



REPORT ON THE MERITORIOUS GOOD TIME AND MGT PUSH PROGRAMS

STATE OF ILLINOIS
GOVERNOR PAT QUINN

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I. INTRODUCTION

On December 18, 2009, Illinois Governor Pat Quinn announced that Judge David A. Erickson, a retired Illinois appellate court justice and criminal trial judge, would lead a committee, to include the Governor's Chief of Staff, Jerome Stermer, and the Governor's former General Counsel, Ted Chung,¹ in conducting a comprehensive review of the Meritorious Good Time (MGT) Credit program. The review would include "MGT Push," a program created by the Department of Corrections (DOC or Department) that accelerated the release of numerous inmates by quickly awarding "good conduct credit for meritorious service" (MGT Credit) as a means to reduce its costs. As reported by the Associated Press (AP) in December 2009, MGT Push resulted in the earlier release of hundreds of inmates, including more than 100 serving sentences for violent offenses, after as few as 11 days in DOC custody. This was contrary to the Department's historical practice of requiring inmates to serve at least 60 days in DOC custody before being awarded MGT Credit. Upon learning that offenders serving sentences for violent offenses were being released under the new program, Governor Quinn ordered the immediate suspension, and eventual termination, of MGT Push.

As charged by Governor Quinn, this committee reviewed the Department of Corrections' good conduct credit policies, with a specific focus on the MGT Push program. The review was to identify deficiencies in previous and current programs and to suggest potential reforms of the Department's good conduct credit policies, reflecting the Governor's mandate that public safety remain DOC's top priority in developing and implementing policies and programs. This Report details our findings and recommendations.

Following this Introduction (Part I), Part II of this Report briefly describes the scope and methodology of our review. Part III provides background on the Department's administration of MGT Credit, and Part IV discusses the implementation, impact, and eventual termination of MGT Push. Finally, in Part V, we outline our findings and recommendations for reform.

1. Ted Chung left State government in May 2010; the Governor's Acting General Counsel, John Schomberg, has taken his place on the committee. Office of the Governor's Legal Fellows Sara Hess and Rob Grindle and DePaul University College of Law Instructor Jody Marcucci provided invaluable research, analysis, and logistical support to the committee.

II. SCOPE & METHODOLOGY

Consistent with the Governor's charge, this committee reviewed the State's MGT Credit law and policies to recommend reforms to the Department's early release procedures that would protect public safety and respect the integrity of judicially-imposed sentences.

Statutory early-release programs—such as the Illinois program that awards good conduct credit for meritorious service—represent an effort on the part of the legislative and executive branches to balance a multitude of objectives, including: (1) ensuring that offenders are adequately punished for their offenses; (2) effectively deterring offenders and would-be offenders from committing offenses; (3) respecting the rights of crime victims; (4) incentivizing incarcerated offenders toward good conduct in prison and rehabilitation; and (5) enabling prison officials to manage inmate populations by addressing legal, operational, and financial concerns associated with prison overcrowding.

These wide-ranging objectives are not always aligned. In fact, in the context of early-release programs, they are often in tension. Ultimately, however, these objectives should highlight one central premise: early-release programs should protect public safety and seek to promote justice for all interested parties.

Our review began with an analysis of the governing statute and case law. The Department and the Administration received pro bono assistance from Ernst & Young to analyze the Department's practices and procedures related to MGT Credit awards. In addition, we discussed MGT Credit, generally, and the MGT Push program, specifically, with experienced law enforcement professionals and other key stakeholders from across the State. We are indebted to these persons and greatly benefitted from their experiences and the insights they so graciously shared with us.

III. BACKGROUND: DOC'S ADMINISTRATION OF MGT CREDIT

A. Categories of Credit for Good Conduct

The Illinois early-release statute requires the Department to “prescribe rules and regulations for the early release [of inmates] on account of good conduct” 730 ILCS 5/3-6-3(a)(1).

Under the “truth-in-sentencing” provisions of the Illinois Unified Code of Corrections (Code of Corrections), inmates committed to DOC custody for certain especially serious offenses (first-degree murder and terrorism) or inmates who have been sentenced to death or natural life are prohibited from receiving any sentencing credit on account of good conduct, 730 ILCS 5/3-6-3(a)(2)(i) and 3-6-3(a)(2.2), and therefore must serve 100% of their prison sentences. Inmates committed on other serious offenses are required to serve, at a minimum, certain percentages of their sentences (75% or 85%), depending upon the offense(s) involved. 730 ILCS 5/3-6-3(a)(2)(ii)-(vi), 3-6-3(a)(2.3), 3-6-3(a)(2.4), and 3-6-3(a)(2.5).

Inmates whose sentences fall outside of the truth-in-sentencing provisions are eligible to receive sentencing credit on account of good conduct. There are three categories of good conduct credit authorized by statute and implemented pursuant to Department rules and regulations: (1) Statutory Good Time; (2) Earned Good Conduct Credit; and (3) MGT Credit.

1. Statutory Good Time

The early-release statute provides that an eligible offender sentenced to a term of imprisonment “shall receive one day of good conduct credit for each day of his or her sentence of imprisonment.” 730 ILCS 5/3-6-3(a)(2.1). The Code establishes this credit, referred to as Statutory Good Time, as an up-front entitlement for inmates, and, accordingly, the Department awards eligible inmates this credit when it initially calculates their sentences and projects their release dates.

2. Earned Good Conduct Credit

Earned Good Conduct Credit refers to sentence reductions that eligible inmates may earn through participation in certain educational, vocational, or substance abuse treatment programs while incarcerated. Inmates who successfully complete these programs earn a half-day of credit for each day of their participation. 730 ILCS 5/3-6-3(a)(4). Inmates can also receive 60 additional days of Earned Good Conduct Credit if they pass the high school-level Test of General Educational Development (i.e., receive their G.E.D.) while incarcerated. 730 ILCS 5/3-6-3(a)(4.1).

3. MGT Credit

Other than the revocation discussion immediately below, the focus of the remainder of this Report is MGT Credit. As mentioned above, MGT Credit is referred to in the Code of Corrections as “good conduct credit for meritorious service.” 730 ILCS 5/3-6-3(a)(3).

B. Revocation of Good Conduct Credit

Section 3-6-3(c) of the Code of Corrections provides: “The Department shall prescribe rules and regulations for revoking good conduct credit” The Department’s position has been that this section permits it to revoke Statutory Good Time, but not MGT Credit. The accuracy of this position is unclear. Under our reading of the statute, “good conduct credit for meritorious service” is a sub-class of “good conduct credit” and, like Statutory Good Time, is revocable.

C. Overview of MGT

1. MGT Eligibility & Award Determinations

The Code of Corrections authorizes, but does not require, the Director of the Department (the Director) to award “good conduct credit for meritorious service in specific instances as the Director deems proper.”² 730 ILCS 5/3-6-3(a)(3). The Director has historically delegated the statutory authority to Department personnel, who serve as designees responsible for making and authorizing awards to individual inmates. Not all inmates are eligible for MGT Credit. See 730 ILCS 5/3-6-3(a)(3) (excluding inmates convicted of certain especially serious offenses and other serious offenses). Depending on the offenses for which they are currently in DOC custody (i.e., their “holding offense”), inmates who are MGT Credit-eligible may receive either a maximum of 90 days or 180 days of MGT Credit (the latter including an additional 90 days of “supplemental” MGT Credit). See 730 ILCS 5/3-6-3(a)(3) (enumerating offenses for which MGT Credit is capped at 90 days and offenses for which no MGT Credit may be awarded). As detailed above, the Department’s position has been that it is not statutorily authorized to revoke MGT Credit.

The inclusion of the term “meritorious” in section 3-6-3(a)(3) suggests that MGT Credit is, at least in part, intended to recognize and reward individual inmates for good conduct and beginning the rehabilitative process while in DOC custody. However, MGT Credit has also been intended to ease prison overcrowding and the related safety and financial concerns by reducing the amount of time inmates remain in DOC’s physical custody.³

In accordance with section 3-6-3, the Department promulgated administrative rules to administer MGT Credit awards. 20 Ill. Admin. Code 107.200–.210. These rules, which have not been revised since 1996, include a non-exhaustive list of criteria that the Director (or his or her designee) may consider when determining whether to award an inmate MGT Credit. For instance, the Director/designee may consider the inmate’s “master record file,”⁴ reports or

2. As detailed further below, the discretion implied in the statutory language is greatly restricted by succeeding case law in *Howell* and *Guzzo*.

3. See, e.g., State of Illinois 86th General Assembly Regular Session Senate Transcript, 129 (June 20, 1990) (statement of a Senate member noting that “[t]his is the only way to deal with the problem. Get this guy out three months earlier than he would have gotten out, and solve some of the overcrowding problems in our State prisons.”); State of Illinois 86th General Assembly House of Representatives Transcription Debate, 56 (May 16, 1990) (statement of a House member noting lack of money and pointing out the problems of prison overcrowding).

4. The Code of Corrections requires that the Department maintain a confidential “master record file” on each inmate, containing “(1) all information from the committing court; (2) reception summary; (3) evaluation and

recommendations regarding the inmate, the inmate's job performance and educational achievements, any assistance provided by the inmate to prison officials during a general disturbance, and the inmate's in-custody disciplinary record. 20 Ill. Admin. Code 107.210(a).

