

**Illinois Sentencing Policy Advisory Council (SPAC)  
Regular Meeting**

**AGENDA**

**Friday, June 17, 2016  
10:00 a.m. – 1:30 p.m.**

**300 W. Adams, Suite 200  
Chicago, IL**

**CALL-IN NUMBER:  
888-494-4032  
Passcode: 7205356689#**

**THERE IS NO VIDEO CONFERENCING FOR THIS MEETING**

- 10:00 - 10:30**      **Coffee and Welcome, Introductions, New SPAC Staff, Agenda Overview and Approval of 12/2015 Meeting Minutes**  
*Hon. Gino DiVito, SPAC Chairman*
- 10:30 – 11:00**      **SPAC Business**  
*SPAC Bills – HB6324 & HB6325*  
**Vote to Approve New SPAC Council Members**  
*Chief Kristen Ziman – Rep. of law enforcement from a unit of local government*  
*Dr. Don Stemen – Criminal justice academic researcher*  
*Julian Thompson – Victim of a violent felony*  
*Hon. Stuart E. Palmer – Retired judge*
- 11:00 – 11:30**      **Illinois State Commission on Criminal Justice & Sentencing Reform Update**  
*Commission Update Discussion – Kathy Saltmarsh, SPAC Executive Director*  
*County Cost Data Analysis – Nate Inglis Steinfeld, SPAC Research Director*  
*Length of Stay Impact Calculator – Roger J. Franklin, SPAC Data Manger*
- 11:30 – 11:50**      **2016 Session Update – SPAC and the reform policy discussion**  
*Kathy Saltmarsh, SPAC Executive Director*  
*Michael Elliott, SPAC Intergovernmental Affairs and Communications Advisor*
- 11:50 – 12:20**      **Lunch - Updates from RANA, Adult Redeploy & ICJIA**  
*Mary Ann Dyar, Adult Redeploy*  
*John Maki, ICJIA*  
*Gladyse Taylor, RANA & Offender 360*
- 12:20 – 1:20**      **SPAC Research Team Update**  
*Sex Offender Research – Sara Orlan, SPAC Graduate Intern*  
*Population Projection – Mark Powers, SPAC Research Analyst*  
*Cost Benefit Analysis – Nate Inglis Steinfeld, SPAC Research Director*
- Vote to Approve New Confidentiality and Research Standards Polices**  
*Kathy Saltmarsh, SPAC Executive Director*
- 1:20 – 1:30**      **New Business & Adjourn**  
Reminder next meeting date: September 16, 2016
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**Illinois Sentencing Policy Advisory Council**  
**Regular Meeting Minutes**  
**June 17<sup>th</sup>, 2016 10:00AM – 1:30PM**

**Location: Illinois Criminal Justice Information Authority**  
**300 West Adams Street, Suite 200**  
**Chicago, IL**

**Members Present** – Rich Adkins (for Michael Tardy), Stephen Baker, Kathryn Bocanegra, Jim Chadd (for Michael Pelletier), Gino DiVito (Chairperson), Marcus Evans, Anne Fitzgerald, Michael Glick, Daryl Jones (for Craig Findley), John Maki, Alan Spellberg, and Gladyse Taylor.

**Members Present by Phone** – Nicholas Kondelis and Stewart Umholtz.

**Members Absent** – John Anthony, Jason Barickman, Kwame Raoul (Vice-Chair), and Warren Wolfson (Vice-Chair).

**Non-Members Present** – Peter Coolsen, Mary Ann Dyar, Yasmine El-Gohary, Michael Elliott, Jaclyn Huston-Kolnick, Amanda Hwu, Roger Franklin, Lindsey LaPointe, LeRoy Martin, Jr., Dave Olson, Sara Orlan, Stuart Palmer, Mark Powers, Kathy Saltmarsh, Nate Steinfeld, Don Stemen, Julian Thompson, Charlie Watts, Angie Weis, Paula Wolff, and Kristen Ziman

**Non-Members Present by Phone** – Mystik Miller.

**Welcome and Introductions**

Chairperson DiVito called the twenty-third regular meeting of the Illinois Sentencing Policy Advisory Council to order at 10:05 a.m. Chairperson DiVito gave the opening remarks, including:

- Introduced Presiding Judge LeRoy Martin, Jr. who is joining us for the first time since his appointment as Presiding Judge of the Criminal Division.
- SPAC has added two new staff members: Mark Powers joined SPAC after more than 10 years with ICJIA, including a brief assignment with SPAC back in 2010. He brings both research expertise and valuable historical knowledge of criminal justice data.
- Yasmine El-Gohary will officially be joining SPAC on Monday, but she has joined the Friday SPAC meeting before her first day. Yasmine recently graduated from the Indiana University School of Public and Environmental Policy, which is consistently rated in the top 3 policy schools nationwide. Yasmine has a love of bringing her research skills to new subject areas, and we are excited to have her bring them to SPAC. She is replacing Mystik Miller who left us in April.
- An overview of the agenda and purpose of the meeting, which is to focus on filling some member vacancies and get updates on the work done during legislative session, as well as the progress of the Governor's Commission on Criminal Justice and Sentencing Reform, upon which a number of SPAC members serve.

