



## GOVERNOR'S COMMISSION ON CRIMINAL JUSTICE & SENTENCING REFORM

Illinois Criminal Justice Authority

300 West Adams

Chicago, Illinois

Thursday, June 25, 2015

1:00 pm – 5:00 pm

**Attendance:** Judge Robb, Commissioner Quintana, Commissioner Peters, Commissioner Olson; Commissioner Kathryn Bocanegra; Commissioner Saltmarsh; Commissioner Taylor; Commissioner McConnaughay; Commissioner Butler; Commissioner Stewart; Judge Sawyer; Commissioner Sullivan; Commissioner Sims

### Minutes from 6/3/15 meeting approved

#### What the Research Says: How Deterrence and Incapacitation Affect Crime and Recidivism

- John Maki and Megan Alderden

#### Deterrence

- Types of deterrence
  - o Certainty-likelihood a person will be punished if they commit a crime
    - Less than half of crime is actually reported to police
    - Likelihood one will be arrested for the crime they commit is actually quite low
  - o Swiftness-how quickly they are punished
  - o Severity
    - Use of supervision
      - Increase use of prison, jails, and community based supervision
    - Length of stay
      - Expanded length of time in corrections
      - Results in huge costs, even with small increases

#### Incapacitation

- When you place someone in prison, you halt life events that could change the individual's trajectory
  - o Completing degree, developing healthy relationships, gainful employment
- Incapacitation through incarceration does have a moderate effect on crime rates.
  - o However, co-offenders and drug criminals will continue to offend in the community if one of their cohorts is locked up.

#### Impact

- The cost is not equally distributed
- It negatively and disproportionately affects minority communities in Illinois.

- IDOC pop – 57.9 black, 12.5 Hispanic, 29.1 white/ Illinois 14.7/16.5/63%
- There are collateral consequences, as well.

#### Summary

- Deterrence has limitations (unreported crimes, case processing takes time, punishment has increased)
- Mass incarceration produces diminishing results at a significant cost
- Both deterrence and incapacitation are complicated and have varying considerations.
- Consider costs associated with benefits we are gaining

Q: Are there reasons victims do not report crimes?

A: Yes – varying reasons.

Q: Clarification of mass incarceration

A: Research suggests that there is a tipping point. At some point, what you thought was decreasing crime is actually increasing crime.

Q: Why should we focus on serious and chronic offenders?

A: Targeting those who are more likely to reoffend and we can possibly have more impactful results

#### **How Illinois Can Reduce Crime and Incarceration Through Focused Deterrence**

- David Kennedy, National Network for Safe Communities

Deterrence works and should be focused on serious, chronic offenders. It is effective when certain, swiftness and severity are used. However, severity matters the least. Deterrence is not enforcement and stiff sentencing, and is not objective.

- Basics of deterrence: know your risks and make good decisions
  - o However, many don't know their risks
- Prison risk for selling cocaine: 1 unit of prison risk:15,000 drug sales
- Deterrence subjective. Deterrence is about what the person thinks is going to happen to HIM
- Long sentences do not have the intended effect. Survey shows prisoners thought 20 yr. term is twice as bad vs. twenty times as bad
  - o Thinking in terms of present value
- Community supervision is sometimes seen worse than being locked up.
- The lasting impact of a conviction is that you are always a felon, won't get a good job, your earning capacity decreases.
- Huge amount of damage for the individual, family, and community
- Association between groups(gangs, etc) and violent crime
  - o Putting one person in prison is not going to have an impact as the criminal behavior is still occurring in community
- Informal vs. formal social control
  - o Own ideas about right and wrong and family ideas matter more than the law
- Need to focus on the small groups of serious, chronic offenders
  - o Need to speak directly to those in the groups
    - Explain their risks to them
- Just notifying gangs that they (the police) are watching them because they are violent results in a 30% decrease in activity

- Need for direct communication about risks, updates, available support in community

Q: What do we think about severity? Do we have it wrong?

A: Severity does matter, however we need to change the marketing and education surrounding severity. The media and public need to understand that just implementing longer sentences is not going to change behavior.

### What Lessons Can Illinois Learn from Focused Deterrence?

- Garry McCarthy, Superintendent, Chicago Police Department; David Kennedy, John Jay College of Criminal Justice Authority; Jerry Brady, Peoria County State's Attorney; Elgie Sims, Illinois State Representative for the 34<sup>th</sup> District
- Moderator: Mike Carter, Illinois Criminal Justice Information Authority

Garry McCarthy, Chicago Police Department

- Utilizing social networking to identify individuals who may be more likely to engage in gun violence. Custom notifications are then created for these individuals
- CPD Police are being trained in police legitimacy and community policing
- Sanction from gangs for dropping a gun is greater than sanction of being caught by police
- Sanctions need to be swift and certain
  - o This will create functional policing and decrease complaints towards police
- Only way to stop gun violence is to increase effectiveness of sanctions

Jerry Brady, Peoria County State's Attorney

- "Don't Shoot" program, ongoing initiative
- Entire Peoria police department restructured around Don't Shoot program
- 2014-77% decrease in murders
- Factors in accomplishments
  - o High level of trust between departments

Deputy Chief Mike Dalke, Rockford Police Department

- Identifying those who are at high risk for reoffending and committing violent crimes
- Case management programs for offenders
  - o Those involved in the program have a much smaller risk of recidivating

Elgie Sims, State Representative 34<sup>th</sup> District

- Community in 34<sup>th</sup> district have mistrust of the police
- Police Reform Bill passing has been a huge accomplishment
  - o Addresses training of police
  - o Will encourage trust and better relationships with police

David Kennedy, John Jay College of Criminal Justice

- No matter how educated and trained police and law enforcement are, many community members still have mistrust of police because of the past
- Need to facilitate conversation between authorities and community members

### Public Comments

- There is concern over offenders who have a 2<sup>nd</sup> and 3<sup>rd</sup> grade reading level. The Commission should look at the dropout rate, alternative sentencing and having offenders return back to some type of education source. They cannot live in the community without education

- The public needs to perceive that there is a consequence and fundamental disconnect between the generational deterrent. There is a penalty for carrying guns.
- Caution provided that the commission does a lot of work with adult offenders, but kids are different. The commission should look at how to address young people committing violent crimes and if that behavior dissipates.