

Illinois Sentencing Policy Advisory Council
Regular Meeting Minutes
October 24, 2014 10:00AM – 1:30PM

Location: Cook County Building
300 W. Adams, 2nd Floor Conference Room
Chicago, IL

Members Present – Gino DiVito (Chairman), Kwame Raoul (Vice-Chair), Warren Wolfson (Vice-Chair), Steve Baker, Katherine Bocanegra, Jim Chad (for Mike Pelletier), Ruth Coffman, Kelly Gallavin-Ilarazza (for Mike Tardy), Michael Glick, Nicholas Kondelis (via phone), Adam Monreal, Dennis Reboletti, Alan Spellberg, Lisa Stephens (for Jack Cutrone), Gladyse Taylor, Stewart Umholtz

Members Absent – Jason Barickman, William Clay III, Marcus Evans, Jr., Dave Yellen

Non-Members Present – Virginia Andersen, Ali Abid, Chris Babal, Lore Baker, Pete Baroni, Judge Paul Biebel, Khadine Bennett, John Carroll, Jr., Mike Carter, Jeff Coady, Mary Ann Dyar, John Fallon, Sierra Fischer, Aviva Futorian, Samantha Gaddy, Kalyn Hill (via phone), Rebecca Janowitz, Daryl Jones (via phone), Stephanie Kollman, Lindsey LaPointe, Megan Larson, John Maki, Mystic Miller, Brianne Monahan, Bernie Murray, Dave Olson, Esther Franco-Payne, Pam Rodriguez, Ben Rudell, Kathy Saltmarsh, John Staskunas, Nate Inglis Steinfeld, Laura Thomas (via phone), Katelyn Tye, Rick Veenstra, Ashley Velcheck, Hannah Vogel, Chris Devitt-Westley, Paula Wolff

Welcome and Introductions

Chairman DiVito called the seventeenth regular meeting of the Illinois Sentencing Policy Advisory Council to order at 10:12 a.m. The Chairman gave opening remarks, including:

- Welcome to Stewart Umholtz, who is replacing Robert Berlin as a representative for downstate state's attorneys. Mr. Umholtz is the Tazewell County State's Attorney. He has served as State's Attorney for 19 years and has served on the Illinois State's Attorneys' Association for eight years.
- Welcome to Lisa Stephens, Chief of Staff for the Illinois Criminal Justice Information Authority, who has been designated by letter to act as Jack Cutrone's representative for this meeting.
- Welcome to Jim Chad from the Office of the State Appellate Defender who has been designated by letter to act as Mike Pelletier's representative for this meeting.
- Introduction of students attending from the University of Wisconsin at Madison's La Follette School of Public Affairs who will be working on a cost-benefit project for SPAC.
- An overview of the agenda and purpose of the meeting, focusing on capacity for treatment and housing services in order to produce good outcomes through community corrections.

Discussion and Vote: Community Representative, Katherine Bocanegra, Enlace Chicago

Members were presented with an introduction to Katherine Bocanegra, a community representative from Enlace Chicago. Ms. Bocanegra's resume was offered for membership consideration to fill the vacancy left by Senator Van Pelt's resignation upon her election to the State Senate. Ms. Bocanegra is an active member of Enlace and doctoral student at the University of Chicago. She brings a unique perspective on serving the needs of a community suffering from a high rate of violence as well as an appreciation for data collection. Gladyse Taylor

moved to appoint Ms. Bocanegra, seconded by Adam Monreal. By unanimous voice vote, Katherine Bocanegra was approved as the community advocate representative for SPAC, effective immediately.

Presentation and Discussion: Baseline Capacity Numbers – Mystik Miller

Mystik Miller, SPAC research analyst, gave a PowerPoint presentation summarizing her research on treatment capacity using publicly available substance abuse and mental health treatment capacity data in Illinois.

Note: It was noted during the discussion that under the Affordable Care Act, Illinois has decided not to cover methadone for opioid addiction but does cover Suboxone and Vivitrol. However, methadone is still prescribed and covered for palliative care.

Panel: Building and Sustaining the Infrastructure – Capacity vs. Need

Members heard from a panel of experts on the current state of the community treatment infrastructure, including:

Moderator: Captain Jeffrey Coady, Region V Administrator, SAMHSA – Captain Coady, psychologist and commissioned officer in the U.S. Public Health Service led the panel discussion by asking “What is capacity?” In order to begin looking at capacity, we must look at behavioral health integration with the goal of recovery. He discussed how treatment and recovery were previously focused on treating mental illnesses as acute conditions when they should have been treated as chronic diseases. In addition to recovery, he recommended integrating a holistic perspective on health: housing, health, and capacity to treat the whole person are needed to help the person become self-sufficient and whole.

