

## **Illinois Sentencing Policy Advisory Council September 2, 2010 Regular Meeting Minutes**

### **Meeting Location:**

Illinois Criminal Justice Information Authority,  
300 West Adams, Room 214, Chicago

Members present: Gino DiVito (chair); Joseph Birkett, Thomas Callum, William Clay, Jack Cutrone, Michael Hood, Jeff Howard, Nicholas Kondelis, John Millner, Adam Monreal, Kwame Raoul, Alan Spellberg, Marty Stack (for Thomas Dart), Gladys Taylor (for Michael Randle), David Yellen.

Members present via phone: Jim Durkin

Members absent: Will Burns, Cynthia Cobbs, Ronald Holt, Michael Pelletier, Michael Randle, Patricia Watkins, Warren Wolfson.

Non-members present: Brianna Baker-Carvell, Pete Baroni, Judge Paul Biebel, Jordan Bolger, Lindsay Bostwick, Lisa Braude, Robert Constantino, Mary Ann Dyar, Dave Eldridge (via phone), Cory Foster, Steve Karr, Simeon Kim, Mark Myrent, David Olson, Judge Dennis Porter, Mark Pradun, Mark Prosperi, Herb Quinde, Kathy Saltmarsh, Laurie Scott, Alison Shames, Lisa Stephens, Andrew Tessman, Sara Sullivan, Rick Veenstra, Peter Coolson, and Paula Wolff

### **Welcome, Introductions, and Agenda Overview**

Chair DiVito called the fifth meeting of the Illinois Sentencing Policy to order at 10:15 am. He opened the meeting with a special welcome to Adam Monreal, the new chairman of the Prisoner Review Board, who will be serving on SPAC, the RANA Task Force and ARI Oversight Board. A round of introductions of all present and via phone followed. Chair DiVito then reviewed the purposes of the meeting as follows:

- Hear an update from Kathy Saltmarsh, SPAC's new Executive Director
- Learn about the RANA Task Force's work to date
- Learn about IDOC's current practices in analyzing the fiscal impact of criminal justice legislation
- Gain understanding of how other states address the issue of population projections, which is one of SPAC's mandates
- Engage in an interactive exercise examining two PSI reports from real cases and discussing the sentencing options.

### **Approval of Minutes from July 8, 2010 Meeting**

Upon a motion by Allan Spellberg seconded by Adam Monreal, the minutes of the July 8, 2010 were approved.

### **Update from the Executive Director**

The initial item of business was provided by Kathy Saltmarsh, SPAC's new Executive Director who began her duties August 1<sup>st</sup>. Ms. Saltmarsh first thanked ICJIA and IDOC for sharing their expertise and provision of office space in Chicago and Springfield. She indicated that her first month on the job involved many meetings, including those to gather council members' thoughts about SPAC and increase her understanding of the data available from ICJIA. She next reported on the National Sentencing Commission conference held in August that she and Senator Raoul attended. They both found it greatly beneficial to speak with people who have been involved in work similar to SPAC over time. Her update on SPAC operations focused on a draft work plan both for the immediate future and over the next couple of years that will be presented at the SPAC's November 5th meeting. She also encouraged attendance at the September 22-23 ICJIA summit, "Smarter Solutions for Crime Reduction" which will be the ICJIA's first step to putting together a Strategic Plan for Criminal Justice. ICJIA's Executive Director Jack Cutrone likewise encouraged the participation of SPAC members to ensure that their voice will be part of the plan as did Senator Raoul and David Yellen.

### **Update from the Risk, Assets and Needs Assessment (RANA) Task Force**

Mark Myrent, Director of Research and Development from Illinois Criminal Justice Information Authority began his remarks by thanking the Vera Institute of Justice for their assistance with the work of the RANA Task Force. He referenced the May 27, 2010 Memo from Vera that outlined the two major goals of the Task Force: (1) to select an effective validated tool to be used by DOC, the Parole Division and the Prisoner Review Board; and (2) to design a system so that information will flow and can be shared across all State and local agencies that are part of the criminal justice system, including service providers. Mr. Myrent emphasized that the tool will look at risks, needs *and* assets—the latter of which has been common in working with youth, but is a relatively new component in managing adult populations. He stated that research based best practices should provide the guiding principles for more holistic treatment programs that direct resources to increase impact and are customized to individual learning styles.

Mr. Myrent then reported that the Task Force, through ICJIA, DOC and ISP, created an inventory of all the assessment tools in use in Illinois (including those adopted by AIOC) and has learned as well about best practices and assessment tools (LSI-R, ORAS, and COMPAS ) used nationwide. He noted that over the past several months the Task Force drafted criteria for the assessment tool and at their September 1 meeting approved the RFI which will be the first step in securing the instrument. He added that the RFI offers the advantage of educating RANA members more fully through a vendor conference before going to the RFP. He acknowledged IDOC's Assistant Director, Gladys Taylor for leading the RFI process. Ms. Taylor added that the process for implementing the new assessment tool could begin as early as March 2011. Mr. Myrent also reported that RANA recently created an Advisory Group of service providers to ensure inclusion of the community voice. He said that the Advisory Group has elected a chair, and provided valuable feedback on the RFI, particularly in relation to the issue of validation.

