
INITIAL REPORT

OF THE
**ILLINOIS STATE COMMISSION ON CRIMINAL
JUSTICE AND SENTENCING REFORM**

July 1, 2015



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INTRODUCTION

“The crowding of inmates in the Illinois prison system has reached crisis proportions - and the crisis is growing worse by the day.”¹ This was the conclusion reached more than 20 years ago by the Illinois Task Force on Crime and Corrections. At the time (the end of 1992), there were approximately 32,000 inmates in Illinois prisons.

In some respects, times have changed. Most notably, the high crime rates of the 1990s have given way to decreased crime rates in the 21st Century. Among other factors, better policing and an aging population have helped bring crime rates down substantially. In addition, new research and new thinking have emerged on incarceration, deterrence, and the wisdom and necessity of using prison as extensively as it is used now.

The laws and policies on criminal sentencing and punishment have not changed in a corresponding way. In a mature system of justice these laws and policies should change as circumstances change, and there is an increased belief, both nationwide and in Illinois, that extremely high levels of incarceration are costly, often unduly punitive, and at times counterproductive to the goal of preserving public safety. The failure to reassess our sentencing policies as a coherent whole has resulted in a prison population that is now just shy of 48,000² – 50% higher than in 1992 when the population “crisis” was identified.

Recognizing these trends, and the costs and burdens that follow them, Governor Rauner issued Executive Order 15-14 on February 11, 2015, creating the Illinois State Commission on Criminal Justice and Sentencing Reform (the Commission).³ The goal of the Commission is to study the criminal justice system and make recommendations for amending state laws, policies, and procedures that will help reduce the State’s prison population by 25% by the year 2025, while at the same time maintaining public safety. As required by Executive Order 15-14, the Commission submits this Initial Report to provide information about the Commission’s activities to date.

¹ Illinois Task Force on Crime and Corrections, Final Report, p. 4 (March 1993).

² As of February 28, 2015, the prison population as reported by the Illinois Department of Corrections was 47,952 inmates. http://www.illinois.gov/idoc/reportsandstatistics/Documents/IDOC_Quarterly_Report_Apr_%202015.pdf (Table 1). This figure does not include inmates in county and local jails or figures for juveniles. These populations, while important, are not the primary focus of the current Commission’s work.

³ A list of the Commission members is set forth in Appendix A of this Report.

I. THE WORK OF THE COMMISSION

The Commission began its work with the understanding set forth in Executive Order 15-14 – that there are far too many inmates in Illinois’ prisons, many more than are needed to reasonably provide for the public’s safety. It is now common knowledge that the incarceration rate in the United States is among the highest in the world, and while Illinois incarcerates at a lower rate than the country at large,⁴ its incarceration rate is still higher than most countries in the world. In addition, the Illinois prison population has grown at more than twice the rate of the State’s population since 2000.

The Commission also realized that reducing the incarceration rate is neither straightforward nor cost-free. The Commission’s goal, therefore, is not simply to punish convicted inmates “less,” but rather, to punish smarter. So from the outset, the Commission has directed its efforts at reform steps that are based on empirical evidence, have demonstrated success, and whose outcomes can be measured and verified.

Set forth below is a discussion of the activities to date of the full Commission and its Subcommittees.

A. UNDERSTANDING HOW WE GOT HERE

Commissioner John Maki, the Executive Director of the Illinois Criminal Justice Information Authority, provided information about various criminal justice reform efforts in Illinois over the last quarter century. The Commission has a strong interest in learning the lessons of the many capable groups that have studied this issue before, as well as in avoiding the mistakes that have prevented these efforts from reaching their full potential. Among the lessons that emerged from these earlier efforts is that meaningful reductions are possible only if reform efforts are sustained, and are not undercut by shifting attitudes that deviate from evidence-based practices, and which may reflect short-term rather than long-term planning.

The Commission also heard from Commissioner Dr. David Olson, Professor and Graduate Program Director of Loyola University Chicago’s Criminal Justice and Criminology Program, on the factors that drive the Illinois prison population. The two primary factors that drive prison populations are admissions and length of stay, and over the past four decades numerous factors have resulted in both increased admissions to, and length of stay in, Illinois’ prisons. He noted, for example:

- Between 1989 and 2014, 55% of the increase in prison admissions was due to increased admissions for Class 4 felonies (the least serious grade of felony), with a

⁴ According to the Bureau of Justice Statistics, “the 2010 imprisonment rate for the nation was 500 sentenced prisoners per 100,000 U.S. residents, which is 1 in 200 residents.” Paul Guerino, et al., U.S. Department of Justice, Bureau of Justice Statistics, “Prisoners in 2010,” at 1 (Dec. 2011), <http://www.bjs.gov/content/pub/pdf/p10.pdf>. In 2014, Illinois’ population was almost 12.9 million, with an adult inmate population in October of that year of 48,902. This translates to a rate of about 380 inmates per 100,000 residents. As a point of reference, the International Centre for Prison Studies reports that Canada, England, France, Germany, Spain, Mexico, and China all incarcerate at rates below 250 inmates per 100,000. http://www.prisonstudies.org/highest-to-lowest/prison_population_rate.

large number being convicted for drug offenses. Most of these Class 4 felons admitted to the Illinois Department of Corrections (IDOC) have never been convicted of a violent crime, and many have never previously been sentenced to probation.

- When trends in sentence length and length of time served in IDOC over the past 25-plus years are examined, there is one consistent conclusion: those sentenced to prison for all offenses are spending more time incarcerated than they would have in the early 1990s. However, there are many explanations for why these changes have occurred, including the passage of Truth-in-Sentencing laws and changes to sentence-credit eligibility.
- A substantial proportion of admissions to IDOC are the result of individuals on Mandatory Supervised Release being returned to prison for violations of their release conditions.
- Limited access to effective and evidence-based rehabilitative programming within IDOC has resulted in high recidivism rates, which fuels readmissions to prison by those released who are eventually reconvicted of non-violent crimes and resentenced to prison.

Commissioner Michael Tardy, the Director of the Administrative Office of the Illinois Courts, spoke to the Commission about the status of probation services in Illinois. He noted that there are currently 138,000 people on probation, most of them adult offenders. He stressed the need for a properly functioning probation system if fewer inmates are to be sent to prison, including more secure funding and continued training of officers. He noted the importance of using proper risk-assessment tools in working with probationers. Mr. Tardy also pointed to the significant gains that have been made in Illinois probation over the past 15 years, including the adoption of a more sophisticated risk and needs assessment and the focus on evidence-based practices by probation departments.

The Commission also heard from Commissioner Jerry Butler, the Vice President of Community Corrections at the Safer Foundation who described the evolution of the role of parole officers over the last 50 years, from counselors to more of a law enforcement function. He noted this change in approach has had profound implications for how individuals on Mandatory Supervised Release are supervised and managed during the post-prison supervision period.

B. DEVELOPING AN EVIDENCE-BASED CORRECTIONS SYSTEM

The Commission heard from Dr. Douglas B. Marlowe, a Commissioner and the Chief of Science, Policy, & Law for the National Association of Drug Court Professionals. Dr. Marlowe is one of the country's foremost authorities on the need for, and implementation of, evidence-based practices to improve a state's criminal justice system.⁵

⁵ Dr. Marlowe's presentation is available at the Commission's website, <http://www.icjia.org/cjreform2015/about/meetings.html> under the materials for the April 25, 2015 meeting.

