



Illinois General Assembly Joint Criminal Justice Reform Committee

FINAL REPORT

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Submitted Pursuant to House Joint Resolution 96

Contents

	Page
Introduction	2
Committee Hearings	2
Hearing Dates.....	2
Testifying Witnesses	2
Site Visits	4
DuPage County Adult Redeploy Illinois	4
Stateville Correctional Center.....	4
Sheridan Correctional Center	4
Cook County Department of Corrections	4
First Municipal District Bond Courts, Circuit Court of Cook County	5
Discussion Topics	5
Illinois Department of Corrections Population.....	5
County Corrections Populations	6
Juveniles in the Criminal Justice System	6
Sentencing for Drug-Related Offenses.....	7
Problem-Solving Courts and Diversion Programs.....	7
Nationwide Trends.....	8
Recommendations	9
Appendix A: Written Submissions of Testifying Witnesses	

Introduction

The Joint Criminal Justice Reform Committee (“Committee”) was created in the 98th General Assembly by House Joint Resolution 96. This special committee was created to examine the current Illinois criminal justice system, the impact of the current sentencing structure, and discuss suggestions and strategies for reform. The Committee is a bi-cameral and bi-partisan effort of members of the Illinois General Assembly to examine sentencing and corrections policies and to solicit input from a wide range of stakeholders in the criminal justice community. Over the past several months, the Committee participated in important discussions about the direction of Illinois’ criminal justice system and helped to bring existing issues to the forefront.

Pursuant to House Joint Resolution 96, the Committee respectfully submits this report to the General Assembly. This report provides a general overview of the Committee’s work, as well as information provided to the Committee by stakeholders, researchers, and analysts. The Co-Chairs of the Committee see the recommendations within this report as a promising beginning and are committed to continuing discussions concerning sentencing reform moving forward.

Committee Hearings

In fulfillment of its duties, the Committee held monthly hearings to discuss the effects of the current sentencing structure on the citizens of the state. The hearings were all held at the Michael A. Bilandic Building in Chicago, Illinois. At these hearings, the Committee members heard testimony from state and county agencies, researchers, data analysts, policy organizations, advocates, community organizations, and other stakeholders in the criminal justice community.

Hearing Dates

July 15, 2014
August 19, 2014
September 23, 2014
October 14, 2014
November 7, 2014

Testifying Witnesses

State and County Agencies
Administrative Office of the Illinois Courts
Adult Redeploy Illinois
City of Chicago
Chicago Police Department
Cook County Public Defender
Cook County Sheriff’s Office

Cook County State's Attorney
DuPage County Public Defender
DuPage County State's Attorney
Illinois Juvenile Justice Commission
Illinois Department of Corrections
Illinois Department of Human Services, Division of Family and Community Services
Illinois Department of Human Services, Division of Mental Health
Illinois Department of Juvenile Justice
Illinois State's Attorney Appellate Prosecutor
Kane County Public Defender
Kane County State's Attorney
Lake County Sheriff's Office
President of the Cook County Board of Commissioners
Redeploy Illinois
Treatment Alternatives for Safe Communities (TASC)

Researchers, Data Analysts, and Policy Organizations

Child Law Policy Institute, Loyola University Chicago School of Law
Children and Family Justice Center, Northwestern University School of Law
Illinois Sentencing Policy Advisory Council
John Howard Association
Right on Crime, Texas Public Policy Foundation
The Pew Charitable Trusts
Vera Institute of Justice

Advocates and Community Organizations

ACLU of Illinois
AFSCME Council 31
Cabrini Green Legal Aid
Chicago Coalition for the Homeless
Community Renewal Society
Illinois Clemency Project for Battered Women
Juvenile Justice Initiative
Lutheran Child and Family Services
Project I-11
Safer Foundation
Uptown Peoples Law Office
Various Individual Victims' Rights Advocates
Youth Advocate Programs Chicago

