

**Illinois Sentencing Policy Advisory Council
Regular Meeting Minutes
June 20, 2014 10:00AM – 1:30PM**

**Location: Cook County Building
118 N. Clark, 4th Floor A&B
Chicago, IL**

Members Present – Gino DiVito (Chairman), Kwame Raoul (Vice-Chair), Jason Barickman, Ruth Coffman, Marcus Evans, Jr., Michael Glick, Nicholas Kondelis (via phone), Adam Monreal, Bernie Murray (for Robert Berlin) Dennis Reboletti, Alan Spellberg, Lisa Stephens (for Jack Cutrone), Gladys Taylor, Dave Yellen

Members Absent – Steve Baker, William Clay III, Mike Pelletier, Mike Tardy, Warren Wolfson

Non-Members Present – Jessica McMiller–Baptiste, Pete Baroni, Khadine Bennett, Mike Carter, Mary Ann Dyar, Samantha Gaddy, Monica-Kaye Gamble, Kalyn Hill, Rebecca Janowitz, Daryl Jones, Matt Jones (via phone), Steve Karr, Simeon Kim, Lindsey LaPointe, Ashley Lindemann, John Maki, Mystik Miller, Robin Murphy, Mark Myrent, Dave Olson, Esther Franco–Payne, Mark Powers, Pam Rodriguez, Ben Rudell, Kathy Saltmarsh, Nate Inglis Steinfeld, Juwaun Sutton, Judge Michael Toomin, Katelyn Tye, Rick Veenstra

Welcome and Introductions

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

- Welcome to Senator Barickman who is joining us for his first meeting since his appointment to SPAC
- Welcome to SPAC intern Mystik Miller. Ms. Miller is a recent graduate of Dartmouth and will be pursuing a PhD program next fall. She has been an invaluable asset to staff.
- An overview of the agenda and purpose of the meeting.

Vote: Approval of the meeting minutes from the January 10, 2014 SPAC meeting

Dennis Reboletti moved to approve the minutes as amended, seconded by Adam Monreal. The minutes from the January 10th, 2014 SPAC meeting, as amended, were approved by unanimous voice vote.

Presentation of the Illinois House of Representatives’ Heroin Task Force: Representative Lou Lang & Representative Dennis Reboletti

SPAC members heard from the Chairman of the Illinois House of Representatives Heroin Task Force. Representative Lou Lang and Minority Spokesman Representative Dennis Reboletti spoke about the current progress and future goals of the group.

The representatives noted that the bipartisan members of the Task Force take this issue very seriously- with 39 members traveling around the state to attend hearings and consider testimony. The Task Force has had four hearings thus far and has passed a resolution declaring a heroin crisis in Illinois. Representative Lang noted that the goal of the Task Force is to focus on targeted solutions, not only on anecdotal stories.

Use of Heroin and Overdoses

Victims are all ages, races, genders, and professions. The members have learned that heroin is now cheaper, more accessible, and more prevalent than it has ever been. Representative Reboletti noted that using heroin is not a new trend; however, much attention has been given to it because of its increased use. One person dies every 8 days in DuPage County of a heroin overdose. Representative Reboletti noted that one of the biggest triggers leading to opiate addiction is the prior use and abuse of prescription medication. Representative Reboletti noted that it is “astounding” to hear of the number of non-fatal overdoses. The Task Force has also touched on civil commitment for serious drug users.

Criminal Sanctions

Representative Lang does not believe this problem will be solved by enacting more criminal laws, particularly because opioid users are not threatened by more jail or prison time. However, it is necessary to talk more about drug courts and recognize that relapse is part of the treatment process.

Medication Assisted Treatment

The prescription drug Narcan is used to reverse an overdose. Representative Lang wants to work on making sure that every police officer and fireman and possibly even family members of people with addiction have access to Narcan and says that we “need to figure out how to use a product that can save lives.” Although some may feel that this will encourage people with addiction not to seek treatment, because there will be no fear of overdose, Representative Lang does not believe that is or will be the case.

