



ILLINOIS SENTENCING POLICY ADVISORY COUNCIL

2018 & 2019 Combined ANNUAL REPORT

Hon. Gino DiVito, Chairman

Hon. Warren Wolfson, Vice Chair

Senator Kwame Raoul, Vice Chair (2018)

<http://spac.illinois.gov/>

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2019 Council Members

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Message from the Executive Director

SPAC is ten years old. When the authorizing statute went into effect in August of 2009, SPAC's supporters pressed Governor Quinn to put some resources behind it. In 2010, he directed the Illinois Department of Corrections (IDOC) and the Illinois Criminal Justice Information Authority (ICJIA) to provide basic administrative support to SPAC and I was hired in July of 2010. With technical support from Alison Shames from the Vera Institute of Justice and two ICJIA researchers, Mark Powers, who is now on SPAC's staff, and Lindsay Bostwick, who recently completed her Ph.D. at Carnegie-Mellon, the work of building a sentencing commission began.

If the value of collaboration could be readily measured, SPAC would be a textbook case study on the importance of the relationships that collaboration builds. The first SPAC report was done before I joined the SPAC team and was a collaborative effort to assess data gaps written by ICJIA, IDOC, the Illinois State Police and the Administrative Office of the Illinois Courts. Dr. Dave Olson from the Criminal Justice and Criminology Department at Loyola University Chicago wrote the first three research reports on the drivers of the sentenced population, which not only described the drivers but also the three legislative actions that contribute to driving up the prison population. These reports became foundational documents for our work. Recently, the voices of those who have been in prison and those of victims have come to this collaborative table in new and powerful ways that will help produce better outcomes. SPAC was the first sentencing commission in the nation to add a returned citizen to its membership and will continue to include people with that experience in the future.

SPAC's mandate to produce system-wide fiscal impact analyses produced another long-term collaboration with the Pew-MacArthur Results First Initiative, which brought a cost-benefit analysis model developed and tested in the Washington State legislative arena to a number of states that were trying to objectively assess programs being funded by tax dollars and prioritize funding to programs that produce measurable outcomes. SPAC was a non-traditional user of the model. Our experience with the model led to the innovative solution of adding victim impacts to our fiscal impact analyses and then also led to the cost-benefit tool's adoption by the Illinois Budgeting for Results Commission. At the Budgeting for Results Commission, the model is now being used in domains beyond criminal justice and has had an impact on state budget decisions across many agencies.

SPAC has grown and developed over the past ten years in ways that were predictable and in ways that were not. We had a three-year sunset provision when I became Executive Director, which made it necessary for us to prove our value quickly. The sunset was extended twice, and finally eliminated in 2018. Most importantly, SPAC has a well-developed, highly qualified team of researchers in Nate Inglis-Steinfeld, Mark Powers and John Specker who work out of our Chicago office. Michael Elliott and I are in Springfield where Michael brings his experience on House Democratic staff to bear on our interactions with legislators and staff. He and I push into the stream of policy discussions the research and analysis done by the research team. Our work is guided by the three 'U's: understandable, useable, and user friendly. Analysis that cannot be understood and easily used will not improve policy.

My primary goal as Executive Director is to continue bringing innovative, creative and experienced people onto the SPAC team and making sure they have the resources they need to do their best work, and making sure that work gets utilized as new policies are developed and old ones evaluated.

To all those who have served on SPAC, I hope you are proud of the work you did and of what SPAC has become. Our original members were wise to reject the notion that SPAC should make recommendations or take official positions on legislative proposals. I remain convinced that to do so would harm our credibility. To those who use our work, thank you for seeing its relevance and utility. And to those in the research community whom we call upon to review and vet drafts and brainstorm methodology, we are deeply grateful for the many new things we have learned from all of you. And to those on the administrative staff at IDOC

and in Public Safety Shared Services, who continue to help with the daily operational functions of a small state commission, we owe our deepest thanks. Without you we would not have desks, computers or paychecks.

This report is a combined annual report for 2018 and 2019 and diverges from past formats to provide a more substantive overview of criminal justice and sentencing policy in Illinois. I hope this approach provides a useful road map of how policy and research have developed since SPAC's formation, what we now can assess from Illinois data, and highlights data gaps and issues that require attention. In this report, we incorporate snapshots of various populations of people who are involved in the criminal justice system as a quick reference for future discussions.

We know so much more than we did ten years ago. Referencing ten years of meetings and SPAC research, we used the November 2018 meeting to give SPAC members an opportunity to brainstorm the criminal justice system they would design now, if the Criminal Code and Code of Corrections were repealed. The overriding themes were that the system should be holistic, focused on accountability and changing behavior rather than prioritizing punishment; should address the underlying reasons for criminal behavior while the individual is under state supervision whether in prison, on probation, or on mandatory supervised release (MSR); and effectively address the severe impacts that system involvement produces for the individuals as victims and perpetrators, including for their families and their communities. There was also concern about the loss of sentencing's legitimacy caused by sentences so harsh that they are divorced from reality. When the system is perceived as unfair and biased, it is no longer perceived as just. That is where Illinois stands today, after ten years of concerted reform efforts.

It is time to focus more clearly on the outcomes we want the system to produce beyond reducing the number of people in prison. That requires courage. We must understand the story the numbers tell while hearing the stories of the people who have experienced the system with all of its flaws. I hope for the coming decade that we are able to focus on reducing the victimization of individuals and whole communities that over-incarceration has produced; prioritize resources to support the social determinants of health that are required for families and communities to thrive; and strike a more productive balance between accountability and punishment to reduce crime.

The next wave is waiting in the wings – restorative justice, public health approaches to criminal conduct based on addiction and mental health, and collecting, analyzing and making accessible the right kind of data to assess the outcomes produced by this system. Different choices can allow healing to begin, so that ten years from now the data will tell the story of how we succeeded in transforming a system that is omnipresent in the lives of our citizens.

Kathy Saltmarsh
Executive Director

Purpose – The Sentencing Policy Advisory Council’s purpose is to provide policymakers with sound data and analysis to inform evidence-based public safety policy decisions. To reflect on the past two years, we continued to have robust conversations during meetings along with a change in membership and staff. Below are some highlights:

- **Meetings** – SPAC held 2 Meetings in 2018 and 3 meetings in 2019.

In 2018, SPAC’s June meeting focused on misdemeanors, the class of crimes that comprises the majority of arrests and convictions but is rarely researched. SPAC staff presented the findings from its misdemeanor report, which was published in the Fall of 2018. The key findings included:

- In 2017, misdemeanor arrests accounted for 71% of all arrests and 59% of all dispositions reported into CHRI.
- 90% of convictions are for Class A misdemeanors, and driving under the influence was the most common offense.
- The average age at arrest was 32 years old.
- 78% of people with reported misdemeanor dispositions never get convicted of a felony, but 52% of convicted felons have prior misdemeanor dispositions.
- 47% of guilty dispositions are pleas to a withheld judgment with supervision. This results in charges being dismissed and no record of conviction.
- Criminal history was the most significant factor in the type of sentence imposed and the term of the sentence.
- Controlling for criminal histories, the differences between black and non-black case outcomes were not statistically significant.
- Gender was statistically significant after controlling for other demographic factors and criminal history. Men were 27% less likely than women to receive withheld judgments.
- Almost two thirds (62%) of those sentenced to jail time serve their sentence term in pretrial detention.
- 45% of misdemeanants in our sample were rearrested and 24% are reconvicted within three years of the first disposition.