Site Visits

The Committee visited several correctional facilities, courts, and court programs to observe criminal justice programs and facilities and talk with the individuals who deal with the justice involved population on a daily basis. Each of these sites demonstrated the hard work and commitment of the judges, attorneys, wardens, officers, correctional staff, and administrators to the criminal justice system and public safety within their communities. The visits enabled the Committee to better understand the current state of the criminal justice system and the impact that decisions and policies of the General Assembly have on those institutions. The site visits included the following:

DuPage County Adult Redeploy Illinois

The DuPage County Probation and Court Services is one of the Adult Redeploy Illinois (ARI) participating sites. DuPage was one of the first ARI sites to create a probation violation program, which provides intensive probation supervision and services. The DuPage County ARI site targets high-risk offenders and probation violators, which enables the probation officers to be more effective case workers and implement individualized and focused case plans. The Committee had an opportunity to visit the Probation and Court Services department and meet with the judges, court services and probation administration, ARI administration, probation officers, and participants of the program.

Stateville Correctional Center

The Department of Corrections facilities at the Stateville location include the Stateville Correctional Center adult male maximum security facility, as well as the Northern Reception and Classification Center (NRC). The NRC processes the intake of all persons committed to the Department of Corrections. The Committee met with the warden, administration and executive staff, toured both the NRC and Stateville facilities, and had an opportunity to speak with on-duty correctional officers.

Sheridan Correctional Center

The Sheridan Correctional Center is a medium security adult male facility that is dedicated to substance abuse treatment. It is one of the largest substance abuse treatment programs in the nation. Sheridan also houses general population inmates in non-substance abuse treatment housing. As a part of the substance abuse treatment, Sheridan provides a range of programming and administrative services aimed to promote successful reentry back into communities. On this site visit, the Committee met with the warden, the executive staff and administration, toured the facilities, and talked with program facilitators.

Cook County Department of Corrections

The Cook County Department of Corrections is one of the largest county detention facilities in the nation. The Cook County Sheriff oversees and operates the Corrections Department which currently has a population of 9,456 detainees. The overwhelming majority of the jail population is comprised of individuals awaiting trial, rather than serving a county sentence. On this site visit, the Committee met with the Sheriff's executive and operational

staff, toured the facilities, and had an opportunity to meet and speak with some correctional officers on duty.

First Municipal District Bond Courts, Circuit Court of Cook County

The First Municipal District Bond Courts hold hearings regarding bond for arrested persons. The Committee visited the hearings at the Central Bond Court in Chicago for felony arrests. Additionally, the Committee visited hearings for the Mental Health Court and the Deferred Prosecution programs.

Discussion Topics

Illinois Department of Corrections Population

Over the last 40 years, the Illinois Department of Corrections population has increased from roughly 6,000 inmates in 1974 to its current population of over 48,000. . Witnesses at the Committee hearings discussed various factors which contribute to the growth in the prison population, as well the current 47 percent recidivism rate. Researchers and analysts point to a number of policy changes made by the General Assembly which have contributed to the increase in the population, including: 1) increasing the sentence lengths for certain offenses; 2) increasing the minimum amount of time served by certain offenders, 3) placing prohibitions on the receipt of sentence credit for certain offenses; and 4) creating new or enhanced sentences for particular offenses.

The Department of Corrections testified to several factors that will aid in the reduction of the prison populations, including: 1) reducing the number of admissions to DOC facilities; 2) finding a solution to the elderly and medically ill inmate population; and 3) implementation of the new risk assessment tool. The Department admits roughly 31,000 individuals annually into its facilities. Currently, the largest portions of the Department's admissions are Class 3 and Class 4 felons, which made up 51 percent of admissions in 2013. The Department stressed that reducing the prison populations would require reducing the number of admissions into the facilities, particularly for drug and property offenses.

The services and care provided within the Department of Corrections facilities require a significant amount of resources. The Department and many other witnesses indicated that the elderly inmate population, which requires extensive healthcare services, places additional strain on the Department's resources. Additional resources are also needed to expand the amount of drug, mental health, educational, and vocational programs that are currently offered to inmates.