**Vote: Approval of the meeting minutes from the December 18, 2015 SPAC meeting**

Alan Spellberg moved to approve the minutes, seconded by Stephen Baker. The minutes from the December 18, 2015 SPAC meeting, were approved by unanimous voice vote.

**Vote: Approval of the New SPAC Council Members**

Chairperson DiVito reminded the council members that they all previously received brief bios on the individuals we will be voting on installing as new members today. He then introduced them all to the council.

***Chief Kristen Ziman*** – Representative of law enforcement from a unit of local government – Chief Ziman leads the police force in Aurora, Illinois’ second largest city. She will be replacing Chief Clay of the Belleville Police Department. Chief Ziman was suggested by both Nate Inglis Steinfeld and Mystik Miller after they heard her present at a forum on criminal justice reform. She brings an expertise on evidence-based policing and changing the culture of police organizations that will be of great value.

***Dr. Don Stemen*** – Criminal justice academic researcher – Don needs no introduction to SPAC members as he has presented to us on several occasions and has been a frequent attendee of our meetings. Despite that, he was enthusiastic about joining SPAC. Don is currently teaching at Loyola University and will be replacing David Yellen, who is moving to New York to take the position of President of Marist College.

***Julian Thompson*** – Victim of a violent felony – Kathryn Bocanegra suggested Julian for this slot based on his life experience and his work to better inform and improve system outcomes. Julian’s experience with the cycle of violence is consistent with that of many victims: he was originally a victim of several violent crimes before eventually committing a crime of violence himself. His academic achievements set him apart from many other victims and offenses, and he supports SPAC’s mission to look at the system as a whole and use research and analysis to produce better outcomes.

***Hon. Stuart E. Palmer*** – Retired judge – Justice Palmer recently retired from the First District Appellate Court after 22 years on the trial and appellate bench. His reward for that service was Chairperson DiVito recruiting Justice Palmer to join SPAC, replacing Justice Tom Callum.

Chairperson DiVito then asked the current council members if they had any questions for the potential new members. He also reminded the members that HB6325 has not yet been signed by the Governor, which restores to SPAC members the authority to fill the retired judge slot. As of the SPAC meeting, the appointment power was granted to the Illinois Supreme Court. Chairperson DiVito moved to vote on Justice Palmer and have him take his seat at the table on the condition that the appointment is not official until HB6325 is signed into law. There were no additional questions, and the nominees left the room for the membership to vote. John Maki moved to approve all nominees, seconded by Gladyse Taylor. The new SPAC Council members were approved by unanimous voice vote.

**SPAC Business: SPAC Bills (HB6324 & HB6325)**

Director Kathy Saltmarsh updated the council members on the two bills that SPAC had in the General Assembly:

**HB6324 (Anthony/Connelly)** - Amends the statute that governs the Criminal History Reporting Information system to identify SPAC as a criminal justice agency, one criteria for getting access to CHRI. *Passed Both Chambers, 5-29-16.*

**HB6325 (Evans–Anthony/Raoul)** – Amends the SPAC statute to return the authority to appoint a retired judge to the members of the Council and eliminate the authority for the Supreme Court to appoint two sitting judges.

The Court as a whole was not comfortable with a sitting judges serving on SPAC so that requirement was taken out to prevent permanent vacancies. *Passed Both Chambers, 5-29-16.*

### **Illinois State Commission on Criminal Justice & Sentencing Reform: Update**

Director Saltmarsh updated the council members on the work of the Governor's Commission on Criminal Justice & Sentencing Reform. She reminded everyone that six SPAC members serve on the commission. Noting that there were only four present at the current meeting due to the absences of Vice-Chair Sen. Raoul and Director Tardy.

The first report came out at the beginning of the year, with a second coming by the end of this year. The first report was largely administrative recommendations and did not require legislative action, but the commission has now switched gears and has focused its attention on the difficult tasks, like Length-of-Stay (LOS). The commission is continuing to meet once a month and addressing the LOS lever and the issues of community supervision are at the forefront of the discussion. The commissioners have been very open to talking about Truth-In-Sentencing (TIS), extended terms and enhancements. Admissions and LOS are, as Dave and Don have reminded SPAC members over and over again, the main drivers of the prison population. To meet the 25% reduction goal will require changes to both admission and LOS policies and practices. The options discussed have ranged from giving judges discretion as to whether a person will be subject to TIS or whether other enhancements should be discretionary. Hand-in-hand with those discussions is the issue of what tools should be available in the communities. Our fellow council member Kathryn Bocanegra is an eloquent voice for what strategies can be used to help heal the communities and use social infrastructures to discourage crime.