SPAC’s September meeting was cancelled to allow SPAC Staff and Council Members to attend a Summit on Probation in Illinois held by Loyola University of Chicago’s Center for Criminal Justice Research, Policy and Practice. The final meeting of 2018 was focused on asking SPAC members to reimagine Illinois’ Criminal Justice System. See pages (16-18) for a detailed discussion of the meeting and the topics covered.

In 2019, SPAC’s June meeting focused on the new perspectives on criminal justice brought by the new administration’s appointees to head the Department of Corrections, the Illinois State Police, and the perspectives former SPAC co-chair Kwame Raoul brought to the Attorney General’s office. SPAC’s September meeting centered on the research conducted by SPAC Board member Kathryn Bocanegra for her Ph.D. dissertation. The topic of her dissertation was a Geo-Spatial analysis of probationers and resources available in Cook County. SPAC members also benefitted from a moderated discussion of the strengths and weaknesses of SPAC’s procedures and approach to legislation from several panel members who use our work, including Adam Groner from the Budgeting for Results Commission,

legislative members Margo McDermid and Marcus Evans, and Attorney General Kwame Raoul. The final SPAC meeting of 2019, which took place in November, focused on the Illinois Supreme Court's Strategic Plan. The plan was developed over two years of meetings by the Judicial Conference, and Kathy Saltmarsh served on the conference. Marcia Meis, Executive Director of the Administrative Office of the Illinois Courts (AOIC) and Alison Spanner, the point person for the Conference at the AOIC explained the process and the goals of the Conference in pursuing this project.

- **Membership** – SPAC membership changed over 2018 and 2019 as the executive branch changed administrations and several members left the Council.

SPAC saw the following members leave the Council during 2018 and 2019: Anne Fitzgerald, John Maki, Gladys Taylor, Nicholas Kondelis, Michael M. Glick, Kwame Raoul, Jason Barickman, Michael Tardy, and Michael Pelletier. And SPAC welcomed the following new members: Jason Stamps, Henriette Grateau, Nathalina Hudson, Rob Jeffreys, Marcia Meis, James Piper, Elgie Sims, and Steve McClure.

- **Staffing and Budget** – In 2018 and 2019, SPAC was staffed by Kathy Saltmarsh, Executive Director; Michael Elliott, Intergovernmental Affairs and Communications Advisor; Nathaniel Inglis Steinfeld, Research Director; Mark Powers, Senior Research Analyst; Roger Franklin, Data Manager; and John Specker, Research Analyst. Staffing changes included hiring John Specker in February of 2018, as a research analyst to replace Yasmine El-Gohary, who left in late 2017. Roger Franklin left the agency in August 2019.

SPAC's budget remained stable for the years 2018 and 2019.

Policies & Practices: A Decade of Change

If there is one strong take away from looking at the past ten years, it is that passing a bill is far easier than implementing the change it requires. In fact, many legislative proposals were restatements of existing laws that are simply no longer enforced. There were also meaningful substantive reforms, but no new resources for implementing the changes. Cases in point:

1. Statutory preference for probation
2. Statutory preference for recognizance bond (I-bonds) without cash requirements
3. Authorizing sentencing credits and encouraging credits for programming
4. Requiring risk assessment implementation, especially important in the age of “evidence-based” practices
5. Budgeting for Results without any cost-benefit or evaluation tools for its first ten years
6. SPAC without resources – money or people vs. SPAC with resources
7. Drug courts in jurisdictions without drug treatment

On the flip side are significant changes that are unrelated to policy but directly related to actions taken or foregone by stakeholders. Cases in point:

1. Historic reduction in prison population due to consistent downward trend in arrests all over the state
2. Historic reduction in number of people incarcerated for retail theft due to State’s Attorney Kim Foxx’s decision to exercise prosecutorial discretion
3. Historic destruction of capacity for behavioral health treatment and interventions that lead to poor criminal justice outcomes either in terms of accessing continued care upon release from prison or being able to get treatment attendant to probation conditions.

And one constant theme is that the flow of people and money into the system seem unrelated. The historic reduction in the prison population is not accompanied by any change in the IDOC budget for a variety of reasons that are unrelated to public safety or criminal justice. On the other hand, in many jurisdictions the criminal justice system’s willingness to fund treatment for those incarcerated or on probation kept some vendors afloat during a three-year budget impasse, but left people not involved in the system with less access to treatment, a topsy-turvy outcome by any measure.

Next Decade: Trends Toward Less Punitive Responses to Crime

In the political arena the pendulum always swings back and the trend away from tough-on-crime policies towards more individualistic and rehabilitative approaches has been ongoing since before SPAC’s inception. In 2011 SPAC produced its first fiscal impact statement on a bill that was the trifecta of tough-on-crime policies aimed at gun crime. The bill prohibited probation for some offenses, increased minimum sentences, and subjected all gun crimes to 85% truth in sentencing. Ten years later, bills like this are generally consigned to subcommittees or tough questions in committee that result in the bills not passing. On the other hand, bills that reduce drug penalties, mitigate the impact of truth in sentencing, allow for early release based on age, medical condition, or youth, and expand eligibility for diversion programs are more prevalent than ever before but also fail to pass. All of these approaches leave the current sentencing structure in place; however, bills suggesting retroactive early release for certain segments of the prison population suggest that indeterminant sentencing is, in a sense, re-emerging as an option. These proposals allow for an additional exit avenue not available under the current determinate sentencing approach. The proposals place the responsibility on the Prisoner Review Board to use its judgment to determine if IDOC has effectively rehabilitated prison inmates and if they can be released safely into the community.

2018 Legislative Session Fiscal Impact Analyses -

During the 2018 legislative session, SPAC produced fiscal impact analyses of the following bills, none of which passed. All fiscal impact analyses can be found at: <https://spac.illinois.gov/publications/fiscal-impact-analysis>.

SB 3257 & HB 5060 – Changes to Felony Dollar Values of Theft and Retail Theft

Senate Bill 3257 and House Bill 5060. These proposals increased the dollar value threshold for felony theft from \$500 to \$2,000 and retail theft from \$300 to \$2,000. They also limited application of theft sentencing enhancements to individuals with prior felony theft convictions rather than any prior theft or retail theft offense. This proposal would have resulted in fewer felony cases eligible for a sentence to IDOC. **Because Illinois does not report the dollar value of the property stolen, the data was not sufficient to do a full fiscal impact analysis.**

HB 531 SA1 – Parole for Offenders Under 21 Years of Age

Senate Amendment 1 to House Bill 531 proposed amending the Unified Code of Corrections to adjust length of stay by allowing people who were under 21 years old at the time of their offense to apply for early release. Under the bill, people who were serving non-homicide and non-aggravated sexual assault offenses were eligible to apply for early release after serving 10 years. Those who were serving sentences for homicide or aggravated sexual assault would be eligible to apply for early release after 20 years. **Because SPAC had to estimate the age at offense based on the age at sentence and the length of pretrial detention, the data was not sufficient to do a full fiscal impact analysis.**

HB 4173 – Elderly Sentence Modifications

House Bill 4173 proposed the Pathway to Community Program for older inmates in IDOC by permitting early release for those who serve at least 25 consecutive years in prison and reach certain age criteria. SPAC analyzed the most recent IDOC data to determine the number of inmates in IDOC who might be eligible. The data show that on June 30, 2017, IDOC held 945 inmates over the age of 50 who have served at least 25 consecutive years in IDOC. **The data was not sufficient to do a full fiscal impact analysis as it was not possible to determine who might get early release.**

HB 5061 – Limits Habitual Criminal Sentencing Penalty Limited to Adults Convicted of Forcible Felonies