The Department of Corrections is also working to implement a new inmate assessment tool, pursuant to the Crime Reduction Act of 2009 (P.A. 96-761). This assessment tool, the Risk Assets Needs Assessment (RANA), will expand the factors to consider in assessing an offender and require the Department to develop a standardized case plan based on the assessment. This will improve the Department's current assessment process and enable it to more effectively evaluate the risks and needs of the inmate population. Implementation

of this evaluation will ultimately allow the Department to better focus its security and programming decisions, ultimately influencing recidivism. Many believe that focusing on risk will help identify violent offenders, regardless of their underlying crime, as well as identify individuals with substance abuse or mental health problems. The success of RANA implementation, however, depends on appropriate staffing levels, training, and adequate programming.

County Corrections Populations

Currently, each county sheriff oversees the department of corrections for their respective county and operates the county jails throughout the State of Illinois. The population in each county jail consists of persons serving county sentences, as well as persons awaiting trial. Additionally, the county corrections departments coordinate with the state prison and juvenile facilities in order to transport any persons committed to the custody of either the Department of Corrections or Department of Juvenile Justice.

The Cook County Jail currently houses over 9,400 detainees, nearing its operational capacity of 10,000. Of that population, over 90 percent of the individuals are not serving a county sentence, but rather are awaiting trial. However, each person detained in Cook County jail costs the State approximately \$143 per day. Cook County also represents the largest number of commitments to the Department of Corrections. The Lake County Sheriff's Office also testified that of its jail population, roughly 85 percent of individuals are awaiting trial. Additionally, the Cook County and Lake County jails, along with other county jails, note that the jail population includes a large number of individuals in need of mental health services, and thus, the county jails have become some of the largest mental health service providers in their respective counties.

Juveniles in the Criminal Justice System

The Department of Juvenile Justice (DJJ) has a total population of 757, and over 1,000 youth on aftercare release or parole as of October 2014. According to DJJ, it costs \$111,000 per year to detain each juvenile. At the Committee hearings, DJJ discussed the increasing amount of youth charged with misdemeanors being committed to DJJ custody. The Department of Juvenile Justice suggested that Illinois look to California and Texas who have prohibited misdemeanor juvenile offenders from being sentenced to juvenile detention facilities. DJJ reasoned that committing youth to DJJ custody should be based upon risk and misdemeanants often pose little risk to public safety.

The Department of Juvenile Justice population also includes individuals up to the age of 21. If a minor is adjudicated delinquent of an offense, the Juvenile Court Act allows that minor to be placed on parole, or aftercare release, until he or she reaches the age of 21. DJJ suggested that aftercare should be allowed to be shortened based on successful compliance with the program. The Department of Juvenile Justice also noted increased costs with the 18- to 21- year old population. Specifically, DJJ estimated costs of up to \$7.4 million for transporting these individuals to and from court when they are charged with adult crimes while on aftercare release.

In addition to the Department of Juvenile Justice population, hearing discussions also revolved around the provisions of Illinois law commonly referred to as the juvenile transfer provisions. Minors 15 and over may be excluded from the jurisdiction of the juvenile courts and tried in adult criminal court if the minor was charged with certain offenses. Juvenile cases may also be transferred to adult criminal court under certain circumstances. The discussions regarding juvenile transfer provisions during committee hearings included speakers who argued for and against a review and amendment of the provisions. Speakers who argued for a review of the provisions noted the recent Illinois Supreme Court decision, People v. Patterson, 2014 IL 115102, in which the Court upheld the juvenile transfer provision as constitutional but strongly urged the General Assembly to review.

Sentencing for Drug-Related Offenses

One frequently suggested area for reform involved sentencing for drug-related offenses. Drug-related offenses have been shown to be a significant driver of the increase in incarceration populations. Recent data shows that approximately 19% of the inmates in the Department of Corrections are incarcerated for a drug offense. Additionally, 26% of admissions to Cook County Jail are for drug offenses. Various witnesses attested to these statistics and suggested reforms for low-level drug offenses to slow the rate of incarceration, such as uniform tickets for small cannabis possession offenses and reclassification of drug possession offenses. Many witnesses supported the idea of coupling the reclassification of minor drug possession offenses with mandatory drug treatment, in order to curb the underlying substance abuse problem. Other offenses such as theft, retail theft, and property crimes have also been linked to defendants with a history of substance abuse.

