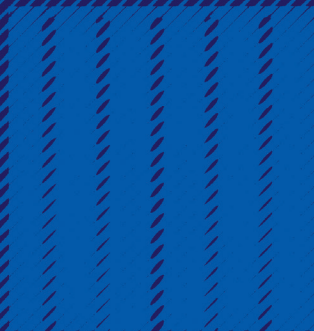


Blueprint *for Smart Justice* Illinois



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Executive Summary

Over the past five decades, the United States has dramatically increased its reliance on the criminal justice system as a way to respond to drug addiction, mental illness, poverty, and broken schools. As a result, the United States today incarcerates more people, in both absolute numbers and per capita, than any other nation in the world. Millions of lives have been upended and families torn apart. This mass incarceration crisis has transformed American society, damaged families and communities, and wasted trillions of taxpayer dollars.

We all want to live in safe and healthy communities, and our criminal justice policies should be focused on the most effective approaches to achieving that goal. But the current system has failed us. It's time for the United States to reduce dramatically its reliance on incarceration, invest instead in alternatives to prison and in approaches better designed to break the cycle of crime and recidivism, and help people rebuild their lives.

The ACLU's Campaign for Smart Justice is committed to transforming our nation's criminal justice system and building a new vision of safety and justice. The Campaign is dedicated to cutting the nation's incarcerated population in half and combatting racial disparities in the criminal justice system.

To advance these goals, the Campaign partnered with the Urban Institute to conduct a two-year research project to analyze the kind of changes needed to cut the number of people in prison in each state by half and reduce racial disparities in incarceration. In every state and the District of Columbia, we identified primary drivers of incarceration and predicted the impact

of reducing prison admissions and length of stay on state prison populations, state budgets, and the racial disparity of those imprisoned.

The analysis was eye-opening.

In every state, we found that reducing the prison population by itself does little to diminish racial disparities in incarceration — and in some cases would worsen them. In Illinois — where Black people are just 14 percent of the population¹ but a staggering 57 percent of those imprisoned² — reducing the number of people imprisoned will not, on its own, reduce racial disparities within the prison system. This finding confirms that urgent work remains for communities, policymakers, and criminal justice advocates in Illinois and across the nation to focus on efforts like prosecutorial reform that are specific to combatting these disparities.

In Illinois, the prison population has quadrupled since 1980,³ giving the state the eighth-largest prison population in the country as of 2016.⁴ Despite modest decreases since the prison population peaked in 2012,⁵ the system is over capacity, holding 10,000 more people in 2017 than it was originally designed to accommodate.⁶

Zealous prosecution and harsh sentences for drug offenses,⁷ burglary, and theft fuel Illinois' over-imprisonment. Strict revocation of parole or mandatory supervised release for technical violations — often non-criminal actions (or inactions) by a person on parole, like failing to report to a scheduled office visit or not having an approved place to live — has also contributed to prison population growth. In 2016, more than one in four people who entered Illinois prisons

were admitted for a technical violation of parole,⁸ a trend driven by harsh changes in laws and parole policies.

Recidivism rates that have hovered at 50 percent for the past decade⁹ show that using the penal system as a primary method of social intervention is not working in Illinois. Many people in Illinois prisons have mental health and substance abuse challenges, yet few receive the treatment they need. State funding for drug treatment programs has plummeted in recent years and treatment for mental health problems is at an all-time low, with only about a quarter of people in prison receiving ongoing mental health services.¹⁰ Most people imprisoned in Illinois read at a sixth grade level or lower.¹¹ Yet instead of investing in alternatives to incarceration, the state has increased spending on corrections by 36 percent since 1985 to more than \$1 billion — far outpacing growth in spending on other priorities like education.¹²

So, what's the path forward? In 2016, the bipartisan Illinois State Commission on Criminal Justice and Sentencing Reform recommended 27 specific policies to safely reduce the state's prison population by 25 percent by 2025.¹³ However, only a fraction of those recommendations have been enacted into law.

Any meaningful effort to reach a 50 percent reduction in incarceration in Illinois will, at a minimum, need to consider substance use disorder and mental illness and treat them as the public health problems they are. This should include reducing penalties for drug offenses, legalizing marijuana, reclassifying simple drug possession offenses as misdemeanors, and shifting the state's spending priorities to ensure that everyone who needs substance abuse or mental health treatment receives that treatment.

Illinois should also restore people's ability to earn time off their sentences for good behavior and participation in rehabilitative programs, allow people serving long prison sentences access to periodic parole hearings to determine whether they should be released, shorten the period of parole supervision to reduce the number of people reincarcerated because of technical violations, and allow elderly and infirm people who pose no public

safety risk to be released to home confinement or health care facilities.

Next steps are ultimately up to Illinois' voters, policymakers, communities, and criminal justice reform advocates as they move forward with the urgent work of ending the state's obsession with mass incarceration.

