

Illinois Sentencing Policy Advisory Council
Regular Meeting Minutes
June 23rd, 2017 10:00AM – 1:30PM

Location: Illinois Criminal Justice Information Authority
300 West Adams Street, Suite 200
Chicago, IL

Members Present – Megan Alderden (John Maki), Stephen Baker, Kathryn Bocanegra, James Chadd (Michael Pelletier), Edith Crigler (Craig Findley), Gino DiVito (Chairman), Annie Fitzgerald, Kathleen Hill (Alan Spellberg), David Iskowich (Michael Glick), Stuart Palmer, Don Stemen, Gladyse Taylor.

Members Present by Phone – Nicholas Kondelis and Michael Tardy.

Members Absent – Jason Barickman, Marcus Evans, Margo McDermond, Kwame Raoul (Vice Chair), Julian Thompson, Stewart Umholtz, Warren Wolfson (Vice Chair) and Kristen Ziman.

Non-Members Present – Jordan Boulgar, Amy Campanelli, Peter Coolsen, Mary Ann Dyar, Yasmine El-Gohary, Michael Elliott, Kim Foxx, Roger Franklin, Sharlyn Grace, Anna Jirschele, Nushrat Johan, Jared Jones, Stephanie Kollmann, Era Lauder milk, Lindsay LaPointe, Ben Lewis, James Long, Koryann Lopez, Frances McDonald, Lynne Mock, Hanna Pfeiffer, Mark Powers, Barbara Reynolds, Laurie Jo Reynolds, Rahmel Robinson, Kathy Saltmarsh, Laura Scherkenbach, Julia Scholozman, Nate Inglis-Steinfeld, Michael Toomin, Gwyn Troyer, Michael Walker, Christina Devitt-Westley, Quintin Williams, and Kathie Kane-Willis.

Non-Members Present by Phone – Rich Adkins, Samantha Gaddy, Natalie Kase, and Paula Wolff.

Welcome and Introductions

Chairman DiVito called the twenty-sixth regular meeting of the Illinois Sentencing Policy Advisory Council to order at 10:10 a.m. Chairman DiVito gave the opening remarks, including a summary of the agenda and purpose of the meeting:

- The last SPAC meeting was held jointly with the Illinois Criminal Justice Information Authority (ICJIA) board and focused on the final report of the Governor’s Commission on Criminal Justice & Sentencing Reform. This meeting builds on that discussion by looking at how we go from recommendations to implementing change in the system.
- First, SPAC research staff will provide an overview of what has happened in the sentenced population over the last two years and what is, and is not, contributing to the significant decrease in the prison population. Second, a panel of practitioners, including Cook County Public Defender Amy Campanelli and State’s Attorney Kim Foxx, will share their viewpoints on where we are and how we move from passing a new law to implementing the new policies.
- After the working lunch with updates from our partners at ARI, IDOC and ICJIA, SPAC members will provide input on how to make SPAC’s work more useful and more usable in the policy arena. Finally, topics for our next meeting on September 15 will be discussed.
- Chairman DiVito thanked Mike Tardy, who has announced that he will be retiring August 1, for his many years of service to the court system and his participation on SPAC. Director Tardy thanked everyone for their kind words and said he will be introducing SPAC to the next director in the coming months.

Vote: Approval of the meeting minutes from the March 3, 2017 SPAC meeting

Gladys Taylor, moved to approve the minutes, seconded by Stephen Baker. The minutes from the March 3, 2017 SPAC meeting were approved by unanimous voice vote.

What is Going On with the Sentenced Population?

The SPAC research team gave a brief PowerPoint presentation on why the Illinois Department of Correction's (IDOC) prison population is on the decline. SPAC Research Director, Nate Inglis-Steinfeld, began by posing this question: "The prison population has decreased significantly over the last several years – was the decline driven by policy, practice, or something not previously considered?" The SPAC research team looked at a variety of factors to help determine what is going on, and what is not. Currently, the prison population is more than 10% lower than it was two years ago. This decline has significant implications for the reforms discussed over the past two years and for system actors. SPAC's goal is to describe the decline in the who, what, where, how, and why questions in the context of the two levers that drive the population: admissions and length of stay.

SPAC Senior Research Analyst, Mark Powers stated Illinois has seen a decline in admissions across all regions of the State, including a two-third decline in Cook County alone. The biggest decline occurred in Class 1, Class 2, and Class 4 admissions, while Class X offenses did not change significantly. Drug and property offenses had the largest decline, while possession of controlled substance and possession of cocaine declined across all regions. The offense of burglary declined the most in Cook County. Analysis of lengths of stay (LOS) by the IDOC research and analysis unit established that LOS has consistently increased over the last ten years. Thus, the decline can be attributed to the decline in admissions.

