



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

**Regular Meeting Minutes
Thursday, May 14, 2015 1:30 pm to 5:00 pm**

**Springfield: Stratton Office Building
401 S. Spring Street, Room 349C**

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

Commissioners Absent: Jason Barclay (Vice Chairman), Representative John Cabello, Brendan Kelley, Doug Marlowe, Senator Karen McConnaughay, Senator Kwame Raoul, Representative Elgie R. Sims Jr., Representative Brian Stewart

Introductory Remarks

John Maki, Executive Director, Illinois Criminal Justice Information Authority

We need to use evidence-based programming and community corrections to rehabilitate offenders. We should look to New York, Texas and Georgia for good reform examples. Our concrete goal, to reduce the prison population safely by 25%, will help focus our reform. We must focus exclusively on the laws, practices, and policies that will address admissions and length-of-stay.

Presentation and Discussion: Illinois Criminal Justice Reform—Clear Commission to Sentence Credits

Kathy Saltmarsh, Executive Director, Sentencing Policy Advisory Council

The key concept is to make a commitment to quality assurance in implementation. Previously, the State has not been good at this. Steps to take:

1. Strong implementation
2. Real performance measurements; real inputs and real outputs
 - We need to determine whether GED programs, probationary services, etc. actually lead to reducing recidivism
 - Create a feedback loop of consistent evaluation and results over time. This supplies policy makers and legislators with the information needed to create better legislation.
 - To mimic Iowa's DOC efforts, we want our tax dollars to buy less victimization, not more crime.

- Fewer victimizations is the one performance measurement that we should begin thinking about and should embrace it. This is one performance measure that we can measure and gather data on.
3. 4 major Illinois projects include:
 - *Juvenile Redeploy Illinois*- 52% reduction in offenders sent to DJJ/DOC
 - *CLEAR Commission*- Met repeatedly over 2 years; passed 12 bills related to reforms over time; wanted to see deeper analysis of Illinois prison system through research which led to the creation of *Sentencing Policy Advisory Council (SPAC)*
 - *SPAC*- Provides fiscal impact analysis of proposed bills and research reports; serves as an evidence-based practice; operates under sunset clause (currently a bill is pending to extend SPAC for the next 5 years)
 - *Adult Redeploy Illinois*- Crime Reduction Act created Adult Redeploy (based on Juvenile Redeploy) model and the *Risk Assets and Need Assessment Task Force (RANA)*; successful
 - *RANA*- Implementation involves initial training and staff; evaluation of the implementation and IDOC programs conducted by Second Chance Act Grant
 4. *Executive Order Commission*- We have a foundation to build on and don't need to start from the ground up. We need create a feedback loop and gather the right data to help us move forward. Researchers are value-added. This is doable.

Questions/Comments:

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

1. Probation utilized half of our resources and it needs to be examined.
2. Our ARI program looks at those individuals who are about to be sentenced to IDOC again. Our services are targeted at drug offenders. The nice thing is that we can tailor ARI dollars to what the local jurisdiction's population needs.
3. We have jurisdictions which are not yet participating in Juvenile Redeploy that would like to be. Fiscally, ARI and Juvenile Redeploy make sense.
4. The initial hurdle with Redeploy was that local jurisdictions were not certain that state funding would continue. One county walked away from a Juvenile program because of the state funding issue. Some counties will never join Juvenile Redeploy because they don't commit enough kids to DJJ to be competitive for a Redeploy grant.
5. In St. Clair County, Juvenile Redeploy is very successful—even those who don't complete the whole program recidivate less.
6. We have a challenge with ARI. We're trying to find defendants who fit the criteria for the Program. We're trying to keep up with requirements needed to get funding from ARI
7. There needs to be an investment in community-based services to meet the needs that individuals have.
8. How can we get a proportional presence of Redeploy in high-need Cook County? What are the obstacles to overcome to get more resources up north?
9. We need a leader at the top, someone to champion the Program. When you have that and local, collaborative support, it creates the environment for reform. A resource-challenged environment is tough but we can reallocate internally to succeed.