House Bill 5061 proposed amending the three-strikes sentencing provision in the Unified Code of Corrections. The proposal limited the eligibility for the habitual criminal mandatory life sentence and the Class X enhancement to those who commit three or more serious crimes. For the mandatory life sentence, HB 5061 increased the age at the time of the first of the three offenses to 21, up from 18 or older. For the Class X sentence enhancement, HB 5061 required that the qualifying predicate offenses be Class 1 or Class 2 *forcible* felonies rather than any Class 1 or Class 2 felony. This proposal would have limited the number of people who are eligible for the more serious sentences. **Due to current data limitations, which prevent reliable identification of individuals actually sentenced as habitual criminals, SPAC could not do a full fiscal impact analysis.**

HB 5532 – Removes Mandatory Supervised Release Requirement for Class 4 Non-Domestic Violence offenses

House Bill 5532 proposed removing Mandatory Supervised Release (MSR) for Class 4 felonies where the offense does not involve domestic violence. Currently, the law requires one year of MSR for Class 4 felonies before the person is officially discharged from IDOC. This proposal would have decreased the number of technical violators returning to prison but might have increased the number of new court admissions to prison. Due to data limitations, SPAC was unable to estimate the fiscal impact of this change on IDOC. **However,**

there was sufficient data to determine which offenders would have been impacted had this bill been in effect over the past three years.

HB 4351 – Changes to Truth-in-Sentencing for Certain Offenses Involving Minors

House Bill 4351 proposed to change the truth-in-sentencing (TIS) good-time credit restrictions for four crimes, aggravated battery, aggravated kidnapping, luring, and predatory criminal sexual assault, when the victims are minors. The bill would change the required length of stay from 85% of the sentence imposed to 100% of the sentence imposed. This proposal would have resulted in a longer length of stay in IDOC.

IDOC POPULATION INCREASE: 125 additional inmates by 2028

TOTAL COSTS INCREASED OVER THREE YEARS: **-\$20,047,306**

TOTAL VICTIMIZATION BENEFITS RANGE OVER THREE YEARS: \$169,136

NET BENEFITS (BENEFITS MINUS COSTS): **-\$19.9MILLION** (A negative benefit indicates that costs are greater than benefits)

HB 4948 – Sentence Enhancements for Stalking When Victim is Under 18

House Bill 4948 proposed increasing the felony class by one level for stalking, aggravated stalking, and cyberstalking when the victim is under the age of 18. The bill increased the felony class for these offenses and thus increased the probability of a longer prison term and a longer length of stay in IDOC.

Illinois does not report the age of stalking or cyberstalking victims into any statewide database. Therefore, SPAC uses the National Incident-Based Reporting System (NIBRS) to provide some perspective on the age of these victims. The national data report the age of victims of “intimidation” crimes, which include stalking, cyberstalking, and other crimes that place a victim in reasonable fear of bodily harm without the use of any weapon or actual physical attack. NIBRS includes data reported from Rockford, Illinois, the only Illinois jurisdiction that reported detailed NIBRS data in 2015.

According to NIBRS 2015 data, approximately 13% of national intimidation incidents are of victims under 18 years old. The Rockford Police Department reported a slightly lower rate of 9% of intimidation incidents. Because the offense definition differs from HB4948, the data are not sufficient to support a fiscal impact analysis.

HB 5767 & HB 1466 HA1 – Sentence Enhancements for Methamphetamine Delivery Within 500 feet of a Protected Zone

House Bill 5768 and House Amendment 1 to House Bill 1466 proposed amending the Methamphetamine Control and Community Protection Act to increase the offense class for delivery of methamphetamine and aggravated delivery of methamphetamine in a protected zone from a Class 2 to a Class 1 felony. The increased class would have resulted in an increased likelihood of a longer stay in IDOC.

IDOC POPULATION INCREASE: 25 additional inmates

TOTAL COSTS INCREASED OVER THREE YEARS: **-\$532,754.00**

TOTAL VICTIMIZATION BENEFITS RANGE OVER THREE YEARS: \$498.00

NET BENEFITS (BENEFITS MINUS COSTS): **-\$532,256.00** (A negative benefit indicates that costs are greater than benefits)

2019 Legislative Session Fiscal Impact Analyses

During the 2019 legislative session, SPAC completed the following fiscal impact analyses for the following bills, none of which passed. All fiscal impact analyses can be found at: <https://spac.illinois.gov/publications/fiscal-impact-analysis>.

SB 219 SA1 – Mandatory Minimums for Child Pornography Possession Offenses

Senate Amendment 1 to Senate Bill 219 proposed a mandatory minimum prison term for possession of child pornography when the victim is a family or household member of the offender. This proposal would have removed the ability of a judge to sentence an individual to a term of probation and would increase the number of sentences to prison.

IDOC POPULATION INCREASE: 15 additional inmates annually
TOTAL COSTS INCREASED OVER THREE YEARS: **-\$305,710.00**
TOTAL VICTIMIZATION BENEFITS RANGE OVER THREE YEARS: \$0.00
NET BENEFITS (BENEFITS MINUS COSTS): **-\$305,710.00** (A negative benefit indicates that costs are greater than benefits)

SB 1311 – Changes to Sentence Enhancements for Animal Cruelty

Senate Bill 1311 increased the offense class by one level for violations of the Humane Care of Animals Act. Class A misdemeanors would become Class 4 felonies, and all other felonies would move up one felony class. The proposed change would have increased the potential sentence ranges for these offenses and increased the length of stay in IDOC.

IDOC POPULATION INCREASE: 6 additional inmates annually
TOTAL COSTS INCREASED OVER THREE YEARS: **-\$737,496.00**
TOTAL VICTIMIZATION BENEFITS RANGE OVER THREE YEARS: \$197.00
NET BENEFITS (BENEFITS MINUS COSTS): **-\$719,601.00** (A negative benefit indicates that costs are greater than benefits)

SB 1968 – Revisiting Sentencing for Non-Violent Offenders with Less Than Four Months Stay

Senate Bill 1968 proposed to prevent admission of people to IDOC who were being admitted for stays of four months or less. This proposal would have applied to Class 3 and Class 4 felons with little time left to serve on their sentence due to pretrial detention. Under this bill, those with these short lengths of stay would be sent to Home Detention, an adult transition center, or another facility or program within IDOC. This proposal would have decreased admissions to prison for people with short lengths of stay.

IDOC POPULATION DECREASE: -21 inmates annually
TOTAL COSTS INCREASED OVER THREE YEARS: **\$91,564.00**
TOTAL VICTIMIZATION BENEFITS RANGE OVER THREE YEARS: **\$18,771.00**
NET BENEFITS (BENEFITS MINUS COSTS): **-\$110,335.00** (A negative benefit indicates that costs are greater than benefits)

SB 1971 – Drug, Probation, and Sentencing Reform

Senate Bill 1971 was a comprehensive criminal justice reform bill that incorporated many elements of prior reform bills. SB 1971 changed drug penalties, felony thresholds for theft and retail theft, truth-in-sentencing, limiting the number of people in prison who would serve short terms in IDOC custody, habitual criminal laws, and increased probation eligibility and other forms of qualified probation. SB1971 also reformed other criminal

justice topics outside of sentencing policies. As a whole, the proposal would have reduced lengths of stay and fewer people would have been admitted to IDOC.