The State of the Illinois Prison System

Illinois' prison population quadrupled (a 289 percent increase) between 1980 and 2016, reaching a peak of 49,348 people imprisoned in 2012.¹⁴ Since then, that has begun to decline; by 2018, Illinois' overall prison population had dropped to 40,922 people.¹⁵ Despite this trend, Illinois still had the eighth-largest prison population in the country as of 2016.¹⁶

In 2015, Gov. Bruce Rauner signed an executive order¹⁷ establishing the bipartisan Illinois State Commission on Criminal Justice and Sentencing Reform, which issued its final report in December 2016 recommending 27 specific policies to safely reduce the state's prison population by 25 percent by 2025.¹⁸ However, only a fraction of those recommendations have been enacted into law. As of 2018, the Illinois Department of Corrections projects that the population will continue to decline, reaching an estimated 39,881 people imprisoned by 2019.¹⁹ That projected decline would still leave Illinois with over 7,000 more people in prison than

AT A GLANCE

ILLINOIS PRISONS

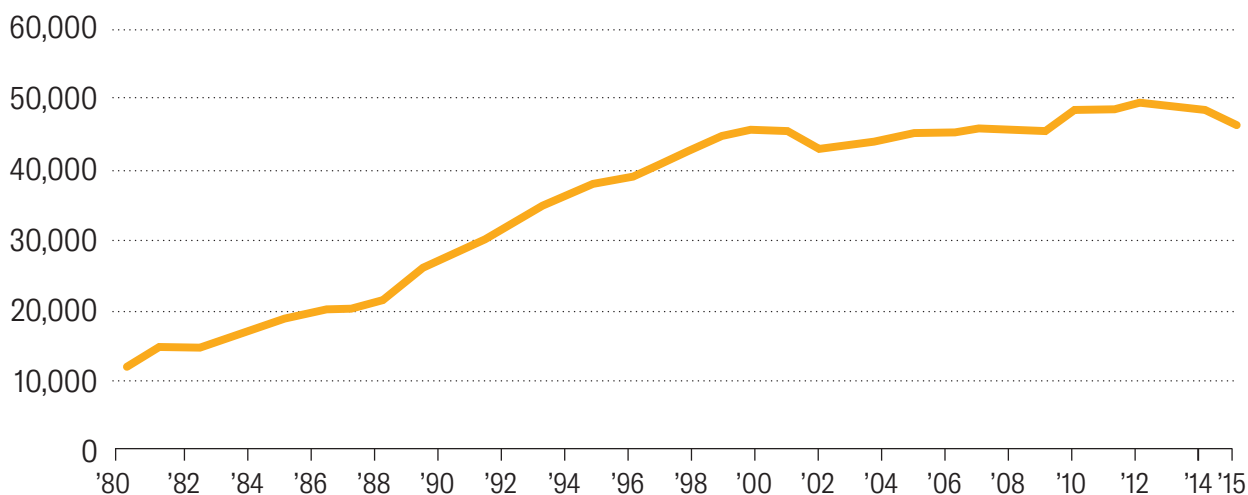
Illinois' prison population **quadrupled** between 1980 and 2016.

49,348 people were imprisoned in Illinois at its peak in 2012.

Illinois ranks **eighth** nationally in the number of people imprisoned as of 2016.

the system's designed capacity.²⁰ According to Illinois' Sentencing Policy Advisory Council, the recent decline in the population is primarily attributable to a drop in the number of people arrested for drug and property crimes rather than a change in statewide policies, different

ILLINOIS PRISON POPULATION



charging practices, or more diversion programs.²¹ Clearly, more reforms are urgently needed to reduce incarceration, especially for communities of color.

What Is Driving People Into Prison?

In Illinois, a litany of offenses drives people into prisons.²² In 2014, the most common offenses for prison admissions²³ were drug possession (13 percent), burglary (11 percent), theft (10 percent), drug trafficking (9 percent), and weapons offenses (8 percent).²⁴ In 2016,²⁵ more than one in four people (27 percent) who entered Illinois prisons were admitted for a technical violation of parole²⁶ — a misbehavior by a person under supervision that may not be a criminal offense, such as failing to report for a scheduled office visit, violating electronic monitoring requirements, not having an approved place to live, or not complying with treatment orders.²⁷ An additional 28 percent of people who entered Illinois prisons in 2016²⁸ were admitted for a Class 4 felony²⁹ — the state’s least serious felony classification, which includes low-level, nonviolent drug possession and theft crimes.³⁰

Between 1989 and 2014, more than half (55 percent) of the rise in prison admissions was the result of people convicted of Class 4 felonies, many of which were low-level drug offenses.³¹ In the last decade, yearly

admissions to Illinois prisons for all offense types have fallen substantially. In 2016,³² 26,098 people were admitted to Illinois prisons — a 34 percent decline from the number admitted in 2005.³³

