

THE RESENTENCING TASK FORCE (RTF)
REGULAR MEETING MINUTES
September 30, 2022, 9:00 a.m. – 10:00 a.m.

THIS MEETING WAS HELD VIRTUALLY ON ZOOM

Members Present: Rep. Kelly Cassidy, Bob Berlin, Jobi Cates, Lisa Daniels, Chief Mitchell Davis, Yaacov Delaney, LaToya Hughes, Hon. Cheyrl Ingram, LaToya Hughes, Ari Jones, Shobha Mahadev, Scott Main, Sharone Mitchell, Sen. Robert Peters, Hon. Marcus Salone.

Members Absent: Sen. Darren Bailey, Hon. Steve Sawyer and Rep. Ryan Spain.

Non-Members Present: Orlando Mayorga, Jen Paswater, Susan Lloyd, Lisa Schneider-Fabes, Lindsey Hammond, William Nissen, Michael Elliott, Kathy Saltmarsh, Mark Powers, John Specker, Ryan Kennedy, Abigail Drumm, Ariel Hariston, Julie Anderson, Kayla Posley, Kiera Eckhardt and Lorena Davaos,

Overview: Susan Lloyd reminded members of the task force report review and editing process. Susan then turned the meeting over to Chairperson Hon. Marcus Salone for approval of the September 9th meeting minutes and then he entrained members thoughts and takeaways from the public hearing.

Approval of Meeting Minutes: September 9, 2022, Task Force meeting 6 – Jobi Cates moved; Shobha Mahadev seconded. The minutes were approved unanimously by roll call vote.

Discussion of Public Hearing: Chairperson Salone began by thanking Rep. Kelly Cassidy for her outstanding job moderating the hearing. He thought the remarks were enlightening, and he hopes that more people will view the hearing.

Rep. Kelly Cassidy: Since the passage of SB2129 not a week or day goes by that my office does not hear from an incarcerated individual, relative or friend who is trying to take advantage of this new law and are becoming frustrated with dead ends and non-responses from the county States Attorneys. It was great to give people an outlet, who previously did not feel like anybody was listening or cared. I also thought the remarks regarding a person's mental health should be considered before, at the time of the crime, sentencing and while incarcerated.

Jobi Cates: I just wanted to again thank the staff, Kathy, Rep, Cassidy and especially Chair Salone for a great public hearing yesterday. Chair Salone, I don't think you know what an impact it had on those who testified yesterday, to see you who held the office of Judge, with all the dignity and respect that comes with that position took the time to hear them. To note the details of these specific persons lives and by even asking them what county they are from truly mattered. Kathy, the way you are taking the time to follow up with Kewanee and letting them know that you received their letters and updated them on this meant so much. I also think it is important that we look into mental illness, and it is something that I would be willing to help with, but it is a double-edged sword as it can also be something that prevents an individual from being released to come home.

Lisa Daniels: I had an observation yesterday that I wanted to bring to the group. Everybody who knows me as a survivor of violent crime, but that survivor voice is different, which can be unwelcoming to many in this arena. Specifically, I noticed that there was no voice on the panel yesterday that spoke in opposition to the work that we are embarking on. There did not seem to be anybody that voiced the opinion that they do not want resentencing to be an option. If we want to do something that is fair and just, I think it is important in all fairness, as we develop this report, the voice of those that do not agree with resentencing be heard. I think we need to be more balanced and when opinions differ, it makes our work stronger. Our report will be fairer and more equitable if this voice was heard and was missed at the public hearing.

Kathy Saltmarsh: I appreciate your comments Lisa, but that perspective is amply and consistently represented through our States Attorneys. You are right that voice/perspective was missing yesterday. That voice and arguments against resentencing has been represented in previous meetings, but not directly from victims, but it will be included in our report.

Rep, Kelly Cassidy: I was aware of that as well, but to Kathy's point, I believe the goal of our meeting yesterday was to hear from the those whose voices do not normally get to hear from. One last point, many of those families were invited to share due to having contacted our offices with their questions and I shared those with Kathy. If there had been message in opposition, I would have shared those as well I wish I had been more intentional in asking other task force members to suggest folks to provide testimony.

Chairperson Hon. Marcus Sloane: I agree with you 100% Lisa, however this committee is comprised of what I consider to be all the major stakeholders in the criminal justice system. I always like to hear both sides of a situation and we have not had a lot of opposition, but we do have present on the committee representatives who I thought would have more objections to the resentencing process, specifically the states attorney's, law enforcement and victims' rights advocate groups. So, maybe they are saying something in their silence, but I don't know for sure.

