

**Illinois Sentencing Policy Advisory Council**  
December 1, 2011 Regular Meeting Minutes

**Meeting Location:**

Michael A. Bilandic Building, Room N-502  
160 N. LaSalle St., Chicago, IL

Members Present: Gino DiVito (Chair), Jeanetta Cardine (for Adam Monreal), Jack Cutrone, Jeff Howard, Sue McNamara (for Tom Dart), John Novack (for Alan Spellberg), Mike Pelletier, Gladyse Taylor, Patricia Watkins, David Yellen

Members Present by Phone: Tom Callum, Bill Clay III, Margie Groot (for Mike Tardy), Nick Kondelis,

Members Present via Video Conference: None

Members Absent: Jim Durkin, Ronald Holt, Mike Hood, John Millner, Kwame Raoul, Mike Waller, Warren Wolfson

Non-Members Present: Pete Baroni, Khadene Bennett, Jordan Bolger, Lindsay Bostwick, Laura Brooks, Mary Ann Dyar, Samantha Gaddy, Melissa Ghandi, Tracy Hahn, Simeon Kim, Daniel Lawrence, Ravenn Moore, Mark Myrent, Dave Olson, Esther Franko-Pane, Mark Powers, Lori Jo Reynolds, Pam Rodriguez, Kathy Saltmarsh, Jenny Scheck, Peter Senechalle, Lisa Stephens, Sarah Sullivan, Gary VanLandingham, Chris Devitt-Wesley, Kathy Kane Willis

Non-Members Present by Phone: Sharon Shipinski

**Welcome, Introductions, and Agenda Overview**

Chair DiVito called the ninth meeting of the Sentencing Policy Advisory Council to order at 10:10 a.m. He opened the meeting by giving a brief overview of the agenda including:

- The Executive Director will give an update and progress report.
- Dave Olson will report on his preliminary findings in the Analysis of the Drivers of the Sentenced Population study.
- Dave Yellen will give a summary report on the United States' Sentencing Council's Report on Mandatory Minimum Sentences.
- The working lunch will include updates from RANA, Adult Redeploy, and ICJIA
- Kathy Saltmarsh will give an update on the status of the SPAC resource statement model.
- Gary VanLandingham from Pew Center on the States will give an explanation of the WSIPP Cost-Benefit Analysis model being used by Washington state.

**Approval of Minutes from September 30<sup>th</sup>, meeting**

Jack Cutrone requested a correction to the minutes to change "Bureau of Justice Statistics" to the "Bureau of Justice Assistance" on page 3. Upon a motion by Jack Cutrone, seconded by Gladyse Taylor, the minutes of the September 30<sup>th</sup>, 2011 meeting as amended were unanimously approved.

### **Update and Progress Report from Executive Director**

Kathy Saltmarsh, Executive Director of SPAC, reported that SPAC received a grant of \$150,000 from the States Attorneys Appellate Prosecutor in the latest Appropriations bill. The grant will be used to pay for part of the Population Drivers Analysis and a contract staff person to work with ICJIA staff in the development and implementation of the WSIPP model and fiscal impact statements. A lot of progress has been made on the Resource Statement and it remains the top priority of SPAC in terms of research. Ms. Saltmarsh hopes to have the Resource Statement up and running by January 1<sup>st</sup>.

Ms. Saltmarsh reported that she gave Dave Olsen the questions that SPAC members developed at the last SPAC meeting for the Drivers of the Sentenced Population Analysis. Some of the questions were appropriate for his response and others could be the basis for future research projects.

SPAC has a sunset of December 2012. Representative Yarbrough has agreed to introduce a bill to extend the sunset for three years. Kathy is still working to meet with all of the members of SPAC and is hoping to pick up the pace on this in the next few months. The Annual Report to the Governor and the General Assembly is due at the end of December. Ms. Saltmarsh will work on the report and Chairman DiVito will sign off on the report. Ms. Saltmarsh encouraged members to look at the IDOC 2010 Annual Report which was very well done and contained a significant amount of information.

