



Summer 2013

Drivers of the Sentenced Population: Length of Time Served in Prison

Research Briefing

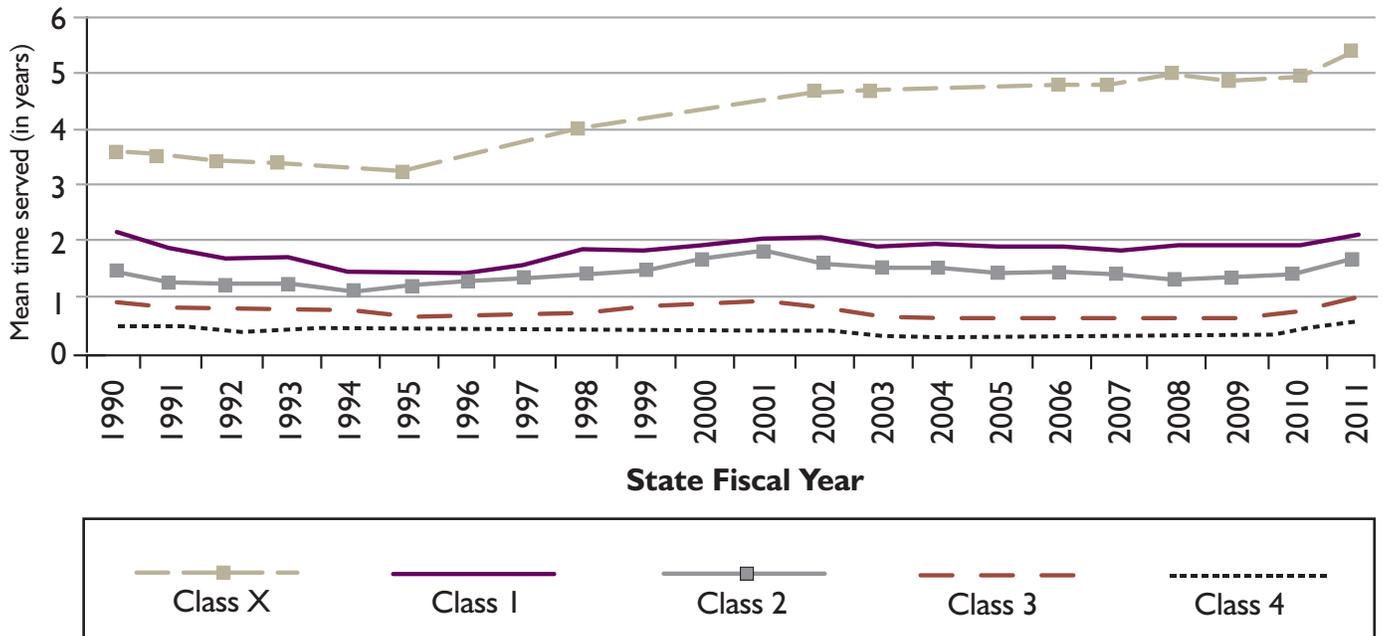
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Key Findings

- Policy changes that increase the amount of time that offenders serve in prison will ultimately increase the size of the prison population, even if the number of admissions does not increase.
- Sentence lengths imposed and average time served, for the less serious Class 3 and 4 felonies have remained relatively stable over the past 20 years.
- The amount of credit awarded for time spent in jail prior to conviction is significantly higher for those convicted in Cook County than the rest of the state. For example, in FY 2011, Class X felons in Cook County received 65 percent more jail credit time than Class X felons outside of Cook County.
- The average amount of earned good time credit days awarded for participation in education, treatment, and prison industries has decreased steadily for all felony classes since the late 1990s, with the exception of Class 1 felonies, primarily due to a decrease in the proportion of inmates eligible for these credits as well as a lack of capacity to offer programming to all eligible inmates.
- Increases in the number of prison beds needed per year for Class 1-Class 4 felonies were due entirely to dramatic increases in time served in FY2011. For example, time served for Class 4 felonies increased 50% in a single year, between FY2010 -2011. This resulted in an increased need of 1,468 prison beds for those exiting in 2011.

Figure 1: Average Time Served in Illinois Prisons Among Sentenced Inmates Released, by Felony Class



Introduction

The length of time individuals serve in prison is affected by several factors, including changes in the legal classification of crimes and the sentences available for those crimes, pretrial detention practices, prosecutorial charging and plea decisions, judicial sentencing decisions, and policies and practices that impact the ability of correctional administrators to award good conduct and other sentencing credits. Either individually or in combination, these forces alter the types of offenders entering prison, the length of sentences imposed, the length of time served in prison, and the flow of individuals into and out of Illinois prisons.

This *Research Bulletin* examines trends in time served in Illinois prisons. Specifically, it assesses the degree to which changes in prison sentences imposed and sentencing credits (such as credit for time served in jail prior to coming to prison, good conduct credit, Meritorious Good Conduct Credit, and earned good conduct credit) impact the flow of inmates out of Illinois' prison system. Because the impact of Illinois'

Truth-in-Sentencing legislation dramatically changed the length of time served for those convicted of First Degree Murder, and requires a substantively different methodological approach to examine trends in sentence lengths, actual time served, and projected time to serve, this issue will be examined and presented in a subsequent Research Bulletin.¹

The primary data used to perform the analyses were provided by the Illinois Department of Corrections (IDOC). Data regarding time served, the lengths of sentences imposed, and sentence credits (day-for-day good conduct, Meritorious Good Conduct Credit, and earned good conduct credits) were provided by the IDOC for all individuals *exiting* Illinois prisons between state fiscal years 1990 and 2011. Exits from IDOC (rather than admissions) were examined in order to assess actual time served and the effect of sentence reduction credits on time served in prison. Although this allows for an accurate examination of time spent in prison, it presents some problems for examining sentences imposed, particularly for more serious offenses. Because of the generally longer time offenders spend in prison for more serious offenses, the length of sentences imposed presented here represent sentences imposed

