

Illinois Sentencing Policy Advisory Council
Regular Meeting Minutes
December 18th, 2015 10:00AM – 1:30PM

Location: Michael A. Bilandic Building
160 N. LaSalle, 5th Floor, Room N-502
Chicago, IL

Members Present – Gino DiVito (Chairperson), John Anthony, Stephen Baker, Kathryn Bocanegra, Marcus Evans, Craig Findley, Anne Fitzgerald, Michael Glick, Nicholas Kondelis, John Maki, Michael Pelletier, Alan Spellberg, Michael Tardy, and David Yellen.

Members Present by Phone – None.

Members Absent – Warren Wolfson (Vice-Chair), Kwame Raoul (Vice-Chair), Jason Barickman, Gladys Taylor, and Stewart Umholtz.

Non-Members Present – Kathy Saltmarsh, Michael Elliott, Mystik Miller, Roger Franklin, Sara Orlan, Mary Ann Dyar, Ben Ruddell, Dave Olson, Peter Coolson, Lindsey LaPointe, Peter Baroni, Charles Wright, John Paul Carol, Renee Brockman, Patricia Hayden, Lisa Aust, Mike Abbell, Matt Sobieski, Brett Stine, Candace Thomas, Deborah Norman, Margie Groot, Megan Alderden, Rick Veenstra, Michael Baculam, Peter Palanca, and Michael Toomin.

Non-Members Present by Phone – Pamela Rodriguez and Hon. Steve Sawyer.

Welcome and Introductions

Chairperson DiVito called the twenty-second regular meeting of the Illinois Sentencing Policy Advisory Council to order at 10:12 a.m. Chairperson DiVito gave the opening remarks, including:

- Thanked Margaret Groot for all her help to SPAC over the years, she is retiring as Assistant Director of Probation, from the Administrative Office of the Illinois Courts (AOIC) at the end of the year.
- An overview of the agenda and purpose of the meeting, focusing on The Real World of Probation in Illinois.

Vote: Approval of the meeting minutes from the October 9th, 2015 SPAC meeting

Michael Glick moved to approve the minutes, seconded by Michael Tardy. The minutes from the October 9th, 2015 SPAC meeting, were approved by unanimous voice vote.

Statewide Overview of Probation

Michael Tardy, AOIC Director, and Margaret Groot, AOIC Assistant Director of Probation, gave a presentation about the continuity of resources, types of programs offered for people on probation and the value of cognitive behavioral therapy.

Director Tardy began with the big picture overview of how probation has evolved, partly in response to prison overcrowding in the late 70's and 80's, to the current system. Today probation, like the facilities maintained by the Illinois Department of Corrections (IDOC), are overcrowded.

Probation staff members are the eyes and ears of the court and function to implement the evidence-based interventions adopted by the Illinois Supreme Court, with the goal to change criminal behavior. The AOIC works closely with the Justices, the Chief Judges and Court Services Administrators. Assessments and evaluations administered by probation are the pillars of good decision making within the context of probation and resources are allocated based on risk levels within the caseloads.

Major issues are increasing awareness and confidence in probation and insuring some predictability of funding. We know what works, we have the evidence, but probation lacks a predictable level of funding. Due to funding cuts several years ago, probation staffing has been reduced from 3,250 to 2,400 officers, and probation staff levels have never recovered, though caseloads remain high.

For both adults and juveniles close, to 75% of the offenders supervised successfully complete probation on time. The other 25%, well over 30,000 offenders, have either failed to meet the conditions set, or have been arrested again.

Where services are not readily available some probation offices seek to fill the gap by requiring different skill sets in their officers so that services can be provided in-house. Programs, such as cognitive behavioral therapy, that change criminal thinking and behavior are critical to positive probation outcomes. Continuity of resources, building capacity, improving the strength of and revalidating the assessment tools, are all priorities for probation that require adequate resources.

