Illinois Sentencing Policy Advisory Council
Regular Meeting

AGENDA

Friday, August 7, 2015
10:00 – 1:30 p.m.

Illinois State Bar Association
20 South Clark Street, Suite 900
Chicago, IL

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

THERE IS NO VIDEO CONFERENCING FOR THIS MEETING

Discussion and Updates on Criminal Justice Reform in Illinois

10:00 - 10:30  Coffee & Welcome, Introductions, Agenda Overview, Approval of 12/2015 Meeting Minutes
Gino DiVito, Chairperson – Illinois Sentencing Policy Advisory Council

10:30 – 11:30  Illinois State Commission on Criminal Justice & Sentencing Reform Update
Rodger Heaton, Chairperson – Public Safety Director & Homeland Security Advisor, Office of the Governor

11:30-12:00  Lunch - Updates from RANA, Adult Redeploy & ICJIA
Gladys Taylor, RANA & Offender 360; Mary Ann Dyar, Adult Redeploy; John Maki, ICJIA

12:00 – 12:30  Update on Cost Benefit Work
Nate Inglis Steinfeld, SPAC Research Director

12:30 – 1:00  2015 Legislative Session Update
Kathy Saltmarsh, SPAC Executive Director
Michael Elliott, SPAC Senior Policy Advisor

1:00 – 1:30  New Business & Adjourn
Set next meeting dates
Discussion of meeting topics
Illinois Sentencing Policy Advisory Council
Regular Meeting Minutes
August 7th, 2015 10:00AM – 1:30PM

Location: 20 S. Clark St., Suite 900
Chicago, IL

Members Present – Gino DiVito (Chairperson), Warren Wolfson (Vice-Chair), Kwame Raoul (Vice-Chair), John Anthony, John Maki, Anne Fitzgerald (for Tom Dart), Kathryn Bocanegra, Michael Glick, Stephen Baker, Nicholas Kondelis, Craig Findley, Jim Chadd (for Michael Pelletier), Alan Spellberg, Michael Tardy, Stewart Umholtz, Marcus Evans, and David Yellen.

Members Present by Phone – Gladys Taylor

Members Absent – Jason Barickman

Non-Members Present – Kathy Saltmarsh, Michael Elliott, Mystik Miller, Nate Inglis Steinfeld, Robbie Minton, Sara Orlan, Mary Ann Dyar, Lindsey LaPointe, Randy Kurtz, Megan Alderden, Ben Ruddell, Chini Bose, Rick Veenstra, Margie Groot, Laura Brookes, Monica-Kaye Gamble, Paula Wolff, Era Laudermilk, Jean Snyder, Kathryn Simon, Daryl Jones, Bryant Jackson-Green, and Matt Rentschler.

Non-Members Present by Phone – Dave Olson

Welcome and Introductions
Chairperson DiVito called the twentieth regular meeting of the Illinois Sentencing Policy Advisory Council to order at 10:20 a.m. The Chairman gave opening remarks, including:
- Introduced new SPAC members, Rep. John Anthony (replacing Dennis Reboletti), Anne Fitzgerald (for Tom Dart), John Maki (replacing Jack Cutrone), and Craig Findley (replacing Adam Monreal).
- Introduced new SPAC staff, Michael Elliott (replacing Samantha Gaddy) and interns Robbie Minton and Sara Orlan.
- Gave an overview of the agenda and purpose of the meeting.

Vote: Approval of holding three regular meetings annually, instead of four
John Maki moved to change the annual regular meeting schedule to at least three regular meetings starting in 2015, seconded by David Yellen. Starting in 2015 SPAC will now hold at least three regular meetings annually, was approved by unanimous voice vote.

Vote: Approval of the meeting minutes from the December 12th, 2014 SPAC meeting
John Maki moved to approve the minutes, seconded by John Anthony. The minutes from the December 12th, 2014 SPAC meeting, were approved by unanimous voice vote.