¹For a detailed description of the impact of Illinois' Truth-in-Sentencing law on sentence lengths and time served/projected time to serve through FY 2008 see Olson, D., Seng, M., Boulger, J., McClure, M.: *The Impact of Illinois' Truth-in-Sentencing Law on Sentence Lengths, Time to Serve and Disciplinary Incidents of Convicted Murderers and Sex Offenders, Final Report*. Illinois Criminal Justice Information Authority, July 2009.

several years before individuals were actually released from prison. Thus, there is some lag between when changes in sentences imposed occur and when they are actually evident in the population of offenders exiting prison. Finally, the analyses examine only offenders exiting/entering prison after a sentence imposed for a new offense. There are, generally, two types of admissions to prison: new sentence admissions (i.e. admissions directly from court) and admissions for a violation of Mandatory Supervised Release (MSR, or “parole”). This report examines only sentences and time served for new sentence admissions following conviction for a felony offense and does not examine lengths of time served for those released from prison after being returned for technical violations of MSR (See SPAC Research Bulletin *The Impact of Technical MSR Violators on Illinois Prison Admissions and Populations* for a discussion and analyses of technical MSR violators).

The research presented in this report was performed by Dr. David Olson and Dr. Don Stemen at Loyola University Chicago, as well as staff from the Illinois Sentencing Policy Advisory Council (SPAC), based on analyses of data provided by the Illinois Department of Corrections.

Trends in Time Served

As Figure 1 (page 2) shows, the average time served in prison in Illinois has remained fairly stable over the past twenty years for the least serious felonies (Class 3 and 4 felonies). However, average time served in prison has increased for those sentenced for the most serious felonies (First Degree Murder, Class X and Class 1 felonies). For example, among those released from prison after serving a sentence for a Class X felony, the average time served in prison decreased slightly in the early 1990s before increasing steadily through 2011; overall, the average time served in prison for Class X felonies increased from roughly 3.6 years in FY 1990 to 5.4 years in FY 2011 – an increase of roughly 50%. The average *total* time served for Class X felonies, including both time in jail and time in prison,

also increased roughly 50% between FY 1990 and 2011, from 4.3 years to 6.4 years. Average time served in prison for Class 1 – Class 4 felonies experienced slightly different trends. After decreasing through the mid-1990s, average time served in prison for these offenses increased through 2001 before decreasing again through 2010; all felony classes then experienced a sharp increase in average time served in 2011. This sudden increase in time served in 2011 offset reductions in time served that had occurred over the previous decade. By 2011, average time served in prison for Class 2, Class 3, and Class 4 felonies was slightly higher than it was in 1990 and for Class 1 felonies it was nearly as high as it was in 1990.

The impact of these changes in average time served on the prison population in Illinois has been dramatic. The overall increase in time served for Class X felonies between 1990 and 2011, for example, meant that inmates exiting prison in FY 2011 served 1.8 years longer in prison than inmates exiting in 1990; for the 1,286 Class X felons released in 2011, these additional 1.8 years of time served amounted to an increase of 2,314 annualized prison beds between 1990 and 2011.² Overall, changes in time served between 1990 and 2011 for all felony classes resulted in an increase of 3,532 annualized prison beds among the FY 2011 releasee cohort compared to those released in 1990.

Table 1: Impact of Changes in Average Time Served in SFY 2011 on Prison Beds

Felony Offense Case	Average Time Served FY 2010 (in years)	Average Time Served FY 2011 (in years)	Increase in Time Served FY 2010-FY 2011 (in years)	Number of Exits FY 2011	Increase in Prison Beds Among the FY 2011 Releasee Cohort Due to Increase in Average Time Served
Class X	5.06	5.42	.36	1,286	457
Class 1	1.84	2.03	.19	2,580	484
Class 2	1.38	1.54	.16	3,892	627
Class 3	.79	1.02	.23	2,825	659
Class 4	.44	.66	.22	6,820	1,468
Total increase in annualized prison beds					3,697

Increases in the number of annualized prison beds between 1990 and 2011 due to Class 1-Class 4 felonies, however, were due entirely to increases in time served in

²To estimate the number of annualized prison beds used due to changes in time served, we multiplied the number of prison admissions by the *change* in the average time served (see, e.g., Tonry 1996). If the average time served was 1 year, each admission would use 1 annualized prison beds; if the average time served increased to two years, then each admission would require one additional annualized prison bed.

FY 2011. Table 1 (page 3) shows the impact of changes in time served on prison populations in FY 2011 alone. As Table 1 indicates, time served increased dramatically in FY 2011, particularly for low level offenses. Time served for Class 4 felonies, for example, increased .22 years (78 days) between FY 2010 and FY 2011 – a 50% increase in time served in a single year. When applied to the 6,820 Class 4 felons exiting prison in 2011, the additional 78 days in prison amounted to an increase of 1,468 annualized prison beds. Similarly, time served in prison for Class 3 felonies increased .23 years (85 days) – an increase of roughly 30% in time served during the same period; when applied to the 2,825 Class 3 felons exiting prison in 2011, the additional 85 days in prison amounted to an increase of 659 annualized prison beds. Overall, the increases in time served in prison for all felony classes from SFY 2010 to FY 2011 amounted to an increase of 3,697 annualized prison beds – roughly 7.5% of the prison population.

Factors Affecting Time Served in Prison

Trends in time served in prison are affected by three primary factors: the lengths of sentences imposed, credits toward the sentence imposed for time spent in jail pre-trial, and credits that reduce the sentence imposed for good conduct (statutory good conduct), participation in programs (earned good conduct), and Meritorious and Supplemental Meritorious (MGT/SMGT) good conduct credit.³

Table 2 illustrates the effects of these factors through several hypothetical cases involving Class 1 felons. Case 1 involves a Class 1 felon sentenced to 5 years in prison; six months of credit for time spent in jail prior to sentencing could reduce the sentence to 4.5 years in prison and, assuming no restrictions, the individual could receive day-for-day good conduct credit which would reduce the sentence by 2.25 years, MGT and SMGT which could reduce the sentence by 6 months, and earned good conduct credits which could reduce the sentence by an additional 3 months (or more depending on program availability). In the end, the hypothetical Class 1 felon in Case 1 would serve 2 years of incarceration including 6 months in jail and 1.5 years in prison, or 40% of the 5 year sentence imposed; however, overall, the individual would serve 2 years of incarceration (6 months in jail and 1.5 years in prison). Case 2 simply increases the

amount of credit for time spent in jail from 6 months to 12 months, which results in a decrease in time served in prison of 3 months; however, overall, the hypothetical Class 1 felon in Case 2 would serve 2.25 years of incarceration (1 year in jail and 1.25 years in prison) – 3 months more than the individual in Case 1. Case 3 increases the sentence imposed from 5 years to 6 years, which results in an increase in time served of 6 months (compared to Case 1). Finally, Case 4 assumes Truth-In-Sentencing restrictions, which reduce the amount of sentence reduction credits available to just 15% of the sentence; this significantly increases the time served in prison by 2.3 years (compared to Case 1).

