



ON GOOD AUTHORITY

Availability and Use of Intermediate Sanctions

APRIL 1993

At the end of 1992, Illinois' prison population exceeded 32,000 inmates in a system designed to hold about 21,000. If present trends continue, Illinois' prison population is expected to reach its "capacity ceiling" of 36,000 inmates by July 1994.¹ Illinois Department of Corrections (IDOC) officials predict the number of offenders requiring prison space will exceed 40,000 by June 1997, resulting in some 4,000 to 6,000 offenders that IDOC will not have room to incarcerate. This unprecedented crisis in the prison system comes despite the construction of 15 new prisons over the last 15 years, at a cost of \$560 million.

Standard probation has traditionally been the primary alternative to incarceration. However, recent increases in crime, and in law enforcement's response to crime, have resulted in record probation caseloads as well, and a widening gap between demand and available resources.

As Illinois faces the dual crises of prison crowding and probation crowding, the state has begun to look to alternatives that fall between standard probation and incarceration. Some of these "intermediate sanctions" already exist in Illinois but they are not available in all, or even most, of the state's 102 counties. Forecasts for continued prison growth and crowding, however, necessitate further exploration of intermediate sanctions to accommodate the state's spiraling offender population and to provide some relief to the overburdened criminal justice system.

The Prison Population

The explosion in Illinois' prison population, according to a recent report completed by the Illinois Task Force on Crime and Corrections, may be attributed to:

- Increases in drug and violent crimes, and in enforcement
- A high recidivism rate
- Longer sentences

¹The capacity ceiling is the maximum number of inmates a correctional facility can accommodate in existing housing (with 80 percent double-celling systemwide).

At the end of 1992, Illinois' prison population exceeded 32,000 inmates in a system designed to hold about 21,000. And recent increases in crime, and in law enforcement's response to crime, have resulted in record caseloads in probation departments—the traditional alternative to prison. With severe crowding in Illinois prisons and probation programs, it is time to take another look at alternatives that fall between standard probation and incarceration. Some of these "intermediate sanctions" already exist in Illinois but they are not available in all, or even most, of the state's 102 counties. This executive briefing takes a look at some of those sanctions, and at how they might be implemented in Illinois.

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Executive Director

From 1984 to 1991 the number of criminal sexual assaults increased by 54 percent; robbery 49.8 percent; aggravated assault 38.6 percent; and murder 25.5 percent. In 1992, more than 66 percent of inmates had been convicted of the most serious crimes carrying the stiffest penalties, including murder and Class X and Class 1 felonies, up from about 60 percent in 1984 (Figure 1).²

Repeat offenders, or recidivists, also contribute substantially to prison crowding. In Illinois, approximately 46 of every 100 inmates released from prison are returned for another offense within three years.

²Murder and all Class X felonies carry mandatory prison sentences, making the offenders ineligible for probation and adding directly to the prison population. Many Class 1 felonies also carry mandatory prison sentences. Violent Class X felonies include armed robbery, home invasion, aggravated battery, and aggravated criminal sexual assault. Violent Class 1 felonies include aggravated battery, criminal sexual assault, and second degree murder.

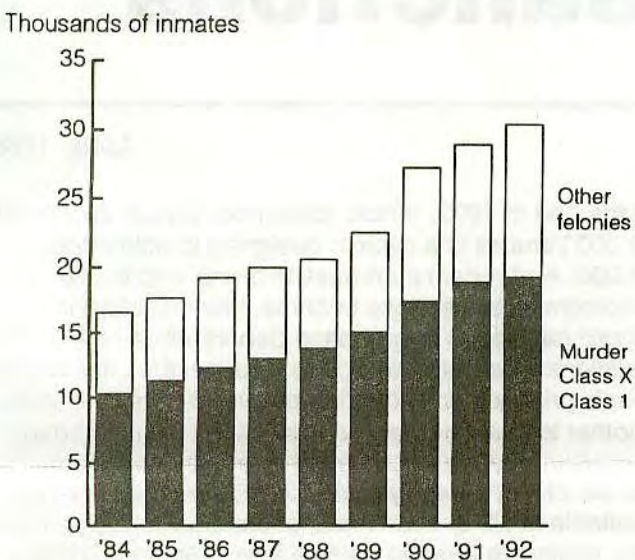
Finally, “get tough” measures such as mandatory minimum and longer sentences contribute to prison crowding as well.

