

Thursday, March 4, 2010

ILLINOIS PRISONS: Standing room only

Overcrowding is costly and dangerous

BY PATRICK YEAGLE



They were imprisoned for prostitution, robbery and drug trafficking. They were dog fighters, arsonists, sex offenders and repeat drunk drivers. Almost 2,000 criminals of nearly every stripe short of homicide were released early from Illinois prisons between September and December 2009.

In Sangamon County alone, at least 13 inmates were released early, many serving just a fraction of their sentences. One repeat drunk driver served only a month of his year-long sentence, while another inmate serving time for possession of more than 15 grams of cocaine spent only two weeks of his five-year sentence behind bars.

Part of a plan to save \$5 million in prison costs by cutting the state's inmate population, the releases are troubling by themselves. But they also highlight a much bigger problem in the Illinois correctional system: overcrowding. It's a problem with multiple causes and some troubling – and expensive – side effects. Critics say overcrowded prisons lead to violence, higher imprisonment costs and undermined rehabilitation efforts.

Data from the Illinois Department of Corrections show the state's prison system has about 50 percent more prisoners than the prisons were designed to hold, with 25 of the state's 28 prisons operating over capacity. At least three prisons hold more than double their capacity of prisoners. Correctional officers from around the state describe prisoners sleeping on cots in hallways, doubling up in maximum-security cells and showing up in the dead of winter without enough coats or shoes to go around. In total, Illinois prisons hold about 46,000 inmates – 15,000 inmates over their combined capacity of about 31,000. Those numbers do not include the state's adult transitional centers, some of which are overcrowded as well.

The Taylorville Correctional Center, 25 miles southeast of Springfield, opened in 1990 to house 600 prisoners. It currently holds about 1,200 prisoners on a daily basis. The Lincoln Correctional Center, 30 miles north of Springfield,

holds almost 1,000 prisoners on a daily basis – nearly double its intended capacity of 500. Logan Correctional Center, also in Lincoln, was meant to hold 1,050 inmates, but actually holds about 1,900 on a daily basis.

It's not a new problem. During the 1970s and 1980s, when the issue was just beginning to develop, IDOC directors repeatedly warned the state about the dangers of overcrowding.

"Overcrowding and neglect do, of course, lead to more serious consequences," said then-director Charles Rowe in 1978. "Institutions become very difficult to keep clean. It becomes more difficult to provide meaningful academic and vocational training programs. Many residents sit idle in their cells with absolutely nothing to do. Tensions build up and violence erupts."

In 1985, then-director Michael Lane called the overcrowding issue a "crisis."

"The increase in numbers of inmates and resulting crowded conditions contributed to a number of isolated incidents of a serious nature in several facilities," Lane said. "These incidents included violent, assaultive behavior and, on several occasions, resulted in serious injury and/or loss of life."

Lane repeated the same warning in 1986 and 1987 as well, even conducting a series of prison surveys that documented the problems of overcrowding and advocated for changes. Between 1988 and 1994, the state's prison population rose by 73.3 percent, further worsening an already troublesome situation.

In the past, when the state had too many prisoners, it would simply build more prisons. Between 1980 and 2004, Illinois opened 21 prisons, adding 20,318 beds to the system's statewide capacity. But budget problems have curtailed that strategy, as evidenced by the underutilization of Thomson Correctional Center, a 1,600-bed facility that has sat nearly empty due to underfunding since completion in 2001.

When Gov. Pat Quinn announced in December a proposal to sell the Thomson prison to the federal government, he cited overcrowding in the federal prisons as a good reason to unload the nearly-new, state-of-the-art facility.

But Anders Lindall, spokesman for the American Federation of State, County and Municipal Employees, Council 31, points out that Thomson is mostly unused while most other state prisons are over capacity.

"We think the state Department of Corrections should be more concerned with the state Department of Corrections and the state prisons," he says. "Overcrowding in the state prisons is exactly what Thomson was built to relieve."

Responding to the question of whether overcrowding is a concern, IDOC spokeswoman Januari Smith said the department "has adequate bed space for the current population."

"The IDOC population has remained stable over the past decade," she says, "and there is no expectation that it will increase under current criminal justice system practices."

True, the population has stabilized from its massive growth in the late '80s and early '90s, but bed space is hardly the only issue when it comes to overcrowding, and the recent halt to early release programs in Illinois may cause the population to increase once more. Increased costs, reduced prison effectiveness and violence seem to go hand-in-hand with overcrowding, and the correctional officers who patrol state prisons say circumstances are getting worse.

Side-effects may include...

Steve Slocum, president of AFSCME Local 46 at the East Moline Correctional Center, says the guards he represents are racking up overtime hours because of understaffing. There are not enough officers to watch all of the inmates, Slocum says, forcing the guards to collectively put in 200 to 300 hours of overtime per week on each of the prison's three shifts.