Table 2: Hypothetical Sentence/Time Served Calculation

	Case 1	Case 2	Case 3	Case 4
Prison sentenced imposed for Class 1 felon	5 years	5 years	6 years	5 years
Jail Credit	6 months	1 year	1 year	6 months
Subject to TIS	No	No	No	Yes
Day for day good conduct credit	2 years 3 months	2 years	2 years 6 months	8 months
MGT/SMGT	6 months	6 months	6 months	--
Participation in drug treatment	3 months	3 months	3 months	--
Total time served in prison	1 year 6 months	1 year 3 months	2 years	3 years 10 months
Total time incarcerated	2 years	2 years 3 months	3 years	4 years 3 months
Percent of sentence served incarcerated (jail plus prison)	40%	45%	50%	85%
Percent of sentence served in prison	30%	25%	33%	76%

As these short hypotheticals indicate, time served in prison and overall time incarcerated can be affected by relatively small changes in sentences imposed, jail credits, and other sentence reduction credits. The trends in time served for each felony class in Illinois are explained by slightly different factors; however, what is evident is that trends in time served over the

³Illinois Senate Bill 2621, signed into law by Illinois' Governor Quinn on 6/22/2012, changed the amount, timing, and eligibility for these sentencing credits, however, because none of the changes were implemented during the period examined in this Research Bulletin, the terms used to describe these credits are used here (i.e., MGT/SMGT).

last twenty years largely mirror trends in average sentences imposed.

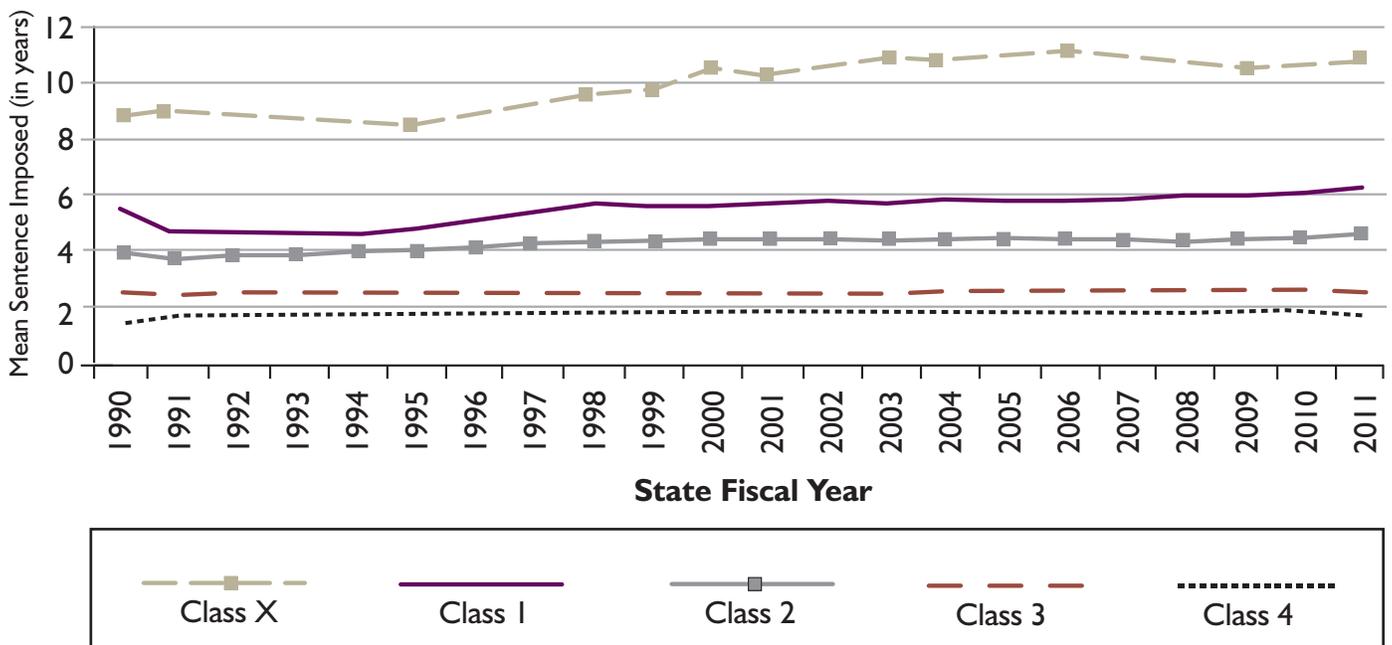
Prison Sentences Imposed

The lengths of prison sentences imposed for low level felonies – Class 3 and Class 4 felonies – in Illinois have not changed considerably over the past twenty years; however, sentences imposed for Class X, Class 1, and Class 2 felonies have increased markedly since the 1990s (Figure 2). Among those sentenced to prison for a Class X felony, the average prison sentence imposed increased from roughly 8.8 years in 1990 to 10.9 years in 2011 (a 24% increase). These increases do not appear to be due to increases in the percent of Class X felons incarcerated for violent offenses – more serious offenses that may be expected to receive longer sentences. In fact, since 2000, the percent of Class X felons exiting prison for a drug offense has increased significantly, from roughly 23% of Class X exits in 2000 to 32% of exits in 2011, while the percent of Class X felons exiting prison for a violent offense has decreased, from 76% of exits in 2000 to 68% of exits in 2011. Moreover, the increase in sentences imposed for Class X felonies was evident across all offense types; Class X violent and drug

offenses all experienced similar increases in sentences imposed between 1990 and 2011.

