

Commission Recommendations Implementation

As of November 14, 2018



Law or statewide policy changed

Nonviolent, First-time Class 3 & 4 Offenders (12)

P.A. 99-861 requires judges to state on the record why prison is appropriate for nonviolent, first-time offenders.

Reduce Protected Zones' Distance & Add Nexus (16)

P.A. 100-3, the Safe Neighborhoods Reform Act, enacts this recommendation.

Expand Programming Credit Eligibility (18)

P.A. 99-938 allows repeat offenders to earn programming credits. P.A. 100-3 allows 75% TIS inmates to earn programming credits.

Enhance Rehabilitative Programming (23)

P.A. 100-198 proposed content-controlled tablets for education. P.A. 100-283 proposed entrepreneurship training.

Remove Licensing Barriers (26)

P.A. 99-667, 99-876, & 99-886 remove barriers for educational & healthcare licensing, and for roofing, barber/cosmetology, and nail/salon jobs.

Provide State ID's to All Returning Citizens (27)

P.A. 99-907 Secretary of State to provide ID after receiving an approved form from the returning citizens' prison with their information.

More Services & Treatment Capacity (1)

P.A. 99-938 creates comprehensive trauma recovery services. Pilot site planning begun. P.A. 100-575 creates a frequent users system engagement supportive housing program.

Risk Assessment Use (2)

IDOC using a new risk assessment tool.

Criminal Justice Coordinating Council (3)

ICJIA in the planning process with five pilot sites.



Some parts enacted or policy implementation started

Gender-Responsive Approach (4)

P.A. 100-527 creates a Woman's Division in IDOC & requires specialized training.

Implicit Bias Training (5)

Some system actors are voluntarily taking implicit bias training.

Data Exchange Coordinating Council (6)

DoIT is coordinating new integration and data sharing agreements between State and local governments.

Collect Race & Ethnicity Data (7)

ISP is

working to improve race and ethnicity data at the State level.

Evaluate State-Funded Criminal Justice Programs (8)

IDOC is assessing programming with Second Chance Act grant.

Probation Eligibility Expansion (11)

P.A. 99-938 expands eligibility for Class 2 repeat offenders and certain drug offenses (not residential burglary). P.A. 100-3 expands eligibility for specialty programs for first-time offenders.

Limit Automatic Enhancements (14)

P.A. 99-938 limits some automatic enhancements but excludes sex offenses.

Reform Truth-in-Sentencing (19)

P.A. 100-3 allows 75% TIS inmates to earn additional sentence credits.

Improve Targeted Electronic

Monitoring (21)
P.A. 99-797 authorizes chief judges to create an
EM program by administrative order for drug- &
alcohol-related offenses.



No change yet

Reduce Mandatory Supervised Release Terms (24)

P.A. 100-3 permits but does not mandate the PRB to discharge low-risk and low-needs offenders.

Authorize Alternatives for Under 12-Month Prison Stays (9)

Raise Felony Theft & Retail Theft Thresholds (10)

Reduce Minimum Sentences for Felonies (13)

Reduce Drug Crimes One Felony Class (15)

Reduce Felony Class for Motor Vehide Theft (17)

Improve Adult Transition Centers (20)

IDOC is reviewing and working on improving referral procedures; no expansion of ATCs so far.

Release for Elderly or Terminally III (22)

Restore Halfway Back Program (25)



1

Increase rehabilitative service and treatment capacity in high-need communities. Give the highest priority to behavioral health/trauma services, housing, and work force development with transportation support:

- In progress.
- a) Establish trauma recovery services in underserved communities that have disproportionate rates of crime and incarceration,
- Relax restrictions in state housing programs that prohibit renting to people with criminal records, and
- c) Provide sufficient reimbursement to service providers to allow them to expand their capacity.

Current Facts

ICJIA grants are funding two TRC pilots: one on the south side of Chicago and one in Peoria. The two centers
have been designated for \$2.2 million of the State's Victims of Crime Act federal funds for FY19.

Status

- P.A. 99-0938 creates comprehensive trauma recovery services. ICJIA is in planning process and some trauma recovery services are offered in Cook County.
- No change to state law regarding housing programs' admissions.
- Budget impasse decreased rehabilitative and treatment capacity across the State.
- P.A. 100-0575 creates the Frequent User Systems Engagement (FUSE) supportive housing program and mandates support and development of trauma recovery centers by ICJIA.

Expedite the use of risk-and-needs assessment tools by the Illinois Department of Corrections and the

2

Prisoner Review Board. Promote and expedite the use of risk and needs assessment tools by Illinois Circuit Courts in determining sentences in felony cases. IDOC should continue to implement the elements of the Crime Reduction Act of 2009 (730 ILCS §190/15). Support the expanded application of risk and needs

assessment within probation departments.