The research team analyzed three potential causes of the decline in admissions: wider use of diversion programs, changes in statewide policies due to reform efforts, and decreases in charges per arrest. The available data shows the following:

- Over the last two years felony probation sentences have not increased according to both Administrative Office of the Illinois Court (AOIC) and Criminal History Record Information (CHRI) data, as well as conversations with a sample of probation departments.
- Adult Redeploy Illinois (ARI), a statewide diversion program, has had a decrease in enrollments since 2015, largely due to the budget impasse. The decline in Cook County prison admissions is far greater than the number of ARI participants in Cook County, so it cannot account for the entire decline. Outside of Cook, it is possible that ARI is a driver of the decline in admissions.
- The number of convictions per arrest, or the probability of being convicted for a felony arrest has not changed over time based on preliminary analyses. The complete analysis will not be available for another 6 months to a year.
- The statewide decrease in admissions can be attributed primarily to the decline in arrests, with the largest decline, particularly drug and property arrests, coming from the Chicago Police Department. Arrests have declined consistently over the last two years in all regions of the State.

SPAC Research Analyst Yasmine El-Gohary spoke about whether recommendations from the Illinois State Commission on Criminal Justice and Sentencing Reform Commission have contributed to the decline in the prison population. Four of the twenty-seven recommendations resulted in State law or policy change. Fourteen have had some parts enacted by policy and implementation, defined as legislative or high-level policy change. Nine of the recommendations have not yet been implemented. Of the twenty-seven recommendations, only four deal with Admissions, with one of those policies implemented to this date. Ten recommendations deal with

LOS, with one implemented to date, and five deal with reentry, with two implemented to date. None of the implemented recommendations have been in effect long enough to contribute to the most recent decline in the IDOC population.

Stakeholder Viewpoints Panel and Discussion

Moderator, Quintin Williams, sociologist and Ph.D. candidate at Loyola University, explained that the purpose of this panel is to start thinking about the relationship between policy and practice by hearing from two women on the front lines of administering the criminal justice system, Cook County State's Attorney Kim Foxx and Cook County Public Defender Amy Campanelli. Rounding out the panel is current SPAC member, Kathryn Bocanegra, Institute for Nonviolence Chicago, who brings her perspective as a community activist focused on preventing and responding to violence in high risk communities.

Kim Foxx, Cook County State's Attorney, began by stating that improving public safety is her top priority. She is supported in this vital work by the hundreds of talented prosecutors and thousands of dedicated law enforcement officers who have devoted their careers to fighting crime, and advocating for victims. She is also mindful that we cannot fully address our public safety crisis without first taking steps to restore trust and increase accountability and transparency when reforming our system. She said she made that commitment as a candidate, and plans to fulfill that commitment as State's Attorney. Foxx said we must invest in efforts to address the underlying drivers of much of our non-violent crime, including mental illness, addiction, and lack of economic opportunity. Community courts, specialty courts and diversion programs are important tools in our efforts to reduce recidivism, use taxpayer dollars more efficiently, and make our streets safer. Foxx will continue to evaluate and expand effective alternative programs as part of her broader public safety strategy. She wants the people of Cook County to embrace transparency as a critical element of reform. State's Attorneys must acknowledge and confront racial disparities in a system that too often perpetuates injustice. Her office will be proactive in engaging with the city's communities: improving how we work with victims, publicly distributing information about these efforts, collaborating with new partners and stakeholders, and developing a two-way dialogue with the community. The criminal justice system will not transform overnight. The 5 million residents of Cook County deserve a better system, one that is driven not by a "win at any cost" mentality, but by a persistent quest for justice, in whatever form that takes in a particular case. This quest for justice is how Foxx will earn the community's trust and build bridges to improve public safety. A reformed criminal justice system that is more responsive to the people and more responsible in the pursuit of justice is a win-win for all, especially if implemented safely and correctly.

Amy Campanelli, Cook County Public Defender, shared her criminal justice reform musts: pursuing bond court reform, so that no one is in jail awaiting trial for a non-violent charge; expanding the use of specialty and therapeutic courts to help our veterans, the victims of sex trafficking, those with mental health needs, those with substance abuse issues, and the homeless; reaching out to the community and to her client base so they understand the importance of the work the public defender does, and how they have a constitutional right to legal representation whenever they are accused of committing a crime; and expanding training for staff in the office. Training was neglected the last few years, and it has to be reinvigorated. In order for reform to be successful we must view the legal community as its own self-contained village. And, in that village, everyone must help everyone else. She noted that there are many experts in the field of criminal defense with years of institutional knowledge and experience that can help other attorneys and defenders. But they also need to raise their voices to their political representatives and community leaders that the Public Defender needs the resources to ensure proper representation, and end indiscriminate incarceration of minorities and the poor. Of course for

all of this to work the resources must be budgeted and distributed properly to ensure for a more successful outcome.