Court decisions have limited the criteria for MGT Credit awards to those that relate to an inmate's conduct while in the Department's custody. The Director/designee may not consider an inmate's holding offense, nor any other offense in the inmate's criminal history, when determining whether to award MGT Credit or the amount of any such award. Section 3-6-3 also precludes the Director/designee from considering an inmate's holding offense, except to determine whether the holding offense renders the inmate statutorily ineligible. *Howell v. Snyder*, 326 Ill. App. 3d 450, 454 (4th Dist. 2001) (holding section 3-6-3 permits consideration only of an inmate's "conduct during incarceration," citing the statutory language and reasoning that an inmate's pre-incarceration conduct is considered by the trial court in the sentencing process); *see also Guzzo v. Snyder*, 326 Ill. App. 3d 1058, 1063 (3d Dist. 2001) (holding the Director may only consider factors "connected with the purpose of the award of good-time credit," namely "to acknowledge and encourage meritorious service by inmates and to promote prison discipline") (internal citations omitted). Currently, so long as an offense is MGT credit-eligible, the Director/designee may only assign MGT Credit based on in-prison conduct and cannot differentiate between credit-eligible violent and credit-eligible non-violent offenses.

Whether the Department is permitted to consider an inmate's conduct while he or she is in the custody of another entity (such as the custody of the arresting county) is unclear. Historically, the Department has not done so. Technological shortcomings are partly to blame. Although State law requires counties to provide DOC with a record of an inmate's conduct and other information simultaneously upon transferring the inmate to the Department, 730 ILCS 5/3-8-1(a) and 20 Ill. Adm. Code 701.60(f), county disciplinary records are rarely in electronic form. DOC's and the counties' technological capabilities range from primitive to non-existent, making it all but impossible for counties to provide, and for DOC to receive and review, such records.

2. Notification of Early Releases

The Code of Corrections requires the Department to notify certain parties when it intends to release inmates, including inmates scheduled to be released early. *See, e.g.*, 730 ILCS 5/3-14-1(c) (notification requirements for releases generally); 730 ILCS 5/3-6-3(a)(5) (notification requirements for early releases due to MGT Credit awards).

Specifically, under the provision of the Code that prescribes notification procedures for *all* inmate releases, the Department must provide advance notice of an inmate's release to: (1) the

assignment reports and recommendations; (4) reports as to program assignment and progress; (5) reports of disciplinary infractions and disposition; (6) any parole plan; (7) any parole reports; (8) the date and circumstances of final discharge; and any other pertinent data concerning the person's background, conduct, associations and family relationships as may be required by the respective Department. A current summary index shall be maintained on each file which shall include the person's known active and past gang affiliations and ranks." 730 ILCS 5/3-5-1(a). The information contained in this master file is essential to the Director's/designee's sound exercise of his or her discretion in awarding MGT Credit.

State's Attorney and sheriff of the committing county; (2) the law enforcement agencies for the municipalities where the offender was arrested, where the offense was committed, and where the offender resided at the time of the offense; (3) the State's Attorney and sheriff of the county into which the offender is to be released; (4) the law enforcement agency for the municipality into which the offender is to be released; and (5) any public housing agency owning, managing, operating or leasing a facility where the offender has resided or will reside, if the offender informs the Department of this fact. 730 ILCS 5/3-14-1(c). These notifications include the offenders' identities, offense(s) of conviction, scheduled release dates, and post-release residence plans, and also indicate whether protective orders against the offenders are in place. Under DOC policy, these notifications are to be sent both electronically (if possible) and via U.S. mail, until such time that the Department is able to implement a statewide all-electronic notification system and the notice recipients are able to receive all-electronic notifications.

Prior to the enactment of Public Act 96-860 in January 2010, whenever the Department was "to release any inmate earlier than it otherwise would because of a grant of good conduct credit for meritorious service," the Department was required to "give reasonable advance notice of the impending release to the State's Attorney of the county where the prosecution of the inmate took place." 730 ILCS 5/3-6-3(a)(5) (as last amended by P.A. 95-876 (effective Aug. 21, 2008)). In accordance with 730 ILCS 5/3-14-1(c) and DOC Administrative Directive 04.50.115 (Nov. 1, 2007, amended Apr. 1, 2009), notice was to be provided, when possible, at least 14 calendar days prior to an inmate's impending release date, or as close to 14 days prior to release as possible.⁵

The Department typically generates both paper and electronic notifications in anticipation of an inmate's release. Staff members within DOC's facility Field Services units request a notification report, using the Department's electronic Offender Tracking System (OTS), when an inmate is soon to be released on parole or mandatory supervised release (MSR).⁶ This request prompts OTS to generate hard-copy notifications for the entities the Department is statutorily required to notify (listed above), which facility Field Services staff then mail. The staff members' request also triggers OTS to automatically and immediately send electronic notifications to the committing county and the county in which the inmate will reside upon release, provided that those jurisdictions have previously provided a valid email address to DOC.⁷ OTS will also automatically produce electronic notifications for these same jurisdictions when Field Services staff approve an offender's post-release residence plans.

Exiting inmates committed from, or released to, Cook County are the subject of an additional notification, developed as part of a data-sharing initiative between the Department and the Cook County State's Attorney's Office (CCSA) that was commenced in 2009. On a daily

5. A copy of this Administrative Directive is attached hereto as Exhibit A.

6. Most sentences for felonies committed on or after February 1, 1978, carry MSR terms. 730 ILCS 5/5-4.5-15(c); 5/5-8-1(d). Inmates released on MSR are considered to be in the Department's custody and are subject to the supervision of parole officers under specified conditions. 730 ILCS 5/3-14-2(a).

7. Representative samples of hard-copy and electronic notifications are attached hereto as Exhibits B and C, respectively.

basis, DOC's Information Services Unit generates a list of all inmates to be released within 30 days and transmits that list electronically to the CCSA's Victim Witness Assistance Unit. Like the notifications described above, this list provides information as to exiting inmates' identities, offense(s) of conviction, orders of protection, and scheduled release dates.

D. The Department's Prior 60-Day MGT Policy

As mentioned above, the Department historically required inmates to serve at least 60 days in its custody before awarding MGT Credit. Inmates had to serve at least 30 days before they could even be considered for MGT Credit. This historical practice was upheld by the appellate court in *Braver v. Washington*, 311 Ill. App. 3d 179, 186-87 (1st Dist. 1999), in which the court noted the practice safeguarded the public by permitting the Department time to assess inmates' in-prison conduct before awarding MGT Credit. However, before January 15, 2010, the 60-day policy was neither statutorily mandated nor formalized in an administrative rule or directive.

IV. THE MGT PUSH PROGRAM

A. Implementation of MGT Push

In approximately June 2009, the Department began exploring ways to reduce operational costs in light of the statewide fiscal crisis. At the time, the State had an over \$9 billion gap between the previous budget and current revenues. Monique Garcia & Rick Pearson, *Quinn: It's 'hour of need'; Governor wants lawmakers to 'confront reality' on state budget*, CHI. TRIB., June 16, 2009, at 6. The Department cited awarding MGT Credit as an opportunity to reduce costs associated with transporting inmates to and from DOC Reception and Classification Centers (i.e., intake facilities where incoming inmates are initially processed) and the facilities to which, in the ordinary course, they would subsequently be committed. Many MGT Credit-eligible inmates are “short-term offenders”—those who come into DOC custody with relatively short sentences or with relatively little time left to serve on their sentences.⁸ If these inmates were awarded MGT Credit earlier, they could be released earlier directly from intake facilities, rather than transported to (and from, upon their release) long-term facilities for very short-term commitments.

The MGT Push program dispensed with the 60-day stay policy, allowing the Department to reduce the time these inmates stayed in DOC custody and avoiding the costs of transporting them to other facilities. The Department projected that MGT Push could achieve an annual cost savings of approximately \$3.4 million.⁹

On August 31, 2009, the Department began MGT Push by replacing the 60-day minimum stay policy with an 11-day minimum stay policy.¹⁰ In addition, the Department required that, as a prerequisite to receiving MGT Credit, short-term offenders complete two classes totaling 15 hours, covering topics such as substance abuse, criminality, behavior modification, and parole expectations. This new requirement ensured that all short-term offenders released with MGT Credit awards received at least basic reentry services before their release.

The Department implemented MGT Push in two phases. First, on or about August 31, 2009, after receiving training on the new program, intake center staff began processing inmates

8. More specifically, “short-term offenders” are those who, after the application of Statutory Good Time, MGT Credit, and county jail credits, are eligible for release within days of coming into the Department’s custody. When the Department’s 60-day policy was in effect, short-term offenders were those who spent fewer than approximately 63 days in DOC custody.

9. The shift in practice was expected to result in 689 fewer beds occupied on an annual basis, which would result in a savings of \$3.4 million, based on an annual estimated marginal cost of \$5,000 per bed. This marginal cost figure includes food, clothing, utilities, etc., per inmate, but does not include items such as staff salaries and benefits. Including the latter costs would inflate the savings estimate beyond what would realistically be achieved by a limited prison population reduction.