Illinois State Commission on Criminal Justice & Sentence Reform Update
SPAC members heard from commission Chairperson Rodger Heaton, who is Governor Rauner’s Public Safety Director and Homeland Security Advisor. Chairperson DiVito noted that six SPAC members are on the commission. Mr. Heaton began with a hypothetical case with a variety of facts that could affect sentencing to
illustrate the kind of information that is important to making just and fair sentencing decisions, and to illustrate the work of the commission. He pointed out that Governor Rauner formed this commission to look at the criminal justice system and its sentencing structure to find ways to safely reduce the state’s prison population by 25% over the next 10 years. That’s about a 12,000 person reduction out of a population of approximately 48,000 (mostly men). We need to find ways to address, punish, correct, and improve the lives of those in prison so that they can safely function in our state, and so that they are not a burden on the taxpayer, but instead improve our communities. We spend approximately $1.4 billion on adult corrections and approximately $300 million on juvenile justice corrections in Illinois, and those figures don’t include costs for police, probation, judges, or the fringe benefits paid for those who work in the system.

Mr. Heaton continued that the commission has roughly five months left to address this issue and report back to the Governor with recommendations for how to safely reduce the prison population to that significant degree. The commission started off by looking at the situation we are in. Who is in our prisons, what offenses did they commit, how long are their sentences, what’s happening while they are in the department of corrections and how they are prepared to go back to society. Also, what are our communities doing to prepare to receive the 95% of those who are incarcerated when they return to our communities? This is a big task, but it’s one the Governor believes we can achieve. So the commission needs input from all SPAC members. The commission has been meeting once a month and you can find all information on past and present meetings on its website (http://www.icjia.state.il.us/cjreform2015/). The commission has five sub-committees that focus on specific key aspects of the system: Law, Community Corrections, Budget & Capacity, Jail, and Implementation. Mr. Heaton stated that he intends to make sure that whatever the commission recommends to the Governor and the General Assembly is sustainable over time. Mr. Heaton strongly encouraged SPAC members to attend the regular commission meetings and sub-committees, and submit any ideas directly to him.

**Updates from RANA, ARI, and the ICJIA**

Illinois Department of Corrections (IDOC) Acting Director Gladyse Taylor gave a brief update on implementing the Risk Assets Needs Assessment (RANA) tool. Ms. Taylor related that the Department of Corrections is facing funding challenges that are a result of the FY16 budget crisis, which may or may not affect the hiring of the 120 available positions for RANA staff. She anticipates they will be able to have the first assessments once staff is hired and properly trained in late October or early November. IDOC has chosen the facilities at Pinckneyville and Sheridan to pilot RANA, where they will focus solely on the indeterminate sentencing population to satisfy ongoing litigation. She is glad they are over all the clinical hurdles and is eager to get things up and running.

Adult Redeploy Illinois (ARI) Program Director Mary Ann Dyar provided a brief update of funding, site statistics, and current site issues. Ms. Dyar began with alerting everyone that the current budget crisis is having a direct effect upon ARI, due to the fact that ARI sites still do not know what their FY16 funding level will be. They have learned that August is a critical month, after which most sites are unsure whether they will be able to continue operating without state funds. Chief Judges have been making sure that essential expenses are covered up to this point. While there have not yet been a lot of staff layoffs, sites have reported scaling back on clinical assessments, drug testing, treatment services, and recovery coaching – all of which are crucial to implementing evidence-based practices and achieving recidivism reductions. Ms. Dyar ended her update with the good news that Adult Redeploy Illinois was awarded the “Outstanding Criminal Justice Program-Midwest Region” award by the National Criminal Justice Association earlier this week at the National Forum on Criminal Justice in Atlanta, Georgia. ARI was one of five awardees from a pool of 50 applicant programs. This is an important “shot in the arm” for the program in these tough times.
Illinois Criminal Justice Information Authority (ICJIA) Executive Director John Maki introduced ICJIA’s new Research Director Dr. Megan Alderden, who joined ICJIA in April. Dr. Alderden proceeded with a brief overview of what the research department at ICJIA has been working on. A research effort has begun to support gun violence reduction, involving program evaluations and data analysis to help determine where violent activities/incidents happen in communities, specifically those that are firearm related. They are also engaging in the development of what Dr. Alderden refers to as, “The State of the State Crime and Justice Issues in Illinois Dashboard” that will help determine what issues Illinoisans experience in their communities and at the state level. The dashboard will look at prevention measures, crime issues, and how the justice system responds to the issues developed by the dashboard. Users of the dashboard tool will be able to see a statewide analysis and will also be able to drill down into their own communities to see a ground level understanding of what is actually happening in those areas. Data will be broken up across important key indicators such as gender, race, and age. Dr. Alderden hopes that this will help facilitate discussions in Illinois at the state and local levels about our criminal justice system. She concluded that ICJIA is also looking at prison usage here in Illinois, another analysis it is doing at the state and local levels. It is also always engaged in supporting ARI, SPAC and the Illinois State Commission on Criminal Justice & Sentencing Reform.

