

Illinois Sentencing Policy Advisory Council
Regular Meeting Minutes
April 22nd, 2022 10:00AM – 12:45PM

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

Members Present in Person or by Video – Delrice Adams, Don Bernardi, Scott Main (Jim Chadd), Edith Crigler, John Cullerton (Chair), Lisa Daniels, Anne Fitzgerald, Doug Harvath, James Pagano (Rob Jeffreys), Danielle Young (Marcia Meis), Sharone Mitchell, Mary Morrissey, Tobara Richardson, Sen. Elgie Sims, Rep. Justin Slaughter, Augie Torres, and Julia Rietz (Stu Umholtz).

Members Absent – Ron Hain, Sen. Steve McClure, Stu Palmer, Don Stemen, and Rep. Patrick Windhorst.

Non-Members Present by Video or Phone – Kathy Saltmarsh, Mark Powers, John Specker, Ryan Kennedy, Abigail Drumm, Elena Quintana, Xavier McElrath Bey, Jill Thornton, Keyria Rodgers, Caitlyn Barnes, Lindsey Hammond, Ben Ruddell, Paula Wolf, Garien Gatewood, Jen Paswater, John Amdor and Mary Ann Dyar.

Non-Members Present by Phone – None.

Welcome, Introductions and Updates

Chairperson Cullerton called the thirty-ninth regular meeting of the Illinois Sentencing Policy Advisory Council to order at 10:00 a.m. Chairperson Cullerton gave the opening remarks, including a summary of the agenda and overview of the meeting:

- Introduction and welcoming of new SPAC staff member, Abigail Drumm, Research Analyst – Abigail got her master's in public policy from Northwestern. She joined SPAC on March 16th.
- Budget Update – For the first time in SPAC's history, an increase of \$100,000 was requested and funded. Thanks to the support of SPAC Members Rep. Slaughter and Sen. Sims the increase was included in the FY24 budget. The additional funds will support some qualitative research projects and SPAC's participation in the Stevenson Center for Community & Economic Development Fellow's program which matches graduate students with a commitment to public service with organizations that apply to participate in the program for a one-year fellowship.
- The focus of this meeting is restorative justice, a practice that is gaining traction in a variety of contexts. The discussion will focus on the role of the victim and the community in the process. Restorative Justice emphasizes personal accountability and provides an opportunity for reconciliation and healing that is not available through prosecution and conviction.

Vote: Approval of the Meeting Minutes from the November 19, 2021 SPAC Meeting

Chairperson Cullerton moved to approve the minutes, seconded by Sharone Mitchell. The minutes from the November 19, 2021 SPAC meeting were approved by unanimous voice vote.

The Power of Restorative Justice

Dr. Elena Quintana, Adler University & Xavier McElrath Bey, Campaign for Fair Sentencing of Youth – Dr. Quintana provided a brief overview of what restorative justice is and then guest speaker Mr. McElrath Bey, a powerful voice in the restorative justice movement, shared his own life history and experiences.

Restorative justice has a long history, but it has only gained institutional prominence in the West in the past few decades. Restorative justice is relatively new to the criminal justice system in Illinois but has ancient roots. The foundational philosophy of restorative justice is repairing harm done through personal accountability and interaction with those harmed.

Restorative justice aims to repair the harm caused by crime and conflict by engaging all parties, including members of the larger community where appropriate. Trained practitioners facilitate the process with the goal of coming to agreement on how best to repair the harm. Accountability is direct from one to the other when the people harmed share their experience and the person who committed the crime accepts responsibility and answers questions about what happened. Members of the community may join in a peace circle, sharing how they were impacted by the crime, demonstrating the ripple effect of the harm crime causes. A joint resolution is reached, which may or may not involve the formalities of the criminal justice system.