10. An internal DOC document, attached hereto as Exhibit D, details the release process under MGT Push.

This committee’s review revealed two instances in which the Department did not follow its new 11-day minimum stay requirement, releasing one inmate after 7 days in DOC custody (after receiving credit for serving 77 days in county jail) and another after 8 days in DOC custody (after receiving credit for 42 days in county jail).

using the new release process. Short-term offenders were considered for MGT Credit as soon as they arrived at the intake centers, and therefore many of these MGT Credit-eligible inmates were never, in fact, transferred to long-term facilities. Offenders processed at the intake centers under MGT Push only remained as long as, or just a short while longer than, the minimum 11 days required under the program.¹¹ The first inmate was released pursuant to MGT Push on September 11, 2009.

The second phase of MGT Push involved the Department's long-term facilities. On or about September 17, 2009, a memorandum was issued to facility wardens and clinical services supervisors at DOC prisons, informing them of the new program.¹² This memorandum instructed its recipients to consider awarding MGT Credit to offenders already processed at the intake centers and in custody at facilities, in order to allow those inmates to be released prior to their 61st day in Department custody.

B. Impact of MGT Push

Exhibit F to this report sets forth numeric data for the MGT Push program. Prior to Governor Quinn's suspension of the MGT Push program, a total of 1,745 inmates were released from DOC custody earlier than they would have been under the prior 60-day policy. Nine additional inmates were released after the suspension based on MGT Push Credit awards that the Department has treated as irrevocable. On average, the above inmates served 36 fewer days in prison than they would have served had the Department never instituted MGT Push and continued to apply its 60-day policy.

Additionally, with the implementation of MGT Push, the Department failed to adequately notify local jurisdictions of inmates' impending releases. DOC failed to issue any new release notification policies in response to MGT Push and failed to standardize existing notification procedures. Most Department facilities failed to provide adequate advance notice of MGT Push releases. The notification timeframes of intake facilities varied based on differing facility work practices and resource levels, as follows:

- Dwight Reception and Classification Center (Dwight): Day of, or a day prior to, release
- Graham Reception and Classification Center (Hillsboro): 1-5 days prior to release
- Menard Reception and Classification Center (Menard): 1-2 days prior to release
- Northern Reception and Classification Center (Stateville): Day of, or 2-3 days prior to, release

11. *But see supra* note 10 (describing two instances of process failure). On average, the inmates who received credit under MGT Push spent a total of 121 days incarcerated. *See* Exhibit F, attached hereto.

12. A copy of this memorandum is attached as Exhibit E.

The Department's troubling failure to provide meaningful notice—and, in some cases, to provide any advance notice at all—eliminated the ability of local law enforcement to prepare for the release of offenders to their communities.

The MGT Push program was a mistake. Although focused on reducing costs during a fiscal crisis, it failed to accomplish the overriding goals of the State's Code of Corrections: protecting the public's safety and restoring inmates to useful citizenship. *See* 730 ILCS 5/1-1-2.

C. Current Status of MGT Credit Awards & MGT Push

On December 13, 2009, Governor Quinn announced he was suspending MGT Push, pending comprehensive review of the program. After appointing Judge Erickson to lead the review committee on December 18, and after reviewing our preliminary recommendations, on December 30, Governor Quinn terminated the MGT Push program and instituted an overhaul of all Department early-release programs. The MGT program was to be overhauled in four major respects: (1) reinstatement of the prior 60-day minimum stay requirement; (2) enhancement of the Department's communication with local authorities regarding inmates to be released with MGT Credit awards; (3) enactment of legislation to prohibit violent offenders from receiving MGT Credit; and (4) improvement of reporting and communication between the Governor's Office and DOC, including the establishment of two supervisory positions—Chief Public Safety Officer at DOC and Public Safety Liaison Officer in the Governor's Office—to oversee the Department's early-release programs.

On January 6, 2010, Governor Quinn announced the appointment of Michael McCotter, who has held many executive command positions with the Chicago Police Department, including chief of patrol and deputy chief of detectives, as the Department's first Chief Public Safety Officer.

On the same day, the Governor appointed Mark Prosperi, a former Assistant United States Attorney and former Chief of the Northern District of Illinois' Narcotics and Gangs Section, to become the first Public Safety Liaison Officer in the Governor's Office.

On January 14, 2010, Governor Quinn signed Senate Bill 1013, which became effective as Public Act 96-860 on January 15. This legislation codifies the Department's previously unwritten practice of requiring a 60-day stay before awarding MGT Credit. It also requires the Department to provide at least 14 days' notice to the appropriate local prosecutor's office or offices before releasing an inmate receiving MGT Credit. On January 15, 2010, the Department stopped awarding *any* MGT Credit to inmates, pending overhaul of the Department's processes for sentence calculation, credit award, and release.

In light of our preliminary findings, the Department reviewed its MGT Credit program. A DOC and Governor's Office working group engaged Ernst & Young, on a pro bono basis, through the Civic Consulting Alliance. The project team assembled by Ernst & Young worked with Michael McCotter, Mark Prosperi, and other DOC personnel, focusing on existing processes and technological resources and constraints. Together, they devised proposed operational reforms to the MGT program with respect to applicable statutory and rule-based requirements.

The Department and the Office of the Governor have drafted a prospective Administrative Directive that would implement these requirements and achieve the reformed program's objectives.¹³ The work of the DOC and Governor's Office working group has informed our analysis of the MGT program and should be incorporated into the Department's MGT Credit-related policies and processes going forward.

The MGT program remains suspended, subject to the Department's ongoing assessment of its capability to upgrade its computer systems and implement the changes necessary to ensure compliance with all legal and internal requirements. MGT Credit awards should not be reinstated until they fully comply with the goals of protecting the public, preserving the integrity of sentences, and restoring inmates to useful citizenship.

13. A draft of this Administrative Directive is attached hereto as Exhibit G.

V. FINDINGS & RECOMMENDATIONS

Any early-release program must be implemented in a way that inspires public confidence in the management and operations of the Department and that keeps public safety as its overriding concern. These objectives are furthered when an early-release program, among other things: (1) protects public safety by deterring inmates from re-offending and others from offending in the first instance; (2) recognizes and respects the interests of victims and the integrity of judicially imposed sentences; (3) incents and rewards the good conduct of inmates; and (4) provides inmates with access to rehabilitative programs.

A. Findings: Failure to Achieve Early-Release Objectives

The committee finds that both the Department's MGT Push program and its pre-existing MGT program fell far short of early release objectives. For years, the Department used MGT principally to manage its prison population. Thus, inmates had to do little or nothing to demonstrate "meritorious" conduct deserving of MGT Credit awards and then, given the perceived irrevocability of MGT Credit, could do nothing to jeopardize their awards.

Under MGT Push and under the old MGT program, inmates were labeled as "meritorious" simply by virtue of being delivered into DOC custody. By accelerating the release of hundreds of inmates under MGT Push, the Department compounded the basic problem of its pre-existing MGT program—the lack of any attempt to gauge individual inmates' in-prison conduct in a meaningful way. The Department failed to appreciate the public safety implications of the pre-existing program and MGT Push deserved the criticism it received.

The Department must fundamentally change its attitude and approach toward MGT Credit awards. Despite Illinois' dire economic state and the very real need to maximize control of facilities, these programs should not simply be population pressure release valves; they must be, first and foremost, a means to incent and reward good conduct that shows a genuine rehabilitative intent. This will not only benefit the individual inmate, but also the community he or she will reenter. To ensure that this attitudinal change is reflected in Department decision-making, it is critical that all DOC personnel who administer the Department's early-release programs understand this policy rationale and that program operations further it.

Set forth below are our recommendations for specific policy and operational reforms to the Department's MGT program. These proposed reforms focus on three concepts: (1) the conduct of inmates (Earned & Individualized Awards); (2) the decision-making and responsibility of the Department (Accountability & Transparency); and (3) the relationship between the Department and local jurisdictions (Communication).

B. Recommendations: Revamp Concept and Administration of MGT

1. Earned & Individualized Awards

Inmates must earn MGT Credit over the course of a minimum of 60 days in DOC custody.

The Department should maintain the practice of requiring inmates to spend at least 60 days in the Department's custody before receiving MGT Credit. As indicated by the *Braver* decision, this minimum-stay requirement affords the Department sufficient time to assess whether an inmate has earned MGT Credit through good conduct in prison and, relatedly, whether releasing the inmate early with an MGT Credit award would create an undue risk to public safety.

The early-release statute, as amended by Public Act 96-860 (eff. Jan. 15, 2010), prohibits the Director from awarding an inmate MGT Credit "unless the inmate has served a minimum of 60 days of the *sentence*," 730 ILCS 5/3-6-3(a)(3) (emphasis added). The Department interprets this language as requiring an inmate to serve those 60 days in *DOC* custody, regardless of whether the inmate also served any time in the custody of a local jurisdiction for the same holding offense. The Department should continue to so interpret and implement this language. If the Department, in implementing the proposed Administrative Directive or any other new criteria for MGT Credit awards, determines that more than 60 days are required for informed MGT Credit determinations, it should add whatever additional time is necessary to make those determinations.