PARTIAL IDOC POPULATION DECREASE: 6,000 additional inmates annually (this is a partial projection due to data limitation)

PARTIAL TOTAL COSTS AVOIDED OVER THREE YEARS: Between \$465 and \$538 million

PARTIAL VICTIMIZATION COSTS OVER THREE YEARS: \$18 million

PARTIAL NET BENEFITS (BENEFITS MINUS COSTS): \$447 and \$520 million

HB 1614 – Changes to Felony Dollar Value of Theft and Retail Theft

House Bill 1614 increased the dollar value threshold for felony theft from \$500 to \$2,000 and felony retail theft from \$300 to \$2,000. The bill also changed the criminal history enhancements by requiring the prior offense that triggers the sentence enhancement to be a felony offense rather than any prior theft or retail theft offense. This proposal would have resulted in fewer felony cases eligible for a sentence to IDOC. **Because Illinois does not report the dollar value of the property stolen, the data was not sufficient to do a full fiscal impact analysis.**

HB 1615 – Changes to Felony Murder

House Bill 1615 proposed to amend the first-degree murder statute to separate felony murder into cases where the person causes death while committing a forcible felony other than second degree murder, (a)(3), and cases where the other parties to the forcible felony cause the death, (a)(4). Consistent with current laws, both primary and accountable defendants would face first-degree murder sentencing. **SPAC could not determine the impact of HB1615, as it is redefining felony murder.**

HB 2291 HA1 – Drug Offense Sentencing Reform

House Amendment 1 to House Bill 2291 proposed to reclassify possession of low levels of controlled substances and methamphetamine from felony offenses to misdemeanors. This proposal would have removed the possibility of being sentenced to IDOC for these reclassified offenses.

Criminal history data does not include drug weights. Consequently, SPAC is unable to identify the weight of drugs an individual possessed at the time of their arrest for the low-level drug possession offenses in the Controlled Substances Act (CSA) and the Methamphetamine Control and Community Protection Act (MCCPA).

SPAC Research Reports

In addition to fiscal impact analyses, SPAC's research team published research reports centered on important and relevant aspects of the criminal justice system. These reports provide more detail to policymakers, public officials, and other stakeholders to improve their knowledge of the system, and shine a light on areas of the criminal justice system that are often overlooked or need further analysis. SPAC also published reports as mandated by legislation. In 2018 and 2019 SPAC published 12 different research reports.

SPAC is statutorily mandated to report on Public Act 99-861 ([PA99-0861](#)) on Presentence Investigations (PSI). SPAC did not publish a report on PA99-0861 in 2018 or 2019 because there was not sufficient data to analyze. However, in early 2020, SPAC found an innovative approach to use available AOIC aggregate data on the number of PSIs ordered and sentencing data from the Criminal History Information Reporting system to analyze the impact of Public Act 99-861. SPAC found that the number of PSIs reported decreased after the Act went into effect and that sentences to IDOC did not appear to be affected by the Act.

SPAC is statutorily mandated to report on Public Act 100-3 ([PA100-0003](#)) on Downward Departures for UYW sentencing. Due to the limited data, SPAC was not able to do an analysis of the bill's impact in 2018 or 2019. In early 2020, the Conference of Chief Circuit Judges approved a sentencing order SPAC developed to collect the necessary data, so a report will be published in 2021.

2018 Research Reports

All fiscal impact analyses can be found at: <https://spac.illinois.gov/publications/research-reports>

SPAC Misdemeanor Report:

SPAC's misdemeanor report focused on the offense characteristics, dispositions, criminal history, and the demographics for 2017 arrest and dispositions. The report also analyzed three years of recidivism patterns for misdemeanor arrests that occurred in 2014. The report was the first analysis of the large number of misdemeanors and sentencing practices in the misdemeanor system, which is often overlooked in criminal justice policymaking. Whether the result of successful sentencing policies or other factors we cannot measure at this time, the report found that the majority of misdemeanants did not go on to commit more crimes, and that those receiving supervision had the lowest recidivism rates.

Prison Research Infographic

As an update to the previous Prison Resource Infographic, SPAC published this report to illustrate how different offense classes consume resources. For the updated report, SPAC analyzed the average number of exits in each offense class for 2015, 2016, and 2017. Resources consumed are expressed in bed-years and dollars. SPAC's report finds that, in 2018, the true per capita cost for housing one inmate for one year, including all of the benefits and pension costs is \$44,704.

Commission Recommendations Implementation

After SPAC served as a primary research team for the Rauner Commission in 2015, SPAC started to publish an annual document that tracks how the State of Illinois is progressing on implementing the recommendations provided by the commission. Of the 27 recommendations, SPAC last found that most were not fully implemented.

Average Joe Profiles Prison

In another update of a previous SPAC report, SPAC published Average Joe Prison profiles. These profiles answer the questions: Who is the average inmate coming out of state prison? What crime did they commit? How long did they stay in the system? What was their experience? To answer those questions, SPAC used exits from state prisons from 2017 to determine the basic demographics and characteristics of this group and exits in 2014 (2017?) from state prisons to analyze new offense and return to prison trends.

2018 Prison Pies

SPAC provided an annual update of the previous fiscal year to provide insight to the criminal justice system. This report details IDOC Admissions, Exits, and Current population using data from the 2018 State Fiscal Year and June 30th, 2018.

2019 Research Reports

State Use of Electronic Monitoring

The Illinois Prisoner Review Board (PRB) asked SPAC to review PRB orders for electronic or GPS monitoring over a three-month period in 2018. SPAC reviewed 2,191 unique orders representing approximately 31% of PRB hearings held during that time. SPAC tracked the frequency at which electronic monitoring (EM) was imposed by PRB staff or recommended by IDOC staff.

As noted by the Budgeting for Results Commission, both IDOC and PRB share responsibility for administering EM but neither agency has sole authority for implementation. The available EM data show that IDOC and PRB are adding an equal number of cases to the EM caseload and that both agencies impose it for similar reasons. The PRB provides an additional check on IDOC facility related differences in recommending EM, producing some additional consistency in its use. Although the application of EM appeared to comply with Illinois' Electronic Monitoring and Home Detention Law, no clear administrative rules were available for review, so SPAC could not analyze regulatory consistency.

EM generally has a minimal effect on reducing recidivism and changing criminal behavior. The additional supervision is often effective at providing a justification for a revocation from community supervision, which can lead to higher costs for the system without corresponding recidivism-reducing benefits. The question of whether EM is effective as a condition of supervision can only be answered by evaluating the program to determine the outcomes it produces. The information gained through that process could also guide improvements for the use of EM to ensure that the benefits of the program are greater than its costs.

The end result of the study provided momentum for the Budgeting for Results Commission's examination of the costs and benefits of EM, which likewise led to an evaluation of EM by the Illinois Criminal Justice Information Authority.

SB1557 HA1 Cannabis Expungement Analysis

SPAC reviewed state administrative data to estimate the potential impacts of expunging past criminal history records under the proposed Senate Bill 1557, House Amendment 1, which became the Cannabis Regulation and Tax Act of 2019.

Data Access Chart

SPAC's Data Access chart provides additional information about finding and requesting Criminal Justice Data in the State of Illinois.

Average Joe Felony Conviction Profiles

To grasp a more complete picture of the criminal justice system, SPAC expanded its average offender profiles from people who are exiting prison to all people who are convicted. These profiles detail all convictions in 2017 to determine the characteristics and demographics of those who are convicted of a felony offense in Illinois. SPAC also used people who were convicted in 2014 to measure recidivism patterns for those who were in the community and able to recidivate after their offense.