Dr. Marlowe presented on the need to target dispositions by using a vigorous risk-assessment model to drive intervention decisions. This model is guided by three principles: risk, need, and responsivity.

The Risk Principle suggests that supervision levels match offender risk for reoffending. This risk is typically calculated by consideration of static factors that do not necessarily change with treatment. These factors include: current age, age of first arrest, offending history, history of violence, antisocial personality/psychopathy, past intervention failures, family history of crime and addiction, and criminal and substance abuse associations. Using the Risk Principle, criminal justice practitioners would devote more resources to offenders identified as high risk, while those with less risk would receive a lesser amount of criminal justice intervention. Dr. Marlowe pointed out that it is important not to confuse level of supervision with length of incarceration; the risk score simply indicates how much supervision is needed, not the duration. Moreover, he noted the importance of linking risk with the appropriate supervision level to prevent over-supervision, which can make people more likely to reoffend. Similarly, a high risk level should not prevent offenders from access to treatment because these individuals may be those with the greatest treatment needs. He also warned against mixing offenders with different risk levels because risk is “contagious.”

The Need Principle suggests that criminal justice practitioners must identify and treat criminogenic needs. Again, those with highest needs will require more intensive treatment or rehabilitation services. Here, Dr. Marlowe reiterated his warning against mixing offenders with different need levels.

The Responsivity Principle is about the order and timing of the intervention. Under this principle, practitioners must first address those needs that interfere with rehabilitation (responsivity needs), followed by those that cause criminal behaviors (criminogenic needs), those that reduce rehabilitation gains (maintenance needs), and those that cause distress (humanitarian needs). Dr. Marlowe indicated that there are four different types of offenders: high risk – high need; high risk – low need; low risk – high need; low risk – low need.

One challenge highlighted by Dr. Marlowe is that the justice system frequently intervenes either too much or too little. Many of those who pass through the court system either have their cases dismissed or receive diversion. At the other extreme, many more are incarcerated than is necessary or prudent to protect public safety. Both groups would be better served by intermediate sanctions, as neither dismissal nor incarceration address their ongoing needs and risk level. A large number of court-involved individuals need more structured help, support, supervision, and programming than most diversion programs (such as community service) provide, and they do not benefit, and may in fact be made worse, by incarceration. Thus, Dr. Marlowe spoke of the importance of “justice pre-investment,” or the need to invest in sufficient amounts of community support and programming to effectively address the risks and needs of these court-involved individuals. Unless the investments in the community support are present and adequate before the inmates are released, the interventions are quite likely to fail.

Dr. Marlowe suggested that once individuals are adjudicated, risk-assessment analysis should be required prior to the disposition of the case. Additionally, he recommended that the model be

used to guide judicial discretion. This may include: requiring judges to consider risk and needs (excluding statutorily predetermined sentences), as well as the effectiveness and cost-effectiveness of interventions; publishing data on recidivism and costs of alternative dispositions; requiring judges to give dispositional rationale on the record when the disposition is not supported by the risk-needs identified by the tool; and publishing data on dispositional decisions.

C. UNDERSTANDING CURRENT CORRECTIONS PROGRAMS AND PRACTICES

Nearly half of the offenders released from the Illinois prison system each year will be re-incarcerated within three years. This recidivism rate creates a strong public interest in identifying the characteristics that distinguish those who return to prison from those who do not. One obvious area of inquiry is whether inmates who participate in educational and other programs while incarcerated are less likely to re-offend. In an effort to understand this issue better, the Commission heard from several staff members from the Illinois Department of Corrections.

The IDOC representatives described many of the programs that are available to inmates, including education courses, substance abuse programs, and programs designed to aid re-entry into society after release.⁶ The representatives identified many of the challenges they face, both in implementing these programs and in evaluating their effectiveness. For example:

- Roughly one-third of the inmates who are released each year were convicted of Class 4 felonies and the average length of stay for these inmates is 7 months. This length of stay, the Commission was told, is too short to allow the inmates meaningful access to programming that can assist them upon release.
- Although there are 11,400 job assignments within the 25 Illinois Correctional Centers, this figure is too low to provide a job to every inmate.
- There is a shortage of treatment slots for inmates with substance abuse or mental health disorders, and especially for inmates with both conditions.
- Some programs endure (boot camps, for example) despite evidence that they fail to reduce recidivism.
- There are a number of inmates who are not eligible for programming sentence credit because the class of crime they committed is statutorily prohibited from receiving credit, and therefore, they decline to participate in those programs, regardless of whether the program would address their needs.
- Current programming seems to target low risk/low need inmates by focusing on people with short-term sentences, in contrast to evidence-based practice which prioritizes high risk/high need inmates.

Equally troubling is the lack of compiled data on the success rates of the IDOC programs at reducing recidivism. A lack of resources has prevented IDOC from learning, for example, whether those who earn education credits are more likely to find a job once released, whether

⁶ Many of these programs are described in the minutes of the Commission's April 25, 2015 meeting, available at <http://www.icjia.org/cjreform2015/about/meetings.html>, and further described in the IDOC Annual reports, available at <http://www.illinois.gov/idoc/reportsandstatistics/Pages/AnnualReports.aspx>.

those who undergo successful drug counseling are less likely to reoffend, and other, similar information that is critical to evaluating the programs.⁷

During public comment, a group of prison educators spoke of the effect of providing education to prisoners as a tool to prevent recidivism. They supplied the commission with a meta-analysis on prison education programming conducted by the RAND Corporation (2013), noting that although the economic downturn has resulted in a reduction of prison education programs, these cuts may be more costly in the long run. The report states: “Inmates who participate in correctional education programs have a 43 percent lower odds of returning to prison than those who do not. Employment after release is 13 percent higher among prisoners who participated in either academic or vocational education programs than those who did not.”

D. UNDERSTANDING THE PROCESS OF SENTENCING REFORM

Although Illinois has struggled with a burgeoning prison population for many years, the State has also engaged in implementing criminal justice reforms for many years, with some success. Therefore, the Commission asked Kathryn Saltmarsh, a Commissioner and the Executive Director of the Illinois Sentencing Policy Advisory Council, to testify about the strengths and weaknesses of four of these efforts, with a focus on: (1) the problem that triggered the reform, (2) the policy changes that were passed, (3) implementation of those policies, and (4) the performance measurement and feedback systems for assessing the outcomes of the reforms.⁸

The four initiatives examined were: the Criminal Law Edit Align and Reform (CLEAR) Commission, the Sentencing Policy Advisory Council (SPAC), Juvenile Redeploy, and Adult Redeploy Illinois. The Redeploy programs provide the best examples of evidence-based programs that responded to the issue of overcrowding in our juvenile and adult systems. The Redeploy programs are examples of performance incentive funding, a national model that rewards local jurisdictions for implementing best practices. Redeploy sites can be a single county or an entire judicial circuit, but they must follow the same process: use data analysis to identify a target population; commit to meeting a set diversion goal; use evidence-based programs, including risk assessment, to address the criminogenic needs of the target population; and collect and report specific data to allow meaningful evaluation and oversight.