### **Presentation: Fiscal Impact Statements in Illinois**

Chair DiVito then introduced Steve Karr, Assistant Deputy Director, Human Resources - Strategic Processes, Illinois Department of Corrections to discuss IDOC's current practices in analyzing the fiscal impact of criminal justice legislation. Key points of his presentation were:

- There are four primary types of bills that might trigger review: (1) Sentence enhancements/extensions, (2) new sanctions or penalties, (3) a combination of sentence enhancement and new sanctions and (4) policy oriented bills (for example, changes in good conduct credit, changes in sex offender language, mandated staffing ratios, mandated treatment, etc.).
- Bill analysis is a complex process that requires paralegal skills; analytical capacity; capacity to develop, manipulate and analyze data; knowledge of policies and operations involving corrections; and ability to articulate findings.
- Both marginal and per capita costs are included in the analysis. The marginal costs of approximately \$4,000-\$5,000 include clothing, medical, food, utilities etc. for one additional inmate, which may or may not increase staffing needs. The per capita calculation is a function of expenditures divided by average daily population and is in the range of \$20,000 - \$25,000/inmate. (The per capita cost becomes a factor at the point in time where a new prison would need to be constructed and staff added because current bed thresholds are exceeded. To illustrate, Mr. Karr noted that no facility is needed if the impact is less than 400 beds, an impact of 400-800 bed requires a new “x” house, and an impact greater than 800 requires a new prison).
- The cumulative impact is now calculated through 10 years after enactment of the legislation.
- Bill impacts are divided into five categories 1) no impact, 2) minimum impact (usually less than five inmates and/or less than \$50,000), 3) unknown (significant impact but do not have data to support an objective estimate), (4) additional inmate population, 5) potential inmate population decrease.

An extended exchange of questions and comments followed illuminating:

- the challenges in measuring impact, particularly if a new crime or sub-category of crime is created
- how many legislators review the summary of the bill analysis posted on the Legislative Information System
- that although judges are required to take fiscal impact into account when sentencing, some may not know where to find this information
- education, especially because the new crop of legislators is critical to preventing abuse of the system and in order that all legislators pay attention to impact
- SPAC can play an important role by examining the legislative intent of each bill.

In conclusion, Mr. Karr reminded the group that his overview relates only to IDOC, and encouraged SPAC to also look at other systems, such as the police, county probation, etcetera.

### **Presentation: Correctional Population Projections**

Chair DiVito introduced Robert Constantino, Senior Program Associate, Vera Institute of Justice, to provide an overview of how other states address the issue of population projections, which is one of SPAC’s mandates. Mr. Constantino began by stating that the presentation is intended to start the conversation and help SPAC determine what “next steps” need to be taken in order to fulfill its mandate. His presentation covered the following:

- There are three basic projection models: Statistical models that use historical data points to predict the future; “Stock and Flow” models that result in a spreadsheet that uses aggregated

corrections data from the past to estimate future numbers; and discrete-event simulators that use individual offender information to move each offender through actual event points in the criminal justice system.

- Historically states have used the first two models, but this is changing. Today 36 out of 42 states that do projections now use simulation models.
- Benefits of the simulation models include the ability to calculate potential impact of legislation, “start” in the past and run to the present to test if assumptions are accurate and simulate randomness that occurs county to county, courthouse to courthouse.
- The fourth method, consensus forecasting, combines one or more of the previous three models with the judgment of practitioners, which may include large committees to review projections.

Mr. Constantino then reviewed the work of four other states, Alabama, Arkansas and Texas, which use projection models, and Virginia, which uses consensus forecasting. He also referenced Vera’s September 2, 2010, memo, “Criminal Justice Population Projections” and Virginia’s 2009 Forecast included in the meeting packet. In closing he stated that two primary considerations for Illinois as we move forward are (1) staffing and funding resources and (2) quality and quantity of available data.

Discussion and questions that followed focused upon the issue of data—what is essential and the need moving forward to “mandate” all entities to collect data in a consistent manner. Comments from several members and the audience suggested that, despite concerns to the contrary, Illinois may already have sufficient data and the expertise to implement complex simulations. The critical role of information that will be provided by the Assessment Tool to be selected by RANA was also noted.

### **Exercise: Criminal and Alternative Sentencing**

The members engaged in a sentencing exercise designed to elicit the different ways a decision maker can approach the sentencing decision. Two redacted presentence investigation reports were presented to the group and a panel consisting of Judges Biebel and Porter from Cook County Courts; Mike Hood from the Attorney General’s Office; and Jeff Howard from the Cook County Public Defender’s office discussed how they thought the two defendants should be sentenced. SPAC members engaged in a vigorous discussion of the two cases, including the need to focus on the individual’s circumstances and needs; the question of whether certain drug treatment was available in prison; and how a risk and needs assessment would benefit the sentencing decision.

### **Adjourn**

Upon motion by John Milner, seconded by Jack Cutrone and voice approval, the meeting was adjourned at 1:30 pm.