Dr. Quintana then proceeded to turn the conversation over to *Xavier McElrath Bey*, who is a champion for the human rights of incarcerated children. He spoke about his work as a Co-Executive Director at the Campaign for the Fair Sentencing of Youth, where he fights to abolish “life without parole” for children in America. His passion for this work stems from personal experience. At the age of 13, Xavier was “charged as an adult” for a first-degree (gang-related) murder and sentenced to 25 years in prison. After serving 13 years in prison, Xavier came out with a remorseful heart, a bachelor's degree in Social Science from Roosevelt University, and a mission to advocate for poor, disadvantaged, and at-risk youth. Soon after his release, Xavier earned a Master of Arts from Roosevelt University's Counseling and Human Services Program. When the sister of the boy he was convicted of killing reached out to him, he turned to Father Kelly at Precious Blood Ministry of Reconciliation to facilitate a restorative justice circle that provided the healing ground he and the family needed. Xavier emphasized how participating in the restorative justice process helped the victim's family resolve some of the trauma around their loss, as well as the impact it had on him having to face the pain he caused as well as the family's willingness to forgive. They remain in close contact, and Xavier had invited the victim's sister to join the SPAC meeting as well. Unfortunately, she was not able to attend.

How is Restorative Justice Being Used in Illinois – Illinois Restorative Justice Experts Shared Experiences

Kathy Saltmarsh, SPAC Executive Director, facilitated the discussion by a panel of restorative justice experts in Illinois.

Jill Thornton, Post-Conviction Specialist, Cook County SA Office – Ms. Thornton, who is not an attorney, has been with the Cook County State's Attorney's office for twenty years. For the last eight years she has worked in the post-conviction unit with the victims of crime who are facing the challenges of clemency and other post-conviction proceedings. Through this work Jill became a facilitator of victim/offender dialogues and learned the power of offering an opportunity for reconciliation and redemption to all concerned. She has been active in developing the restorative justice program that will soon be piloted through the Prisoner Review Board and Department of Corrections. Jill emphasized that restorative justice can serve unmet needs around trauma, frustrations with the system, and the potential triggers of participating in post-conviction processes. Victims' perceptions and wishes can change over time, and restorative justice provides an avenue to recognize that.

Keyria Rodgers, Macon County Adult Redeploy Illinois site & Millikin University Ph.D student – Ms. Rodgers is currently pursuing her doctorate at Milliken University where she teaches restorative justice techniques. She was one of the early advocates for establishing a community restorative justice board for the Macon County Adult Redeploy Illinois program to provide a mechanism for community support to the individuals in the program. Keyria is writing her dissertation on community in restorative justice practices and remains committed to centering community in working to address the issues created by crime and violence.

Dr. Elena Quintana, Adler University and technical advisor to the network of justice hubs in Chicago – Dr. Quintana earned her Ph.D. in Clinical/Community Psychology from DePaul University and now serves as the Executive Director of the Institute on Public Safety & Social Justice at Adler University in Chicago. Dr. Quintana is an expert in trauma and restorative justice and brings that expertise to bear in her work with the Community Restorative Justice Hubs in Chicago, a group of community centered organizations that work collaboratively to create the space their communities need to address the harm caused by violence and crime. Elena has provided technical assistance in the design and development of the restorative justice program that will soon be piloted through the Prisoner Review Board and Department of Corrections. She also served as a member of Governor Rauner’s Commission on Criminal Justice and Sentencing Reform.

The panelists explained how restorative justice practices had been implemented in these different contexts. They offered insights into how their own attitudes had evolved as they worked in this arena. The most prevalent outcome they described was the power of these processes to relieve victims of some of the emotional harm caused by violent crime that the system of conviction and punishment cannot address. They also noted that at this point restorative justice is not available to victims prior to sentencing as communication between victims and perpetrators is prohibited, and victim services focuses on providing financial resources to support victims.

Additionally, both Ms. Thornton and Dr. Quintana have also been involved in developing a restorative justice program that will soon be implemented through the Prisoner Review Board (PRB) and Illinois Department of Corrections (IDOC) to provide opportunities for victims and those that hurt them to communicate in a safe way. Those programs will require incarcerated men and women to complete course work in personal accountability before writing letters of apology that will be maintained by the PRB in a letter bank. Victims who choose to can access the letters and respond. The second phase of the program will be facilitated discussions that allow the parties to meet and speak directly. Facilitators will be provided by community organizations and will be trained in restorative justice principles and processes.