The High Cost of Recidivism Report & Update
Nate Inglis Steinfeld, SPAC’s Research Director, provided a brief update on SPAC’s first cost-benefit report: Illinois Results First: The High Cost of Recidivism.

Since the finalized draft of the cost-benefit analysis report on recidivism was finished, the Results First CBA model was updated to improve the calculation of recidivism costs. The update incorporates the long-term recidivism patterns apparent in the Illinois offender cohorts that SPAC and ICJIA produced using nine years of data. As a result, the cost of recidivism reflects the true cost of crime in Illinois—$118,746 per recidivism event and $16.7 billion over five years. The explanation of how recidivism costs were calculated has been updated in the supplement that fully explains our methodology. Our new figures remain consistent with what other states have found using the updated model. We also added a sentence on the first page making it clear that SPAC does not make recommendations, oppose, or support specific policy proposals. Mr. Steinfeld highlighted the key findings of the report and explained in more detail how SPAC arrived at the cost and benefit figures.

2015 Legislative Session Update
Kathy Saltmarsh, SPAC’s Executive Director, and Michael Elliott, SPAC’s Senior Policy Advisor provided a brief overview of the criminal justice bills that passed during the Spring Legislative Session, several of which are significant, and also provided an overview of the bills upon which SPAC provided fiscal impact analysis. This was the first year SPAC included in the fiscal impact analysis an estimate of the victimization impacts of specific proposals. Bills that were discussed with additional commentary by Rep. Anthony and Sen. Raoul included: HB 1, HB 218, HB 1446, HB 2471, HB 3184, HB 3587, HB 3718, HB 3884, and SB 1304.

Ms. Saltmarsh and Mr. Elliott also reported that, since the last SPAC meeting, the SPAC-authorization statute was amended to extend SPAC’s sunset to December 31, 2020.
New Business
Chairperson DiVito confirmed the next two 2015 meeting dates: Friday, October 9 and Friday, December 18 with members.

Members discussed topics that the council would be interested in hearing about during the next two meetings:

- What the Illinois State Commission on Criminal Justice & Sentencing Reform is Recommending
  - Taking a closer look at what types of recommendations the commission is considering.
- Reform Measures in Other States
  - Invite appropriate members from a state that has completed the Justice Reinvestment Initiative (JRI) or Right on Crime recommendations to present on their experiences.
  - Possible states to look at are: Georgia (Omnibus Criminal Justice Reform Bill), Mississippi (JRI), North Carolina (Justice Reinvestment Act), Ohio (Omnibus Reform Bill), South Carolina (Omnibus Crime Reduction & Sentencing Reform Act), Texas (JRI).
- “The Untouchables:” Violent Offenders, Sex Offenders, Violent Sex Offenders
  - What criminal justice tools does the state have for:
    - Preventing these crimes (tangible and intangible costs of these victimizations are tremendous)
    - Rehabilitation options
      - Are they high risk?
      - Are they responsive to treatments?
    - Supervision post-release
      - Gate violators discussion
      - De facto life sentences with life supervision
- Probation: A front line view of what probation entails for felonies and misdemeanors, the use of the LSI-R, and pre-trial intervention programs.

Adjournment
Upon proper motion and second, the twentieth regular meeting of the Sentencing Policy Advisory Council was adjourned at 1:20 p.m.
Illinois Sentencing Policy Advisory Council
Regular Meeting

AGENDA

Friday, October 9, 2015
10:00 – 1:30 p.m.