Insurance

One of the things the Task Force learned is that current treatment periods are not long enough. People are getting around 15 days of treatment when they need 90 or more. If we are going to move from a punishment model to a treatment modality, some patients will need more than 24 months of aftercare. Some members believe that it will be important to get buy-in from the insurance companies, to address some of these issues.

Members also heard from Illinois Department of Corrections (IDOC) Assistant Director Gladys Taylor concerning how the Medicaid expansion will aide in moving toward a rehabilitative model. Someone sentenced to probation can be covered by Medicaid, and so can pre-sentence detainees. Assistant Director Taylor notes that 80%-90% of all IDOC inmates are now eligible for Medicaid.

Spending

Representative Lang noted that state spending on addiction prevention and treatment is nowhere near where it needs to be to effectively address the problem and to be able to move the ball forward. There is a need to talk about real solutions that work. Rep. Lang stated that those working on the budget will need to begin thinking of new and creative ways to prioritize addiction prevention and treatment in this fiscal climate. Rep. Reboletti stated that it may be necessary to look at additional ways to fund treatment such as through RICO forfeitures which is something that the House Republicans have talked about.

Doctors & Hospitals

The Task Force heard testimony from many folks in the medical community concerning doctors and hospitals being graded on their ability to provide pain management. Many opiate prescriptions are written allowing for unnecessary refills. Rep. Lang would like to talk with the Medical Society in Springfield about prescribing practices.

Education Programs

Rep. Lang noted that members of the Task Force will be learning about the educational programs offered in schools. These are places where people are learning to teach others to recognize and prevent heroin use. There has been discussion about providing more information and training for medical school students on the science of addiction and alternative approaches to pain management. Some members feel that prosecutors and judges also need more training and education on the science of addiction.

Future Task Force Hearings

The Heroin Task Force plans to have 3-5 additional hearings around the state. They are interested in hearing from SPAC about research and analysis of sentencing for controlled substances. Rep. Lang noted that although the Task Force would like to have something as soon as possible, they are not going to “rush and get it wrong.” He said that they are looking for something comprehensive that will touch on all aspects of the issue. Members of the Task Force are available to meet individually with persons and groups and are open to suggestions.

Some members questioned whether the heroin Task Force would be looking at other drugs or primarily heroin. Rep. Lang said that a few members have compared the response to heroin to the lack of response for crack cocaine and some other drugs. Lang, however, sees this Task Force as more of an addiction Task Force, focusing primarily on heroin as it is provided for in the statute, however there will be overlap in things like insurance and mandates.

There was some discussion concerning the difference in treatment for those suffering from addiction who have come in contact with the criminal justice system vs. those who have not. John Maki noted that research does not support the belief that prison is the best environment in which to provide treatment.

Pam Rodriguez Bringing: Science and Research to the Sentence

Pam Rodriguez from Treatment Alternatives for Safer Communities (TASC) gave a presentation on treatment for drug offenders and provided members with two handouts. Ms. Rodriguez’s remarks included:

- Long-term addiction fundamentally changes the composition of the brain.
- Treatment should be individualized and comprehensive; this is backed by more than 15 years of research.
- Genetic history can be both a protective factor and a risk factor. For example, some people use substances regularly and do not get addicted.
- Genetic vulnerabilities can happen based on environment as well as family activities (*i.e.*, familial substance abuse patterns).
- Ms. Rodriguez provided SPAC members a handout that showed a human brain scan 10 days after stopping cocaine use, noting that there was some return to normalcy, but minimal. One hundred days post cocaine sobriety, the brain was much closer in activity to a normal human brain. However, it is not currently known whether the brain will completely return to its pre-cocaine usage state.
- Just like diabetes and other chronic diseases, addiction requires management, treatment, and the ability to manage one’s own disease and lifestyle choices. We tend to blame those suffering from addiction too

often, describing them as failures when they relapse, yet we do not do that with other chronic conditions like diabetes. We should be giving them more and different treatments, recognizing that the standard treatment does not work for everyone.