The public comment portions of the meetings always tend to have a strong showing. Director Saltmarsh and other commissioners have enjoyed the robust public comment sessions, including hearing from some of SPAC's regular peanut gallery members. Most gratifying has been hearing from several community advocates that they would take back to their people the message that the commission cares about what is happening, and is being thorough and substantive.

Director Saltmarsh strongly believes that the commission has opened the door to discussing a wide-range of topics, which has resulted in the legislature reacting and developing policies consistent with what the commission is talking about. They are learning that to reduce the prison population, they need to be aware of the fiscal realities and need to look at the system as a whole. Roger Heaton, Chairperson of the commission has continued meeting with interest groups such as the Alliance for Safety and Justice (ASJ), prosecutors, probation departments, public defenders, judges, and community groups. Director Saltmarsh reiterated that Mr. Heaton intends to make sure that whatever the commission recommends to the Governor and the General Assembly is sustainable over time. She concluded her update by strongly encouraged SPAC council members to attend the regular commission meetings and sub-committees, and submit any ideas directly to her.

### **Illinois State Commission on Criminal Justice & Sentencing Reform: SPAC's Role**

As part of the research support team, Director Saltmarsh informed the council members that SPAC has been primarily used in two capacities: 1) Researching the county public safety budgets for the Budget and Capacity Sub-Committee. 2) Developing the Length of Stay Impact Calculator Tool.

***Budget and Capacity Sub-Committee Update:*** Nate Steinfeld, SPAC Research Director, gave a brief presentation and update on the commission county budget project. SPAC contracted with Natalie Davila, an economist and former Research Director of the Illinois Department of Revenue to help with analysis. The

subcommittee developed two questions: (1) How much in total does each county spend on criminal justice? (2) How much does the county spend per client (e.g., court case, jail inmate, probation case)? SPAC then took a sample of eight counties that are diverse in location and population. SPAC used a consistent methodology to apply across jurisdictions, collect public data, and minimize the data requests to county departments. Each county is different in their funding structures, issues, and how they organize criminal justice. However, some broad estimates of how these basic criminal justice functions are funded is necessary for the Governor's Commission. Some specific local issues are telling: some counties focused on what changes in jail inmates would do to wear-tear on facilities, including roofs, kitchens, overall space, etc. Other counties had administrative needs, including new IT systems, analysis capabilities, and other administrative supports. There was also a lot of discussion of federal inmates that create revenue for counties. The last thing we are doing is to create a rough methodology for creating hypothetical "steps" where costs will increase after the level of services provided crosses a threshold of additional people moving through the system. For example, SPAC's hypothetical "step" for IDOC is about 800 inmates in prison. If a proposed policy change causes the population to change, which results in crossing that threshold staffing level, then all other resource allocations within IDOC are likely to change.

***Length of Stay Impact Calculator Tool Update:*** SPAC Data Manager, Roger Franklin, gave a brief presentation and update on the Length of Stay Impact Calculator Tool. The SPAC team developed this tool for the Governor's Commission. The tool looks only at reducing three things that impact length of stay in Illinois Department of Corrections (IDOC). It is not a population projection, but a model for estimating impacts. The model is being vetted by outsiders before it is finalized. Mr. Franklin asked if SPAC members could experiment with the tool and provide feedback with any issues or any suggestions. Mr. Franklin concluded his presentation by walking members through a few examples of how the tool works.

### **Updates from SPAC Partners**

***Adult Redeploy Illinois (ARI):*** ARI Program Director Mary Ann Dyar provided an update of funding, site statistics, and current site issues. Based on a recent poll of Illinois voters, 88% want non-violent offenders diverted from prison. (December 2015, ACLU of Illinois by the Beneson Strategy Group). Adult Redeploy Illinois is the state's performance incentive funding program to expand less expensive and more effective community alternatives to incarceration for non-violent offenders, per the Crime Reduction Act of 2009. ARI provides state grants to local jurisdictions to fund problem-solving courts and enhanced probation supervision and services. ARI supports the goal of the Illinois Commission on Criminal Justice and Sentencing Reform to reduce the state prison population by 25% by 2025. Since 2011, the ARI statewide network of sites has diverted more than 2,600 non-violent offenders from Illinois prisons, saving the state nearly \$76 million since program inception in 2011 ((based on the difference in cost between incarceration and community-based supervision). Director Dyar refers to her sites as laboratories, testing what works in community corrections on different target populations (e.g., with drug addictions or mental illness) in different settings, based on research and intimate knowledge of local conditions. Testing innovations in the shared space of public safety and public health are most beneficial.

