



ILLINOIS STATE COMMISSION  
ON CRIMINAL JUSTICE AND SENTENCING REFORM

Regular Meeting Minutes  
Wednesday June 8, 2016  
1:00 pm to 5:00 pm

Illinois State Capitol  
State Senate Room 212  
Springfield, Illinois

Commissioners present: Rodger Heaton (Chairman), Jerry Butler, Andy Leipold, John Maki, Dave Olson, Elena Quintana, Honorable Elizabeth Robb, Honorable Stephen Sawyer, Gladys Taylor, Greg Sullivan, Senator Kwame Raoul, Kathryn Bocanegra, Howard Peters, Kathy Saltmarsh, Samantha Gaddy, Chelsea Kline, Lisa Desai

Conference Call - Commissioners: Representative Brian Stewart, Representative Scott Drury, Pam Rodriguez, Mike Tardy

Call to Order: Chairman Rodger Heaton called the meeting to order at 1:00 pm. A quorum was determined to be present as indicated above.

Approval of the Minutes

*Motion to adopt meeting minutes from March 21, 2016 and April 28, 2016.*

*Motion to adopt: John Maki*

*Seconded: Andrew Leipold*

*Motion carried*

The meeting focused on Community Corrections. Probation, parole and supervised release play an important role in respect to who is admitted or readmitted to the Corrections system.

Dr. Olson provided background useful to the discussion. 130-140,000 people have been convicted of a felony and are in the custody or jurisdiction of the criminal justice system in Illinois. Approximately 60,000 are on probation, 45,000 incarcerated, and the remainder on community supervision under mandatory supervised release. Mandatory supervised release is affected by how effective parole can be and also the conditions of which an individual is supervised.

It's important to realize, the length of time individuals are on mandatory supervised release in Illinois is by state statute and is exclusively determined by the felony class for which the individual was convicted.

It has nothing to do with risk and in some instances is contradictory to risk. Today's discussion involves what determines mandatory supervised release. PRB explained every case is different; a number of factors are considered in the decision process including quality of the agents report, physical evidence, victim testimony, and history of charges.

Commissioners also discussed the idea of round ups and whether there are compliance decisions being made that are influenced by fear, political and community pressure that are adding to admissions and various returns to custody. Discussion also included circumstances under which parolees are rounded up and focused deterrence.

Commissioners discussed a breakdown of those rearrested. A recidivism measure of violence indicates 30% are rearrested for violent crimes within three years of their release and of those who are returned as technical violators if there is a breakdown of whether they are receiving adequate support and delivery of services. Commissioner summons the group to invest in making communities more robust. People heal in communities. Invigorate the communities with housing, job training, employment opportunities and health services.

Representative from parole joined the discussion. Determination on a return to DOC varies on a case by case basis. This reinforces the need for a reliable risk assessment tool to help make the decision whether it is beneficial to return to DOC.

PRB standards of MSR are limitless. PRB looks for creative parole plans for the best success. PRB noted the use of information from IDOC's risk assessments to drive release plans on MSR. Currently it is limited to C numbers but eventually DOC will have evaluations on all that come in.

PRB added there are certain people on MSRs who have completed half of their time that can be sent for early discharge from MSR. If they are aware of this in the beginning, it can result in more compliant behavior.

### **Potential Community Corrections System Reforms**

Community corrections serve two essential roles in the criminal justice system: it helps control offending through surveillance, and it oversees the delivery of services that address criminogenic needs. However, if community correctional policies and practices are not sufficiently grounded in evidence and available resources, they can fail to strengthen public safety, undermine the purposes they are meant to serve, and contribute to the state's overreliance on incarceration.

Using research and best practices from around the country, including Illinois, this memo outlines potential system changes and a policy framework that legislators, the court system, and community corrections officials may wish to consider.

The potential system changes are designed to help guide the Commission's discussion on how Illinois can ensure that its community corrections system uses evidence-based practices to supervise offenders

who pose the highest risk to public safety, while providing an appropriate level of supervision for offenders who pose a lower risk. Translated into practice, the goal of these proposed system changes is to decrease the total number of people under supervision and, in so doing, make the state's community corrections system more effective by becoming more targeted in how it uses its limited resources.

