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RETHINKING ILLINOIS' TRUTH-IN-SENTENCING LAW

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We are all aware of the dire fiscal state that Illinois currently finds itself in. One of the main causes of this has been years of passing laws without any consideration of the financial costs of their enactment. One of the most egregious examples of this being the Truth-In-Sentencing (TIS) law.

Truth-In-Sentencing in Illinois requires that nearly all violent offenders serve 85% to 100% of their sentences. Prior to TIS being enacted here in 1998, offenders served, on average, 44% of their sentences.

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

Other states that enacted TIS legislation adjusted for it by reducing sentences so the average imposed sentence was about half of what it was before 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 here actually increased average sentences imposed or kept handing out similar sentences. With the sentencing ranges having already been increased, Illinois taxpayers are being hit twice as hard.

A couple of years ago I compiled a preliminary report* using rudimentary calculations and the limited statistics available on the internet or from the Illinois Department of Corrections (IDOC). I found that, even if one considers the meager 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 be over \$750 million. My estimates were extremely conservative. They were reached using a roughly \$25,000 per year per person cost of incarceration figure, which is nearly \$10,000 too low.

Also, that number failed to account for the increased expense required to care for prisoners when they become elderly and require expensive medical care. 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". 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. This is close to the \$69,000 figure that the Center for Disease Control (CDC) arrived at as well.

*The report can be downloaded at www.realcostofprisons.org

As for the \$17,000 figure, or even the nearly \$25,000 figure that I used from the IDOC itself, these are ridiculously low. According to the Vera Institute of Justice, the IDOC does not calculate the full cost to taxpayers when reporting the average costs of incarceration. They neglect to account for pension contributions, employee benefits, health care contributions for both employees and retirees, capital costs, and statewide administration costs. When one takes all of these costs into account, as Vera did, it shows that Illinois spends, on average, \$38,268 annually per inmate to incarcerate someone.

So, prior to TIS passage in Illinois, if a person received a 50-year sentence for 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 then. Thus, they would have been released at age 40, and it would have cost the State \$841,896 to carry out that sentence.

After passage of TIS though, that same sentence means that the offender must now serve the entire 50 years and won't be released until they are 68. Therefore, the first 32 years will cost the State \$1,224,576, and the last 18 years, when he or she is elderly will cost the State an additional \$1,242,000 (the IDOC considers prisoners elderly at age 50). So before TIS, a 50-year murder sentence cost taxpayers \$841,896, but after TIS it cost taxpayers \$2,466,576. (This is in addition to the million dollars or so they may have already spent on a trial and appeals.) Thus, TIS

nearly tripled the cost to taxpayers adding \$1,624,680 to the tab for this one sentence. Each year over 300 people in Illinois are sentenced for murder. Thousands more are sentenced for other violent crimes.

All of these TIS sentences add up to the State incurring well over a quarter of a billion dollars per year in added liabilities. How many more teachers, police officers, and firefighters can a quarter billion dollars per year pay for? How many more of them will need to be laid off in order to continue paying for TIS? Every year that TIS remains law without action to adjust, reform it, or repeal it we add another quarter billion dollars to the State's credit card that we'll all be paying for years to come.

Isn't it time we had a discussion about what constitutes a reasonable amount of money to spend to punish someone? Isn't it also about time we consider if there are more efficient ways to spend that money to reduce crime? Studies have shown that inmates who have served 25 years in prison and are 50 or older have less than a 1% recidivism rate. They also consistently show that "murderers", the so called most "violent" criminals, have the lowest recidivism rate of any category of offenders. Keeping elderly people incarcerated well past the point where they cease to pose a threat to society may sate our appetite for revenge, but it does nothing to keep society safe. It actually does the opposite by taking away funds that could have been used to employ police officers and teachers, fix dangerous bridges and roads, and rehabilitate the 90% of prisoners who will return to the streets. It is time to use some "common cents" in our criminal justice policies.