Assistant Director Groot then spoke about AOIC's standards. The Probation Division is responsible for promulgating and enforcing probation standards that address administration of probation operations and the specialized programs. Standards are reviewed and updated based on research and statutory standards. Most recently the Supreme Court approved the standards for problem-solving courts. Right now there are 103 problem-solving courts that will now have to go through a certification process. Training for probation officers is offered to all new juvenile and adult officers, frontline supervisors, and senior managers. Advanced training is skill-based and informed by input from officers and supervisors. Those trainings include risk assessment, motivational interviewing, and other skills directly related to probation supervision.

Director Tardy shifted gears to speak about how the state reimbursement works for AOIC. He said there are two broad pieces; salaries for probation officers and salaries detention officers. Some reimbursements cover 100% of the salaries, while some cover just a flat rate subsidy, which is intended to balance the state/local partnership. Several years ago the court approved defining the positions by work load (risk levels) and adjusted how they reimburse. Salaries are set by counties and that factors in as well. The statutory piece that drives it is the annual probation plan, which serves as application for continued funding and a blueprint for action. Counties do not have the same fiscal year, which is a complication. State level funding has not been 100%, so counties have had to decide if they can make up the shortfall. The unified vision exists, but the resources to execute it are not there consistently.

Maximizing the use of risk assessment and access to the programs that address risk and needs are the primary factors that lead to success. The important thing is to understand the offender's needs in order to get the best outcome for the individual, which improves public safety. The more internal programming can be strengthened and probation officer skills improved, the greater the success for clients. There are differences in the levels and types of services that are available across geographic areas. Some probation offices have adapted by requiring

different skills and backgrounds for their officers in order to institutionalize the programs within the probation office.

When you look at distribution by risk, the proportions are fairly common across geographical areas. The gap is that we do not have risk assessments prior to sentencing to identify the appropriate conditions and sanctions that should be imposed for a community corrections violation. 45,000 felony cases were filed last year, 92% were resolved by plea agreement, 4% or 5% were dismissed, the rest resolved by jury or bench trials. We should institutionalize getting information to the Court about risk and need before a plea is accepted.

Panel: Court Services Managers – Resources on the Local Level

Members heard the views of a panel of probation directors from Cook County, DuPage County, Kane County, and the 2nd Circuit on the current issues they face while running daily operations at county probation departments.

Moderator: Kathy Saltmarsh, Executive Director, SPAC – Director Saltmarsh asked the panelists to introduce their counties and address what their current most critical needs for success are.

Matt Sobieski, Assistant Chief of Cook County Probation – Matt has 25 years of service with the Adult Probation Department and 1.5 years as an Assistant Chief in Cook County. Cook County has the largest probation office in the state and the largest county-operated probation department accredited by the American Correctional Association. Adult probation was established in 1911. Probation is the most utilized disposition and is a cost effective sentencing option. It allows the probationer to remain engaged in the community by maintaining employment, education and treatment opportunities while minimizing impact on the family unit. Probationers paid nearly \$1.8 million in restitution and completed 200,000 hours of community service in 2014. Under the leadership of Chief Probation Officer Lavone Haywood, who has 38 years of service with the Department, Adult Probation in Cook County operates out of 13 facilities and is actively supervising over 22,000 probationers at this time, 88% of whom are on probation as a result of a felony conviction(s) with a typical length of sentence between 13 and 24 months. The probation office also operates a Pretrial Division that completed over 33,000 risk assessments in the past 12 months. These assessments aid judges in making release decisions and setting conditions of bond. The Pretrial Division is currently monitoring over 4,200 defendants who were granted bond with pretrial supervision.

Understanding the value of implementing evidence-based practices requires recognizing that, probation is not a one size fits all solution. The type and intensity of supervision is based on the assessed risk and need of each probationer, and assessment is ongoing as rapport is developed with the probationer. Those with low risk and needs require fewer resources than those with higher risk factors. In fact, research has shown that too much intervention with low risk probationers can have negative consequences just as too little intervention with high risk probationers may be ineffective. About 88% of Cook County probationers are on standard probation with the remaining 12% in specialized programs. Sentencing options include a Mental Health Court, Veterans Court, Drug Court, Adult Redeploy Illinois (ARI), and ACT Court (Access to Community Treatment).