In progress.

Current Facts

100% of IDOC admissions assessed using SPIn. Scores are being deployed to PRB, but not from all facilities.

Status

- IDOC using the SPIn risk assessment tool; there are 34 risk assessment specialists in 24 IDOC facilities.
- Provide incentives and support for the establishment of local Criminal Justice Coordinating Councils to develop strategic plans to address crime and corrections policy.

In progress.

Current Facts

- Four counties have expressed verbal interest.
- In addition to the five counties they started with, two other counties have connected with us for research assistance/ presentations on crime trends and issues for their jurisdiction)
- Funding through MacArthur was extended through the end of 2019 for this project.
- The main purpose of the CJCC website is to provide information on CJCCs to the public and provide a platform for
 jurisdictions interested in forming a CJCC or receiving research /technical assistance to contact us.

Status

• ICJIA is working with five pilot sites: Lake, McHenry, McLean, St. Clair, and Winnebago counties.

4

Implement a Gender-Responsive Approach for Female Offenders:

4

- a) Implement a Gender Responsive Risk Assessment Tool;
- b) Implement the Women Offender Case Management Model or similar evidence-based genderresponsive model;
- In progress.
- c) Adopt Model Disciplinary Policies tailored to female inmates;
- d) Implement Gender Responsive Trauma-informed Treatment Programs;

Current Facts

	FY16	FY18	Percent Change
Female Admissions	2,201	1,830	-17%
Female Prison Population	2,521	2,251	-11%



Recommendation, Current Facts, and Status Status IDOC is implementing a gender specific risk assessment, as well as the recommendation.

- IDOC is implementing a gender specific risk assessment, as well as the recommendations of the Gender-Informed Practice Assessment, released in Nov. 2016.
- P.A. 100-0527 creates a new Women's Division.
- Require periodic training on recognizing implicit racial and ethnic bias for individuals working in the criminal justice system, including but not limited to law enforcement officers, prosecutors, public defenders, probation officers, judges, and correctional staff.

In progress.

5

Current Facts

 Prior to the Commission's report, implicit bias training was incorporated into the training for probation officers as a critical element of addressing risk issues without bias or judgment.

Status

- Some system actors are voluntarily taking implicit bias training, including ISP, state prosecutors, and some courts.
 Some training has been made periodic requirements.
- Improve and expand data collection, integration and sharing. Support the establishment of the Illinois Data Exchange Coordinating Council (IDECC) to facilitate an information-sharing environment among state and local units of government.

In progress.

Current Facts

No Change.

Status

- DoIT is coordinating new integration and data sharing agreements between State agencies and some local governments.
- Collect and report data on race and ethnicity at every point in the criminal justice system to allow a systematic assessment of disproportionate minority impact.

In progress.

7

Current Facts

IDOC fully implanted.

Status

■ ISP is working to improve race and ethnicity data in State criminal history records to comply with P.A. 99-0078, effective July 2015.

In progress.

8

Require all State agencies that provide funding for criminal justice programs to evaluate those programs. Agencies should eliminate those programs for which there is insufficient evidence of effectiveness and expand those that are proven effective. Ensure that programming appropriately targets and prioritizes offenders with high risk and needs.

Current Facts

 IDOC completed program assessment on 6/17/18; ICJIA completed an assessment of Logan's Substance Abuse program.

- IDOC is reviewing a program assessment and determining how to promote evidence-based programs in facilities.
- ICJIA continues to evaluate criminal justice programs, and are currently working on ARI's program assessment.
- No statewide requirement has been issued.



RECOMMENDATIONS TO REDUCE THE NUMBER OF PRISON ADMISSIONS

Recommendation, Current Facts, and Status

9

No progress.

Prevent the use of prison for felons with short lengths of stay. IDOC should be authorized and encouraged to use existing alternatives to imprisonment for individuals with projected lengths of stay of less than 12 months. IDOC should be required to report its use of alternatives to imprisonment for these individuals in its Annual Report.

Current Facts

	FY16	FY18	Percent Change
Fiscal Year Admissions	9,426	7,835	-17%
Prison Population Serving Less Than 1 Year in Prison	3,996	3,193	-20%

Status

No change.

10

Raise the threshold dollar amounts for theft not from a person and for retail theft from their current level to \$2,000. Limit the automatic enhancement from misdemeanor theft to felony theft to cases where there has been a prior felony theft conviction.

No progress.