Kathryn Bocanegra, SPAC member and community representative on the Governor's Commission, believes that many remarkable ideas are starting to come to fruition as a direct result of the Commission's recommendations. She noted that ICJIA has created the position of a victimologist, whose focus is to conduct extensive research on the nature of victimization throughout this State, which she believes, is a step in the right direction. Secondly, expanding the availability of Victims of Crime Act (VOCA) funding to organizations that support individuals impacted by community violence is critical in helping to bring back our communities that have long been suffering due to crime and violence. Intentionally or unintentionally, this has helped her to think about who victims are, and recognize that the people we isolate in the category of 'perpetrators' could also be victims. Another idea from the Commission centered on the research and development of Trauma Recovery Centers. She believes this idea is needed in our communities and she hopes to continue informing people about the model and inspire collaboration here in Illinois. She then spoke of the challenges that come with implementing these community-centric reforms. She thinks we should think about who we are consulting with as we think about how to increase services and treatment capacity in high-need communities. The people who live and work in these communities must be at the forefront of any reform plan. Bocanegra also pointed out that she admired the work of the Alliance for Safety and Justice that centers the victim voice and victim experience in their criminal justice policy reform work. They released a report in December 2016, the first ever state-wide survey of crime victims. In closing, she completed her remarks by sharing some of her own work to raise the voices of those most impacted by the system, the victims of violent crime and their feelings about those who committed those acts against their friends and family members. Her work can be found at <https://soundcloud.com/2sidesofjustice>.

Updates from SPAC Partners

Adult Redeploy Illinois (ARI): ARI Program Director Mary Ann Dyar provided an update of funding, site statistics, and current site issues. This fiscal year, Adult Redeploy Illinois has provided funding and technical assistance to increase alternatives to incarceration in 20 sites covering 39 counties, and is working to change the status quo. As the result of the State budget crisis, ARI went with no funds for a full year in SFY16, and then was funded in the stop gap bill for SFY16 and SFY17. Overall, only two sites left the ARI network. While managing the challenges caused by the State's budget impasse beginning in June 2015, most local ARI sites have continued, indicating a commitment to maintaining the benefits of ARI both for their clients and their communities. With stopgap funds, significant headway continued toward realizing ARI's strategic goals and mission. ARI is expected to support 20 sites in 39 counties in SFY18; however, the ability to implement programs into SFY18 with no appropriation is uncertain and relies on local decision-making. ARI has been included (at sufficient levels) in all SFY18 budget proposals. If ARI was defunded the sites would not be able to continue operating long term, but some could consolidate to extend that period. It should be noted that every judicial circuit is mandated to have a drug court; therefore, most sites operating drug courts would have to find a way to continue operating at some level, though much reduced. The burden on local county budgets would be crippling. By the end of the year, the ARI network likely would be skeletal, with program staff still offering technical assistance and facilitating peer sharing to the extent possible.

Risk Assets Needs Assessment (RANA): IDOC Assistant Director Gladys Taylor, began by reminding the group that implementation is not cheap, and reduced funding to IDOC can make some of the desired outcomes unattainable. Gino DiVito, SPAC Chair, seconded Ms. Taylor's observation, saying that without increased services that address criminogenic needs, legislative changes will be less impactful. She then spoke about the ongoing changes at IDOC, such as electronic monitoring, the Life Skills Reentry Center in Kewanee, and

adherence to evidence-based practices, and dealing with the constant challenges of implementation of the Risk and Needs Assessment (RANA) tool. She completed her update by reminding everyone of the harm the State's budget crisis is having on IDOC and was hopeful for a positive resolution before the start of the new fiscal year.

Illinois Criminal Justice Information Authority (ICJIA): Research Director Megan Alderden began by mentioning the increase in VOCA funds and how ICJIA is working to release grants consistent with the strategic areas identified during the Ad Hoc Meeting and approved by the board this past January. ICJIA is also moving toward a competitive process under Justice Assistance Grants (JAG) as well as other funding areas. Lastly, ICJIA is working to provide technical support to criminal justice coordinating councils, which were recommended by the Governor's Commission. They hope to learn from piloting the councils in the five counties – Lake, Winnebago, McLean, McHenry, and St. Clair.

New Business

Executive Director Kathy Saltmarsh, asked the council for feedback on potential topics for the next two meetings this year:

- Misdemeanor sentencing – Is it a road to felon status?
- Dynamic System Modeling (DSM) and the criminal justice system – Scientists at Argonne National Lab have expressed an interest in completing a dynamic system model of the criminal justice system. These models are used across many policy areas including public health and transportation to understand the transient dynamics of complex systems.
- Periodic imprisonment – the idea of allowing people to continue to work or go to school while serving their sentences in small increments, such as weekends, has been around for a long time, but we have little knowledge of how frequently it is used, who is given this type of sentence, and its value as a rehabilitative tool.
- The role of probation eligibility as a gatekeeper for evidence-based alternatives to incarceration such as ARI.

Don Stemen suggested that the work he and Dr. Dave Olson have done on prison use by county would be a good meeting topic. Due to time constraints, member feedback on SPAC's fiscal impact analysis was not discussed. Director Saltmarsh will contact members individually to gather their thoughts. She completed her remarks by reminding all members that the next meeting will be held on September 15, at the same time and location.

Adjournment

Annie Fitzgerald, moved to adjourn the twenty-sixth regular meeting of the Sentencing Policy Advisory Council, seconded by Don Stemen. The twenty-sixth regular meeting of the Sentencing Policy Advisory Council was adjourned at 1:45 p.m. by unanimous voice vote.