2019 Prison Pies

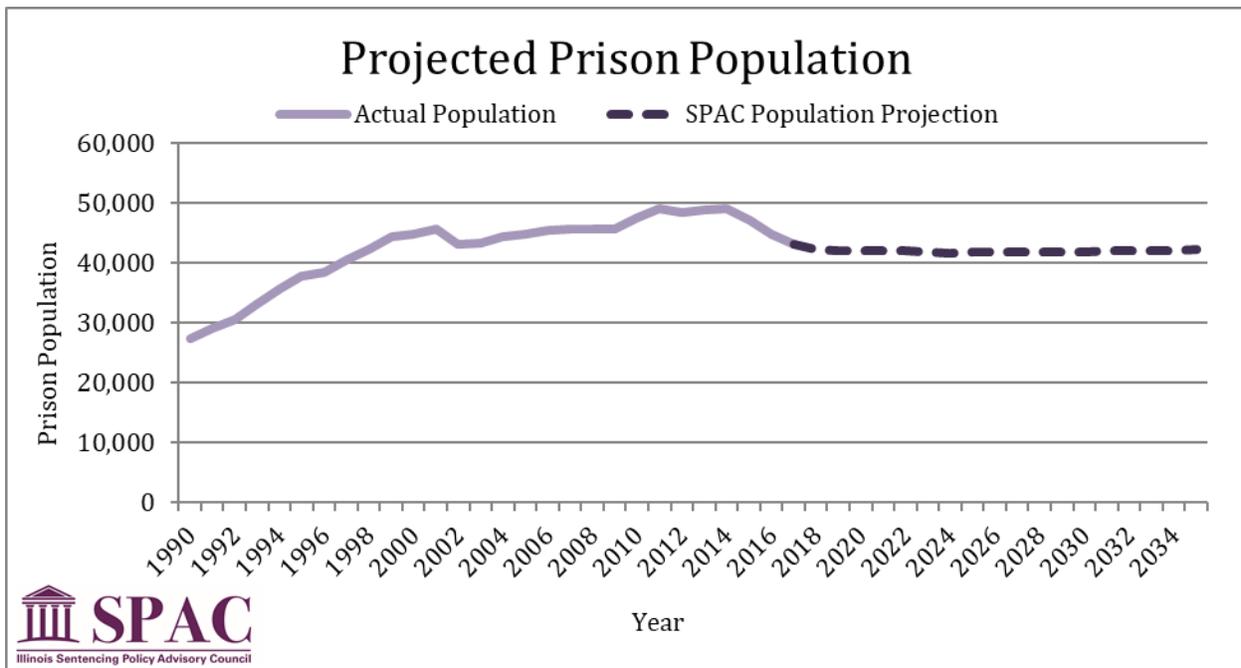
SPAC provides an annual update of the previous fiscal year to provide insight to the criminal justice system. This report details IDOC Admissions, Exits, and Current population. It highlights data from the 2019 State Fiscal Year and June 30th, 2019.

Population Projections

2018 Baseline Illinois Department of Corrections Population Projection

The SPAC prison population projection takes the two key policy levers—admissions and length of stay—to create a reasonable estimate of the State’s future prison population. Both admissions and the average prison terms are held constant from the average of the past year. This approach gives a plausible baseline to compare any simulated policy changes. The implicit assumptions are also familiar to system stakeholders. For example, if a reader believes admissions were abnormally low for the past year, s/he can read the model’s output as a conservative underestimate of the future prison population. Likewise, a reader who believes admissions will continue to fall can read the output as an overestimate of the future prison population. Both can understand the projection based on familiarity with past experience.

SPAC projected the prison population for FY2018-2035 using the average prison admissions, sentences, and policy positions of FY2017. The projection model projects the prison population to decrease to around 42,000 and then to stay relatively flat with a slight annual increase occurring in the future.

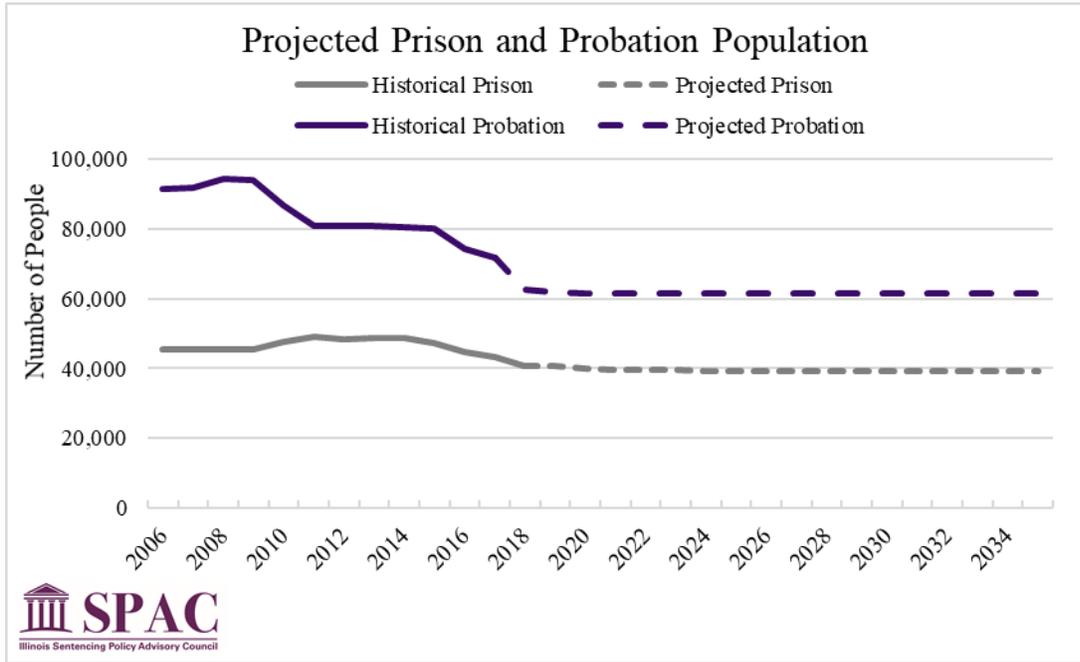


The assumption of constant admissions results in a fairly flat projection. The model currently overestimates the population, at least in the short-term, because of the assumption that future admissions will look like the average FY2017 admissions. Prison admissions have declined and continue to decline every month, and the higher admissions of early FY2017 cause the projection to be high. However, the use of historical admissions presents a realistic estimate of future prison populations if the downward trend of admissions slows and eventually stabilizes.

2019 Baseline Illinois Department of Corrections Prison and Probation Projections

Using the latest data for both prison and probation populations, SPAC projects the prison population for 2019-2035 using the average prison admissions, sentences, and sentence credit policies of FY2018. SPAC projects the probation population for 2018-2035 using probation sentences and sentence lengths. The projection model

projects the prison population to decrease to around 39,100 and then to stay relatively flat and the probation population to be relatively flat at 61,700.



The assumption that sentences will be constant results in a flat projection after a small initial decline. In the short term, the model overestimates the population because of the constant-sentences assumption; for example, prison admissions have declined and continue to decline almost all due to fewer arrests, convictions, and sentences. The decline continues every month and the higher admissions of early in the prior year cause the projection to overestimate the current population. Similarly, probation sentences have dropped substantially in recent years and the probation projection may also be an overestimate. However, the use of historical admissions presents a realistic estimate of future populations if the downward trend of admissions slows and then stabilizes.

Special Topic SPAC Events

Criminal Justice 101

On February 5th, 2019, SPAC held Criminal Justice 101, a briefing for the General Assembly. The purpose of this meeting was to introduce SPAC and SPAC’s work to the General Assembly and to provide the new members of the General Assembly with a crash course in the need-to-know facts of the criminal justice system in Illinois. Attendees included House and Senate Staff from both Democrat and Republican caucuses, members of the General Assembly, and other interested parties. SPAC then gave a similar presentation to the Lt. Governor’s office.

