

Illinois Sentencing Policy Advisory Council
Regular Meeting Minutes
November 16th, 2018 10:00AM – 12:45PM

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

Members Present – Stephen Baker, Jim Chadd, Gino DiVito (Chairman), Craig Findley, Annie Fitzgerald, Michael Glick, John Maki, Margo McDermed, Marcia Meis, Stuart Palmer, Alan Spellberg, Gladyse Taylor and Margaret Wood.

Members Present by Phone – None.

Members Absent – Jason Barickman, Kathryn Bocanegra, Marcus Evans, Kwame Raoul (Vice Chair), Don Stemen, Julian Thompson, Stu Umholtz, Warren Wolfson (Vice Chair) and Kristen Ziman.

Non-Members Present – John Armdor, Rich Atkins, Isabel Breit, Anthony Bromfield, Margaret Byrnes, John P. Carroll, Peter Coolson, Lisa Daniels, Yaacov Delaney, Gina DiVito, Rachel White-Domain, Anthony Durant, Mary Ann Dyar, Michael Elliott, Carmen Gatewood, Roger Franklin, Lisa Jacobs, Beth Johnson, Stephanie Kollmann, Lindsey LaPointe, John McLees, Scott Metzger, Colette Payne, Mark Powers, Laurie Jo Reynolds, David Risley, Kathy Saltmarsh, Gail Smith, Nate Inglis-Steinfeld, Michael Tafolla, Kathie Kane-Willis and Paula Wolff.

Non-Members Present by Phone – None.

Welcome and Introductions

Chairman DiVito called the thirtieth regular meeting of the Illinois Sentencing Policy Advisory Council to order at 10:11 a.m. Chairman DiVito gave the opening remarks, including a summary of the agenda and purpose of the meeting:

- Welcome to Margaret Woods, our new Illinois State Police (ISP) representative, replacing Nick Kondelis. Margaret is a former prosecutor, who is now legal counsel for ISP.
- This meeting departs from our more common approach of presentations with Q & A to an open-ended discussion of what we as stakeholders would do if we were designing our system from scratch, using what we now know today. The meeting started with a summary of where we are currently with the prison population and some of the topics we've touched on in past meetings, followed by discussion.

Vote: Approval of the meeting minutes from the June 15, 2018 SPAC meeting

Margo McDermed moved to approve the minutes, seconded by Michael Glick. The minutes from the June 15, 2018 SPAC meeting were approved by unanimous voice vote.

Reimagining the Criminal Justice System – What do we know now that we did not know 40 years ago?

To get the council members, guests and peanut gallery thinking about discussing what a new, better, system would look like using current knowledge and research, Kathy Saltmarsh, SPAC Executive Director, began with some highlights of: current ongoing reform efforts, information presented at previous SPAC meetings and highlights from a few new national research reports.

- Ongoing reform efforts, such as Adult Redeploy and expanding expungements for juvenile arrests.
- Information presented at previous SPAC meetings, including the changing trends in sentences to prison and probation, the paradoxical relationship that more prison does not mean less crime, the lack of system resources, the statutory definitions for violent crime, and breaking down the costs of the system, particularly the large costs borne by victims.
- Highlights from a few new national research reports, particularly the new Vera Institute of Justice Report on Reimagining Prison.¹

Striking a New Balance – What should our system be in light of current knowledge and concerns about social justice?

