOVERNOR'S TASK FORCE ON PRISON CROWDING

GOVERNOR'S TASK FORCE ON PRISON CROWDING

MEMBERS

PETER B. BENSINGER, Chairman
President, Bensinger, DuPont & Associates; Former Director of the U.S.
Drug Enforcement Administration 1976-1981 and Director of the
Department of Corrections, State of Illinois From 1970 to 1973

RICHARD J. BRZECZEK
Attorney, Law Firm of Levy and Erens; Former Superintendent of
Chicago Police Department

MARIA B. CERDA
Assistant to the Mayor, City of Chicago, for Employment and
Training; Member Special Joint Legislative Advisory Committee on
Corrections

STEPHEN CULEN
Executive Director, American Federation of State, County and
Municipal Employees, Illinois Council 31

JOHN J. CULLERTON
Illinois State Representative, 7th District; Vice Chairman,
House Judiciary Committee

RAYMOND D. CURRAN
Executive Director, SAFER Foundation; Former Director, Portland
Cement Association

RICHARD M. DALEY
Cook County State's Attorney; Former Illinois State Senator,
23rd District

JAMES J. DOHERTY
Public Defender, Cook County

PHILIP B. ELFSTROM
First Vice President, National Association of Counties' Officials; Former
Chairman, Kane County Board

C. RICHARD ENGLISH
Superintendent, Division IV, Cook County Department of Corrections

THOMAS G. EYNON
Professor of Sociology, Southern Illinois University,
Carbondale; Chairman, Illinois Department of Corrections,
Adult Advisory Board

STEPHEN D. FISHER
Macon County Sheriff, Immediate Past President of the Illinois
Sheriff's Association

RICHARD J. FITZGERALD
Chief, Criminal Division, Cook County Circuit Court; Former
Trial Judge, Criminal Division, Cook County Circuit Court

JOHN E. GROTBORG
Illinois State Senator 25th District; Member, Commission to
Visit and Examine State Institutions, Corrections Subcommittee

CHARLES A. GRUBER
Quincy Police Chief; Immediate Past President of the Illinois
Association of Chiefs of Police, Member of the Executive Committee
of the International Association of Chiefs of Police

PATRICK F. HEALY
Executive Director, Chicago Crime Commission; Former Executive
Director of the National District Attorney's Association

MELODY M. HEAPS
Executive Director, Treatment Alternatives to Street Crimes, Inc. (TASC);
Former Acting Director, Program Development, Illinois Drug
Abuse Program

MICHAEL P. LANE
Director, Illinois Department of Corrections; Former Assistant
Director, Adult Division, Illinois Department of Corrections and
Warden, Menard Correctional Center

GAY-LLOYD LOTT
Attorney, Firm of Lott and Powell; Former Chairman, Illinois State
Bar Association Correctional Facilities and Services Committee;
Former President, Cook County Bar Association; Member, Illinois
State Bar Association Board of Governors

MICHAEL J. MAHONEY
Executive Director, John Howard Association: Former Regional
Director, National Council on Crime and Delinquency

ROBERT L. MANDEVILLE
Director, Illinois Bureau of the Budget: Former Deputy Comptroller,
Illinois Office of the Comptroller

JOYCE F. O'KEEFE
Chair, Illinois League of Women Voters of Illinois Criminal
Justice Committee; Member of the Adult Advisory Board to the
Illinois Department of Corrections

J. WILLIAM ROBERTS
Sangamon County State's Attorney; Legislative Chairman of the
Illinois State's Attorneys Association, Illinois Director of
the National District Attorneys' Association

GEORGE E. SANGMEISTER
Illinois State Senator, 42nd District; Chairman Senate
Judiciary II Committee

ROBERT C. WINCHESTER
Illinois State Representative 118th District; Member, Commission
to Visit and Examine State Institutions, Corrections Subcommittee

JAMES B. ZAGEL
Director, Illinois Department of Law Enforcement; Former Executive Director
of the Illinois Law Enforcement Commission and Assistant Attorney General
for the State of Illinois Chief Criminal Division

IV. DATES OF TASK FORCE MEETINGS AND LOCATIONS

TASK FORCE MEETING DATES

April 4, 1983	Chicago, Illinois
May 16, 1983	Chicago, Illinois
June 13, 1983	Chicago, Illinois
July 11, 1983	Chicago, Illinois
July 19, 1983	Springfield, Illinois
August 22, 1983	Chicago, Illinois
August 31, 1983	Chicago, Illinois
September 26, 1983	Chicago, Illinois