⁷ Few IDOC programs have been subjected to rigorous, objective process and impact evaluations. However, when done correctly, these evaluations can ensure that programs are implemented with fidelity to the treatment model, identify areas for improvement, and document the impact these programs have on post-release recidivism as well as other outcomes. For example, evaluations of the drug treatment programs at both the Sheridan Correctional Center and the Southwestern Illinois Correctional Center documented their implementation and effectiveness, and in the case of the Sheridan Correctional Center, research has documented that the reduced recidivism rates remained even seven years post-release. Specifically, seven years post-release, all inmates who completed the drug treatment at Sheridan were 15% less likely to return to prison, and those who completed both the prison-based treatment and the community-based aftercare treatment were 44% less likely to return to IDOC. David E. Olson & Arthur J. Lurigio (2014) The Long-Term Effects of Prison-Based Drug Treatment and Aftercare Services on Recidivism, *Journal of Offender Rehabilitation*, 53:8,600-619.

⁸ Director Saltmarsh’s presentation is available at the Commission’s website, <http://www.icjia.org/cjreform2015/about/meetings.html> under the materials for the April 25, 2015 meeting.

This model has proven successful with both adults and juveniles, but neither model has been fully brought to scale. This is in part due to eligibility limitations and in part due to funding limitations. In the next year or so the Adult Redeploy Illinois (ARI) program will be seeking an independent evaluator to analyze the recidivism outcomes for graduates of the initial pilot sites. The Juvenile Redeploy program has been working with academics to track the results of its efforts, and will soon be providing an evaluation. At that point, the feedback loop will be significantly stronger and essential information for judging the potential for reducing recidivism will be available. Program evaluations also provide important insight into why a program is not performing as expected and how to fix the underlying issues.

The CLEAR Commission and SPAC were created for reasons unrelated to the overcrowding of the corrections system. CLEAR was a private, time-limited initiative that was created to review and edit both the Criminal Code and the Code of Corrections. The goal was to make the codes more understandable, reduce redundancies, make sure that every offense had a *mens rea* element, and remove provisions that were deemed unconstitutional. The goal with the Code of Corrections was to revise the sentencing structure to be less complex and to consider revisions of the sentencing structure to alleviate the use of prison for low level, non-violent crimes. The CLEAR Commission adopted recommendations where there was consensus. In the absence of consensus, recommendations were tabled. The result was the passage of the 11 bills eventually resulting in the Criminal Code of 2012 and a reorganized Code of Corrections. The lack of consensus on revising the sentencing structure led to that effort being tabled.

One of the CLEAR Commission's recommendations was to create the Sentencing Policy Advisory Council. Prior to SPAC's creation, the General Assembly consistently enhanced sentences and increasing the seriousness of crimes without an in-depth analysis of the potential consequences. Legislative members of the CLEAR Commission believed that creating an independent council would help change that practice and guard against the unintended consequences of proposed legislation. SPAC's statutory mandates include preparing system-wide fiscal impact statements, developing population projections for both prison and probation, and using data and analysis to support implementation of evidence-based practices.

E. UNDERSTANDING THE STEPS NEEDED TO REACH THE COMMISSION'S GOAL

To provide the Commission with examples of the types of policy and practice changes that would be needed to reduce the prison population by 25% while maintaining public safety, Dr. Olson provided a framework for considering these changes.⁹ Some changes could be implemented quickly and would not necessarily require legislative changes, while others would take longer to implement and would require changes to state law.

Although he did not make recommendations of how the Commission should proceed, Dr. Olson provided some examples to illustrate the degree of change that would be needed to meet the Commission's goal. He described, for example, the likely effect on the prison population of changes in sentence credit eligibility, diversion of non-violent Class 3 and 4 felons from prison,

⁹ Dr. Olson's presentation is available at the Commission's website, <http://www.icjia.org/cjreform2015/about/meetings.html>, under the materials for the May 14, 2015 meeting.

reclassification of specific non-probationable offenses, improved effectiveness of prison-based treatment programs, and changes to how individuals are supervised on Mandatory Supervised Release. Importantly, Dr. Olson noted that just as the forces that led to the dramatic increase in Illinois' prison population are numerous and varied, reducing Illinois' prison population and improving public safety will also require a multi-faceted approach.

F. UNDERSTANDING THE BUDGET FOR CRIMINAL JUSTICE IN ILLINOIS

Every reform has budget implications, and part of the Commission's task is to consider the budget impact of proposed changes. In an effort to understand where the criminal justice money is now spent at both the state and local levels, the Commission asked its Budget and Capacity Subcommittee, with staffing by SPAC and the Civic Consulting Alliance, to provide a snapshot of expenditures and their sources. The Civic Consulting Alliance is a non-profit organization that works with government leaders and organizations on planning and implementing large-scale change.

The Subcommittee used the 12th Judicial Circuit (Will County) as its snapshot. The 12th Circuit was selected, in part, because Will County Auditor Duffy Blackburn provided county financial data online and expert advice on interpreting the information. Nate Inglis Steinfeld, Research Director of the Illinois Sentencing Policy Advisory Council, presented the findings.¹⁰

The 12th Judicial Circuit's criminal justice system consumed roughly \$220 million of taxpayer resources for one year. This total amount included:

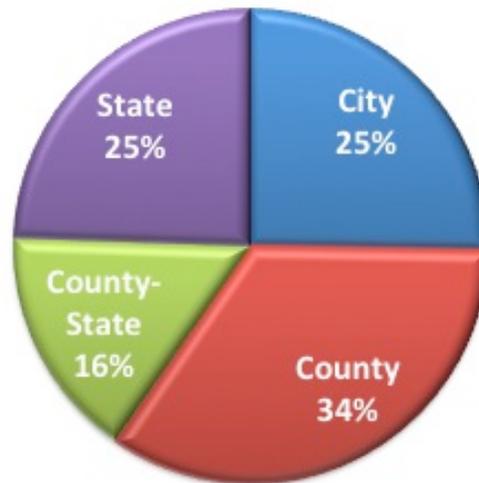
- Police (sheriff's law enforcement spending and two municipal departments: Joliet and Bolingbrook),
- The county jail,
- The county court system (sheriff's court security, circuit clerk, judicial costs, public defender and state's attorneys),
- Prison (bed-years of state adult and juvenile incarceration), and
- Supervision (probation, mandatory supervised release, and TASC¹¹ case management).

State, county, and municipal tax dollars jointly funded the \$220 million (see chart below). Almost half of the total dollars spent were from county sources: 34% were entirely county-supported functions and 16% were jointly state-county funded, such as probation and court functions. Municipal dollars went toward law enforcement services, comprising 25% of the total amount. The state dollars comprised the final 25%, providing prison space and community supervision in the form of mandatory supervised release.

¹⁰ Power Point slides of Mr. Steinfeld's presentation are available on the Commission's website at <http://www.icjia.org/cjreform2015/about/meetings.html>.

¹¹ Treatment Alternatives for Safe Communities. See 20 ILCS 301/40-5.