SPAC Budget 101

On April 24th, 2019, SPAC partnered with the Governor’s Office of Management and Budget to provide a presentation to nonprofits and philanthropy organizations on the budget process in the State of Illinois. This meeting was well attended and provided a detailed explanation of how the budget process works in Illinois and how people crafting legislation can engage budget analysts to better understand how funding is allocated for new and existing programs.

Criminal Justice Data 101

On October 18th, 2019, SPAC held Illinois Adult Criminal Justice Data 101. The purpose of this meeting was to provide background on the criminal justice data in Illinois to organizations engaged in research and the legislative process. The meeting allowed attendees the opportunity to learn about criminal justice data in Illinois, how the different agencies use the data, what datasets are available publicly, and how to properly request data. Feedback from attendees was that it was helpful in getting a better understanding of the current state of criminal justice data in Illinois and how to access data from different sources.

SPAC Research Lunch Get Togethers

In 2019, SPAC's John Specker initiated Research Lunch Get-Togethers, hosted by SPAC, for criminal justice researchers around the state to begin to build a community of shared knowledge and collaboration. Attendees include academics, researchers at other state agencies, and researchers from local groups that work with Illinois specific criminal justice data. SPAC hosts these meetings quarterly in Chicago and downstate as an opportunity to develop relationships, discuss ongoing projects, share analysis techniques, ask questions, and provide feedback to help ensure that criminal justice research in Illinois is robust and efficient. In the future researchers from non-criminal justice agencies will be invited to join the discussion to further strengthen the utility of research in agency administration and policymaking.

November 2018 SPAC Meeting: Imagining the Future of Sentencing

The question presented at this meeting was, assuming that the Criminal Code and Code of Corrections have been repealed, and using what we know now, how would you design a new criminal justice system? Members were reminded at the outset of SPAC's examination of the Illinois system, as well as the conclusions of more recent national research on crime and punishment that debunked some of the strongly held beliefs about harsh sentences and how new science supported different approaches to improving individual and societal outcomes, including:

1. The two levers that drive our sentenced population, admissions and length of stay, remain constant. But our sentencing trends have come full circle, shifting from a slightly higher percentage of sentences to prison than to probation in 2011 to probation edging out prison since 2015.
2. The consistent, statewide decrease in arrests and admissions to IDOC over the last four years has resulted in a decrease in the population that is almost the 25% Governor Rauner set as his goal in 2015. This decrease demonstrates that the discretionary decisions at the front end can decrease the prison population far more quickly than statutory reforms. For example, Cook County State's Attorney Kim Foxx's decision not to prosecute retail thefts below a \$1,000 threshold led to an almost immediate decline in the number of retail thieves in the prison population.
3. The belief that harsher prison sentences deter crime and make our communities safer has been discredited by decades of research. The "prison paradox" is that more prison does not lead to more safety and social science suggests that the system is now affirmatively harming the communities it targets, supporting the generational cycles of crime and violence.
4. Criminal history, which includes arrests and convictions, remains the most powerful factor in sentencing and plays a critical role in risk assessment as well. A history of "violent crime," for which Illinois has three separate and somewhat overlapping definitions, can operate to bar individuals from diversion, alternatives to incarceration, and probation even when those options may be the best suited to achieve a rehabilitative result. Violent arrests and convictions are also barred from sealing and expungement regardless of how much rehabilitation an individual has demonstrated during or after incarceration.
5. Risk assessment remains elusive in the Illinois Department of Corrections (IDOC) and consistent use in probation cannot be established by available data.
6. As knowledge about the role of trauma and addiction evolves, our system does not evolve as quickly. Access to treatment in the community remains unacceptably low, and access in IDOC

- remains far below the number of slots needed. Capacity for all types of behavioral health services is well below what it should be for a state of our size.
7. The cycle of victimization and perpetration remains strong. There is now a recognition that in order to support all victims we must revisit how we provide victim services and compensation so that the majority of victims and their families are not excluded from accessing those things based on criminal history.
 8. Probation officers, who supervise more people than the prison system, have no information about the services their clients consume. Nor do they have input into what happens to their clients if they are rearrested, frequently finding out that probation was revoked after the client has been resentenced to prison. Though recidivism rates for probation remain lower than those for prison, there is no real evaluation of probation outcomes to inform the stakeholders and data on probation is not readily available to researchers.
 9. SPAC follows the money on a system-wide basis using a cost-benefit approach to calculate victimization costs for fiscal impact statements. We also participate in the broader implementation of CBA through the Budgeting for Results Commission housed in the Governor's Office of Management & Budget. This work highlights the importance of a feedback loop that includes legitimate performance measures and outcome evaluations.
 10. Misdemeanor sentencing – SPAC took its first look at misdemeanor sentencing and found that while most people in IDOC have misdemeanors in their history, most misdemeanants do not go on to commit more crimes, and that those with the lowest level of supervision have the lowest recidivism rates.

SPAC members were reminded of the principles articulated by the National Academy of Sciences in its 2014 report on the growth of incarceration in this country. The 2014 report, spearheaded by Jeremy Travis and marshalling many of the nation's top criminologists and justice researchers, identified the main causes of the growth in incarceration and the relationship with crime. Overall, the Academy report rearticulated the foundational purposes of sentencing for policymaking:

- Proportionality – the sentence should be proportional to the seriousness of the crime.
- Parsimony – the punishment should be the minimum needed to achieve its legitimate purpose.
- Citizenship – conditions of imprisonment and supervision should not be so severe that they undermine an individual's status as a member of society.
- Social Justice – as public institutions in a democracy, prisons should promote the general well-being of all members of society.¹

A copy of the most recent report from the Vera Institute of Justice project on reimagining prison from the baseline value of respecting human dignity also helped shape the discussion.² The Vera Report suggested rooting our conversations on sentencing around human dignity and highlighting the humanity even of those who commit crimes. As stated in the report, the discussion of criminal justice policy frequently does not include people who have lived experience in the system, so it was an added benefit to SPAC to have several individuals who had survived sentences for murder, sexual assault and less serious offenses join the conversation. In all cases, the refrain was the same – that every day of incarceration was degrading and for those sentenced to IDOC basic human dignity was not part of the ultimate mission of “correcting” criminal behavior.

¹ National Research Council. (2014). *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. Committee on Causes and Consequences of High Rates of Incarceration, J. Travis, B. Western, and S. Redburn, Editors. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press. The full report is available here: <https://www.nap.edu/read/18613>. See page 3 for summary of principles cited here.

² Ruth Delaney, Ram Subramanian, Alison Shames, & Nicholas Turner. (2018). *Reimagining Prison*. Vera Inst. of Justice. The full report and summaries are available here: <https://www.vera.org/publications/reimagining-prison-print-report>

Also joining the members was Lisa Daniels who lost her son to gun violence and pleaded for leniency for his killer. She talked about how lengthy imprisonment would not bring her closure nor make the man less likely to commit crimes in the future. Ms. Daniels, now a member of the Prisoner Review Board, emphasized the need for a restorative justice approach to true accountability, not just punishment, for the offender and support for victims to find their own path to closure and healing.

Against this backdrop, and with reference to a number of projects SPAC presented at prior meetings the discussion was wide-ranging and heartfelt. Prominent themes emerged:

1. The system can dehumanize the stakeholders as well as the people it processes by requiring judges to impose sentences that bear no relationship to reality and that result in the ruination of numerous lives.
2. The system punishes too harshly and does too little to rehabilitate.
3. Our largest prison populations are housed in Pontiac and Menard, two buildings that exemplify the punishment philosophy of the past and are not conducive to a rehabilitative function.
4. The correctional staff are still primarily security focused and do not have the skills necessary to support rehabilitation.
5. Parole (MSR) revocation is too punitive.

