



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

**Regular Meeting Minutes
Thursday, July 23, 2015 1:00 pm to 4:30 pm**

**Chicago: Michael A. Bilandic Building
160 North LaSalle Street Chicago, IL**

Commissioners Present: Rodger Heaton (Chairman), Kathryn Bocanegra, Representative Scott Dury, Andy Leiopod, John Maki, Senator Karen McConaughay, Senator Michael Noland, Dave Olson, Michael Pelletier, Howard Peters, Elena Quintana, Senator Kwame Raoul, Judge Beth Robb, Pam Rodriguez, Kathy Saltmarsh, Judge Stephen Sawyer, Michael Tardy, Gladyse Taylor

Commissioners Absent: Jason Barclay (Vice Chairman), Jerry Butler, Senator Michael Connelly, Brenden Kelley, Doug Marlowe, Representative Elgie R. Sims Jr., Representative Brian Stewart, Greg Sullivan

Introductory Remarks

Rodger Heaton: The reason we are meeting today is to address the Governor's goal to reduce the prison population by 25% through an examination of Cook County's population of offenders. Today we have criminal justice entities represented to present their thoughts and ideas to reform the system. Welcome Kim Foxx on behalf of Toni Preckwinkle from the Office of the Cook County Board President, Cara Smith, executive of the Cook County Jail, Amy Campanelli from the Office of the Cook County Public Defenders, and Judge Paul Biebel recently retired from the Cook County Circuit Court, criminal division.

Panel Presentations:

Office of Cook County Board President

1. Focus on the apolitical realities facing Cook County
2. Crime is down overall in Cook County but not all communities
 - a. Significant barrier to economic development, especially for African Americans and Latinos
3. Statistics to focus on
 - a. 40% court filings and 50% of those incarcerated are from Cook County
 - b. Police arresting less people
 - c. Nonviolent class 3 & 4 felonies heavily sentenced
4. Focus on treating drug addiction
 - a. Scaling back arrest is not the same as treating drug addiction
5. Discharge support for released jail inmates with mental health issues (Tom Dart has been spearheading this effort)
 - a. Public Health providers implantation instead of Cook County Jail
6. Need to be smarter about treatment, charging, and sentencing of offenders

- a. Overuse pre-trial detention – usually a nonviolent offender or the charges will be dropped eventually
- b. Pre-trial detainees are more likely to be re-arrested
- c. Push for reform supported by public defenders and MacArthur Foundation

Cook County Public Defender

1. Consensus of violent offenders understandably should be sentenced to prison time
 - a. Non-violent offenders should be increasingly eligible for probation, pre-trial diversion, substance abuse treatment, supervision, or no arrest
2. Statistics on prison population
 - a. 9,000 in prison for cannabis and substance control laws
 - b. Age of prison population: 21-35
3. Stop mandatory minimum sentencing
 - a. They don't factor in age
 - b. Don't allow judicial discretion
 - c. State's Attorney has more power than the judge to utilize discretion when charging
4. Offenders are overcharged
 - a. Possession becomes intent to sell and therefore not probationable
5. Drug courts work and reduce recidivism
6. Utilize judicial discretion
 - a. Reduce low level felonies to misdemeanors
 - i. Offer probation
7. DUIs and Suspended licenses reform
 - a. Let people drive
8. Take away firearm enhancements
 - a. Federal system changed firearm enhancements into guidelines rather than requirements for sentencing purposes
9. Diversion tactics
 - a. Works for all felonies
 - b. Parole officer needs to have better supervisory skills
 - i. Better sanctions other than threatening prison time
 - c. Re-entry programs must be supported

Cook County Jail

1. Turnaround issue
 - a. Stay in pre-trial and by the time they get to trial they have already served their sentence or over their sentence
2. Without pre-trial they will have to spend more time in prison because they don't have the credit required
3. Current parole system reform
 - a. 2,400 parolees arrested on new offenses
4. Local level changes
 - a. Efficiency with low level cases – increased communication with cook county state's attorney and public defender

