



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

**Regular Meeting Minutes
Thursday, March 26, 2014, 1:30 pm to 5:00 pm**

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

Commissioners present: **Rodger Heaton (Chairman)**, Jason Barclay (Vice Chairman), Kathryn Bocanegra, Jerry Butler, Representative John Cabello, Senator Michael Connelly, Representative Scott Drury, Brendan Kelley, Andy Leipold, John Maki, 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, Representative Elgie R. Sims Jr., Representative Brian Stewart, Don Stolworthy, Greg Sullivan, Michael Tardy, Gladyse Taylor

Commissioners Absent: Doug Marlowe

Welcome and Introductions: Chairman Rodger Heaton: "Welcome – This commission is embarking upon groundbreaking work to reform Illinois' prison system. As it stands, the State spends \$1.3 billion on the Department of Corrections and another \$30 million through the Department of Juvenile Justice. Additionally, 50% of those incarcerated return to the System within 3 years of their release. Cost and recidivism need to decline."

According to the Constitution, penalties must be determined by the seriousness of an offense but also restore the offender to useful citizenship. We must reassess the prison system and the penalties which are currently imposed. Our goal is to create a plan that will reduce the State's prison population by 25%, from 48,000 to 36,000, over 10 years.

- Lisa Desai is the designated point of contact for Director Heaton
- Commission meetings are subject to the Open Meetings Act (OMA) and recordings will be posted to the Commission website
- We will all need to partake in OMA training
- We are all subject to FOIA requests that may arise
- The public will be able to comment to the Commission through the [website](#)

Presentation and Discussion, Where We Are and How We Got Here

John Maki, Executive Director, Illinois Criminal Justice Information Authority:

John Maki presents on the history of the Department of Corrections and how we reached a population of 48,000 inmates when our prison system was only built for 32,000.

The following four historical milestones have contributed to the current prison population:

1. **Creation of Truth-in-Sentencing:** requiring offenders to serve either 100% or 85% of their court imposed sentences in Department of Corrections' facilities by limiting the amount of sentencing credit they could receive per month for crimes involving great bodily harm.

2. **Governor Thompson’s Task Force on [Controlling] Prison Population:** which led to 2 recommendations:
 - a. Recommended community corrections reform at the local level.
 - b. Expanded the incarceration system—11,000 prison beds were added in a very short time-frame; the prison population increased from 10,000 to 30,000 inmates during the Thompson administration.
3. **Gov. Edgar: Prison Overcrowding**
 - a. Created the Illinois Task Force on Crime and Corrections to address prison overcrowding. The Commission’s recommendations went largely unimplemented.
4. **Gov. Blagojevich: Recidivism Reduction**
 - a. Created the Community Safety and Reentry Commission and started other administrative reforms. These administrative solutions, coupled with the dropping crime rate, stabilized the prison population.
 - b. During this timeframe, policymakers recognized that the failure to reexamine policies leading to prison admission caused the decreases in population to be reversed.

The Commission’s goals are important for two reasons:

1. They are ambitious but necessary in order to reduce the use of prison for punishment. Our prison system has reached a point of diminishing returns.
2. The goals will more narrowly define laws, policies and practices to determine how to reduce the use of prison.

Most recently, the Quinn administration increased the length of short-term prison stays, which increased the prison population by approximately another 3,000 (45,000 to 48,000). Moving forward, it will be important to utilize research and math to develop and follow evidence-based practices.

Presentation and Discussion, Drivers of Illinois’ Prison Population

David Olson, Director, Lovola University Graduate Program in Criminal Justice and Criminology:

Over the past 5 to 6 years, Illinois has experienced an increase in its prison population at a time when most other states saw a decrease. Research shows that prison populations are driven by two factors – admissions and length-of-stay. In order to reduce the population by 25%, as proposed by Governor Rauner, it is necessary to reduce the population by approximately 12,000 inmates.

- *Trends in Arrests Made by the Illinois Police:* Crime has been down, arrests must also decrease
- *Percent of Convicted Felons Receiving Probation:* There has been an average increase in the percentage of felons receiving probation versus prison sentences in Illinois’ Circuit Courts
- *Admissions to IDOC by Admissions Type and State Fiscal Year:* Technical violator admissions have increased overall
- *Court Admissions to Prison, by Felony Type:* Most admissions are driven by Class 4 felons. However it is not clear whether Class 4 felons are sentenced to IDOC rather than probation due to current offense, offense being non-probationable, or because of their criminal history
- *Percent of those in Prison, by Felony Type:* Most are Class 4 (specifically drug offenses); 1 in 7 are in prison for murder
- *Sentencing and Length of Stay in Prison:*
 - a. Murder: Sentence lengths have remained relatively stable, but as a result of Truth-In-Sentencing (TIS), projected time to serve has doubled

- b. Class X and 1 felonies: Many Class X felonies are subject to TIS which has led to increased sentence length
- c. Class 2-4: Has remained relatively constant; some are subject to TIS and total time served has increased across these felony classes primarily due to changes to meritorious good-time (MGT)/supplemental meritorious good-time (SMGT)
- *Impact of Earned Good Conduct Credit and similar programs:*
 - a. **Earned Good Conduct Credit:** Limited eligibility, motivation for treatment participation and completion, reduced length of stay, reduced recidivism due to treatment
 - b. **MGT/SMGT:** When in place, marginally reduced length of stay, but elimination has added roughly 6,500 to IDOC's population
 - c. **Sentence Credit:** Replaced MGT/SMGT, however, due to limiting criteria only a small proportion of inmates are eligible
- *Trends in Re-Admissions of those on Mandatory Supervised Release (MSR), by Admission Type and State FY:* Technical MSR Violators and those re-sentenced to IDOC while on MSR are the two ways re-admissions occur.
- *Technical MSR Violation Admissions to IDOC: Policy Shifts:* Technical MSR Violation has fluctuated greatly since 1994. The 5 main fluctuations are a result of policy shifts and the parole crack-down.
- *Technical Violation Admissions and Recidivism:*
 - a. TV Admissions account for one-third of admissions to IDOC; though these admissions fluctuate greatly
 - b. Recidivism is traditionally defined as an offender's return to prison within 3 years