Current Facts

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	FY16	FY18	Percent Change
All New Court Retail Theft Admissions*	1,727	1,055	-39%
Retail Theft Prison Population*	997	549	-45%

^{*}Note these numbers reflect all Retail Theft admissions to the Department of Corrections

Status

• Cook County State's Attorney implemented \$1,000 threshold for felony retail theft charging decisions.

11

In progress.

Give judges the discretion to determine whether probation may be appropriate for the following offenses: a) Residential burglary;

- b) Class 2 felonies (second or subsequent); and
- c) Drug law violations.

Current Facts

	FY16	FY18	Percent Change
Eligible Admissions for residential burglary	533	359	-33%
Eligible Admissions for Class 2 felonies	1,347	1,167	-13%
Eligible Admissions for drug law violations	706	480	-32%
Total Eligible Admissions	2,586	2,006	-22%
	FY16	FY18	Percent Change
Eligible Prison Population for residential burglary	1,263	913	-28%
Eligible Prison Population for Class 2 felonies	2,683	2,234	-17%
Eligible Prison Population for drug law violations	1,452	1,037	-29%
Total Eligible Prison Population	5,398	4,184	-22%

- P.A. 99-0938 gives judges discretion to impose probation on most Class 2 felonies (second or subsequent) and certain drug offenses.
- P.A. 100-0003 creates the Safe Neighborhoods Reform Act, expands eligibility for specialty probation programs for first-time offenders.



12

Implemented.

Before an offender is sentenced to prison for a Class 3 or 4 felony, require that a judge explain at sentencing why incarceration is an appropriate sentence when:

- a) The offender has no prior probation sentences, or
- b) The offender has no prior convictions for a violent crime.

Current Facts

	FY16	FY18	Percent Change
All Eligible Admissions	1,927	1,770	-8%
Eligible Prison Population	1,076	928	-14%

Status

• P.A. 99-0861 enacts this recommendation when both conditions are met ("and" rather than "or").

RECOMMENDATIONS TO REDUCE LENGTH OF STAY

Recommendation, Current Facts, and Status

Reduce the minimum sentence authorized for each felony class except for Class 4.

13

No progress.

Current Facts

	FY16	FY18	Percent Change
All non-Class 4 Admissions	16,994	15,761	-7%
All non-Class 4 Prison Population	39,784	36,919	-7%

Status

No action taken.

14

Limit the automatic sentence enhancement for a third or subsequent Class 1 or Class 2 felony conviction to cases where both the current and the two prior convictions involve forcible felonies.

In progress.

Current Facts

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	FY16	FY18	Percent Change
Convictions with 2+ prior felony convictions	963	776	-19%
Convictions with 2+ prior forcible felony convictions	673	227	-59%
Convictions with 2+ prior <u>sex</u> <u>offense</u> felony convictions	<10	<10	downward trend

Status

• P.A. 99-0938 raises the enhancement to Class 1 felonies unless the prior offenses are sex offenses.



15

Reduce the sentencing classification for felony drug crimes set forth in the Controlled Substances Act, the Methamphetamine Control and Community Protection Act, and the Cannabis Control Act by one class.

No progress.

Current Facts

	FY16	FY18	Percent Change
Controlled Substances Act admissions	4,064	3,220	-21%
Methamphetamine admissions	701	835	+19%
Cannabis admissions	420	248	-41%
Total Admissions to Prison	5,185	4,303	-17%
	FY16	FY18	Percent Change
Eligible Prison Population for Controlled Substances	5,234	3,915	-25%
Eligible Prison Population for Methamphetamines	1,276	1,456	+14%
Eligible Prison Population for Cannabis	401	263	-34%
Total Eligible Prison Population	6,911	5,634	-18%

Status

P.A. 99-0697 expands civil violations to some misdemeanor and Class 4 marijuana possession offenses.

16

Implemented.

Change the mandatory felony classification increase for drug crimes committed near a protected area:

- a) Conviction for delivery, or possession with intent to deliver, certain drugs within 1,000 feet of a school, park, church, or senior-citizen facility results in an automatic increase of the seriousness of the offense by one felony class. Reduce the size of the protected area from 1,000 feet to 500 feet.
- b) Require the prosecutor to establish a nexus an effect or a likely effect of the crime on the protected area between the location and the drug offense before that offense is increased by one felony class, and
- c) Remove public housing from the current statute as a protected area.

Current Facts

	FY16	FY18	Percent Change
Protected-Zone Admissions	263	156	-41%
Protected-Zone Prison Population	640	430	-33%

Status

• P.A. 100-0003, the Safe Neighborhoods Reform Act, enacts this recommendation.