Circuit Court – Criminal Division

1. Bipartisan issue – both conservatives and liberals believe there are too many people incarcerated

2. Statutory limitations on judges' sentencing discretion
 - a. Sentences are confusing
3. Sealing & expungement laws reform
4. IL has more veteran courts than any other state
 - a. Human issues must be dealt with in human ways
 - b. Similar to courts focusing on mental illness or drug addiction
5. Community treatment costs less than prison for the mentally ill
 - a. Probation and parole need to be increased and more utilized
6. Best practices from other states
 - a. Seattle's LEAD program

Commissioner Discussion with Panelists:

The Commissioners posed ideas and questions to the panelists regarding specific areas of the criminal justice system to address.

1. To push for judicial discretion, could we propose a presumptive minimum?
 - a) There is a minimum already but it carves out exceptions.
2. Mandatory minimum with gun charges
3. Directed towards Judge Biebel, "what would be some specific ideas that you believe is necessary for reform?"
 - a) Expungement must be revamped and convicted offenders should be allowed official forgiveness with a certificate of good conduct so that individuals may work full time for entities such as: Child Protective Services, Chicago Transit Authority, and the Metra. Expungement could be offered after a certain time period but to allow for judicial discretion.
4. How do we deal with initial intake and how bonds are handled?
 - a) Many times people who are neither a flight risk nor violent offenders wait days and months in jail because they are poor and cannot afford bond.
5. Focusing on the fiscal side of the reform, how can specialty courts be brought to scale to fall into line with budgetary concerns?
6. Is there sufficient community capacity to handle the offender population?
 - a) There needs to be money to pay for the community support. The ACA would help, they have already enrolled 10,000 detainees in Cook County into County Care. We must protect C4 and the access and availability to social services in the county.
7. Regarding the Turnaround agenda, what's the goal of a prison sentence when we already know what a sentence would be?
8. What is a good suggestion to reform pre-trial detention?
 - a) Create a risk assessment tool to
9. How often do judges feel that their hands are tied?
 - a) A frustration amongst judges does exist, especially with guns and DUIs, but it is not quantifiable. If judges had more options there would more plea deals and less trials.
10. Attention must be paid to the significance of viable employment
11. Focusing on what types of trials could be an issue to address to initiate reform.
12. What does leniency mean specifically?
13. Prosecutorial discretion already exists, so how do we balance their discretion with judicial discretion.
 - a) Prosecutorial discretion needs transparency.
14. Look at expanding problem solving courts such as drug court.
 - a) There is no uniform model for problem solving courts.

Sub-Committee Update Reports:

1. Law

- a. Researching what other states are doing has turned up that there are few common approaches to battling over-incarceration. Sentencing trends vary across the country. There is no consensus of what works and what does not work. Many states have made statutory changes on the back end (re-entry and parole for example) but not on the front end (pre-trial detention for example).

2. Community Corrections

- a. Thank you to Kathryn Bocanegra for her previous discussion and presentation regarding the community you serve. Sub-committee plans to collaborate with housing authority. Next presentation will be with NYU student regarding his re-entry proposal and establishing resources for substance abuse treatment.

3. Budget/Capacity

- a. Urging counties to participate in data dump, Cook County has already agreed, waiting on Dupage and Kane counties. Using the Department of Revenue's reports on how taxes are collected and disbursed to determine how counties are spending their money.

4. Jails

- a. Counties use pre-trial detention but offenders receive little detention credit for services. Committee is currently working on a survey of the top 20 jails to identify availability of programming to determine the need and capacity for expansion.

5. Implementation

- a. Requests centralized access to data. Wonders who owns the data needed. Next meeting will focus on fiscal incentives.

Public Comments:

No questions were asked by audience members.

New Business:

July 27th Criminal Justice Information Authority Special Committee meeting
300 W. Adams, 2nd floor

Will include discussions from local community groups, advocates, offenders and families

No set date for next full commission meeting but will take place in the first half of September
(no August meeting)

Adjournment:

Adjourned at 4:25 p.m.