Director Dyar went on to say that the budget impasse has taken a huge toll on ARI. Many sites have stopped new enrollments, laid off staff, and scaled back programs, having no choice but to retract from the rigor of evidence-based practices. ARI's concern is not only the short-term impact on participation and diversions (enrollments last quarter were down 33% from prior quarters' average), but also the long-term effects of the loss of fidelity to evidence-based practices. ARI staff has been in continual contact with sites and is assiduously tracking program changes and cuts (what and when), to assess the subsequent impact on performance and

outcomes. This information will also be helpful as we plan to rebuild the program after the impasse. Part of the future of ARI is looking at expanding eligibility for diversion beyond those convicted of non-violent offenses. Research shows that without extending diversion opportunities, ambitious goals like that of the Commission will never be reached. Given ARI's experience with evidence-based practices and working with high-risk (to reoffend) individuals safely in the community, Director Dyar and her staff are exploring extending ARI to all probationable offenses, at the discretion of the local sites. The Oversight Board is supportive of this exploration, which will be led by Director Saltmarsh, and ARI's current sites are excited for this discussion.

***Risk Assets Needs Assessment (RANA):*** IDOC Assistant Director Gladys Taylor began with an update on the implementation of the Risk and Needs Assessment (RANA) tool. The first part of the process began this past December when IDOC launched Offender 360. To do this IDOC converted its 40 year old mainframe to a state of the art cloud-based solution for offender management. Offender 360 will allow IDOC to both receive information from our committing counties and other sources that provide information on this population, which will better inform our intake and classification processes. This in turn will also help with determining what treatment and programming are best for the offender, and will also allow us to send this information back to the counties when offenders are released from an IDOC facility back into the community. IDOC will officially sunset the mainframe on June 30, ending 40 years of use of that mainframe.

The second order of business that Assistant Director Taylor wanted to update the members on is that despite the continued state budget funding challenges, IDOC does have a federal award that allowed them to hire specialists to begin implementation of the RANA instrument. Right now IDOC has specialists in two of the twenty-five facilities, and all four adult transitions centers. They have assessed the risk levels of around 400 individuals to date. Earlier this month IDOC was able to post 30 additional specialist positions, which will help ramp up the staff needed for implementation of risk assessment. She also expects to see some data on the outcomes of how successful the implementation of RANA is going, probably around September of this year. Lastly, IDOC is training staff statewide on core correctional practices, which will help to change our culture at IDOC from essentially punitive, to a balance of both treatment and security.

***Illinois Criminal Justice Information Authority (ICJIA):*** Director John Maki began by introducing two new Authority staff members: Angie Weis has been installed as the new General Counsel & Chief of Staff and Jaelyn Houston-Kolnik was hired for the newly created position of manager and Victimologist in the Center for Victim Studies. Director Maki reminded everyone that ICJIA is always engaged in supporting ARI, SPAC, and the Illinois State Commission on Criminal Justice and Sentencing Reform. ICJIA has been heavily involved in providing research assistance to aide in the Governor's Commission's work, but is also working on implementing several recommendations from the first commission report. that do not require legislative action.

In conjunction with Dr. Dave Olson, ICJIA is working with current community coordinating councils to help research and identify potential pilot sites within these already established local Criminal Justice Coordinating Councils to develop strategic plans to address crime and corrections. Dr. Olson and ICJIA will look to find ways to help standardize how data is collected in these counties, to ensure sharing is easier across the state and to help in resolving issues and working together to produce the best outcomes possible. ICJIA is currently working with DuPage County and will be moving on to Lake County next. This idea leverages the newly created Illinois Department of Innovation & Technology (DoIT), and its goals of improving data sharing statewide. Director Maki concluded his update by reminding SPAC how easy it is for the state to push money at things and walk away without evaluating outcomes. This time we want to make sure we are doing it right.

## **SPAC Research Team Update: Sex Offender Research, Population Projection and Cost Benefit Analysis**

***Sex Offender Research:*** Sara Orlan, a SPAC Graduate Intern, who just graduated from the University of Chicago with her master's degree in social work, gave an update on her research on sex offenders. She previously worked with this population in the Cook County Jail and while interning with a sheriff's office in Arizona. Ms. Orlan spent the past year reviewing over 40 studies about sentencing policies, treatment programs, and recidivism rates. She analyzed (a) Illinois Sex Offender Registry reports, (b) data from IDOC, and (c) ICJIA's recidivism tool to help illustrate which offenders were returning to IDOC for sex crimes. She explained that sex offender policies treat people convicted of sex offenses as a homogenous group when in fact there are many different kinds of offenders like pedophiles, rapists, or people who produce and/or view child pornography. According to several studies, the sex offender registry engenders a sense of fear in community members. It makes them feel like their safety is threatened. The registry also creates the illusion that all sex crimes are committed by strangers when actually the majority of crimes are committed by people known to and trusted by the victim. Additionally, the registry may increase violence in the community because, according to many studies, community members have discovered neighbors on the registry and have caused harm to those offenders and their property.