Conclusions: Growth in IDOC admissions and population is due to a complex mix of changes in:

- Crime trends and police arrest practices
- Sentencing to prison versus probation
- Sentence lengths and time served in prison
- Likelihood of receiving credits to prison sentences
- The number and rate of admission for technical parole violators
- recidivism rates

Thank You, Charge, and Direction for Commissioners

Governor, Bruce Rauner:

The Governor gave remarks including a thank you to the Commissioners for their efforts and expressed a hope of creating a 25% reduction in our prison population over the next decade.

Questions/Comments:

The commissioners expressed thoughts and concerns, posing questions that the Commission may seek to answer, which included:

1. What is the percentage of all drug offenders in prison who are re-admitted for a second drug-related offense?
2. Are there evidence-based practices in other states that work to reduce the prison population?
3. How does the Commission define recidivism?
 - a. Definition should be guided by what we want to know 5 years from now.
4. What role should various entities of government play?
5. The State needs to fund mandates and educate the public on why it is important to finance the mandates.

The Commission has a collective interest in gathering numbers with a county and regional breakdown of program use (i.e. Adult Redeploy, mental health programming, programs which address the juvenile system, etc.). Commissioners expressed an interest in having a subcommittee on policy implementation and future staff to carry out commission recommendations so as to not be repetitive of earlier commissions who provided recommendations but didn't see them through to implementation.

Probation Presentation and Discussion:

Michael Tardy, Director of Administrative Office of the Illinois Courts (Handouts provided)

Probation has a role in public safety but needs to follow an appropriate risk model, which involves a partnership between the state and county. The Supreme Courts standards must be met. There are currently 138,000 people on probation in Illinois and a majority of them are adult offenders.

Important questions to consider:

- i. How is probation used?
- ii. How do we treat people of color under the current probation system?
- iii. Does the whole system need to be re-evaluated and to what extent?

Juvenile Justice Issues:

1. *The Youth Assessment and Screening Tool: (YASI)* is a risk-assessment tool for juveniles, and we should ensure that aftercare specialists are efficiently using it.
2. *Cognitive Programming*
 - a. Successful when conducted correctly.
 - b. 45% reduction in recidivism when individuals go through this programming
 - c. Program addresses aggressive responses to stress, helps to stop impulsive conduct, etc.

John Maki will provide the national study that tracks the number of juveniles who are in county detention centers who later end up in state juvenile facilities?

Questions/Comments:

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

1. The success rate for graduates from the Court program is 40-50%. The graduates are high-risk, high-need students.
2. Community corrections are often seen as 'softer punishment' than IDOC but this is untrue. IDOC is often an 'easier' form of punishment.
3. Parole officers have 40 hours of fundamental basic training, but lack certain skillsets.
4. The Commission should examine the definitions of successful and unsuccessful, as well as medium-risk, max-risk, etc., and whether a lack of resources contributes to the use of probation as an alternative to incarceration.

Parole Presentation and Discussion:

Jerry Butler, Vice President of Community Corrections at Safer Foundation

In the late sixties and early seventies, parole officers were titled 'Family and Youth Counselors' and their role was to develop relationships with incarcerated adults and youth and direct them to services and programs that would help them successfully reintegrate into their communities. Over the past 50 years, the function has changed from more of a re-entry-focused role to a more law enforcement function. The backgrounds and influence of new leadership over time can drastically change the direction of the agency. For example, there were two consecutive IDOC directors with law enforcement backgrounds which are believed to have contributed to a change in the culture of parole in the late nineties. With these changes, parole officers were mandated to carry firearms, wear bullet-proof vests, have cars

with cages, etc., essentially becoming a branch of law enforcement. Illinois has witnessed both sides of parole. The question is: Which has worked better?

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 should reexamine the transition of the incarcerated back into the community.
2. Social work should be utilized in the Commission's work, and within IDOC, which will require training.
3. Balancing finances will be important to achieve the goal of safely reducing the prison population by 25%.
4. Judge's discretion drives legislation and is difficult to overcome; legislation is often passed toward the worst case scenario.
5. The Commission needs to look at public education, public perspective, and how public view is shaped.
6. The Commission should focus on the right recidivism rate and set a goal in right-sizing the prison population.
7. 'Smart-on-crime' is not the same as 'soft-on-crime' and people who want to move away from offender status should be supported.
8. IDOC will be responsible for reducing recidivism right now, but these individuals' communities are also responsible.

Next meeting will have a presentation by Doug Marlowe, Chief of Science, Law & Policy at the National Association of Drug Court Professionals on the effectiveness of evidence-based practices to explain what is happening in the way of programming and treatment.

Public Comment: None.

New Business:

Commissioners were given a survey of which subcommittees they would like to be assigned to and asked to return them at the end of the meeting. The next meeting will be on Saturday, April 24, 2015.

Adjournment

John Maki made a motion to adjourn, seconded by Brenden Kelly. The first regular meeting of the Illinois State Commission on Criminal Justice and Sentencing adjourned at 4:41pm.