

**Minutes of the Sentencing Policy Advisory Council Meeting**  
**Monday, March 8, 2010**  
**10:00 a.m. to 1:30 p.m.**  
**JRTC 100 W. Randolph, Room 9-031, Chicago**

Members present: Bill Clay, Cynthia Cobbs, Jack Cutrone (ex-officio), Tom Dart, Gino DiVito, Ronald Holt, Michael Hood, Jeff Howard, Nick Kondelis (ex-officio), Jorge Montes (ex-officio), Bernie Murray (for Joseph Birkett), Michael Pelletier, Kwame Raoul, Alan Spellberg, Michael Tardy (ex-officio), Patricia Watkins, Warren Wolfson, David Yellen

Members via phone: Thomas Callum, Jim Durkin, Michael Randle (ex-officio)

Members absent: Will Burns, John Millner

Non-members present: Tranece Artis, Peter Baroni, Justin Bolger, Lindsay Bostwick, Lisa Braude, Mary Ann Dyar, Esther Franco-Payne, Steve Karr, Mark Myrent, David Olson, Maggie Peck, Alison Shames, Christopher Soper, Christine Devitt Westley, Paula Wolff, (two tech staff from ICJIA)

Purpose: (1) To elect a permanent Chair and Vice Chair; (2) to learn from local and national experts about current and national best practices in data collection and analysis; and (3) to discuss what goals the Council would like to achieve in the short- and long-term and how to achieve them.

### **Welcome and Introductions**

Justice Gino DiVito, as interim Chair, welcomed the group at 10:15 a.m. Jack Cutrone raised the issue that members who are ex-officio are there by virtue of the office they hold but that they have all powers of membership including the power to vote. Justice DiVito suggested that clarification be sought on the definition of “ex-officio” and that, for the purposes of this meeting, all members be able to vote but noting which votes are from regular members and which are from ex-officio members until the issue is resolved.

Justice DiVito noted that at the January 19<sup>th</sup> organizational meeting, he was appointed interim Chair of SPAC and seven additional members were selected: Justice Thomas Callum for one of the two positions on SPAC for retired judges; Judge Warren Wolfson for the other retired judge position; Ronald Holt as the victim representative; Dr. Patricia Watkins as the representative from a community-based organization; David Yellen as the criminal justice academic researcher; Colonel William Clay, police chief for Belleville, as the representative of local law enforcement; and Cook County Sheriff Tom Dart as the sheriff representative. Now there is a full Council.

Justice DiVito noted that SPAC will be unable to function without a working staff, which is being addressed. The Illinois Criminal Justice Information Authority secured \$150,000 in seed money in Justice Assistance Grant (JAG) funds for SPAC start-up, and an appropriation is being sought from the General Assembly for ongoing funding. (Current legislation includes a provision for sunset at 12/31/12.)

Justice DiVito also noted that a lot of long-term technical assistance has been provided by Chicago Metropolis 2020 and the Vera Institute of Justice to the CLEAR Commission and SPAC up to this point. On behalf of SPAC, Justice DiVito invited the continued participation of CM2020 and Vera in an informal way. He also recognized the helpful role of ICJIA, which will be providing part-time data and research staff support.

### **Overview and Discussion of Open Meetings Act policy on attendance by “other means”**

Justice DiVito noted that upon review, it was determined that SPAC does not require a physical quorum to allow members to participate by phone or video conference per the Open Meetings Act. However, he said that it is prudent to have a specific procedure regarding attendance in place. Therefore, a motion to adopt a procedure allowing attendance by “other means” (e.g., by phone) was made by Bill Clay, seconded by David Yellen, and passed.

## **Approval of Minutes from January 19, 2010 Organizational Meeting**

The minutes of the January 19<sup>th</sup> SPAC organizational meeting were approved on a motion from Jorge Montes (ex-officio), seconded by David Yellen.

## **Election of Permanent Chair and Vice Chair**

Members then addressed the issue of electing a permanent Chair and Vice Chair for the Council. Alan Spellberg made the motion nominating Gino DiVito as Chair of SPAC, which was seconded by Bill Clay and Jim Durkin, and passed unanimously.

Nominations for Vice Chair were made by Jack Cutrone (ex-officio) for Warren Wolfson, and by Alan Spellberg for Kwame Raoul. At the suggestion of Chair DiVito, a motion to elect Wolfson and Raoul as co-Vice Chairs was made by Jack Cutrone, seconded by Bill Clay, and passed unanimously.

Chair DiVito assembled a subcommittee comprised of himself, co-Vice Chair Wolfson, co-Vice Chair Raoul, Thomas Callum, Alan Spellberg, and Jack Cutrone, to oversee the search for an executive director. (A motion to approve the subcommittee was made by Jorge Montes (ex-officio), seconded by Jeff Howard, and passed.)

Chair DiVito mentioned that he received an invitation from the Governor's Office to represent SPAC on the Risks, Assets, and Needs (RANA) Task Force created by the Crime Reduction Act. SPAC also has a position on the Adult Redeploy Illinois Oversight Board. Paula Wolff drew members' attention to the binder materials about the Crime Reduction Act and how it interrelates to SPAC.