17

Reduce the crime of possession of a stolen motor vehicle from a Class 2 felony to a Class 3 felony. Make a conforming change for conspiracy to possess stolen motor vehicles by lowering the classification from a Class 2 to a Class 3 felony.

No progress.

Current Facts

	FY16	FY18	Percent Change
Possession of a Stolen Motor Vehicle Admissions	226	214	-5%
Possession of a Stolen Motor Vehicle Prison Population	367	346	-6%

Status

• P.A. 100-0745 originally proposed raising the penalty on Possession of a Stolen Motor Vehicle; as passed, the law changed the definitions and amended juvenile detention standards to consider prior stolen motor vehicle thefts.



18

Expand eligibility for programming credits. All inmates should be eligible to earn programming credits for successfully completing rehabilitative programming, with the exception of credits that would reduce a sentence below Truth-in-Sentencing limits.

Implemented.

Current Facts

Admissions and inmates eligible depend on eligibility criteria. Rules are pending with JCAR.

Status

- P.A. 99-0938 removes the ban on repeat offenders receiving programming credit.
- P.A. 100-0003, the Safe Neighborhoods Reform Act, permits inmates subject to 75% truth-in-sentencing to receive programming credit.

19

In progress.

Allow inmates who are currently required by statute to serve 75%, 85%, or 100% of their sentence to earn programming credit and supplemental sentence credit for good conduct that could reduce their sentence below the currently-required percentage. The amount of programming and supplemental sentence credit available to these inmates should be capped as follows:

- a) Inmates who currently are required to serve 100% of their sentence should be required to serve no less than 90% of their sentence.
- b) Inmates who currently are required to serve at least 85% of their sentence should be required to serve no less than 75% of their sentence.
- c) Inmates who currently are required to serve 75% of their sentence should be required to serve no less than 60% of their sentence.
- d) Beginning on the date these changes take effect, inmates may begin earning credit on their current sentence for programs successfully completed after that date. Inmates should not be granted credit for programs completed before these changes take effect.

Current Facts

	FY16	FY18	Percent Change
75% TIS admissions	56	43	-23%
85% TIS admissions	1,635	1,717	+5%
100% TIS admissions	189	180	-5%
Total TIS Admissions to Prison	1,880	1,940	+3%
	FY16	FY18	Percent Change
75% Eligible Prison Population	430	434	+8%
85% Eligible Prison Population	9,259	9,509	+1%
100% Eligible Prison Population	4,055	4,374	+3%
Total Eligible Prison Population	13,744	14,317	+4%

Status

 P.A. 100-0003, the Safe Neighborhoods Reform Act, permits inmates subject to 75% truth-in-sentencing to receive programming credit.

20

No progress.

Make better use of Adult Transition Centers. Ensure that use of Adult Transition Centers is informed by the risk-and-needs research and evidence, which shows that residential transitional facilities, paired with appropriate programming, should be primarily reserved for high and medium risk offenders to obtain the greatest public safety benefit.

Current Facts

Admissions and inmates eligible depend on eligibility criteria.

	FY16	FY18	Percent Change
ATC Population	868	854	-2%

Status

IDOC opened the Kewanee Life Skills Reentry Center in February of 2017, with possible plans for more.



21

Improve and expand the use of electronic monitoring technology based on risk, need, and responsivity principles.

In progress.

- a) The Illinois Department of Corrections should increase the use of electronic detention in lieu of imprisonment for both short-term inmates and inmates who are ready to be transitioned out of secure custody.
- b) Allow IDOC to use electronic monitoring for up to 30 days without Prisoner Review Board approval as a graduated sanction for those on Mandatory Supervised Release.
- Ensure that Prisoner Review Board orders requiring electronic monitoring are based on risk assessments.
- d) Encourage and support the use of electronic monitoring within local jurisdictions as an alternative to incarceration and pretrial detention.

Current Facts

- Kane County has cut pretrial electronic monitoring (EM).
- The PRB is not currently ordering EM based on risk basement.

	FY16	FY18	Percent Change
People Placed on Electronic Monitoring upon IDOC Release	10,309	10,086	-2%
Local Use of EM	228	606	+166%
	Total number of adults supervised pretrial on electronic monitoring, as of December 31, 2015	Total number of adults supervised pretrial on electronic monitoring, as of December 31, 2016	

Status

- No change on permitting IDOC to use electronic monitoring (EM) without PRB approval.
- No change in PRB's EM policies.
- P.A. 99-0797 authorizes chief judges to create an EM program by administrative order for drug- and alcohol-related offenses.

