

Illinois Sentencing Policy Advisory Council July 8, 2010 Regular Meeting Minutes

Members present: Gino DiVito (chair); Thomas Callum, Jack Cutrone (ex-officio), Michael Hood, Jeff Howard, Ronald Holt, Nicholas Kondelis (ex-officio), Jorge Montes (ex-officio), Bernie Murray (for Joseph Birkett), Michael Pelletier, Michael Randle (ex-officio), Kwame Raoul, Alan Spellberg, Michael Tardy (ex-officio and for Cynthia Cobbs)

Members present via phone: Will Burns, Jim Durkin

Members absent: Joseph Birkett, Bill Clay, Cynthia Cobbs, Thomas Dart, John Millner, Patricia Watkins, Warren Wolfson, David Yellen

Non-members present: Brianna Baker-Carvell, Pete Baroni, Jordan Bolger, Lindsay Bostwick, Lisa Braude, Mary Ann Dyar, David Eldridge, Meredith Farrar-Owens, Cory Foster, Steve Karr, Simeon Kim, Kathy Kiss, Michael McCotter, Mark Myrent, David Olson, Herb Quinde, Jennifer Rozhon, Kathy Saltmarsh, Nicole Saulsberry, Jenni Scheck, Laurie Scott, Alison Shames, Lisa Stephens, Eileen Subak, Sara Sullivan, Gladys Taylor, Christine Devitt Westley, and Paula Wolff.

Welcome, Introductions, and Agenda Overview

Chair DiVito called the fourth meeting of the Illinois Sentencing Policy to order at 10:15 am. The meeting opened with introductions, followed by a formal roll call conducted by Laurie Scott. The chair extended a special welcome to Meredith Farrar-Owens, Deputy Director of the Virginia Criminal Sentencing Commission and associate of the Vera Institute of Justice. He then provided an overview of the meeting purposes as follows:

- to review and take action on some administrative activities of the Council
- to present the results of the Illinois data systems gap analysis
- to hear from a national associate in Virginia about that state's sentencing commission's structure and duties
- to discuss the Illinois Sentencing Policy Advisory's goals and next steps.

Approval of Minutes from May 3, 2010 Meeting

Upon motion by Alan Spellberg, seconded by Thomas Callum, the May 3, 2010 meeting minutes were approved as presented.

Action Items from May 3rd Meeting

Executive Director Search Update

Chair DiVito reported that three candidates applied for the executive director position. The search sub-committee, comprised of Warren Wolfson (co-chair) and Kuame Raoul (co-chair), Thomas Callum, Alan Spellberg, Jack Cutrone and himself, reviewed all three resumes and selected two applicants for interview. The resume of the two finalists were distributed to SPAC members before the meeting. The interviews took place just prior to today's SPAC

meeting after which the sub-committee voted unanimously to recommend Kathy Saltmarsh for the position. Upon a motion by Michael Hood and seconded by Jeff Howard, members voted unanimously to hire Kathy Saltmarsh as SPAC's Executive Director. Chair DiVito later introduced Ms. Saltmarsh and indicated that August 1, 2010 is her target start date.

Other Administrative Matters

Chair DiVito reported on the June 17, 2010 meeting at the Governor's Office convened by Jerry Stermer to discuss SPAC's budget and other administrative matters. Meeting participants included DiVito, Director Randle, Jack Cutrone from ICJIA, and Paula Wolff as well as staff from the Governor's office and IDOC. DiVito stated that the June 17th meeting confirmed the Governor's wholehearted and enthusiastic support of SPAC, including a commitment to funding SPAC by pooling of DOC and ICJIA resources.

Director Randle affirmed DOC/ICJIA's commitment to support SPAC's work through provision of office space, computers, staff salaries, and I.T. development and implementation in conjunction with IDOT. He underscored the importance of the I.T. work and the coordination that will be needed in order to create a common architecture that will realize significant long-term cost savings. To this end Director Randle said that he has scheduled a meeting next week with appropriate department directors to begin discussions about collaboration. Jack Cutrone emphasized the significance of the collaboration underway by noting that it represents a massive step forward for integration of the information systems.

