



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

**Regular Meeting Minutes  
Saturday April 25, 2015 1:00 pm to 5:00 pm**

**Chicago: Kasbeer Hall  
Corboy Law Center-Loyola University  
25 East Pearson Avenue**

**Commissioners present:** Rodger Heaton (Chairman), Kathryn Bocanegra, Jerry Butler, Senator Michael Connelly, Representative Scott Drury, Andy Leipold, John Maki, Doug Marlowe, Senator Karen McConnaughay, Senator Michael Noland, Dave Olson, Mike Pelletier, Howard Peters, Elena Quintana, Senator Kwame Raoul, Beth Robb, Pam Rodriguez, Kathy Saltmarsh, Judge Stephen Sawyer, Don Stolworthy, Greg Sullivan, Michael Tardy, Gladyse Taylor

**Commissioners Absent:** Jason Barclay (Vice Chairman), Representative John Cabello, Brendan Kelley (via conference call), Representative Elgie R. Sims Jr., Representative Brian Stewart,

Meeting called to order: 1:05 pm

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

Chairman requested comment from Commissioners to establish a policy allowing Commissioners who may be unable to attend a meeting, remote audio meeting attendance. This would allow commissioners to participate remotely by phone however does not allow them to vote.

*Motion to Adopt: Howard Peters III  
Seconded: Andrew Leipold  
Motion Carried*

Chairman Heaton requested comment from Commissioners relating to time allowed for public comment at commission meetings. Pam Rodriguez suggested a 3 minute limit for public comment. Andrew Leipold added time could be extended at the discretion of the Chair. A Motion to limit Public Comment during Commission meetings to 3 minutes each with time extension allowed at the discretion of the Chairman.

*Motion to Adopt: Senator Kwame Raoul  
Seconded: Howard Peters III  
Motion carried*

**Introductions:** John Maki introduced ICIJA's new Research Director, Megan Aldurden.

***Presentation and Discussion, Developing an Evidence-Based Community Corrections System:  
Targeting Services by Risk, Need and Responsivity***

Dr. Douglas B. Marlowe, Chief of Science, Law & Policy, National Association of Drug Court Professionals

National Association of Drug Court Professionals are required to look at the entire system

- No one intervention appropriate for every individual. The wrong intervention could make people worse.
- Involved with consortium of 41 organizations to review literature and conceptualize the field
- There is a continuum of dispositions: (1) Decriminalization, (2) De-felonization; (3) Pre-plea Diversion; (4) Post-plea diversion; (5) Sentences to probation or community supervision; (6) Sentence to restrictive intermediate punishment (IP/RIP); (7) Sentence to incarceration
  - o Cost of interventions go up exponentially (1-7);
  - o Risk of recidivism increases 1 – 7
  - o Long-term functioning of the individual is best at 3 – 5
  - o They are all in conflict with each other
- Worst thing to do is have someone maximize and complete their sentence; you have increased their release risk level and set them loose without supervision – recipe for public safety disaster
- Offense v. Offender Decisions
  - o Determinate v. Indeterminate Sentencing (v. Guided Discretion)
    - Exercise discretion based on periodically validated factors
      - Evidence-based practices (EBP)
      - Risk-Needs Responsivity (RNR)
      - Graduated Sanctions
      - Positive Reinforcement
      - Collateral Consequences (negative reinforcement)
- Risk Principle
  - o High Risk – most likely to re-offend; not appear in court;
  - o Less likely to change; likely to keep doing what they are doing
  - o The higher the risk level, the more intensive the supervision and accountability should be (and vice versa).
  - o Risk is often used to exclude people from treatment programs
  - o If you over supervise, you make people worse, which is why you mandate a risk assessment.
  - o Mixing risk levels is contraindicated. Risk is extremely contagious.
- Risk Assessment is done by using prognostic risk factors, including but not limited to, (1) current age <25, (2) delinquent onset age <16, (3) history of violence and (4) criminal or substance abuse associations
  - o None of the variables have relevance to treatment, it tells you how closely you have to supervise a person who goes to treatment
  - o A high-risk score should not be factored into the length of incarceration; it is irrelevant to that question
- Need Principle – Clinical syndromes or impairments (diagnosis)
  - o The higher the need level, the more intensive the treatment or rehabilitation services should be (and v/v)
  - o Seriously mentally ill
- Mixing risk and need principles is contraindicated
- Specific Responsivity – the order and timing of services is critical and we must consider responsivity (interfere with rehab), criminogenic (cause or exacerbate crime), maintenance (degrade rehab gains) and humanitarian (causes distress) needs
- Four types of people:
  - o High Need/High Risk