Cook County also has several intensive units that supervise higher risk probationers as well: Intensive Probation Supervision, Intensive Drug Probation, Sex Offender Unit, Gang Intervention Unit and a Home Confinement/GPS Unit that monitors participants with court-ordered curfews utilizing electronic

monitoring, and, for those charged with or convicted of domestic violence related offenses, utilizing GPS technology.

Patricia Hayden, Deputy Court Administrator-Probation, 18th Judicial Circuit, DuPage County – As Deputy Court Administrator, Patricia oversees a staff of 200 employees (125 are sworn officers) who supervise 5,200 cases (3,300 of which are actively supervised). DuPage County has an average daily probation population of 800 and it provides alcohol monitoring, GPS, Drug Court, and Mental Health Court. Currently, DuPage County is supervising 75 people on GPS, 325 are enrolled in drug court, and around 40 are enrolled in mental health court. DuPage County receives Adult Redeploy Illinois money.

In 2014, no juveniles were placed in IDOC custody. They were able to reduce the amount of juveniles detained to 7, closed their detention center, and now send those that need to be detained to Kane County. The average age of juveniles in custody is 13 and their average length of stay is 7 days.

For adults on probation in DuPage County, 48% are felons and 54% are employed. DuPage County is a national pilot site for the Narcan program to prevent fatal heroin overdoses. All officers are trained in implementing a case management system for adults; they will implement this program for Juveniles in 2016. Patricia serves on the Adult Redeploy Oversight Board and was also a member of the RANA Task Force.

Lisa Aust, Chief of Kane County Probation – Lisa has been with Kane County Court Services since August of 2001 and was appointed the Chief Probation Officer in April 2011. Kane County has a population of 500,000. The Kane County Probation Department has 3 offices throughout the county, in Aurora, Elgin, and St. Charles, as well as its own diagnostic center with a psychologist on staff. The staff has gone from 210-220 to 189 employees due to significant budget cuts. There are currently 3,000 adult probationers, and 1,500 on conditional release with some supervision by probation. There are 1,000 juveniles on probation. Notably, diversion of juveniles increased from 35% to 65% after implementation of the Youth Assessment Screening Instrument (YASI), a juvenile risk assessment tool that is one of several tools considered for diversion.

The typical adult officer now has 150 cases, down from more than 200. They were able to bring the caseloads down through negotiating for early termination with the State's Attorney and putting low risk offenders on a low contact program. Officers assigned to specialty courts have the lowest caseloads and these probationers have the highest success rate. Drug court is limited to 200 people with officers having about 25 cases each, with some of the highest success rates. Mental health court has two service agencies at the table which used to handle about 45-50 cases at a time. Now that is down to 32 cases with one location, which is about to close due to lack of payment from the state. The agency has already had to lay off a psychiatrist.

The probation budget cuts since 2008 led to reliance on fees and fines, which in turn drove up the technical violation rates because people are now violated for owing fees and fines, while reducing the rate of early terminations for compliance. Offenders are essentially being penalized for lack of financial means. Lisa has had to look at diversifying funding stream because they were so reliant on county funds and the county is not willing to pick up the costs the state is not paying, which makes it hard to keep good officers on staff.

Mike Abbell, Director of Court Services, 2nd Circuit – Mike has worked in the Juvenile Justice System for over 30 years. He retired from the Illinois Department of Corrections after 23 years of service and is

presently the Director of Court Services for the 2nd Judicial Circuit. He is responsible for all Probation services in the 12 counties of the circuit as well as the operation of The Franklin County Juvenile Detention Center, which houses youth from 26 different counties in Southern Illinois. The 2nd Circuit covers 12 counties over 5000 sq. miles of an extremely rural geographic region, with high rates of unemployment. With 200,000 residents, the 2nd circuit currently has 3,500 individuals on probation: 3,000 adults and 500 juveniles.

