

Illinois Sentencing Policy Advisory Council
Regular Meeting Minutes
March 3rd, 2017 10:30AM – 12:30PM

Location: Adler University
17 N. Dearborn Street, 15th Floor (Community Hall)
Chicago, IL

Members Present – Stephen Baker, Kathryn Bocanegra, Gino DiVito (Chairperson), Marcus Evans, Craig Findley, Annie Fitzgerald, Michael Glick, John Maki, Margo McDermond, Stuart Palmer, Michael Pelletier, Kwame Raoul (Vice Chair), Alan Spellberg, Michael Tardy, Gladyse Taylor, Julian Thompson, Stewart Umholtz, and Warren Wolfson (Vice Chair).

Members Present by Phone – None.

Members Absent – Jason Barickman, Nicholas Kondelis, Don Stemen, and Kristen Ziman.

Non-Members Present – Megan Alderden, John Baldwin, Dorothy Brown, Amy Campanelli, John Carroll, Peter Coolson, Patrick Delfino, Mary Ann Dyar, Yasmine El-Gohary, Michael Elliott, Roger Franklin, Cynthia Hora, Maureen Josh, Bryan Kibler, Stephanie Kollmann, Randy Kurtz, Dave Olson, Toni Preckwinkle, Ben Ruddell, Michael Toomin, Elena Quintana, Kathy Saltmarsh, Nate Inglis Steinfeld, Jennifer Vollen-Katz, Angie Weis, Paula Wolff, and Ashley Wright.

Non-Members Present by Phone – None.

Welcome and Introductions

Chairman DiVito called the twenty-fifth regular meeting of the Illinois Sentencing Policy Advisory Council, and the first joint meeting with the Illinois Criminal Justice Information Authority (ICJIA) board, to order at 10:30 a.m. Chairman DiVito gave the opening remarks, including:

- Provided an overview of the agenda and purpose of the meeting, focusing on discussing the Illinois Commission on Criminal Justice Sentencing & Reform’s final report with ICJIA’s board.

Vote: Approval of the meeting minutes from the September 16, 2016 SPAC meeting

Michael Glick, moved to approve the minutes, seconded by John Maki. The minutes from the September 16, 2016 SPAC meeting were approved by unanimous voice vote.

Vote: Approval of the 2017 SPAC regular meeting dates

Marcus Evans, moved to approve the regular meeting dates, seconded by Gladyse Taylor. The 2017 SPAC regular meeting dates were approved by unanimous voice vote.

Illinois State Commission on Criminal Justice & Sentencing Reform Final Report Panel Discussion

Moderator John Maki began the panel discussion by providing the group with a briefing on the state’s history with criminal justice commissions, setting the stage for discussion of the recommendations from the Illinois Commission on Criminal Justice Sentencing & Reform. He shared that ICJIA began as the Illinois Law Enforcement Commission, until the agency was launched through legislation in 1983, and gave an overview of

the causes of Illinois prison overcrowding dating back to the 1970s. He said Governor Rauner has set a goal to reduce the prison populations 25 percent by 2025 and reform the juvenile justice system and parole. The governor also established the Criminal Justice Sentencing & Reform Commission, he said. The group discussed whether Illinois' recent appetite for criminal justice reform was driven by the bipartisan nature of data analysis and its relationship to measurable outcomes.

Director Maki introduced Dr. David Olson, Professor of Criminal Justice and Criminology, Loyola University, who spoke from his 30 years of experience in Illinois criminal justice research. Dr. Olson said the strengths of the Reform Commission were its inclusion of underrepresented groups, dedication of expert members, bipartisan discussions, leadership by Rodger Heaton, reliance on empirical evidence, and timing, as the state appeared to be ready for reform and technology was able to answer questions quickly to take advantage of the momentum. He also noted areas for growth: county-level commissions, rather than one for the whole state; a plan to review criminal justice policies regularly; a more comprehensive understanding of how sentencing policies operate in practice; and the effectiveness of large programs.

Director Maki introduced SPAC council member Ms. Kathryn Bocanegra, who offered insight from her background as a community health advocate. She expressed pride in serving on the Commission, as it engaged the community and victims of violence. Ms. Bocanegra said she hopes Commission members understood that safety and rehabilitation are often the desires of victims, rather than harsher penalties. She said she was especially pleased that trauma-informed recovery was the first recommendation in the final piece, and that de-incarceration strategies, local community justice coordinating councils, community capacity for treatment, and data accountability were included as well.

Dr. Elena Quintana, Executive Director of the Institute for Public Safety at Adler University praised the Commission for having broad membership, including elected and un-elected members, as well as employees of the criminal justice system and outside advocates. She said she regretted not having included the voice of someone who was currently or formerly incarcerated. She noted that it would have been beneficial to speak more deeply about the disproportionate effect of mass incarceration on minority communities, placing drug offenders in the healthcare system rather than the correctional system, the harm of legal enhancements, the recidivistic benefits of education and job training, and the importance of support and training for correctional officers.