Source of Funds - Will County



State funding is primarily from income and sales taxes; county funding from property and sales taxes, as well as service fees; municipal funding from property and sales taxes, as well as service fees. Some criminal justice activities are jointly funded by the county and state budgets, including probation, courts, and state's attorneys. The mixture of county and state funds depends on the type of criminal justice entity. Probation is a county expenditure with reimbursement from the state, depending on state appropriations administered by the Administrative Office of the Illinois Courts; state's attorneys are county expenditures with reimbursement from the state for the elected official's salary.

Of the expenditures, 43% of the total criminal justice spending went to law enforcement services. Prison consumed 23% of the total expenditures, while jail required 19%. The county and local spending is critical to a prison reduction strategy: as the state prison population decreases, county costs of probation, jail, or other community services are likely to increase.

The average cost—i.e., the total operating cost divided by the number of individuals—of prison is \$37,102 per individual, whereas the average cost for Will County jail is \$35,500.¹² Probation in Will County averaged \$2,779, while state-funded Mandatory Supervised release (MSR) was \$2,669. The marginal costs—i.e., the costs that would vary with the addition of one offender to probation or MSR and do not include fixed costs such as administrative staff – has been discussed but not yet fully calculated.

¹² The per-inmate costs for both prison and jail used here encompass the entire operating costs, including employee health and pension benefits, divided by the total number of inmates. At the state level, the employee benefits are off budget and paid for under a separate line item. These are often excluded from cost analyses but were included here for consistency. The true total cost was used for purposes of comparison across state, county, and local governments.

The Subcommittee's current plan is to analyze additional counties, which should provide a more complete answer to the question of how county and local revenues and expenditures may be affected by the targeted 25% reduction in the prison population. (See Part II.C.1., below).

G. UNDERSTANDING CURRENT STATE CAPACITY FOR ALTERNATIVES TO INCARCERATION

Alternatives to incarceration, as well as efforts to reduce recidivism, will require a focus on community treatment programs, particularly those involving substance abuse and mental health. In an effort to understand the current community treatment capacity, the Commission heard from Mystik Miller, a Research Analyst with the Illinois Sentencing Policy Advisory Council.¹³

Available data show a consistent downward trend in the number of admissions to treatment programs which practitioners and experts say indicates that there is a declining capacity, but not declining need. Increased wait times reported from numerous providers were supported by the experience of Adult Redeploy Illinois sites.

Funding for mental health and substance abuse treatment is also declining. Funding for the Department of Human Services, which oversees the Division of Alcoholism and Substance Abuse and the Division of Mental Health, has declined 39% since 1998. Funding for the Division of Mental Health has declined 10% since fiscal year 2005. The Division of Mental Health funds services in state hospitals, including forensic cases of individuals found unable to stand trial (90% of cases) or not guilty by reason of insanity, as well as community-based treatment. Forensic admissions to state hospitals have increased 15% since 2005, crowding out some civil services in the hospitals and creating a waiting list of approximately 80 individuals. These individuals wait in county jails, on average 30 to 40 days. Approximately 20% of the forensic admissions are for misdemeanor arrests, usually involving trespassing, minor drug possession, retail theft or theft of services, and disorderly conduct.

When discussing the forensic population, it is important to consider issues of co-occurring disorders (two or more mental health, substance abuse, or developmental disorders simultaneously appearing in an individual), medication-assisted treatment for opioid dependence, programs for driving under the influence of alcohol or controlled substances, and programs targeted to the criminogenic needs of the forensic population. Less than half of the mental health facilities in Illinois have programs focused on co-occurring disorders, while researchers estimate that 45% to 80% of the forensic population suffers from co-occurring disorders. Medication-assisted treatment for opioid dependence exists in about one-third of Illinois facilities, while programs for driving under the influence are present in slightly more than half of Illinois facilities.

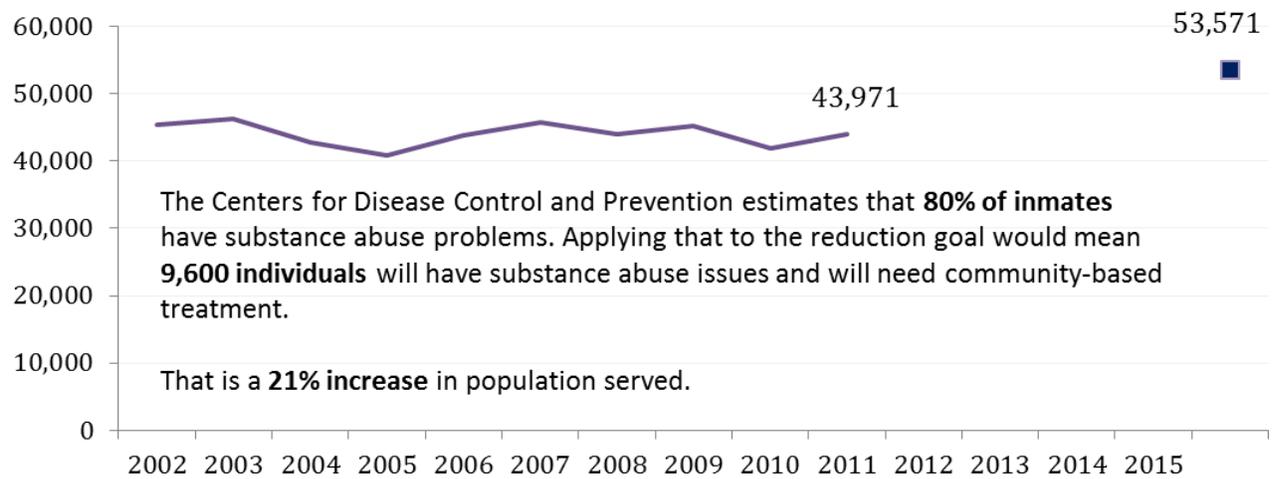
Less than one in five Illinois mental health facilities reported having a program designed for forensic clients. If the Commission successfully reduces the prison population, there is likely to be a significant increase in the number of individuals in need of these programs and services. While the Affordable Care Act has expanded the population covered by insurance, particularly

¹³ Power Point slides of Ms. Miller's presentation are available on the Commission's website, at <http://www.icjia.org/cjreform2015/about/meetings.html>, under the material for the June 3, 2015 meeting.

among the forensic population, there has yet to be a corresponding expansion in treatment capacity.

