

Illinois Sentencing Policy Advisory Council
Regular Meeting Minutes
September 15th, 2017 10:00AM – 12:45PM

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

Members Present – Stephen Baker, Kathryn Bocanegra, Gino DiVito (Chairman), Marcus Evans, Craig Findley, Michael Glick, John Maki, Margo McDermed, Stuart Palmer, Alan Spellberg, Don Stemen, Gladys Taylor, Julian Thompson and Warren Wolfson (Vice Chair).

Members Present by Phone – Rich Adkins (Marcia Meis), Nicholas Kondelis and Stu Umholtz.

Members Absent – Jason Barickman, Annie Fitzgerald, Michael Pelletier, Kwame Raoul (Vice Chair) and Kristen Ziman.

Non-Members Present – Lisa Daniels, Mary Ann Dyar, Michael Elliott, Justin Escamilla, Lily Gleicher, Bryant Jackson-Green, Roger Franklin, Lindsay LaPointe, Sharone Mitchell, Adriana Perez, Kathy Saltmarsh, Laura Scherkenbach, Nate Inglis-Steinfeld, Phillip Whittington and Paula Wolff.

Non-Members Present by Phone – Rodger Heaton and Brian Kenner.

Welcome and Introductions

Chairman DiVito called the twenty-seventh regular meeting of the Illinois Sentencing Policy Advisory Council to order at 10:03 a.m. Chairman DiVito gave the opening remarks, including a summary of the agenda and purpose of the meeting:

- A new format for this meeting includes foregoing a formal session after lunch. This allows more time for those attending to talk to each other, because those conversations can be valuable and sometimes lead to great things. Our collaborative partners will report as usual.
- Dr. Don Stemen will give a brief overview of his work examining the relationship between prison and public safety which was recently published by the Vera Institute of Justice. His report is included in your materials.
- The second presentation will build on our last meeting, where we talked on the broadest level about the reasons we have seen significant declines in the prison population over recent months. There was a significant statewide decline in the number of arrests during this time. Today, Dr. Stemen and Dr. Dave Olson will drill down further to look at the county level patterns in use of incarceration and how the county of conviction influences the likelihood of a prison sentence.

Vote: Approval of the meeting minutes from the June 23, 2017 SPAC meeting

Margo McDermed moved to approve the minutes, seconded by Warren Wolfson. The minutes from the June 23, 2017 SPAC meeting were approved by unanimous voice vote.

The Prison Paradox – The Relationship Between Incarceration & Safety

Last July the Vera Institute of Justice published a report by Dr. Don Stemen, Loyola University Chicago Department of Criminal Justice & Criminology, on the relationship between public safety and incarceration.

Don began with an overview of the past 18 months, where there has been a misperception that (A) crime rates in the U.S, are increasing overall and that (B) the increased use of incarceration reduces crime rates. Several recent efforts have addressed these questions. Both the Brennan Center for Justice and the Vera Institute of Justice have examined crime trends and found that violent crime rates nationally remain fairly constant and at some of their lowest levels in 40 years. Where crime has increased, those increases – like crime generally -- remain fairly localized in a few cities and within those cities in a few neighborhoods. Further, the increases in crime in those neighborhoods remain concentrated within a few offense types.

The Brennan Center and the Vera Institute have also examined social science research on the connection between higher incarceration rates and crime rates, to addressing the theory that more incarceration reduces crime. The call for more incarceration to reduce crime makes intuitive sense. At the individual level, incarceration should work to reduce crime by incapacitating individuals – taking them out of the community so that they cannot commit crimes in the future – or by deterring individuals – dissuading the individual incarcerated or others from committing crimes in the future out of fear of punishment. But the incapacitative and deterrent effects of incarceration on crime is likely negligible given the attrition of cases in the criminal justice system – which diminishes the ability to incarcerate many people who commit crimes and diminishes the certainty of sanction following commission of a crime. Dr. Stemen concluded from social science research that incarceration is unlikely to cause a significant, if any, reduction in crime rates.

It's fair to say after 25 years of consistently declining crime rates, policymakers continue to feel pressure to introduce measures to address even small upticks in crime. This is understandable – policymakers should seek solutions to the problems of violence and embrace practices and policies that can keep crime rates low. Penalty enhancements and filling the nation's prisons is not a solution that will work. The impact of incarceration on crime is limited and has had a diminishing return for years. Increased incarceration has no effect on violent crime and may actually lead to higher crime rates when incarceration is concentrated in certain communities. Instead, policymakers can reduce crime without continuing to increase the social, cultural, and political costs of mass incarceration by investing in more effective and efficient crime reduction strategies that seek to engage the community, provide needed services to those who are criminally involved, and begin to address the underlying causes of crime.

Felony Sentencing in Illinois: Individual and County Effects on Sentences

Dr. Dave Olson, Loyola University Chicago Department of Criminal Justice & Criminology, partnered with Dr. Don Stemen to work on this project to help address the questions: “Does the county you are convicted in have an effect on the sentence imposed,” and “How much variance should we tolerate if our goal is equal justice for all regardless of the location of conviction?”

They began by describing Illinois and their methodology. There are 102 counties in Illinois, which vary in size, urbanization, crime, resources, demographics, and current use of prison. They considered a host of factors that are directly relevant for each counties' use of incarceration: each county has an independently elected prosecutors/judges, the State sentencing system is an unstructured determinate system, there are wide statutory sentence ranges without sentencing guidelines, murder/Class X felonies require mandatory prison sentences, Class 1 to 4 felonies are *mostly* probationable, court management is mostly decentralized, court data is maintained independently by elected clerks, and there is no central repository of court dispositions.