Residency restrictions, such as not being able to live within 500 feet of a school/park/place where children congregate, are detrimental to successful reentry into the community because often offenders are forced to live away from employment, suitable housing, and support systems. As discussed in past SPAC meetings, we know that these three items are essential for successful reintegration into society.

Treatment programs during incarceration and following incarceration have been both criticized and praised but, according to many studies, treatment that is specific to the offender has been shown to be very effective in reducing recidivism. Those individuals convicted of sex offenses often have very low recidivism rates, which Ms. Orlan mentioned as the most interesting fact she learned.. She concluded her remarks by informing the council that she has created an extensive annotated bibliography, and a two-page primer document that the SPAC team is editing and both will serve as references for when legislation about sex offenders arises in Springfield.

***Population Projection:*** Mark Powers, SPAC Senior Research Analyst, presented on his first major assignment, finalizing the population projection model that began last year. Producing population projections is one of SPAC's statutory mandates so finalizing a model is an important accomplishment. Powers explained that the model uses identified levers that affect the IDOC prison population, including admissions, recidivism and LOS. The unique part of SPAC's model is that it can estimate prison projections by allowing users to manipulate these levers. Our model uses actual data in the simulation, which allows us to examine and change inputs over time, for example: How does the age of prison population change in twenty years? We can now answer this question under some simplistic assumptions. We can also answer the question under alternative scenarios, including by changing the TIS multiplier on certain offenses, removing people when they reach the age of 65, or removing all class 4 possession of controlled substance admissions. Further, the in-house model allows us to add or alter assumptions. For example, the removal of possession of controlled substance admissions may be offset by other offense admissions, so we can program the model to assume 30% of admission for a random Class 4 property (or violent) offense instead. By implementing any combination of the hypothetical policy proposals above simultaneously into the model, SPAC can estimate the impact of the prison population over time. Mr. Powers is still vetting the model with researchers and stakeholders, and will be meeting with IDOC research staff to go over the model in the near future.

**Cost Benefit Analysis:** Nate Steinfeld, SPAC Research Director, updated the council on SPAC's Results First cost-benefit work. Director Steinfeld said that SPAC's second Results First cost-benefit report is finished and has been sent to the CMS printers. For our new members, the second report analyzes the return on investment for a sample of public safety programs. SPAC examined nine different programs that are currently in operation in our state and ranked the results by (a) maximum net benefits, (b) maximum benefit-cost ratio, and (c) least risky, each ranking produced by the Results First model. The results allow policymakers to make apples-to-apples comparisons of these programs and see how to prioritize the results, depending on their goals. The end result is that targeted, evidence-based programs can be a financially wise investment that improves outcomes for taxpayers and the public generally, so long as the programs are implemented well. Our report is a short six pages. At the end of the report, a full set of dashboards shows the inputs and expected outcomes for each program over time. We hope this will make the report a usable tool for SPAC council members as key Illinois policymakers.

### **New Business**

Chairperson DiVito reminded members that the next regular SPAC meeting will take place on Friday, September 16<sup>th</sup>.

### **Adjournment**

Michael Glick moved to adjourn the twenty-third regular meeting of the Sentencing Policy Advisory Council, seconded by Alan Spellberg. The twenty-third regular meeting of the Sentencing Policy Advisory Council was adjourned at 1:40 p.m. by unanimous voice vote.



**Illinois Sentencing Policy Advisory Council (SPAC)  
Regular Meeting**

**AGENDA**

**Friday, September 16, 2016  
10:00 a.m. – 1:30 p.m.**

**Treatment Alternatives to Safe Communities (TASC)  
700 S. Clinton St.  
Chicago, IL**

**CALL-IN NUMBER:  
888-494-4032  
Passcode: 7205356689#**

**THERE IS NO VIDEO CONFERENCING FOR THIS MEETING**

- 10:00 - 10:10**            **Coffee and Welcome, Introductions, New SPAC Member, Agenda Overview and Approval of 6/2016 Meeting Minutes**  
*Hon. Gino DiVito, SPAC Chairman*
- 10:10 – 10:30**            **Illinois' 1115 Medicaid Waiver Proposal**  
*Sherie Arriazola, TASC Administrator, Medicaid Policy and Program Development*
- 10:30 – 11:40**            **SPAC Trends Analysis Update and Discussion**  
*Nate Inglis Steinfeld, SPAC Research Director*  
*Yasmine El-Gohary, SPAC Research Analyst*
- 11:40 – 12:10**            **Lunch - Updates from Adult Redeploy, ICJIA & RANA**  
*Mary Ann Dyar, Adult Redeploy*  
*John Maki, Illinois Criminal Justice Information Authority*  
*Gladyse Taylor, RANA & Offender 360*
- 12:10 – 1:20**            **SPAC Overview of Illinois' Habitual Offender Laws and Discussion**  
*Nate Inglis Steinfeld, SPAC Research Director*  
*Yasmine El-Gohary, SPAC Research Analyst*
- 1:20 – 1:30**            **New Business & Adjourn**  
Reminder next meeting date: November 18, 2016
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**Illinois Sentencing Policy Advisory Council**  
**Regular Meeting Minutes**  
**September 16<sup>th</sup>, 2016 10:00AM – 1:30PM**

