



**ILLINOIS STATE COMMISSION
ON CRIMINAL JUSTICE AND SENTENCING REFORM**

**Regular Meeting Minutes
Monday March 21, 2016
1:00 pm to 5:00 pm**

**Adler University
17 N. Dearborn Street
Chicago, Illinois**

Commissioners present: Rodger Heaton (Chairman), John Baldwin, Jerry Butler, Senator Michael Connelly, Andy Leipold, John Maki, Dave Olson, Mike Pelletier, Elena Quintana, Honorable Elizabeth Robb, Honorable Stephen Sawyer, Representative Elgie R. Sims Jr., Gladyse Taylor

Staff: Chasity Boyce, Lisa Desai

Conference Call - Commissioners: Representative John Cabello, Representative Scott Drury, Brendan Kelley, Representative Brian Stewart, Greg Sullivan

Call to Order: Chairman Heaton called the meeting to order at 1:00 pm and took roll of the commissioners participating via conference call. A quorum was determined to be present as indicated above.

Approval of the Minutes

Motion to adopt minutes from January 14, 2016 as written. Motion to adopt February 18, 2016, with proposed modifications.

Motion to adopt: Michael Connelly

Seconded: Andrew Liepold

Motion carried

Chairman Heaton Opening Remarks

The two primary drivers are increased admissions and length of stay. Today's meeting will focus on the second driver, length of stay. Research Director Steinfeld and Professor Olson have worked very diligently on the cost benefits and effects of lengthy

mandatory sentences. To lay the groundwork for today's discussion, it is worth having them share the information at the outset of the meeting.

Presentation- Length of Stay – Policy Options for Consideration
Provided by Nate Steinfeld

Past policy decisions are major factors for the inmate population today. An overview of the current sentencing policy, what the ranges are and how they influence length of stay, and issues associated with lengthy stays was provided. Three policy options were offered with paired variations, that is, with bookended options that would change the prison population over time.

Chairman Heaton explained that the policy options presented were intended only to begin the conversation, not as a particular or preferred reform recommendation. Commissioners were asked to provide reactions to the options or sets of options.

Policy Options for Discussion

A1) Remove TIS Credit Restrictions

A2) Increase Credits under TIS

B1) Reduce the Felony Class Sentence Ranges by 25%

B2) Reduce the Felony Class Sentence Ranges by 10%

C1) Cap the Maximum Extended Terms at 10 years for Class 1, Class X and Murder and at 2 years for Class 4, Class 3, and Class 2

C2) Reduce the Maximum Extended Term for Each Felony Class by 33%

Discussion & Comments

Commissioners discussed the challenges of A1/A2 and provided recommendations and opinions on various implementation challenges.

There was discussion of the following ideas: the amount of sentencing credit should focus on offender behavior while incarcerated, not be entirely offense driven; likewise, it should focus more on risk assessment. There is no fundamental change in an individual's behavior or attitude caused solely by length of sentence. The offender's skill set dictates how he or she will behave or be motivated, etc. Use of validated risk assessments and appropriate treatment while incarcerated are likely to produce more effective measurement of and changes in offenders' future behavior. Any policy options should be considered only if they are tied to education, treatment and some type of specific therapy.

There was also discussion of the Crime Victims Act's exclusions from sentencing credit for classes X, M, and 1 felonies and certain violent crimes in other classes. The Commission discussed the issues associated with changing sentencing credit systems for current offenders versus only for new offenders. Some noted that research supports the existence of a steep decline in recidivism for offenders who have served long sentences, but noted that those inmates' needs may be elevated, because they have been out of society for a long time.

Discussion moved to consideration of a making a change in the percentages of allowable sentencing credit. It was noted that lowering percentages to match those applicable in the 1990's would still generate long periods of incarceration. The point was that lengthy mandatory sentences is a fairly new concept.

Minimum sentences were discussed in detail, including whether it would be helpful or prudent to reduce the minimum sentence for certain classes of felonies. There was discussion of whether compensation arrangements with the counties had been considered for appropriate cases where an offender might serve his sentence in the county jail. It was noted that in Indiana, sheriffs had embraced such a plan; however, the state had not been able to pay as agreed. Commissioners noted that costs of incarceration cannot merely be shifted from the state to counties.

Some Commissioners suggested that the entire sentencing system needs recalibration. A comprehensive review and overhaul of the criminal code/sentencing code is needed to generate fair sentencing. However, it was recognized that such a project would take years and substantial professional staff to complete it.

