



# ILLINOIS SENTENCING POLICY ADVISORY COUNCIL

## AMENDED 2010 ANNUAL REPORT

Hon. Gino DiVito, Chairman

Hon. Warren Wolfson, Vice Chair

Senator Kwame Raoul, Vice Chair

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**ILLINOIS SENTENCING POLICY ADVISORY COUNCIL MEMBERSHIP**

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## Introduction

The concept for the Sentencing Policy Advisory Council (SPAC) was developed by the Criminal Law Edit, Alignment and Reform (CLEAR) Commission. The CLEAR Commissioners studied and reorganized the Unified Code of Corrections in an effort to make it less confusing and easier for the public and practitioners to use. That process led to the conclusion that, although many agencies collected statistics and data about sentencing in Illinois, no agency compiled sentencing data specifically to perform comprehensive analysis for reporting to policy makers. SPAC was created to collect, analyze and present data from all of those sources to more accurately determine the consequences of sentencing policy decisions and to review the effectiveness and efficiency of current sentencing policies and practices.

The members of SPAC represent diverse viewpoints. SPAC members include retired judges, the attorney general, prosecutors, defense attorneys, representatives of the Administrative Office of the Illinois Courts, a victim advocate, law enforcement officials, academics, and community organizers. The directors of the Illinois State Police, Department of Corrections, Prisoner Review Board, and Criminal Justice Information Authority serve *ex officio*.

SPAC is chaired by the Honorable Gino DiVito. Vice chairs are the Honorable Warren Wolfson and Senator Kwame Raoul.

SPAC is subject to the Open Meetings Act. Meeting agendas and minutes are posted on the Illinois Criminal Justice Information Authority's website at the SPAC link:

<http://www.iCJIA.state.il.us/public/index.cfm?metasection=spac>.

## **Statement of Purpose**

The purpose of SPAC is to review sentencing policies and practices and examine how those policies and practices impact the criminal justice system as a whole in the State of Illinois. In carrying out its duties, SPAC is to be mindful of and aim to achieve the purposes of sentencing in Illinois, which are to:

- (1) prescribe sanctions proportionate to the seriousness of the offenses and permit the recognition of differences in rehabilitation possibilities among individual offenders;
- (2) forbid and prevent the commission of offenses;
- (3) prevent arbitrary or oppressive treatment of persons adjudicated offenders or delinquents; and
- (4) restore offenders to useful citizenship.

(see 730 ILCS 5/1-1-2)

## **History**

Public Act 96-0711, which created the Sentencing Policy Advisory Council (SPAC), became effective on August 25, 2009. Its provisions are codified in section 5-8-8 of the Unified Code of Corrections (730 ILCS 5/5-8-8), which is provided in the attached Appendix. The membership of SPAC is provided for in the statute. Members consist of enumerated elected and appointed officials or their designees. Additional members, with ties to certain designated groups, are elected to membership by those appointed pursuant to the statute. The entire appointment process was completed at the organizational meeting on January 19, 2010. At that meeting, Justice Gino DiVito (retired) was elected chair of SPAC, and Acting Dean of the DePaul Law School, Justice Warren Wolfson (retired), and Senator Kwame Raoul were elected vice chairs.

Implementation began immediately with the adoption of a bi-monthly meeting schedule. A work plan was developed to guide the substance of the meetings. Meetings were structured to achieve the following purposes: educate SPAC members about the evidence based practices used by courts, law enforcement and corrections to reduce the cost and increase the effectiveness of criminal sanctions; consider the experience and practices of successful sentencing commissions from other states; learn about how Illinois agencies address the analysis of policy proposals; and consider the discussion concerning sentencing policy that is ongoing at the national and state levels.

## **Evidence Based Practices**

Early on, SPAC members noted the increased use of evidence based practices (EBPs), so-called because they have been validated as methods for addressing criminal behavior through independent research and found to be effective at reducing recidivism and the costs of corrections. Examples of applications of EBP include: utilizing risk assessment tools to evaluate offenders' risks, needs and assets; the use of specialty courts for offenders with mental health and substance abuse issues; and the creation of community-based treatment programs.