Chairman directed the discussion to potential specific reforms. These are not recommended reforms by any particular group but more to focus conversation on the particular types of recommendations the Commission may or may not support as we move toward the second report from the Commission to the Governor. The memo provided to Commissioners outlines the topics.

## I. System recommendations

Illinois' community corrections system is spread throughout two different branches of government and multiple agencies and offices across the state, from individual Probation Departments (Probation), the Administrative Office of the Illinois Courts (AOIC), the Illinois Department of Corrections Parole Division (Parole), and the Illinois Prisoner Review Board (PRB).

While Probation and Parole focus on different criminal justice populations or statuses, the two institutions have much in common, including working side-by-side in Illinois' most disadvantaged communities. There is particularly strong overlap in what research indicates to be the most effective policies, programs, and practices that Probation and Parole should use to improve public safety. Despite these commonalities, the different parts of Illinois' community corrections system lack ways to share resources and insights effectively.

To address this issue, the Commission's Research Team suggests that the Commission generally encourage Probation and Parole, as well as their supporting agencies, the AOIC and the PRB, to develop ways to work together both formally and informally. The Research Team also suggests the following specific actions for the Commission's consideration:

- Whenever appropriate and possible, when state agencies like the Department of Human Services or the Illinois Criminal Justice Information Authority dedicate state-funded resources for Community Corrections, such as training or services, they should be made available to both Probation and Parole, particularly in communities where there are high concentrations of probationers and parolees.  
Several Commissioners expressed support.
- The different agencies that constitute Illinois' community corrections system should receive regular training in best practices to inform agency decision-making.
  - Because research has found that Cognitive Behavioral Therapy CBT is one of the most cost-effective tools to improve community corrections outcomes, Illinois should provide the resources to train all community corrections officers and decision makers in the principles of CBT, and encourage the use of CBT across the community corrections system.  
Discussion included to ensure those delivering curriculum have the appropriate skill set. Judges should be included. Parole agents will welcome the training.

- Because research and experience in other jurisdictions have shown that implementation is incredibly difficult in community corrections, Illinois should devote technical assistance and research resources to assist Probation and Parole with implementation and evaluation of the recommendations set forth in this document. Several Commissioners expressed support.
- The AOIC and Probation as well as Parole and the PRB should provide timely information to policy makers on the status of the state's community corrections system. The information reported should include a combination of caseload, risk/need levels, recidivism, and desistance data.<sup>1</sup> Several Commissioners expressed support. Commissioners discussed finding ways to improve the system with detailed level data that is user friendly to both researchers and the public and to enhance the reporting system in place, structured so that it's a single repository.
- SPAC and ICJIA shall be provided with case level data to allow analysis, at least every three years, of the rates of re-arrest, prosecution and sentencing for those previously convicted.

## II. Who Should be Supervised

Research shows that while evidence-based programs can reduce high-risk probationers'/parolees' recidivism by as much as 20 percent, these same programs can actually increase the likelihood of low-risk probationers'/parolees reoffending. Moreover, resources for community corrections are limited and not likely to be expanded. This reality necessitates that community corrections narrowly focus on the most at-risk individuals. The Research Team thus suggests that the Commission adopt a principle of triage to structure the state's community correction system, including the following:

- Probation should work to ensure the consistent use of risk assessment to focus the most available resources on offenders who present the highest risk of reoffending and de-emphasize or eliminate the resources spent on lower risk offenders by providing an appropriate minimal level of supervision, such as kiosk reporting, or making recommendations for unconditional discharge. Resources should be strong across the counties.
- Similarly, Parole and the PRB should use risk assessment to focus the most available resources on parolees who present the highest risk of reoffending and de-emphasize or eliminate the resources spent on lower risk offenders by providing an appropriate minimal level of supervision, such as kiosk reporting, or terminating their Mandatory Supervised Release.