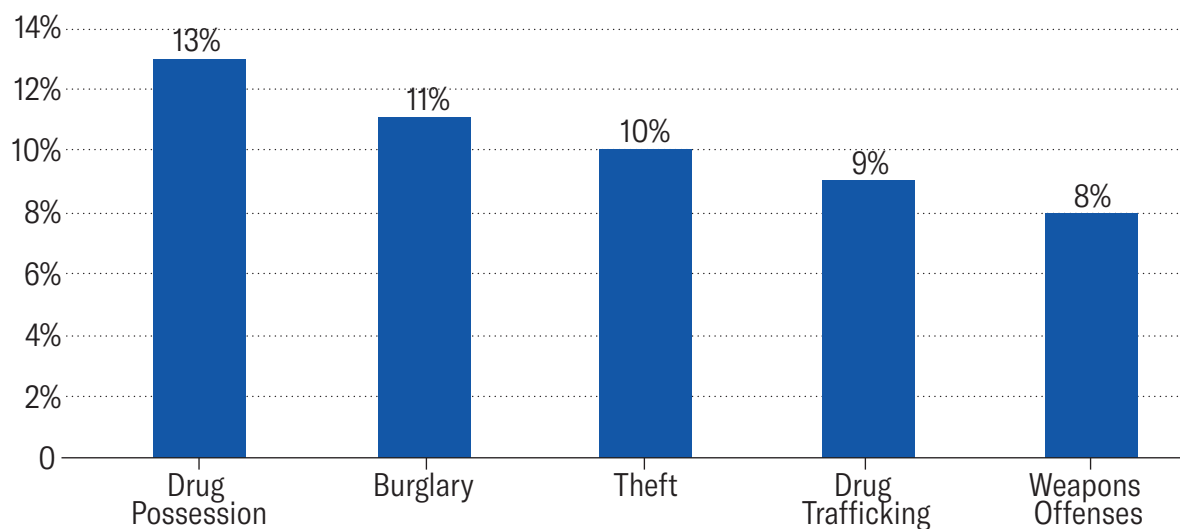
While there has been some variation over time, the number of people entering Illinois prisons for technical violations of parole has risen significantly since the 1990s — driven by changes in laws and parole policies and practices that often impose harsher rules on people on parole.³⁴

In addition, the state’s recidivism rate³⁵ — the rate of people returning to prison after being released — has hovered around 50 percent for the last decade.³⁶ While evaluations of drug treatment programs have demonstrated that evidence-based treatment (both during prison and after release) helps reduce recidivism, Illinois legislators have failed to adequately fund these programs.³⁷

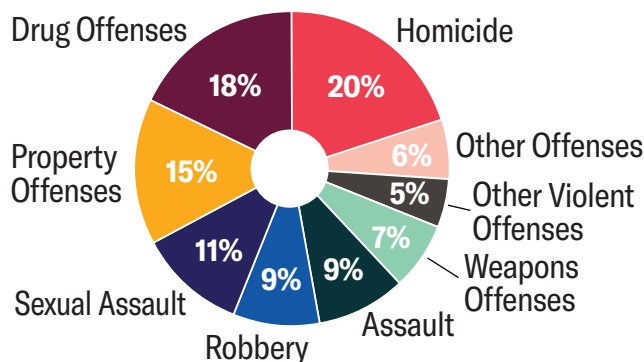
The Current Prison and Jail Population

Illinois incarcerates an estimated 17,191 people in county jails, according to the most recent data available (2016).³⁸ As of 2015, three-fourths of Illinois’ local jail population was awaiting trial and had not been

ILLINOIS COURT COMMITMENTS BY TOP OFFENSE TYPES (2014)



ILLINOIS PRISON POPULATION BY TOP OFFENSE TYPE (FY 2016)



convicted of a crime.³⁹ Illinois' per capita county jail incarceration rate more than doubled between 1981 and 2016.⁴⁰ However, the state's average daily county jail population has trended downward in recent years, declining by 19 percent overall between 2006 and 2016.⁴¹ Due in part to judicial reforms to the cash bail system, the population at the Cook County Jail has fallen below 6,000 people for the first time in decades.⁴²

In 2016, 54 percent of Illinois' prison population was serving time for an offense involving violence, with one in five people convicted of homicide. Other top offenses include drug offenses (18 percent) and property offenses (15 percent) such as burglary, theft, and forgery.⁴³

Why Do People Stay in Prison for So Long?

The average length of imprisonment in Illinois has risen over the past few decades. In 1989, the average amount of time people had spent in prison was 2.5 years across all types of offenses. By 2014, this average had increased to 4.2 years.⁴⁴

For people convicted of offenses involving violence, the increase in prison time has been even more dramatic. In 1989, the average person imprisoned for a violent crime had served 3.7 years, and by 2014, that number had increased to 7.1 years.⁴⁵ In 2013, 13 percent of the

AT A GLANCE

ILLINOIS COUNTY JAIL AND STATE PRISON POPULATION

18,104 people were serving time in Illinois' county jails in 2015.

Illinois' per capita jail incarceration rate **more than doubled** between 1980 and 2015.

18 percent of people in prison were serving time for a drug offense in 2016.

15 percent of people in prison were serving time for a property offense in 2016.

prison population had been imprisoned for at least 10 years.⁴⁶

In 1978, Illinois moved to a determinate sentencing system, eliminating most people's ability to receive parole hearings to determine, on an individualized basis, whether they should be released from prison. Under today's system, people sentenced to prison are required to serve fixed terms, regardless of whether they could safely be released sooner. Illinois' "truth-in-sentencing" law, enacted in the 1990s, has dramatically increased the amount of time people spend in prison for certain serious offenses.⁴⁷ The law requires people in prison for these offenses to serve a minimum portion of their sentence (100 percent for murder and 85 percent for some other offenses involving violence⁴⁸) before being considered for release, without regard to their participation in programming, rehabilitation, or readiness for release. Because of these restrictions, many people who might otherwise return to their communities stay in prison for years.