Restorative Justice, Does it Work?

Mark Powers, SPAC Research Director, gave a presentation of what the SPAC research team found after they performed an extensive literature review of restorative justice practices, which have been found to produce positive results in terms of victim satisfaction and reduced recidivism.

The overall findings:

- Overall reduction in recidivism.
 - Typically, around 10-50% reductions in recidivism compared to those with cases handled by the traditional criminal justice system process.
- Overall medium to high increases in positive opinions of both victims and offenders in how the case was resolved.
 - Larger impact than recidivism outcomes, often 50-90% higher satisfaction levels.
- Better evidence for certain strategies:
 - Restorative circles and conferencing.
 - Hybrid approaches, including those with other programs outside of restorative justice such as education/training/reentry.
- Research findings on whether RJ better succeeds based on offense type have been inconsistent.
- Restorative justice is a cost-effective intervention.

Restorative justice has some limitations:

- Most programs require that both the victim and offender voluntarily participate in the process which can limit scalability.
- Recidivism analyses are typically short-term, less research on long-term recidivism impacts.

Discussion – Where does Restorative Justice Fit In?

John Cullerton, Chairperson & Kathy Saltmarsh, SPAC Executive Director facilitated discussion between the panelists and SPAC council members surrounding following questions:

- *How does the concept of a restorative process that centers victims, community, and those who commit crime fit in with the adversarial process of the state vs. the individual?*
- *How should the interests of punishment for the state be balanced against the restorative interests of forgiveness and healing for individuals and the local community?*

Julia Rietz: We really have not discussed the victim(s) in the restorative justice process. In my work I am focusing on in the moment sentencing issues, as opposed to years later, when people have the time and emotional capacity to look back on their situation. Many are not focused on restorative justice when they are in the moment, and I think it is very important to make a note of that when we are having these conversations.

Lisa Daniels: I want to share my personal experience as a mother, whose son was murdered. At his trial I refused to be a victim who was put in a box that the system/state's attorney's office wanted to put me in. The SA kept pushing for me to write about the pain in my victim impact statement, but all I wanted to write about was the healing that everyone needed. I understand my experience and perspective might be rare, but it was important to me that my voice be heard, not a voice that was geared to prosecutorial efforts. I wanted a voice in that space and that it deserved to be heard.

Julia Rietz: Thank you for sharing your story, I want to apologize on behalf of prosecutors, but in my personal work I never try to influence my client's victim impact statements, that is your voice. However, what I am trying to convey is that most victims I have worked with do not feel the same way you do. I just want to reiterate that the victim voice/services seem to be lacking in this process.

Edith Crigler: A good example of restorative justice in the world is what happened in South Africa after apartheid. It is amazing of how transformative their system is, and it is something Illinois should look at. To the prosecutors, they need to be more healing with victims at the beginning. The process could always use more healing. Right now the PRB is working with IDOC to develop an apology bank, where incarcerated individuals can write letters to the victims (families) and those who they harmed, to begin the healing process. Lastly, I think it would be hard to legislate as to the relationships, but we can provide more opportunities to experience the restorative justice process.

Sen. Elgie Sims: After hearing what I heard from SA Rietz, it is indicative of the problem we have in this area, where folks believe the victims do not have a voice in this process. One of the first things we consider when drafting legislation, is how is this going to impact the lives of victims and their families. We need to just be listening to the voices all around Illinois, we to slow down and not rush things. We need to realize that we are all in this together and that we should not politicize public safety, it is about making good sound decisions that benefit everyone.

Tobara Richardson: I just wanted to respond to SA Rietz's comments regarding the victim voice not being represented in the restorative justice process. It is my understanding that the victims must volunteer themselves to participate in the process. I know we talked about there being a standard as well as a hybrid restorative justice process, but I also believe the perception of restorative justices is that it is offender focused due to the time and resources we hear about offenders receiving in this process. However, I believe the victim, from my understanding, has the control over whether they want to be involved in the restorative justice process or not.