The early SPAC meetings included presentations on EBPs in order to educate SPAC members about their use and availability. Because it is mandated to provide system-wide fiscal impact statements for legislative proposals, an understanding of both the effectiveness of EBPs and their cost was important to SPAC's mission.

## **The Experience of Other States**

Because SPAC membership and mandates are based on successful sentencing commissions in other states, the Executive Director of the Pennsylvania Sentencing Commission and the Deputy Director of the Virginia Sentencing Commission addressed SPAC on the evolution of their sentencing commissions. These are two of the oldest and most effective sentencing commissions in the country. The presentations provided members perspective on the goals and priorities SPAC would need to set, and helped members to recognize a realistic time line for achieving them.

## **Data Analysis & Data Gaps**

Collection of data is critical to any reliable analysis of the potential impacts of policy proposals on the criminal justice system. SPAC is mandated to provide fiscal impact statements and population projections that include analysis of impacts at the local level. Members of SPAC benefitted from several presentations on how these analyses are performed in other states, the procedures currently in place in Illinois, and the nature and reliability of the data that is currently collected. Working together, the Department of Corrections, the Illinois Criminal Justice Information Authority (IICJIA), the Administrative Office of the Illinois Courts, and the Illinois State Police prepared a Data Gap Analysis, which was presented to the Council. This analysis gave SPAC members a comprehensive view of where the data collected or the methods of collection need to be improved in order to have necessary information in a useable form.

While data collection issues will persist for some period of time, SPAC Executive Director Kathy Saltmarsh has joined an informal public safety IT working group that includes Illinois criminal justice agencies that are working on IT upgrades across several

systems. The Governor has instructed that these systems be updated in a manner that allows the sharing of information across agencies. As the group shares information about how the upgrades are proceeding, SPAC will be able to work towards the elimination of the data gaps. The IT working group includes the Illinois State Police, Department of Corrections, Illinois Criminal Justice Information Authority (hereinafter, "ICJIA"), a representative of the Governor's Office, and SPAC.

## **Staffing**

At the July 8, 2010 meeting, Kathy Saltmarsh was hired as SPAC's Executive Director. She joined SPAC on August 1, 2010. SPAC is currently funded through an ICJIA grant and also receives technical assistance and administrative support from ICJIA and the Department of Corrections.

## **Planning**

The SPAC strategic planning committee met in October 2010 to begin the planning process for short term and long term operations. Based on the discussion at that meeting, a short term work plan was drafted and approved by the full SPAC membership at the November 2010 meeting. The short term work plan will guide SPAC's work from January through June 2011.

The components of the plan include completing a retrospective analysis of the sentenced population, including probation and mandatory supervised release terms. The analysis will be presented to the legislators on both the criminal law committees and the public safety appropriations committees. The final document will be available on the ICJIA website as well. This will be a portrait of where we are now, with discussion of legislative action that has contributed to the growth and characteristics of the sentenced population.

SPAC staff will also be developing and testing a system to collect information from relevant agencies upon which fiscal impact statements and population projections will be based. The ability to produce these analyses on a statewide basis will be developed through improved data collection and information sharing updates that is being done by a number of executive agencies.

The bi-monthly meeting schedule will be maintained, with meetings currently scheduled for January, March, and June 2011.

While completing its short term plan, the strategic planning committee will continue to meet to develop, as required by law, a long term work plan and report for the General Assembly and the Governor on the content of that plan.

## **Collaborative Partnerships**

SPAC enjoys the benefits of collaboration. In addition to its representatives being members of SPAC, both the Criminal Justice Information Authority and the Department of Corrections have made their research and data collection staff people available for consultation and for work on SPAC projects. Both agencies provide administrative support in addition to technical expertise.

SPAC members also participate as members of the two entities created by the Crime Reduction Act (*see* 730 ILCS 190/1): Adult Redeploy Illinois and the Risk, Assets, Needs Assessment (RANA) Task Force. Each is focused on implementation of evidence based practices in the corrections sector and their work will provide valuable data for SPAC. Adult Redeploy Illinois is currently awarding funds to local units of government to develop alternatives to incarceration that utilize evidence based practices. SPAC will collect data from the Adult Redeploy program on an ongoing basis to support the fiscal impact statements and population projections SPAC is mandated to perform. The risk assessment tool that the RANA Task Force chooses and the Department of Corrections implements will provide data on offender characteristics that will be helpful in evaluating how programming and services affect recidivism.