After the brief history of where we have been and where are now, Kathy Saltmarsh went on to moderate a group discussion of those who have been and are currently involved in all aspects of our state’s criminal justice system. Panelists included:

- **Margaret Byrnes** is an attorney who has extensive experience representing women who are both victims of domestic violence and who are then convicted of violent crimes against their abusers. She has represented clients at all phases in the process, including clemency.
- **Lisa Daniels** founded the Darren B. Easterling Center for Restorative Practices after her son was murdered in 2012. The Center’s mission is “to honor and heal every person affected by crime, even the perpetrators” and provides re-entry services and programs for children and women affected by violence. Lisa was recently appointed to the Prisoner Review Board.
- **Yaacov Delaney** brings his lived experience of a long-term incarceration to his work with the Community Renewal Society, which focuses on restoring rights and criminal justice reform. Yaacov joined the Community Renewal Society after working as a paralegal with the Ohio Justice and Policy Center in Cincinnati. During his time in Ohio, Yaacov organized formerly incarcerated men/women in support of passing the Ohio Statewide Ban the Box legislation in 2015.
- **Lisa Jacobs** is the Vice Chair of the Illinois Juvenile Justice Commission, which oversees the state’s federal juvenile justice funding and prepares analysis and policy recommendations for the Governor, General Assembly and other state and local policy makers. Ms. Jacobs also served as a gubernatorial appointee to the Illinois Criminal Justice Information Authority Board from 2011 – 2015, where she chaired the Planning and Research Committee. Ms. Jacobs also provides training and technical assistance to states and local jurisdictions working to improve outcomes of youth and families “dually involved” in child welfare and juvenile justice systems.

Below is a summary of issues, ideas and proposals that came as a result of the discussion:

1. Prison and probation sentences are too long
 - a. Notes from SPAC members and peanut gallery:

¹ Ruth Delaney, Ram Subramanian, Alison Shames, & Nicholas Turner, *Reimagining Prison Web Report*, VERA INST. OF JUSTICE, <https://www.vera.org/reimagining-prison-web-report> (last visited Dec. 5, 2018).

- i. Violations of probation & parole are too punitive.
 - ii. (Parole) revocation process is terrible.
 - iii. Eliminate crimeless parole revocations (Wisconsin example).
 - b. Facts:
 - i. Staff compared 1995 sentences to 2018. Sentences are longer now; lengths of stay are longer now.
 - ii. Truth-in-Sentencing has driven up length of stay.
 - iii. Age analysis shows the prison population is getting older.
2. Too many new sentencing laws
- a. Do legislative reform on a big scale and incorporate:
 - i. Fiscal dollars & cents.
 - ii. Lived experiences of those in the system.
 - iii. Teach what works to legislators and implementers.
 - b. Notes from SPAC members and peanut gallery:
 - i. Rule change/law: no more legislation named for people.
 - ii. Expand SPAC capacity to review all enhancements, including community impact/family economic impact of incarceration.
 - c. Facts:
 - i. Length in pages of Criminal Code has increased dramatically.
 - ii. Efforts of the CLEAR Commission were valiant but didn't get to some parts of the Code.
3. Code of Corrections needs to give judges more discretion
- a. Notes from SPAC members and peanut gallery:
 - i. 15-20-25 to life enhancement could be made discretionary.
 - ii. Make restorative recommendations as part of sentence.
 - b. Facts:
 - i. Mandatory minimums have been expanded and enhancements are made mandatory.
 - ii. Consecutive sentences are mandatory in cases that already have lengthy penalties.
4. Sentencing Goals should be Accountability + Punishment – add more focus on the former vs. latter
- a. Notes from SPAC members and peanut gallery:
 - i. A system for victims and survivors that prioritizes accountability and healing over blunt punishment.
 - b. Facts:
 - i. System is built as a dehumanizing punishment for wrongdoing.
 - ii. Debate about punishment as the response that some victims may want.
 - iii. Emphasis on victims wanting accountability and responsiveness from system, less need for punishment.
 - iv. Alliance for Safety and Justice polled victims, including victims of violent crime, and found a strong interest in restorative accountability vs. punitive penalties.²
 - v. IL Constitution and purposes in the Code of Corrections:
 - All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship.* Illinois Constitution, Article I Section 11.
 - (a) prescribe sanctions proportionate to the seriousness of the offenses and permit the recognition of differences in rehabilitation possibilities among individual offenders;*
 - (b) forbid and prevent the commission of offenses;*

² *Illinois Crime Victims' Voices*, ALLIANCE FOR SAFETY & JUSTICE, https://www.allianceforsafetyandjustice.org/wp-content/uploads/2016/12/ASJ-Illinois-Crime_survivors-FINAL-online.pdf (last accessed on Dec. 5, 2018).

