

**Illinois Sentencing Policy Advisory Council
Regular Meeting Minutes
December 2nd, 2022, 10:00AM – 12:45PM**

**Location: SPAC – Chicago Office Building Conference Room
60 E. Van Buren Blvd., 3rd Floor, Room 318
Chicago, IL**

Members Present in Person or by Video – Delrice Adams, Don Bernardi, John Cullerton (Chair), Lisa Daniels, Mitchell Davis, Anne Fitzgerald, Latoya Hughes (Rob Jeffreys), Dan Hunt (Marcia Meis), Mary Morrissey, Scott Main (Jim Chadd), Christelle Perez, Rep. Justin Slaughter, Don Stemen, Augie Torres and Rep. Patrick Windhorst.

Members Absent – Edith Crigler, Ron Hain, Doug Harvath, Sen. Steve McClure, Sharone Mitchell, Sen. Elgie Sims.

Non-Members Present in Person or by Video – Kathy Saltmarsh, Michael Elliott, Mark Powers, John Specker, Ryan Kennedy, Abigail Drumm, James Pagano, Mary Ann Dyar, Dave Olson, Jen Paswater, Julie Anderson, Kala Posley, Kyle Freeman, Nick Rohm, Sav Felix, Stephanie Kollmann, Douglas Thomson, Jason Timmeraus, Lindsey Hammond, Paula Wolf and Ryan Maranville.

Welcome, Introductions and Updates

Chairperson Cullerton called the forty-first regular meeting of the Illinois Sentencing Policy Advisory Council to order at 10:05 a.m. Chairperson Cullerton gave the opening remarks, including a summary of the agenda and overview of the meeting, noting that there a handful of housekeeping items to take care of before the SPAC research team’s presentation on the update and impact of the Safe Neighborhoods Reform Act.

Vote: Approval of the meeting minutes from the April 22 and September 16, 2022 SPAC meetings

Mary Morrissey moved to approve the minutes, seconded by Delrice Adams. The minutes from the April and September 2022 SPAC meetings were approved by unanimous voice vote.

Vote: Selection of a new Vice-Chairperson

Chairperson Cullerton stated that the SPAC statute requires SPAC council members to elect a Vice-Chairperson, a position that has been vacant since the departure of Kwame Raoul and Warren Wolfson who shared the position. The only duty the Vice-Chairperson has is chairing meetings in the event of the Chair’s absence. Mary Morrissey nominated and moved to approve the nomination of Elgie Sims as SPAC’s new Vice-Chairperson, seconded by Delrice Adams. Elgie Sims nomination as SPAC new Vice-Chairperson was approved by unanimous voice vote.

Vote: Nomination of Law Enforcement Representative

Chairperson Cullerton next moved to nominate Chief Mitchell Davis of Hazel Crest to be SPAC’s next law enforcement representative member on the council, filling the vacancy of Chief Kirsten Ziman. Mary Morrissey nominated and moved to approve the nomination of Chief Mitchell Davis as SPAC’s new law enforcement representative, seconded by Delrice Adams. Chief Mitchell Davis’s nomination as SPAC’s law enforcement representative was approved by unanimous voice vote.

Chief Mitchell Davis (*Police Chief Village of Hazel Crest*) – Chief Mitchell R. Davis is Chief of Police for the Hazel Crest Police Department and was installed as the 73rd ILACP president on April 30, 2021. He started his law enforcement career with the Park Forest Police Department in 1991. In Park Forest, he served in many capacities, such as investigator, evidence technician, juvenile officer, SWAT officer, DARE instructor, EDGE instructor, and others. He was selected as the 1996 Police Officer of the Year for his work as a detective in the department. He was also part of the first group of detectives that made up the South Suburban Major Crimes Task Force. In 2001, he left the Park Forest Police Department and took his first Chief of Police position with the Dixmoor Police Department. He later became Chief of Police for the Robbins Police Department, before going to Hazel Crest. Chief Davis is pursuing his PhD in Organizational Leadership at Concordia University of Chicago and holds a Master of Science Degree in Criminal Justice from the University of Cincinnati, and a Bachelor of Arts Degree from Governors State University. He is also a graduate of Northwestern University's School of Police Staff and Command, class #182. Chief Davis was recognized as the 2018 Police Chief of the Year by the Illinois State Crime Commission and is the 2018 recipient of the Ed Van Ley Community Service Award from the District 205 Academic Enrichment Foundation.