Captain Coady spoke about behavioral health interventions. One positive change is that prior to ACA, mental health treatment was often covered by block grants. Now mental health is included at parity with other health conditions. Many people have multiple comorbidities and recognize the signs and symptoms of medical disorders, but do not know the signs and symptoms of mental health disorders. The ability to see a specialist is essential to identifying and addressing underlying mental health disorders.

Behavioral health is essential to overall health. The best public health approach would look at system-wide capacity and focus on treatment, with an eye towards prevention. We should be open to diverse treatments and providers, such as telemedicine, medication-assisted treatment, utilization of available resources, and general treatment for the overall person.

Pam Rodriguez, President, Treatment Alternatives for Safe Communities (TASC) – Ms. Rodriguez has been an active participant in the Medicaid eligibility expansion planning process and has dealt with lack of resources through her years at TASC. Speaking on capacity, she noted that there are over 900,000 people with substance abuse needs in Illinois. The goal of the state is to treat 15% of that population but currently only an estimated 5% (or 49,000) are being treated. Approximately 40% of the 49,000 are justice involved. She said, “The Justice system is a very powerful consumer. We need to think about what the needs of the justice involved are and work with the Departments of Human Services, Healthcare and Family Services, and others to meet those needs.”

Ms. Rodriguez recognized that maintaining current capacity is a challenge and creating more capacity is an even greater challenge. There is a need for long term recovery support services that are not covered by Medicaid, particularly residential treatment, case management, and methadone treatment.

Steve Baker noted during discussion that in the past people with addictions could go to treatment from 18 months to 2 years. Now it is only 90 days. Once addiction treatment moves to managed care it will be closer to 14 days because it will be based on medical necessity.

Mental Health: John Fallon, Senior Program Manager, Corporation for Supportive Housing – Mr. Fallon has been working with the Returning Home Initiative, a three-year national study designed to extend and develop the model of permanent supportive housing for persons who are homeless, have a disability, and are frequently cycling through the criminal justice system. Also an active member of the National Alliance on Mental Illness (NAMI), an advocacy group for people with mental illness his goal to ensure that those with mental illness receive the treatment and support that they need to lead full lives.

Mr. Fallon gave an overview in reductions of state spending for mental health care and shared his experiences with institutionalized care, including mismanagement of medication, disinvestment in high need/high crime neighborhoods, how deinstitutionalization without adequate planning resulted in increased amounts of homelessness for people who had formerly been institutionalized, and an influx into the prison system of persons with mental health issues. Based on the national estimate that 10 percent of the prison population has severe mental illness, Mr. Fallon estimated that incarcerating persons with severe mental illnesses cost the state \$880,000 per day or \$177,840,000 per year.

There are currently 13 pending lawsuits under the Olmstead case. The landmark Supreme Court case *Olmstead v. L.C.*, v. 527 U.S. 581 (1999) ruling required that states eliminate unnecessary segregation of persons with disabilities, to ensure that persons with disabilities receive services in the most integrated setting appropriate to their needs. However, Illinois currently lacks the capacity to comply with that mandate. Finally, Mr. Fallon noted the success of supportive housing programs that are housing paired with regular check-in case management services.

Access to Affordable Housing: Lore Baker, Statewide Housing Coordinator for Long Term Care Reform at the Governor's Office of Health Innovation and Transformation – Ms. Baker is one of three Statewide Housing Coordinators focusing on meeting the long term needs of people with disabilities, elders, and others who are at risk of homelessness, including people exiting the prison system.

Housing is always an issue for offenders who are returning to the community and for community-based sentencing programs such as problem solving courts. Emerging public health research has established that housing is the number one social determinant of improved health outcomes. Ms. Baker pointed out that, despite the common misinformation, federal law only has two prohibitions on public housing assistance recipients: producing methamphetamine on the property and sex offenders who have lifetime registration requirements. Many management companies rely on false information that people with felony convictions cannot live in federally-assisted buildings; however, those restrictions are only set by local housing authorities, not the federal laws.

Updates from SPAC Partners

Risk Assets Needs Assessment (RANA): Gladys Taylor, Assistant Director of the Department of Corrections, gave a brief update on the set-up and implementation of the RANA tool. Implementation began a few months ago with correctional counselors but it was quickly realized that the correctional counselor position was not the best suited position to do the assessment. Because the RANA tool includes both risk to reoffend and behavioral

health needs, the success of the tool relies on quality assessments done by qualified, proficient, and fully engaged staff. The goal is to complete a RANA every six months to inform IDOC of the offenders needs for case management and planning throughout the system. IDOC has begun the process to hire 125 additional staff that would have the skill sets to do motivational interviewing. The position should be posted within the next 20-30 days.