(c) prevent arbitrary or oppressive treatment of persons adjudicated offenders or delinquents; and

(d) restore offenders to useful citizenship. 730 ILCS 5/1-1-2.

5. More community services (and more probation services)
 - a. Notes from SPAC members and peanut gallery:
 - i. Revolutionize probation – make probation officers life coaches.
 - ii. Downsize probation to avoid over-supervision & over-treatment. This will create more resources.
 - iii. Fully leverage the ACA & coordinate with the criminal justice system.
 - b. Facts:
 - i. Probation & parole have grown over past 20 years.
 - ii. Little change in probation/parole staffing levels.
 - iii. Best practices on staffing levels for EBP-community supervision have not been met in most jurisdictions.
 - iv. Options for non-supervision and/or limited supervision (e.g., court supervision for misdemeanors and conditional discharge for some felonies).

6. Sex offender laws are contradictory and harm re-entry process (especially sex offender registry)
 - a. Notes from SPAC members and peanut gallery:
 - i. Breakdown and define different sex offenses—not all are the same.
 - ii. Residency restrictions drive instability and should be first to go.
 - iii. Force policymakers to look at the evidence of and if registries work.
 - b. Facts:
 - i. Registries produce a multitude of adverse collateral consequences without public safety benefits.
 - ii. Lots of gate violators and registry-related returns to IDOC.
 - iii. Intensive and dehumanizing/abusive process for registering (in Chicago).
 - iv. Illinois Sex Offender & Sex Offender Registration Task Force report recently published.³

7. Staffing (and architecture) is too custodial-focused
 - a. Notes from SPAC members and peanut gallery:
 - i. Probation, parole, and IDOC need targeted and sustained recruitment of people from helping professions, including people who have been in the system.
 - ii. Eliminate dehumanization of people inside of prisons.
 - b. Facts:
 - i. Email from audience: “Thank you for viewing and treating me like a human.”
 - ii. Staffing is primarily correctional officers and/or law-enforcement focused, meant to protect security and enforce rules.
 - iii. Promotions and management are often those with this custodial background.
 - iv. Architecture is control-oriented, limited teaching or educational facilities, limited health services too.
 - v. Stateville, Menard and Pontiac are the largest custodial facilities, and were built as the most penitentiary-focused buildings.

8. Laws on data collection should allow individual-level reporting on judges, law enforcement, and others
 - a. Notes from SPAC members and peanut gallery:
 - i. Use validated risk assessments.
 - b. Facts:

³ *Sex Offenses & Sex Offender Registration Task Force Final Report*, ILL. CRIMINAL JUSTICE INFORMATION AUTHORITY, Dec. 2017, http://www.icjia.state.il.us/assets/articles/SOTF_report_final_12292017.pdf (last accessed Dec. 5, 2018).

- i. The State's largest criminal justice dataset, the Criminal History Record Information system that stores arrest, charges, dispositions, and sentences, does not store many fields on the justice system itself. Misdemeanors and expungement processes also limit some of the utility of these data.
- ii. A recent example of new data published is Cook County State's Attorney's data, available at <https://datacatalog.cookcountyil.gov/browse?tags=state%27s%20attorney%20case-level>

New Business

Chairman DiVito reminded all members that the next meeting will be held on June 28, 2019, at the same time and location.

Adjournment

Stuart Palmer, moved to adjourn the thirtieth regular meeting of the Sentencing Policy Advisory Council, seconded by Alan Spellberg. The thirtieth regular meeting of the Sentencing Policy Advisory Council was adjourned at 1:05 p.m. by unanimous voice vote.