



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

**Regular Meeting Minutes
Wednesday, June 3rd, 2015 1:00 pm to 5:00 pm**

**Robert Oxtoby Board Room
401 S. Spring Street, Room 349C
Springfield, IL**

Commissioners present: Rodger Heaton (Chairman), Jason Barclay (Vice-Chairman), Kathryn Bocanegra, Jerry Butler, Andy Leipold, John Maki, Don Stolworthy, Dave Olson, Howard Peters, Elena Quintana, Judge Beth Robb, Pam Rodriguez, Michael Tardy, Gladyse Taylor, Representative Elgie R. Sims Jr., Kathy Saltmarsh, Senator Kwame Raoul, Brendan Kelley

Commissioners Absent: Representative John Cabello, Representative Brian Stewart, Michael Pelletier, Senator Michael Noland, Senator Michael Connelly, Judge Stephen Sawyer, Greg Sullivan

Commissioners participating via Conference Bridge: Representative Scott Drury, Doug Marlowe, Senator Karen McConaughay

Meeting called to order.

Administrative: Chairman Rodger Heaton opened the meeting and addressed commissioners.

Chairman asks for comments/concerns regarding minutes for meetings from 3/26, 4/25 and 5/14. No comments or concerns, Chairman entertains the motion to approve.

Motion to Adopt: Representative Sims
Seconded: Andy Leipold
Motion Carried

K. Saltmarsh, Budget & Capacity Sub-Committee presentations, opening remarks:

The goal of the presentation is to begin understanding how we're going to reduce the population by 25% and sustain it. This is narrow, in that we have a specific test case. It's broad in that we're looking at how money flows in the Criminal Justice System as a whole. We chose Will County as our test case. We would like your feedback on what we need to pay closer attention to and what you would like to learn more about.

We're making one basic assumption here and that is: We are not going to be working with more money than we currently have. We're looking at how we're going to reallocate/prioritize the money we have.

Presentation and Discussion: The Role of Community Capacity in Producing Good Public Safety Outcomes

Mystik Miller, Research Analyst, Illinois Sentencing Policy Advisory Council

- What is the treatment capacity in Illinois? For mental health, substance abuse, forensic population?
- Where are the resources located?
- What are the data limitations?

Mental Health Treatment Capacity

- State hospitals have far fewer admissions and beds than private hospitals (State generally involves longer stays).
- Outpatient capacity is much larger than inpatient because more admissions are expected in outpatient.
- Civil admissions and presentations as well as total served for State Hospital Services are down almost 40% from 2005.
- *Note- Declining admissions are not evidence of declining need. Need has been strong and continues to be strong which translates into longer wait times, lower capacity, etc.
- Geography also plays a role in mental health treatment. Cook County is a high-need region that sends about 70-80% to IDOC. However, there is persistent need amongst other urban and rural counties as well.
- There is a severe lack of psychiatry programs throughout Illinois.
- 42% of facilities have programs for co-occurring disorders (both must be addressed for success of patient). The majority of state programs do not address co-occurring disorders.

Substance Abuse Treatment Capacity

- Geographic distribution of substance abuse treatment facilities in Illinois: 638 facilities responded to the survey by the National Survey of Substance Abuse Treatment Services out of 663 surveys.
- Not all of the 638 respondents with *active* facility are at full capacity. Under-utilized facilities exist but there are a lot of associated factors. For example, Cook County may have facilities that are inaccessible by public transit.
- Are there certain sites where facilities are lacking specifically because a lack of support?
- Accessibility to services is an issue. For example, there could be one facility in an entire county, leading to an unreasonable drive for those that need services.

Forensic Population

- Forensic admissions to state mental health hospitals have increased by 15% since 2005.
- Those admissions are for those found ‘Unfit to Stand Trial’ or ‘Not Guilty by Reason of Insanity’
 - Individuals are spending more time in jail to become ‘fit to stand trial’ than serving their actual sentence.

- That could be a good thing—we don't want to convict someone who is not fit to stand trial. 'Unfit' is sometimes used as a tactic but that's always going to be a reality.
- What is driving people into the 'unfit' category?
- As of 2011, special programs in treatment facilities are: 361 DUI/DWI offenders; 163 co-occurring disorders; 140 criminal justice clients.
- Geographic distribution of facilities should be considered again. There may be one facility in a given county and it may focus solely on treating DUI/DWI and nothing else.

Impact of Reduction

- Maintenance of mental health illness recovery must be considered.
- Risk-assessment in DOC would shed light on where we can best treat mental health. We have now significant capability to crunch numbers in a more sophisticated way but we don't have data collection systems to capture the numbers we need easily.
- To achieve and sustain the 25% reduction, we need to bring our data collection methods up-to-date and continue sophisticated analysis.
- Not all of these people need to be treated within the justice system but untreated in the community; they're likely to end up in the justice system.
- Data is hard to come by. Agencies may not have recorded it for a couple of years. We should consider bettering the availability of data whether it is through legislation or our partners here.