Ms. Saltmarsh spoke with a Wall Street Journal reporter that is doing a report on federal criminal justice reforms and was looking for a state that he could point to as a good example of success. He chose Illinois in part because of the CLEAR Commission. Ms. Saltmarsh suggested that we should possibly see a report in the Wall Street Journal soon.

### **Preliminary Findings from the Analysis of the Sentenced Population**

Dave Olson gave an overview of the preliminary results of the Analysis of the Drivers of the Sentenced Population. Mr. Olson presented information on both the sentenced population and MSR/parole violators and the impact that they have on the sentenced population. He thanked ICJIA for its financial support and IDOC for its help with the data collection.

Mr. Olson gave a history of mandatory sentencing in Illinois and presented data on the ways that technical MSR violators can return to IDOC and the impact technical MSR violators who return to IDOC have on the admissions, exits, and the general population.

In his preliminary findings, Mr. Olson found the following:

- Length of supervision is not based on the offender's risk of reoffending, but rather on felony class. Most research Dr. Olson reviewed in Illinois found that the class of felony is not predictive of the risk of reoffending.
- The number of people in prison each year has gone up dramatically.
- Though the number of admissions has not gone up, the number of persons in prison has increased because length of stay has increased.

- There has been a small increase in the percentage of time actually served in IDOC from about 35 percent to about 40 percent.
- It is true that almost 70 percent of people who go to prison go for non-violent crimes, however, 55 percent of all people who are in prison on any given day were convicted of a violent crime. One in seven people in prison on any given day is serving a sentence for first degree murder. This is due to the length of time served.
- Sentence length and length of time served for Class X felonies has gone up consistently.
- 40 percent of the population growth is due to violent offenders and 17 percent is due to technical violators.
- Although there are a high number of incoming technical violators each month, there are also a high number of technical violators exiting. Because they have such a short length of stay, the impact on the overall population is not as great as one would assume.
- If an offender is returned for a technical violation they can be held for the remaining term of their MSR, less day for day good time. If an offender is held for the term of the MSR they are released without supervision.
- There is a cohort of offenders, primarily sex offenders, who receive technical violations as soon as they are released from IDOC because they are unable to find an approved host site, *i.e.*, housing. Therefore, they end up spending their MSR period in IDOC. For those who receive lifetime MSR, there is a possibility that they could spend their entire life in IDOC as a technical violator, or until the Prisoner Review Board authorizes their release. Finding approved housing is exceptionally challenging for sex offenders.
- The percentage of those released without supervision has been increasing since 2006, now the majority of violators are released with no supervision requirements.

Mr. Olson outlined some areas that need further study, including the impact of truth-in-sentencing, earned conduct credits, the impact of credit for time served, and the changes that Meritorious Good Time policy has had on the population.

### **Overview of the US Sentencing Commission's Report on Mandatory Minimum Sentences**

Dave Yellen, Dean of Loyola University of Chicago School of Law, gave an overview of a recently released report by the U.S. Sentencing Commission concerning mandatory minimum sentences. Mr. Yellen gave a history of mandatory minimums followed by detailing the impact that mandatory minimums have on the prison population and on disparate and disproportionate sentencing. Lastly, he summarized the Commission's recommendations to Congress.

### **Working Lunch – Updates from RANA, Adult Redeploy, CJIA, and TASC**

Adult Redeploy – Mary Ann Dyar gave an update on the work of Adult Redeploy Illinois. Ms. Dyar reported that there are currently 10 pilot sites – 5 that were in the early stages of implementation and 5 that are at full implementation. In the fall, Adult Redeploy staff, 2 retired judges providing technical support, and an evaluator from ICJIA visited four of the five pilot sites that had been at full implementation for about six months. They were very impressed by what they saw, including a variety of different models using drug courts, probation violator caseloads, mental health courts, and particularly impressive was Macon County's community

Restorative Board. In the future, ARI will encourage all new sites to include some community outreach aspect as it believes that it will make a significant difference in terms of long-term benefits.