The Department should pursue legislation to expressly codify the requirement that inmates spend a minimum of 60 days in DOC custody prior to the award of MGT Credit, and, either in addition to or in lieu of such legislation, the Department should itself memorialize and adopt this requirement in a rule, administrative directive, or other formal, written departmental policy.

MGT Credit should be revocable to ensure that inmates have a continuing incentive to conform their conduct to Department standards.

The Department's position has been that it may not revoke MGT Credit. While we disagree, to the extent the Department's authority to revoke it is at all in question, the Department should pursue legislation making MGT Credit revocable. Irrevocable MGT Credit is nothing but a toothless incentive.

In the absence of legislation making MGT Credit revocable, the Department should make any MGT Credit provisional and only final, based on a full assessment of the inmate, at or near the time of release. Under such a system, provisional MGT Credit could be withdrawn, pursuant to specific criteria, at any time.

The Department should enhance existing opportunities and incentives for MGT Credit-eligible inmates to participate in certain rehabilitative programs.

In deciding whether to award an inmate MGT Credit, the Director/designee may consider "[t]he educational program or achievements of the committed person while in the custody of the

Department.” 20 Ill. Admin. Code 107.210(a). In this regard, the Department should ensure that inmates have sufficient access to rehabilitative programs that facilitate their reentry into society and restore them to useful citizenship. At a minimum, programs available to MGT Credit-eligible inmates should include those training and educational courses that the Department required of MGT Push releasees as of August 31, 2009, and instruction designed to explain the expectations of releasees during their terms of supervised release—namely, the TRAC (Trained, Reformed and Capable) program and Parole School. Moreover, the Department’s program services should be expanded to include a mandatory two-week intensive pre-release course and additional mandatory programs in the weeks immediately following release.¹⁴

The Department should utilize the assessment tool called for by the Illinois Crime Reduction Act of 2009 to assist in MGT Credit determinations and the assessment of inmates’ service needs.

The program services offered under the recommended enhanced program requirement should be tailored to the needs of individual inmates, such as alcohol counseling, drug abuse counseling, or parenting classes. In this regard, the Department should adopt the risks, assets, and needs assessment (RANA) tool prescribed by section 15 of the Illinois Crime Reduction Act of 2009 (730 ILCS 190/15 (eff. Jan 1, 2010)), once it is developed, and should apply the tool to MGT Credit award determinations when the Department is authorized to do so. Requiring the Director/designee to use this standardized tool in determining whether to award MGT Credit and, if so, the amount of credit to award, will promote consistency, rationality, efficiency, and transparency in MGT Credit determinations and enable the Department to better provide offenders with appropriate services.

Legislation authorizing the Department to make use of this tool and other key information in MGT Credit determinations is likely necessary because, as the *Howell* and *Guzzo* decisions make clear, the Director/designee may only consider inmates’ in-custody conduct, and not their prior criminal or employment histories or the facts underlying their convictions. This legislation must be pursued as these characteristics are key factors in the risks and needs analysis that is central to the prescribed RANA tool. Alternatively, legislation should be enacted that gives the Director/designee discretion to consider an inmate’s conduct beyond his or her conduct during incarceration when awarding MGT Credit.

The Department should invest in a comprehensive upgrade of its computer systems and databases.

As detailed in the report by the DOC and Governor’s Office working group (with Ernst & Young), DOC’s technological constraints have a major impact on all DOC functions, particularly

14. For a more complete account of reentry programming policy and recommendations for Illinois, see COMMUNITY SAFETY & REENTRY COMM’N, *INSIDE OUT: A PLAN TO REDUCE RECIDIVISM AND IMPROVE PUBLIC SAFETY* (2008) (reporting the recommendations of the commission, co-chaired by Reverend Jesse Jackson and Peoria County State’s Attorney Kevin Lyons), *available at* <http://www.idoc.state.il.us/subsections/reports/default.shtml>.

those relating to a meaningful assessment of inmates prior to release. At present, the Department has no single database that collects information regarding inmate discipline, educational and vocational program participation, substance abuse and rehabilitative program participation, and job performance. This information is scattered across a multitude of databases, many of which are antiquated. (Even then, the information is not necessarily up-to-date or complete for each inmate.) Still other essential information is not in electronic form at all, but rather is kept in physical, hard-copy files across multiple locations. Thus, an evaluation of key early-release factors is extremely difficult.

If, as recommended, the Department moves toward a more comprehensive, individualized assessment of inmates, it will need significant IT improvements.¹⁵ In converting to electronic records, the Department will finally advance fully into the computer age. Recognizing that the State has considerable financial restraints, these technological constraints must be addressed.

Offenses that are eligible for MGT Credit should be further limited by statute.

While the Code of Corrections already lists certain offenses that render inmates wholly ineligible for MGT Credit or eligible only for limited MGT Credit, more offenses should be included to reflect a more modern concept of violent crime.

Among other alternatives, legislation could be enacted that would make all inmates convicted of violent offenses under the existing statutory definition of “violent crime” in the Rights of Crime Victims and Witnesses Act ineligible for MGT Credit. *See* 725 ILCS 120/3(c). Alternatively, a comprehensive review of statutory eligibility requirements for MGT Credit could be conducted to exclude crimes now accepted as violent. For example, certain DUI offenses and crimes motivated by hate or bias that are currently eligible to receive MGT Credit could be considered for exclusion.

An analysis of these alternatives could be spearheaded by the Illinois Sentencing Policy Advisory Council (SPAC), which has the mission to “review sentencing policies and practices and examine how these policies and practices impact the criminal justice system as a whole in the State of Illinois.” 730 ILCS 5/5-8-8(b). The Department should continue to actively engage in the work of SPAC, which can greatly assist the Department in balancing the value of rehabilitation and conduct-management tools like Statutory Good Time, MGT Credit, and Earned Good Conduct Credit with the punishment and deterrence goals that also inform sentencing policy.

Once they have reviewed the statutory eligibility requirements for MGT Credit, SPAC, the Department, and the Administration should work with the General Assembly to enact appropriate legislation.

15. Likewise, as previously discussed, in order to adequately communicate with county facilities and with other local entities, the Department must update its systems.

2. Accountability & Transparency

The Department should memorialize its MGT Credit criteria and procedures in official written rules and/or policies.

The Department should complete its review of its MGT Credit award criteria and procedures and update them, as appropriate, to achieve the fundamental objectives of the MGT program. It is imperative that the Department officially set out in writing—whether as rules or policies or both—all criteria and procedures relating to MGT Credit eligibility and award determinations. The Department not only failed to promulgate official rules covering certain key aspects of its MGT program (e.g., the 60-day policy), but it did not even reduce these aspects to an administrative directive. This rendered the 60-day policy subject to immediate change wholly at the Department’s discretion without any need for disclosure, much less others’ input, thus opening the Department to the criticism that any change was a “secret” intended to be shielded from the public.

The Department must provide advance notice to all stakeholders and the public at large when it seeks to change any policies or practices that may have significant public safety implications. The process by which the Department makes any such changes should not just permit, but actively solicit, stakeholder input.

The Director should centralize the MGT Credit award process under the Chief Public Safety Officer.

The Director should continue to delegate his statutory authority to make MGT Credit decisions, but should centralize that authority under the Chief Public Safety Officer. The Chief Public Safety Officer would be responsible for overseeing the MGT program and for approving all MGT Credit awards. Facility-based counselors should continue to review offenders for MGT Credit eligibility, gather MGT Credit-relevant information, and recommend eligible offenders for MGT Credit awards, but they should do so using standardized criteria and procedures prescribed by the Chief Public Safety Officer. In addition to verifying counselors’ MGT Credit eligibility determinations, and subject to the Chief Public Safety Officer’s approval, staff at the Department’s Office of the Transfer Coordinator, a central office, should recommend how many days of MGT Credit should be awarded in accordance with standardized guidelines prescribed by the Chief Public Safety Officer.

In order to ensure substantive and procedural consistency in the MGT program, the Department, under the supervision of the Chief Public Safety Officer, must develop and implement training programs for all persons involved in MGT Credit determinations.

The Department should publicly report MGT Credit-related information.

The Administration should seek an amendment to the early-release statute, 730 ILCS 5/3-6-3, to require the Director to provide the Governor and the General Assembly with an annual written report on the MGT program. In the interim, the Governor’s Office should request and the Department should implement a policy to produce such a report. The report should include the number of inmates awarded MGT Credit; the jurisdictions from which these inmates were

committed and into which they were or will be released; the average amount of MGT Credit awarded; the holding offenses for MGT Credit awardees; and the number of MGT Credit revocations. Additionally, the Department should utilize its website to disseminate information about the pending early release of any inmate through an award of MGT Credit.

3. Communication

The Department should ensure that local jurisdictions are provided timely advance notice of inmates to be released early with an MGT Credit award.

While MGT Push was in effect, the Department was statutorily required to give local law enforcement authorities written notification of all inmate releases, when possible at least 14 days in advance of the projected releases, or as soon thereafter as possible. 730 ILCS 5/3-14-1(c). The State's Attorney of the prosecuting county was to receive "reasonable advance notice" of the impending release of inmates to be released early with MGT Credit awards. 730 ILCS 5/3-6-3(a)(5) (as last amended by P.A. 95-876 (effective Aug. 21, 2008)). In many, if not most, instances the Department failed to timely notify the proper authorities of an inmate's release.

