

**Sentencing Policy Advisory Council
May 3, 2010, Meeting Minutes
Approved July 8, 2010**

Members present: Thomas Callum, Jack Cutrone (ex-officio), Tom Dart, Gino DiVito, Ronald Holt, Michael Hood, Jeff Howard, Nicholas Kondelis (ex-officio), Jorge Montes (ex-officio), Bernie Murray (for Joseph Birkett), Michael Pelletier, Michael Randle (ex-officio), Alan Spellberg, Michael Tardy (ex-officio), Patricia Watkins, Warren Wolfson, David Yellen

Members present via videoconference: Jim Durkin, Kwame Raoul

Members via phone: Joseph Birkett, John Millner

Members absent: Will Burns, Bill Clay, Cynthia Cobbs

Non-members present: Justin Bolger, Lindsay Bostwick, Lisa Braude, A.C. Cunningham, Brendan Dailey, Mary Ann Dyar, Cory Foster, Steve Karr, Mark Myrent, Sean O'Brien, David Olson, Maggie Peck, Mark Prosperi, Marcel Reid, Mike Rohan, Alison Shames, Sara Sullivan, Christine Devitt Westley, Paula Wolff

Non-members present via videoconference: Peter Baroni

Non-members via phone: Darrin Turner, Rick Veenstra

Purpose: (1) To learn about the current state of criminal justice data collection in Illinois, (2) to discuss sentencing trends and practices in Illinois, and (3) to prioritize the activities of the Illinois Sentencing Policy Advisory Council and identify steps needed in order to advance them.

Welcome, Introductions, and Agenda Overview

Chair Justice Gino DiVito opened the meeting, and the group went through introductions around the tables in Chicago and Springfield, as well as on the phone.

Approval of Minutes from March 8, 2010 Meeting

Upon a motion by Jorge Montes, and seconded by Warren Wolfson, the minutes from the March 8th SPAC meeting were approved.

Schedule of Meetings for the Rest of the Year

The proposed bi-monthly dates for the rest of the year – Thursday, July 8th; Thursday, September 2nd; and Friday, November 5th – were discussed. It was determined that mornings were favored for the meetings. Upon a motion by Jack Cutrone to adopt these dates as the regular meeting schedule, seconded by Michael Tardy, the dates were approved. Locations will be determined according to space and videoconferencing needs.

Old Business from March 8, 2010 Meeting

Chair DiVito noted that there were matters from the March meeting to revisit. At the request of ICJIA Director Cutrone, the definition of “ex officio” was researched to determine the role of the five ex officio members on the Council. Following a review at The Official Robert’s Rules of Order Web Site (<http://www.robertsrules.com/faq.html>) and of any applicable Illinois statutes, it was determined that ex officio members are counted in the same way as regular members of SPAC, in regard to voting and all other

rights. There was no additional discussion of the matter; and, on a motion by Jorge Montes, seconded by Michael Tardy, the definition of ex officio membership was approved.

Chair DiVito noted that a subcommittee was formed at the March 8th meeting for the search for an Executive Director for SPAC. The subcommittee approved the job description and is awaiting its posting by ICJIA. It must be posted for a minimum of 14 days, and the target start date for the SPAC Executive Director is June 15th or July 1st. Chair DiVito expressed gratitude to ICJIA for its efforts on behalf of SPAC. Mark Myrent from ICJIA reported on the posting process for a contractual hire, including union notification, justification for bargaining requirement exemption, and posting on the state's E-PAR system. There was a discussion about how the hiring decision would be made by the Council. Thomas Callum made the motion to give the subcommittee authority to appoint an executive director; however, Council members must be given seven days prior notice. In the event that there is disapproval, a special meeting will be called to discuss the appointment. Jack Cutrone seconded the motion, and it passed.

Chair DiVito offered a brief update on the work on the Risks, Assets, and Needs Assessment (RANA) Task Force, which was created by the Crime Reduction Act to develop a standardized assessment instrument/system for the state. The data collected will be provided to SPAC as the basis of analysis on sentencing trends and outcomes. SPAC has a position on the RANA Task Force, and Chair DiVito has been attending monthly meetings on behalf of SPAC. Its work is to be completed by the end of the year. Chair DiVito noted that the Adult Redeploy Illinois Oversight Board, which was also created by the Crime Reduction Act, includes a position for SPAC and there is some overlap in membership with SPAC. Chair DiVito will attend future meetings if necessary.

Presentation: Current Data Collection at Three System Points in Illinois and the Potential for the Future

At the March SPAC meeting, Mark Myrent of ICJIA presented an overview of sentencing and criminal justice data collection in Illinois. ICJIA was assigned to work with the staff at IDOC, AOIC and the Illinois State Police to prepare a "data gap analysis" report for SPAC, which will be presented at the meeting in July.