The fastest-growing population of inmates is drug offenders. In 1992, approximately 27 percent of prison admissions were drug offenders, representing a 200 percent increase over 1985 (Figure 2). The increase is due to a general increase in drug-related activity; enforcement of tougher drug laws; and the creation and enhancement of myriad drug offenses. Drug offenders made up about 18 percent of the

prison population in 1992.

The consequences of prison crowding include increases in assaults against prison staff and inmate-on-inmate violence; obstacles to providing services and programs such as health care and educational and vocational programs; health risks posed by transmittable and contagious diseases; and a staff-to-inmate ratio that has decreased from 43 staff per 100 inmates in FY 1987 to 34 staff per 100 inmates in FY 1992. Lawsuits involving inmate rights in crowded prisons may create additional problems if court intervention were to result in mandatory release of prisoners under court-ordered prison caps.

FIGURE 1
Illinois prison inmates convicted of the most serious felonies



Source: Illinois Department of Corrections

The Probation Population

At the opposite end of the sanction spectrum, probation offers a means of punishment without incarceration. However, increasing crime—and increasing felony convictions—have resulted in problems for probation caseloads that mirror those of prisons.

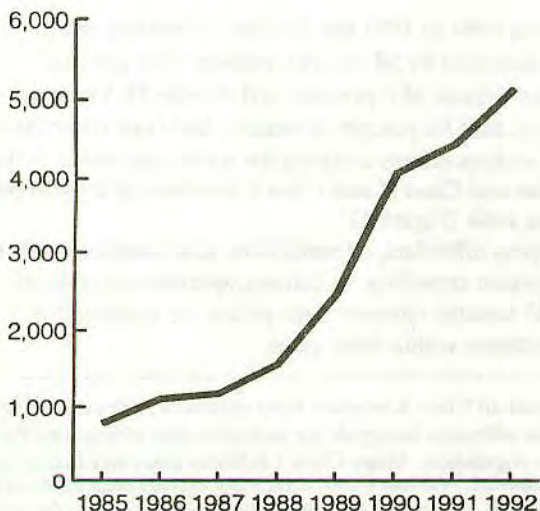
There were 92,718 adult and juvenile offenders on active probation at the end of 1992, nearly 3 times the number of prison inmates. The total number of all active adult and juvenile probationers and adult administrative probationers in Illinois in 1992 was 124,329.³

The increase in probationers is primarily attributable to more serious felony offenders being sentenced to probation. The number of convicted felons remanded to probation increased 58 percent between 1985 and 1991; the prison population increased 59 percent (Figure 3).

Convicted felons made up almost 52 percent of the active probation caseload at the end of 1991; approximately 14 convicted felons were on probation for every 10 convicted

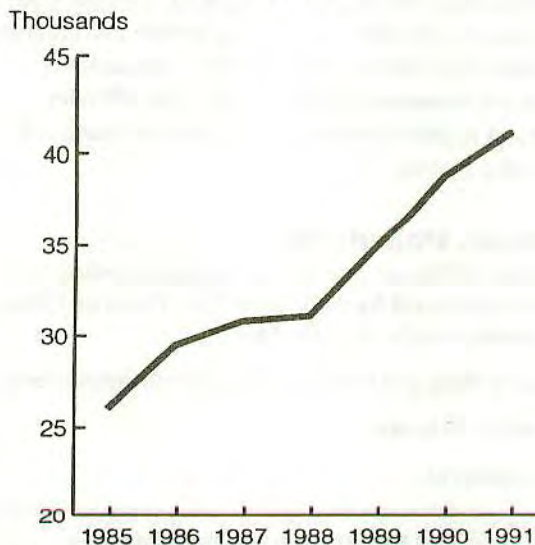
³ Face-to-face contact with a supervisor is not required of administrative probationers.

FIGURE 2
Number of Illinois prison admissions for drug-related offenses



Source: Illinois Department of Corrections

FIGURE 3
Illinois felony caseloads



Source: Administrative Office of the Illinois Courts

felons in prison. Moreover, a survey of felons entering probation in 1990 revealed that 15 percent had been convicted of a violent offense.

Tight budgets present additional obstacles to service and resource expansion. From 1988 to 1991, for example, the number of felony probationers in Illinois increased by 32 percent; state and county expenditures for services increased by only 28 percent.

Despite these problems, however, a number of intermediate sanctions are in use in Illinois, although they are available only at scattered locations throughout the state.