The Commission also discussed extended terms for firearm-related offenses. Among other things, there was discussion of the current use of extended terms as plea negotiating tools. These extended terms for various types of weapon use create substantial increases in length of stay, regardless of whether the weapon involved was loaded. There was also discussion of the basis for measuring the deterrent effect, or lack of it, that is created by these substantial enhancements. This led to discussion of whether to create a lower maximum extended term of 10 years for class M, X and 1 felonies, and 2 years for class 2, 3, and 4 felonies. There was also discussion of whether such changes should be retroactive, or whether there should be a modified application of such a change to currently incarcerated inmates to facilitate an orderly transition of them back into society, rather than an immediate release of numerous offenders who would qualify for reductions.

Commissioners noted that it is highly important to consider the rights and views of crime victims. How would victims be informed of revised sentences? How would offender releases be handled?

The Commission discussed a variation of the C1 and C2 options that involved allowing a potential sentencing adjustment upward in the allowable penalty based on risk assessment, or prior history of criminal behavior, and / or demonstrable proof of danger to society. Commissioners noted that this concept needs additional research.

Commissioners discussed how savings in expenditures for prisons, if lengthy sentences were reduced, could be put into services to keep offenders out of the system. Some suggested that each policy option considered should be tied directly to a reinvestment in building a better community.

Public Comment:

Chairman Heaton then opened the meeting to public comment(s).

- A representative of Project 111 reiterated the importance of a prior recommendation proposed by the group: provide an opportunity for earned release for inmates who are 50 years old and have been in continuous custody for 15 years. This population does not have a high recidivism rate and are more expensive to incarcerate due to rising costs for health care. She explained her view that indeterminate sentencing cases are demonstrative of the point.
- Ellen Henry – She attended the February Commission meeting and listened to discussion revolving around Mandatory Sentencing and 85% Truth in Sentencing. She has a family member who is currently serving time for Aggravated DUI. He is a first time offender sentenced to 8 years at 85%. Ms. Henry provided examples of inconsistencies in the length of sentences. She explained that her relative has been a model inmate, not only taking courses available to him but also being a Peer Educator. Yet, she pointed out that nothing he is doing is affecting his sentence. He is not a threat to society. He is a good caring father. The commission is doing an excellent job in bringing awareness to the prison issues in Illinois. She hopes for reductions in TIS to 50% credit time and asked that it be made retroactive as well.
- A representative of the National Immigrant Justice Center spoke in support of community-based legislative initiatives specifically to downgrade the severity of sentencing for certain offenses. The suggestion was made to consider the effect this would have on immigrant communities, as even a significant number of misdemeanors can be grounds for denying visas or even lead to deportation.
- A program administrator working with programs for the formerly incarcerated pointed out that of 30 C# offenders released, only 1 has returned to prison. He had mental health issues and should have been placed in different services. A man who has served 54 years, in his 70's is no longer benefiting from punishment, deterrence and rehabilitation. Deterrence is not a result of lengthy sentences and after 54 years it is not punishment as they have adapted to their environment. Offenders have been rehabilitated in the first 15 years.
- One citizen suggested reallocating money for GED education programming in the IDOC. She explained that inmates who participate in correctional education

programs have 43% lower odds of returning to prison than those who do not. Institutions should have a mandatory GED requirement. She urged the Commission to look at programs in Texas and California.

- Jenny & George Gorgis explained that their son has been incarcerated for 17 years. He was very young and made a mistake. He's a good boy, but there are no options at Menard prison for him for education or sentencing credits.
- One citizen explained that her son was murdered in 2012. His accused killer remains in custody, but has not been sentenced yet. She seeks a form of restorative justice for offenders. She explained that some offenders can change their lives, and should be allowed to become productive in society.
- Another citizen explained that she had buried three of her children, who were victims of crime. She asked what is the point of their killers receiving 100 years? What will that do for me? She argued for programs in prisons, and education as well as community programs that help with prevention.
- Allison Hall provided information on a proposed amendment to House Bill 4494 on the use of solitary confinement.

Announcement

Next meeting was tentatively scheduled for April 14, 2016. This may be adjusted depending on conflicting Commissioners' schedules. The time and location will be determined.

(Update: Moved to Thursday April 28, 2016 Adler University, Chicago 1:00 pm to 5:00 pm)

Adjournment

The meeting adjourned at 5:20 pm.