

**Illinois Sentencing Policy Advisory Council**  
January 21, 2011 Regular Meeting Minutes

**Meeting Location:**

James R. Thompson Center, Room 2-025  
Chicago, IL

Members Present: Gino DiVito (Chair), Kwame Raoul (Vice-Chair), Warren Wolfson (Vice Chair), Mike Tardy, Jack Cutrone, Mike Hood, Alan Spellberg, David Yellen, Jeff Howard, Gladyse Taylor, Pat Unsinn (for Mike Pelletier), Marty Stack (for Tom Dart).

Members present by phone: Tom Callum

Members present via video conference: Ken Toupy (for Adam Monreal), Nick Kondelis

Members Absent: Patricia Watkins, Cynthia Cobbs, John Millner, Ronald Holt, Jim Durkin, William Clay III, Mike Waller

Non-members present: Kathy Saltmarsh, Paula Wolff, Alison Shames (via video), Lisa Braude, Mark Myrent, Chris Devitt-Westley, Lindsay Bostwick, Mary Ann Dyar, Mike McCotter (via phone), Kyle Clutter (via video), Sara Sullivan, Dave Olson, Steve Karr, Don Stemen, Jenni Scheck, Jordan Boulger; Julie Biehl, Stephanie LNU from Bluhm Legal Clinic, Cara Smith.

**Welcome, Introductions, and Agenda Overview**

Chair DiVito called the sixth meeting of the Illinois Sentencing Policy Advisory Council to order at 10:25 a.m. due to technical issues with video conferencing equipment. He opened the meeting by noting that Mike Waller, Lake County State's Attorney was expected to be appointed to replace Justice Birkett as the representative of the State's Attorneys outside of Cook County. A round of introductions of all present and via phone and video conference followed. Chair DiVito then reviewed the purposes of the meeting as follows:

- Approve short term work plan which has incorporated the changes from last meeting.
- Hear updates from the Executive Director, RANA Task Force, Adult Redeploy and ICJIA
- To see a presentation by Dave Olson of the retrospective analysis, a significant part of the short term work plan
- To discuss the proposed agenda for legislative seminar and the framework for a bill triage process
- To see a presentation by Alison Shames on Justice Reinvestment

### **Approval of Minutes from November 5, 2010 Meeting**

Upon a proper motion, seconded by Mike Hood the minutes of the November 5, 2010 meeting were unanimously approved.

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

Kathy Saltmarsh reported that the SPAC Annual report was timely filed, with an amended report filed shortly thereafter. A copy of the amended report was distributed at the meeting. The report accurately reflects the work SPAC has done over the past year.

Ms. Saltmarsh reviewed the changes made to the short term work plan and presented SPAC letterhead, which was created as part of branding SPAC. Completing the retrospective analysis was the priority since the last meeting. The expertise, patience, and the work of the CJIA research and legal staff, and the work of Dave Olson and Don Stemen on the analysis was noted with appreciation. The analysis will be edited and shortened for the legislative seminar, with the full version available to staff. In conjunction with the retrospective analysis, the AOIC has been working on a probation analysis that will be incorporated as needed.

Ms. Saltmarsh noted that the process of producing the analysis served the purpose discussed by the Strategic Planning Committee in that it led to a clearer understanding of how to triage bills, how to approach the legislative seminar, and it gave rise to questions the Strategic Planning Committee will need to consider.

Ms. Saltmarsh reviewed the topics for legislative seminar and the seminar's purpose -- to focus legislators on the Crime Reduction Act and SPAC mandates and update them on implementation, as well as presenting the retrospective analysis and introducing the concepts of evidence based practices. Brief reports from RANA and ARI will be presented, along with the retrospective analysis. A basic introduction of evidence based practices using programs that have documented success will be included. CJIA will help with that portion of the program given its longstanding work in this area.

A method for triaging legislative proposals was presented. The method is based in part on what was learned by doing the retrospective analysis. Since three types of legislative action most frequently impact sentencing, SPAC will look for bills that fall into those categories: making a probationable offense non-probationable; moving felonies up a level; effect on DOC's ability to manage its population. Then for specified offenses, SPAC will look at how many arrests and sentences have been imposed for those offenses over the past five years. Mike Hood suggested considering changes from concurrent to consecutive sentencing as well. Jack Cutrone suggested looking as well at the converse of those three legislative actions, for bills that would have positive outcomes. SPAC would also analyze bills based on specific requests to look at legislation provided there is sufficient data to support an analysis.

SPAC will need to have a response protocol, which will be considered at future meetings. While it is unlikely that there will be a large number of bills that would fit the triage criteria, any that do will be distributed to members with available information from DOC or CJIA for members to consider. This session is a chance to test a framework, and this process will inform

our discussion of how we want to handle legislative reviews. One key is to get any SPAC analysis to staff as they are preparing their analyses for legislators.