**Location: Treatment Alternatives to Safe Communities (TASC)**  
**700 South Clinton Street**  
**Chicago, IL**

**Members Present** – Rich Adkins (for Michael Tardy), Stephen Baker, Kathryn Bocanegra, Jim Chadd (for Michael Pelletier), Gino DiVito (Chairperson), Marcus Evans, Craig Findley, Annie Fitzgerald, Michael Glick, John Maki, Margo McDermond, Stuart Palmer, Kwame Raoul (Vice Chair), Alan Spellberg, Don Stemen, Gladyse Taylor, Warren Wolfson (Vice Chair), and Kristen Ziman.

**Members Present by Phone** – Jason Barickman, Nicholas Kondelis, and Stewart Umholtz.

**Members Absent** – Julian Thompson.

**Non-Members Present** – Sherie Arriazola, Laura Brookes, Peter Coolsen, Mary Ann Dyar, Sav Felix, Yasmine El-Gohary, Michael Elliott, Roger Franklin, Candice Jones, Brian Kenner, Stephanie Kollmann, Era Lauder milk, Korynna Lopez, Janelle Prueter, Sara Orlan, Cesar Orozco, Ben Ruddell, Michael Toomin, Kathy Saltmarsh, Nate Inglis Steinfeld, Paula Wolff, and Ashley Wright.

**Non-Members Present by Phone** – None.

**Welcome and Introductions**

Chairperson DiVito called the twenty-fourth regular meeting of the Illinois Sentencing Policy Advisory Council to order at 10:00 a.m. Chairperson DiVito gave the opening remarks, including:

- Introduced Rep. Margo McDermed who is replacing Rep. John Anthony. Rep. McDermed was elected to her seat for a full term in November, 2014. She is a graduate of DePaul University College of Law, and has a varied career including practicing corporate law for 30 years, serving as the Frankfort Township Trustee and Clerk, and as Will County Board Member. We look forward to benefitting from her county government perspective on the administration of criminal justice.
- Provided an overview of the agenda and purpose of the meeting, focusing on three major topics that were generated by the work SPAC did during this past legislative session on several sentencing proposals, as well as the research work it has provided to the Governor's Commission on Criminal Justice and Sentencing Reform. First, TASC will describe a potentially transformative policy change, the State's application for an 1115 waiver for Medicaid. Second, the SPAC research team is working on an update of the general overview of trends in felony sentencing that was first written by Dr. Dave Olson in 2011. Our newest staff member, Yasmine El-Gohary, has been doing the analysis from that report and will present on the more recent data. Third, Nate & Kathy will walk us through their recent analysis of Illinois Three Strikes laws and how repeat gun offenses are sentenced. This research was sparked by a few pieces of legislation filed this year.

**Vote: Approval of the meeting minutes from the June 17, 2016 SPAC meeting**

Stephen Baker, moved to approve the minutes, seconded by John Maki. The minutes from the June 17, 2016 SPAC meeting were approved by unanimous voice vote.

**Illinois' 1115 Medicaid Waiver Proposal Update**

Sherie Arriazola, TASC Administrator, Medicaid Policy and Program Development, provided the Council with an update on the State's Behavioral Health Transformation, which includes the filing of the 1115 Waiver Application. A draft of the State's application was released for public comment on August 26, 2016 and later updated on September 2, 2016. The waiver was provided to all Council members. If the waiver is approved, the federal government will waive certain Medicaid requirements to allow for various innovations to occur in Illinois' Medicaid program. Illinois' application focuses specifically on behavioral health, and includes provisions focusing on transitioning individuals from correctional care to community based care upon release from Cook County Jail or the Illinois Department of Corrections (IDOC). This includes the funding of services rendered prior to release, such as assessments, treatment planning, and linkage services, as well as medication-assisted treatment at select facilities. Further, the State is proposing to expand the number of substance use and mental health services available under Medicaid to include substance use case management, screening, brief intervention, and referral to treatment (SBIRT), recovery coaches, clinically managed detox, methadone, and most notably an exception to the IMD exclusion (an Institutions for Mental Diseases (IMD) limit on use of Medicaid financing for residential treatment facilities with more than 16 beds) for both substance use and mental health residential facilities for a period of up to 30 days.