The impact on people convicted of murder has been especially extreme. A 2009 analysis found that people convicted of murder under "truth in sentencing" are expected to serve, on average, 17 years longer in prison than they would otherwise serve. Thirty percent of this

AT A GLANCE

PRISON DEMOGRAPHICS

57 percent of Illinois' prison population is Black as of 2016.

13 percent of Illinois' prison population is Latino as of 2016.

The number of women imprisoned between 1990 and 2014 increased by **139 percent**.

The prison population age 50 years or older increased **102 percent** between 2006 and 2016.

population is projected to remain in prison for the rest of their lives.⁴⁹

Allowing people in prison to earn time off of their sentences for good conduct can make a significant difference in the amount of time people serve. After good conduct credits were suspended in 2009, those who were previously eligible for these credits remained in prison longer, increasing the size of the prison population. For instance, people with a Class 4 felony (the lowest-level felony in Illinois) who left prison in 2013 served an average of 2.64 additional months compared to those who left prison in 2009. For people with a Class 3 felony, the increase was 4.56 months.⁵⁰

Illinois imposes additional penalties for certain types of crimes based on criminal history, particularly related to firearms. In 2017, the state passed a law⁵¹ increasing the recommended minimum sentence — from 3 to 7 years — for people convicted of repeat gun-related offenses.

Who Is Imprisoned

Black Illinoisans: In 2014, Illinois' prisons had one of the highest disparities between Black and white people in the country.⁵² Although Black people make up just 14 percent of the state's population,⁵³ they constituted a staggering 57 percent of its prison population in 2016.⁵⁴ In 2016, Black people were imprisoned at a rate of 1,404

per 100,000 people — more than eight times the rate for white people.⁵⁵

Latino Illinoisans: In 2016, Latinos made up 13 percent of Illinois' prison population.⁵⁶ At 260 per 100,000 people, Latinos are imprisoned at a rate that is 1.5 times the rate for white people.⁵⁷

Female Illinoisans: Between 1990 and 2016, the number of women in Illinois' prisons more than doubled (a 121 percent increase), rising from 4 to 6 percent of the overall imprisoned population.⁵⁸ The dramatic rise in women's admissions to prison between 1989 and 2005 was driven almost entirely by drug law violations. Most women sentenced to prison during this time were convicted of the least serious felony classes of crimes (Classes 3 and 4).⁵⁹

Women serving time in Logan, the state's largest women's prison, face overcrowding and deteriorating conditions, as they are housed in an aging facility with an operational capacity well below the number of women currently held there.⁶⁰ These structural problems pose a safety risk for both the women and staff, making it difficult to administer programs and services these women need.⁶¹ Nearly all (99 percent) of the women interviewed for a 2010 study of women in Illinois prisons reported they had experienced emotional, physical, and/or sexual abuse at some point in their lives.⁶² The same study found that 60 percent of the women interviewed could potentially be diagnosed as having PTSD.⁶³

Older Illinoisans: Illinois' prison population is also rapidly aging. Between 2006 and 2016, the number of people 50 or older in Illinois' prisons doubled (a 102 percent increase). Despite overwhelming evidence that people in this age group are the least likely to return to prison for new offenses once released,⁶⁴ the percentage of people 50 or older has increased from 9 to 18 percent of the state's prison population since 2006.⁶⁵

Education, Poverty, and Employment

As of 2016, at least 42 percent of Illinois' prison population had not graduated high school or earned a GED.⁶⁶ Most read at a sixth grade level or lower.⁶⁷

AT A GLANCE

MENTAL HEALTH AND SUBSTANCE USE DISORDERS

Illinois ranked **44th** for state-funded treatment capacity out of 46 states in 2012.

45 percent of people entering Illinois prisons in 2014 were determined to need treatment services for substance use disorders.

75 percent of people released on parole without drug treatment resume drug use within three months of release.

Many people sent to prison in Illinois come from segregated, low-income neighborhoods. When they are released, many will return to those same neighborhoods.⁶⁸ A 2016 report argued that Illinois has overinvested in the criminal justice system to the detriment of these communities, finding that this spending could be reinvested to provide 25,000 new living wage jobs, quality after-school care for 100,000 children living in poverty, affordable housing for 43,000 families, and 20,000 new social workers and behavioral health professionals.⁶⁹

Parental incarceration also increases child poverty rates and more than doubles the risk of child homelessness, particularly among Black children.⁷⁰

Even after successfully serving their sentences, people with criminal records continue to face legal barriers to eligibility for employment and licenses, housing, and education, and may owe debts for court costs, fines, and fees.

People With Mental Health and Substance Use Disorders

Many people in Illinois prisons have mental health and substance abuse challenges, yet few receive the treatment they need. In 2016, the Illinois State

AT A GLANCE

SPENDING ON CORRECTIONS

Illinois spent more than **\$1 billion** on corrections in 2016.

Illinois increased annual spending on corrections **36 percent** between 1985 and 2016.

Commission on Criminal Justice and Sentencing Reform reported that treatment and service capacity for mental health problems was at an all-time low, with only about 27 percent of people in Illinois prisons receiving ongoing mental health services.⁷¹ In 2014,⁷² 45 percent of people screened for substance abuse upon entering prison were determined to be in need of treatment services, but only half of those in need received those services.⁷³ Even if treatment programs in Illinois prisons were adequately funded, the current degree of overcrowding means the Department of Corrections lacks adequate physical space in its institutions to render meaningful treatment to all the people who need it.