Snapshots of the Illinois Criminal Justice System

A new feature in annual reports this year and going forward are a sample of SPAC's snapshots of information on the top offenses resulting in conviction. The snapshots provide 2018 data including trends in arrests, convictions, and court supervisions, racial demographics of those people who are convicted, the conviction class and the sentences imposed (statewide and SPAC geographical regions), and three-year recidivism measurements for people who were convicted of these offenses in 2015. Additional snapshots are available on [SPAC's website](#).³

³ See the full set of dashboards at: https://spac.illinois.gov/publications/research-reports/snapshot_2018.

Calendar Year 2018 – Data Factsheet

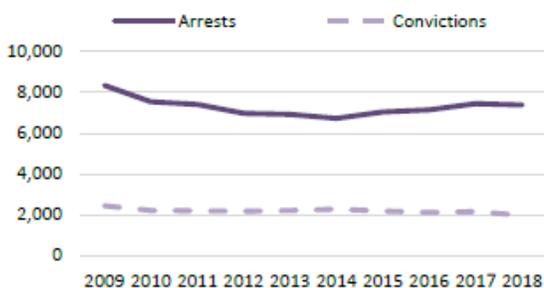
Aggravated Battery

720 ILCS 5/12-3.05

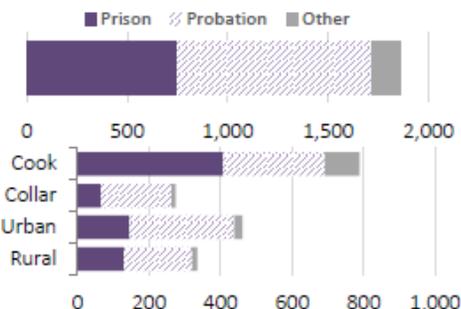
accounted for 6% of 2018's felony convictions

Arrests: 5,917 Convictions: 1,956 Court Supervision: <10

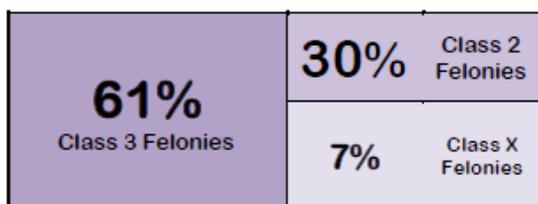
Trends



Most Severe Sentence

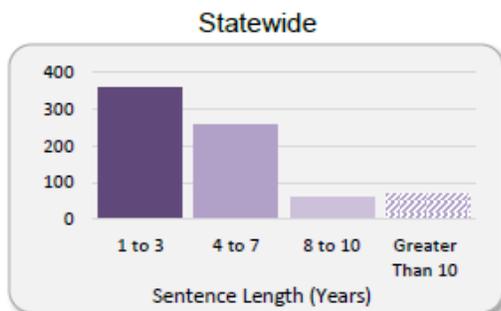


Conviction Class

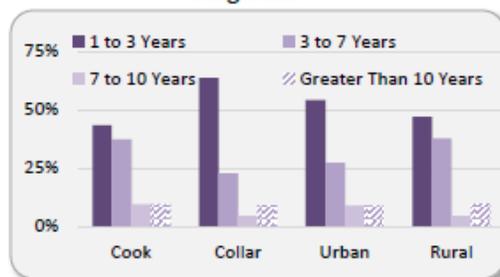


Sentence Type	2009 Average Sentence Imposed	2018 Average Sentence Imposed	Percent Change
Prison	4.6 years	5.1 years	+11%
Probation	2.1 Years	2.0 years	-2%

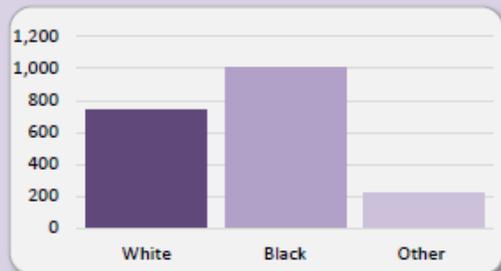
Prison Sentence Distribution (years)



Regional



Racial Breakdown 2018 Convictions



Recidivism



Recidivism: convictions that occur within three years of (a) sentence to probation or (b) release from prison, counted in convictions' arrest year. Data from 2015 probation sentences and prison releases.

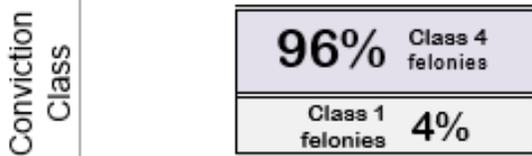
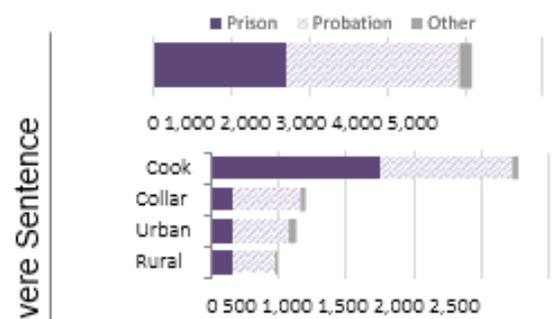
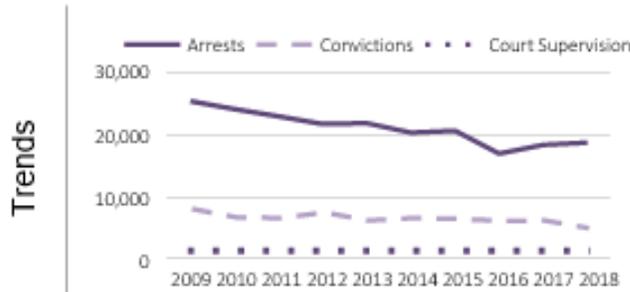
Calendar Year 2018 – Data Factsheet

Possession of Controlled Substance

720 ILCS 570/402

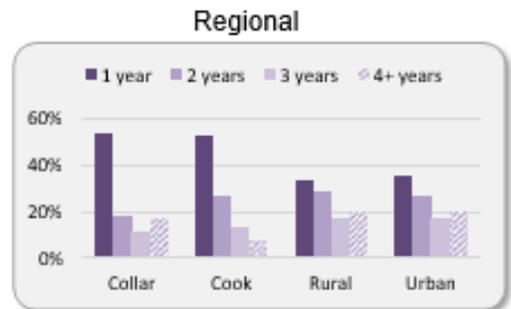
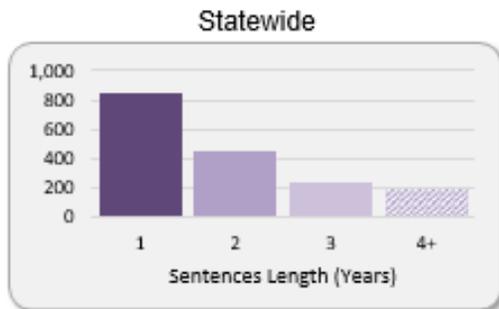
accounted for 13% of 2018's felony convictions

Arrests: 18,922 Convictions: 4,276 Court Supervision: 1,075

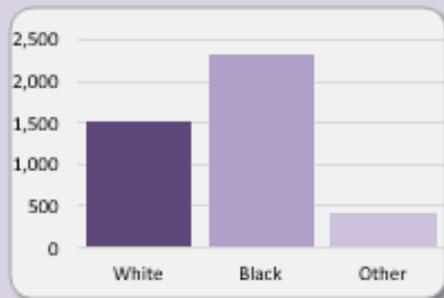


Sentence Type	2009 Average Sentence Imposed	2018 Average Sentence Imposed	Percent Change
Prison	2.2 years	2.1 years	-7%
Probation	2.1 years	2.0 years	-2%

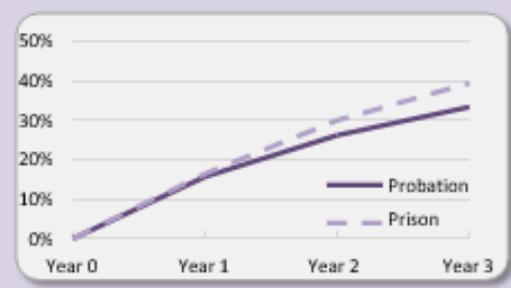
Prison Sentence Distribution (years)



Racial Breakdown 2018 Convictions



Recidivism



Recidivism: convictions that occur within three years of (a) sentence to probation or (b) release from prison, counted in convictions' arrest year. Data from 2015 probation sentences and prison releases.