**SPAC Trends Analysis Update and Discussion**

Yasmine El-Gohary, SPAC Research Analyst, began her presentation by reminding the Council that back in 2011 and 2012, SPAC published two summary reports on key trends in Illinois' felony sentencing. By looking retrospectively, the reports identified some of the forces driving the dramatic increases in probation and prison populations as crime rates decreased in the State. The forces behind the dramatic increases in probation and prison populations are complex and involve multiple levels of government and components of the justice system. SPAC reported, "Changes in correctional populations are driven by changes in the legal classification of crimes and the sentences available for those crimes, crime patterns and arrest practices of the police, prosecutorial charging and plea decisions, judicial sentencing decisions, and correctional supervision and release practices." Either individually or in combination, in Illinois over the past two decades these forces have led to significant increases in probation and prison sentences, and thus correctional populations, requiring substantial expenditures of public funds.

The Crime Reduction Act of 2009 required the use of risk and needs assessment in IDOC and created Adult Redeploy Illinois, a performance-incentive funding program that incentivizes local jurisdictions to divert people from prison. Both statutes focused on the importance of implementing evidence-based practices to produce better outcomes. The question is, have we made progress? If progress has not been made, what must we do to achieve the new goals of safely reducing the prison population by 25% and sustaining that reduction over time?

This briefing returns to the original retrospective and provides an updated review of the sentenced populations and the forces that influence them. In addition to updating past work with more recent data, a summary of the financial trends in the criminal justice system and a baseline population projection of what the population is likely to be if reforms that directly address the drivers of the sentenced population are not enacted are included. These additions demonstrate that current policies and practices, which are shaped by historical practices, have

important implications for improving public safety and for how we budget and plan financially to produce better outcomes in Illinois.

### **Updates from SPAC Partners**

***Illinois Criminal Justice Information Authority (ICJIA):*** Director John Maki reminded everyone that ICJIA is always engaged in supporting ARI, SPAC, and the Illinois State Commission on Criminal Justice and Sentencing Reform. ICJIA has been heavily involved in providing research assistance to aid in the Governor’s Commission’s work, but in addition to the agency’s normal duties, it also will be staffing two newly created task forces: the Law Enforcement Information Task Force (*P.A. 99-0874*) and the Sex Offenses and Sex Offender Registration Task Force (*P.A. 99-0873*).

Director Maki went on to say that ICJIA is now the State’s lead agency in the President’s Data-Driven Justice Initiative. In order to break the vicious cycle of incarceration, the current Administration has launched the Data-Driven Justice Initiative with a bipartisan coalition of city, county, and state governments who have committed to using data-driven strategies to divert low-level offenders with mental illness out of the criminal justice system and to change approaches to pre-trial incarceration so that low risk offenders no longer stay in jail simply because they cannot afford a bond. These innovative strategies, which have measurably reduced jail populations in several communities, help stabilize individuals and families, better serve our communities, and, often save money in the process. Director Mary Ann Dyar of ARI is currently working on putting together a conference ICJIA will be hosting in December. The hope is to listen and learn from local and state officials, private sector companies, nonprofits, and community organizations about the new, specific, and measurable steps that they are ready to take to further the development of a smarter, more data-driven criminal justice system.

***Adult Redeploy Illinois (ARI):*** ARI Program Director Mary Ann Dyar provided an update of funding, site statistics, and current site issues. As of the last SPAC meeting, ARI was struggling to survive during the state budget impasse. The good news is that ARI was one of a few programs included in the stopgap budget passed on June 30th, and that from two sources the appropriation is sufficient to cover all sites’ SFY16 expenses and SFY17 grant awards for continuing sites. In other words, ARI is fiscally stable through June 30, 2017. However, ARI did not emerge from the impasse unscathed. Three of ARI’s 21 sites (Kane, Kankakee, and McLean) were lost, and several other sites suffered severe cutbacks that will take months from which to recover. Some sites have permanently scaled back their programs. As a result, enrollments last quarter were down 52% from the average of prior quarters. Over the next several months, ARI will be helping with ramp-up efforts, and offering a planning grant opportunity to continue bringing new sites on-board. ARI is continuing to collect information from its sites about the impact of the impasse and what it needs to restore its programs. Additionally, ARI is conducting “exit interviews” with the three sites that have elected not to continue, to find out why they left, what are lasting impacts from ARI investments and what it might take to bring them back into the ARI network.