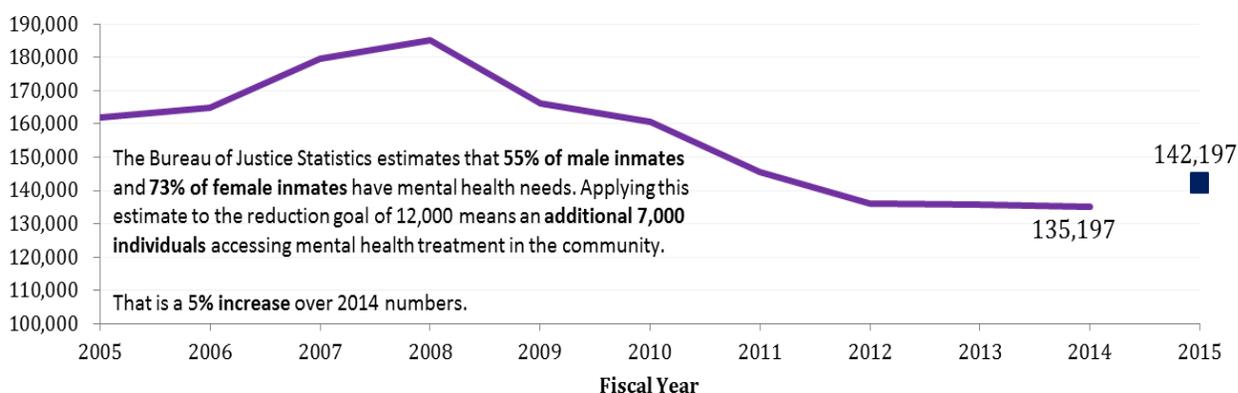
If the Commission is successful in reducing the prison population by 25%, there will be over 12,000 individuals diverted from prison, many of whom will likely need to be diverted into community-based mental health and substance abuse treatment programs. National estimates on the prevalence of mental health and substance abuse issues in the forensic population suggest that approximately 7,000 individuals in the reduction population will need mental health services and 9,600 will need substance abuse treatment. These estimates use the upper bound of possible mental health and substance abuse treatment needs based on the Centers for Disease Control and Prevention’s estimate that 80% of inmates have substance abuse problems. Other national and Illinois-specific research indicates that roughly one-half of prison inmates are either substance abusers or substance dependent and in need of drug treatment.

Number in Substance Abuse Treatment: Historical and Predicted



Source: SPAC analysis of SAMHSA National Survey of Substance Abuse Treatment Services.

Number of Individuals Receiving Community-Based Mental Health Treatment: Historical and Predicted



Source: SPAC analysis of figures provided by Dr. Anderson Freeman and DMH staff.

H. PUBLIC PARTICIPATION

The Commission has received comments and suggestions from many groups and individuals, in written correspondence, on the Commission's website, and in public comments at Commission and Subcommittee meetings.¹⁴ These comments were often accompanied by written information, all of which is made available to the Commission members.

A non-exhaustive list of the ideas and issues raised by members of the public includes the following:

- an early or compassionate release program for elderly inmates, especially those with serious medical issues;
- improving traditional and vocational education programs for inmates to enhance their prospects of successful reentry;
- limiting prison sentence length for any first-time offender;
- improving behavioral health services in the county jails;
- providing assistance to county jail offenders in seeking public benefits such as disability, Medicaid, and supplemental food assistance, to facilitate successful reentry to society;
- using jail or prison time as a public health opportunity to address chronic and acute health conditions;
- increasing access to mental health and substance abuse counseling and other treatment;
- increased use of technology to monitor alcohol and drug-use by offenders to influence, reinforce, and enhance cognitive behavioral therapy and thereby to reduce recidivism;

¹⁴ As the full Commission meetings are recorded, the oral public comments offered at those meetings are available through the Commission's website, <http://www.icjia.org/cjreform2015/about/meetings.html>.

- increased financial support for various community programs designed to reduce recidivism;
- providing additional incentives to business owners to hire felons and hold seminars or make other efforts to ensure that employers are aware of those incentives;
- establish apprenticeship programs for incarcerated individuals; publish information to offenders regarding employers who hire felons;
- increase the availability of early release programs to all classes of offenders;
- using qualified inmates to teach other inmates to increase programming availability;
- increased use of halfway houses, adult transition centers, and electronic monitoring;
- evaluate whether recidivism rates are different for women than they are for men, and if so, consider whether sentences should vary accordingly;
- ensure that offenders are provided a state identification card upon release to enhance their ability to seek housing and employment;
- provide for any offender who has served at least 10 years to be given a parole hearing, regardless of the length of their sentence;
- use technology (tablets or mini-computers) to provide education and programming opportunities for offenders in their cells to reduce the resource demands for classrooms and teachers;
- reduce the number of offenses to which Truth-in-Sentencing applies;
- provide commercial driver's license education and training to offenders while incarcerated so that they're able to perform this kind of work upon release.

These ideas and comments will be evaluated by the appropriate Subcommittees.

II. THE WORK OF THE SUBCOMMITTEES

A. LAW SUBCOMMITTEE

The Law Subcommittee has begun to study possible statutory changes that either would lead directly to a reduced prison population or would assist other subcommittees in making changes. The Subcommittee has discussed three overlapping categories of ideas: (1) changes that would reduce the number of people being sent to prison; (2) changes that would reduce the sentence length of those sent to prison; and (3) changes that can help reduce recidivism. These topics are still being studied; the Subcommittee has not reached any final conclusions about the wisdom or feasibility of the proposals.

In the first group, the Subcommittee is studying a proposal that would reduce the penalty for simple possession of one gram or less of a controlled substance or methamphetamine to a Class A misdemeanor, from its current classification as a Class 4 felony. Many states have made similar changes, making this a potentially useful area of study.

A second topic in the first group is a proposal to increase the number of probationable offenses. There has been a trend in recent years to make certain offenses non-probationable, or, to put it differently, to require some amount of incarceration upon conviction, regardless of the facts of the crime or the circumstances, dangerousness, or rehabilitative potential of the offender.

This trend may well have resulted in mandatory minimum sentences in cases where incarceration was not necessary or desirable. The Subcommittee is considering ways to increase the flexibility of judges when imposing sentences, as well as the flexibility of prosecutors in negotiating guilty pleas.

Also in the first group are topics being studied by the other Subcommittees, most notably those that would involve alternatives to incarceration as punishment for crimes. One suggestion under discussion is to require, as a part of sentencing, that judges explicitly consider alternatives to incarceration or standard probation and provide reasons why such alternatives are not appropriate or available. Changes to the current sentencing structure will undoubtedly require legal changes, but the Law Subcommittee is following the lead of the other Subcommittees on these issues.

The second group of changes under consideration involves reducing the sentence length for some who are sent to prison. One proposal would be to reduce the percentage of time that certain inmates are required to serve under the Illinois Truth-in-Sentencing laws. It has been argued that even small changes in the required sentence length can have a meaningful effect on the overall prison population, particularly where a reduced requirement of sentence-percentage served is coupled with an increased availability of sentencing credits.

The ability of inmates to earn sentencing credit is a significant area of study for the Subcommittee. Among the messages received by the full Commission are: (a) nearly all inmates will someday be released from prison; (b) rehabilitation, and with it reduced recidivism, should be based on a risk assessment that is particular to the individual, not necessarily to the offense committed; (c) rehabilitation is not just a Constitutional command,¹⁵ it is also good policy, and must begin in prison, not afterward; and (d) using an appropriate risk-assessment tool, one that is appropriate to the individual, rather than to the crime of conviction, is critical to determining the correct amount of intervention for an inmate. Giving inmates an incentive to improve their chances of a successful life after release by permitting them to earn credit while in prison is an area of great interest for the Subcommittee, with implications both for the length of stay for current inmates and the likelihood of recidivism later.