A community cannot prepare itself for the imminent arrival of an offender from prison if it is unaware of his or her pending release. The Department's failure to satisfy its own notice obligations must be addressed and cannot be allowed if the MGT program is resumed. With the enactment of Public Act 96-860, the early-release statute now requires that the Department provide notice "not less than 14 days prior to the date of the release" of MGT Credit-awarded inmates to the State's Attorney of the prosecuting county and of the county where the offender is to be released, if different. 730 ILCS 5/3-6-3(a)(5). The Department must institute procedural safeguards to ensure that it strictly complies with this statute and should consider going beyond the statute's requirements by also providing at least 14 days' advance notice to other law enforcement authorities not mentioned in the amended notice provision. These authorities may include the arresting agency, the local police department, or the local Sheriff's office.

The Department should work with local jurisdictions to improve the electronic notification process.

Currently, the Department's efforts to provide local jurisdictions with timely notice of projected inmate releases are hampered by the inability of some jurisdictions to receive electronic notifications. It is our understanding that Chief Public Safety Officer McCotter has contacted all of the counties in the State to confirm, where available, email and other contact information for county personnel responsible for receiving inmate release notifications. The Department should continue to address technological and other potential issues relating to the notification process and encourage local jurisdictions that are still incapable of receiving email notifications to establish means to do so. The Department should create an electronic system that would confirm the Department's issuance and the local jurisdictions' receipt of release notifications.

The Department and local jurisdictions should improve communication and information-sharing among themselves.

At present, State's Attorneys' Offices and local law enforcement agencies are required to provide the Department with certain information related to offenders being transferred to DOC custody, such as an offender's conduct while in county custody and his or her medical information. Our review has revealed that a uniform method of sharing information is nonexistent. This is unacceptable. The Code of Corrections should be amended to provide for a uniform method of information-sharing.

The Department must substantially update and improve its computer systems and should explore data-sharing agreements with local jurisdictions, some of which are in the process of converting their offender records to electronic format. This improvement may provide the Department with reliable access to records reflecting an offender's conduct while in county custody, information the Department could possibly use to inform MGT Credit award determinations.

The Department should allow interested parties to comment on or object to the potential early release of an inmate.

Finally, the Department should establish a reasonable means by which interested parties (e.g., prosecutors, local law enforcement agencies, victims, the Prisoner Review Board) may provide relevant information about and state their objection to—or support of—the Department's projected early release of an inmate with an award of MGT Credit. As deemed appropriate, and to the extent permitted by law and Department policy, this input could be considered by the Department in MGT Credit determinations.

To achieve this goal, the Department should procure a uniform notification form the public may use to comment on or object to a pending early release. This form should inform the public: (1) the amount of good conduct credit an inmate is to receive; (2) the type or types of good conduct credit (such as MGT Credit) the inmate is to receive; and (3) a method of stating the basis for the comment or objection.

VI. CONCLUSION

The MGT Push program was ill-conceived. The Department exhibited institutional myopia: while pursuing cost-saving measures, it neglected the most important consideration—the potential impact on public safety. It accelerated the release of hundreds of inmates while providing those inmates with minimal assistance for reentry into local communities. Likewise, it failed to provide notice sufficient for local law enforcement to prepare for the release of inmates to those communities.

Through MGT Push, the Department reduced the sentences of MGT Credit-eligible short-term offenders, almost immediately upon their arrival into DOC custody and without any evidence of their conduct while incarcerated. That the Department withheld MGT Credit to MGT-eligible short-term offenders based only on their holding offenses, without meaningfully evaluating their in-prison conduct, underscores the limitations of the MGT program generally. MGT Push compounded existing problems with the MGT program by speeding some inmate releases. As we have demonstrated, simply reverting to its practice under the prior 60-day policy, without more, does not serve the Department, the public, or the inmate. This practice does not by itself promote the comprehensive, individualized assessments of inmate conduct and rehabilitative potential that must be an integral part of any reformed MGT program.

The problems of MGT Push have brought together many accomplished and knowledgeable persons to provide input into where the Department can and must go from here. This Report highlights these efforts and emphasizes the necessity of involving all interested parties in the development and modification of Department initiatives and existing programs. We submit that the recommendations in this Report provide a starting point toward the potential establishment of an early-release program aimed at protecting the public, assuring sentencing integrity, rehabilitating inmates, encouraging good inmate conduct, and triggering an attitudinal shift within the Department that will restore the public's trust.

It is our recommendation that the MGT or any similar early-release program not be restored until the above or closely comparable changes are instituted and goals realized.

Illinois Department of Corrections	ADMINISTRATIVE DIRECTIVE		Number	04.50.115
			Page	1 of 7
			Effective	11/1/2007 Amended 4/1/2009
Section	04	Programs and Services		
Subsection	50	Field Operations		
Subject	115	Release Procedures		

I. **POLICY**

A. **Authority**

730 ILCS 5/3-2-2

B. **Policy Statement**

The Department shall release offenders on parole or mandatory supervised release in accordance with this directive.

II. **PROCEDURE**

A. **Purpose**

The purpose of this directive is to provide written instructions to staff regarding responsibilities for preparation for release and supervision after release of offenders.

B. **Applicability**

This directive is applicable to all divisions and facilities within the Department.

C. **Internal Audits**

An internal audit of this directive shall be conducted at least annually.

D. **Designees**

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. **Supervised Release to the Community**

The Chief Administrative Officer of each correctional facility shall ensure:

1. Within 30 days prior to an offender's impending release date from a transition center, designated staff of the transition center shall verify all items listed in Paragraph II.E.5. with

the offender and notify the Field Service Representative at the parent institution of any changes.

2. When possible, at least 14 days prior to an offender's impending release date from a correctional facility or from a transition center, a Notification of Parole or Mandatory Supervised Release and Discharge, Offender Tracking System (OTS) Report, OERPP231, shall be sent to the State's Attorney and the Sheriff of the committing county, the State's Attorney and the Sheriff of the county of release, and the city of release. A copy of the notification shall be placed in the offender's master file.
3. Prior to an offender's impending release date from a level one through level seven facility, the offender shall be provided with and required to complete the Offender HIV Counseling and Education, DOC 0215, to certify that he or she has been notified of his or her rights with regard to HIV testing prior to release; and to identify if he or she wishes to be tested.

NOTE: If the offender has tested positive for HIV, the Department shall offer to the offender transitional case management including support service referral upon release.

4. By the last working day prior to an offender's release date from a correctional facility and once the master file and outstanding warrants are reviewed, the Offender Count Adjustment, DOC 0194, shall be prepared by the Records Office and signed by the Field Service Representative.
5. Prior to the offender being released:
 - a. His or her master file shall be reviewed in accordance with Administrative Directive 01.07.111.
 - b. The place of intended residence shall be verified with the offender.
 - (1) The intended residence shall be checked against OTS and shall be updated as needed.
 - (2) If the intended residence of an offender is different from the previously approved residence, the proposed address and with whom he or she plans to reside shall be obtained from the offender. This information shall be relayed by telephone to the Parole Supervisor or to the Interstate Compact Unit, as applicable, who shall immediately investigate and approve or deny the release plan. The telephone conversation shall be documented with an electronic follow-up message.
 - (3) If the Parole Supervisor or the Interstate Compact Unit does not approve the proposed address given and the offender can give no other address:
 - (a) The Placement Resource Unit shall be contacted and provide an approved alternative address.

- (b) The appropriate Parole Supervisor or Interstate Compact Unit shall be notified, by telephone, of the offender's scheduled release. The telephone conversation shall be documented with an electronic follow-up message.
- c. The Field Service Representative shall communicate to the offender the conditions under which the parole or mandatory supervised release shall be served and provide the offender with reporting instructions.
 - (1) The offender shall be required to sign:
 - (a) The Parole or Mandatory Supervised Release Agreement, DOC 0104 (three copies);
 - (b) Reporting Instructions, DOC 0181, or the equivalent OTS Report OERPP129 (three copies);
 - (c) The Notification to Register for Selective Service, DOC 0179, where applicable (three copies);
 - (d) For offenders required to register under the Sex Offender Registration Act and any releasee being placed on electronic monitoring, the Electronic Monitoring Program Rules, DOC 0188, (three copies);
 - (e) The Sex Offender Registration Act Notification Form, ISP 4-84c, where applicable;
 - (f) The Possession of Dogs by a Felon Notification, DOC 0327; and
 - (g) The King Decree Notice of Rights.
 - (2) The signing of the documents shall be witnessed and copies of each document shall be distributed in accordance with Paragraph II.E.5.f.