Introduction of New Members

Chairperson Cullerton then introduced SPAC's additional new council members. New representation from the office of the Attorney General is Christelle Perez, who replaces Tobar Richardson. Now representing the Office of the State Appellate Defender is Scott Main, Jim Chadd's designee. SPAC has two vacancies, a retired judge to replace Stu Palmer, who stepped down in November 2022. Stu Umholtz, our downstate states' attorney, has won his race for circuit judge, which will result in a new appointment from the State's Attorney's Appellate Prosecutor.

Christelle Perez (*Illinois Attorney General's Office*) – Christelle Perez is the Division Chief for the Violence Prevention and Crime Victims Services Division with the Office of the Illinois Attorney General. In this role she supervises a variety of programs that provide grant funding for victim's services agencies, reimburse losses for victims of violent crime, train nurses to provide victim sensitive forensic exams for sexual assault survivors, protect address information for victims of crimes fearing for their safety, and advocate for the protection of victim's rights during investigation and prosecution. Christelle has over 20 years of legal practice experience that include working with victims and advocates, assisting individuals traumatized by domestic battery, child sexual abuse and sexual assault. She has also worked extensively with family members and various health care professionals to ensure individuals suffering from severe mental illness receive court ordered involuntary commitment and/or treatment. Prior to her current position, Christelle was Chief of the Crime Victims Compensation Bureau. Prior to that that she worked in the Illinois Attorney General's Sexually Violent Persons Unit prosecuting numerous cases that involved various stages of the Sexually Violent and Sexually Dangerous Person Commitment proceedings. Prior to joining the State, she worked in the Cook County State's Attorney's Office for more than 12 years in a variety of areas.

Scott Main (*Office of the State Appellate Defender*) – Scott is the Assistant Director of the Illinois Juvenile Defender Resource Center, a division of the Office of the State Appellate Defender (OSAD), focused on promoting excellence in youth defense, and fairness for all youth in conflict with the law. Scott was an Assistant Appellate Defender in OSAD's First District Office for over ten years. From 2012 through 2019, he was a Clinical Fellow in the Children and Family Justice Center, Northwestern Pritzker School of Law focusing on policy and litigation strategy for youth in adult court facing or serving lengthy sentences. He has taught legal writing and the Criminal Appeals Clinic at DePaul University College of Law and teaches the Criminal Law Practicum at

Northwestern Pritzker School of Law. Scott holds an A.B. from the University of Chicago and a J.D. from Loyola University Chicago.

Report on the Impact of the Safe Neighborhoods Reform Act & Discussion

Kathy Saltmarsh, SPAC Executive Director presented a brief history of the legislation and reminded members that The Safe Neighborhoods Act passed in 2017, with an effective date of 1/1/2018. It was a response to gun crime in Chicago that targeted repeat offenders with a higher mandatory minimum and first-time offenders with the First Time Weapons Offender Program (FTWOP), successful completion of which would result in the dismissal of charges. Most importantly, it required SPAC to report on the impact of the bill by end of this year, as the Act sunsets on 1/1/24. That date was recently extended by one year in the 2023 fall veto session.

Director Saltmarsh then turned the presentation over to *John Specker, SPAC Senior Research Analyst* and *Abigail Drumm, SPAC Research Analyst* to report on the program and impact it is having on UYW sentences.

Key Findings in this year's report:

- Since 2018, there have been 2,308 cases across the state that are potentially eligible for the FTWOP, with 87.7% of those in Cook County.
- 49 FTWO programs are reported in CHRI and are geographically spread throughout the state.
- Cook County Adult Probation Department records show that through September 2022, they had received 1,322 FTWOP cases.
- Transfer of case information from Cook County to the CHRI database inaccurately records FTWOP cases as convictions.
- Stakeholders are working to correct the cases already reported and change the system to eliminate reporting FTWOP cases as convictions in the future.