Several sites noted that multi-year grants are needed, and expressed support for expanding eligibility to all probationable offenses subject to the screening and assessment processes at the local sites rather than limiting participation to non-violent offenders. This eligibility expansion proposal SPAC raised has received support in principle from our Oversight Board. In pursuit of one of our strategic plan goals—“ARI will support community-led justice efforts consistent with ARI principles”—staff is assisting with the implementation of the Governor’s Commission recommendation for criminal justice coordinating councils statewide, as well as assisting with the Graduated-Reentry Initiative, community justice pre-investment/reinvestment strategies, data-

driven justice projects focused on “super-utilizers,” and the development of a toolkit for community involvement in adult diversion programs featuring case studies from ARI sites.

Last month, ARI staff presented at the American Probation and Parole Association (APPA) national training institute in Cleveland about how an ARI-type program could be replicated in other jurisdictions. Our greatest lesson learned is the importance of our relationship-oriented approach, which sustained us through the budget impasse.

***Risk Assets Needs Assessment (RANA):*** IDOC Assistant Director Gladyse Taylor began with an update on the implementation status of Offender 360 and the Risk and Needs Assessment (RANA) tool. The first part of the Offender 360 process began this past December when IDOC launched Offender 360. To do this task, IDOC converted its 40 year old mainframe to a state-of-the-art cloud-based solution for offender management. Offender 360 will allow IDOC to both receive information from committing counties and other sources, which will better inform the intake and classification processes. This new tool in turn will also help with determining what treatment and programming are best for the offender and will also allow IDOC to send this information back to the counties to which offenders are released from an IDOC facility. In conjunction with Offender 360 implementation, there are three pilot programs in operation to help IDOC and Illinois counties reduce the \$50 million in annual intake costs and streamline the sharing of offender information so there is no duplicative work performed. The pilot programs will also look at the link between jails and health care management services in those counties, with a goal of performing evaluations on the local level and not wait until the intake process with IDOC. The pilot projects are funded through a federal grant from the U.S. Department of Justice. Winnebago County’s pilot program is nearing completion, Cook County’s pilot program is just underway with the hope of completion by June of next year, and the third pilot will be up and running in Lake County beginning early next year. The intention is to utilize the money saved from this process to improve IDOC’s current and potential programming options.

RANA is well underway, and the federal funding that came through allowed IDOC to keep the implementation moving forward. Assistant Director Taylor hopes to have the first group of state-funded social workers on staff by November 1, and it is their plan to bring on additional staff every 90 days until the staffing goal is realized. IDOC is now training staff statewide on core correctional practices, which will help to change the culture at IDOC from essentially punitive, to a balance of both treatment and security. Lastly, Assistant directory Taylor relayed that electronic scoring for all offenders has been targeted for April 1, 2017.

### **SPAC Overview of Illinois’ Habitual Offender Laws and Discussion**

Nate Inglis Steinfeld, SPAC Research Director, provided the Council with an overview of Illinois’ habitual offender laws. Steinfeld determined that many states have some form of “three strikes” laws that increase incarceration terms for offenders with at least two prior convictions. These laws, sometimes called habitual criminal or recidivism laws, are intended to increase public safety by incapacitating for longer periods those convicted of numerous offenses over time. Illinois approaches habitual offender laws through both an offense, Armed Habitual Criminal, 720 ILCS 5/24-1.7, and through the Habitual Criminal sentence enhancement, 730 ILCS 5/5-4.5-95. Both laws allow for more punitive sentences after three or more convictions. As we have seen with our statutory definitions of violent crime, there is some overlap in terms. And, within those terms, the people who are eligible for these enhancements may be sentenced under one or the other, but our knowledge of how the overlap actually works is limited.

This year, SPAC undertook an analysis of Illinois' three strikes laws. It began as an analysis Senate Bill 3292, which, among other reforms, offered new limitations for the use of the habitual criminal sentencing provision. Although SPAC was unable to complete the bill's fiscal impact analysis due to data limitations, SPAC continued the analysis for purposes of developing a Research Report on this topic. The primary goal is to describe this current sentencing structure and how it is used in Illinois. Because of data limitations, SPAC estimates which individuals may have been eligible for the Illinois version of the three strikes laws based on Illinois criminal history. The report then describes the offense and criminal history characteristics, sentences, and overlap between these laws. The armed habitual criminal offense is technically unrelated to the habitual criminal sentencing provisions. Despite similar names, the armed habitual criminal is an offense for which individuals may be arrested, charged, and convicted. The armed habitual criminal statute has similarities with the habitual criminal sentence, but neither law specifically references the other.

The SPAC research team will continue working on this report, which will be distributed to SPAC members and posted on our website upon completion.

### **New Business**

Chairperson DiVito reminded members that the next regular SPAC meeting will take place on Friday, November 18.

### **Adjournment**

Gladys Taylor, moved to adjourn the twenty-fourth regular meeting of the Sentencing Policy Advisory Council, seconded by Kwame Raoul. The twenty-fourth regular meeting of the Sentencing Policy Advisory Council was adjourned at 1:34 p.m. by unanimous voice vote.