

Illinois Sentencing Policy Advisory Council

Regular Meeting Minutes

November 17th, 2023 11:00AM-1:21PM

Location: Michael A. Bilandic Building

160 N La Salle St, Chicago, IL 60601. Room N505

Chicago, IL

Members Present in Person or by Video- Delrice Adams, Don Bernardi, John Cullerton (Chair), Mitchell Davis, Dough Harvath, Dan Hunt, Scott Main, Sen. Steve McClure, Sharone Mitchell, Christelle Perez, James Piper, Julia Rietz, Donald Shelton, Sen. Elgie Sims (Co-Chair), Rep. Justin Slaughter, Don Stemen, Augie Torres, Rep. Patrick Windhorst,

Members Absent- Ron Hain, Latoya Hughes, Lisa Daniels, Anne FitzGerald

Non-Members Present in Person or by Video- Rep. Anne Stava-Murray, Ben Ruddell, Brittany Alston, Edmund Buck, Gwyn Troyer, Jen Paswater, Jen Ryterski, Katie Sebok, Mark Powers, John Specker, Victoria Gonzalez, Katy Culleeny, Kayla Posley, Kevin Brown, Mary Ann Dyer, Michael Maynard, Sharlynn Grace, Sav Felix, Stephenie Kollmann, Henna Mohammed, John McLees, Paula Wolff, Sarah Blatt-Herold

Welcome, Introductions & Updates

Chairperson Cullerton called the forty-third regular meeting of the Illinois Sentencing Policy Advisory Council to order at 11:04 a.m. Chairperson Cullerton took the roll, welcomed Director Gonzalez to her first meeting as SPAC's Executive Director, and provided a summary of the meeting topic.

Chairperson Cullerton then provided a historical context of the Pretrial Fairness Act (PFA) including its legislative history and an Illinois Supreme Court ruling, which determined that the PFA is constitutional. The ruling also provided an effective date for the elimination of cash bail in Illinois. Chairperson Cullerton then introduced the panel.

Panel Presentations

Sharone Mitchell Jr. - Cook County Public Defender– Public Defender Mitchell offered background on the origins of the movement to end cash bail in Illinois and negotiations around the PFA and SAFE-T Act. He noted that much of the PFA comes directly from recommendations in the 2020 Illinois Supreme Court report on pretrial practices.

Public Defender Mitchell also provided background on the implementation discussion within his office and with other stakeholders in Cook County. He stated that the new system provides a more serious and holistic look at the determination of pretrial detention compared to the old system which often encouraged very short hearings and where money could always be the deciding factor.

Public Defender Mitchell explained changes that his office implemented in response to the PFA, including establishing a pre-trial unit and providing those lawyers with specialized training.

Public Defender Mitchell closed his remarks by encouraging policymakers and the judiciary to consider how the data is collected and closely monitor the statewide data collection that is mandated by the bill.

Cara Smith - Director of the Office of Statewide Pretrial Services– Director Smith began her role as Director of the Office of Statewide Pretrial Services (OSPS) in September 2021. She provided background on the Pretrial Services Act and provided the role of OSPS in implementation of the PFA. Currently, OSPS provides pretrial services to 71 of Illinois’ 102 counties and will add two more in 2024. At least 59 counties lacked pre-trial services prior to OSPS providing those services. Director Smith then presented a summary of data that OSPS collected since the PFA’s effective date.

Director Smith discussed the work that is underway to ensure statewide data is available and gave background on the development of the data reporting system, noting that all counties that OSPS serves can report into the statewide data collection system.

Dr. David Olson – Co-Director Center for Criminal Justice at Loyola University Chicago - Dr. Olson provided a summary of the research project Loyola is conducting on the PFA implementation, focusing on 32 counties across Illinois. Loyola is also partnering with OSPS to analyze data on detention hearing outcomes and the use of electronic monitoring (EM) and GPS.

Dr. Olson noted different groups that may appear as a result of the PFA which include those who will spend less time in pretrial detention, those who will spend a similar amount of time, and those who will spend more time in pretrial detention. He posed questions to the Council about how the PFA could potentially impact sentencing in Illinois.

Cara Smith noted that OSPS has not seen a large uptick in the use of EM after the PFA was implemented.

Robert Berlin - DuPage County State’s Attorney – State’s Attorney Berlin provided summary of the cases where his office filed a motion to detain the defendant prior to trial. Overall, his office has filed 240 motions to detain, which resulted in 117 people being detained and 123 being released prior to trial. State’s Attorney Berlin then noted the decline in DuPage’s jail population after the effective date of the PFA and stated that his staff, the public defenders, and judges in DuPage see the system as working fairly well.

Discussion

Discussion centered around the role that state's attorneys played in the crafting of the original bill and the trailer bill, concern of what the lack of cash bond will have on restitution payments, the financial challenges that actors in the system face due to the elimination of cash bond, the discretion that judges have in the detainment decision, the conditions on which electronic monitoring can be required and who bears the cost for the electronic monitoring, and what data is collected and how will that data be shared to the public and policymakers.

Chair Cullerton left the meeting, Co-Chair Sims presided as Chair.

Vote: Approval of the Minutes from the June 2023 Meeting

Donald Shelton moved to approve the minutes from the June 2023 meeting, Doug Haravath seconded. The minutes were unanimously approved.

Executive Director's Report

Director Gonzalez reported on current projects that SPAC's staff are working on, including, a strategic plan and trends report, staffing changes, and noted SPAC's X (formerly known as Twitter) account as a good source for SPAC materials. Director Gonzalez also noted that the Council currently has a vacancy for a retired judge, future meeting dates are still being determined and will be sent to members, and reminded Council members to complete their mandatory trainings.

Public Comment

No Public Comment

New Business

No New Business.

Adjournment

Co-Chair Sims entertained a motion to adjourn, Donald Shelton made the motion to adjourn the forty-third regular meeting of the Sentencing Policy Advisory Council, seconded by James Piper. The forty-third regular meeting of the Sentencing Policy Advisory Council was adjourned at 1:21pm by unanimous voice vote.