Key Findings on the new UYW presumptive minimum sentence:

SPAC used the Illinois Department of Corrections (IDOC) sentencing data and Criminal History Record Information (CHRI) conviction data to analyze the relevant sentences for three years before and four years after the effective date of the Act. SPAC analyzed 15,391 prison sentences for Agg UYW or UYW-Felon from CY 2015 to CY 2021. 6,096 cases occurred after the effective date of the Act. After adjusting for other variables SPAC found:

- Compared to pre-Act sentences, post-Act sentences that were imposed on those with prior predicate convictions were about 2 times as likely to be at or above the minimum required under the Act, a statistically significant increase.
- Most sentences for Agg UYW and UYW-Felon were within the standard statutory sentence range both pre-Act and post-Act.
- While further studies would be required to reliably conclude the causal link, the results of this analysis were robust and consistent across several different models and methodologies, indicating that the Act likely resulted in more consistent, longer sentences for individuals with qualifying predicates.
- Sentences for offenses that were not targeted by the act did not change.

Other Findings:

- Although law enforcement changes likely impacted arrest patterns after 2018, the arrest data trends do not indicate that the Act decreased firearm possession. This is consistent with research on general deterrence consistently showing little to no impact of harsher sentences on crime rates.
- The number of downward departures is unknown due to inadequate data collection. Administrative conviction and sentence data analyzed in this report do not indicate the specific

citations for sentencing enhancements for UUW nor factors used by the judge for downward departures.

Looking Ahead – Integrating Qualitative Research into SPAC’s Work

Chairperson Cullerton began by reminding everyone that all of SPAC’s work to date has been quantitative, which means bringing statistical analysis to the issues percolating in the legislature and doing research on questions that are recurring or pressing in criminal justice policy arena. He noted that SPAC Staff has been talking internally about expanding SPAC’s focus to include some qualitative research, such as surveys and interviews to get to how people respond to all the systems involved. Council members shared their thoughts on expanding SPAC’s work and adding qualitative research capability to the staff. The robust discussion identified where qualitative research may help and concluded that SPAC should move forward with integrating qualitative in SPAC’s work. The examples of where qualitative research may help were:

- UUW – prior SPAC meeting was sort of a qualitative interview with our three incarcerated panelists; a common theme was that the potential sentence had little influence on their decision to carry a gun and was outweighed by needing to survive
- FTWOP – why do some jurisdictions use it? For example, there is one small county in the state has used it more than we expected
- Use of sentence credits
- TIS – in the 1990s, if qualitative research was done with court actors involved in sentencing, would our prediction for the impact of TIS have changed?
- Much of our work product is fiscal impacts, but recent research on public opinion on resentencing for long sentences indicates that the fiscal impact is the least important reason

Members also expressed concern over “mission creep”. Focusing on implementation of sentencing policies was suggested as an appropriate area for qualitative research that is sufficiently focused to avoid going beyond SPAC’s mandated areas of research and analysis.

Resentencing Task Force Update & Discussion

Over the past year, SPAC has staffed the Resentencing Task Force. The law creating the task force was passed last session and required the task force to produce recommendations to expand the use of resentencing motions in the trial court with the goal reducing the prison population. Several SPAC members also served on the Task Force and the report is in the final editing phase. The final report will be posted on our website and distributed to all members of the RTF, General Assembly, SPAC and all IDOC facility libraries.

Public Comment

None.

New Business

Chairperson Cullerton reminded all members that the 2023 proposed meeting dates are June 16, September 15 and November 17. Delrice Adams, then moved to approve the 2023 meeting dates, seconded by Mary Morrissey. The 2023 SPAC regular meetings were approved by unanimous voice vote.

Adjournment

Mary Morrissey, moved to adjourn the forty-first regular meeting of the Sentencing Policy Advisory Council, seconded by Justin Slaughter. The forty-first regular meeting of the Sentencing Policy Advisory Council was adjourned at 12:45 p.m. by unanimous voice vote.