

Illinois Sentencing Policy Advisory Council
Regular Meeting Minutes
July 30, 2021 10:00AM – 12:45PM

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

Members Present – John Cullerton, Anne Fitzgerald, Sharone Mitchell, Tobar Richardson, Charise Williams for Delrice Adams

Members Present by Video – Jim Chadd, Craig Findley, Dan Hunt for Marcia Meis, Steve McClure, James Piper, Elgie Sims, Stuart Umholtz, Patrick Windhorst

Members Absent – Marcus Evans, Douglas Harvath, Rob Jeffreys, Stuart Palmer, Don Stemen and Kristen Ziman

Non-Members Present – Ryan Kennedy, Christian Perry, Mark Powers, Kathy Saltmarsh, John Specker

Non-Members Present by Phone or Video – Kelly Cassidy, Lindsey Hammond, Kia Proctor, Jena McBeth, Jason Sweat, Paula Wolff, Jackie Gilbreath, Sydney Gobbins, Ricky Holder, Adrienne Jones, Ari Jones, Bethel Kifle, Koryanna Lopez, Scott Main, Jena Mcbeth, Jennifer Passwater, Christian Perry, Kayla Rueda, Christian Snow, and Douglas Thomson

Welcome and Introductions

Executive Director Saltmarsh called the thirty-sixth regular meeting of the Illinois Sentencing Policy Advisory Council to order at 10:05 a.m. Director Saltmarsh noted the SPAC members who had left the Council, most importantly Gino DiVito, SPAC's first Chairman. Also leaving SPAC were Alan Spellberg, Hanke Gratteau, Kristine Ziman, Nathalina Hudson, and Amy Campanelli. New members Annie Fitzgerald, Sharone Mitchell, Tobar Richardson, Doug Harvath, Rep. Patrick Windhorst and John Cullerton were welcomed.

Vote: Approval of the meeting minutes from the November 2020 SPAC meeting

Tobar Richardson identified a typo in the minutes from the November 2020 meeting and the correction was noted. Sen. Elgie Sims moved to adopt the minutes with the correction and that motion was seconded. The minutes from the November 2020 SPAC meeting with the correction noted by Ms. Richardson were approved by unanimous roll call vote to properly record the votes of our members attending via video conference.

Vote: Election of Chairman

Craig Findley nominated John Cullerton to be SPAC's Chairman. The nomination was seconded by Sen. Elgie Sims. No other nominations were put forth and John Cullerton was elected Chairman of SPAC by unanimous roll call vote to properly record the votes of our members attending via video conference.

Bringing an Equity Perspective to SPAC's Research and Analysis

Director Saltmarsh introduced the topic of bringing an equity perspective to SPAC's work by summarizing the Governor's Executive Order establishing that all agencies under his authority were to develop a plan to improve diversity, equity and inclusion (DEI) in state agencies. SPAC's mission is limited to research and analysis and the staff is very small, so Director Saltmarsh took some time to learn from other agencies, most specifically ICJA,

and also participated in DEI training for members of the Adult Redeploy Illinois Oversight Board. From those experiences came the idea that SPAC should address DEI as it relates to data collection and access and, as a tax-funded organization, prioritizing research that benefits the people of Illinois.

Charise Williams and Christian Perry from the Illinois Criminal Justice Information Authority shared the process that ICJIA used to develop its Diversity, Equity & Inclusion plan. The staff drove the process and requested that managers not participate. They examined the ways in which an equity lens can be brought to bear on both the research and analysis and grant making functions of the agency as well as the agency culture. An important first step was developing a glossary of terms so that all who participated knew how important terms were being used and understood what they were talking about. Management supported that process as well as undertaking their own self-examination, including an “Equity Wall” where people were able to share their thoughts on some specific questions. A full review of ICJIA’s rules and procedures is underway to address ingrained biases. Through the R3 program, which was part of the bill that legalized adult use of cannabis, ICJIA was responsible for developing an equity-based grant making process to distribute the cannabis tax revenue that was targeted to invest in high risk, underserved communities. This was the first time that tax dollars were specifically earmarked to address social justice issues and insure that equity was a consideration. ICJIA has gone through one grant cycle for R3 and is committed to providing technical assistance to the organizations that were not funded so that they can improve their grant applications. Ms. Williams and Mr. Perry noted that “where focus goes energy flows” and the agency leadership is committed to internal accountability to the DEI principles that have been developed, as well as accountability with the organizations they fund.