NOTE: In a timely manner, the Chief Administrative Officer of the transition center shall ensure that these signed documents are obtained from any offender released from the transition center and distributed appropriately.
 - (3) In the event the offender refuses to sign the DOC 0104, the Field Service Representative or transition center staff shall:
 - (a) Thoroughly explain to the individual the necessity for him or her to sign the agreement in order to be released; and

- (b) In the presence of a witness, explain to the individual that his or her refusal to sign the agreement is sufficient justification to hold and confine him or her pending a preliminary investigation that may result in revocation proceedings of his or her parole or mandatory supervised release.
 - (4) Upon continued refusal to sign, the Field Service Representative shall:
 - (a) Inform the offender that his or her release is being withheld pending appropriate action.
 - (b) Inform the Clinical Services Supervisor, the appropriate Parole Supervisor, the Interstate Compact Unit, the Prisoner Review Board, the Chief Record Officer, and Legal Services, as applicable, by telephone of the offender's refusal to sign the DOC 0104. Notice of charges shall be served upon the offender on the same day.
- d. The offender shall sign a copy of the Project Safe Neighborhoods Notification Letter, DOC 0144. If the offender refuses to sign, the refusal shall be documented on the DOC 0144. The original DOC 0144 shall be filed in the offender's master file and a copy shall be provided to the offender.

NOTE: The DOC 0144 shall also be provided to an offender prior to discharge if the offender is discharged without parole or mandatory supervised release.
- e. Staff responsible for data input shall be notified of the following information:
 - (1) Parole OTS location code; and
 - (2) Date of release.
- f. Post release material shall be filed in the master file and a release packet shall be compiled and forwarded as follows.
 - (1) A release packet shall not be prepared for type "R" releases unless requested.
 - (2) For type "S" and "B" releases, the release packet shall be forwarded to the appropriate Parole Supervisor and shall include one copy each of the following unless otherwise directed:
 - (a) Release Material Checklist, DOC 0185;
 - (b) Reporting Instructions, DOC 0181, or the equivalent OTS report OERPP129, if applicable;

- (c) Sex Offender Registration Act Notification Form, ISP 4-84c, if applicable;
 - (d) Electronic Detention Agreement, DOC 0180, if applicable;
 - (e) Possession of Dogs by a Felon Notification, DOC 0327;
 - (f) Project Safe Neighborhoods Notification Letter, DOC 0144; and
 - (g) King Decree Notice of Rights.
- (3) For out-of-State releases, the release packet shall be compiled and forwarded in accordance with Administrative Directive 04.50.130.

F. Release to a Detainer

If the offender is to be released to a detainer, the detaining authority shall be notified when he or she will be available and shall be requested to send written verification that they will assume custody of the offender. If written verification is not received, the detaining authority shall be contacted, by telephone, to verify whether or not they will assume custody of the offender.

1. If the offender is to be turned over to a detaining county in Illinois:
 - a. The name and address of the detaining authority shall be entered in OTS as the primary residence plan.
 - b. The offender shall be interviewed to determine his or her release plan to the free community; this information shall be added on OTS as the alternate residence plan.
 - c. The release packet shall be referred concurrently to the Parole Supervisor where the offender plans to reside and, if different, the Parole Supervisor of the county that issued the warrant. A notation shall be made on the DOC 0185 indicating that the case shall be assigned to the caseload of the Parole Supervisor of the county that issued the warrant.
 - d. The offender shall be provided with the toll-free AMS telephone number (800 666-6744) for parole with instructions to call upon release per the Agreement to Report, DOC 0190.
2. If the offender is to be turned over to another state or federal authority, the case shall be referred to the Interstate Compact Unit and the offender shall be released in accordance with the release procedures outlined in Paragraph II.E.5. and:

- a. The name and address of the detaining authority shall be entered in OTS as the primary residence plan.
- b. The offender shall be interviewed to determine his or her release plan to the free community; this information shall be added on OTS as the alternate residence plan.
- c. The Field Service Representative shall provide the releasee with:
 - (1) The toll-free telephone number (800 258-6843) of the Interstate Compact Office with instructions to report per the DOC 0190.
 - (2) A sufficient number of the Interstate Compact Parolee or Releasee's Monthly Reports, DOC 0239.
- d. The Interstate Compact Unit shall be provided with the name of the agency the offender is to be released to, a copy of the warrant, and any other available information, including address and telephone number of the prosecuting office.
- e. The offender's name and identification number shall be placed on the OTS caseload of the Interstate Compact Unit.
- f. The following forms shall be completed, filed in the master file, and distributed to the Interstate Compact Unit:
 - (1) Parole or Mandatory Supervised Release Agreement, DOC 0104 (three signed copies).
 - (2) ICAOS Offender's Application for Interstate Compact Transfer (three signed copies).
 - (3) Agreement to Report, DOC 0190 (three signed copies).
 - (4) The signed Receipt for Transporting Authority, DOC 0189. (The transporting authority shall retain two copies of the signed form, one of which shall be the original.)
 - (5) A copy of the warrant.

G. Resumption of Parole or Mandatory Supervised Release

When the Prisoner Review Board orders an offender who was returned as a violator to resume his or her parole or mandatory supervised release, the offender shall be released as expeditiously as possible. The Field Service Representative shall:

- 1. Immediately contact the appropriate Parole Supervisor or Interstate Compact Unit advising them of the releasing authority's decision.

2. Enter the release plan on OTS, requesting placement approval as appropriate.
3. Forward the following updated material on all "S" releases to the Parole Supervisor or Interstate Compact Unit:
 - a. Prisoner Review Board Orders;
 - b. A signed Parole or Mandatory Supervised Release Agreement, DOC 0104;
 - c. Reporting Instructions, DOC 0181, or the equivalent OTS report OERPP129; and
 - d. A signed Electronic Monitoring Program Rules, DOC 0188, if electronic monitoring is to be resumed or if it is to be added.

Authorized by:

Roger E. Walker Jr.
Director

Supersedes:

04.50.115

AD

08/15/2000

ILLINOIS DEPARTMENT OF CORRECTIONS
OTS-OFFENDER TRACKING SYSTEM
NOTIFICATION OF RELEASE OR MSR

PAGE : 1
RUN DATE: MM/DD/YY
RUN TIME: HH.MM.SS

OFFENDER INFORMATION:

XXXXXX XXXX, XXXXX X. V/R: /D
DOB: MM-DD-YY IR: SID: FBI:
ISP REG: Y/N ORD PROT: Y/N PRB VICT NOTIFY: Y/N

OFFENSE(S):

CASENO COUNTY OFFENSE
CL X XYR XMO XDA

!!! THIS DOCUMENT MAY CONTAIN CONFIDENTIAL INFORMATION AND IS INTENDED FOR
THE RECIPIENT LISTED BELOW. NOT FOR REDISTRIBUTION. !!!

NOTIFICATION OF RELEASE FOR THE COUNTY OF: COOK
NOTIFICATION TO: STATE'S ATTORNEY
THE OFFENDER IS SCHEDULED TO RELEASE FROM: NORTHERN R&C
THE TYPE OF RELEASE IS: DIS-DISCHARGE.
THE OFFENDER IS SCHEDULED TO BE RELEASED ON: DAY MM/DD/YYYY

THE OFFENDER WILL RESIDE AT: COOK COUNTY JAIL
RELATION: COOK CO JAIL
AT THE ADDRESS OF: 2650 S CALIFORNIA AV
CHICAGO IL
60608

STATUS OF ADDRESS AT TIME OF NOTIFICATION: PENDING DISC RLSE

* WEEKEND OR HOLIDAY RELEASE DATES WILL RESULT IN ACTUAL RELEASE ON THE
LAST WORKING DAY PRIOR TO THE SCHEDULED RELEASE DATE. (BOOTCAMP EXCLUDED)

***** RELEASE DATES ARE PROJECTED AND MAY BE SUBJECT TO CHANGE *****

!!! FOR ILLINOIS AGENCIES ONLY !!!

IN AN EFFORT TO REDUCE COST AND HANDLING, IDOC IS IMPLEMENTING EMAIL
NOTIFICATIONS FOR ALL IMMEDIATE AND SCHEDULED RELEASES. PAPER NOTIFICATIONS
WILL CONTINUE DURING THE TRANSITION PERIOD.

THOSE ILLINOIS AGENCIES THAT HAVE ALREADY SUBMITTED A VALID EMAIL ADDRESS
WILL BEGIN RECEIVING EMAIL NOTIFICATIONS.

ALL OTHER ILLINOIS AGENCIES, PLEASE SEND A VALID EMAIL ADDRESS TO THE
IDOC CONTACT AT:

JEFFREY WHITFIELD
JEFF.WHITFIELD@DOC.ILLINOIS.GOV
(217)558-2200 EXT 6420

FIELD SERVICES REPRESENTATIVE

ILLINOIS DEPARTMENT OF CORRECTIONS
OTS-OFFENDER TRACKING SYSTEM
NOTIFICATION OF RELEASE OR MSR

PAGE : 1
RUN DATE: MM/DD/YY
RUN TIME: HH.MM.SS

OFFENDER INFORMATION:

XXXXXX XXXX, XXXXX X. V/R: /D
DOB: MM-DD-YY IR: SID: FBI:
ISP REG: Y/N ORD PROT: Y/N PRB VICT NOTIFY: Y/N

OFFENSE(S):

CASENO COUNTY OFFENSE
CL X XYR XMO XDA

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NOTIFICATION OF RELEASE FOR THE COUNTY OF: COOK
NOTIFICATION TO: SHERIFF
THE OFFENDER IS SCHEDULED TO RELEASE FROM: NORTHERN R&C
THE TYPE OF RELEASE IS: DIS-DISCHARGE.
THE OFFENDER IS SCHEDULED TO BE RELEASED ON: DAY MM/DD/YYYY

THE OFFENDER WILL RESIDE AT: COOK COUNTY JAIL
RELATION: COOK CO JAIL
AT THE ADDRESS OF: 2650 S CALIFORNIA AV
CHICAGO IL
60608

STATUS OF ADDRESS AT TIME OF NOTIFICATION: PENDING DISC RLSE

* WEEKEND OR HOLIDAY RELEASE DATES WILL RESULT IN ACTUAL RELEASE ON THE
LAST WORKING DAY PRIOR TO THE SCHEDULED RELEASE DATE. (BOOTCAMP EXCLUDED)

***** RELEASE DATES ARE PROJECTED AND MAY BE SUBJECT TO CHANGE *****

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NOTIFICATIONS FOR ALL IMMEDIATE AND SCHEDULED RELEASES. PAPER NOTIFICATIONS
WILL CONTINUE DURING THE TRANSITION PERIOD.