For this meeting, data experts from the primary criminal justice agencies in Illinois have been invited to explain the types of data they collect, the types of reports that are produced using these data, and the ways the data are shared. Michael Tardy from AOIC described three major methods of data collection and reporting:

- Annual Statistical Report – compilation of information on criminal filings and sentencing dispositions from trial and appellate courts, aggregated by county, reported by the clerks
- Automatic Disposition Reporting (ADR) system – tracking criminal record and actions to take on convictions, submitted by 86 of 102 counties (counties over 300,000 are exempt – Cook and DuPage instead report directly to ISP, not through Supreme Court), not for research and analysis, recent discussions with ISP and Secretary of State to expand data elements

- Monthly probation reports – pre-trial, submitted monthly by 64 probation departments, not automated on adult side (juvenile side to be web-based July 1st)

Chair DiVito asked about plans for automating these reports in the near future. Tardy mentioned the possibility of including probation in the Judicial Branch Portal but could not give a timeframe. Chair DiVito requested that a copy of the Annual Statistical Report be provided to all SPAC members. Warren Wolfson asked about the longstanding exemption regarding Cook and DuPage Counties.

Steve Karr from IDOC reported on different data collected in adult and juvenile corrections:

- Offender Tracking System (OTS) – primarily for security purposes, tracks admissions and exits and cross-section of prison population, assigns unique six-digit identifier to inmate (juvenile and adult), cannot track juvenile into adult system through unique identifier due to confidentiality issues
- Inmate movement file/recidivism file – records classification and re-classification, tracks recidivism (defined as reincarceration within three years) whether new offense or technical violation

There was a discussion about recidivism measures, and Myrent mentioned that Dave Olson is conducting a study looking at rearrests as well as returns to IDOC on the adult side, and ICJIA is doing a similar study for juveniles. There was also a discussion about how information is recorded by IDOC when there is more than one offense, when incarceration is a result of a probation violation, and when the sentence includes special conditions (e.g. judge recommends drug treatment or anger management). Karr also provided data tables on length-of-stay for court admissions, and discussed the different impacts of short-stay inmates and long-term offenders on the corrections system.

Marcel Reid (along with Darrin Turner by phone) discussed information collected by the Illinois State Police, as part of the Criminal History Record Information (CHRI) system with 5.3 million fingerprint submissions (and 1.5 million non-fingerprint submissions) in the database. CHRI information is provided for law enforcement (including to the FBI) and corrections purposes, as well as for research purposes. ICJIA has a server to access CHRI data subject to an agreement with ISP. Darrin Turner talked about the Law Enforcement Agencies Data System (LEADS) through which law enforcement, the courts and corrections can access a variety of criminal justice information. LEADS is 40 years old, and there is a proposal currently being developed by ISP to enhance LEADS technology. It was suggested that such a proposal might be shared with appropriate SPAC member agencies so that the various systems would be compatible.

Presentation: Sentencing Trends in Illinois

Dr. David Olson presented information on sentencing trends in Illinois in order to get SPAC members thinking about what data SPAC can collect and what types of analysis are needed. He looked at trends with felony filings from 1987 to present, and pointed out variations across counties and over time in the types of felonies resulting in prison sentences. Olson suggested that SPAC analysis could look at what is behind these trends,

whether they are due to statutes, enforcement changes, etc. In the question and answer portion, members expressed surprise that drug offenses no longer appear to be the main drivers of prison population increases.

Facilitated Discussion: Prioritizing the Activities of the Sentencing Policy Advisory Council

Alison Shames from the Vera Institute led Council members through a more in-depth discussion of what types of analysis SPAC might produce based on its statutory duties and how to identify priorities going forward.

Ideas raised by members include:

- Exploring further the regional disparities and biases in sentencing patterns
- Recommending decreasing the use of incarceration for some felony classes (e.g., Class 4 felonies)
- Reviewing community capacity to provide local supervision and services
- Providing information on what works the best in sentencing policies and practices and what has been shown to be counterproductive
- Promoting “no entry” policies to address the destabilizing effects of mass incarceration on neighborhoods and reduce the number of people cycling through prison
- Incorporating public education and training so that people are aware of issues impacting the system, to support efforts for policy change. As an example, State’s Attorney Birkett mentioned an upcoming seminar on fetal alcohol syndrome on 5/20 in DuPage County.

Before adjourning, the group discussed outstanding issues, including the “data gap analysis” report that ICJIA is preparing for presentation at the July meeting. In addition, members noted the importance of gathering input from the grass roots level as part of the process, which is further demonstrated by the positions on the Council designated for community-based representatives.

The next meeting of the Council is scheduled for July 8, 2010, from 10:00 a.m. to 1:30 p.m. at the Thompson Center. The meeting adjourned at 1:30 p.m.