Several members of SPAC, including Chairman DiVito, participated in the Illinois Criminal Justice Information Authority's Smarter Solutions for Crime Reduction Summit. This summit brought together stakeholders from local law enforcement, the judiciary, prosecution, defense, treatment providers, and state agency staff. The summit provided an excellent opportunity to learn the perspective of police, probation officers, judges and others who are spearheading innovative programs in their own jurisdictions.

The summit resulted in six working groups that will work on specific issues related to implementing evidence based practices across the board. SPAC will be represented by Kathy Saltmarsh on the data collection and law enforcement groups, and SPAC will be included on the ICJIA agenda that will be derived from the input of the groups concerning how ICJIA can support the work of SPAC and Adult Redeploy Illinois.

SPAC also enjoys collaborative relationships with national organizations. The Vera Institute of Justice has been instrumental in providing technical and research assistance to SPAC. Vera staff members have actively facilitated the discussions at several meetings, and they have made presentations on the experiences of other states' sentencing reform efforts. Vera's work on the national level brings a unique perspective to the effort here in Illinois. Because Vera is funded by the Pew Charitable Trust, the Trust is able to stay abreast of developments in Illinois through Vera staff.



Vera also hosted a roundtable discussion of cost benefit analysis (CBA) in New York. Senator Raoul and Kathy Saltmarsh joined representatives of the states of Oregon, Pennsylvania, Washington, and the District of Columbia and the Pew Charitable Trust in discussing the Washington State Institute for Public Policy (WSIPP) cost benefit analysis model for crime reduction and evidence-based practices. The model has been used in the state of Washington across policy areas including public health, education and criminal justice for many years. The Pew Charitable Trust is now working with WSIPP to expand the use of CBA to other states. The Pew representative expressed an interest in Illinois becoming a pilot site for this model. Technical information about the model's development and its use in Washington is under review to determine if becoming a pilot site would be beneficial.

In August, Senator Raoul and Kathy Saltmarsh also attended the National Association of Sentencing Commissions' annual conference. The conference provided an opportunity to attend substantive workshops on fiscal impact analysis, setting priorities for the organization, and policy developments on the federal level, including funding for sentencing reform efforts. The opportunity to talk to members of sentencing commissions about the evolution of their organizations was most beneficial.

The expenses for attending both the conference and the roundtable discussion were paid by the Pew Public Safety Performance Project of the Pew Center on the States.

These collaborative relationships have provided broad expertise as SPAC develops the processes and procedures for meeting its mandates. The opportunity to vet ideas with national and state partners has been invaluable in setting SPAC's goals and developing the short term work plan.

## **Conclusion**

Illinois is firmly established in the national dialogue as a state with the potential to effectively reform sentencing practices to reduce costs and improve public safety. Organizations such as the Pew Charitable Trust and the Vera Institute of Justice remain interested in collaborating with Illinois because concrete benchmarks are being met.

In 2010, SPAC laid the foundation for successfully meeting its mandates. In the coming year, SPAC will focus on developing tools to collect data and the best procedures for analysis to fully support policy makers with reliable, objective, and easily accessible ways to analyze complex criminal justice issues.

**APPENDIX - THE ENABLING STATUTE - Public Act 96-0711; 730 ILCS 5/5-8-8**

Sec. 5-8-8. Illinois Sentencing Policy Advisory Council.

(a) Creation. There is created under the jurisdiction of the Governor the Illinois Sentencing Policy Advisory Council, hereinafter referred to as the Council.

(b) Purposes and goals. The purpose of the Council is to review sentencing policies and practices and examine how these policies and practices impact the criminal justice system as a whole in the State of Illinois. In carrying out its duties, the Council shall be mindful of and aim to achieve the purposes of sentencing in Illinois, which are set out in Section 1-1-2 of This Code:

- (1) prescribe sanctions proportionate to the seriousness of the offenses and Permit the recognition of differences in rehabilitation possibilities among individual offenders;
- (2) forbid and prevent the commission of offenses;
- (3) prevent arbitrary or oppressive treatment of persons adjudicated offenders or delinquents; and
- (4) restore offenders to useful citizenship.