Sharone Mitchell: The reality is the average cases we see strictly involves lawyers, who have no experience or knowledge of the restorative justice process, which is a failure on our part as lawyers. I am sure there are outliers, but that is just the reality we are dealing with in Illinois. I also agree with SA Rietz that there are significant number of victims who are unwilling to participate in the restorative justice process. However, what I do think we need to do is to figure out if that is a product of what we offered people involved the system. I am excited to be willing to talk about access and opportunity to offering people a different process (restorative justice) outside of what we have currently been offering them.

Keyria Rodgers: I think what SA Rietz was trying to say is that prosecutors need more authority to offer a restorative justice avenue to the victims involved. Inclusion is the key to a successful restorative justice process, involving all four levels that we have previously discussed.

Dr. Elena Quintana: True story, but I must tell you all that I am the biggest restorative justice advocate there is, because it is proven that restorative justice is evidence based. However, the current legal system is the opposite of that because it produces a negative return on investment. It does not produce the psychological transformation that we need to stop creating more victims. If you really care about victims and victims' rights, you will zero in on the people who have the biggest propensity to victimize. We need to put more dollars and recourses toward that end to stop feeding the sausage factory that is creating more victims.

Jill Thornton: I think when properly applied, restorative justice is victim centered and offender supported. If a victim chooses not to enter this space, that is their right. Personally, I would want to know if the person who harmed my loved one had really done transformative work in prison, I would want to know not because it would change the sentence, but it would heal my heart and when I left the room, I would be more whole than when I walked in. Again, it is up to victim to tell us what they need, not for us to tell them what box they belong in. As victim advocate for over twenty years, I think restorative justice allows their voices more freedom than it did before, by allowing them to tell us what they need out of the system, not the other way around.

Julia Rietz: Everybody is right, the criminal justice system is not a restorative process, it was not built that way. For me personally, I would find it difficult to sit down with a victim/victims' families, who are processing trauma, and explain to them there are these options to move forward and forgive the offender. While also explaining there are all these programs we are providing to offenders to make sure they do not reoffend, when the victim/victims' families are asking me how they are going to pay for a funeral and how do I pay for my family members counseling. I am just saying we need to consider the needs to the victims and throw some money in that direction.

Sen. Elgie Sims: There were additional funds in the budget for victim services, with an increase to the Attorney General's budget and a streamlining of a process for indigent individuals who are the victims of violent crime to apply and receive support from the state.

Mary Morrissey: I am interested to know if the restorative justice process works on the juvenile level and if it is currently being unitized in our juvenile courts here in Illinois.

Dr. Elena Quintana: Yes, there is a restorative justice community court and I know Father Kelly with Precious Blood has been working with some judges to hear cases in community with juvenile judges. The issues is that if the restorative justice process was something that was widely available, people get to understand that there is an avenue for healing within the system. It's just that people do not know that it is a possibility. It also would be cheaper and more effective to replace a large part of our legal system. Keeping people in their communities, giving them services and the ability to heal there, helps to keep juveniles from becoming adult offenders as well.

Augie Torres: I think it is very important for both the victims and offenders to heal. I agree that in the moment you are feeling many emotions, but that does not mean five years later you will feel the same way. It is very important to have healing, forgiveness, and closure, which happens at different times for those involved.

Public Comment

None.

New Business

Chairperson Cullerton reminded all members that we normally meet the third week of June, but we have an early adjournment of the legislature and a June primary, so we are suggesting meeting in April rather than June. The proposed meeting dates for 2022 are April 22, September 16 and November 4. Members were told to look for an email with updated proposed dates for consideration.

Adjournment

Chairperson Cullerton, moved to adjourn the thirty-ninth regular meeting of the Sentencing Policy Advisory Council, seconded by Mary Morrissey. The thirty-ninth regular meeting of the Sentencing Policy Advisory Council was adjourned at 12:40 p.m. by unanimous voice vote.