An additional topic in the second group is to evaluate the rules that apply to judges in imposing concurrent or consecutive sentences. The rules are complex, and may well be appropriate as written. Or it also may be that judges are constrained to impose consecutive sentences, resulting in unduly long periods of incarceration, where concurrent sentences and a shorter prison-stay may be adequate to meet the needs of punishing the wrongdoer and protecting public safety.

The third group of topics looks specifically at recidivism. With nearly half of all discharged inmates returning to incarceration within three years of release, it is difficult to reach the Commission's goal without reducing the recidivism rate. Among the topics under consideration by the Subcommittee are: (a) studying the impact of tax incentives on employers' willingness to

¹⁵ Illinois Constitution, Art. I Sec. 11 ("All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship.").

hire former convicts; (b) studying whether some type of protection from civil liability for those hiring people with criminal records would remove a barrier to employment; (c) studying whether protection from civil liability for renting apartments and other housing to former inmates would increase the number of offenders who successfully return to society after incarceration; (d) whether changes in the laws on asking job applicants about their criminal history, or changes on when and how a criminal record becomes sealed or expunged, can make it easier for former inmates to obtain employment, consistent with public safety.

B. COMMUNITY CORRECTIONS SUBCOMMITTEE

The Community Corrections Subcommittee has begun the review of the current community corrections system in Illinois. The Subcommittee has defined community corrections as a range of community-based services available to individuals at-risk or involved in the criminal justice system. This includes services provided by community-based organizations as well as those provided by traditional criminal justice agencies, such as that available through deferred prosecution programs, probation, and parole.

The Subcommittee identified a set of core standards for community corrections. The standards will continue to inform discussions at future meetings. The standards include:

- Use of validated risk-need assessment tools to evaluate offender criminogenic risk and needs at early entry points into the criminal justice system.
- Use of the Risk-Need-Responsivity Model to identify appropriate service levels and to link offenders to evidenced-based services and treatments.
- Consideration of the principle of “parsimony” to community corrections for expenditure of funds as well as service provision to offenders.
- Creating funding incentives to encourage best practices at the local and state levels.

The Subcommittee also discussed the need to leverage effective services currently in existence and to find ways to bring them to scale in Illinois. It was recognized that community corrections in Illinois is “siloeed,” making it difficult to document and address resource needs of particular communities and offenders. Although there may be effective, evidence-based programs in certain areas of the State, other jurisdictions may be unaware of those programs. Moreover, current funding practices may perpetuate a disjointed community correctional system.

A significant area of concern identified by the Subcommittee was whether sufficient resources could be allocated (or reallocated) to community agencies to address the diversion of offenders from prison. Dr. Marlowe, who has been actively involved with other states’ efforts to reform their criminal justice systems, noted that community corrections will not succeed unless it has been adequately funded and resourced to supervise and provide services to offenders in the community.

The Subcommittee has also discussed possible statutory changes pertaining to community correctional programs. One statutory change being studied would require judges, at sentencing, to presume offenders receive a “split-sentence” so that offenders receive appropriate supervision

when released from incarceration. Another statutory change being considered was that risk/needs assessments be performed and used by judges prior to sentencing.

The Subcommittee has also reviewed existing data on the availability and use of prosecutorial diversion programs, availability of pre-trial programs, use of probation, prison and parole, and statewide recidivism rates for probationers and parolees. The Subcommittee is continuing efforts to determine what other data exist on community corrections at the local and state levels that will inform the Commission's work and whether additional data are needed.

Areas of inquiry the Subcommittee will be pursuing in the future specific to probation and parole include:

Probation

How to increase the use of other sanctions that do not require intensive supervision but still hold offenders accountable (e.g., fines, restitution, and community service).

- Whether to eliminate the use of prison as a sanction for probation violations unless other options have been used first.
- Whether it is safe and appropriate in some cases to reduce the amount of time spent on probation.
- Whether to reduce or eliminate prison as a sentence for some lower-level offenses.

Parole

Whether, and if so to what extent, to divert technical parole violators from prison through use of graduated sanctions.

- Evaluate existing laws that mandate return to prison for select violations.
- Evaluate the barriers for those on parole in obtaining housing, in order to reduce the number of offenders who are returned to prison because they cannot find a permissible place to live.
- Basing parole conditions on information gleaned from risk assessment.
- Whether to increase the use of Electronic Monitoring.
- Whether the length of time spent on parole can be safely and appropriately reduced.

Beyond discussing probation and parole, the Subcommittee will also study ways that communities can enhance the supervision of offenders and offer appropriate services and support, including housing, job training, education, and treatment. The Subcommittee will also study reform efforts in other states to determine what might be transferable to Illinois.

C. BUDGET AND CAPACITY SUBCOMMITTEE

The Budget & Capacity Subcommittee is focused on mapping the flow of state and local funds through the criminal justice system and identifying how to use tax dollars effectively to manage the risk that crime will occur as Illinois works to safely reduce the prison population. While there is significant data on the prison population that allow a good understanding of how people flow through the system, there is not a good understanding of how the funding flows through a system that is largely administered on the local level to enforce laws that are enacted at

the State level. In order to develop and implement the policies needed to permanently and responsibly reduce the prison population by 25%, the Commission must more fully understand the current operational capacity of system actors on the state and local level and how to distribute limited resources more effectively throughout the system.

The Subcommittee operates with the following assumptions:

1. There is no methodology by which policymakers can prevent all crime, but there is a significant body of research that has established best practices for reducing recidivism. Local jurisdictions are implementing a variety of those practices but none have been brought to scale, in part due to resource limitations.
2. Building community capacity to address the criminogenic needs of offenders, such as behavioral health services, job training, and access to social services, is critical to reducing the prison population safely and sustaining the reduction over time.
3. Having a clear understanding of how money flows through the system is critical to aligning resources with new policy goals, especially if there may not be an abundance of new resources available to fund the system.
4. A strong feedback loop is necessary, including independent outcome evaluations of programs, to identify and understand the outcomes purchased with tax dollars.

This Subcommittee is staffed by the Sentencing Policy Advisory Council and the Civic Consulting Alliance. The Subcommittee will also add the Pew-MacArthur Results First Initiative's cost-benefit analysis model and the methodology for analyzing the system-wide fiscal impact of specific policy proposals.

1. Budgeting

The Budget & Capacity Subcommittee presented to the full Commission its findings on funding expenditures and sources in the justice system, as described above (See Part I.F of this Report). The findings in the 12th Judicial Circuit will be the basis for data collection from several additional counties that are diverse in terms of population, prison-use, and fiscal resources. Looking at counties with both high and low admissions to prison should provide insight into how resource allocation may influence the use of prison and why some localities use prison at a higher rate.

Once the data are collected, the Subcommittee will calculate estimates of fixed, marginal, and step costs.¹⁶ The marginal cost calculations will be relevant to cost-benefit analysis, particularly for use with the Pew-MacArthur Results First Initiative. These costs will also facilitate accurate, system-wide fiscal impact analyses of the Commission's proposals and

¹⁶ Fixed costs are expenses that are unchanged as the level of activity (*i.e.*, inmates, convictions, or arrests) increases or decreases. An example of a fixed cost might be a building. Marginal costs are expenses that directly change as a result of increases or decreases in the level of activity. Examples of marginal costs are food, clothing, or medical care. Step costs are expenses that change only at certain thresholds of changes of activity. An example of a step cost is heating costs for a wing of a building going from occupied to completely empty.

recommended programs. This project will add important tools for developing and funding population reduction strategies that can be maintained over time; determining how to shift resources within the system; understanding where the State can leverage local funding or incentivize best practices, and how county budgets are likely to respond if prison-use is limited by new state policies.