State funding for drug treatment programs has plummeted in recent years, making these services less accessible to those who need them. In 2012, Illinois ranked 44th out of 46 states for state-funded treatment capacity.⁷⁴ This lack of programming has serious consequences for people leaving prison: An estimated 75 percent of people released on parole without drug treatment for their addictions resume drug use within three months of release.⁷⁵ Meanwhile, the state's budget crisis has taken a toll on Illinois' community-based providers, diminishing the available treatment options for those leaving prison.⁷⁶

Budget Strains

Because Illinois' incarcerated population has risen, so has the cost burden. In 2016, Illinois spent more than \$1 billion on corrections — a 36 percent increase from 1985 spending. General spending on corrections in Illinois has far outpaced growth in spending on other priorities like education.⁷⁷

Ending Mass Incarceration in Illinois: A Path Forward

It will be up to the people and policymakers of Illinois to decide which changes to pursue to further help end this mass incarceration crisis. To reach a 50 percent reduction, policy reforms will need to either reduce the amount of time people serve in prisons or reduce the number of people entering prisons in the first place.

Reducing Time Served

- **Sentencing reform:** Reduce all penalties for felony drug offenses by one class or more. Some drug crimes in Illinois currently carry penalties equivalent to crimes like attempted murder, aggravated criminal sexual assault, and armed robbery.

Roll back “truth-in-sentencing” laws and restore people’s ability to earn time off their sentences for good behavior and participation in rehabilitative programs. Since Illinois enacted truth-in-sentencing laws, the average length of sentences imposed by courts has remained relatively constant, but the length of time served in prison has increased dramatically,⁷⁸ with no clear benefit to public safety.

Retroactively reduce sentences of people who were incarcerated prior to the enactment of new sentencing reforms.

- **Release reform:** Return to an indeterminate sentencing system, under which people serving long prison sentences would be entitled to periodic parole hearings to determine whether they should be released.

Shorten mandatory supervised release terms (the period of community supervision that people released from Illinois prisons must serve before their sentences are discharged) to reduce the number of parolees reincarcerated because of technical violations like failed drug tests or missed curfews.

Allow elderly and infirm people who pose no public safety risk to be released to home confinement or health care facilities. Treating geriatric individuals for serious conditions in a prison setting places an expensive burden on the already inadequate prison health system; these individuals could be treated at less expense outside of prison.

Reducing Admissions

- **Alternatives to incarceration:** Expand eligibility for existing prison alternatives to include some people charged with violent crimes. Whether a person needs to be incarcerated in order to protect public safety should be determined based on an individualized determination using validated tools, not predetermined based on the offense.

Address the geographic gaps in prison alternative programs to ensure that those programs are available everywhere in Illinois.

- **Alternatives to incarceration — treatment:** Treat substance use disorders and mental illness as the public health problems they are. Expand behavioral health treatment capacity statewide for people whose involvement in the criminal

justice system stems from substance use disorders and/or mental illness.

Shift the state’s spending priorities to ensure that everyone who needs community-based substance abuse or mental health treatment receives that treatment, regardless of whether they are in the criminal justice system. People are more likely to seek treatment if they don’t fear arrest and prosecution.

- **Sentencing reform:** Legalize marijuana, and reclassify simple drug possession offenses as misdemeanors rather than felonies.

Raise the felony threshold for property crimes to reduce the number of people incarcerated for these nonviolent crimes. Currently, property crimes like shoplifting can be charged as felonies rather than misdemeanors when the value of the goods stolen is only \$300.⁷⁹

- **Restoring judicial discretion:** Eliminate mandatory minimums for crimes like residential burglary and small-time drug distribution. Probation should always be a sentencing option for people convicted of nonviolent crimes.

Repeal mandatory sentence enhancements based on prior criminal history. A judge, not the Legislature, is in the best position to consider all the relevant circumstances, including the person’s prior criminal record, in determining an appropriate sentence.

Reducing Racial Disparities

Reducing the number of people who are imprisoned in Illinois will not, on its own, significantly reduce racial disparities in the prison system.

People of color (especially Black, Latino, and Native American people) are at a higher risk of justice system involvement from the start, including living under heightened police surveillance and being at higher risk for arrest. This disproportionality cannot be accounted for by disparate involvement in illegal activity, and it grows at each criminal justice system stage, beginning with initial

law enforcement contact and increasing at subsequent phases such as pretrial detention, conviction, sentencing, and postrelease opportunity.⁸⁰ Targeting only one of these factors that drives racial disparity greatly limits the potential impact across the system.

Racial disparity is so ingrained in prison populations that it cannot be mitigated by solely diminishing the scale of mass incarceration. Shrinking the prison population across the board will likely result in lowering imprisonment rates for all racial and ethnic populations, but will not address comparative disproportionality across populations. For example, focusing on reductions to prison admissions and length of stay in prison is critically important, but those reforms do not address the policies and practices among police, prosecutors, and judges that contribute greatly to the racial disparities that plague the prison system.