Presentation and Discussion: Getting to 25% by 2025—Understanding What Must be Considered to Accomplish the Goal

Dave Olson, Loyola University of Chicago

We must divert offenders from prison to probation. To do this, we must strengthen probation, create fiscal incentives for community corrections programs (such as the Redeploy Program), reduce or eliminate mandatory penalties, reduce recidivism through therapeutic intervention.

We must also address admissions and lengths-of-stay strategies such as: parole, special early release, targeted sentence reduction and recidivism statutes.

The Math of Prison Populations is important to remember:

- Admissions (Court Admissions and MSR Violators) + Length of Stay
- 2 weeks less of incarceration for every inmate in the current system would be 900 fewer inmates

Achieving a 25% reduction will require multiple policy changes:

- Ideally, we would implement an initiative that costs nothing, reduces the population and improves public safety
- We may need to reallocate IDOC's resources to community corrections
- Other changes will rely solely on legislative action

Examples:

1. *Program sentence credit eligibility-* **Potential policy:** Limit restriction only to those subject to TIS; **Rationale:** Increases willingness to participate for higher need/risk inmates, increases likelihood of completion, and reduces recidivism if criminogenic needs are addressed; **Requires:** Legislative reform but no new resources

The Policy would establish a feedback loop and could lead to 1,100 fewer inmates → Increased turnover in programming → Increased access to programming → Overall, more inmates receiving credit

2. *Diversion of non-violent class 3 or class 4 felony inmates in IDOC for less than 4 months-* **Potential policy:** Identify these individuals pre-sentence and divert from IDOC; **Challenge:** Smaller impact—only 450 inmates diverted (2 units) annually (out of 1800 class 3-4 non-violent felons in IDOC, only 450 are committed for less than 4 mo); **Requires:** Potential legislative changes, resources for local jurisdictions (ARI)

Commissioners' comments:

- a. There could be unintended consequences. When Judges learn they cannot send offenders to prison for 3-4 months, they may increase sentences in order to commit individuals to prison.
- b. Judges likely wouldn't increase sentences just to send a symbolic message. At present, they're more likely sending offenders to prison for 3 months because of a lack of local resources.

- c. It would be very constructive to know why the shorter sentences are occurring.
3. *Reclassification of Class X drug offenses- Potential policy change:* Change class X drug offenses to Class 1, which carry 4-15 year sentence range, because a significant percentage of class X offenders are sentenced at the 6 year minimum; **Impact:** The reduced length-of-stay could reduce IDOC's population by 600; **Requires:** Legislative reform

Commissioners' comments:

- a. This would require a very strategic communications process because of the State's current heroin epidemic.
 - b. Why is there a lower recidivism rate for drug offenses?
 - c. We don't put the public at any greater risk by having these offenders out a year earlier.
4. *Expansion of Meritorious Good Time: Potential policy:* Expand program by lessening eligibility criteria; **Rationale:** The percentage of inmates currently receiving the credit suggests that prior criminal history beyond convictions for violent offenses may be reducing eligibility; **Impact:** Reduce by 1,816 inmates annually in IDOC; **Requires:** Legislative reform/changing IDOC practices
 5. *Presumptive probation: Potential policy:* Require probation to be the presumptive sentence for class 3 and 4 felons who have not previously been sentenced to probation; **Impact:** If all those with no prior probation were diverted, there would be an annual reduction of 2,000 inmates. If 50% diverted, 1,000 fewer inmates in IDOC annually.

Commissioners' comments:

- a. Is this regional or throughout the State?
- b. Could be ARI/local services example
- c. Which jurisdictions are they coming from? How is data reported at IDOC?

Additional Examples:

- *Improve effectiveness of drug treatment programming: Potential policy:* enhance treatment programming
- *Revise mandatory MSR revocation for new arrests: Potential policy:* Eliminate or modify requirement that individuals must be returned to IDOC for felony arrests
- *Allow probation for certain non-violent offenses that are currently non-probationable: Potential policy:* Allow probation to be considered for these offenses

Questions/Comments:

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

1. Commission must promote punishment that is grounded in the use of best available evidence regarding effectiveness of punishment and reform *how* we punish.