The Second Circuit has 23 probation officers. There are no specialized caseloads. The circuit is both funding and community service poor. Adult and juvenile redeploy funding allowed them to hire drug counselors in-house to provide that service. There are only five drug abuse treatment facilities that they can partner with, but due to travel distances they are problematic for many clients. For some, traveling to Indiana for additional services is closer and often needed. Additionally, the Franklin County Detention Center may not be able to stay open for FY16, which may require the 2nd circuit to go to St. Clair County, Madison County, Missouri or Indiana to house juveniles.

Moderator: Kathy Saltmarsh, Executive Director, SPAC – Asked the panelists to address these questions:

- *How caseloads are assigned and their standards*
- *Whether all officers use the risk assessment tool and what their experiences with risk assessments are*
- *Is being unable to pay for ordered services considered a technical violation and how do departments deal with defendants unable to pay?*

Matt Sobieski, Assistant Chief of Cook County Probation – The standard process for a new adult probationer is to complete post-conviction LSI-R risk assessments to identify risks and needs and develop a personalized plan and build rapport. Plans typically include motivational interviewing and repeat assessment. The probation department is able to inform the court if an assessment or evaluation indicates a probation condition is not appropriate. The probation department and the courts have a very good working relationship; the probation department determines whether or not an individual is eligible for specialized programs like mental health courts, drug courts, and how frequently they are required to have contact with their probation officer based on the risk/needs assessment. He said that the Affordable Care Act has been very helpful for providing treatment. Cases are assigned geographically and by risk levels.

Patricia Hayden, Deputy Court Administrator-Probation, 18th Judicial Circuit, DuPage County – Assignment is based on risk and currently high risk officers have caseloads of about 60.

Mike Abbell, Director of Court Services, 2nd Circuit – All probation officers use the LSI-R to assess risk levels in defendants put on probation. However, each county has only one probation officer and two counties actually share an officer, so caseloads are very large and home visits are very difficult to complete.

Lisa Aust, Chief of Kane County Probation – The probation department is unable to turn away cases, which has led to large caseloads. Since caseloads are so large, low risk offenders are also low-contact offenders and do not see their probation officers very often, which is an evidence-based practice.

Abbell, Aust, Hayden, and Sobieski – All four panelists agreed that judges usually exercise some discretion when sentencing someone to probation. All departments highly value paying restitution and

will find ways to work with defendants to reduce the possibility of a technical violation so they can comply with restitution conditions.

Panel: Probation Officers – The View from the Street

Members heard from a panel of frontline probation officers from DuPage County, Lake County, Cook County, and Vermillion County on how current issues affect service delivery:

Renee Brockman, DuPage County Probation Officer – Renee currently supervises sex offenders in DuPage County. She has been with Probation and Court Services for 16 years (17 in January). Her career began at the DuPage County Juvenile Detention Center. She has also held a number of different positions over the years including Juvenile Intensive Probation, Juvenile general casework, Juvenile Investigations, Juvenile Training Specialist, and, currently, Adult Sex Offense Probation Officer.

Deborah Norman, Lake County Probation Officer – Deborah has been with Lake County Adult Probation for 17 years. She is in the General Field Supervision Unit and supervises individuals who have been convicted of misdemeanor and/or felony offenses. Deborah is also part of the department’s internship committee, which recruits and trains student interns. As a member of Illinois Probation and Court Services (IPCSA), she serves as Representative Chair and Co-Chair of the Substance Abuse Committee.