Jeff Howard pointed out that implementation of evidence based practices is not necessarily a legislative result and asked how SPAC as a body can have an impact counties, for instance encouraging the use of specialty courts. He also asked about consideration of juvenile justice issues, which SPAC is not precluded from analyzing, however the current focus is on adult corrections.

Lisa Braude and Mike Tardy presented an overview of the concept of a Center of Excellence for Mental Health and Justice in Illinois (CoE). The genesis for a CoE in Illinois was a series of regional and a statewide strategic planning meetings hosted by the IL Dept of Human Services, Division of Mental Health. A multidisciplinary stakeholders group, consisting of representatives from the DHS/DMH, ICJIA, TASC, the IL Association of Mental Health Courts, the AOIC & a few members of the Special Supreme Court Advisory Committee on Justice and Mental Health Planning, have met to consider the purpose, products, and feasibility of such an entity in Illinois. In concept, a CoE is an independent entity designed to provide technical assistance, resources, and training to improve systemic responses to justice system involved mentally ill citizens.

Mike Hood pointed out that Adult Redeploy Illinois is another way to implement outside of the legislative process. As we get different counties putting forth ideas on this kind of diversion, SPAC could almost give them a seal of approval on the programs. These programs help DOC and the individual counties.

Chair DiVito agreed, suggesting that we must look above and beyond legislative issues and take advantage of non-legislative opportunities. Input from ARI, AOIC, will be needed so we can make appropriate recommendations. At some point there will be agenda items directed at that kind of effort.

Ms. Saltmarsh made the point that the SPAC must first establish some familiarity and credibility so when an opportunity arises SPAC will be able to positively impact the discussion. Our role may be more to shift discussions to what the data supports.

### **Staffing**

SPAC has been authorized to hire two people, a policy advisor and a research director, whose primary responsibility will be to do research with CJIA and other researchers on behalf of SPAC. The help will be appreciated, though there has been no lack of support from CJIA, DOC, Dave Olson and Don Stemen.

### **Presentation of the Retrospective Analysis by Dr. David Olson from Loyola University.**

The collaborative effort with the research staff of CJIA was noted with gratitude by Chair DiVito. Any revisions that come out of the discussion today will be made. This analysis will be the centerpiece of the seminar with legislators.

Dr. Olson gave a summary presentation of the substance of the analysis and took questions. The full version of the analysis will be posted on the CJIA website at the SPAC link when it is finalized.

### **Working lunch**

Reports from ARI, RANA, and the ICJIA strategic planning work groups were presented.

### **Presentation on Justice Reinvestment Initiative by Alison Shames (via video conference) --**

JRI is about using a data driven approach to reduce spending on corrections and reinvest identified savings in evidence based strategies designed to increase public safety while holding offenders accountable. JRI is organized so that Vera and the Center on State Governments are providing technical assistance; also available for counties, with TA by other entities.

Illinois is sending a letter of intent to apply for phase 1. Our letter will reflect the goals and efforts of CJIA and SPAC. The vote to authorize SPAC to file a letter of support over Chair DiVito's signature was unanimous. Phase 1 brings together key stakeholders, undertakes a comprehensive analysis of data, including projections; and develops policy proposals to reduce costs and increase public safety by addressing the drivers of the prison population. Using the data you can model impact of the proposals on population and cost savings. The process is anticipated to take 6 to 12 months.

Phase 2 is implementing policies that are passed or adopted. Some limited funding will be available to assist, but it is primarily technical assistance. The impact of the new policies will be measured and reported back to BJA - make sure policies are working the way they are intended.

Ms. Shames shared what is going on in other states, including North Carolina, Alabama, Louisiana, Indiana, Arkansas, and Ohio.

### **Population Management Working Group**

Ms. Saltmarsh suggested that SPAC form a small group of members to consider the drivers of prison population and the decisions that impact DOC's ability to manage the population. A motion to form the work group by Gladys Taylor; seconded by Mike Hood was unanimously supported. The Chair will appoint people but volunteers were invited to contact Chair DiVito or Kathy Saltmarsh.

### **Quorum question**

It was noted that the video conferencing connection from Springfield had been lost thus the meeting was not longer at quorum when the votes on forming the work group and supporting JRI were taken. Chair DiVito responded that it was proper for him to form a work group as needed, though he prefers to act with the approval of the Council. He further noted that all remaining at the meeting supported both ideas, which is a majority. We will take up any challenges based on lack of quorum in the future.

**Other Business**

Gladys Taylor introduced Cara Smith, new Chief of Staff at DOC. Steve Karr noted that Don Stemen had joined us. Don was introduced, and his expertise was noted.

Chair DiVito noted that the next meeting is on March 18, 10 to 1:30 in the same location.

Motion to adjourn by Jeff Howard & Warren Wolfson; second by David Yellen. The sixth meeting of the Illinois Sentencing Policy Advisory Council adjourned at 1:15 p.m.