Ms. Dyar mentioned that the ARI instrument is collecting a lot of probation information that SPAC members have said they would like to see, such as whether or not the participants have to pay restitution, if they are paying it, what their violations were, what the resulting graduated sanctions were, how the participants fared in drug court, etc. As of October 31<sup>st</sup>, the first five sites had diverted 150 people that would have otherwise gone to IDOC. The ARI grant is ending soon but ultimately ARI has saved the state money. ARI may be participating in a cost benefit analysis soon. Lastly, Ms. Dyar reported that the Cook County Board approved and accepted the ARI grant of 1 million dollars. They are going to hire 5.25 staff persons and expect to start court calls February 1, 2012 with Judge Jackie Portman.

RANA – Gladys Taylor gave an update on the status of RANA. The RFP was posted on November 21<sup>st</sup>. A vendor conference will be held at IDOC in Springfield on December 7<sup>th</sup> for the purpose of answering vendor questions. The contract is expected to be awarded in April and the first roll-out will be to the female classification center and the two smaller male classification centers in 2012. Ms. Taylor anticipates roll-out to the large male classification center and later probation and parole in 2013.

ICJIA – Jack Cutrone reported that ICJIA is continuing work on its strategic plan and has been working with IDOC on various topic areas. ICJIA is going to be asking for \$2.5 million in its budget to fund the work of Adult Redeploy. ICJIA also helped to create the Center for Excellence in Illinois. It will be one of three government agencies that will be part of the center and will be providing technical assistance and training to areas that want to open up mental health courts. This will affect the sentenced population in Illinois and should be of interest to SPAC. The Center is expected to launch on February 1<sup>st</sup>.

REI - Laura Brookes from TASC gave a report on the status of the Racial and Ethnic Impact Research Task Force (REI). REI grew out of the Illinois Disparate Impact Justice Study Commission, which published its final report in 2010, and one of its recommendations was to create REI. The task force is staffed by the TASC Center for Health and Justice and is made up of legislators, members of the judiciary, law enforcement officers, stakeholders from community organizations, and representatives from state agencies. It is charged with helping to improve the capacity to collect, analyze and understand existing or lack of existing data on racial and ethnic disparities in the justice system. At its first meeting in October, the task force heard from En Lase Chicago who presented on the complexity of collecting and categorizing Hispanic and Latino data. It also heard from Illinois Models for Change and from a representative from the Illinois Traffic Stop Study which requires collection of data. REI must submit a report to the General Assembly by July 1<sup>st</sup>. Its next meeting is January 20<sup>th</sup>.

#### **Update on Resource Statement**

Kathy Saltmarsh and Lindsay Bostwick gave an update on the SPAC resource statement. Although they had hoped to be able to test this on some real bills by now, it has not quite reached that point. However, a great deal of progress has been made in terms of data collection. Using the WSIPP cost calculators, the researchers are going to come up with average cost for the feeder counties and SPAC staff will vet the costs with their county contacts. The next step is to pull in state agency expenditure data and come up with average costs needed to drill down to marginal costs.

**The WSIPP model**

Gary Vanlandingham, Executive Director of the Results First project of the Pew Center on the States, demonstrated the WSIPP cost benefit analysis model for members. Dr. Vanlandingham gave the historical background of the model and the Results First project, followed by a demonstration of the model. Though the model that SPAC is using is for the limited purpose of calculating costs for the SPAC fiscal impact statements, the benefit analysis capability was also explained and demonstrated. There was discussion and questions from SPAC members and the audience. Dr. Vanlandingham is also providing technical assistance to SPAC as it develops the Illinois data for the model.

**Other Business and Next Steps**

A motion to allow the chair to sign off on the Annual Report was made by Tom Callum and seconded by Jeff Howard. Upon a voice vote, the motion was unanimously approved.

SPAC will now be going to a quarterly meeting schedule. Ms. Saltmarsh will be asking members for their availability in the upcoming year before setting a date for the next SPAC meeting.

**Adjournment**

A motion to adjourn was made by Jack Cutrone and seconded by Gladys Taylor. The ninth meeting of the Illinois Sentencing Policy Advisory Council adjourned at 1:45 p.m.