A similar trend in average sentences imposed was evident among those sentenced to prison for Class 1 and Class 2 felonies, with average sentence lengths increasing roughly 11% (7 months) for Class 1 Felonies and 13% (6 months) for Class 2 felonies between 1990 and 2011. Unlike Class X felonies, these increases may be partially explained by the increases in the percent of Class 1 and Class 2 felons in prison for violent offenses. For example, in 1993 when average sentences imposed for Class 1 felonies were shortest, roughly 18% of Class 1 felons exiting prison were incarcerated for a violent offense; by 2011, 21% of Class 1 felons exiting prison were incarcerated for a violent offense. Similarly, in 1992 when average sentences imposed for Class 2 felonies were shortest, roughly 22% of Class 2 felons exiting prison were incarcerated for a violent offense; by 2011, this had increased to 37% of exits. Thus, as the proportion of Class 1 and Class 2 violent offenses included among those sentenced to and exiting from prison has increased, average sentences imposed increased due to the generally higher sentences for these offenses. Increases in average sentence lengths imposed for Class 1 and Class 2 felonies also may be explained by changes in judicial sentencing practices for property and drug offenses. While average sentences imposed for Class 1 and Class 2 violent offenses remained relatively stable during the study period, sentences imposed for Class 1 and Class 2 property and drug offenses increased significantly. For example, between

Figure 2: Average Prison Sentences Imposed (in years) for New Sentence Admissions by Felony Class



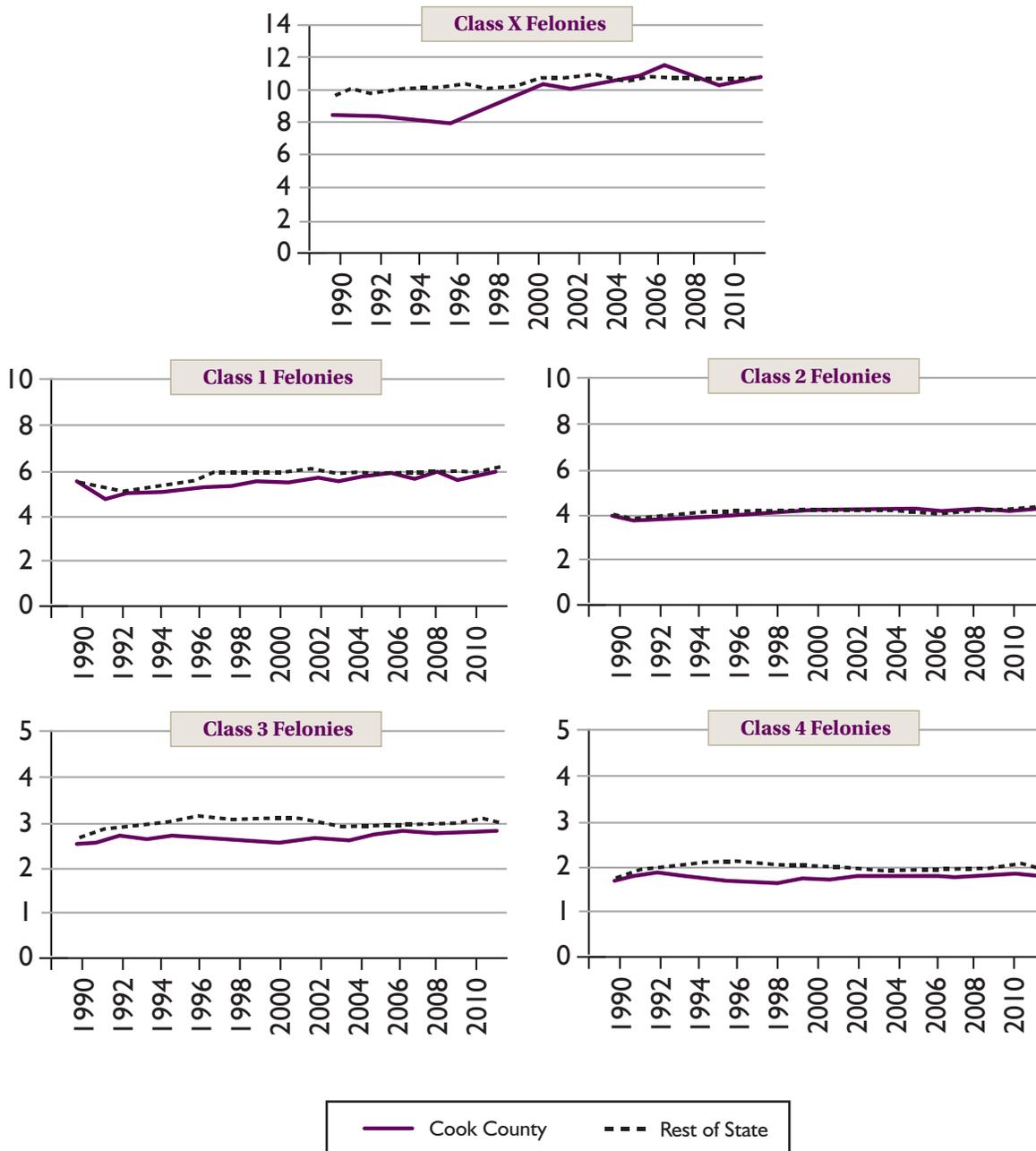
1993 and 2011, average sentences imposed for Class 2 property offenses increased from roughly 3.6 years to 4.5 years and average sentences for Class 2 drug offenses increased from 3.5 years to 4 years; in contrast, average sentences imposed for Class 2 person offenses increased just 54 days, from 4.2 years in 1993 to 4.4 years in 2011.