Presentation and Discussion: Data Gap Analysis

Justice DiVito introduced Mark Myrent from the Illinois Criminal Justice Information Authority to provide a brief overview of the current gaps in data analysis in Illinois. Mr. Myrent began by stating that his report was developed in response to a request by Council members at the March 8, 2010 meeting and is designed to set the stage for SPAC's work. Mr. Myrent then distributed an extensive report, *Illinois Sentencing Policy Advisory Council: The Utility of State Criminal Justice Data Systems for the Analysis of Sentencing Practices*, prepared by ICJIA in concert with the Illinois State Police, the Administrative Office of the Illinois Courts and the Illinois Department of Corrections.

Myrent introduced the report by noting that its goal is to summarize the status of criminal justice systems in Illinois (data collection, sharing and analysis), discuss their limitations, and propose both remedial measures to enhance the current data systems and new strategies. He then reviewed key findings articulated in the Executive Summary, drawing attention to the following:

Illinois State Police

Note: The Criminal History Record Information (CHRI) system is ISP's primary data tool for sentencing analysis.

- *Barriers:* The non-reporting of events and errors in reports, as well as the inability of some jurisdictions to scan and produce electronic files due to lack of electronic equipment all obstruct data linking. In addition, the current technology does not allow two-way

exchange between ISP and local agencies, thus precluding the sharing of reports and quick correction of errors. The aging infrastructure is also a major impediment.

- *Proposed enhancements & new strategies:* 1) Increase ISP's capacity to conduct CHRI training statewide on an annual basis. 2) Increase ISP's capacity to conduct audits of local agencies. 3) Continue to work with circuit court clerks to retrieve missing information from Court Systems directly. 4) Secure funding to replace aging I.T. infrastructure systems including AFIS, CHRI and LEADS.

Administrative Office of the Illinois Courts

Note: The Automated Disposition Report (ADR) is AOIC's primary data tool for sentencing analysis.

- *Barriers:* The lack of participation in the ADR program from 18 counties including Cook County which accounts for 50% of the cases as well as the absence of mechanism to capture case-level probation and pre-sentence investigation report data statewide present major obstacles.
- *Proposed enhancements & new strategies:* 1) Roll-out of a standardized format for a pre-sentence investigation report. 2) Complete work on the Judicial Branch Portal to facilitate registration by judges and expand exchange of information.

Illinois Department of Corrections

Note: The Offender Tracking System (OTS) is DOC's primary data tool for sentencing analysis.

- *Barriers:* The lack of a mechanism to track program services, the unreliability of self-reporting, and difficulty in capturing data on ethnicity limit effectiveness of the OTS. The mittimus report which accompanies each new inmate also presents problems because there is no standard form statewide and due to its narrative format, often makes content illegible.
- *Proposed enhancements & new strategies:* 1) Re-engineer the antiquated infrastructure system. 2) Develop a standard mittimus format that collects information in check boxes and does not rely on narrative.

Mr. Myrent concluded his presentation by outlining new directions for data collection to support SPAC. These included: (1) supporting AOIC's progress in developing an on-line electronic system to allow local probation departments to submit client-level data. Much work on this system, known as POLARIS, is already completed. (2) Development of a Presentence Investigation (PSI) report form that is standardized and provides more detail in a coded, non-narrative format. (3) examining the feasibility of obtaining court and probation data directly from county level agencies rather than state agencies. Following a series of questions, comments and discussion, Alison Shames reminded Council members that SPAC's priority is to determine what data is needed to fulfill its legislative mandate. She suggested a process of first understanding what data currently exists, second, determining what information currently is not available and third, identifying what is needed to move forward then designing a process to get the needed information.

Chair DiVito encouraged Council members to review the full report distributed by Mr. Myrent and closed the discussion by acknowledging the high level of interest and leadership

already demonstrated by Council members. He also acknowledged the importance of the work of the RANA Task Force which is developing a plan to adopt a statewide Risk, Asset, Needs Assessment instrument.

Presentation: Update on Data Systems from IDOC and How it Relates to SPAC.

Chair DiVito introduced this segment of the agenda by stating that it is a direct outcome of the June 17th meeting at the Governor’s Office. Director Randle mentioned that DOC is creating a new computer system that will serve as the basis for case management and permit the data on individuals to be collected and shared statewide on a web-based system. Chair DiVito then introduced Herbert Quinde, IDOC’s Acting Chief Information Officer who provided an overview of DOC’s three-year modernization program and its relevance to SPAC and other Illinois criminal justice agencies and their data management.