Using these data points and a logistic regression data analysis, they found general sentencing patterns regarding:

- Use of prison, probation, jail, other sanctions
- Influence of individual & county factors on outcomes
- Defendant demographics, case attributes, county characteristics
- Multiple measures of prison use/sanctions
- In/Out decision (prison or no prison)
- The severity of the prison sentence imposed
- Of those sentenced to prison, percent of the maximum sentence allowable imposed
- The higher the percent of the maximum allowable sentence imposed, the more severe the prison sentence can be viewed,
- Other sentences (jail, fines, etc.)
- Case processing
- Declinations, dismissals, charge reduction

Admissions and length of stay drives correctional populations:

- What defendant and case characteristics influence the length of prison sentences?
- How to measure sentence length?
- Percent of maximum allowable sentence imposed.
- Class 2 felony allows a prison sentence anywhere between 3 and 7 years, or a maximum of 7. If the sentence imposed is 3 years, then 42% of the maximum was imposed.
- Class 4 felony allows a prison sentence anywhere between 1 and 3 years, or a maximum of 3. If the sentence imposed is 3 years, then 100% of the maximum was imposed
- Sentence length in months (or years)
- In above example, both received the same sentence of 3 years, even though the above example could be seen as one sentence being more punitive than the other.

Olson and Stemen's analysis concluded that some of their findings are consistent with the existing literature, some nuanced findings (i.e., findings depend on type of offense, county of conviction, and depending on the outcome variable). The research also illustrates utility of using these data and analyses to identify jurisdictions that use prison at higher rates and are more severe in their sentences (controlling for relevant factors). Lastly, it shows how influential criminal history is, but also how limited the influence is of a specific risk of violence score relative to the legal classification of the offense. Olson and Stemen plan to continue their research into this topic and will provide updates of any significant findings.

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. ARI received its largest annual appropriation in the SFY18 budget of approximately \$8.2 million. Of that, \$6.2 million is for 20 continuing sites, to essentially maintain operations from last year (which were at a lower level due to the effects of the State budget impasse). ARI is currently working at pushing out \$1 million in funds from the SFY18 appropriation, about half for new sites (planning and implementation) and half to supplement current sites. This week ARI released a competitive Notice of Funding Opportunity for the new planning and implementation grants, with a due date for applications of October 31st. ARI is working with the ARI Research Manager on a host of efforts to assess and clean up ARI's data so that they can provide sites with a useful feedback loop and start planning for an outcome evaluation. At its August meeting, the ARI Oversight Board approved \$100,000 in the program's administrative budget for

evaluation activities. ARI is still planning to support efforts to expand eligibility subject to local decision-making for the use of ARI funds. A bill this past session to do just that, HB3905 (Rep. Stratton), did not make it to the floor for a vote. ARI welcomes SPAC members' assistance and input on this. Lastly, ARI reported a staff change: Lindsey LaPointe, ARI Program Manager for over 5 years, went to work in criminal justice reform in the not-for-profit sector. The new ARI Program Manager is Adriana Perez, who has deep experience here at ICJIA in both the grants and research units.

Risk Assets Needs Assessment (RANA): IDOC Assistant Director Gladys Taylor provided an update on programming, and how SB 2872 (Rep. Gordon-Booth) will impact IDOC this upcoming January. Taylor noted that there are 4,000 on the waiting list for educational programs. This includes: adult basic education, advance education, and GED. The largest lists are among Sheridan, Illinois River, Shawnee, Lawrence and Vienna. GED as of 1/1/17 had 349 graduates with a goal of over 500 by the end of the fiscal year. IDOC has instituted new computer-based testing for GED. Currently, IDOC is in the top 4 nationally for success rate and possibly #1 among other states with similar testing: inmates have a 96% success rate through the I-pathways curriculum which prepares offenders for the GED. The national average is lower than 70%. Currently, Lakeland Community College is the only vocational college servicing 17 facilities and will include Kewanee. IDOC is in talks with Lakeland to expand the curriculum. Also, IDOC is looking into adding an apprenticeship program and bringing advanced degree programs to IDOC. The Department is in talks with the University of Illinois-Champaign.

Taylor then spoke about the State's new largest residential facility for mentally ill inmates, the former Illinois Youth Center prison in Joliet. It has been transformed into a mental health treatment unit for male inmates with severe mental illness. The facility will be the largest of its kind in Illinois and will begin accepting inmates by year's end. The goal is to help address concerns stemming from a 2007 class action lawsuit regarding the treatment of mentally ill inmates in Illinois prisons. The State settled the lawsuit in 2015. Residential treatment units also will be opened at the Dixon, Pontiac and Logan prisons for inmates with less severe needs. The Department also operates two buildings at the Elgin Mental Health Center for male and female inmates with mental illness who need to be hospitalized. Taylor said everything at the center is geared toward treatment. The center, which has beds for more than 486 inmates, is a step-down facility meaning inmates will work toward the goal of moving out of the facility into a general prison or back into the community once their terms are up. Even within the facility there are portions of the center that are geared toward more intensive treatment and supervision and areas that are less restrictive for inmates who have progressed in their treatment.

New Business

Director Saltmarsh reported that SPAC staff is continuing the process of completing a round of calls with council members to get their feedback on SPAC's work and level of communication. Calls have also been made to legislative staffers. She completed her remarks by reminding all members that the next meeting will be held on November 17th, at the same time and location.

Adjournment

Margo McDermed, moved to adjourn the twenty-seventh regular meeting of the Sentencing Policy Advisory Council, seconded by Gladys Taylor. The twenty-seventh regular meeting of the Sentencing Policy Advisory Council was adjourned at 1:20 p.m. by unanimous voice vote.