THOSE ILLINOIS AGENCIES THAT HAVE ALREADY SUBMITTED A VALID EMAIL ADDRESS
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FIELD SERVICES REPRESENTATIVE

ILLINOIS DEPARTMENT OF CORRECTIONS
OTS-OFFENDER TRACKING SYSTEM
NOTIFICATION OF RELEASE OR MSR

PAGE : 1
RUN DATE: MM/DD/YY
RUN TIME: HH.MM.SS

OFFENDER INFORMATION:

XXXXXX XXXX, XXXXX X. V/R: /D
DOB: MM-DD-YY IR: SID: FBI:
ISP REG: Y/N ORD PROT: Y/N PRB VICT NOTIFY: Y/N

OFFENSE(S):

CASENO COUNTY OFFENSE
CL X XYR XMO XDA

!!! THIS DOCUMENT MAY CONTAIN CONFIDENTIAL INFORMATION AND IS INTENDED FOR
THE RECIPIENT LISTED BELOW. NOT FOR REDISTRIBUTION. !!!

NOTIFICATION TO: CITY OF CHICAGO IL
THE OFFENDER IS SCHEDULED TO RELEASE FROM: NORTHERN R&C
THE TYPE OF RELEASE IS: DIS-DISCHARGE.
THE OFFENDER IS SCHEDULED TO BE RELEASED ON: DAY MM/DD/YYYY

THE OFFENDER WILL RESIDE AT: COOK COUNTY JAIL
RELATION: COOK CO JAIL
AT THE ADDRESS OF: 2650 S CALIFORNIA AV
CHICAGO IL
60608

STATUS OF ADDRESS AT TIME OF NOTIFICATION: PENDING DISC RLSE

* WEEKEND OR HOLIDAY RELEASE DATES WILL RESULT IN ACTUAL RELEASE ON THE
LAST WORKING DAY PRIOR TO THE SCHEDULED RELEASE DATE. (BOOTCAMP EXCLUDED)

***** RELEASE DATES ARE PROJECTED AND MAY BE SUBJECT TO CHANGE *****

!!! FOR ILLINOIS AGENCIES ONLY !!!

IN AN EFFORT TO REDUCE COST AND HANDLING, IDOC IS IMPLEMENTING EMAIL
NOTIFICATIONS FOR ALL IMMEDIATE AND SCHEDULED RELEASES. PAPER NOTIFICATIONS
WILL CONTINUE DURING THE TRANSITION PERIOD.

THOSE ILLINOIS AGENCIES THAT HAVE ALREADY SUBMITTED A VALID EMAIL ADDRESS
WILL BEGIN RECEIVING EMAIL NOTIFICATIONS.

ALL OTHER ILLINOIS AGENCIES, PLEASE SEND A VALID EMAIL ADDRESS TO THE
IDOC CONTACT AT:

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JEFF.WHITFIELD@DOC.ILLINOIS.GOV
(217)558-2200 EXT 6420

FIELD SERVICES REPRESENTATIVE

SAMPLE

12/22/09 ILLINOIS DEPARTMENT OF CORRECTIONS
NOTIFICATION OF RELEASE FROM CUSTODY

OFFENDER INFORMATION:

IDOC# NAME V/R: R/P
DOB: IR: SID: FBI:
ISP REG: N ORD PROT: N PRB VICT NOTIFY: N

OFFENSE(S):

09CF130 MARION POSS AMT CON SUB EXCEPT(A)/(D)
CLASS: 4 0002 YR 00 MO 0000 DA

SCHEDULED TO RELEASE FROM: GRAHAM
SCHEDULED RELEASE DATE : 12-23-2009
SCHEDULED RELEASE TYPE : RESUME MSR

LAST CITY OF RESIDENCE:
WILL RESIDE WITH :
RELATIONSHIP :
ADDRESS :
CITY/STATE/ZIP :
COUNTY : MARION

* WEEKEND OR HOLIDAY RELEASE DATES WILL RESULT IN ACTUAL RELEASE ON
THE LAST WORKING DAY PRIOR TO THE SCHEDULED RELEASE DATE.

* RELEASE DATES ARE PROJECTED AND MAY BE SUBJECT TO CHANGE

IDOC CONTACT: JEFFREY WHITFIELD

JEFF.WHITFIELD@DOC.ILLINOIS.GOV
(217)558-2200 EXT 6420

Immediate Release Process for Short Term Offenders

GOAL: Through the award of Meritorious Good Time, the Department shall institute a release process of short term offenders in a more efficient manner from the Reception and Classification Units while providing preparedness tools to offenders for re-entry to society. This process shall eliminate the current 61 day rule and the need to transfer such offenders throughout state wide facilities.

TARGETED POPULATION: Offenders received through the Reception and Classification Units identified with 12 – 18 month sentences previously termed as “61 Day Offenders”.

Process

(Completion of Day 1)

- Offender received through Reception and Classification Centers.
- Upon initial screening by R & C records staff, offenders with 12 – 18 month sentences will be flagged by records staff for review by clinical services staff for M/SMGT processing purposes.

(Completion of DAY 2)

(Both of these points may be initiated on Day 1, but are to be completed by Day 2)

- Record office staff shall immediately perform release date check list and ensure mittimus information does not preclude offender due to other limitations e.g. 180 day mandates
- Offenders will be reviewed by correctional counselors for the purpose of immediate release with M/SMGT

(Completion of Day 3)

- Program lists (call passes) for Release/Re-entry program issued to eligible offenders
- Data entry into TRAC program entered on OTS

(Completion of Day 4)

- Offenders identified for immediate release shall begin 5 days of Release/Re-entry programming as developed by Program Services.
- Parole plans shall be obtained during 1st day of Release/Re-entry program.

(Completion of Day 5)

- Prospective parole plans shall be entered onto Offender Tracking System by Field Services Counselor within 24 hours.
- Parole may begin reviewing host sites

(Completion of Day 8)

- Offender completes 5 day TRAC/Parole program

(Completion of Day 9)

- Upon completion of Release/Re-entry Programming, offender participation in programming is documented on TRAC check list, indicating participation in all courses. (Day 8)
- Data entry onto OTS is made indicating completion of program
- Upon completion of programming (Day 8) and upon secured parole plans, offender is submitted for appropriate M/SMGT award.

(Completion of Day 10)

- M/SMGT is received in TCO, reviewed and awarded.

(Completion of Day 11)

- Award prints in R & C records office on (Day 11) and calculation sheets completed.

(Completion of Day 12)

- Offender prepared for release with approved host site.



**Illinois
Department of
Corrections**

Pat Quinn
Governor

Michael P. Randle
Director

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MEMORANDUM

DATE: September 17, 2009

TO: Wardens
Clinical Services Supervisors

FROM: Sandra Funk, Transfer Coordinator's Office
Glenn Jackson, Chief Records Office
Brad Hillman, Program Services
Jo Weller, Information Services
Deb Denning, Women and Family Services

SUBJECT: Meritorious/Supplemental Meritorious Awards

In accordance with previous IDOC policy, short term offenders who, with an award of Meritorious/Supplemental Good Time (M/SMGT), remained in IDOC for a period not less than 61 days. On August 31, 2009, a new procedure was implemented to process these short term offenders in a more efficient manner. Offenders found to meet this criterion are now being processed within the Reception and Classification centers and released from those facilities. This new program is identified as the MGT Push Program.

Given the most recent start date of this MGT Push Program, it has been determined there are still a number of offenders who remain throughout the adult facilities who are termed "61 day offenders". Effective immediately, all facilities are instructed to begin reviewing their current populations for any offenders previously defined at "61 day offenders" for any additional awards of Meritorious/Supplemental Meritorious Awards. Facilities are reminded, the criteria for the award of M/SMGT is not changing, only the fact that offenders will not be kept for 61 days is the only change. Any questions regarding the actual processing of Meritorious Good Time should be referred to the Transfer Coordinator's Office.