"There's just no way we can cover it," Slocum says. "We've got multiple posts on overtime on a daily basis for each shift. Sometimes it is mandatory, sometimes it is voluntary. We just did a staffing analysis last week, and the state determined that we are short 35 correctional officers. We say we're down even more than that."

That much overtime costs the state more money for wages in the short term, as well as larger pension payouts in the long term.

"There's so much overtime that these guys are padding their retirements," Slocum says. "You're paying retirement on a correctional officer who would normally make \$55,000 a year, but because of overtime you're going to end up paying them retirement for \$90,000 to \$100,000 per year."

Januari Smith at IDOC says the department has hired nearly 500 additional correctional officers since July 2009 to address overtime costs.

"We are working to increase staff and decrease overtime department wide," she says.

Working so much overtime is expensive, but it is also dangerous.

"Let's face it, when you're working double shift after double shift, you're not alert. You can't be," Slocum says. "It's not safe for you or for the inmates because you're not attentive. You can't be after a certain point."

Slocum says a recent rash of violence in Illinois prisons shows the problem is getting worse. On Dec. 14, 2009, an inmate at Pinckneyville Correctional Center took an employee of the prison library hostage for seven hours, and a fight at Illinois River Correctional Center in Canton left one guard with a broken eye socket.

"I've been in the Department of Corrections for 24 years, and in the last two years, the couple of hostage situations are probably more than I've seen in the previous 15 to 20 years," Slocum says. "That's not to mention staff assaults and that stuff; they're also going to increase."

However, Smith disputes that notion, instead saying incidents of violence in Illinois prisons are actually down.

"The first priority of IDOC is safety and security of its staff and inmates," she says. "IDOC staff do a job that most people would not and could not do."

AFSCME also says overcrowding undermines efforts at Sheridan Correctional Center, a facility that, according to IDOC, is totally dedicated to substance abuse treatment. Anders Lindall says 300 general population inmates sent to Sheridan last year are negating reform efforts there.

"Sheridan works on the model of the therapeutic community. The idea is totally immersive, so everyone in the facility is part of the program," Lindall says. "Inmates are taught skills and techniques for working with one another, a lot of self-policing things, supporting one another and keeping one another in line with the program. But now, at work, in the yard, at meals, practically everywhere in the facility, they're being exposed to general population inmates who may not be in that mindset and certainly have not received the counseling and training to have those techniques. The impact of that has been to jeopardize the success of that program, because you don't have that therapeutic community anymore. It's not immersive."

“...it’s going to take the deaths of God-knows-how-many people to get something done in the Department of Corrections.”

Money and drugs

Overcrowding in Illinois prisons is the byproduct of a few factors. Some are relatively simple: the state’s underfunding of Thomson Correctional Center prevents operating the prison at capacity, meaning other prisons continue to overflow with inmates that could be moved to Thomson. But there are other, more complicated factors that can’t be solved with a budget bill.

With the growth of the illegal drug industry has come increased crime, substance abuse and associated law enforcement costs – not to mention the heavy toll on society. In response, lawmakers nationwide adopted a “tough on crime” stance that beefed up laws and put more people behind bars. From the 1971 Illinois Controlled Substances Act and Cannabis Control Act to the 2005 Illinois’ Methamphetamine Control and Community Protection Act, state lawmakers have passed law after law to create new crimes, lengthen prison sentences and stiffen parole conditions.

As a result of that stance – or in spite of it, depending on whom you ask – the crime rate in Illinois has dropped in recent years. Since the early 1990s, the state’s reported crime rate has seen a steady decline – from more than 6,000 incidents per 100,000 people in 1990 to about 3,500 in 2007, according to the Illinois Criminal Justice Information Authority. And yet, the state’s prison population has risen from 27,516 in 1990 to about 46,000 currently, according to IDOC numbers.

Why did the prison population rise while crime went down? Chicago civic group Chicago Metropolis 2020 says the answer is in the way crimes and prisoners are counted, but that explanation only further illustrates the problem. The group released a study explaining that nonviolent drug offenses are not counted in the state’s reported crimes index, but the prisoners who committed those offenses are counted in the prison population. The difference between the two figures illustrates the large role nonviolent drug offenders play in the burgeoning prison population.

“In 2005, 40 percent of all prison admissions in Illinois were for drug-related crimes, up from 8 percent in 1985,” says Chicago Metropolis 2020. “Not all drug offenses are nonviolent, especially if linked to gang activity or if they represent a plea bargain from a more serious charge. However, more than half of Illinois drug prison sentences are for simple possession of small amounts of drugs. Holding those convicted of nonviolent drug offenses in prison costs Illinois taxpayers an estimated \$240 million a year.”

Public worries about early release programs have also fueled overcrowding, according to a 2009 report from the Illinois Taxpayer Action board.

"In 1983, the state discontinued a policy of 'forced release' which had been instituted in 1979 to control the prison population," the board wrote. "Under forced release, a significant number of offenders were released from prison prior to serving their full sentences, a practice which had effectively slowed the growth of the prison population. In the 10 years after the policy was repealed, the prison population more than doubled."