## **Presentation: Evolution of the Pennsylvania Commission on Sentencing**

Mark Bergstrom, Executive Director of the Pennsylvania Commission on Sentencing since April 1998, and a national associate with Vera, presented on the Pennsylvania experience with its sentencing commission, relating it to SPAC's development in Illinois. He described the PA Commission on Sentencing's work in Data Collection & Management, Research & Evaluation, Policy & Legislation, and Education & Outreach. The challenges are to create and sustain capacity (staffing), produce independent and reliable information, maintain a focused responsibility and a systems approach. He noted that the Pennsylvania prison population has grown in spite of the work of the Commission, but that the increase in use of County Intermediate Punishments (CIPs) as recommended by the Commission is correlating with decreases in local jail populations. He stressed that the role of the Commission is to identify current and best practices, and create a baseline of sentencing knowledge; but after that, it is up to policy makers. He also discussed legislation currently pending that the Commission is working on regarding risks and needs assessment, and better coordination between sentencing and parole.

Questions included:

- Assessing the impact of the Commission's work on policies and practices
- Creating a robust data collection system and the costs to build and maintain it
- Quantifying cost savings and cost avoidance to the state and localities
- Defining SPAC's "clientele" – General Assembly, courts, Governor's Office, law enforcement, grassroots groups, etc.

## **Presentation: Overview of Data Collection in Illinois**

Mark Myrent, Associate Director of ICJIA's Research and Analysis Unit, gave a presentation on data collection in Illinois, highlighting some of the challenges with arriving at individual-level analysis. He reviewed Illinois' automated data sources at IDOC (at facilities and for parole); AOIC with its Annual Statistical Summary Reports and the Automated Disposition Reporting (ADR) system (which does not include data from Cook or DuPage Counties which submit their information directly to the Illinois State Police); and ICJIA in partnership with the Illinois State Police with the Criminal History Record Information (CHRI) datasets. He suggested that other potential data sources could be pre-sentence investigation reports and original data collection/research

projects. There was a discussion of when pre-sentence investigation reports are completed and when they are not.

Chair DiVito requested that ICJIA, AOIC, IDOC, and the Illinois State Police cooperate in the writing of a paper, for the Council members, generally spelling out what data related to sentencing are currently available to them and what each agency's wish list for additional data is. ICJIA is expected to spearhead the effort. If the production of one report is not possible, it is requested that each agency supply its own report on existing and desired data related to sentencing. The report(s) is to be presented to the Council in advance of our next meeting.

### **Presentation: Current Sentencing Structure in Illinois**

Justice DiVito abbreviated his presentation on the current sentencing structure in Illinois. He showed the group the 275-page *Illinois Sentencing and Disposition Guide* that he has written to help judges navigate through Illinois' complex sentencing structure, citing the large number of Class X deviations as an example. He mentioned the work of the CLEAR Commission to edit the Code of Corrections and the Criminal Code for better clarity and fairness. SPAC will play a critical role in the future to keep the Codes clear and inform policy makers of ways to make the sentencing structure more effective.

### **Discussion: Developing a Course of Action for the Illinois Sentencing Policy Advisory Council**

The meeting concluded with a discussion facilitated by Alison Shames from the Vera Institute to identify short-term and long-term priorities for SPAC going forward.

The group discussed the following questions:

- What is working well in Illinois? Answers included: number of alternatives to incarceration currently available by statute; creation of SPAC and CRA and the move to evidence-based practices; volume of criminal justice data available; stabilization of the prison population; decrease in crime.
- What are the pressing concerns in Illinois? Answers included: need for uniform information collection in centralized area for more informed decision-making; need to increase public safety in time of decreasing public resources; confusion in "hodge podge" system; need for responses to mental health and substance abuse disorders; adversarial and territorial nature of criminal justice field; need for better decisions about who goes to prison and who does not, with geographic disparities across the state; need for training; need for more transparency so that everyone – including victims – understand the system; need for meaningful and effective diversion options that are evaluated and are available earlier in the system.
- What should be SPAC's goals based on these issues? Answers included: collection of solid information to help manage prison population growth; effective sentencing reform impacting the prison population; uniform standardized data collection; communication across the system among entities responsible for administration of the system, and with the public about goals of the system; study of mandatory minimums; cost-benefit analysis on alternatives to incarceration.

Next steps include:

- reviewing impact of current sentencing structure
- promoting alternatives to incarceration for appropriate populations
- preparing a gap analysis based on a review of existing data collection and analysis capacity – involving ICJIA, IDOC, AOIC, Illinois State Police
- informing legislators, the public and other stakeholders through SPAC's annual report, etc.
- working with research partners to evaluate current practices and learn from national examples

The next meeting of the Council is scheduled for Monday, May 3, 2010, from 10:00 a.m. to 1:30 p.m. at the Thompson Center. The search committee will be working in the interim. The meeting adjourned at 1:30 p.m. **(Approved 5/3/10)**