Availability of Intermediate Sanctions

In 1986, the Illinois Community Corrections Act (730, ILCS 110/16) called for the development of a continuum of community-based, intermediate sanctions as a middle ground between the two extremes of prison and standard probation. However, the concept never was fully implemented—it was funded for only one month of one fiscal year. Nevertheless, some intermediate sanctions are statutorily permissible as an alternative for those offenders convicted of a felony that does not carry a mandatory imprisonment sentence. Available alternative sanctions include:

Intensive Probation Supervision (IPS). Implemented in Illinois in 1984, IPS is a more restrictive form of probation for non-violent felony offenders who otherwise would be sentenced to prison. Offenders are monitored more closely and are given less leeway with respect to technical violations. Adult IPS is available in 17 counties, including Cook and most of the collar counties; four counties have programs for juveniles. Six counties' programs are over capacity, yet a large number of other participating counties are operating below capacity. Four of the state's largest counties—DuPage, Winnebago, Sangamon, and Rock Island—have no IPS programs. Statewide, IPS can accommodate 1,055 offenders based on officer-to-offender ratio; at the end of 1992, 958 slots were filled.

Intensive Drug Programs (IDP) with Probation. IDP began in 1990 as a probation alternative for drug or drug-involved offenders. IDP participants receive increased office and face-to-face contacts [, substance abuse assessments and treatment referrals, and drug testing. The program currently is available in nine counties and has an average caseload restricted to 40 participants; 409 offenders were under probation in an IDP at year-end 1991.

Home Confinement. Implemented in 1990, this program places an offender under "house arrest" for specified periods throughout the day, and frequently is imposed as a condition of probation. Compliance is monitored through telephone calls, person-to-person contact, or electronic monitoring. Adult home confinement is available in 64 counties. In 1990, for example, 940 offenders were sentenced to probation with a condition of home confinement. It is used most extensively by the Cook County Adult Probation Department, where, from November 1991 to August 1992, more than 1,300 prospective inmates were diverted from the county jail.

Electronic Monitoring (EM). A type of home confinement, electronic monitoring relies on a transmitter, usually attached to an offender's ankle, to monitor an offender's whereabouts. The device works in conjunction with a receiver installed in the home or approved host site, and transmits information to a computer in the supervision office. A positive transmission assures the supervisor that the offender is in his home or host site at specified times. In Illinois, electronic monitoring is used in three ways:

- For adult probationers—serving nearly 1,500 in 38 counties in 1991
- As a reintegration tool for inmates leaving prison—since 1989, the DOC has used EM to track more than 6,139 inmates
- For defendants awaiting trial, as a way to free up local jail beds—12 counties used EM for pretrial defendants in 1991

Although Cook County has the largest pretrial EM program in the state, almost no adult probationers were monitored following conviction.

Day Reporting Centers (DRCs). Cook County has one facility for women offenders only; DRCs are not used in the remainder of Illinois. DRCs are designed to offer drug and alcohol rehabilitative treatment, employment assistance, and educational and life skills training. Those sentenced to a DRC also are electronically monitored.

Periodic Imprisonment in a County Jail. Generally used as a condition of probation, periodic imprisonment in a county jail is one of the most popular intermediate sanctions in Illinois—available in 93 counties. At the end of 1991, 2,500 felons and misdemeanants were serving such a sentence. Of those felons receiving probation in 1990, nearly 80 percent had either periodic imprisonment in a local jail or some other condition of probation attached to their court order.

Impact Incarceration Programs (IIP). Also known as "boot camp," IIP targets youthful offenders with a combination of incarceration, military-like basic training, and intensive supervision. The program is in its second year of operation and is available to nonviolent offenders between the ages of 17 and 29 who are serving their first prison sentence, and who have received a sentence of five years or less. They also must be deemed physically and mentally able to complete the program and must volunteer to participate. Illinois currently has two IIP sites. The Pope County site, opened in October 1990, was designed to accommodate a maximum of 200 offenders at one time. The program currently is 15 percent over capacity. Approximately 200 additional inmates await transfer to the boot camp program. A second facility in Greene County, which opened in March 1993, accommodates 200 offenders.

Restitution/Community Service. Both restitution and community service require an offender to reimburse the victim or the community for a crime. Money collected through restitution is disbursed to the crime victim(s) and helps pay for administering the program. Offenders ordered to perform

community service work at correctional centers or in a community work program performing manual labor, such as highway cleanup or painting public property. The programs may be used as a stand-alone sanction for low-risk offenders, as a condition of probation or electronic monitoring, and as a way of reintegrating those released from prison back in to the community. Although technically available in almost all counties, program use is determined by available resources and the availability of work areas for offenders.