(c) Council composition.

(1) The Council shall consist of the following members:

- (A) the President of the Senate, or his or her designee;
- (B) the Minority Leader of the Senate, or his or her designee;
- (C) the Speaker of the House, or his or her designee;
- (D) the Minority Leader of the House, or his or her designee;
- (E) the Governor, or his or her designee;
- (F) the Attorney General, or his or her designee;
- (G) two retired judges, who may have been circuit, appellate or supreme court judges, selected by the members of the Council designated in clauses (c)(1)(A) through (L);
- (H) the Cook County State's Attorney, or his or her designee;
- (I) the Cook County Public Defender, or his or her designee;
- (J) a State's Attorney not from Cook County, appointed by the State's Attorney's Appellate Prosecutor;
- (K) the State Appellate Defender, or his or her designee;
- (L) the Director of the Administrative Office of the Illinois Courts, or his or her designee;
- (M) a victim of a violent felony or a representative of a crime victims' organization, selected by the members of the Council designated in clauses (c)(1)(A) through (L);
- (N) a representative of a community-based organization, selected by the members of the Council designated in clauses (c)(1)(A) through (L);
- (O) a criminal justice academic researcher, to be selected by the members of the Council designated in clauses (c)(1)(A) through (L);

(P) a representative of law enforcement from a unit of local government to be selected by the members of the Council designated in clauses (c)(1)(A) through (L);

(Q) a sheriff selected by the members of the Council designated in clauses (c)(1)(A) through (L);

(R) ex-officio members shall include:

(i) the Director of Corrections, or his or her designee;

(ii) the Chair of the Prisoner Review Board, or his or her designee;

(iii) the Director of the Illinois State Police, or his or her designee;

(iv) the Director of the Illinois Criminal Justice Information Authority, or his or her designee; and

(v) the assistant Director of the Administrative Office of the Illinois Courts, or his or her designee; and

(T) the Chair and Vice Chair shall be elected from among its members by a majority of the members of the Council.

(2) Members of the Council who serve because of their public office or position, or those who are designated as members by such officials, shall serve only as long as they hold such office or position.

(3) Council members shall serve without compensation but shall be reimbursed for travel and per diem expenses incurred in their work for the Council.

(4) The Council may exercise any power, perform any function, take any action, or do anything in furtherance of its purposes and goals upon the appointment of a quorum of its members. The term of office of each member of the Council ends on the date of repeal of this amendatory Act of the 96th General Assembly.

(d) Duties. The Council shall perform, as resources permit, duties including:

(1) Collect and analyze information including sentencing data, crime trends, and existing correctional resources to support legislative and executive action affecting the use of correctional resources on the State and local levels.

(2) Prepare criminal justice population projections annually, including correctional and community-based supervision populations.

(3) Analyze data relevant to proposed sentencing legislation and its effect on current policies or practices, and provide information to support evidence-based sentencing.

(4) Ensure that adequate resources and facilities are available for carrying out sentences imposed on offenders and that rational priorities are established for the use of those resources. To do so, the Council shall prepare criminal justice resource statements, identifying the fiscal and practical effects of proposed criminal sentencing legislation, including, but not limited to, the correctional population, court processes, and county or local government resources.

(5) Perform such other studies or tasks pertaining to sentencing policies as may be requested by the Governor or the Illinois General Assembly.

(6) Perform such other functions as may be required by law or as are necessary to carry out the purposes and goals of the Council prescribed in subsection (b).

(e) Authority.

(1) The Council shall have the power to perform the functions necessary to carry out its duties, purposes and goals under this Act. In so doing, the Council shall utilize information and analysis developed by the Illinois Criminal Justice Information Authority, the Administrative Office of the Illinois Courts, and the Illinois Department of Corrections.

(2) Upon request from the Council, each executive agency and department of State and local government shall provide information and records to the Council in the execution of its duties.

(f) Report. The Council shall report in writing annually to the General Assembly and the Governor.

(g) This Section is repealed on December 31, 2012.

Section 99. Effective date. This Act takes effect upon becoming law.

**Effective Date: 8/25/2009**