In contrast to the increases in average sentences imposed for Class X, Class 1, and Class 2 felonies, prison sentences

imposed for Class 4 felonies increased just 4% (25 days) between 1990 and 2011, from 1.67 years to 1.74 years. Similarly, prison sentences imposed for Class 3 felonies increased just 8% (82 days), from 2.67 years in 1990 to 2.9 years in 2011.

These statewide trends hide variation in sentences imposed across the state. As Figure 3 shows, in 1990 average sentences imposed were nearly identical in Cook County and the rest of the state, with the exception of Class X felonies. Through the late 1990s, however, prison sentences imposed outside of Cook County generally increased while sentences in Cook County generally decreased or remained stable. For example,

Figure 3: Average Prison Sentences Imposed (in years) for New Sentence Admissions by Felony Class, Cook County versus the Rest of the State



among those sentenced to prison for a Class 3 felony outside of Cook County, the average prison sentence imposed increased from roughly 2.7 years in 1990 to 3.2 years in 1999; in Cook County, the average sentence imposed for Class 3 felonies remained stable at 2.6 years during the same period. Similarly, among those sentenced to prison for a Class 4 felony outside of Cook County, the average prison sentence imposed increased from roughly 1.7 years in 1990 to 2.1 years in 1999; in Cook County, the average sentence imposed for Class 4 felonies remained stable at 1.6 years during the same period.

From the mid-1990s to 2011, however, average sentences imposed outside of Cook County generally stabilized or decreased while average sentences imposed in

Cook County generally increased or remained stable. Thus, although average prison sentences imposed were lower in Cook County than in the rest of the state for all felony classes during the study period, by 2011, the differences had narrowed. For example, while the average prison sentence imposed for Class 4 felonies remained relatively flat in Cook County between 1999 and 2011 (increasing by 4 days in Cook County between 1999 and 2011, from 1.58 years to 1.59 years), sentences imposed for these offenses in the rest of the state *decreased* (decreasing by 70 days between 1999 and 2011, from 2.11 years to 1.91 years). Similarly, in 1994, the average prison sentence imposed for Class X felonies in Cook County was roughly 24 months shorter than in the rest of the state (8.2 years versus 10.2 years); through 2011, the average prison sentence imposed for Class X felonies in Cook County increased by 2.7 years (to 10.9 years) while the average sentence in the rest of the state increased just 9 months (to 10.9 years).

These recent changes are partially explained by changes in the composition of felons exiting prison in Cook County and the rest of the state. Since 1999, felons convicted of drug offenses have comprised a smaller portion of prison exits for all felony classes from Cook County and a larger portion of prison exits in the rest of the state. For example, between 1999 and 2011, the proportion of Class X felons exiting prison for a drug offense from outside of Cook County increased from 27% of exits to 48% of exits; the proportion of Class X felons exiting prison from Cook County for a drug offense remained relatively stable at 23% of exits during the same period. Similarly, the proportion of Class 1 felons exiting prison in Cook County for a drug offense decreased from 62% of exits in 1999 to 47% of exits in 2011, while the proportion of Class 1 felons exiting prison in the rest of the state for a drug offense increased from 40% of exits in 1999 to 52% of exits in 2011. These recent changes in average sentences imposed across the state are also explained by changes in judicial sentencing practices. Average sentences imposed have increased for all offense types – violent, property, drug, and other offenses – at a faster rate in Cook County than in the rest of the state.

What is evident from the current analyses is that, although sentences in Cook County are generally lower than the rest of the state, statewide increases in average sentences imposed for Class X and Class 1 felonies since the mid-1990s were driven by increases in sentences imposed in Cook County – sentences imposed outside of Cook County remained relatively stable since the mid-1990s. In

turn, statewide decreases in average sentences imposed for Class 3 and Class 4 felonies since the mid-1990s were driven by decreases in sentences imposed outside of Cook County – sentences imposed for these offenses in Cook County remained relatively stable since the mid-1990s. Moreover, these changes were driven by changes in the composition of offense types sentenced to prison and overall increases in sentences imposed for all offense types.

Sentence Reduction Credits

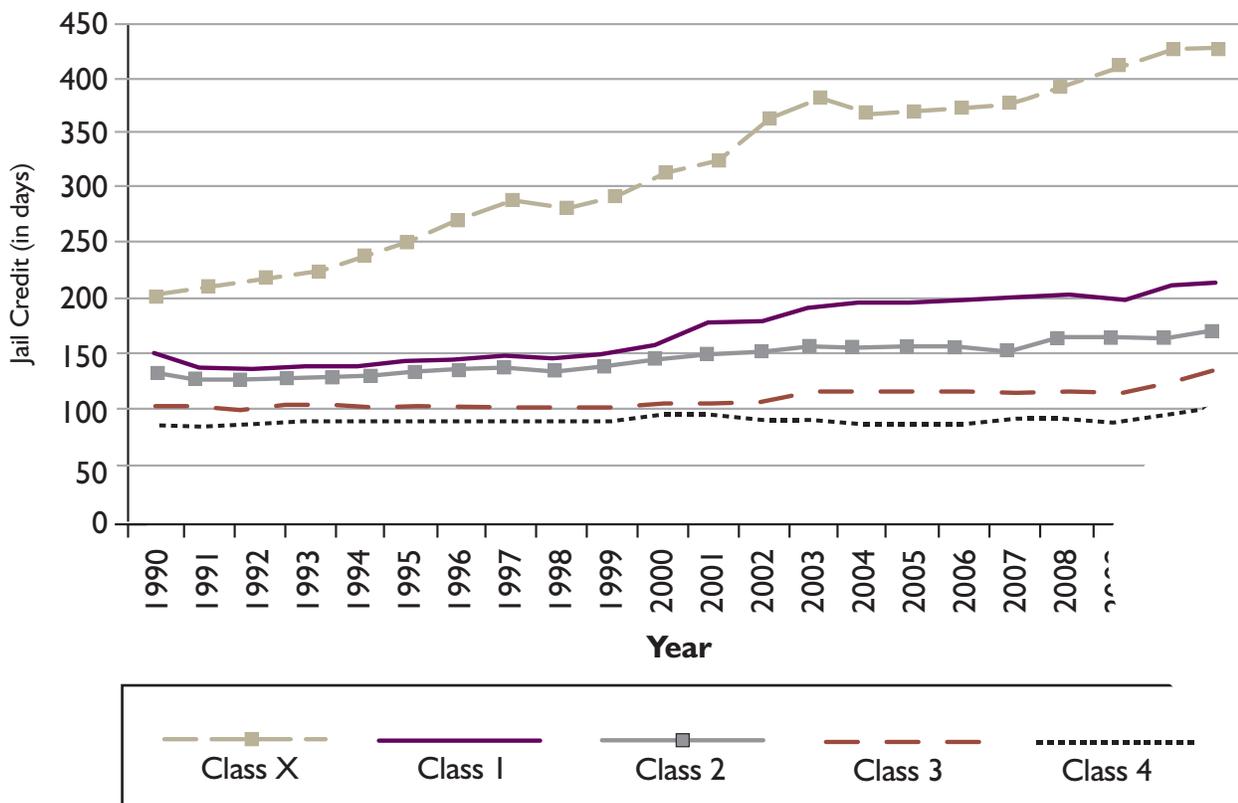
As evidenced in the hypotheticals discussed above, the sentence *length* imposed by the judge only partially reflects the time individuals will *actually* serve in prison. The actual amount of time spent in prison is shorter than the court-imposed sentence, largely due to credit for time spent in jail prior to conviction and credits for good conduct while in prison.