2. Increasing public safety is the most important aspect and prison should not be the only treatment we use. What are the appropriate tools that reduce criminogenic risk for the long haul?
3. Probation is the least understood sentence but it is also a form of punishment. We don't want a system that supports and enables someone who prefers 6 months of prison to some period of intensive probation.
4. Prosecutors and Judges respond to the attitudes of their communities. If the public comes to understand the use of evidence-based practices can make their communities safer, this would be substantially beneficial. Public policy is based in public attitude.
5. Punishment should be smart and individualized – focused on making a person better. If you're not bettering, you're abusing. Choosing prison over probation or treatment because the latter is harder is wrong.

Sub-Committee Reports:

A. Leipold- Law:

1. We discussed much of what was presented today— admissions, length-of stay and reducing recidivism
2. Targeted questions for additional analysis:
 - a. Reducing the grade of class 4 felonies to misdemeanor,
 - b. increasing MGT, making things that are mandatory more permissive,
 - c. the possibility of looking at changes to concurrent vs consecutive sentencing –can be bewildering in operations but the idea of giving judges more discretion on concurrent sentencing could be a good decision,
 - d. talked briefly about studying repetition of misdemeanors
3. Going to do work by conference calls; will be posting notices; anyone from other sub-committees/public welcome to participate

***Reminder** that all sub-committees are subject to OMA so please check the website, everything will be there.

Judge Robb- Community Corrections:

1. We've had one meeting thus far in which we assessed the current state of community corrections
2. We're going to focus on pretrial diversion, release, reentry and parole programming
3. Reconvening on May 26th at ICJIA

K. Saltmarsh- Budget and Capacity:

1. Working with the Civic Consulting Alliance in Chicago for help in creating a flow chart and we will be working with the community corrections groups
2. Our goal is to understand how the current system/locales are funded. In turn, we can better understand how we may be able to reallocate resources.
3. Going to drill down in our research by reaching out to county fiscal officers
4. Next meeting: Thursday, May 21, 2015

D. Stolworthy- Jails: (D. Olson provided update)

1. Looking into pretrial services which could reduce pretrial detention and in turn reduce those going to IDOC
2. Going to conduct a survey to get a better sense of inmates coming into IDOC. The numbers we've seen are low and rare and we want to know if this is because programming in jails is infrequent or if the data is incomplete
3. Want to get a sense of counties that use IDOC because they don't have local resources

J. Maki- Implementation:

1. What is our unit of analysis for implementation? (Circuit vs county vs other)
2. Next meeting: May 29th and we're going to review how ARI works at the local level and review other states' efforts to manage their populations

Chairman Heaton: Please let me know if you're considering conducting surveys because we're in contact with the MacArthur Foundation and other organizations that are willing to provide resources and help.

Public Comments:

The public expressed various sentiments and posed questions that the Commission may seek to answer:

1. Rev. Christian N. Reuter: Prison Ministry Coordinator for Belleville; Present with other representatives of other Catholic jurisdictions:

I am in awe of the depth and commitment here. As you crunch the numbers, please don't forget the human beings who will be impacted by your policies. Don't address just the simple problems for short-term gains and please don't forget the faith aspect. Prisoners who are allowed to practice their faith in correctional system, do better. The department does better, everyone does better.

2. Dr. Christy Phillips of Lewis University; with the Restorative Justice Committee in Joliet

I am pleasantly surprised by the Commission's commitment. I want to emphasize the importance of the Restorative Justice movement and support the humane treatment of those incarcerated.

3. Gale Stotts

I haven't heard anything about non-probationable offenses/DUIs. My husband is ineligible because of his non-probationable offense. There are no program credits at DuPage County. My husband had 150 credits before entering but the Judge wouldn't give him any of them.

Specific issues that I want explored:

- Vandalia- Using warehouse to house offenders
- Video-taping male strip searches

4. Brian Jackson Green, Policy Analyst with Illinois Policy Institute- We are hosting an event at the Hoogland Center with a panel discussion on criminal justice reform.

New Business:

The next meeting will be Wednesday June 3rd, 2015 1:00 pm, Stratton Building 401 S. Spring Street, Room 349C, Springfield, Illinois.

Adjournment:

Adjourned at 4:27 p.m.