New Jersey, for example, is often heralded as one of the most successful examples of reversing mass incarceration, passing justice reforms that led to a 26 percent decline in the state prison population between 1999 and 2012.⁸¹ However, the state did not intentionally target racial disparities in incarceration, and, in 2014, Black people in New Jersey were still more than 12 times as likely to be imprisoned as white people — the highest disparity of any state in the nation.⁸²

“Merely reducing sentence lengths, by itself, does not disturb the basic architecture of the New Jim Crow. So long as large numbers of African Americans continue to be arrested and labeled drug criminals, they will continue to be relegated to a permanent second-class status upon their release, no matter how much (or how little) time they spend behind bars. The system of mass incarceration is based on the prison label, not prison time.”⁸³

— From *The New Jim Crow*, Michelle Alexander

Ending mass incarceration is critical to eliminating racial disparity, but not wholly sufficient without companion efforts targeting other drivers of racial inequities outside of the criminal justice system. Reductions in disparate imprisonment rates require explicit and targeted racial justice strategies.

Although there are many factors outside the criminal justice system that contribute to racial disparities, there are still things that can be done within the system, such as the following:

- Ending overpolicing in communities of color
- Evaluating prosecutors' charging and plea-bargaining practices to identify and eliminate bias
- Investing in diversion/alternatives to detention in communities of color
- Reducing the use of pretrial detention and eliminating cash bail

TAKING THE LEAD

Prosecutors: They have ultimate authority to decide whether to charge a person arrested by the police with a crime. They can decide to divert people to treatment programs (for example, drug or mental health programs) rather than send people to prison. Prosecutors decide what charges to bring, which determines what penalties will be imposed if the person is convicted. The severity of the charge may influence the court to order the person to be jailed while awaiting trial, which in turn makes it more likely that the person may plead guilty just to ensure an endpoint to their incarceration. The vast majority of criminal cases are resolved through plea bargaining rather than trial verdicts.⁸⁴ If a defendant is convicted at trial, the prosecutor can influence the court to impose a severe sentence or to show mercy.

State lawmakers: They decide what conduct to criminalize, the minimum and maximum sentences to be imposed for every criminal offense, and when to take away judges' discretion. They can change criminal laws to remove prison as an option when better alternatives exist or allow alternatives where previously the law had required prison. They can create new alternatives or provide the resources and direction for the development of new alternatives by others.

Parole boards: In Illinois, the Prisoner Review Board plays an important role in determining how long people spend in prison, their conditions of release, and whether they will be returned to prison for violating those conditions. The Board also advises the governor on petitions for executive clemency. People sentenced before 1978, when the Legislature enacted a determinate sentencing system, still receive periodic hearings before the Board to determine whether they should be released. But for the rest of Illinois' incarcerated population, their release date is almost completely predetermined on the date of their sentencing.

Judges: They have discretion on whether to order a person jailed while awaiting trial, or under what conditions they may be released. Whenever a person convicted of a crime is eligible for a sentence of probation, it is the judge who decides whether to impose a prison sentence or an alternative to incarceration, and if the person is incarcerated, the judge determines the length of the sentence within the minimum and maximum penalties set by the Legislature.

- Ending sentencing enhancements based on location (e.g., drug-free school zones)
- Reducing exposure to reincarceration due to revocations from supervision
- Requiring racial impact statements before any new criminal law or regulation is passed and requiring that legislation proactively rectify any potential disparities that may result with new laws or rules
- Fighting discriminatory gang sentencing enhancements that disproportionately target people of color
- Addressing any potential racial bias in risk assessment instruments used to assist decision-making in the criminal justice system
- Shifting funding from law enforcement and corrections to community organizations, job

creation, schools, drug and mental health treatment, and other social service providers

Forecaster Chart

There are many pathways to cutting the prison population in Illinois by 50 percent. To help end mass incarceration, communities and policymakers will need to determine the optimal strategy to do so. This table presents one potential matrix of reductions that can contribute to cutting the state prison population in half by 2025. The reductions in admissions and length of stay for each offense category were selected based on potential to reduce the prison population, as well as other factors. To chart your own path to reducing mass incarceration in Illinois, visit the interactive online tool at <https://urbn.is/ppf>.

CUTTING BY 50%: PROJECTED REFORM IMPACTS ON POPULATION, DISPARITIES, AND BUDGET

Impact Compared to 2025 Baseline*				
Offense category**	Policy outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Drug offenses	<ul style="list-style-type: none"> Institute alternatives that end all admissions for drug possession (3,174 fewer people admitted) Reduce average time served for drug distribution and other drug offenses by 60% (from 1.80 to 0.72 years) Institute alternatives that reduce admissions for drug distribution and other drug offenses by 50% (1,930 fewer people admitted) 	15.80% reduction (7,819 fewer people)	White: 1.7% increase Black: 1.9% decrease Hispanic/Latino: 4.6% increase Native American: 4.9% increase Asian: 4.6% increase Hawaiian/Pacific Islander: 32.3% decrease Other: 2.1% increase	\$181,198,453
Robbery	<ul style="list-style-type: none"> Reduce average time served by 50% (from 2.92 to 1.46 years) Institute alternatives that reduce admissions by 30% (548 fewer people admitted) 	6.70% reduction (3,314 fewer people)	White: 3.9% increase Black: 2.4% decrease Hispanic/Latino: 2.0% increase Native American: 3.6% increase Asian: 3.4% increase Hawaiian/Pacific Islander: 7.2% increase Other: 7.7% decrease	\$63,354,976
Burglary	<ul style="list-style-type: none"> Reduce average time served by 60% (from 1.77 to 0.71 years) Institute alternatives that reduce admissions by 30% (700 fewer people admitted) 	6.10% reduction (3,020 fewer people)	White: 2.1% decrease Black: 0.7% increase Hispanic/Latino: 1.7% increase Native American: 1.0% decrease Asian: 2.0% increase Hawaiian/Pacific Islander: 29.2% decrease Other: 6.8% decrease	\$66,179,058
Assault	<ul style="list-style-type: none"> Reduce average time served by 60% (from 1.95 to 0.78 years) Institute alternatives that reduce admissions by 30% (647 fewer people admitted) 	6.05% reduction (2,996 fewer people)	White: 0.2% decrease Black: No change Hispanic/Latino: 0.8% increase Native American: 7.1% decrease Asian: 3.5% decrease Hawaiian/Pacific Islander: 6.4% increase Other: 2.8% decrease	\$61,441,496