Credit for Time Spent in Jail Prior to Sentencing

To examine the amount of time individuals received for time spent in jail, the analyses relied on data for individuals admitted to and released from prison between 1990 and 2011. Among those admitted to prison in 2011, almost everyone received some credit for time served in jail, with half of those sentenced to prison receiving 102 days or more of credit for jail time served. The average credit for time served in jail among those admitted to prison in 2011 was 165 days. Obviously, for those charged with more serious crimes, many of whom may be denied bail during the time it takes to dispose of their case, or for those with complex cases that take longer to resolve through a trial, the amount of time spent in jail, and therefore credited towards their prison sentence, will be longer. For example, offenders admitted to prison in 2011 for a Class 4 felony received an average 99 days credit for time served in jail prior to case disposition; in contrast, those admitted for a Class X felony received an average of 424 days.

As Figure 4 shows, the number of jail credits received has increased for all felony classes since 1990. The most serious offenses have experienced the largest increases. For example, offenders admitted to prison in 2011 for a Class X felony received an average 424 days credit – 220 days *more* than they received in 1990. Offenders admitted to prison in 2011 for Class 1 felonies received an average of 218 days credit – 68 days more than they received in 1990. In contrast, the number of jail credits received by

Figure 4: Average Number of Jail Days Credit Received by Felony Class



offenders sentenced to prison for Class 3 felonies increased just 37 days between 1990 and 2010, from 104 days to 141 days. Thus, while these jail credits reduce the amount of time inmates must spend within the IDOC, they represent increased time individuals spent in county jails, which also translates to increased costs to Illinois counties for jail operations.

As a result of these varying amounts of jail credit across the different felony classes, coupled with differences in sentence length, the time spent in jail accounts for a relatively small percent of the total amount of time incarcerated (jail time plus prison time) for the most serious felony classes, but a substantive portion of the time spent incarcerated for less serious felony classes. For example, among those released from prison for a Class X felony in FY 2011, 22% of their total time incarcerated was spent in jail, compared to more than 30% for those serving time for a Class 4 felony. Over the time period examined, the proportion of total time incarcerated that was spent in jail prior to being sentenced to prison increased across almost all felony classes. For example,

among Class X felons released from prison in 1990, 14% of their total time incarcerated was spent in jail, compared to 16% among those released in FY 2011. Similarly, among Class 4 felons released from prison in 1990, 28% of their total time incarcerated was spent in jail, compared to 35% among those released in FY 2010 and 33% among those released in FY 2011.

These statewide trends, however, mask variation in jail credits received across the state. For all felony classes, offenders from Cook County received significantly more jail credits than offenders from the rest of the state. Thus, even when the felony class of the offense was taken into consideration, those sentenced to prison from Cook County were held in jail in a pre-trial status longer than those sentenced to prison from the rest of Illinois. Moreover, the difference between Cook County and the rest of Illinois in the number of jail credit days received has increased over time (Figure 5). For example, offenders admitted to prison in 1990 for a Class X felony in Cook County received an average 223 days credit for time

served in jail prior to case disposition; in contrast, those admitted to prison for a Class X felony outside of Cook County received an average of 146 days credit – just 77 days fewer credits. By 2011, offenders admitted to prison for a Class X felony in Cook County received an average 514 days credit, while those sentenced outside of Cook

County received an average of 311 days credit – 203 days or nearly 7 months fewer credits. The same trend was evident for all felony classes.

Credit for Good Conduct and Meritorious Good Conduct

Individuals sentenced to prison are also generally eligible for good conduct credit, which reduces the prison sentence one day for every day the inmate is in prison, and earned credit, which reduces the prison sentence a set number of days for participation in educational, treatment, and prison industries programs. In addition to

these credits, most inmates sentenced to prison are also eligible to receive 90 days of Meritorious Good Time (MGT) credit and an additional 90 days of Supplemental Meritorious Good Time (SMGT) credit, which together can reduce an inmate's prison sentence by an additional 180 days.

In the mid-1990s, a number of states, including Illinois, passed legislation – referred to a Truth-in-Sentencing (TIS) – that limits the amount of good conduct credit and other credits that reduce time served for those convicted and sentenced to prison for specific violent crimes. Under TIS in Illinois,

Figure 5: Average Number of Jail Days Credit Received by Felony Class, Cook versus the Rest of the State



those convicted of first degree murder cannot receive good conduct credits of any type, and must serve 100% of their court imposed sentence. Those convicted of aggravated criminal sexual assault and other specific violent crimes where there is a court finding of great bodily harm must serve 85% of their court imposed sentence. Since the passage of the original TIS legislation in 1999, the legislature has added additional offenses to the list of crimes subject to the 85% time-to-serve requirement. By 2011, roughly 28% of Class X felons and 6% of Class I felons exiting prison were subject to TIS, and among admissions to prison that year, 42% of Class X felons and 7% of Class I felons were subject to TIS. Thus, those admitted to prison in FY 2011 for a Class X felony are projected to serve a total of 8.1 years behind bars (jail plus prison), compared to a total of 6.4 years among those released in FY 2011, with most of the increase due to Truth-in-Sentencing requirements.