Problem-Solving Courts and Diversion Programs

Problem-solving and specialty courts have often been highlighted as effective diversion programs, offering ways to focus on improving outcomes with certain portions of the justice-involved population. These courts are comprised of specially trained judges, attorneys, probation officers, and clinical specialists who provide services, monitoring, and access to treatment for participating defendants. In Illinois, problem-solving and specialty courts include programs for mental health defendants, defendants with drug offenses, and veterans. Court personnel are allowed to work with treatment programs and community corrections programs to develop a case plan and closely monitor the defendant's participation. By statute, eligibility to these courts is limited.

The Juvenile Redeploy Illinois program provides grants for community-based sanctions and treatment alternatives for juvenile offenders who would otherwise be incarcerated. The community-based sanctions include: 1) residential and non-residential treatment programs; 2) supervision programs; 3) monetary fines; 4) traditional probation supervision; and 5) various other conditions as alternatives to incarceration. Recent data from 2012 demonstrates that the program reduced eligible commitments to the Department of Juvenile Justice by seven percent. Continued expansion of the Juvenile Redeploy Illinois program would continue to aid in the reduction of commitments to the Department of Juvenile Justice. Similarly, the Adult Redeploy Illinois program continues to work with local communities to reduce the number of non-violent offenders being sent to the Department

of Corrections. Since the program was initiated in 2011, Adult Redeploy Illinois sites have diverted over 1,800 non-violent offenders from prison, resulting in a cost savings of \$36.6 million.

Nationwide Trends

The Pew Charitable Trusts, Vera Institute of Justice, Right on Crime, and other research organizations provided the Committee with insight regarding sentencing strategies, prison alternatives, and other policy changes that have proven effective in reducing costs and prison populations in other states. These organizations noted that states which embarked on criminal justice reform also formed committees and commissions that were similarly tasked with examining the state's existing criminal justice and corrections policies. While each state may have different corrections systems and sentencing structures, the common goals of these efforts were to: 1) reduce the costs of corrections; 2) reduce admissions and the current population within the state prisons; and 3) improve recidivism rates, while ensuring public safety. Several states were mentioned throughout the course of the hearings as states which may provide some guidance to Illinois policymakers throughout this process, including Georgia, Michigan, Mississippi, New York, Ohio, Oregon, South Carolina, and Texas. A few examples of some of those criminal justice reform efforts are as follows:

1) Georgia

In 2011, the Georgia General Assembly established a Special Council on Criminal Justice Reform, comprised of representatives from various agencies and branches of state government. The Council sought input from stakeholders within the criminal justice community and received technical assistance from the Pew Charitable Trusts. After analyzing data and statistics, the Council developed a number of recommendations that were then reviewed by a Special Joint Committee on Georgia Criminal Justice Reform of members of the legislature. Since 2011, Georgia has passed three bills to reform its criminal justice system. These pieces of legislation were aimed at ensuring access to effective community-based sanctions, strengthening community supervision, and focusing prison beds on serious offenders.

2) Mississippi

Mississippi created a bipartisan task force of legislators, corrections officials, judges, attorneys, and law enforcement officials to address its significant growth in prison population and costs. The task force received technical support from the Pew Charitable Trusts Justice Reinvestment Initiative in 2013. The task force developed recommendations and proposals aimed to avert projected prison growth and save the state at least \$266 million in prison costs over ten years. Mississippi passed a comprehensive criminal justice and corrections bill in 2013 that expanded and created statewide standards for drug courts, increased threshold amounts for theft offenses, expanded judicial discretion to impose alternatives to incarceration as a sentence, and created an ongoing task force to collect data and track outcomes.