Jobi Cates: My final comment on this issue is over the past 15 years, opponents of parole, resentencing, or changes to TIS have effectively organized testimony for legislative hearing within one of those hearings. The organizers included States Attorneys', two of whom are on this task force, all of whom know about this process and could have done so, with much more time than they would have in a legislative session. Like Chairperson Salone, I was surprised that opponents did not utilize this opportunity. Had one of our members opposed to resentencing organized opposition, my guess is that SPAC staff would have scheduled them in as a panel, but no such request was made. Sadly, what I see today is that opponents have chosen not to waste time organizing opposition in administrative or policy arenas because they do not have to – they are doing an incredibly effective job this year organizing people in the press and they are focused on a large win on this type of issue in the upcoming election.

Shoba: There are three points that I do not want us to lose and to make sure are captured in the report, which is something Father Kelly touched on, is that bringing people home is also a violence prevention strategy. We have heard from several people in the communities how those returning to the communities have had an impact on violence prevention. Second, is that we have heard from the victims and victims' family members that long sentences are not promoting any healing and they are not holding people

responsible, which is not addressing their needs. Lastly, one of the most powerful things we can do in this report is to provide some clarity and a pathway to hope for these incarcerated individuals.

Chief Mitchell Davis: I thought it was a great event yesterday, and I thought the Chairperson's comments were on point and I thought Rep. Cassidy did an excellent job facilitating the meeting. To Lisa's point, I echo your comments that I am always that lone voice, in law enforcement, I am that one voice. I am often that lone voice that is often in dissention with my colleagues. I agree with Lisa that at yesterday's hearing the victims voice was missing, but in all my involvement in the legislative process and similar issues, that this has been a tactic of these opposition groups. I believe that if it is not what they want, then they are not willing to give any input and they would rather see it fail then to give input in something they are not in agreement with. I do not know if that is the case here, but I found it very interesting that we have a lot of people complaining about the resentencing process, while we are all being critical thinkers of what we are doing by making these recommendations, and being critical thinkers means we have to hear every perspective, because everybody brings something to the table, even if we are in disagreement on things. So, I was very disappointed in that the opposition was missing in yesterday's conversation.

Hon. Cheyrl Ingram: Having been in a position as somebody who has seen something come out of the legislature that is impossible to implement, I want to make sure that whatever we are recommending to the General Assembly, must be something that Judges can implement. In the very beginning of the task force, we considered the voice of those victims who feel they are not ready to move forward with the healing process and that the person who committed the crime against them, or their family needs to be punished more. I think we talked about this recommendation in terms of at what point will we allow people to access the resentencing process that we suggest. Then we moved to make sure we did not exclude anyone, but let me caution you, if you want Judges to act on the person who comes to court, you cannot give them an out, to say there is another process available. So, if this resentencing process is going to be different, which goes back to when we talked about those sentenced to extremely long sentences, then you must give Judges the means to say, no or yes, that this resentencing process is not available to you or it is available to you. If we look at all the young men who spoke to us yesterday, who were sentenced to extremely long sentences when they were 13 and 17 years of age, for the most part they are young and had a lot going in their lives and had the inability to make the right decision. All these young men served a long enough sentence to reach a point and level of maturity where they were able to come out and become productive citizens. The hope portion of this is very important, because if you have nothing to hope for there is no reason to do any better. The ability for them to see or would know that at this point, they could apply for resentencing, gave them hope to improve themselves while in prison. We must include this and the impact they have had on their communities when they returned home. Now, going back to the Restorative Justice process, if we are going to recommend this, the Restorative Justice process must be offered to the victims and offender before any resentencing process can begin. Lastly, I am going to reiterate for the millionth time, I think we need to tell the General Assembly what we want the resentencing process to be, then they can debate it, but our recommendations coming out of this committee need to be very strong on why we think A, B, and C need to happen.

Ari Jones: One of the most profound portions of the meeting yesterday was when we were able to hear from the system impacted men. Each of those speakers had at least one strong nugget, that should be incorporated in the final report somehow, whether it is a quote or experience, because those experiences

are very important. I also think we need to highlight their ages, when they went in and when they were released, will really show how a whole life can be lost, while involved in the system. My next point is that I know the majority of the IDOC population is men, but I wish we could have heard from some incarcerated women yesterday. Statistics have shown that between 1980 and 2020, incarcerated women in the U.S. has increase by 475%. I think we did a disservice to ourselves, by not having the voice of at least one impacted woman be presented yesterday.