Candace Thomas, Cook County Public Information Officer – Candace is currently the Public Information Officer at the Cook County Adult Probation Department. She has been employed with the agency for 18 years. Her career began as a Probation Officer in the Caseload, Court Liaison, and the Intensive Drug Probation Unit. She has supervised probation officers in various units such as Intensive Probation, GPS/Home Confinement, Veterans Court, Presentence Investigations, and Sex Offender Supervision for 12 years, and was promoted to Public Information Officer in December of 2014.

Brett Stine, Vermillion County Probation Officer – Brett has been an Intensive Probation Officer for four years. He supervises individuals convicted of felonies that are maximum risk offenders based upon the LSI-R. Brett also oversees the Electronic Monitoring/GPS program for Vermillion County.

Moderator: Director Saltmarsh asked the panelist if their counties receive Adult Redeploy Illinois (ARI) funds and how are they used?

Renee Brockman, DuPage County Probation Officer – DuPage County is an ARI site and ARI funds have been used to provide cognitive behavioral therapy as well as other programs.

Deborah Norman, Lake County Probation Officer – They do receive ARI funds, but she is unsure to what extent. Lake County does however provide many specialty programs like parenting classes and anger management to their supervisees.

Candace Thomas, Cook County Public Information Officer – Cook County does receive ARI funds.

Brett Stine, Vermillion County Probation Officer – Vermillion County does not receive ARI funds, but they are able to do Cognitive Behavioral Therapy in-house.

Moderator: Director Saltmarsh asked the panelists if there is any form of a reward system for good behavior and what their capacity builders are.

Renee Brockman, DuPage County Probation Officer – There needs to be a shift from the punitive view to a more reward/incentive view because it is very difficult to encourage misdemeanor sex offenders to buy into probation programming ordered if they have maxed out their consequences, and just do not care. More sanction options, in lieu of court, are needed. There is a reward system in place but unless you provide the reward immediately, you don't really have time to go back and provide a reward; however verbal rewards are very helpful. She would like to see more involvement from the judges for sex offender probation cases.

Candace Thomas, Cook County Public Information Officer – If someone is not doing what they are supposed to be doing, we can increase their community service.

Deborah Norman, Lake County Probation Officer – Lake County has a Probation Surveillance Unit (PSU) that is effective as a deterrent because if an offender is not complying with conditions, officers can call the PSU which is always available. This unit has been very effective in convincing defendants to get with the program. There also needs to be immediate sanctions, for example, if someone drops positive on a drug test, they need to be sanctioned right then and there, not some amount of time later.

Brett Stine, Vermillion County Probation Officer – Agreed with the other officers' statements.

Moderator: Director Saltmarsh asked both the AOIC and panelists what they wanted community supervision to look like five years from now:

- more access to basic skill resources would be very helpful, as well as transitional housing, drug treatment programs, and in-patient treatment.
- more community involvement and education. It is important to work with the community groups and institutions that provide informal social controls after probationers are released back into the community and to fight the perception that people on probation are dangerous
- increased access to transportation to enable people to get to their appointments
- more mental health treatment and improved support systems for those with mental illness
- evaluate and hold treatment providers accountable. None of the officers were confident that the providers they used were using evidence-based programs and practices
- a team approach for supervising to reduce caseloads and allow more time to educate families and communities
- increase the number of viable sentencing options
- increase available resources
- allow probation more autonomy in managing their offenders without having to justify decisions to other stakeholders
- more data, research and analysis is needed.
- more resources to allow for smaller caseloads

New Business

Chairperson DiVito proposed that 2016 SPAC meetings will take place on the third Friday of June (17th), September (16th), and November (18th). In light of the reform efforts that are moving forward we may have a Spring meeting after the report of the Governor's Commission is finished to have the opportunity to discuss any changes to our sentencing structure, but that will be set individually if members want to meet.

Adjournment

John Anthony moved to adjourn the twenty-second regular meeting of the Sentencing Policy Advisory Council, seconded by Michael Glick. The twenty-second regular meeting of the Sentencing Policy Advisory Council was adjourned at 1:30 p.m. by unanimous voice vote.