Illinois State Bar Association
20 South Clark Street, Suite 900
Chicago, IL

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

THERE IS NO VIDEO CONFERENCE FOR THIS MEETING

Definitions of Violent Crime & How Violent Crime Impacts Sentencing

10:00 - 10:15 Coffee & Welcome, Introductions, Agenda Overview, Approval of 8/2015 Meeting Minutes
Gino DiVito, Chairperson – Illinois Sentencing Policy Advisory Council

10:15 – 10:45 Definitions of Violence in Illinois: Differences in Definitions & Research Implications
Nate Inglis Steinfeld, SPAC Research Director
Mystik Miller, SPAC Research Analyst

10:45 – 11:45 Panel: The Real World View of Sentencing Effects of Arrests & Convictions for Violent Crimes
Sophia Atcherson, Cook County Public Defender
Judge Joseph G. Kazmierski, Jr., Cook County Criminal Division
Matt Jones, Associate Director, Illinois State’s Attorney Appellate Prosecutor
Moderator: Kathy Saltmarsh, SPAC Executive Director

11:45 – 12:15 Lunch - Updates from RANA, Adult Redeploy & ICJIA
Gladyse Taylor, RANA & Offender 360
Mary Ann Dyar, Adult Redeploy
John Maki, ICJIA

12:15 – 1:15 Discussion: Assumptions, Uses, and Impact on Sentencing

1:15 – 1:30 New Business & Adjourn
Reminder next meeting date: December 18, 2015
Members Present – Gino DiVito (Chairperson), Warren Wolfson (Vice-Chair), Kwame Raoul (Vice-Chair), Megan Alderden (for John Maki), Anne Fitzgerald (for Tom Dart), Kathryn Bocanegra, Michael Glick, Stephen Baker, Gladys Taylor, Jim Chadd (for Michael Pelletier), Alan Spellberg, Margaret Groot (for Michael Tardy), Marcus Evans, and David Yellen.

Members Present by Phone – Nicholas Kondelis and Stewart Umholtz.

Members Absent – John Anthony, Jason Barickman, and Craig Findley.

Non-Members Present – Kathy Saltmarsh, Michael Elliott, Mystik Miller, Nathaniel Inglis Steinfeld, Roger Franklin, Sara Orlan, Mary Ann Dyar, Ben Ruddell, Rick Veenstra, Dave Olson, Patrick Moriarty, Sophia Atcherson, Matt Jones, Joseph G. Kazmierski, Jr., Peter Coolsen, Rebecca Fral, John Baldwin, Patrick Griffin, Laurie Jo Reynolds, John Paul Carroll, Peter Baroni, Paula Wolff, Jennifer Green, and Era Laudermilk.

Non-Members Present by Phone – None.

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

- Introduced new SPAC staff, Data Manager, Roger J. Franklin. Roger will be responsible for building SPAC’s technology and data infrastructure, and we anticipate that he will also be a regular contributor to data-related projects with our partners ICJIA and IDOC.
- Welcome to Margaret Groot from the Administrative Office of the Illinois Courts who has been designated by letter to act as Michael Tardy’s representative for this meeting.
- Welcome to Megan Alderden from the Illinois Criminal Justice Information Authority who has been designated by letter to act as John Maki’s representative for this meeting.
- Welcome to Jim Chadd from the Office of the State Appellate Defender who has been designated by letter to act as Mike Pelletier’s representative for this meeting.
- Welcome to new Illinois Department of Corrections Director, John Baldwin. Director Baldwin brings more than 35 years of overall experience to the position. He introduced himself to SPAC members and stated he looks forward to attending future meetings.
- An overview of the agenda and purpose of the meeting, focusing on the definitions of violent crime and how a history of violent crime impacts sentencing.

Vote: Approval of the meeting minutes from the August 7th, 2015 SPAC meeting
Vice-Chairperson Warren Wolfson moved to approve the minutes, seconded by Michael Glick. The minutes from the August 7th, 2015 SPAC meeting, were approved by unanimous voice vote.
Definitions of Violence in Illinois: Differences in Definitions & Research Implications
Nathaniel Inglis Steinfeld, SPAC Research Director, and Mystik Miller, SPAC Research Analyst, gave a PowerPoint presentation summarizing, as researchers, how they have been looking at the violent/non-violent classifications. They highlighted several inconsistencies in the definitions and explained how those definitions affect SPAC analyses and research. They found statutory classifications of specific offenses sometimes conflict between the Crime Victims Compensation Act (740 ILCS 45) and the Rights of Crime Victims and Witnesses Act (725 ILCS 120). There are also inconsistencies in the way data are aggregated by different research agencies which can lead to ambiguity for readers. Further, in the real world, an arrest or conviction for a violent crime can exclude an offender from certain programs and alternatives to incarceration. The definitions in practice are defined by practitioners that may use a more common understanding of violent/nonviolent, rather than precise statutory interpretation. The discussion concluded with the determination that the Council’s input on how SPAC should approach analysis and reporting would be beneficial to any future SPAC analyses.