Utilizing the mittimus and Statement of Facts (Pen Letter) as illustrations, Mr. Quinde indicated that one of the fundamental issues of data sharing is format. He noted that DOC is drawing upon a four-year pilot project in Cook County to electronically share data. In addition, IDOC is using “Customer Relationship Management” (CRM) tools that will relate “any to any” and “many to many” Data elements. These tools, combined with what is known as Rapid Application Develop tools (RAD) will create a relational database that allows data to “talk to each other.” DOC will also employ the National Information Exchange Model (NIEM) previously known as Global Justice XML which provides a standardized taxonomy for the data. Quinde then outlined next steps including DOC’s intent to bring a business analyst on board (likely contractual) to collect information, harmonize information and propose what can be done within DOC budget in a timely manner. He stressed that this is a modular process and summarized by stating that DOC has an approach, the tools available and wants to work together to build a complete and integrated technology system.

Presentation: Delineating Roles of the Commission Staff and Members

Chair DiVito introduced Meredith Farrar-Owens to provide Council members with a framework for thinking about the respective roles of the Council’s staff and members, by learning from Virginia’s experience. Ms. Farrar-Owens’ presentation—also distributed as a handout—began with an historic overview of Virginia’s sentencing reform which included the adoption of reform legislation in September 1994 that abolished parole and instituted truth-in-sentencing. Next she outlined the key components of the legislation including the goals of sentencing reform, the composition, purpose and duties of the Sentencing Commission and the process for modification of sentencing guidelines, particularly in light of the abolition of parole. She then detailed the process by which Virginia has, over time, integrated risk assessment and probation violation guidelines into the sentencing process. She also touched upon the fiscal impact statements, the systematic identification and coding of offenses as required by legislation. Ms. Farrar-Owens then discussed Virginia’s process for forecasting offender populations and concluded with an overview of the organizational structure of Virginia’s Sentencing Commission.

Presentation: Duties of a Sentencing Commission – Creating Fiscal Impact Statements in Virginia

Chair DiVito began with a reminder that one of SPAC's statutory duties is to prepare criminal justice resource statements. He also drew attention to Attachment 4. in the meeting packet—a memo prepared by Vera on how fiscal impact statements are carried out in other jurisdictions. He stated that the memo's appendices providing examples of fiscal notes from other states were particularly relevant. Chair DiVito then introduced Meredith Farrar-Owens who provided an in-depth examination of Virginia's law. Ms. Farrar-Owens noted that the current law resulted from a 1989 report published by the Commission on Prison and Jail Overcrowding which recommended amending the Code of Virginia so that "any proposed legislation which would have the effect of increasing the prison or jail population would become law only if the funds required to increase the capacity of the system commensurately are appropriated."

She then reviewed the specifics of the statute including its applicability to state adult and juvenile facilities as well as local and regional jails, local and state probation services and juvenile detention facilities. She then reviewed the process used for and the challenges of calculating fiscal impacts. She concluded by discussing specific fiscal impact analysis completed in 2010. Alison Shames wrapped-up the presentation by calling attention to a handout developed by IDOC and IDJJ outlining the current process for preparing fiscal impact statements in Illinois, which includes examples of IDOC impact statements. She further noted that questions regarding the handout should be directed to Steve Karr.

Prioritizing the Goals of the Illinois Sentencing Policy Advisory Council

Alison Shames from the Vera Institute of Justice stated that in the interest of time, the planned discussion would be deferred. She concluded by stating that although SPAC will need to continue to define/refine its role and build its capacity to collect and analyze data, this effort can be staff driven now that Kathy Saltmarsh is on board. Ms. Shames reinforced Vera and Chicago Metropolis 2020's commitment to SPAC by adding that these organizations will be meeting with Kathy in the near future to review upcoming agendas and establish a regular line of communications.

Adjourn:

The meeting adjourned at 1:26 pm with a motion by Michael Hood, second by Jeff Howard and voice approval from all.

Minutes approved at the September 2, 2010 meeting of the Sentencing Policy Advisory Council.