The Costs

One attraction of intermediate sanctions is that they generally cost much less than a sentence of incarceration. A prison sentence currently is the most expensive sanction in Illinois, costing an estimated \$16,000 per offender per year. Capital construction costs are even more. Standard probation is among the least expensive sanctions, averaging \$700 per offender per year, although with such large caseloads, officials have questioned the punitive and rehabilitative capabilities of straight probation. Court-imposed conditions of probation frequently are used to increase the punishment levels of probation, but they also increase costs. The costs associated with other alternatives fall somewhere in between (Figure 4).

Coordinating the Alternatives: A Continuum of Community-Based Intermediate Sanctions

An additional advantage of intermediate sanctions is that they have the potential to be organized into a continuum of sanctions, which would provide a coordinated set of graduated, appropriate levels of punishment and rehabilitation opportunities within the criminal justice system. The continuum could include various alternative sanctions that would lower recidivism rates through earlier and more meaningful intervention; divert some prison-bound offenders into structured intermediate community sanctions; and reserve incarceration for the most serious and violent offenders (Figure 5). Options along the continuum also may be used to reintegrate offenders into the community following their term of incarceration.

The continuum would provide for a graduated series of sanctions beginning with the least restrictive, such as fines or restitution, through increasingly strict community-based punishments, such as electronic detention and intensive probation, and culminating in boot camp, jail, or prison. Each sanction in the continuum could be levied alone or in combination to provide a suitable punishment, to help break the cycle of career criminality. Strict sanctions would be provided not only for serious crimes, but also as means of providing increased punishment to non-violent or less serious offenders who violate the terms of a lesser sentence. Offenders could also be moved “down the scale” of punishment from a more strict sanction to a lesser one if their behavior improves.

One potential problem of applying the continuum is excessive “net widening”—where sanctions intended as

substitutes for prison are instead used for offenders who would otherwise have received a less-strict sentence. Although potentially more costly, there are also some benefits to net widening. The more-stringent sanctions that some offenders, who would otherwise have received less-strict sentences, might receive may help stop the offenders from becoming career criminals.

Estimates of the costs savings that would result from full implementation of the continuum are not available, due to limited experience with some sanctions and the lack of available data on others. However, data from other states that have instituted similar programs indicate savings of approximately \$275,000 per every 100 offenders placed in the program. ■