To assist your staff in identifying these offenders, each of your facilities will receive a listing of all offenders within your facility that have an Earliest Projected Release Date from today through 9-30-09 for your facility. The offenders that qualified for the MGT Push Program have an indicator next to the Earliest Projected Release Date. Please review the candidates listed for submissions of MGT/SMGT to result in a release prior to 9-30-09. Actual OTS release dates and release types are listed along with MGT/SMGT eligibility flags and amounts awarded. Other

indicators are also listed that may be of interest to you. If you have questions regarding this release list, please contact Jeff Whitfield in Informational Services Unit.

Offenders who qualify for MGT Push, should have TRAC and Parole School Day 2 assignments completed by the time the award is referred to the Transfer Coordinator's Office. When submitting the automated recommendation for MGT, counselors should indicate "TRAC/Parole program completed". If you have questions regarding this program, please refer to Brad Hillman in Program Services.

Your assistance in ensuring these offenders are reviewed as eligible for M/SMGT and submitted for and processed by 9/30/09 is appreciated.

**Illinois Department of Corrections
MGT Early Release Parolees**

Sentence & Time Served Statistics

Average total time served, had 61-day policy applied	157 days
Average total time served by early release parolees (DOC + local jail)	121 days
Average shortening of incarceration time by MGT PUSH	36 days

Holding Offense Statistics

Convicted of violent crimes	14.8%
DUI offenses	18.6%
Holding offense nonviolent, prior history of violence	13.6%
Nonviolent holding offense, no history of violence	53.0%

**ILLINOIS DEPARTMENT OF CORRECTIONS
MGT Early Release Parolees
*Status Type as of August 11, 2010***

Status Type	Totals (1,754)
Early Release parolees residing in the community who are compliant	685
Early Release parolees who have been returned and are currently residing in IDOC	390
Early Release parolees with warrants in <i>served</i> status who are held in non-IDOC jurisdictions	36
Early Release parolees with warrants in <i>issued</i> status who are not yet apprehended and are AWOL	32
Early release parolees with warrants in <i>issued</i> status who have been transferred to INS for deportation proceedings, have an INS warrant outstanding, or are the subject of INS enforcement actions	100
Early Release parolees who are discharged	498
Early Release parolees who are deceased	13

IDOC Administrative Directive: Awarding of Meritorious Good Time

a) Persons committed to the custody of the Department of Corrections (Department) who have demonstrated, through their conduct during their current commitment, a positive potential for rehabilitation and successful reintegration into their communities and who are not legally precluded from receiving an award of meritorious good time, shall be considered eligible for a such an award, which shall not exceed 180 days. Factors relating to the offender’s conduct to be used by the Director to determine the amount of meritorious good time, if any, shall include but not be limited to the factors listed in subsection (c).

b) Ineligible Offenders

The following offenders shall not be eligible for an award of meritorious good time:

- 1) Any offender rendered ineligible by the exclusions set forth in 730 ILCS 5/3-6-3(a)(3). Some offenders will be eligible for no more than ninety days meritorious good time on the basis of 730 ILCS 5/3-6-3(a)(3).
- 2) Any offender who, after a hearing before the Adjustment Committee, has been found guilty of any 100-level disciplinary offense at any time during the offender’s current commitment to the Department. *See* 20 Ill. Adm. Code § 504 app. A.
- 3) Any offender with a pending criminal prosecution for an offense occurring during the offender’s current commitment to the Department.
- 4) Any offender currently in disciplinary segregation, administrative detention, investigative status, or C-grade status.
- 5) Any offender with outstanding revoked good conduct credits or pending revocations of good conduct credits.
- 6) Any offender who is a technical parole violator or a parole violator with a new sentence.
- 7) Any offender who has:
 - a) Quit an impact incarceration program (IIP) during the current commitment to the Department;
 - b) Been terminated from IIP for disciplinary reasons during the current commitment to the Department; or
 - c) Been recommended for IIP during the current commitment to the Department and is waiting for placement.
- 8) Any offender who refuses substance abuse treatment when (a) the offense for which the offender is currently committed to the Department occurred on or after September 1, 2003, (b) the court’s order sentencing that offender

to the current commitment to the Department recommended the offender for substance abuse treatment, and (c) the Director has not waived the requirement to participate in or complete a substance abuse treatment program pursuant to 730 ILCS 5/3-6-3(a)(4.5).

- 9) Any offender who refuses sex offender treatment as defined by the Sex Offender Management Board when (a) the offense for which the offender is currently committed to the Department is a sex offense as defined in Section 2 of the Sex Offender Registration Act, and (b) the Director has not waived the requirement to participate in or complete sex offender treatment pursuant to 730 ILCS 5/3-6-3(a)(4.6).

c) Award Determination Factors

The factors to be considered in making an award of meritorious good time include, but are not limited, to the following:

- 1) Whether the offender followed the rules and regulations of the Department during the current commitment to the Department. The Director may consider the offender’s entire disciplinary record during the current commitment to the Department.
- 2) Any available records of the offender’s behavior and conduct while in the custody of any other governmental authorities for the offense for which the offender is currently committed to the Department.
- 3) Whether the offender has successfully participated in any job assignments offered to the offender during the current commitment to the Department.
- 4) Whether the offender has successfully participated in any substance abuse program services offered to the offender during the current commitment to the Department.
- 5) Whether the offender has successfully participated in any educational program services offered to the offender during the current commitment to the Department.
- 6) Whether the offender has, under the direction of the Department, participated in any program services to assist other offenders during the current commitment to the Department.
- 7) Whether the offender has successfully participated in any other program services offered to the offender during the current commitment to the Department.
- 8) Any exemplary beneficial actions of the offender during the current commitment to the Department, including but not limited to:

- a) Saving the life of a Department employee or another committed person;
- b) Performing heroic service during a flood, tornado, or act of God;
- c) Volunteering for an exceptionally hazardous or dangerous assignment; or
- d) Assisting in maintaining control during a general disturbance or in maintaining security.

d) Program Services Requirement

As a further condition of receiving an award of meritorious good time, an offender must demonstrate the positive potential for rehabilitation and successful reintegration into the community by completing re-entry program services prior to the offender's release. The re-entry program services shall include instruction regarding the conditions and expectations of release, criminality, substance abuse, behavior modification, relationships and family strengthening, employment, education, and goal setting.

With respect to the program services currently offered by the Department, an offender must successfully complete both TRAC and Parole School, at a minimum, to satisfy this program services requirement.

e) Timing of Award Recommendation

An offender must serve a minimum of sixty days in the custody of the Department before the offender can be recommended for an award of meritorious good time. Thereafter, as set forth in subparagraph (f), an offender may be recommended for a provisional award of meritorious good time of up to 180 days as early as twelve months prior to the offender's projected parole or mandatory supervised release date.

Any award of meritorious good time must allow for compliance with the notification requirements of 730 ILCS 5/3-6-3(a)(5), which mandates that the Department provide notification at least fourteen days prior to the offender's release to the State's Attorney for the county where the offender was prosecuted and, if different, to the State's Attorney for the county where the offender will be released.

To ensure compliance with the notification requirements of 730 ILCS 5/3-6-3(a)(5), an offender must serve a minimum of seventy-four days in the custody of the Department before the offender may benefit from an award of meritorious good time—sixty days in Department custody prior to the award recommendation, plus

fourteen additional days in Department custody after the recommendation is made and proper notifications are sent.

f) Provisional Nature of Award

The initial award of meritorious good time is provisional—that is, the award is conditioned on the offender’s continued substantial compliance, up to and including the offender’s parole or mandatory supervised release date, with this Administrative Directive and all other applicable laws, rules and regulations. In particular, in order to receive a final award of meritorious good time, an offender must satisfy the following conditions, in addition to otherwise maintaining eligibility for such an award as described in this Administrative Directive:

- 1) The offender must substantially comply with all applicable disciplinary rules and regulations of the Department during the remainder of the current commitment to the Department;
- 2) The offender must successfully complete the program services requirement, described in subsection (d), prior to the offender’s release;
- 3) An appropriate host site must be identified and approved in time to comply with the notification requirements of 730 ILCS 5/3-6-(a)(5).

Offenders shall be notified of the provisional nature of the award during the orientation program, in the orientation manual, and again at the time the provisional award is made and a new projected release date, accounting for the potential award of meritorious good time, is calculated.

g) Final Award

The final award of meritorious good time for any offender shall be delayed by the Warden of the parent facility pending final disposition of any of the following:

- 1) Any 100- or 200-level disciplinary charge;
- 2) Any disciplinary charge for offense 301 (fighting);
- 3) Any pending investigation of which the offender is the subject; or
- 4) A second or subsequent charge for the same disciplinary offense (not otherwise included in subsections (1) or (2), above) since the provisional award.

Within fifteen days of the final disposition of any pending disciplinary issues resulting in guilty findings, the Warden shall send notice to the Chief Public Safety Officer for final determination of the award. No subsequent review shall be made

unless the Administrative Review Board finds in favor of the offender and expunges the Inmate Disciplinary Report.

During completion of the release day checklist, the Records Office supervisor at the offender's parent facility shall verify that an appropriate host site has been identified and approved for each offender scheduled for release and that the fourteen-day release notification has been given as required by 730 ILCS 5/3-6-3(a)(5). Should the Records Office supervisor determine that no host site has been identified and approved or that the fourteen-day release notification has not been given as required, he or she shall notify the Warden, who shall delay the release of the offender until those requirements have been met.