

Rethinking Illinois' Truth-In-Sentencing Law

By Joseph Dole

We are all aware of the dire fiscal state Illinois currently finds itself in. One of the main causes of this has been years of passing laws without any consideration for the financial costs of their enactment. There is now a debate about whether to expand Illinois' Truth-In-Sentencing (TIS) law to cover more crimes. This would be the height of folly. TIS already requires that nearly all violent offenders serve 85% to 100% of their sentences. Prior to TIS being enacted here in 1998 all offenders served on average, 44% of their sentences.

Illinois resisted enacting TIS for more than a decade after many other states. Instead we increased sentencing ranges for violent crimes. The state didn't pass its TIS law until the federal government began offering monetary incentives to the states to do so. Although TIS was enacted in Illinois over a decade ago, not a single comprehensive cost/benefit analysis has been undertaken to determine what monetary effect enactment has had on the state.

Recently I compiled a preliminary report using rudimentary calculations and the limited statistics accessible on the internet or from the Illinois Department of Corrections (IDOC). I found that even if one considers the funds received from the federal government from 1996-2004, which altogether totaled less than \$125 million, the additional costs incurred by the state for sentences imposed under TIS for 2002-2004 alone will cost the state over \$750 million. My estimates are extremely conservative and were reached by using costs of incarceration numbers supplied by the IDOC and without taking into consideration the increased expense of caring for the prisoners when they are elderly and require expensive medical care.

Other states that enacted TIS legislation adjusted for it by reducing average sentences imposed after enactment. That way a prisoner ended up serving the same amount of time in prison and didn't cost the state additional money. Illinois on the other hand, failed to adjust. Instead judges actually increased average sentences imposed or left them relatively untouched.

Writing in an article for the Chicago Reader entitled "Guarding Grandpa", Jessica Pupovac reported that the IDOC "spends roughly \$428 million a year - about a third of its annual budget - keeping elderly inmates behind bars." Why so much? Because, as Ms. Pupovac noted "[w]hile keeping a younger inmate behind bars costs taxpayers about \$17,000 a year, older inmates cost four times as much", or \$68,000 per year.

Incarcerating people long past the time they pose any threat to society makes little sense. Elderly inmates and even violent offenders are the two demographics with the lowest recidivism rates. Ironically those with the highest recidivism rates are the ones that are always let out early whenever there's a budget crisis. Who are the real "threat to society"? The ones that recidivate more or less? Obviously it's not the elderly.

How much are we willing to spend to incarcerate someone for a crime? That is a question that seemingly never gets debated.

Prior to TIS passage, if a person received a 50-year sentence for committing a murder at age 18, he or she would have had to serve, on average 44% of that sentence or 22 years, due to the numerous types of good time awarded. Thus they would have been released at age 40, and it would have cost the state of Illinois \$374,000 to carry out the sentence.

After passage of TIS though that same sentence means the offender must serve the entire 50 years and won't be released until they are 68. That means the first 32 years will cost the state \$544,000, and the last 18 years when he or she is elderly will cost the state an additional \$1,224,000 (the IDOC considers prisoners elderly at age 50). So before TIS, a 50-year murder sentence cost the state \$374,000, but after TIS it cost the state \$1,768,000, a more than quadrupling of the costs. Thus TIS increased the cost of just one murder sentence by \$1,394,000. Each year over 300 people in Illinois are sentenced for murder. While many won't receive a 50 year sentence, too many do. (The average murder sentence according to the 2004 IDOC Statistical Presentation is 39.4 years).

All of these increases amount to the state incurring well over a quarter of a billion dollars per year in additional costs to incarcerate people. How many teachers and police

officers can a quarter billion dollars hire? How many more teachers and police officers will be laid off in order to expand TIS to cover more crimes? How many prisoners will be denied educational and rehabilitative programs to pay for elderly care in prisons, causing an increase in recidivism rates of parolees?

We should be rolling back TIS legislation not expanding it. It's about time we use some common cents when deciding criminal justice policies. Spending adequate resources on education and police will definitely be a greater boon to community safety than incarcerating thousands of infirm old men will ever be.