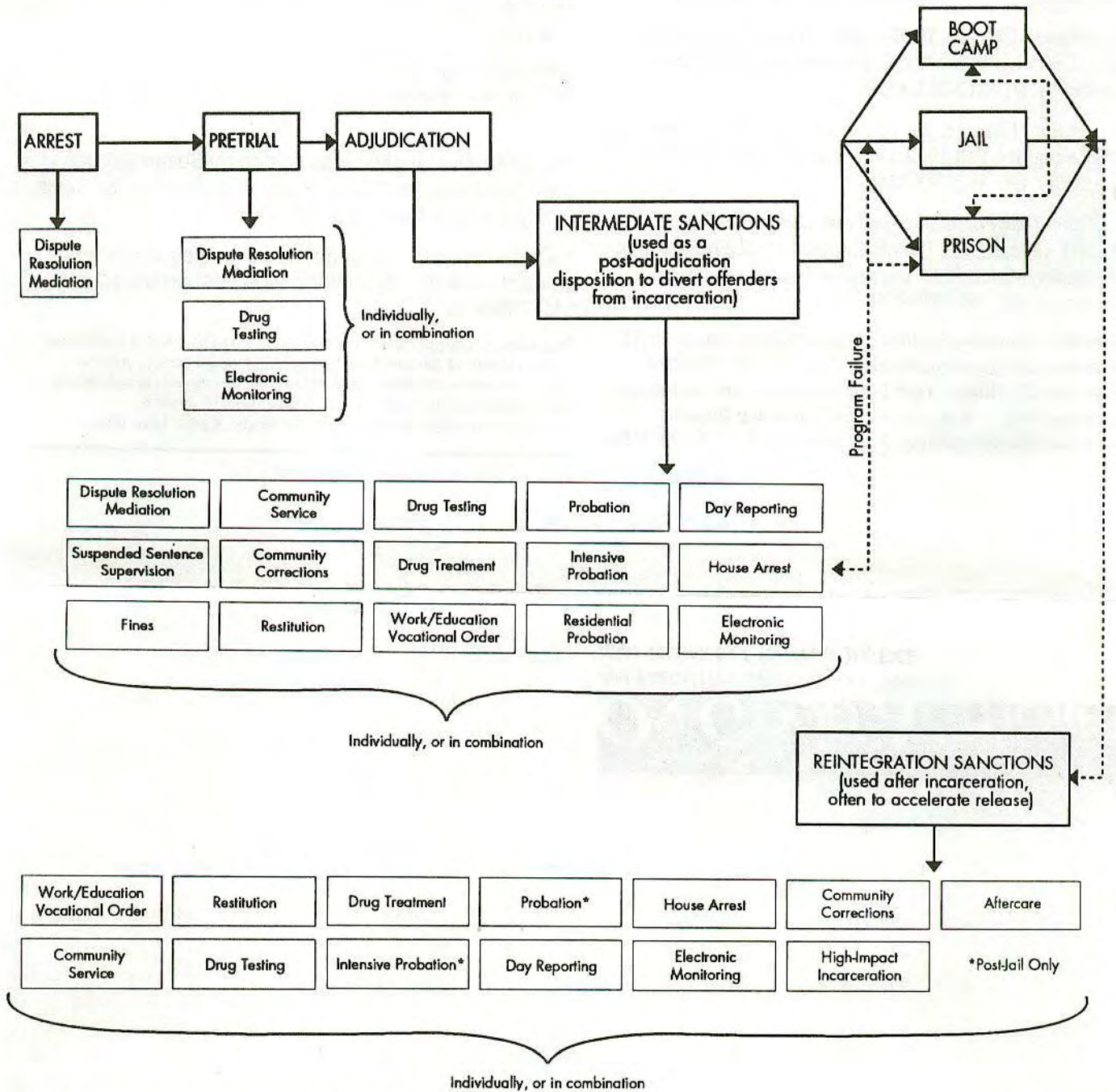
FIGURE 4
The cost of alternatives

Sanction	Cost
Imprisonment	\$16,000 per offender per year
Standard Probation	\$700 per offender per year
Intensive Probation Supervision	\$3,600 per offender per year
Intensive Drug Program	\$2,300 per offender per year
Adult Home Confinement	\$2,137 per offender year
Electronic Monitoring	\$3,460 - \$6,555 per offender year
Day Reporting Centers	\$4,000 per offender year
Probation with a condition of periodic imprisonment	\$2,735 per offender
Impact Incarceration	\$16,275 per offender year
Substance Abuse Treatment	Treatment costs range from \$660 per year for outpatient treatment to \$8,190 per year for long-term residential treatment. There is also an additional one-time cost of \$3,122 for assessment.

Notes: Offenders spend an average of five months in home confinement, making the average cost per offender \$890. The Cook County electronic monitoring program averages \$5.95 per offender day, or \$2,172 per year. An offender in Cook County spends an average of five months on the electronic monitoring program, making the cost per offender approximately \$905. Individual offender costs at a day reporting center can range from \$2,654 to \$19,000 per offender year, depending upon the level of programming and supervision required; \$4,000 is the average cost per offender year. Periodic imprisonment costs are based on cost per jail day, times the average number of work release days sentenced. Each offender spends four months in the impact incarceration program, making the cost per offender \$5,245. Costs cited for drug treatment do not include costs associated with community supervision or incarceration that are to be used in conjunction with treatment.

Source: Illinois Criminal Justice Information Authority

FIGURE 5
Model criminal sanctions continuum for Illinois



Source: Illinois Criminal Justice Information Authority

For Further Reading on Interim Sanctions

"Between Probation and Prison" in *Crime and Justice: an Annual Review of Research*. Chicago, Ill., University of Chicago Press, Volume 11, 1990. Copies are available from the University of Chicago Press, tel.: 312-568-1550.

The Compiler. Chicago, Ill., Illinois Criminal Justice Information Authority, Fall 1993. Copies are available from the Authority, tel.: 312-793-8550.

The Compiler. Chicago, Ill., Illinois Criminal Justice Information Authority, Fall 1992. Copies are available from the Authority, tel.: 312-793-8550.

The Illinois Task Force on Crime and Corrections Final Report. Chicago, Ill., Illinois Criminal Justice Information Authority, March 1993. Copies are available from the Authority, tel.: 312-793-8550.

Intermediate Sanction Profiles: Summary Information on All Intermediate Sanctions Reviewed by the Subcommittee. Chicago, Ill., Illinois Task Force on Crime and Corrections, October 1992. Copies are available from the Illinois Criminal Justice Information Authority, tel.: 312-793-8550.

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AN EXECUTIVE BRIEFING ON TRENDS
AND ISSUES IN CRIMINAL JUSTICE

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