3) Ohio

From 2000 to 2008, Ohio experienced an escalated growth in its prison population and a significant increase in costs. In 2011, Ohio's prison population reached 50,857 inmates and the statewide jail population consisted of approximately 20,500 detainees. As a result, the Ohio General Assembly created a committee to review its criminal justice system. The Committee developed a comprehensive sentencing reform bill that was passed by the General Assembly in 2011. The comprehensive bill included: 1) increased threshold amounts for theft offenses; 2) expanded sentencing guidelines for felony offenses; 3) increased potential for earned sentence credit; 4) a requirement for the Department of Corrections to develop reentry plans for inmates upon release; and 5) uniform probation standards. In June 2014, the Ohio Department of Rehabilitation and Corrections announced that its three-year recidivism rate had fallen to nearly 27 percent, as compared to a rate of 34 percent reported in 2010. Additionally, projections estimate that, by 2015, the Ohio prison population will be reduced to 47,000 inmates.

Recommendations

The committee hearings and site visits highlighted the need for a closer look into the current sentencing and corrections laws of the State of Illinois. While the Committee is committed to upholding the deadline imposed by the Joint Resolution, the issue of sentencing reform is so vast that six months does not allow the necessary consideration. The Committee seeks to continue discussions and to develop legislative proposals to present to the General Assembly aimed at addressing the issues that exist within the criminal justice system. The Committee members are committed to this task and expect to introduce legislation in early 2015. At this time, the Committee suggests that further consideration be given to the following areas that were presented to the Committee throughout this process:

- **State and County Corrections Population**
 - Use of risk assessment tools to identify high-risk and high-need offenders to appropriately focus resources and make both pre-trial and post-trial decisions;
 - Expansion of electronic home detention as a condition of bail to reduce county jail population;
 - Exploration of best practices for pre-trial detention proceedings, including, but not limited to, the use of risk assessment evaluations;
 - Evaluate data on the length of time low-risk offenders spend awaiting trial in county jails;
 - Use of drug analysis field tests in Cook County to reduce the amount of time spent in county jail by individuals in possession of suspected controlled substances;
 - Evaluation of the threshold amount for enhanced penalties for retail theft;

- The effects of incarceration of elderly, ill prisoners who no longer pose a threat to society;
 - The effects of “truth-in-sentencing” policies on prison populations and public safety;
 - Evaluation of the impact of mandatory minimum sentencing guidelines and evaluation of best practices on limiting the application thereof and providing exceptions; and
 - Examination of the impact of sentencing credits and access to drug treatment, educational, and industrial programs while incarcerated.
- **Juveniles in the Criminal Justice System**
 - Examination of the transfer provisions of the Juvenile Court Act;
 - Examination of the cost-benefit analysis on misdemeanants being referred to the custody of the Department of Juvenile Justice;
 - Examination of the cost-benefit analysis of 18- to 21-year olds on juvenile aftercare or parole, being referred to the custody of the Department of Juvenile Justice on new offenses; and
 - Expansion of Juvenile Redeploy programs.
- **Sentencing for Drug-Related Offenses**
 - Examination of sentencing for drug-related offenses, including sentencing of repeat offenders battling addiction;
 - Realignment of sentencing for possession of cannabis and implementation of a uniform cannabis ticket; and
 - Examination of the penalty enhancements for drug offenses within 1,000 feet of drug-free zones.
- **Problem-solving Courts and Diversion Programs**
 - Expansion of drug, mental health, and other specialized courts statewide;
 - Expansion of the Adult Redeploy Illinois program;
 - Expansion of probationable offenses;
 - Expansion of probation programs, such as First Offender Probation, the Offender Initiative Program, Second Chance Program and Probation with TASC Supervision;
 - Diversion of misdemeanants found unfit to stand trial to inpatient or community mental health care facilities; and
 - Diversion of individuals to community corrections programs.
- **Other Reforms**
 - Increased access to expungement and sealing;
 - Expansion of job-training and other re-entry programs;
 - Increased access and availability of criminal justice statistics; and
 - Increased focus on job retention for individuals reentering society from the criminal justice system.

The Committee will continue to meet and seek input from stakeholders to give consideration to these subject matters in pursuit of submitting legislation to the General Assembly in the coming year. The Committee will also explore avenues to better educate the legislature at large regarding sentencing policy going forward.