Presentation and Discussion: Funding the Criminal Justice System—State and Local Resource-Use ***Nate Steinfeld, Research Director, Illinois Sentencing Policy Advisory Council***

The Budget and Capacity Committee is focused on helping the Commission understand the balance between county and state funding of the criminal justice system. To better understand the flow of criminal justice funding on the state and local levels, SPAC examined Will County as a test case. Our partners in this project include the Civic Consulting Alliance and Will County Auditor, Duffy Blackburn.

Will County funding sources for criminal justice system:

Police>Jail>Court>Prison>Supervision (probation & parole)

City funds: police

County funds: police, jail, court, supervision

State funds: court, prison, supervision

Will County spends approximately \$220 million on criminal justice spending (FY14): The most is spent on police (43%), second most on prison (23%) and third most on jails (19%).

Commissioners' sentiments and questions in response:

- Counties are critical to prison reduction strategy and we should consider shifting individuals out of prisons and into jails.
- Shifting cost burden from state to county is not the answer either. If we reduce state funding and increase county funding or if counties are less able to pay, this feeds the problem. Our task, we should remember, is to reduce IDOC.
- If we're just shifting cost to county, there are definitely going to be political implications.
- We also need to think about how we fund things.

- We could spend substantive amount on prisons and still not greatly increase quality. We need to think about why we're putting people there, for how long and to what end? We could have more success through funding community-based services such as probation.
- We must change criminogenic thinking. People are going to be released so we need to think about how we're actually reducing individuals' criminality while they're in prison. This concept ties back to reducing prison population by 25% *safely*.
- What is it worth to us as communities and as societies to incarcerate for extreme periods of time?
- What do we know about the recidivism rate for violent offenders who spend 10-20 years in prison?
- We need to send the right people to prison for the appropriate amount of time.
- We need to make a larger, philosophical shift where we move our budgets to the community. If we want to be effective and actually make the reduction, we need the philosophical shift to community.
- Indeterminate sentencing could be a consideration as we continue to look at best options. Since, people should leave prison when they're ready and based on regular check-ins/risk-assessments.

Duffy Blackburn, Will County Auditor, Thank you for your immense help with this analysis and data.

Open Discussion of Funding Successful Change

What would you like from the Budget & Capacity sub-committee? Is the information we're presenting helpful?

Commissioners' sentiments and questions in response:

1. As a probation program, it is difficult to plan with an unknown budget. We might start contracting, but then the funding needed isn't allocated so we have to stop services. As a result, it is difficult to maintain agency relationships.
2. There are consequences to an incomplete probation program if a person commits additional crimes (consequences do not arise solely for not completing a program).
3. Is there any significant amount of recidivism happening because of court fees? If anyone has information to the contrary, please let law sub-committee know.
4. Since most of the costs in prisons are fixed, closing prisons is likely the primary way to cut costs. Just talking about small fees is not going to get the job done.
5. We're not going to free up enough resources with small cost-saving changes to fund the kinds of things that would sustain a 25% reduction.
6. When you look at who we are incarcerating and for what, we realize there's a huge amount of money to be saved if we just cut their recidivism. The average low-level drug offender recidivates 18 times.
7. We must ask more of community-level programming.
 - a. BG from K. Bocanegra: I work in public safety and violence prevention in Little village, a community of about 100,000 people. We're setting up prevention that we hope will have a generational impact. There are 12 institutions which are deeply involved in the community (through schools, anti-domestic violence centers, etc.) and they all use the same data collection methods. We're doing all of this without \$300,000. Basically executing ARI at the neighborhood-level.
 - b. You don't need a large institutional effort to effect change. A community structure can figure out what's best for its own community.
8. To capture the best practices of these community solutions, defer to groups that have neighborhood project experience. Also, we need to couple our projects with evaluation.

Next, the budget & capacity sub-committee is going to review McHenry and DuPage counties with our strict timeline to make recommendations in mind.

We need to consider the role of the State. There's a temptation on the State's end to do everything for everyone which can lead to over-incarceration.

Sub-Committee Reports

Law:

- What incentives could be used for employers or landlords to employ or rent to those released from DOC?
- We would like to gather information from other states and we plan on reaching out to organizations in states that have done what we're trying to do here.
- What are the tax incentives and what is the ripple effect?
- What incentives exist for the business community to encourage hiring of ex-offenders? There could be serious liabilities for someone taking on an ex-offender. How do we address this?
- We should determine the best way to help employers over their reluctance of helping ex-offenders.
- If we didn't discriminate against convicted felons, a lot of our issues could be resolved. Employers would have to justify not hiring formerly incarcerated individuals and could not simply use the person's status as a convicted felon to not hire.
- Next meeting not yet set.