Figure 6 shows the average number of days of earned good conduct credit awarded to inmates exiting IDOC during the study period; earned good conduct credits are awarded for participation in educational, treatment, and prison industries programs. Inmates who have been sentenced to prison more than twice previously, and those who received earned good conduct credit during a previous prison sentence are statutorily ineligible to receive this credit. As Figure 6 indicates, with the exception of Class I felonies, the average number of earned good conduct credits awarded to inmates peaked in the late 1990s for all felony classes and declined through the 2000s. Almost all Class X felons were ineligible for earned good conduct credits during the study period and therefore are excluded from the analyses.

By 2009, inmates released after serving a sentence for a Class 2, Class 3, or Class 4 felony were earning on average roughly 10 days less of earned good conduct credit than in 1997, when the average number of credits awarded peaked. The average number of earned good conduct credits awarded to inmates released in 2011 increased sharply, approaching the levels of credits awarded in the late 1990s. The reductions between the

Figure 6: Average Number of Days of Earned Good Conduct Credits Awarded per Released Inmate by Felony Class

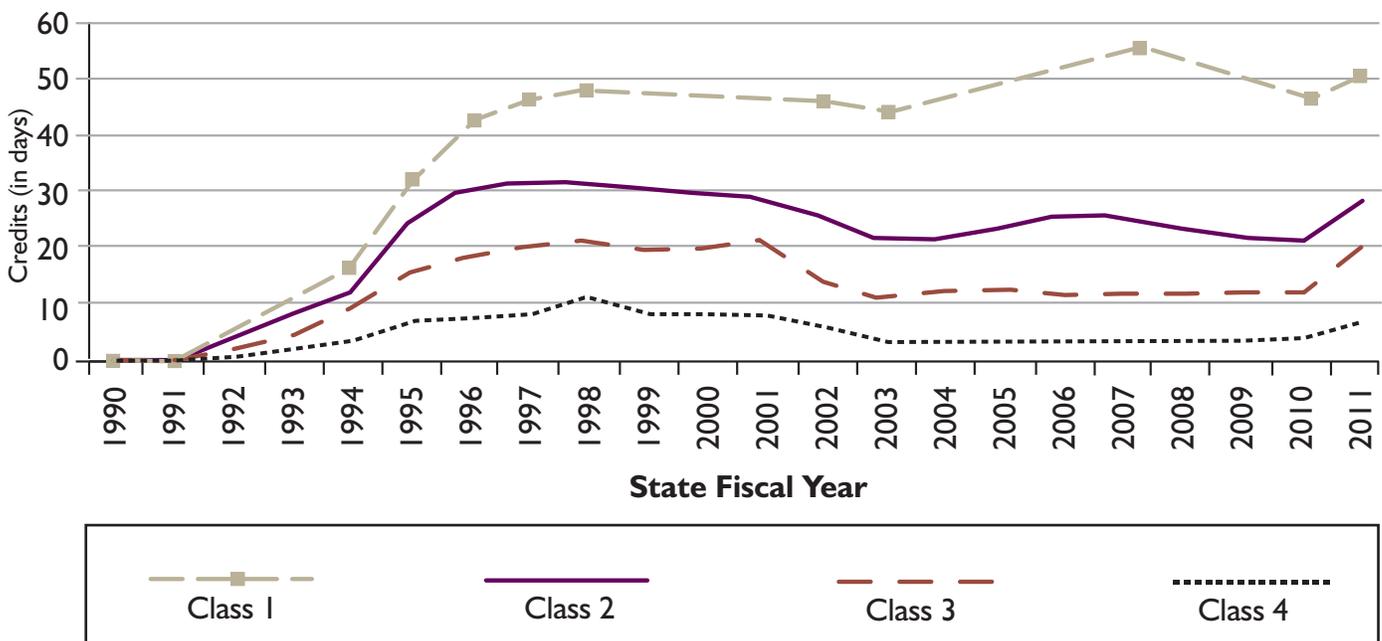
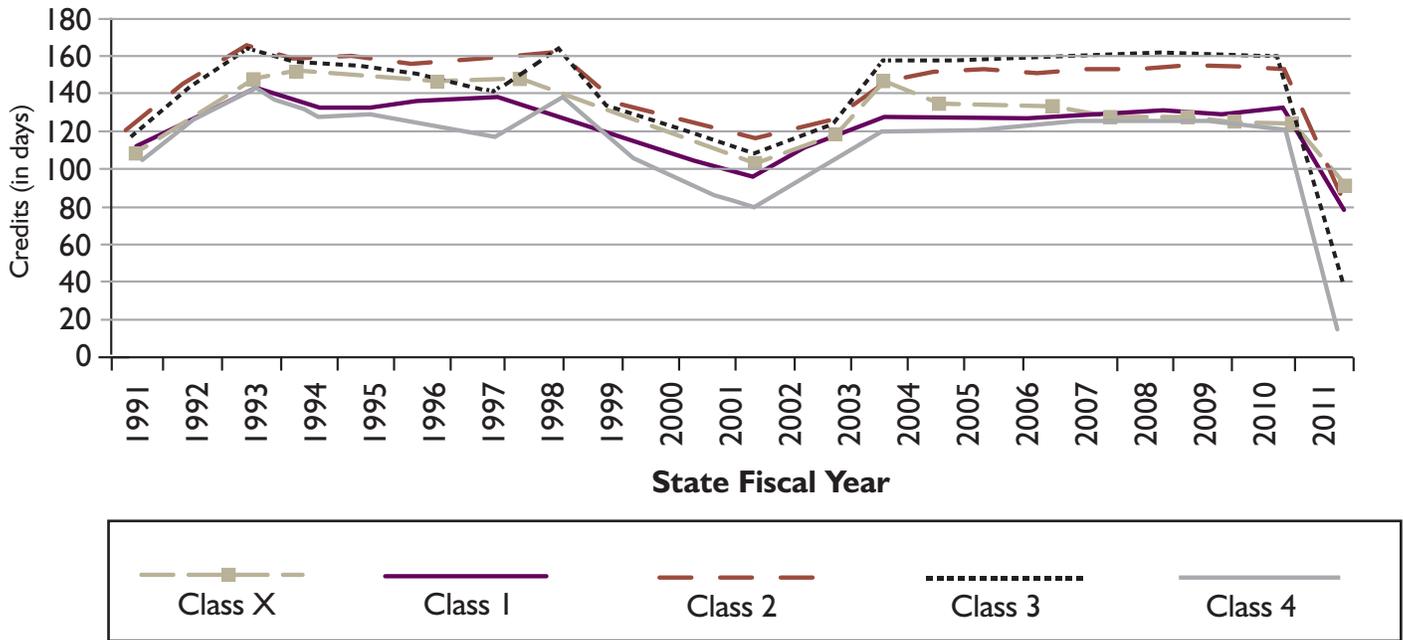