Impact Compared to 2025 Baseline*				
Offense category**	Policy outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Public order offenses*****	<ul style="list-style-type: none"> Reduce average time served by 60% (from 1.77 to 0.71 years) Institute alternatives that reduce admissions by 50% (1,068 fewer people admitted) 	6.02% reduction (2,977 fewer people)	White: 0.7% decrease Black: 0.2% decrease Hispanic/Latino: 2.2% increase Native American: 2.8% increase Asian: 2.6% increase Hawaiian/Pacific Islander: 6.4% increase Other: 6.4% increase	\$63,392,342
Theft	<ul style="list-style-type: none"> Reduce average time served by 60% (from 0.78 to 0.31 years) Institute alternatives that reduce admissions by 50% (1,270 fewer people admitted) 	3.18% reduction (1,575 fewer people)	White: 1.5% decrease Black: 0.4% increase Hispanic/Latino: 1.6% increase Native American: 0.7% decrease Asian: 2.4% increase Hawaiian/Pacific Islander: 3.3% increase Other: 3.3% increase	\$35,953,562
Weapons offenses*****	<ul style="list-style-type: none"> Reduce average time served by 60% (from 1.21 to 0.49 years) 	3.14% reduction (1,555 fewer people)	White: 1.8% increase Black: 0.9% decrease Hispanic/Latino: 0.3% decrease Native American: 2.2% increase Asian: 1.7% increase Hawaiian/Pacific Islander: 3.2% increase Other: 3.2% increase	\$31,673,846
Homicide	<ul style="list-style-type: none"> Reduce average time served by 15% (from 14.67 to 12.47 years) 	0.96% reduction (474 fewer people)	White: 0.3% increase Black: No change Hispanic/Latino: 0.3% decrease Native American: No change Asian: 0.4% decrease Hawaiian/Pacific Islander: 1.0% increase Other: No change	\$7,388,538
Motor vehicle theft	<ul style="list-style-type: none"> Reduce average time served by 60% (from 1.60 to 0.64 years) Institute alternatives that reduce admissions by 50% (173 fewer people admitted) 	0.91% reduction (448 fewer people)	White: 0.1% decrease Black: No change Hispanic/Latino: No change Native American: 0.9% increase Asian: 0.5% increase Hawaiian/Pacific Islander: 0.9% increase Other: 0.9% increase	\$10,182,894

Impact Compared to 2025 Baseline*				
Offense category**	Policy outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Fraud	<ul style="list-style-type: none"> Reduce average time served by 60% (from 0.94 to 0.38 years) Institute alternatives that reduce admissions by 50% (247 fewer people admitted) 	0.75% reduction (372 fewer people)	White: 0.4% decrease Black: No change Hispanic/Latino: 0.5% increase Native American: 1.6% decrease Asian: 0.9% decrease Hawaiian/Pacific Islander: 0.8% increase Other: 0.8% increase	\$8,666,283
Sexual assault	<ul style="list-style-type: none"> Reduce average time served by 10% (from 7.02 to 6.32 years) 	0.70% reduction (348 fewer people)	White: 0.4% decrease Black: 0.3% increase Hispanic/Latino: 0.5% decrease Native American: 0.1% decrease Asian: 0.4% decrease Hawaiian/Pacific Islander: 0.7% increase Other: 0.3% increase	\$5,625,169

* The baseline refers to the projected prison population based on historical trends, assuming that no significant policy or practice changes are made.

** The projections in this table are based on the offense that carries the longest sentence for any given prison term. People serving prison terms may be convicted of multiple offenses in addition to this primary offense, but this model categorizes the total prison term according to the primary offense only.

*** Racial and ethnic disproportionality is traditionally measured by comparing the number of people in prison — of a certain race — to the number of people in the state's general population of that same race. For example, nationally, Black people comprise 13 percent of the population, while white people comprise 77 percent. Meanwhile, 35 percent of people in state or federal prison are Black, compared to 34 percent who are white. While the proportion of people in prison who are Black or white is equal, Black people are incarcerated at nearly three times their representation in the general population. This is evident in Illinois where Black people make up 57 percent of the prison population, but constitute only 14 percent of the state's total population.