Community Corrections:

- We should aim to use funding to encourage, mandate and incentivize appropriate programming.
- We need to talk more about what 'community' means and what it means for our work as the Commission.
- We're going to dig deeper into the community corrections system so that we can move away from broad discussions and get more detailed.
- Next meeting not yet set.

Jails:

- Next meeting to be held July 7th.
- We're looking at the auditing standards that DOC has for reviewing county jails and making sure there's consistency across the board.
- Discussed impact of jails on recidivism rates.
- Conducting a survey to determine what programs we have for treatment, education, etc. to get a better sense of what programs and how many are out there.
- There needs to be consistent communication between IDOC and Jails.
- The survey will tell us what type of program, who provides it, etc.

Budget & Capacity:

- Next meeting not yet set; today's presentations encompassed what we've been working on.
- Moving forward, we want to select counties for further research and drill down on programming.
- Jails sub-committee's survey could be helpful

Implementation:

- Goal matters—If we're not measuring/evaluation, we're not doing it. Evaluation must inform policy.
- Going to e-mail a template to sub-committees that can be used when considering recommendations to make.
 - What's the metric for determining whether a program has succeeded or failed?
- How do Illinois and other key states monitor their prison system?
 - Virginia has a pay-as-you-go model. Whenever there is a sentence enhancement, the sponsor has to identify a revenue source. It works in Virginia, a fiscally conservative state. They've had a stable prison population.
 - In Kansas, they have a structure in which if they go above 90% capacity, they have to talk about legislation to create with their Sentencing Commission.

Public Comment:

1. **Dr. Erica Miners (co-founded St. Leonard's school), Dr. Michelle Clifton-Soderstrom, Dr. Tim Barnett: comments on education in prison:**

Dr. Clifton-Soderstrom, Professor of Theology, here as a representative for Illinois Coalition for higher education programs in prison

- 2013 Rand Report: For every \$1 that is put into education in prison, the State saves \$5.
- Decarceration through education.
- Post-secondary education has been even more effective than vocational programs amongst prison populations.

Dr. Tim Barnett, English prof at NEIU

- Worked with an Iraqi student at St. Leonard's School (co-founded by Dr. Erica Miners) who faced class/race issues once in the U.S., joined gangs and was in and out of prison. The semester he joined Dr. Barnett's class, he was on probation. He joined to impress the Judge, but ended up doing very well and went on to get his MSW at UIC.
- We have 2 main requests. We ask for some place at the table and we want to implement and maintain higher education programs in prisons. Also, we have connections in other states that we want to share with you.

2. **Barbara F. Stuart, Retired County Board Member from McLean County:**

- The North Carolina structured sentencing system has been recognized by the Federal Government. The State has resolved a huge fiscal problem and catastrophic prison overcrowding.
- 20 years ago, I brought forth the North Carolina model to Illinois State Government. It was of interest but the wrong timing for sentencing reform. However, it could work now.
- They established minimum sentencing in 1995, reduced ongoing costs, did not have early releases and established Restorative Justice programming. I would like to do a presentation on this.

3. **Gale Stotts:**

- Ex-offenders are in a no-win situation. They are caught in a loop where they must pay fees to attain their driver's license but to have money to pay the fees they need jobs. To get and keep a job, however, one must have a license.
- Tax breaks are not enough of an incentive for companies to hire felons. Companies' insurance skyrockets with the hiring of a convicted felon and this would not be counterbalanced by a tax break.

- I would like to address parole and how they work with landlords/housing for ex-offenders. The Program's persistence can be troubling and disables ex-offenders from getting back to their normal life upon release.
- Finally, can we look into treatments as alternatives to IDOC imprisonment? Does someone have to go back to prison for parole violation?

4. **Tammy Bond from Urbana, Illinois:**

- I agree that 'convicted felon' should be considered a discriminatory remark.
- I'm hoping that you look at sex-offender laws. All sex-offenders are not violent- I'm in this category. I have been an upstanding citizen my entire life but because of my relationship with a 16-year-old 2 years ago, I am now unemployed with a felony conviction and considered a sexual predator. I've accepted my crime but can't move forward. I'm a veteran and have 45 years of work experience but I can't escape the 'sex offender' label and secure a job/get my life back.
- Being on the sex registration list should have an expiration when it applies.

New Business:

- MacArthur Foundation got approved for procuring data for jails/population in Cook County. We'll have very helpful data available from them in 6 months.
- Tentative dates for the next couple of meetings: Thursday, June 25th and Thursday, July 23rd.
- Survey Formulation training on June 16th at UIS.

Adjournment:

Adjourned at 4:53 p.m.