

**Illinois Sentencing Policy Advisory Council**  
**Regular Meeting Minutes**  
**October 2<sup>nd</sup>, 2020 10:00AM – 12:45PM**

**Location: Zoom Virtual Meeting**

**Members Present** – Bob Berlin (Stu Umholtz), Amy Campanelli, Jim Chadd, Gino DiVito (Chairperson), Marcus Evans, Craig Findley, Hanke Gratteau, Nathalina Hudson, Rob Jeffreys, Steve McClure, Margo McDermid, Marcia Meis, Christian Perry (Charisse Williams), James Piper, Elgie Sims, Alan Spellberg and Warren Wolfson (Vice-Chairperson).

**Members Present by Phone** – None.

**Members Absent** – Stuart Palmer, Don Stemen and Kristen Ziman.

**Non-Members Present** – Megan Archibald, Kathy Saltmarsh, John Specker, Mark Powers, Michael Elliott, Nate Inglis-Steinfeld, Ryan Kennedy, Tracy Buckley-Jones, Aditi Singh, Ben Ruddell, Bill Schneider, Brendan Kelly, Courtney Murray, Elaine Nekritz, Fatima Siddiqua, Gail Smith, Gibling Ruiz, Gina DiVito, Gustave Stewart, James Hartmann, James Pagano, Jason Sweat, Jen Paswater, Jessica Reichert, Katherine Bray, Korynna Lopez, Lindsay Amerson, Mary Ann Dyar, Mary Mamoka, Michael Lynch, Paul Jones, Justin Slaughter, Patrick Windhorst, Riyan Jones, Savannah Felix, Shannon Bradford, Sharone Mitchell, Veronica Cortez, Yaacov Delaney, Robert, Peters, Kelly Cassidy, Garien Gatewood, John Maki, Aswad Thomas, Shena Fazal, Paul Jones, Kayla Rueda, Dave Olson, Ari Jones, Julie Anderson and Erica Tremble.

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

**Welcome and Introductions**

Chairman DiVito called the thirty-fourth regular meeting of the Illinois Sentencing Policy Advisory Council to order at 10:00 a.m. Chairman DiVito gave the opening remarks, including a summary of the agenda and purpose of the meeting:

- Welcome to new SPAC Data Manager, Ryan Kennedy – Ryan is joining us for the first time, so we would like to give him a warm welcome. Ryan joins us from the Employment and Training Division of the Illinois Department of Human Services. Ryan has a decade of experience in analytics and data management across the private sector in logistics, hedge fund services, and publicly with the SNAP and TANF programs, and has a Master's in Economics. Ryan has specialized in data organization, process optimization, and automated excel reporting. He also comes from a family with a background in law enforcement. His wide range of experience with vastly different data sets makes him a useful asset to the research team.
- Also joining us today is SPAC's first law student intern, Megan Archibald. Megan is in her second year at the University of Illinois Law School, but her roots are in California. Her ambition is to become a prosecutor.

- Greetings to our non-SPAC General Assembly members who have taken the time to join us today:
  - Rep. Justin Slaughter, Chairperson of the House Judiciary Criminal Law Committee and Legislative Black Caucus (LBC) member
  - Sen. Robert Peters, Chairperson of the Senate Special Committee on Public Safety and LBC member
  - Rep. Patrick Windhorst, Member of the House Judiciary Criminal Law Committee
  - Rep. Kelly Cassidy, Vice-Chairperson of the House Judiciary Criminal Law Committee
- Also, let us welcome former SPAC member Bob Berlin, representing the State's Attorneys Appellate Prosecutor's office. He is standing in for Stu Umholtz today.

**Vote: Approval of the meeting minutes from the November 22, 2019 SPAC meeting**

Elgie Sims moved to approve the minutes, seconded by Margo McDermid. The minutes from the November 22, 2019 SPAC meeting were approved by unanimous voice vote.

**Legislative Black Caucus Sentencing Policy Reform Proposals**

*Legislative Black Caucus Members, General Assembly Committee Chairpersons, Minority Spokespersons & SPAC Members*

The chairs of the three committees that are working on the LBC's more equitable criminal justice reform agenda: Sen. Elgie Sims, Chair of the Senate Criminal Law Committee; Rep. Justin Slaughter, Chair of the House Judiciary Criminal Law Committee; and Sen. Robert Peters, Chair of the Senate Public Safety Committee addressed their caucuses proposals that specifically address these aspects of sentencing: Truth-in-Sentencing, Mandatory Minimums, Three Strikes Class X Sentence Enhancements and Retroactivity. Director Saltmarsh facilitated the discussion which followed the presentation.

- Illinois Truth-in-Sentencing law has been debated since 1998 and it was the center of discussion. The Illinois law requires that nearly all violent offenders serve 85% to 100% of their sentences. Prior to the enactment of the law, offenders served on average 44% of their sentences. What we have now is about 45% of our population that is under a Truth in Sentencing restriction, and as that grows, it makes it harder and harder for IDOC to reward good behavior and move people out early. An increased access to credit for time-served and time-limited supervised release is recommended.
- Eliminating Mandatory Minimums; There are multiple offenses that currently have mandatory minimum sentences prescribed under the law. Most of the offenses are listed in 730 ILCS 5/5-5-3 but there are additional offenses that have mandatory minimums that are not listed in that statute.<sup>2</sup> Other than these offenses, Illinois Code of Corrections presumes the appropriate sentence for felonies to be probation unless otherwise determined at sentencing. Specifically, the discussion emphasized the need to reduce the mandatory minimums for certain drug crimes in addition to reducing the current penalties.
- Calling for an elimination of penalty enhancements; including three-strike laws, extended-term sentencing, firearm enhancements, and other penalty add-ons. There are also special sentence terms embedded in certain criminal offenses which operate as an enhancement but are not evident in the data.

- Retroactivity. Should these reforms be enacted into law, will they apply to the original sentencing or only apply to the sentencing moving forward from the time of the new law being enacted. Discussion is still ongoing on how this should occur, and to what specific crimes, with the thought that it could be different depending on the crime originally sentenced for.
- The floor was then opened up to our other legislative guests for their comments, followed by discussion concerning timing of the proposed legislation, support for all aspects, support for some aspects of the reforms and total disagreement with the proposals by General Assembly Members, SPAC members and the members of our peanut gallery.

### **New Business**

Next meeting date scheduled for Friday, November 20<sup>th</sup> via Zoom.

### **Adjournment**

Elgie Sims, moved to adjourn the thirty-fourth regular meeting of the Sentencing Policy Advisory Council, seconded by Margo McDermed. The thirty-fourth regular meeting of the Sentencing Policy Advisory Council was adjourned at 12:45 p.m. by unanimous voice vote.