Director Maki and Dr. Olson spoke about how, despite the expertise of the Commission members, they observed changes in attitude and knowledge from all parties, indicating the powerful nature of perspective in the group.

ICJIA Research Director Megan Alderden spoke about the difficulties of implementation and monitoring. In addition to ensuring that recommendations are being adhered to, data sharing will allow for effective troubleshooting of unintended consequences, she said. She recommended future discussions on data to examine confidentiality and privacy issues.

Kathy Saltmarsh, Executive Director of SPAC, discussed common misconceptions in data-driven policy change, including employment requirements (people need housing near or transportation to currently available positions rather than job market growth); immediate change (there will be an inevitable time delay in results); and the fear of data sharing (by funding analysts as well as technology, data cannot be misrepresented for use against the collector, and the resulting feedback loop will increase problem solving capabilities).

Clerk Brown complimented the report and urged the Board members to support its implementation. Director Maki agreed, and added that though ICJIA can share information, provide access to funding, and incentivize best practices, it cannot mandate change. Implementation of these recommendations must happen at the local level and will require the commitment of the Board members and other stakeholders, he said.

Director Baldwin expressed pride in being a member of the Commission, and spoke of anticipated changes in the Department of Corrections, such as electronic monitoring, the Life Skills Reentry Center in Kewanee, and adherence to evidence-based practices. He asked for patience and support from fellow criminal justice system actors, as his department often receives more attention for anecdotal failure than systematic success.

Ret. Judge Stuart Palmer, First District Appellate Court, asked why New York was reporting reductions in violent crime despite their use of mandatory minimums, which the Commission recommends against. Director Maki answered that New York also dramatically changed their policing tactics, moving away from stop-and-frisk. He also talked about how overreliance on incarceration can normalize the experience for citizens, making incapacitation a rite of passage rather than a punishment. Removing too many people can erode the collective efficacy of the group, which is the process through which communities informally guide the behavior of their own members, he said. Under the supervision of the criminal justice system, people face barriers to employment, pro-social relationships, and meaningful inclusion, which are all factors that protect against harmful criminal behavior, he said.

State Rep. Marcus Evans also addressed Judge Palmer's question, explaining that homicide and gun crime rates in New York and Washington, D.C., were greatly affected by gentrification within the city limits. Rather than permanently solving neighborhood problems, legislation and rising property values pushed low-income residents into other areas, and the crime was displaced with them, he said. Mr. Evans said, therefore, mandatory minimums are not the answer to this problem, and the long-term solution will require thoughtful and painstaking discussion, rather than knee-jerk reactions.

Mr. Olson added despite New York's mandatory minimums, Illinois generally has a more punitive sentencing scheme. He pointed out that New York offers more services to crime victims, and that these services are valued more highly by victims than harsher punishment, even though law-makers often respond to crime with enhanced prosecution rather than victim services.

State Sen. Kwame Raoul, SPAC Vice-Chair, described a bill that was related to those concerns and the recommendations of the Commission. He said it did not include the truth-in-sentencing provisions of previous bills, preserved judicial discretion in departures from mandatory minimums for gun offenders, allowed for programming credits for truth-in-sentencing inmates, reduced time on mandatory supervised release, reduced Safe Neighborhood Act sentence enhancements, and lowered minimums for drug possession cases.

Gladyse Taylor, Assistant Director of the Illinois Department of Corrections, reminded the group that these changes are not cheap to make, and reduced funding to her department makes some of the desired implementation insurmountable. Gino DiVito, SPAC Chair, seconded Ms. Taylor's observation, saying that without increased services that address criminological needs, legislative changes will be less impactful. Ms. Campanelli added that the judiciary can push back against poor or overly harsh policy by exercising their discretion. She said keeping low-risk people out of extended incarceration, even when they are repeat offenders, and offering them meaningful services when they are on release, will improve outcomes and divert the school-to-prison pipeline. Mr. Raoul reiterated a point raised by many members: increased services require increased

taxes or cuts and the proposed cuts are often of the service programs referenced here. Chairman DiVito suggested the state reinvests the money saved from reduced prison populations in resources that will keep people away from harmful criminal behavior, and Mr. Evans recommended that future publications address funding and appropriations.

Adjournment

Stuart Palmer, moved to adjourn the twenty-fifth regular meeting of the Sentencing Policy Advisory Council, seconded by Kwame Raoul. The twenty-fifth regular meeting of the Sentencing Policy Advisory Council was adjourned at 12:30 p.m. by unanimous voice vote.