## III. What Conditions and Sanctions Should be Attached to Supervision

Research demonstrates that conditions of supervision and the sanctions attached to them should be sufficient, but not greater than needed, to achieve the purposes of compliance, rehabilitation and reintegration. Research shows that when community corrections systems depart from these principles, they can unintentionally foster the perception among people under supervision that conditions are unfair, arbitrary, and capricious, which can erode the legitimacy needed to encourage compliance. Moreover, while a small number of conditions may be applicable to all people under supervision,

research indicates that mandated boilerplate conditions generally fail to address people's individual criminogenic needs and thus can squander resources that could otherwise be focused on administering more targeted requirements.

The Research Team proposes the following for the Commission's consideration:

- The AOIC should use a third-party researcher to evaluate the use and impact of probation conditions.
- The Illinois Criminal Justice Information Authority Parole, and the PRB should evaluate, and preferably use a third-party researcher to evaluate, the use and impact of the conditions imposed by Illinois' Mandatory Supervised Release (MSR).

While this evaluation is being completed, the Research Team suggests the Commission consider recommending the following changes to MSR:

#### MSR Sanctions

- IDOC should continue its current practice of making limited use of returning parolees to prison for technical violations of MSR.
  - To strengthen this practice, IDOC should establish a written policy of using prison to punish technical violations only if the violation presents a demonstrable threat to public safety.
- If parolees are arrested they should not be automatically returned to IDOC, but rather should be processed by their local justice system.

#### Treatment services

- Drug treatment should only be imposed for offenders for whom there is an IDOC evaluation or assessment identifying drug addiction as a criminogenic need.
- Probationers and parolees should not be directed to participate in programs that are not based in evidence and/or are unable to demonstrate their effectiveness with Illinois' criminal justice population.
- To leverage the investment in mental health treatment required by settlement of the *Rasho* litigation, a protocol for mental health parole that recognizes and addresses the unique nexus between risk factors, symptomology and function should be developed, including adding a clinical unit to the parole division that would supervise offenders with severe and chronic mental illness as determined by validated assessment tools.

#### **IV. How Long Should Supervision Last**

Chairman reiterated the evidence reflects there is a very significant percentage of the violations that occur are in the first 12 – 18 months.

Research shows that the effects of community supervision tend to fade after one year and should therefore generally not exceed 18 months. The Research Team suggests that the Commission consider the following options:

- MSR should be presumptively limited by statute to 12 months with the ability for community corrections officials to extend supervision up to 18 months if there is a demonstrated public safety need for a longer period of time under correctional control.
- Mandatory supervision should be limited to 18 months by statute.
- Probation and Parole should have clear guidelines related to addressing risk and needs that establish how people under supervision can earn early termination from their period of community supervision after six months, particularly through engaging in pro-social activities -- like full-time work -- which research shows strongly correlate with desistance.

Commissioners discussed with parole representatives areas that may have the greatest impact on the success of parole and probation. The answer is Resources.

In addition, they discussed whether decreasing the length of MSR would give more effective resources to the communities such as job training, counseling, aftercare and substance abuse counseling and would it also effectively free up a % of agents time that could then be devoted to clients with increased needs.

#### **Public Comment:**

A member of the public spoke about the class of offenders that have been incarcerated with TIS like offenses. It is suggested many of these individuals do not pose a public safety threat and should receive the same sentencing credits as those given to TIS offenders.

There are current considerations for prisoners serving 100%, 85%, 75% of their sentences. Proposal of sentence reductions and good time credit for offenders serving 50% of their sentences (60 years @ 50%) as those with similar offenses (30 years @ 100%)

An individual provided a summary of HB 6579 which provides that inmates 50 and older who have been in continuous custody may petition for release if they meet certain criteria prior to their current release.

Representative of Inner City Youth discussed with the Commission concerns on a number of items including State IDs.

A person spoke of his personal experiences and suggests Commissioners utilize the voices of formerly incarcerated. He also suggests increasing services inside before release to start transitioning into society.

#### **Adjournment**

The meeting of the Illinois State Commission on Criminal Justice and Sentencing adjourned at 5:20 pm.

Next meeting will be scheduled for July 7, 2016 in Chicago.