Kathy Saltmarsh: Let me break in Ari, we did have a female voice schedule to present, but she dropped out right before the hearing. Additionally, we are very conscious of the increase in the female population, and we do have a lot of women who have reached out to us via mail, and we are considering their voices.

Ari Jones: Thank you for that and it's great to know, but from a parity aspect, I truly wish we could have had the incarcerated female voice present, which would have been helpful. Now to Lisa's point earlier, and not to belabor it, but there is a difference between speaking for someone and allowing others to have the autonomy to speak for themselves in their own words. I think that having actual victims and victims' advocates who would oppose the resentencing process, would have been helpful to have a more balanced meeting.

Kathy Saltmarsh: In terms of fair and balanced, I do not think we have been unbalanced in our discussion and that will be reflected in our report. To Judge Ingram's point, we will also have some specifics that come out of meetings and materials included in the report as well. I will also be looking to you all for help in input to make sure this is reflected during the editing process of the report.

Yaacov Delaney: I just want to thank the Judge and Rep. Cassidy for facilitating and acknowledging those system impacted voices in the space yesterday. As for the report, I would want to emphasize the importance of accessing Restorative Justice options for crime survivors to address some of their needs that are usually not met through our current judicial process. I also thought it was important that we provided a platform yesterday for these men to be heard, which has always been lacking. I agree to Ari's point that we need to include quotes of those system impacted individuals in the report.

Rep. Kelly Cassidy: I do want to talk about how yesterday happened. We are all members of this task force, and we all have a responsibility to ensure our task force process is robust. As such, when I heard that we were doing a public hearing, I went back through my emails and sent Kathy all the people who reached out to me for information about how this process worked. If I had received emails from people who were opposed to the process, I would have shared those too. I think we have heard a lot of voices, and could we have checked more boxes yesterday, but we all were aware of the hearing and process, which the responsibility falls on all of us to make sure the process is complete. We had ample notice that we were planning the public hearing and I have regrets hearing these comments that I was not more intentional and that we as a task force were not more intentional in letting everybody on the task force know what it means to plan and our roles as members are when planning a public hearing. I do not love the feeling or the suggestion that Kathy and the SPAC team dropped the ball somewhere, because that is not the case. I have been on a lot of task forces in my tenure, and I have never been on one that has been so well run, thoughtfully executed, because that's what SPAC does. If there were deficiencies in yesterday's hearing and processes, then we all own that.

Chief Mitchell Davis: I just want to make it clear to this body that my comments were in no way criticizing anyone on this task force or efforts of planning of the public hearing. My comments were geared towards those who chose to not show up and share their opposition to resentencing at the hearing yesterday, that was my disappointment. I just know that in the future when I am in meetings with my colleagues, they will be complaining to me about the Resentencing Task Force, and I will beg them to come and share their differing opinions, which do not necessarily agree with me. As you can see from yesterday, they will complain about it, but nobody will step up and say anything.

Ari Jones: People pointing out the lack of representation at a public hearing should not be construed as opposition or “untreated wounds.” Instead, in addition to the rightful praise for yesterday’s meeting, critique is both necessary and fair, which is the point of a candid debriefing session. As to the opposition to the entire idea of resentencing, I think that most of us agree with the overall idea, but simply disagree with the overall process. Finally, calling critiques of the meeting an attack on any one person is misplaced.

Public Comment: My name is Julie Anderson, and I am on the Restore Justice staff, but how I got involved with this is that my son Eric Anderson was 15 when he was sentenced to life without parole, which was 27 years ago, and since then I have lived with shame and guilt hanging over me for decades. I just want to say that yesterday’s hearing was very moving for me, because for anyone who says we did not hear from the other side, I have heard from the other side over and over. It was very difficult for every single one of those people yesterday to testify. It may not have looked that way to you and it may have looked like they got up and were like we need a second chance, but people are desperate and telling their story and admitting things about the worst things of their lives is hard. I will counter that with victims’ advocates and survivors have a very clear voice. When my son was resentenced, the State’s Attorney had a very loud clear voice, which was the one that counted, the one that always counts. So, when I heard about that hearing yesterday I was looking to hear from the side that does not often get heard. I was really moved, and I just wanted to put that out there.

Meeting Adjourned: Jobi Cates, moved to adjourn the sixth Resentencing Task Force meeting, seconded by Rep. Kelly Cassidy. The seventh Resentencing Task Force meeting was adjourned at 10:00 a.m. by unanimous voice vote.