22

Develop a protocol to provide for the placement to home confinement or a medical facility for terminally ill or severely incapacitated inmates, excluding those sentenced to natural life. The determination of illness or severe incapacity is to be made by the Illinois Department of Corrections medical director.

No progress.

Current Facts

Admissions and inmates eligible depend on eligibility criteria.

Status

N/A

RECOMMENDATIONS TO REDUCE RECIDIVISM BY INCREASEING THE CHANCES OF SUCCESSFUL REENTRY

Recommendation, Current Facts, and Status

23

Enhance rehabilitative programming in IDOC. Implement or expand evidence-based programming that targets criminogenic need, particularly cognitive behavioral therapy and substance abuse treatment. Prioritize access to programming to high-risk offenders. Evaluate those programs identified as promising and eliminate ineffective programs.

Implemented.

Current Facts

 IDOC has implemented cognitive behavioral therapy components statewide and has eliminated ineffective programs.

- P.A. 100-0198 (content-controlled tablets for education) and P.A. 100-0283 (entrepreneurship training).
- IDOC has implemented cognitive behavioral therapy components statewide.
- IDOC used Second Chance Act grant funds to assess programs and determine evidence base for existing programs.

24

Limit the maximum term of Mandatory Supervised Release to 18 months for Class X, Class 1 and Class 2 felonies. Require the Prisoner Review Board, based on a risk and needs assessment, to discharge low-risk and -needs offenders from MSR.

In progress.

Current Facts

	FY16	FY18	Percent Change
Class X, Class 1, and Class 2 People on MSR for More than 18 Months	7,012	7,001	0%

Status

 P.A. 100-0003, the Safe Neighborhoods Reform Act, permits but does not mandate the PRB to discharge low-risk and –needs offenders.

25

Restore the halfway back program as an alternative to incarceration violations of mandatory supervised release.

No progress.

Current Facts

To date, no action has been taken.

Status

■ N/A

26

Remove unnecessary barriers to those convicted of crimes from obtaining professional licenses. Review all licensure restrictions to identify those necessary for public safety.

Implemented.

Current Facts

• The General Assembly continues to work on proposals to remove licensing barriers.

Status

- P.A. 99-0667 adds a seven-year decay provision for educational licensing and revocation.
- P.A. 99-0876 removes barriers for roofing, barber/cosmetology, and nail salons.
- P.A. 99-0886 removes barriers for some healthcare licensing.
- P.A. 100-0286 sets broad changes on how IDFPR is to use convictions in determining whether to grant a license.
- Additional changes in P.A. 100-0534.
- IDFPR reviewed licensing procedures and policies to ease restrictions except where necessary for public safety.

Require IDOC and the Secretary of State to ensure inmates have a State identification card upon release at

27

no cost to the inmates, when their release plan contemplates Illinois residence. IDOC must report in its Annual Report the percentage of offenders released from custody without a valid official State Identification card or some other valid form of identification.

Implemented.

Current Facts

• Inmates are required to have the appropriate IDOC/Sec. of State form. It must be filled out by the Correctional Institution where the release occurs. It must also have an embossed seal on the form (each correctional facility has one), so that the form cannot be photocopied. The form was designed and approved by Sec. of State and personnel from IDOC. This is the only form from IDOC, which Sec. of State we will accept at their driver's license facilities.

- P.A. 99-0907 requires Sec. of State to provide IDs if inmate has birth certificate or a social security card and proof
 of address.
- P.A. 100-0042 establishes that inmates will not be required to pay a search fee for a birth record search or an additional fee for a certified copy of the record upon the person's release on parole, mandatory supervised release, final discharge, or pardon from the IDOC if the person presents a specified form completed by IDOC.



Data sources: SPAC analysis of IDOC and CHRI data. The full Commission recommendations are available at: http://www.icjia.org/cjreform2015/.

Note: The number of admissions and June 30, 2017 populations show the eligible population for each recommendation. **The numbers are <u>not</u> presented as an estimate of the potential impact.** The total impact depends on future admissions and criminal justice actors' decisions based on the laws and policies in place at that time. SPAC could not estimate the eligible populations for recommendations that do not directly affect admissions or length of stay.

For recommendations that require a law change:	For recommendations that require a policy change or new program:	
Green = law changed to match or exceed recommendation Yellow = parts of recommendation enacted into law Red = no change in law yet	Green = Statewide policy change meets or exceeds recommendation Yellow = implementation started and in progress Red = no implementation yet	

SPAC analysis included surveys criminal justice stakeholders and close monitoring of legislative proposals. When a law is changed, the recommendation is considered complete regardless of implementation. When SPAC learns of implementation progress, the color may change but no verification of the information is conducted.