Offender 360: Ms. Taylor stated that the new offender management system, Offender 360, will be populated with RANA and other demographic and criminal data from every stage in the criminal justice continuum. IDOC will focus on the input of new assessments and try to collaborate with other agencies so that data input efforts are not duplicated at intake. She stated that IDOC is becoming as much of a health and human services provider as it is a public safety agency.

Adult Redeploy Illinois (ARI): Mary Ann Dyar, ARI Program Director, gave an update including funding, site additions, and planning grants. ARI has grown exponentially over its four years of existence and is geographically diverse. The program helps to build the bridge between the criminal justice community and service providers. It has been successfully “chipping away” at corrections costs and the overuse of incarceration for non-violent offenders at the post-conviction, pre-incarceration stage. Analysis shows that over 13,000 offenders admitted to IDOC annually are going in for non-violent offenses that would have been eligible for ARI. Ms. Dyar is expecting both the number of diversions and the demand for ARI funds to increase. ARI could be used as a model to expand reinvestment at other intercepts of the criminal justice system. She noted that research and data analysis are vital for improving our current system.

Ms. Dyar discussed capacity noting that ARI can bring the value of a statewide view and local sites ideas to SPAC and others interested in community corrections. When considering capacity, Ms. Dyar emphasized the importance of individualized case planning (supervision and treatment) in order to implement evidence-based practices proven to reduce recidivism. To do this, probation officers need lower caseloads; ARI has helped with this task by providing grant funds to help increase staffing for sites that have found this issue. Currently, probationers are getting 5-10 minutes for supervision because officers have caseloads of 100-200 probationers. Ideally, that caseload would be brought down to 15-30 for high risk offenders.

There is also a need for more integrated substance abuse and mental health treatment, instead of just one or the other. Moreover, even if substance abuse or mental health issues are treated, the antisocial thinking and behaviors may remain. Cognitive behavioral therapy (CBT) is a relatively inexpensive program to implement and provides a large “bang for your buck.” Research demonstrates that every dollar invested in CBT sees a \$25 return in benefits.

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

National Incidence-Based Reporting System (NIBRS): Mr. Carter asserted that this data system is much better than the Uniform Crime Reports index of 8-10 crimes because NIBRS collects data on 52 different crimes and offender/victim demographics and relationships. NIBRS data will be very useful to SPAC. Currently, the city of Rockford is the only agency in Illinois that reports to NIBRS; over 5,000 other agencies nationwide are reporting. One goal is to encourage criminal justice agencies in Illinois to begin reporting data into NIBRS.

National Governors Association (NGA): Currently a pilot projects in Lake and St. Clair counties is aiming to (1) capitalize on a funding opportunity to create a standardized two-way data exchange with IDOC and (2) improve continuity of care for those re-entering the community and with a focus on treatment for behavioral health. The

long-term goal is to improve data intake at IDOC so that corrections does not have to re-enter data that has been collected at other points in the system. Three big meetings have occurred, but working with many partners has not been easy. There is a need to account for the interests of each agency and the strategies that can be used to exchange data. The project is in its infancy but should be done around summer 2015. The timeline is still being discussed and designed.

Illinois Data Exchange Coordination Council (IDECC): Mr. Carter reported that, although there were setbacks, ICJIA was moving forward on bringing together stakeholders to improve data exchanges in Illinois. The structure ICJIA imagines would assist in setting policy and addressing concerns with privacy and access to criminal justice records.

Vote: Approval of the meeting minutes from the June 20th, 2014 SPAC meeting

Warren Wolfson moved to approve the minutes from the previous meeting seconded by Michael Glick. The minutes from the June 10th, 2014 SPAC meeting, as amended, were approved by unanimous voice vote.

Presentation & Discussion: Successful Re-entry Through the Eyes of Offenders

Tony Lowery, Director of Policy and Advocacy at the Safer Foundation, led a panel of formerly incarcerated persons who have achieved success in re-entering their communities. Mr. Lowrey has been working with Safer for eight years planning, implementing, and directing Safer's employment policy and advocacy functions in an effort to improve employment outcomes for people with criminal records.

Mr. Lowery's opening remarks reported that there are over 4 million people in Illinois with arrest and conviction records. It is important to use data and analysis for criminal justice programs, but it is also important to remember that there is a human life attached to each of those numbers. Often, people who need to move forward are not aware of services that exist to help them in the community. The panel included:

Eula Ernesta Jackson – Ms. Jackson spent years in and out of jail for various convictions due to the use of drugs. She stated that she never really thought about what would happen if she got caught doing drugs. Instead, she would get caught, serve a jail term, get released, and return to her previous drug-using behavior and lifestyle. She did not feel that she was taught or learned anything while incarcerated. She reported that the longest time that she spent in jail was two weeks.

