

**Sentencing Policy Advisory Council**  
**Regular Meeting Minutes**  
**Friday, January 18<sup>th</sup>, 2013 10:00 AM – 1:30 PM**

**Location: Michael Bilandic Building**  
**160 N. LaSalle, Rm. N502**  
**Chicago, Illinois**

**Members Present:** Gino DiVito (Chair), Warren Wolfson (Vice-Chair), Kwame Raoul (Vice Chair), William Clay III, Jack Cutrone, Margaret Eagan, Michael Glick, Margie Groot (for Mike Tardy), Jeff Howard, Nick Kondelis, Rick Veenstra (for Robert Berlin), Michael Pelletier, Dennis Rebolletti, Alan Spellberg, Gladyse Taylor, David Yellen

**Members Present by Phone:** Ken Tupy (for Adam Monreal)

**Members Absent:** Ronald Holt, Marcus Evans, Jr., Patricia Van-Pelt Watkins

**Non Members Present:** Shereene Alemzadeh, Maryam Al-Zoubi, Garvin Ambrose, Peter Baroni, Khadine Bennett, Paul Biebel, Laura Brooks, John Carroll, Christine Devitt-Westley, Samantha Gaddy, Jennifer Gonzalez, Kanako Ishida, Lynne Johnson, Rachel Johnson, Steve Karr, Simeon Kim, Lindsey LaPointe, Edna Lee, Daria Mueller, Ethel Muhammad, Kaethe Morris Hoffer, Mark Myrent, Sergeant Moody, Dominique Nong, Dave Olson, Mark Powers, Ben Ruddell, Kathy Saltmarsh, Sharon Shipinski, Lisa Stephens, Mike Toomin, Paula Wolff, Malcolm Young

**Non Members Present by Phone:** Lyn Schollett

**Welcome and Introductions**

Chairman DiVito called the twelfth regular meeting of the Sentencing Policy Advisory Council to order at 10:15 a.m. The Chairman gave opening remarks, including:

- Welcome to new member Marcus Evans, Jr. who replaces Karen Yarbrough for the House Democratic caucus.
- Welcome to Michael Glick who replaces Michael Hood for the Office of the Attorney General. Mike Hood is now working for the Illinois Department of Corrections.
- John Millner has retired from the Illinois Senate and will no longer be able to serve on SPAC. An appointment has not yet been made to fill his seat.
- Chairman DiVito recognized Judge Paul Biebel, head of the Criminal Division in Cook County, and Judge Michael Toomin, head of the Juvenile Division in Cook County, who joined the SPAC meeting.

**Agenda Overview**

Chairman DiVito provided an overview of the agenda as follows:

- In lieu of an oral report, Ms. Saltmarsh has provided the members with a written Executive Director's report.

- Lynne Johnson of the Chicago Alliance against Sexual Exploitation and Daria Mueller, policy consultant for End Demand will give a presentation on a bill to eliminate the felony sanction for a second or subsequent prostitution offense, an update on our work with the fiscal model will be offered as well as working lunch updates from Adult Redeploy Illinois, the Risk, Assets, Needs Assessment and the Illinois Criminal Justice Information Authority.

**Vote: Approval of the minutes from the September 10, 2012 meeting**

Warren Wolfson moved to approve the minutes, seconded by Jack Cutrone. The minutes from the September 10<sup>th</sup> meeting were approved.

**Presentation: Legislative proposal to eliminate felony penalty for prostitution in Illinois**

Lynne Johnson of the Chicago Alliance Against Sexual Exploitation (CAASE) presented a bill proposal that will be introduced in the General Assembly this year. The bill seeks to remove felony penalties from any prostitution offenses thereby returning second or subsequent prostitution convictions to Class A misdemeanors.

Ms. Johnson discussed the policy arguments supporting the bill, including that the women who are prosecuted for multiple prostitution offenses are frequently victims of human trafficking; a felony conviction is a significant impediment to successful reentry; there is disproportionate treatment of prostitutes versus pimps and johns in the criminal justice system as there is no felony enhancement for the offenses with which they are charged; and that women who are engaged in the sex trade have very high recidivism rates and are more likely to leave the sex trade if given treatment and gender specific services that help them escape the trade and their traffickers. The Illinois Department of Corrections reported 127 felony prostitution admissions for 2012, costing the state an estimated \$2,011,680. Only seven other states have a felony prostitution sentence option for subsequent offenses including Arizona, Florida, Georgia, Idaho, Indiana, Missouri and Nebraska.

Daria Mueller, legislative consultant for End Demand, led a discussion on the current prostitution court programs in Cook County, titled "Wings" and "Feathers." The programs were originally created by Judge Paul Biebel and are administered by Judge Rosemary Higgins. Ms. Mueller was an integral member of the collaborative group that proposed the court. Ms. Mueller discussed "best practices" for prostitution recovery.