**** Note: Cost impact for each individual policy change represents the effect of implementing that change alone and in 2015 dollars. The combined cost savings from implementing two or more of these changes would be greater than the sum of their combined individual cost savings, since more capital costs would be affected by the population reductions.

***** Some public order offenses include drunk or disorderly conduct, escape from custody, obstruction of law enforcement, court offenses, failure to comply with sex offense registration requirements, prostitution, and stalking, as well as other uncategorized offenses.

***** Some weapons offenses include unlawful possession, sale, or use of a firearm or other type of weapon (e.g., explosive device).

Total Fiscal Impact

If Illinois were to implement reforms leading to the changes described above, there would be 24,899 fewer people in prison in Illinois by 2025, a 50.31 percent decrease. This would lead to a total cost savings of \$1,578,345,197 by 2025.

Methodology Overview

This analysis uses prison term record data from the National Corrections Reporting Program to estimate the impact of different policy outcomes on the size of Illinois' prison population, racial and ethnic representation in the prison population, and state corrections spending. First, trends in admissions and exit rates for each offense category in recent years are analyzed and projected out to estimate a baseline state prison population projection through 2025, assuming recent trends will continue. Then, a mathematical model is used to estimate how various offense-specific reform scenarios (for example, a 10 percent reduction in admissions for drug possession or a 15 percent reduction in length of stay for robbery) would change the 2025 baseline projected prison population. The model allows for reform scenarios to include changes to the number of people admitted to prison and/or average length of time served for specific offenses. The model then estimates the effect that these changes would have by 2025 on the number of people in prison, the racial and ethnic makeup of the prison population, and spending on prison. The analysis assumes that the changes outlined will occur incrementally and be fully realized by 2025.

All results are measured in terms of how outcomes under the reform scenario differ from the baseline projection for 2025. Prison population size impacts are measured as the difference between the 2025 prison population under the baseline scenario and the forecasted population in that year with the specified changes applied. Impacts on the racial and ethnic makeup of the 2025 prison population are measured by comparing the share of the prison population made up by a certain racial or ethnic group in the 2025 baseline population to that same statistic under

the reform scenario, and calculating the percent change between these two proportions. Cost savings are calculated by estimating the funds that would be saved each year based on prison population reductions relative to the baseline estimate, assuming that annual savings grow as less infrastructure is needed to maintain a shrinking prison population. Savings relative to baseline spending are calculated in each year between the last year of available data and 2025, and then added up to generate a measure of cumulative dollars saved over that time period.

Endnotes

- 1 United States Census Bureau, American Community Survey 2015. Statistics reflect Black or African American single race, non-Hispanic counts.
- 2 Illinois Department of Corrections, 2016 Annual Report.
- 3 BJS Jurisdictional Population, 1980-2015, Correctional Statistical Analysis Tool.
- 4 BJS Jurisdictional Population, 1980-2015, Correctional Statistical Analysis Tool.
- 5 BJS, Correctional Statistical Analysis Tool.
- 6 Illinois Department of Corrections Quarterly Report, July 1, 2017.
- 7 Offense breakdowns in this blueprint are based on the most serious, or “controlling,” offense for which a person in prison is serving time. Some people in prison are serving time for multiple convictions and are categorized here only under the controlling offense types.
- 8 Illinois Department of Corrections, 2016 Annual Report.
- 9 Illinois State Commission on Criminal Justice and Sentencing Reform, 25% by 2015: Reducing the Prison Population by 25%.
- 10 Illinois State Commission on Criminal Justice and Sentencing Reform, Final Report, 2016.
- 11 Illinois Department of Corrections, Presentation to the Illinois Commission on Criminal Justice Sentencing Reform, 2015.
- 12 National Association of State Budget Officers State Expenditure Report Series.
- 13 Illinois State Commission on Criminal Justice and Sentencing Reform, Final Report (Parts I & II), December 2016.
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- 36 Illinois State Commission on Criminal Justice and Sentencing Reform, 25% by 2025: Reducing the Prison Population by 25%.
- 37 Illinois Criminal Justice Information Authority, Drug-Addicted Offenders and Treatment Needs in Illinois, 2016.
- 38 Illinois Criminal Justice Information Authority Data Clearinghouse, County Jail Average Daily Population, April 24, 2018. Figure represents the average sentenced and pre-sentenced daily population in county jails statewide in 2016.
- 39 Vera Institute of Justice, Incarceration Trends. Total jail population and pretrial jail population data are drawn from different sources in the cited source. Total jail population data is reported as average daily population in 2015 and excludes federal jail populations, while pretrial jail population is reported as a single-day count (taken on June 30) and includes federal jail populations.
- 40 Illinois Criminal Justice Information Authority Data Clearinghouse, County Jail Average Daily Population, April 24, 2018. Figure represents the average daily county jail population rate per 100,000 people.
- 41 Illinois Criminal Justice Information Authority Data Clearinghouse, County Jail Average Daily Population, April 24, 2018.
- 42 “Cook County Jail drops below 6,000 inmates to lowest level in decades.” Chicago Tribune, March 2018.
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- 44 BJS, National Corrections Reporting Program.
- 45 BJS, National Corrections Reporting Program.
- 46 Urban Institute, A Matter of Time: The Causes and Consequences of Rising Time Served in America, 2017.
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