Members heard from a panel of experts representing perspectives from judges, prosecutors, and defense attorneys’ views of the real world impact of a violent crime in an offender’s history:

Moderator: Kathy Saltmarsh, Executive Director, SPAC – Director Saltmarsh led the panel discussion by laying out two basic concepts to the panelists: (1) SPAC focuses on the outcomes the system produces and our mandate is to facilitate using research and analysis in the policy discussion; and (2) There are legitimate reasons in practice for distinguishing between violent and non-violent crimes and categorizing them differently. Director Saltmarsh then asked the panelists to address the utility and the weaknesses of how we distinguish between violent and non-violent crimes.

Judge Joseph G. Kazmierski, Jr., Acting Presiding Judge, Cook County Criminal Division – Judge Kazmierski began with a brief historical perspective of where he comes from on the issues regarding policy and sentencing. In the 42 years he has been practicing as an attorney, the Illinois Criminal Law and Procedure book has grown from a very thin book, to the thick book that we have now. When he looks at how certain crimes are defined, he is impacted by the mandatory sentencing provisions, various factors considered in sentencing, and the limited discretion allowed. He does use the court assessment tool (part of the Court Tools project), and it is something he finds helpful when considering bond. In looking at the SPAC classification list, Judge Kazmierski does agree there are certain crimes that appear to him as non-violent, but he does not know enough of the legislative history surrounding those crimes, which led to the policy decision to classify them as such.

Sophia Atcherson, Chief of the Legal Resources Division, Cook County Public Defender – Chief Atcherson’s focus is always client centered and she would love to see more of an effort to not only look at the offense but also at the individual charged with the offense. She believes it is hard to use the assessment tool for every offense, because the context of the offense is going to be different every time depending on the offender. Mandatory sentencing is extremely frustrating for her. When she is in front of a judge who she believes would like to consider her client’s specific situation but cannot due to the law. Thus, how does she advocate for someone when your advocacy makes no difference in the sentencing? She would like to see more of a balance that considers the offender and their situation when charged, not solely the victims’ rights. Additionally, she would like the defendant’s side to be more involved in the construction of tools, risk assessments, presentence investigations (PSI’s), and to be included in the drafting of the case letters to IDOC to double check for possible errors. She believes having this additional check will ensure that
offenders have the best opportunities to prepare themselves for entry back into their respective communities after time served by not being excluded from programing due to the offense or conviction. Atcherson would like to see a definition that takes that perspective into account.

Matt Jones, Associate Director, Illinois State’s Attorney Appellate Prosecutor – Director Jones began by showing us how we got to this point: these statutes define violent within two acts that were created to serve different purposes. As a drafter of legislation for many years, Jones explained that most of the ideas behind our laws arise due to a particular event and the definitions are almost always shorthanded. Drafters usually start off with a template, which shapes future templates, and are constantly modified as legislation moves forward, because nobody wants to reinvent the wheel. Jones believes this is what led to the differences between the two acts (Crime Victims Compensation Act and the Rights of Crime Victims and Witnesses Act), because most legislation is a result of an individual legislator proposing a modification due to a specific incident or request by a constituent. As staffers, legislators, and policy makers try to find an example from which they can borrow, they use what already exists and has worked. Neither of these two acts are really designed to provide a sentencing definition, they are more of a collateral remedy, like allowing the victims to have additional rights to be involved in the process. Jones believes it is very important to understand that the legislative process is layered, it builds upon past context, and it is rarely comprehensively reviewed.

From the prosecutors’ point of view, Jones suggests the definition of violent should begin with looking at what is a forcible felony and go from there. Lastly, for purposes of sentencing options of where SPAC should go, Jones thinks there needs to be a reevaluation of why we are relying on the two acts rather than a definition in the criminal code that is focused on an inherently violent type of crime: forcible felony. Jones thinks this is a better starting point. The fact that IDOC is relying upon a definition from a misapplied statute seems to be the issue that needs to be addressed rather than which crimes are in and which ones are out.