The recent flap over the early release program halted in December 2009 is a repeat of the public outcry in the early '80s that resulted in the stoppage of the previous release program and a larger prison population. With the most recent early release program possibly on the chopping block, the inmate population could increase again.

Once prisoners are released, they are subject to Illinois' parole system, intended to monitor felons and provide access to rehabilitation resources. But the system is often too rigid, says Pete Baroni, director of the CLEAR Initiative, a group of criminal law experts and legislators revamping the Illinois Criminal Code. Illinois has an estimated 51.3 percent recidivism rate and 33,000 parolees, meaning that about 17,000 released inmates will return to prison. Baroni says it's partly because parolees are often scooped back into prison for technical violations of parole.

"One of the conditions of being on parole is you can't associate with other convicted felons," he points out. "But there are some neighborhoods in Chicago where the percentage of felons is so high, you can't walk down the street to buy a loaf of bread without running into a felon. You can be put back in prison just for that."

That may sound extreme, but it shows how easy it is to violate parole, whether by committing another crime, hanging with the wrong crowd or simply forgetting to update an address. Baroni also says parolees often don't receive the rehabilitation they need to reintegrate into society.

"You've got a guy leaving prison, going back to the same neighborhood, with the same pressures as before," Baroni says. "He's going to run into the same friends, who may be dealing drugs or committing other crimes, and so this guy falls into the same patterns. ... We have to deal with this problem, or they're just going to keep going back to prison."

But Januari Smith says many inmates aren't in prison long enough to receive rehabilitation services.

"When low-level, nonviolent offenders are sent to prison for six months or less, they are not provided with the necessary programming to keep them from re-offending," she says. "Forty seven percent of the offenders who are released from IDOC have been in our custody for six months or less."

That may change soon, if some highly-anticipated reform laws have their intended effect.

Reform efforts

Though circumstances may seem dim, new laws and programs being implemented in the correctional system may offer ways to solve recidivism problems and keep short-term inmates out of prison.

In June 2009, Chicago Metropolis 2020 helped push through the legislature a law that adapts a successful juvenile justice program, Redeploy Illinois, to the adult correctional system. The Crime Reduction Act of 2009 provides money for communities to fund rehabilitation services for nonviolent offenders. Starting in 2010, the new program keeps certain nonviolent offenders out of prison and provides services to help curb substance addiction and mental health problems.

"It's really an attempt to change the way we think about the whole system," says Paula Wolff, executive director of Chicago Metropolis 2020. "The way the system is set up now, we only look at the bad things: the crimes they've committed, the substance abuse, all of that stuff. Here, we create an instrument that forces the system to look at the good stuff: do they have any education, do they have a stable family, can they work? Here, the people running the system can think about helping the inmate become successful and not go back to prison."

Despite IDOC's apparent stance that overcrowding is not a concern, Januari Smith says the department "must reduce

the number of offenders coming into prison.”

“It is our belief that these mostly low-level, nonviolent offenders can be punished in less expensive community options,” she says. “The Crime Reduction Act provides financial incentives to counties that reduce the number of offenders they send to state prisons. Funds will be given to those counties who use community-based diversion programs to reduce the number of nonviolent offenders who would have received short prison sentences.”

In the juvenile system, the program is estimated to save the state four dollars for every dollar spent and is credited with diverting 51 percent of nonviolent youth offenders to rehabilitation rather than incarceration.

The new law also creates the Risks, Assets and Needs Assessment Task Force, charged with crafting a statewide risk-assessment tool to gauge inmates’ chances at rehabilitation and reintegration with society. A personalized case plan is created for each inmate, accounting for factors such as family, skills, education, criminal history and issues with mental health or substance abuse that affect their chances of rehabilitation.

As part of his work with the CLEAR Initiative, Pete Baroni pushed through the legislature a bill to help lawmakers understand the ramifications of new criminal laws. Beginning this year, the Illinois Sentencing Policy Advisory Council will study crime trends, inmate population growth and the effects of creating new crimes or stiffening penalties. The research will include projections of how new criminal statutes would affect the prison population level and how much money each new law would cost the state.

“Information is the key,” Baroni says. “Sometimes we make these new (criminal) laws without thinking about the consequences.”

Baroni says the system needs to change so the cycle of recidivism and overcrowding can be broken.

“They all get out, but a lot of them will end up back in prison,” he says. “We can’t lock them up forever. It’s impossible and it’s inhumane. We’ve got to deal with this.”

Lori Laidlaw, a corrections officer at Thomson and Dixon correctional centers and president of AFSMCE Local 2359 there, says it’s a festering problem that is headed for a disastrous eruption.

“It’s going to continue to snowball,” she says. “Something really bad is going to happen in the state of Illinois, and it’s going to take the deaths of God-knows-how-many people to get something done in the Department of Corrections. It’s going to take people dying because they’re burying their heads in the sand.”

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Illinois' overcrowded prisons