Chairman DiVito shared that he had spoken with Judge Higgins about the prostitution courts and shared some of her observations. He raised the concern that the threat of a felony prosecution, and the length of time for which an offender is sentenced for a felony, might be critical elements in getting the women to stick with the alternative sentencing program. He also inquired about the availability of diversion for misdemeanor offenders. In the absence of a diversionary program for misdemeanor prostitution offenders, he questioned whether these offenders would pursue and complete a treatment program rather than accept a misdemeanor conviction. Judge Biebel recounted how the prostitution court was developed and shared the view that felony prosecution might be a necessary element of the court.

Margaret Egan gave a brief overview of the Women's Justice Program administered by the Cook County Sheriff. The program has a capacity of 150 women and includes a step-down program that begins with some jail time followed by furlough release through electronic monitoring. Lastly, the women may transition to a day reporting program. The program includes drug abuse treatment and counseling for mental health and trauma. Members were interested in the recidivism rates of these women and Ms. Egan will see if those numbers are available.

Dennis Reboletti described how mandating something like a prostitution court could be challenging. Because of the state's current fiscal situation, it would probably take 5 years before the state could help financially with any

diversionary programs. Representative Reboletti also added that felony prostitution became eligible for Section 40-10, TASC Probation a few years ago.

Judge Biebel discussed having attended a TASC presentation on “Obamacare” and what it is going to mean in terms of access to treatment and health care. The state is currently 45 weeks late in making payments to treatment providers. He suggested discussing how treatment could be done in the community so that Medicaid would cover the cost of services allowing more individuals to receive treatment.

#### **Update on the SPAC Fiscal Model; What did we learn from the cohort studies?**

Ms. Saltmarsh provided an update on the progress of the fiscal model. The cohort study of offenders sentenced to the Department of Corrections has been completed and the probation cohort study is underway. Until that study is completed and marginal cost numbers are calculated for jail and probation, system-wide fiscal impact statements cannot be produced. SPAC is working with Dr. Patricia Byrnes, an economist at the University of Illinois Springfield to develop the system-wide fiscal impact analysis. She will use the cost calculations we have produced with the cost-benefit analysis model.

Mark Powers presented a web-based tool that ICJIA developed with a grant from the Bureau of Justice Statistics (BJS). Questions raised in previous SPAC meetings as to the nature of offenders’ prior criminal history in Illinois led ICJIA to pursue developing a tool that could analyze the criminal history and recidivism rates of offenders based on the type of offense. The tool contains statistical data on inmates in Department of Corrections matched to their criminal history records contained in the State Police CHRI system. Users can choose various inmate demographic and charge categories, and obtain comprehensive information on the nature of their prior arrests and sentences, as well as their recidivism rates once released from prison. The tool will help show offender patterns within various other cohorts, such as those sentenced to probation, and will be available to the public on the ICJIA website in a few months. This tool will also be helpful in constructing some of the more specific cohort studies SPAC will need for its fiscal impact statements.

#### **Updates from the Risk Assets Needs Assessment (RANA) and Adult Redeploy Illinois (ARI)**

Lindsey LaPointe provided an update of ARI. The 10 pilot sites have collectively diverted several hundred individuals who might have otherwise been sentenced to the Department of Corrections. The sites include Cook, Crawford, DuPage, Fulton, Jersey, Knox, Macon, Madison and McDonough counties. All sites are on target to meet or exceed their diversion goals and efforts are underway to bring more sites into the program.

Gladys Taylor provided an update on the RANA tool. Ms. Taylor stated that a vendor, Orbis Partners, Inc., had been chosen and that representatives would be in Chicago next week to give a presentation to the RANA Advisory Board. Implementation and training will begin soon, and DOC will be focusing on offenders who are nearing their release date for the initial assessments.

#### **Review of bill analysis protocol**

Ms. Saltmarsh reviewed the protocol that will be used to analyze bills for the upcoming session and updated members on changes that had been made based on lessons learned since the original protocol was developed. Members were asked to review the newly updated “bill protocol” sheet and provide any suggestions they had to Ms. Saltmarsh or Ms. Gaddy via e-mail.

### **Communication during session**

Ms. Saltmarsh discussed the possibility of creating an online web portal for members to use for communication. She asked members for their feedback on the idea. It was determined that members were willing to try a web-based communication system. Based on members' suggestions, Samantha will do some further research on Sharepoint and Google Docs.

### **Other business & Next Steps**

The next meeting date was set for Friday, April 5<sup>th</sup>, 2013.

### **Adjournment**

Gladys Taylor made a motion to adjourn, seconded by Jack Cutrone. The twelfth meeting of the Sentencing Policy Advisory Council was adjourned at 1:15 p.m.