Moderator: Kathy Saltmarsh, Executive Director, SPAC – Director Saltmarsh asked if the focus shifted to the definition of forcible felony, should that change the access and eligibility to programming. Currently, the Governor’s Commission on Criminal Justice and Sentencing Reform is talking about the possible negative consequences of the blanket exclusion of violent offenders from many diversion programs, despite the science indicating many of these offenders could be the best served and have the most significant change in criminal behavior after treatment. She then talked briefly about how the classification effects the sentencing options and programming options, as well as the utility of that distinction. Director Saltmarsh emphasized that we should remain focused on the idea that everyone wants fewer victimizations and better outcomes for the system.

Judge Joseph G. Kazmierski, Jr., Acting Presiding Judge, Cook County Criminal Division – Everybody wants to get it right and, from his perspective, of utmost importance is having the most reliable statistical information available on the past history of a particular type of offender and how that information should relate to offenders in particular crimes. He does not have a “crystal ball”, so the more validated statistical information made available to judges, such as the trends analyses and average offender profiles, the more SPAC will help in crafting judicial sentencing determinations.

Sophia Atcherson, Chief of the Legal Resources Division, Cook County Public Defender – Again, she would like to see more focus on the individual. She does not know how helpful statistics are going to be
when the statistics will be based on people (violent offenders) who did not have access to programming when they were initially incarcerated. Lack of treatment likely results in higher levels of recidivism among this population. She hopes they could come up with programming for violent offenders that includes physiological and developmental evaluations in addition to the other tools available. Again, Achterson would love to see more of a balance between the offense and the individual. Using this balance—along with research into how our current programing supports and helps certain offenders rehabilitate and what programming does not work for that certain type of offender—will support better outcomes across the system.

**Matt Jones, Associate Director, Illinois State’s Attorney Appellate Prosecutor** – Director Jones believes that prosecutors do not have as much information as they would like, especially if they are planning to deviate from their usual prosecutorial matrix, which is based on the severity of the offense and prior criminal history. Good prosecutors will view the offender’s prior criminal history in context. Finding a way to balance the offender’s criminal history with the past context depends on private counsel or a public defender that has the time to provide this information to the prosecutor. The balance would get a better result, but, in large volume courtrooms, the time simply does not exist. This is why sentencing decisions will likely come back to balancing out the severity of offense with the length of criminal history, if there is any, and adjust it.

**Chairperson DiVito** – Concluded the panel with his perspective that all three panelists would like to see more discretion within the criminal justice system. He referenced recent legislation that deals with the automatic transfers of juvenile offenders. Judges are now allowed to use discretion if these youth are charged with a firearm sentence enhancement, which is currently an automatic enhancement for adults. He believes we should use this as a model moving forward for the adults charged with firearm sentencing enhancements and encourages the defense and prosecutorial communities to continue to meet and work on fixes to our criminal justice system.

**Updates from SPAC Partners**

**Risk Assets Needs Assessment (RANA):** Illinois Department of Corrections (IDOC) Senior Policy Advisor Gladyse Taylor gave a brief update on implementing the RANA tool. Ms. Taylor relayed that IDOC is still facing funding challenges that are a result of the FY16 budget stalemate, which may or may not affect the hiring of the 120 approved positions for RANA staff. The RANA Specialist job postings have closed and candidates are being scored but she does not know how many individuals applied. She was also informed that IDOC does not have federal appropriation spending authority, so the Southern Illinois University program assessment is on hold. Senior Policy Advisor Taylor plans to reach out to all members of the General Assembly’s Public Safety Appropriations committees. She is hopeful IDOC’s needs can be addressed promptly. IDOC will also be convening its quarterly Adult Advisory Board Meeting later this month on October 19th.

**Adult Redeploy Illinois (ARI):** ARI Program Director Mary Ann Dyar provided a brief update of funding, site statistics, and current site issues. Director Dyar proceeded with a brief summary of ARI’s presentation on the timely topic of sustainability to the Illinois Association of Problem-Solving Court conference, which is taking place in Springfield on October 8 and 9. ARI staff has been checking in regularly with their sites to assess the impact of the budget crisis on local programs. The impact is significant. Several sites are laying off staff and stopping referrals into the program. There are also widespread service cutbacks that have an immediate impact on the well-being of the clients and a longer-term effect on recidivism. Upon request, her staff submitted a memo to the Governor’s Office and presented to the Budget Committee of the ICJIA Board about the impact on
sites and the program overall. ARI Staff estimates that $15 million of costs could result if ARI has to shut down. As reported at the last SPAC meeting, ARI is concerned about the immediate and long-term impacts of the fiscal uncertainty and these cuts to evidence-based practices, particularly in light of the fact that the Illinois Commission on Criminal Justice and Sentencing Reform has identified Adult Redeploy Illinois as an important component of the strategy to reduce the state prison population by 25% by 2025.