Figure 7: Number of Days of MGT and SMGT Credits Awarded by Felony Class by Felony Class



mid-1990s and 2010 are likely due to reductions in the number of inmates eligible for earned good conduct credits. In 2000, roughly 70% of individuals exiting prison for a Class 1 – Class 4 felony were eligible for earned good conduct credits; by 2011, this had decreased to 60%. Also, because admission into educational, substance abuse treatment and prison industry programs takes time, those inmates admitted for less serious felony classes, which have much shorter lengths of time to serve, may not access these types of programs and therefore cannot earn this credit before they are released.

Figure 7 shows the number of days of MGT and SMGT credits awarded to inmates exiting IDOC during the study period. As Figure 7 indicates, the use of MGT and SMGT was fairly stable through the 1990s before declining sharply through 2001 for all felony classes. This was due largely to a policy within IDOC to withhold the awarding of MGT/SMGT to inmates who had previously been charged with domestic violence offenses; in two cases, the courts determined that the policy was not legal as the

intention of the legislature was not to base eligibility on prior offenses of domestic violence.⁴ As a result of this ruling, the use of MGT and SMGT rose dramatically from 2001 to 2003, creating the decline in time served during the period. Still, the short-lived policy that resulted in a reduction in the awarding of MGT/SMGT had a direct impact on Illinois' prison population during the late 1990s and early 2000s. The drop in MGT/SMGT credits awarded to those inmates released in FY 2001 compared to the credits awarded to the cohort of FY 1998 exits translated into an increase of 3,141 years of incarceration (annualized prison beds) for the 2001 cohort. The awarding of MGT and SMGT remained stable between 2003 and 2010, before declining sharply again in 2011.

The drop in MGT and SMGT for inmates released in 2011 also was due to a policy change in IDOC. The granting of Meritorious and Supplemental Meritorious Good Time (MGT & SMGT) credit is discretionary, and in December 2009, the Illinois Department of Corrections suspended the granting of MGT and SMGT

⁴See, *Howell v. Snyder*, 326 Ill. App. 3d 450, 454 (4th Dist. 2001); *Guzzo v. Snyder*, 326 Ill. App. 3d 1058, 1063 (3d Dist. 2001)

until a revised policy regarding how this credit is awarded to inmates is developed. This only applied to inmates who had not yet been awarded the MGT and SMGT credit, which only impacted inmates admitted to prison since December 2009. As a result, those inmates who had previously been eligible to receive this credit were serving up to an additional 180 days (6 months) in prison. The decline is likely much greater for inmates released in fiscal year 2012, as the 2011 figures presented in Figure 8 include many inmates who may have been awarded MGT/SMGT prior to the implementation of the policy.

Thus, over the last decade, there was a fairly steady decline in the average number of earned good conduct credits awarded and relative stability in the average number of MGT and SMGT credits awarded. For inmates released in 2011, however, there was a rapid increase in the number of earned good conduct credits awarded and a rapid decrease in the number of MGT and SMGT credits awarded. The loss of MGT and SMGT had significant effects, particularly on low level offenders.

Conclusions

Even if admissions to prison remain stable, increases in the actual amount of time served in prison will ultimately impact the size of the prison population, as inmates spend more time in prison occupying prison bed space. Increases in average sentences imposed have, in turn, increased the time inmates spend in prison, particularly for more serious offenses. Specific changes in Illinois law regarding which offenses are eligible for various forms of sentencing credit also have influenced how long inmates spend in prison, as have changes in the availability of programs that allow inmates to receive earned good conduct credit.

The sudden reduction in average time served for Class 1 and Class 2 felonies in the mid-1990s was due entirely to the increase in the average number of earned, MGT, and SMGT credits awarded (average sentences imposed increased and jail credits remained stable during the period); the subsequent increase in average time served for these offenses through 2001 were due primarily to decreases in MGT and SMGT and increases in average sentences imposed (jail credits and earned credits actually

increased through 2001). Similar trends explain the slight reduction in average time served for Class 3 and Class 4 felonies in the early 1990s and the slight increase in average time served for these offenses in 2001. The subsequent reductions in average time served for Class 1 – Class 4 felonies through 2010 were, again, due to increases in jail credits, MGT, and SMGT that offset slight increases in average sentences imposed for these offenses.

The immediate and substantial effect of changes in sentence reduction credits, however, is most evident in the sudden increase in average time served for all offenses in 2011. The elimination of MGT and SMGT in late-2010 increased time served by an average of 90 days for those released in 2011 compared to those released in 2010; applied to the 17,403 individuals released from prison in 2011, the elimination of MGT and SMGT amounts to a total of 4,291 annualized prison beds. Since this policy will apply to all offenders released in 2012, the elimination of MGT and SMGT will increase time served for these offenders by 180 days compared to those released in 2010, resulting in an additional increase in annualized prison beds.