Director Saltmarsh opened the discussion with reference to the many times advocates and researchers helping service organizations have spoken before commissions, legislative committees, and in SPAC meetings about how difficult it was to access criminal justice system data they needed to support grant applications, inform the research design or assess the efficacy of their programs which keeps them from developing relevant evidence and learning from their experience. Members noted that though there are MOUs with some organizations to allow access to criminal justice data, stakeholder analysts have no contact with the actual programs. Another point was made that though correlation does not equal causation, if quantitative data is used without qualitative context it is easier for policymakers to draw inaccurate causal conclusions which can also have equity implications.

SPAC is uniquely situated because its research is 100% tax-funded which raises the question of what responsibility SPAC has to prioritize research that will serve the people of Illinois and identify equity issues that we see in relation to data access. Included in member materials was a report by Chicago Beyond, a philanthropy that funds research in underserved communities, that presented the perspective of those who are the subject of research and made the point that if evidence matters how it gets developed matters too and that in the past the research that is done has not improved the circumstances of the individuals whose lives provide the data. The report identified seven barriers in research that inhibit the impact of research in the target communities:

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| Access | Could we be missing out on community wisdom because conversations about research are happening without community meaningfully present at the table? |
| Information | Can we effectively partner to get to the full truth if information about research options, methods, inputs, costs, benefits, and risks are not shared? |
| Validity | Could we be accepting partial truths as the full picture, because we are not valuing community organizations and community members as valid experts? |
| Ownership | Are we getting incomplete answers by valuing research processes that take from, rather than build up, community ownership? |
| Value | What value is generated, for whom, and at what cost? |

Accountability Are we holding funders and researchers accountable if research designs create harm or do not work?

Authorship Whose voice is shaping the narrative and is the community fully represented?

Members discussed their own views on equity in the criminal justice system and in policymaking and supported the proposal to have a subcommittee of SPAC members work on a proposal to present to members at a future meeting that will govern SPAC's approach to diversity, equity and inclusion in its work.

The Resentencing Task Force

House Bill 3857 created the Resentencing Task Force to study the use of resentencing motions in the interests of justice and to reduce the prison population. SPAC is charged with providing the administrative support for the task force and in seeing that it complies with the legislative mandate.

Rep. Cassidy, one of the chief co-sponsors of the legislation, gave some background on the task force bill which came about because allowing interested parties other than state's attorneys to petition for resentencing was a point of significant contention in negotiations of SB2129 which allows only a State's Attorney to petition the sentencing court to resentence the offender if the original sentence no longer advances the interests of justice. Consequently, the task force was created to study the issue of expanding the authority to file these petitions and report its recommendations by July 1, 2022.

SPAC members discussed their perspectives on second look sentencing with positive perspectives focused on the importance of reviewing very long-term sentences considering current knowledge, the harms done by over incarceration, and the view that a person who is no longer a threat to public safety should not remain in prison pursuant to a policy that is now disproven or recognized as a bad policy. On the other end of the spectrum was the perspective that the sentence imposed reflected the values of the community in which the conviction was obtained and was just, therefore a second look years later was not a fair approach. This demonstrates the state interest vs. local interests that are frequently at play in reform discussions. Members comments reflected concerns with both the system's focus on punishment over rehabilitation and the interest of crime victims to avoid retroactive application of new policies to old convictions.

Members were asked how they would define the interests of justice, either in terms of objective changes such as a change to the sentencing range, or research that debunked a scientific theory upon which a conviction was based, or in terms of addressing social justice issues such as racial disparities. It was pointed out that most sentencing decisions are made in the dark via plea agreements, therefore the system should not be wedded to the value of finality.

In addition to discussing the task force, Arianne Jones, Policy Advisor to the Cook County State's Attorney, summarized the process that office will use to implement SB2129 and review cases for which a resentencing motion may be appropriate. The office will be focused first on non-violent, lower class felonies and their work will be guided by the opinion of their legal department that no one could be resented to a term that is less than the mandatory minimum for the offense of conviction. It was noted that this bill does not require state's attorneys to file resentencing motions, but rather gives them the authority to do so if they determine that the interests of justice would be served by such a petition.

Members were reminded that in addition to staffing the task force SPAC has an appointment to it, so they were asked to email Director Saltmarsh if they wished to be considered for that position.

No public comments were offered, and the meeting adjourned at 12:30.