Director Dyar concluded her update by recapping ARI’s experience at the first annual Smart Decarceration Initiative Conference in St. Louis, Missouri, hosted by the Washington University Brown School of Social Work, “From Mass Incarceration to Effective and Sustainable Decarceration,” in September. Approximately 150 people participated in the national event including several Illinois stakeholders such as representatives from the Office of the Chief Judge in Cook County, the Parole Division of the Illinois Department of Corrections, SPAC, Illinois treatment providers, and the MacArthur Foundation.

Illinois Criminal Justice Information Authority (ICJIA): Research Director Dr. Megan Alderden provided a brief overview of what the research department at ICJIA has been working on. ICJIA is going to be hosting a conference entitled “Illinois Partnerships and Strategies to Reduce Violent Crime” in Peoria on November 4 and 5. The conference will be geared towards local governments and discuss their innovative approaches to serious crimes and high levels of gun violence. Participating jurisdictions are encouraged to bring a multidisciplinary team to learn from national and local experts. They are also incentivizing participation at the conference with the potential for local jurisdictions to be eligible to receive funding and technical assistance to develop and implement the focused and collaborative strategies that will be discussed. The conference will be sponsored by the Illinois Criminal Justice Information Authority, the City of Peoria, the U.S. Attorney’s Office of the Central District of Illinois, the John D. and Catherine T. MacArthur Foundation, and the Joyce Foundation. Dr. Alderden concluded her update by reminding everyone that ICJIA is always engaged in supporting ARI, SPAC, and the Illinois State Commission on Criminal Justice and Sentencing Reform.

Discussion: Assumptions, Uses, and Impact on Sentencing
SPAC members discussed their thoughts and gave feedback on what they heard from the earlier presentation and panel discussion. SPAC staff asked the members for some guidance on how they should define violent crime for our research purposes when there is a conflict between statutes and data reporting criteria. Chairperson DiVito then suggested staff come up with a “dream” statute that would take the place of the conflicting statutes and prosecutorial view of violent offenders. However, there was no clear consensus of how to guide SPAC staff towards this “dream” statute. For now, SPAC staff will keep using previous practices, examine the forcible felony statute, and keep researching this topic which will be revisited at a future meeting.

New Business
Chairperson DiVito confirmed the next 2015 meeting date of Friday, December 18th, with members. The meeting location will be forthcoming.

Adjournment
Michael Glick moved to adjourn the twenty-first regular meeting of the Sentencing Policy Advisory Council, seconded by Stephen Baker. The twenty-first regular meeting of the Sentencing Policy Advisory Council was adjourned at 1:33 p.m. by unanimous voice vote.
Illinois Sentencing Policy Advisory Council
Regular Meeting

AGENDA
Friday, December 18, 2015
10:00 a.m. – 1:30 p.m.

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

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

THERE IS NO VIDEO CONFERENCING FOR THIS MEETING

The Real World of Probation in Illinois
10:00 – 10:15 Coffee & Welcome, Introductions, Agenda Overview, Approval of 10/9/15 Meeting Minutes
Gino DiVito, Chairperson – Illinois Sentencing Policy Advisory Council

10:15 – 10:30 Statewide Overview of Probation
Mike Tardy or Margie Groot, Administrative Office of the Illinois Courts

10:30 – 11:15 Panel: Court Services Managers – Resources on the Local Level
Patricia Hayden, DuPage County
Lisa Aust, Kane County
Mike Abbell, Second Circuit
Matt Sobieski, Cook County

11:15 – 12:00 Panel: Probation Officers – The View from the Street
Candace Thomas, Cook County
Brett Stine, Vermillion County
Renee Brockman, DuPage County
Deborah Norman, Lake County

12:00 – 12:30 Lunch – Updates from RANA, Adult Redeploy & ICJIA
Gladys Taylor, RANA & Offender 360
Mary Ann Dyar, Adult Redeploy
John Maki, ICJIA

12:30 – 1:15 Discussion

1:15 – 1:30 New Business & Adjourn
Set Meeting Dates for 2016
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 Coolsen, 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.