- Our focus should simultaneously be on outcomes that reduce recidivism and increase health.

Ms. Rodriguez noted that there are many points in the system where one can intervene when dealing with an addicted person. However, many drug courts and treatment programs do not allow medication-assisted treatment under the theory that you are not really drug-free or that you are just substituting one drug for another drug. We've seen this with Methadone, Suboxone, and Vivitrol. However, the science has changed so we can now identify good candidates for medication-assisted treatment and those who are not appropriate candidates.

Presentation and Discussion: Dave Olson, Evaluation of Sheridan and SWIC Correctional Facilities

Dave Olson presented the findings of his evaluations on two treatment prisons in Illinois titled:

1. A Process and Impact Evaluation of the Southwestern Illinois Correctional Center Therapeutic Community Program During Fiscal Years 2007 through 2010
2. Program Evaluation Summary: Sheridan Correctional Center Therapeutic Community: Year 2

In his presentation he discussed the need for treatment, barriers to treatment, length of stay, and aftercare.

Presentation & Discussion: HJR0096 Legislative Criminal Justice Committee

Representative Zalewski and members of the HJR0096 Joint Criminal Justice Committee led a short discussion regarding the goals and desired outcomes for criminal justice reform through this committee. Rep. Zalewski stated that it was made clear to him last fall that there is a need for a fundamental discussion about sentencing in Illinois. Throughout the past session, amendments to the criminal code were difficult to get out of committee.

Rep. Zalewski noted that the joint committee was created as a step beyond the typical Task Force. It includes House Democratic, House Republican, Senate Democratic, and Senate Republican members. The committee is hopeful that SPAC will play an important role in this. Rep. Zalewski notes that it has been made clear to him that numbers and raw data are very important factors in this process. Rep. Turner acknowledged the very short time line and said they hope to move quickly, meet quickly, and roll something out quickly.

Representative Reboletti said that although red states have led the way in criminal justice reform, the outcomes are not necessarily working. Often, Task Forces are a road to nowhere, they are just press releases. He stated that he wanted a bill to come out of this committee.

Past Legislative Session

Rep. Zalewski gave a quick overview of some of the changes that have taken place this past legislative session in the judiciary committee, headed by House Assistant Majority Leader Elaine Nekritz. Rep. Zalewski said that not only did the committee keep penalty enhancements from passing, the committee prevented the passage of new offenses. This forced the agencies bringing bills forward to utilize existing law and to be more creative. He felt it was very helpful to have subject matter hearings and votes on bills on different dates. He noted "You can't just come to Springfield and pass something because it's tough on crime."

Matt Jones stressed the importance of looking at SPAC's reports from 2013 because they are instructive. Truth in Sentencing and determinate sentencing are things that should be examined.

At the request of Marcus Evans, SPAC Members told members of the Joint Criminal Justice Committee their goals:

- *Kwame Raoul (member of joint committee and co-chair of SPAC)* - He would like to find a way to go back through 25 years or more of sentencing enhancements that are not necessarily logical now and may not have been when passed. He believes that the committee cannot maintain the status quo.
- *Dennis Reboletti (member of joint committee and member of SPAC)* - Rep. Reboletti said that some things need to be realigned upwards. He would like to start by asking "if we had to write a criminal code today, how would we write it based upon public safety and with input from everyone?" People should not just think of this as soft on crime but rather right on crime and smart on crime. The Representative also discussed proportionality of penalties.
- *Gino DiVito (Chairman of SPAC)* – He noted the importance of having all stakeholders involved in the committee's deliberations, especially prosecutors and public defenders. He suggested that the committee review the necessity for statutory "super Class X" felonies and other "super classes" of felonies. He also suggested that the committee examine providing facilities and treatment providers so that judges would have the ability to begin services for the treatment of addiction and mental health problems as a condition of a recognizance bond – at the initial bond hearing – in lieu of incarceration by requiring the posting the a cash bond.
- *Alan Spellberg (Cook County State's Attorney)* – He noted that his office was already working closely with members of the committee and is looking forward to a systemic view of problems like cannabis and gun offenses. They're looking for a comprehensive, as opposed to a piecemeal, approach.
- *Bernie Murray (DuPage County States Attorney)* – He noted the difficulty of the CLEAR Commission's work on rewriting criminal statutes while the legislature simultaneously continued to change penalties.
- *Adam Monreal (Chairman, Prisoner Review Board)* – He would like to see more use of graduated sanctions. We should consider and prioritize who we are really trying to punish.
- *Ruth Coffman (Cook County Jail)* – She asked that the committee consider the jail, keeping in mind that decreasing length of punishment may only increase the jail population.
- *Dave Yellen (Dean, Loyola Law School)* – We need to think about the end game and enabling legislators to take criminal justice more seriously.
- *Michael Glick (Office of the Attorney General)* – Feels it would be useful if legislators would reach out to the Attorney General's office earlier in the process because normally the first contact that the Attorney General's office has with legislators occurs after a statute has been found unconstitutional.

- *Gladysse Taylor (IDOC)* – Looking for support for the implementation of the risk assessment tool, as the assessment is needed from the time of arrest through incarceration in jail and prison and on mandatory supervised release. There are 75,000 persons in IDOC’s care, and as a result, it is difficult to accommodate a judge’s recommendation in a sentencing order regarding treatment.

Updates from RANA, ARI, and the ICJIA

Gladysse Taylor gave a brief update on the Risk Assets Needs Assessment (RANA) in response to a question in the previous presentation. Ms. Taylor relayed that a hasty implementation was tried for RANA but it was quickly learned that licensed clinical professionals were needed to complete the assessments. IDOC received the approval to hire the positions it needs. However, we would still like to see data sharing with other entities before the inmate enters IDOC through Offender 360.

MaryAnn Dyar gave a brief update of Adult Redeploy Illinois including funding, site additions and planning grants, and site programs.

Mike Carter from the Illinois Criminal Justice Information Authority (ICJIA) gave a presentation on current projects to promote data transfer and collaboration among criminal justice partners. Mr. Carter’s remarks included:

- For the past two years, ICJIA has refocused on information sharing networks for law enforcement, prosecution, and corrections. The focus recognizes the importance of data exchanges and shared information. To support these efforts, ICJIA has developed partnerships with national groups: BJA, BJS, ONI, IJIS Institute, SEARCH, NCSC and others.
- Three main projects directly relevant to SPAC members:
 - Illinois Data Exchange Coordinating Council – an executive order signed by the governor in April 2014 that sets a collaborative framework across jurisdictions and disciplines to guide policy of statewide data networks.
 - NCS-X and National Incident-Based Reporting Standards (NIBRS) – with a BJS partnership, ICJIA is encouraging more Illinois law enforcement agencies to use incident-based reporting rather than aggregate summaries like the UCR. CPD has stated a commitment to the effort and should produce these data soon.
 - Pilot Project for Data Sharing with the National Governor’s Association – two counties, Lake and St. Clair, are participating in a data share project with IDOC on felons transferred to prison. The two-way data sharing will give data from IDOC back to the counties to facilitate better reentry planning and preparedness by local criminal justice agencies. The goal of the project is to (1) address the high costs of data entry for IDOC (a \$52 million problem annually) and (2) assist reentry. The guiding principle is that reentry begins at arrest.
- Through all of these conversations, ICJIA finds that true integration is only achieved through use of Global Standards Package.

Adjournment

Michael Glick made a motion to adjourn, seconded by Adam Monreal. The sixteenth regular meeting of the Sentencing Policy Advisory Council was adjourned at 2:15 p.m.