- Supervision (status hearings)
      - Cannot go to treatment; not enough power
      - Status reviews must be every two weeks or more often
    - Treatment – must be evidence based
    - Pro-social habilitation- focuses on dysfunctional thoughts
    - Adaptive habilitation – job training; literacy courses; parenting classes
  - High Need/Low Risk
    - Treatment
    - Pro-social habilitation
    - Adaptive habilitation
  - Low Need/High Risk
    - Supervision, Pro-social habilitation, Maybe adaptive habilitation
  - Low Need/Low Risk
    - Secondary prevention and diversion out of the justice system
- Stage in the system affects the response
- There is a quadrant model applied at each intercept. Certain programs only work for certain populations.
- Pre-disposition Assessment: Use immunity at the pre-adjudication stage; require assessment of risk and need after adjudication but prior to disposition (pre-sentencing investigation should be mandatory); valid, reliable and culturally unbiased instruments; substance abuse v. dependence diagnosis guides treatment conditions and response to technical violations involving new drug use (probation officers should know the diagnostic status of the parolees – did they fail the drug test because they have an addiction or from a one off chance?)
- Guided discretion would require professionals to consider risk and need (excluding certain offenses), consider effectiveness and cost-effectiveness, publish data on recidivism and costs of alternative dispositions, include dispositional rationale on the record, restrictive basis for appeal (abuse of discretion) and publish data on dispositional decisions.

### **Questions/Comments:**

The commissioners expressed various sentiments and posed questions that the Commission may seek to answer, which include some of the following:

1. There are costs to implementation. Where do you start when you are in Illinois' financial situation?
  - Explore California's re-alignment approaches. We could make changes from the statutory level and make county corrections responsible. Create a requirement for assessment of risk and needs at the sentencing level and apply funds prospectively. You have to stand up and shift funding from state corrections to county corrections upfront.
2. We have to build community corrections first. Probation is the most disrespected program in the history of justice programming. Probation needs to be professionalized and funded upfront.
3. How to you go about the financial analysis to do this?
  - We need analysis and then a gap analysis.
4. Problem solving courts are difficult to maintain in poorer regions with fewer resources. The resources are based largely on local taxpayers.
5. How realistic is it to get pre-sentencing reports?
  - M. Tardy: Institutionalizing pre-screening with the large amounts of arrests we have would be difficult. There is a lot of plea bargaining without the judges having the right tools. Judges evaluate the data, but it is happening in less than 15% of the cases.
6. We should change the PSI definition so that it is a risk/need assessment and make it web-based.
7. How should we recommend dealing with violent offenses?

- The immediate criteria is “non-violent” for political reasons. The average drug possession offender gets more treatment than a domestic violent offender. Both groups need treatment.
8. The risk-needs assessment is done post-conviction.
  9. Services are often abused. If you put people who don’t need services into a program, do you make them worse?
  10. The problem with plea-bargaining is that the decision is not based on where the offender should be.
  11. We should reallocate resources from boot camp to evidence-based programming.

Reconvened from break at 2:34 PM

***Presentation and Discussion, IDOC’s Current Offender Program and Program Limitations***  
Jason Garnett, Acting Assistant Director, IDOC and Robin Riggs, Program and Support Services Coordinator, IDOC

*Breaking the Cycle of Incarceration—*

- This year, approximately 25,000 offenders will be released and about half of them are back behind bars within 3 years of release (less than the national average)
- In FY ’14 the average length of stay for 8500 class 4 offender exits was 7 months. Based upon this short length of stay, IDOC is limited in its ability to provide effective programming to this offender population

*What can the incoming offender expect at a Parent Facility?*

- ID, finger printing, clothing, personal property
- Orientation that includes information on the discipline process, available programming, visitation, how to make a phone call, etc.
- Creating visiting/phone list
- Institutional job assignment—there are 15,000 job assignments within 25 prisons, total. A job is not available for every offender.