Conclusion

Pushing forward, SPAC will continue to work to produce user-friendly, understandable and relevant research and analysis to the executive and legislative decision-making processes, always with the goal of improving the outcomes produced by the Illinois criminal justice system. As always, we welcome constructive criticism and rigorous collaboration. Our members reflect the people who are responsible for the integrity of our system and they have never failed to actively engage and participate in our meetings or raise important questions. As the role of data in decision making continues to develop, SPAC will work to make sure that our members and our colleagues in the criminal justice policy arena are fully equipped with analysis that supports better outcomes and a more effective system to address the harms caused by crime and victimization.

Appendix – SPAC’s Enabling Statute

(730 ILCS 5/5-8-8)

Sec. 5-8-8. Illinois Sentencing Policy Advisory Council.

(a) Creation. There is created under the jurisdiction of the Governor the Illinois Sentencing Policy Advisory Council, hereinafter referred to as the Council.

(b) Purposes and goals. The purpose of the Council is to review sentencing policies and practices and examine how these policies and practices impact the criminal justice system as a whole in the State of Illinois. In carrying out its duties, the Council shall be mindful of and aim to achieve the purposes of sentencing in Illinois, which are set out in Section 1-1-2 of this Code:

(1) prescribe sanctions proportionate to the seriousness of the offenses and permit the recognition of differences in rehabilitation possibilities among individual offenders;

(2) forbid and prevent the commission of offenses;

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

(4) restore offenders to useful citizenship.

(c) Council composition.

(1) The Council shall consist of the following members:

(A) the President of the Senate, or his or her designee;

(B) the Minority Leader of the Senate, or his or her designee;

(C) the Speaker of the House, or his or her designee;

(D) the Minority Leader of the House, or his or her designee;

(E) the Governor, or his or her designee;

(F) the Attorney General, or his or her designee;

(G) two retired judges, who may have been circuit, appellate, or supreme court judges; retired judges shall be selected by the members of the Council designated in clauses (c) (1) (A) through (L);

(G-5) (blank);

(H) the Cook County State's Attorney, or his or her designee;

(I) the Cook County Public Defender, or his or her designee;

(J) a State's Attorney not from Cook County, appointed by the State's Attorney's Appellate Prosecutor;

(K) the State Appellate Defender, or his or her designee;

(L) the Director of the Administrative Office of the Illinois Courts, or his or her designee;

(M) a victim of a violent felony or a representative of a crime victims' organization, selected by the members of the Council designated in clauses (c) (1) (A) through (L);

(N) a representative of a community-based

organization, selected by the members of the Council designated in clauses (c) (1) (A) through (L);

(O) a criminal justice academic researcher, to be selected by the members of the Council designated in clauses (c) (1) (A) through (L);

(P) a representative of law enforcement from a unit of local government to be selected by the members of the Council designated in clauses (c) (1) (A) through (L);

(Q) a sheriff outside of Cook County selected by the members of the Council designated in clauses (c) (1) (A) through (L); and

(R) ex-officio members shall include:

(i) the Director of Corrections, or his or her designee;

(ii) the Chair of the Prisoner Review Board, or his or her designee;

(iii) the Director of the Illinois State Police, or his or her designee;

(iv) the Director of the Illinois Criminal Justice Information Authority, or his or her designee; and

(v) the Cook County Sheriff, or his or her designee.

(1.5) The Chair and Vice Chair shall be elected from among its members by a majority of the members of the Council.

(2) Members of the Council who serve because of their public office or position, or those who are designated as members by such officials, shall serve only as long as they hold such office or position.

(3) Council members shall serve without compensation but shall be reimbursed for travel and per diem expenses incurred in their work for the Council.

(4) The Council may exercise any power, perform any function, take any action, or do anything in furtherance of its purposes and goals upon the appointment of a quorum of its members. The term of office of each member of the Council ends on the date of repeal of this amendatory Act of the 96th General Assembly.

(5) The Council shall determine the qualifications for and hire the Executive Director.

(d) Duties. The Council shall perform, as resources permit, duties including:

(1) Collect and analyze information including sentencing data, crime trends, and existing correctional resources to support legislative and executive action affecting the use of correctional resources on the State and local levels.

(2) Prepare criminal justice population projections annually, including correctional and community-based supervision populations.

(3) Analyze data relevant to proposed sentencing legislation and its effect on current policies or practices, and provide information to support evidence-based sentencing.

(4) Ensure that adequate resources and facilities are

available for carrying out sentences imposed on offenders and that rational priorities are established for the use of those resources. To do so, the Council shall prepare criminal justice resource statements, identifying the fiscal and practical effects of proposed criminal sentencing legislation, including, but not limited to, the correctional population, court processes, and county or local government resources.

(4.5) Study and conduct a thorough analysis of sentencing under Section 5-4.5-110 of this Code. The Sentencing Policy Advisory Council shall provide annual reports to the Governor and General Assembly, including the total number of persons sentenced under Section 5-4.5-110 of this Code, the total number of departures from sentences under Section 5-4.5-110 of this Code, and an analysis of trends in sentencing and departures. On or before December 31, 2022, the Sentencing Policy Advisory Council shall provide a report to the Governor and General Assembly on the effectiveness of sentencing under Section 5-4.5-110 of this Code, including recommendations on whether sentencing under Section 5-4.5-110 of this Code should be adjusted or continued.

(5) Perform such other studies or tasks pertaining to sentencing policies as may be requested by the Governor or the Illinois General Assembly.

(6) Perform such other functions as may be required by law or as are necessary to carry out the purposes and goals of the Council prescribed in subsection (b).

(7) Publish a report on the trends in sentencing for offenders described in subsection (b-1) of Section 5-4-1 of this Code, the impact of the trends on the prison and probation populations, and any changes in the racial composition of the prison and probation populations that can be attributed to the changes made by adding subsection (b-1) of Section 5-4-1 to this Code by Public Act 99-861.

(e) Authority.

(1) The Council shall have the power to perform the functions necessary to carry out its duties, purposes and goals under this Act. In so doing, the Council shall utilize information and analysis developed by the Illinois Criminal Justice Information Authority, the Administrative Office of the Illinois Courts, and the Illinois Department of Corrections.

(2) Upon request from the Council, each executive agency and department of State and local government shall provide information and records to the Council in the execution of its duties.

(f) Report. The Council shall report in writing annually to the General Assembly, the Illinois Supreme Court, and the Governor.

(g) (Blank).

(Source: P.A. 100-3, eff. 1-1-18; 100-201, eff. 8-18-17; 101-279, eff. 8-9-19.)