2. Capacity

Building community capacity to address the criminogenic needs of offenders is critical to achieving and successfully maintaining the population reduction goal set by Governor Rauner. Access to programs and services that address the underlying causes of criminality is the foundation for changing behavior and reducing recidivism. If capacity is not addressed before people are shifted out of prison and into a community supervision system, there is a predictable risk that crime will increase, at least until that capacity is established. Understanding the nature and extent of current treatment and service capacity, as well as the resources currently available to the forensic population, is critical to the Commission's work.

One challenge for the Commission is determining what policy changes can be implemented responsibly in light of current limits on access to treatment and services in Illinois communities. While it is widely believed that providers will expand current capacity to meet the needs of the newly insured population under the Affordable Care Act, that expansion has not yet occurred.

The Budget & Capacity Subcommittee presented the available data on treatment capacity to the full Commission (See Part I.F of this Report). While there are data gaps, the consistent downward trend in the number of substance abuse and mental health treatment beds available and the lack of treatment capacity in rural counties presents a significant issue for managing the needs of offenders who are released from prison or sentenced to community supervision.

As recommendations are developed, the Budget & Capacity Subcommittee will use available data to provide fiscal and capacity analysis for the Commission and identify resource issues that must be addressed for successful implementation.

D. JAILS SUBCOMMITTEE

The Jails Subcommittee is examining the extent to which jail capacity, programming, and the use of pre-trial detention affects Illinois' prison admissions and population.

The Subcommittee met with Michael Funk, Manager of the IDOC Jail and Detention Standards Unit, who provided an overview of IDOC's role in monitoring local jails to ensure compliance with the standards articulated in Title 20 of the Illinois Administrative Code. This IDOC Unit inspects each of Illinois' county jails annually, and also provides jails with technical assistance when requested. The Jail and Detention Standards Unit also obtains monthly, aggregate data from each county jail regarding the characteristics of the jail's population as well as the jail's capacity.

The Subcommittee also heard a presentation by Commission member Dr. David Olson and Dr. Sharon Shipinski (Acting Manager of IDOC's Planning and Research Unit / Parole Division Administrator) regarding the degree to which pre-trial detention credits (i.e., credit for time

served in jail) impacts IDOC's population. The information presented revealed that the average days of jail credit (i.e., credit for time served) received among those exiting IDOC in state fiscal year (SFY) 2014 was 190 days, but this varied considerably by felony class and by county. Combined, these jail credits among those exiting IDOC in SFY 2014 totaled 4.4 million days, or the equivalent of 12,133 years of incarceration. Importantly, the amount of pre-trial detention jail credit reduces the length of stay in IDOC, and in many cases, results in extremely short lengths of stay in IDOC. Jail credits accounted for 24% of the total period of incarceration for inmates (jail plus prison), but varied considerably by felony class and county.

For example, among those released from prison after serving a sentence for a Class 3 or 4 felony, roughly one third of their total period of incarceration was spent in jail, and, as a result, the average length of stay in IDOC was less than one year. As noted in Part I.C of this Report, because of this relatively short period of incarceration, these inmates are often not able to access IDOC-based treatment programs. This occurs because of the time it takes to get inmates through the Reception and Classification Center and transported to a correctional center and because of limited treatment capacity within the prisons. Nevertheless, the system incurs substantial costs associated with reception and classification processing. On the other hand, almost 8 % (1,771 of the 23,271 exits from IDOC in SFY 2014) received 14 days or less of jail credit, meaning they likely were not detained pre-trial before being convicted for the offense that resulted in their IDOC sentence.

Drs. Shipinski and Olson also discussed the limited number of inmates being admitted to IDOC that appear to be receiving pre-trial program participation credits. Based on a change to Illinois law a few years ago, inmates who participate in educational, behavior modification, life skills, substance abuse and/or GED or high school equivalency programming while in pre-trial detention can be awarded pre-trial program participation credits by the sentencing judge in addition to any credit for time served the inmate may receive. Out of the 23,271 sentenced inmates (i.e., excluding parole violators) released during SFY 2014, only 308 inmates had received pre-trial program credits, with 297 of these inmates being sentenced to IDOC from Cook County, and the remaining 11 inmates distributed across four other counties. Despite these small numbers, across the combined pre-trial program credits of educational, behavior modification, life skills, substance abuse, and/or GED or high school equivalency programming, a total of 24,040 days were credited towards sentences among these SFY 2014 exits, or the equivalent of 65 years of incarceration. Almost one-half of these credits were for substance abuse treatment (12,575), followed by life skills (4,866), and behavioral modification programs (4,812). These numbers led to a discussion of whether those inmates who have begun treatment or rehabilitative programming while in jail should be given a priority to continue their treatment in IDOC to ensure continuity of care and successful completion of services.

The information also led to a discussion among the Subcommittee regarding whether too few pre-trial detainees have access to these types of programs in jail, if the reporting/awarding of these credits by courts is low, if these credits are being combined with the credit for time served and are not being reported separately, or a combination of all of these factors. The Subcommittee then decided to conduct a survey of Illinois' jails to gauge the degree to which they have specific types of programs available for pre-trial detainees, along with the capacity of these programs. There was also a discussion regarding the existence and use of provisions in Illinois law that

allow for pre-IDOC commitment probation credits, pre-trial supervision credits, home confinement, or pre-trial electronic monitoring credits for those ultimately sentenced to IDOC.

The Subcommittee also heard a presentation by Mr. Funk on the Admitting County Custodial Transfer Information form. This draft form, which is intended to track and ensure that information needed by IDOC's Reception and Classification Centers is being provided by counties committing inmates to IDOC. In addition, Dr. Olson presented information regarding the existing body of research that has examined the degree to which pre-trial detention increases the risk of a prison sentence being imposed and the impact of pre-trial detention on recidivism. There is relatively little existing research literature that has specifically sought to examine the impact of pre-trial detention on sentencing decisions, including the decision regarding whether or not to incarcerate, and the length of the sentence if incarceration is chosen.

While little can be said about how pre-trial detention influences sentencing decisions, the available evidence suggests that, all other factors being equal (i.e., statistically controlling for characteristics like age, race, gender, criminal history, seriousness of the offense, etc.), pre-trial detention increases the likelihood of a prison sentence. There is also an emerging body of research on pre-trial detention and recidivism, with some suggesting that the longer the length of stay in pre-trial detention, the higher the post-release recidivism rates (again, all other factors being equal).¹⁷ Preliminary research by Drs. David Olson and Donald Stemen (Loyola University Chicago) suggests that those released from Illinois Department of Corrections who spend a considerable proportion of their total incarceration time in jail under pre-trial detention have higher recidivism rates than those inmates who spend less of their time incarcerated in pre-trial detention, after statistically controlling for other factors that influence recidivism.