*Case Management:*

- IDOC Counselors provide assistance and serve as a liaison. They will have more interaction with offenders than other IDOC employees.

*Correctional Counselor Duties:*

- Daily caseload consultations (must meet with each offender every 60 days); Counselor roles contextualized within prison they serve (minimum security vs maximum security, for example)
- Work camp, ATC and General Transfer reviews and submissions
- Crisis team member
- PRB order recommendations
- Grade Promotion Reviews
- Grievance officer: investigate and process issues (example: offender fasting)
- Process applications for personal ID and pre-release SS Disability
- Furlough requests
- Program facilitation

*Reentry Programming Design:*

- Focus on family reunification
- Expand access to educational and vocational training
- Streamline continuum of care for health, substance abuse and life skills
- Strengthen community safety

*Facility Reentry Focused Programming:*

- TRAC (“Taking Responsibility and Changing”)
- Lifestyle redirection
- Education and vocational programs
- Participate in Reentry Summit: Housing, jobs, substance abuse, mental health, education, etc.
- Parole school
- Transitional housing unit (Robinson CC and Taylorville CC have enough staffing to do this)

*Substance Abuse and Treatment in IDOC:*

- All incoming adult offenders are being screened with the TCUD II Screening Tool by TASC. An offender may not be screened or may be deemed ineligible because of their security/aggression level, severe mental health issues or simple refusal to be screened
- Treatment programs are licensed by Divisions of Alcoholism and Substance Abuse and utilize the modified therapeutic community model of treatment
- Logan CC stands out when looking at treatment beds statewide. Logan has 120 beds with a population of 2,000. 26 of the beds are dual diagnosis. Logan provides a gender-specific substance abuse program

*Correctional Education at a Glance:*

- Offenders who enter IDOC with a 2 year sentence or more are given the TABE test.
- Offenders who score less than a 6.0 are mandated to ABE for 90 days
- Students who score above a 6.0 and do not have a high school diploma or GED can voluntarily request to be in the GED program.
- Students are placed on the waitlist by the educational facility administrator (EFA) or designee at each facility. The waitlist is computer generated and is prioritized by offender out date. The criterion has changed within the last 2 years. The old criterion was based on number of incarcerations with 1<sup>st</sup> time offenders getting priority. Some facilities have lengthy waitlists due to staffing.
- GED students have a TABE score anywhere from 6.0 to 12.9 so this wide range makes it difficult to reach each student and their needs.

*OAEVS Services:* Academic assessment, adult basic education, GED program, vocational programs, college academic program, library services, life skills center

*Vocational Program Offerings:* 15 vocational, contracted (from community colleges) programs available. Transcripts will read the name of the school, not IDOC, and credits should be transferable.

*Joe Rose, DOC Attorney—Program Sentence Credit (EGCC) Eligibility:*

- Offender cannot be convicted of a Class X felony or M (Murder)
- Cannot be a Truth in Sentencing (85% or 75% mandatory time)
- Sex offenses as well as Aggravated DUI offenses are generally excluded
- Offenders with inchoate offenses related to the above offenses are excluded
- No predecessor or successor offenses with substantially the same elements
- Cannot have two or more prior Adult Incarcerations (In or out of State)
- Cannot have a conviction of a felony which was committed after a previous award of EGCC

**Questions/Comments:**

The commissioners expressed various sentiments and posed questions that the Commission may seek to answer, which include some of the following:

1. This is the typical insufficient IDOC programming that exists nationwide. It's not evidence-based (boot camp programming, for example). The sequencing of the programming is ineffective. Addiction and health issues should be addressed before offender release and should be done in preparation for release to community corrections. Adequate preparation would lead to fewer conflicts among inmates.
2. It is important to incentivize behavioral changes with earned good time. Currently, there are so many exclusions that many offenders are left out. They are ineligible to participate in treatment because of prior activity.
3. Is there data on effectiveness of programming?
4. Is there any programmatic value for those serving very short sentences? What's the right dose of institutional time to provide services?
  - a. 2 years is a reasonable length of stay for IDOC to contemplate investing services/programming in an offender. Typically, you would need to be class 2 or 3 offender to serve that amount of time in IDOC.
  - b. You should be able to deliver services between 18-24 months. We need to decrease offenders' lengths of time in institutional custody and step individuals down from IDOC custody to community programming.
5. TIS/offenders' sentences/class of crime is not used to determine which facility they go to. Offenders are not sent to a facility based on what programming they need. Rather, they are sent to a parent facility depending on where there is open bed space.
6. We have a record of who completed what programs. We could use this to analyze recidivism impacts of IDOC programming.
7. Is there data to determine the cost of an offender's stay with treatment versus without treatment?
8. Educational programming does not necessarily lead to a reduction in recidivism. Unless you have resolved the criminal behavior (criminogenic thinking, addiction, etc.) and instilled the ability to self-assess, educational programming will not be beneficial.
9. The staff has presented where we've been, but now we're moving forward with improvements.
10. When a facility goes on lock-down, those days are excluded from educational programming. When an offender is locked up for bad behavior, they must wait 45 days before they can return to school.
11. Offenders should not be sentenced to IDOC anywhere from 7 months to 1 year. It's a waste. Those with shorter sentences should be in community therapy corrections with institutional corrections being held over them (if you don't commit to treatment you'll be sent to IDOC).

12. The aim thus far has been to give programming to those who have shorter sentences and this is not necessarily the most effective.

13. What are the sentiments on the exclusion of 'violent offenders'?

**D. Marlowe:** We need to conduct risk-assessments and then provide evidence-based services for violent offenders. Our previous instincts were very obviously wrong. We've been denying programming to those who are most dangerous, and giving programming to those who need it the least which is actually hurting them.

***Ethics Training:***

*Georgia Man, Associate General Counsel, Office of Governors Bruce Rauner*

Georgia Man presented on the Ethics Act/[EO 1509](#) and explained how unpaid, part-time employees are subject to the Ethics Act because public resources and public interest are at stake. Violation of the Ethics Act will result in loss of position on Commission. Please contact Georgia with any questions.

***Sub-Committee updates:***

**K. Saltmarsh, Budget and Capacity:** Discussed basic research steps for Budget and Capacity sub-committee.

**J. Maki, Implementation:** We'll be working closely with budget, systems, capacity sub-committee; if anyone is aware of examples of successful, major governmental reform, please email me and we can discuss it.

**A. Leipold, Law:** Where should we focus our attention? If you have any suggestions, please pass along.

**Chairman R. Heaton:** Please send e-mails with sub-committee meetings dates/times to Lisa so we can comply with the OMA.

**Public Comments:**

1. **Jesse**, Criminal Justice Graduate Student at the University of Chicago: I've listened/attended both meetings but haven't yet heard a conversation about racial disparity. I would like to hear someone on the Commission address issues that exacerbate racial disparity in the prison population.

2. **Gale Stotts:** Thank you Doug Marlowe, for your presentation. My husband is in IDOC. He was arrested for a DUI and is ineligible for drug court because of his prior offenses.

He was given drug court in the 70s and then maintained sobriety for 9 years and 8 months. In the nineties, he lost his sponsor, his wife and business partner and relapsed. No one will give him drug court again even though it has worked for him before. He is currently serving a 4 year, 6 month sentence.

As a Commission, please look at what has worked with offenders in the past. Please give them that opportunity again.

3. **Gene Schneider**, Lawyer in Chicago, with Project 111: Penalties should be accorded based on rehabilitation and severity of crime. This Commission should consider long-term prisoners in IDOC. We want to bring back a modified parole and give people a chance upon release.

**Questions/Comments:**

The commissioners expressed various sentiments and posed questions that the Commission may seek to answer, which include some of the following:

1. DuPage County has a workplace development court. Would it be beneficial to construct a pilot program that establishes a relationship with the business community?
2. IDOC is working to develop its vocational programming. Warehouse workers are placed immediately after release.
3. We have jobs to fill and all jobs require skill sets and educated employees. What are our educational goals? We need a greater focus on education and matching offenders to opportunities in the business community. We need to focus less on vocational programs and empower offenders to feel there's hope and jobs out there post-release in business as well.
4. We need to find a pool of employers that will hire ex-offenders. Could we incentivize employers with tax credits? Can we review and reform the expungement statute, which currently allows expungement only after 4 years following release?

**New Business:**

The next meeting will be Thursday May 14, 2015 1:30 pm, Stratton Building 401 S. Spring Street, Room 349C, Springfield, Illinois.

**Adjournment:** Meeting adjourned: 4:42.