

**GOVERNOR'S COMMISSION ON CRIMINAL JUSTICE & SENTENCING REFORM REGULAR
MEETING**

Friday November 20, 2015

Chicago, Illinois

Attendees: John Maki, Kathy Saltmarsh, Rodger Heaton, Gladyse Taylor, Andy Leipold, Elena Quintana, Kathryn Bocanegra, Jerry Butler, Scott Drury, Kwame Raoul, Dave Olson, Mike Pelletier, Howard Peters, Brian Stewart, Greg Sullivan, John Cabello, Stephen Sawyer, Mike Noland, Mike Tardy, Lisa Desai

Phone In: Elizabeth Robb

POTENTIAL REFORMS LANGUAGE

A. Recommendations to Ensure the Validity and Integrity of Sentencing and Programming Practices

1. **Expedite the use of risk and needs assessment tools by IDOC and the Prisoner Review Board; Promote and expedite the use of risk and needs assessment tools by Courts in determining sentences in felony cases.**

IDOC should continue to implement the elements of the Crime Reduction Act of 2009 (730 ILCS 190/15). Support the continued and expanded application in the use of risk and needs assessment within probation departments.

Motion to accept: Gladyse Taylor

Seconded: Jerry Butler

Motion Carried

2. **Provide incentives and support for the establishment of local Criminal Justice Coordinating Councils to develop strategic plans to address crime and corrections policy.**

Motion to accept: Howard Peters III

Seconded: Senator Mike Noland

Motion Carried

3. **Improve and expand data collection, integration and sharing.** Support the establishment of the Illinois Data Exchange Coordinating Council (IDECC), to facilitate an information-sharing environment among state and local units of government.

Motion to accept: Senator Kwame Raoul

Seconded: Rep. Brian Stewart

Motion Carried

4. **Require all State agencies that provide funding for criminal justice programs to evaluate those programs.** Agencies should eliminate those programs for which there is insufficient evidence of effectiveness and expand those that are proven effective. Ensure that programming appropriately targets and prioritizes offenders with high risk and needs.

Motion to accept: Rep. Brian Stewart

Seconded: Dave Olson

Motion Carried

B. Recommendations to Reduce the Number of Prison Admissions

5. **Prevent the use of prison for felons with short lengths of stay.** IDOC should be authorized and encouraged to use existing alternatives to imprisonment for individuals with projected lengths of stay of less than 12 months. IDOC should be required to report its use of alternatives to imprisonment for these individuals in its Annual Report.

Motion to accept: Howard Peters III

Seconded: Jerry Butler

Motion to Amend lengths of stay to less than 12 months.

So Moved: Senator Kwame Raoul

Seconded: Mike Pelletier

Motion Carried

6. **Give judges the discretion to determine whether probation may be appropriate for the following offenses:**
- a. **Residential burglary;**
 - b. **A second or subsequent violation of driving with a revoked/suspended license;**
 - c. **Class 2 felonies;**
 - d. **Drug law violations; and**
 - e. **Unlawful use of a weapon (possession of a weapon by a felon).**

Motion to accept: Howard Peters III

Seconded: Stephen Sawyer

Motion did not carry.

Motion amended excluding e.

Give judges the discretion to determine whether probation may be appropriate for the following offenses:

- a. **Residential burglary;**
- b. **A second or subsequent violation of driving with a revoked/suspended license;**
- c. **Class 2 felonies (second or subsequent); and**
- d. **Drug law violations.**

Motion carried

7. **Before sentencing an offender to prison for a Class 3 or 4 felony, a judge must explain at sentencing why incarceration is an appropriate sentence when:**
- a. **The offender has no prior probation sentences, or**
 - b. **The offender has no prior violent convictions.**

Motion to accept: Raoul

Seconded: Stewart

Motion carried

C. Recommendations to Reduce the Length of Prison Stays

8. **Expand eligibility for programming credits.** All inmates should be eligible to earn programming credits for successfully completing rehabilitative programming, with the exception of credits that would reduce a sentence below Truth in Sentencing limits. (Note: the Commission’s consideration of whether reforms to Truth in Sentencing statutes should be adopted is not complete.)

Motion to Accept: Howard Peters III

Seconded: Rep. Brian Stewart

Motion Carried

9. **Make better use of adult transition centers.** Ensure that use of adult transition centers is informed by the risk-and-needs research and evidence, which shows that residential transitional facilities, paired with appropriate programming, should be primarily reserved for high and medium risk offenders to obtain the greatest public safety benefit.

Motion to Accept: Howard Peters III

Seconded: Elena Quintana

Motion Carried

10. **Develop a protocol to provide for the placement to home confinement or a medical facility for terminally ill or severely incapacitated inmates, excluding those sentenced to natural life.** The determination of illness or severe incapacity is to be made by the IDOC medical director.

Motion to Accept: Senator Raoul

Seconded: Kathryn Bocanegra

Motion Carried

11. **Improve and expand the use of electronic monitoring technology based on risk, need, and responsivity principles.**

- a. IDOC should increase the use of electronic detention in lieu of imprisonment for both short-term inmates and inmates who are ready to be transitioned out of secure custody.
- b. Allow IDOC to use electronic monitoring for up to 30 days without PRB approval as a graduated sanction for those on MSR.
- c. Ensure that PRB orders requiring electronic monitoring are based on risk assessment.
- d. Encourage and support the use of electronic monitoring within local jurisdictions as an alternative to incarceration and pre-trial detention.

Motion to accept: Dave Olson

Seconded: Michael Pelletier

Motion Carried

D. Recommendations to Reduce Recidivism By Increasing Chances of Successful Reentry into Society

12. **Enhance rehabilitative programming in IDOC.** Implement or expand evidence-based programming that targets criminogenic need, particularly cognitive behavioral therapy and substance abuse treatment. Prioritize access to programming to high-risk offenders. Evaluate those programs identified as promising and eliminate ineffective programs.

Motion to Accept: Rep. Brian Stewart
Seconded: Greg Sullivan

Motion Carried

- 13. Remove unnecessary barriers to those convicted of crimes from obtaining professional licensure.** Review all licensure restrictions to identify those necessary for public safety.

Motion to Accept: Rep. Brian Stewart
Seconded: Rep. Scott Drury

Motion Carried - Unanimous

- 14. Improve the ability and ease of sealing of criminal history records.** Criminal history records should be sealed automatically 5 years after release from the most recent incarceration or completion of probation. Employers should be limited to only asking job applicants about their criminal record within the first 5 years.

Move to consideration for the 2nd report. There is much debate and not enough information. There also remain unanswered questions referencing the liability to employers.

- 15. Require IDOC and the Secretary of State to ensure inmates have a state identification card upon release at no cost to the inmates, when their release plan contemplates Illinois residence.** IDOC must report in their Annual Report the percentage of offenders released from custody without a valid official State Identification card or some other valid form of identification.

Motion to Accept: Rep. John Cabello
Seconded: Elena Quintana

Motion Carried - Unanimous