Ms. Jackson detailed a time in her life when she sought out social security benefits because she had previously heard that people suffering from addiction could get social security money. However, a judge told her that she needed to go to treatment first. She went to Chicago Lakeshore Hospital (CLH) where she completed a 28-day treatment program but stated that at the time she was "only there to get a check." Sometime after she was able to get her social security check, she reached a breaking point where she became "fed-up" with her drug use. As a result, she decided to go back to CLH and was able to get clean. She has been drug-free for 15 years.

Ms. Jackson earned both a bachelors and a master's degree and worked at CLH for three years. She then went to work for Haymarket Center and another recovery home but wanted to get back to CLH so that she could give back the help she received. She stated that she "likes to see people coming in [to treatment] looking like a raisin and go out looking like a grape." However, after receiving a master's degree and having nearly 13 years of experience as a Certified Alcohol and Other Drug Counselor (CADC), she still found it difficult to find work. After applying for and being granted a Certificate of Good Conduct from a Cook County judge, she was able to obtain a job at the Chicago Transit Authority (CTA).

Ms. Jackson's suggestion for others who find themselves in a similar situation is to have a plan and to stay away from the neighborhood, areas, and people that are triggers for their criminal behavior. She believes one of her biggest challenges with recovery was coming out of jail and going back to the same environment with the same people. She believes that it is "better to change people, persons, and things" and to "come out with a plan and stick to it."

Marlon Chamberlain – Mr. Chamberlain stated that he did not have a good concept of what he would have to face after serving his 20 year federal prison sentence and was nervous about what life would be like on the outside. Although originally sentenced to 20 years, Mr. Chamberlain's sentence was changed to 14 years under the Fair Sentencing Act. He ultimately served 10 years. He had hopes of integrating without any problems or obstacles, but that was not the reality. He said that he was repeatedly told "no" when applying for jobs because of his criminal record.

While incarcerated, he did not feel that the institution provided resources to help him change his life, but he took advantage of building relationships with people that he met to help prepare him for release. Otherwise, he felt as if he was just being warehoused, "off to sit somewhere until you go home and that's it." He believes that there should be more programming to help people turn their criminal skills into positive ones.

Mr. Chamberlain completed nine months of cognitive behavioral therapy (CBT) and felt as though the CBT had a positive effect on the way he began to process thoughts and make decisions. Mr. Chamberlain believes that CBT training allows him to more effectively process his thoughts and him recognize cognitive distortions and inappropriate reasoning. He stated that he tries to use those CBT techniques with his children.

Christoph Collins – Mr. Collins spoke about his first, and only, felony conviction for carrying a firearm in the trunk of his car. He explained that, prior to his arrest and conviction, he worked at Freddie Mac and was married with a child, but he did not understand the criminal justice system until he was in it.

After getting out of jail, he felt as though his whole life changed; he was not able to find a job, separated from his wife and could not find a place to live. He could not move in with his mother or siblings because they were living in Section 8 housing and he had a felony. He became homeless and learned about St. Leonard's Ministry where he was able to live in a halfway house and take parenting classes and psychotherapy offered by Adler School of Professional Psychology. He found a network of people who helped him find a job and get an apartment. He has been working for the Chicago Transit Authority since then. He is now taking philanthropy classes.

He believes that everyone deserves a second chance. He is volunteering as much as he can: helping teach computer basics to people at St. Leonard's who are reentering the community. He says that reentry programs work. Therapy works. Learning why you make certain decisions helps you learn about yourself.

Mr. Lowery concluded by stating the need for advocacy for reentry, the need for jobs that will hire persons with criminal records, the need for good policies like the "ban the box initiative," and an expansion of the number of crimes that can be sealed. He stated that the real casualties of the war on drugs do not live in Columbia, Bolivia, etc – they live in Englewood. He ended by recommending that blanket barriers that make it difficult for people to reintegrate be eliminated and that people be given the opportunity to rehabilitate and reintegrate. If they can reintegrate into society, we can reduce our dependency on mass incarceration. We can stop spending \$1.2 billion just for roughly 1 of every 2 people released to return to prison.

New Business

The next regular meeting of the Sentencing Policy Advisory Council was set for Friday, December 12th, 2014 from 10:00 – 1:30 in the same location, 300 West Adams in the second floor conference room in Chicago. The meeting will continue today's discourse of capacity and infrastructure for non-incarceration policy options. We will discuss Illinois' first cost-benefit analysis (CBA) results for criminal justice programs and hear from technical assistance providers from the Pew-MacArthur Results First Initiative. The Pew-MacArthur team will further explain how CBA has been used in other states. Finally, Professor Mark Kleiman, a nationally recognized criminologist, will also join the next meeting to discuss the California realignment project and community correction resources.

Adjournment

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