Finally, the Subcommittee discussed the content and strategy for a survey of county jails in Illinois to gauge the availability and types of programming available to pre-trial detainees. Dr. Olson distributed sections from a jail survey instrument developed and used by the U.S. Justice Department's Bureau of Justice Statistics as a starting point for the survey the Subcommittee would like to distribute. The discussion centered around how to make the Illinois-specific survey that will be conducted by the Subcommittee more specific as to the nature of the jail-based programming, and will also seek to obtain information regarding program capacity and the specific jail population (pre-trial or sentenced) that is served through the existing programs.

The Subcommittee's plans for the remainder of the Commission's work will include the finalization, distribution and analyses of the survey to jails. In addition, the Subcommittee will continue to examine, discuss, and develop recommendations for the Commission to consider relative to policy and practice regarding the use of pre-trial detention, and how it impacts IDOC's population, public safety, and access to rehabilitative programming.

E. IMPLEMENTATION SUBCOMMITTEE

The Implementation Subcommittee's charge is to address the infrastructure and sustained leadership needed to ensure that the Commission's recommendations are properly implemented.

¹⁷ Lowenkamp, C.T., VanNorstrand, M., & Holsinger, A. (2013): *The Hidden Costs of Pretrial Detention*. The Laura and John Arnold Foundation.

Implementation considerations include: factors affecting organizational change, establishing efficient and durable data collection and analysis systems, building reliable and durable feedback loops, identifying performance measures, and developing the structure for evaluating reforms.

The Implementation Subcommittee is working closely with the Budget and Capacity Subcommittee. Together these Subcommittees have focused on ways to help policymakers understand the capacity the State needs to reach its goal, as well as the impact of the Commission's policy changes on the justice system and Illinois communities.

One of the first things the two Subcommittees discussed was the need to determine the different levels of analysis needed to establish existing capacity and measure effects of future policy changes. Members agreed that it was important for the Implementation Subcommittee to understand how eventual policy changes not only affect the State's criminal justice system, but also the State's local systems, which drive the State's use of prison. As such, the Implementation Subcommittee contemplates focusing at a minimum on state, court circuit, and county level data.

To learn from successful homegrown criminal justice reform efforts, the Implementation Subcommittee examined Adult Redeploy Illinois (ARI), a performance-based incentive program that uses state funds to encourage Illinois counties to reduce their low-level prison commitments by 25%. (ARI is noted above in Part I.D of this Report.) ARI has diverted more than 2,000 low-risk offenders from prison and helped the state avoid more than \$50 million of correctional costs. The key to its success is an oversight model that has clear performance measures, contractual goals, accountability, and collaborative relationships between state and local officials.

One task of the Subcommittee is to look at the experience of other states. To date, the Subcommittee has examined how three states have attempted to control the growth of their prison populations.

- In Kansas, state law requires the Secretary of the Department of Corrections to report to the State's Sentencing Commission if the prison population exceeds 90% of overall facility capacity. Upon receiving such a report, the Sentencing Commission is required to recommend to the state legislature how the prison population could be reduced. The strength of this model is that it requires policymakers to consider annually the state of its prison population as well as proposals to keep its population at a safe level. If there is a motivated administration, this model can help provide the tools and feedback it needs to safely reduce the prison population.
- In Virginia, state law requires that its Sentencing Commission perform a fiscal impact analysis of proposed sentence enhancements. To move sentence enhancements out of committee, sponsors must first identify a revenue source to pay for estimated increased prison costs. The advantage of this model is it functions as a "pay-as-you-go" rule, stopping proposals that the State cannot afford. Using this model, Virginia's prison population has hovered between 30,000 and 32,000 for the past 10 years.

- Finally, the Subcommittee examined California's prison reduction efforts, which stem from a ruling by the United States Supreme Court that California reduce its prison population from about 150 % to 137.5 % of the system's design capacity. This order resulted in the California Public Safety Realignment Act, which mandated that the state's prison system be reserved for the most serious offenders and that counties be responsible for offenders who are convicted of non-violent, non-sexual, and non-serious offenses. Since it was enacted in 2011, California has reduced its prison population from 140,000 to less than 130,000 in total custody in 2015. While litigation is not the optimal vehicle for effective policy change, California has arguably just shifted its overcrowding problem to local jurisdictions. The benefit of these reform efforts is that they are grounded in the principle that prison should be reserved for the most dangerous offenders.

While these three models have strengths and weaknesses, the Implementation Subcommittee agreed that they provided useful information for improving the ways in which Illinois currently tracks its prison population. The Subcommittee also recognized that while the Sentencing Policy and Advisory Council has provided important analysis of the impact particular legislative proposals would have on the State's prison population, most of the Illinois mandatory reporting requirements for the criminal justice system, including IDOC's Annual Report, IDOC's Quarterly Report, and Fiscal Impact Notes, are not fully effective tools that enable the State to adequately understand, manage, or reduce its prison population.

Areas of inquiry that the Subcommittee will be pursuing include:

- Proposing improvements to Illinois justice system data collection.
- Studying how fiscal incentives both drive the State's use of prison and can be modified to safely reduce the prison population.
- Designing performance metrics that will enable the policymakers to measure the impact of the Commission's proposals and make policy adjustments as necessary.

CONCLUSION

The Commission has substantial work left to do. Before it can produce a final report that will recommend ways to safely reduce the prison population by 25% over the next 10 years, the Commission must research, analyze, and debate the options described in this Report as well as others that remain to be identified. While carrying out this task, the Commission will continue to listen. It will actively seek the views of the people in the cities of Chicago and East St. Louis, whose communities present particular challenges; it will hear more from victims' rights groups, former offenders, law enforcement officials, treatment providers, and defense attorneys. And the Commission will study carefully what other states are doing to address the challenge of incarceration reduction.

The Governor's groundbreaking goal requires not only hard work and dedication, but also courage from Illinoisans to confront difficult issues and to question long-held assumptions. The goal can only be achieved by making smarter decisions about who should be sentenced to prison and for what period of time, who can and should be punished by other

methods, and what steps can be taken to help offenders return to successful citizenship after prison. This will not be easy and it will not be risk-free. But, as Governor Rauner's order makes clear, acting boldly can make Illinois a better place for all of us.

Appendix A

Members of the Illinois State Commission on Criminal Justice and Sentencing Reform

- **Chairman: Rodger Heaton** - Public Safety Director & Homeland Security Advisor, Office of the Governor
- **Vice Chairman: Jason Barclay** - General Counsel, Office of the Governor
- Kathryn Bocanegra - Director of Violence Prevention, Enlace Chicago
- Jerry Butler - Vice President of Community Corrections, Safer Foundation
- John Cabello - State Representative
- Michael Connelly - State Senator
- Scott Drury - State Representative
- Brendan Kelly - State's Attorney, St. Clair County
- Andrew Leipold - Edwin M. Adams Professor, University of Illinois College of Law
- John Maki - Executive Director, Illinois Criminal Justice Information Authority
- Doug Marlowe - Chief of Science, Law & Policy, National Association of Drug Court Professionals
- Karen McConaughay - State Senator
- Michael Noland - State Senator
- David Olson - Professor of Criminal Justice and Criminology, Loyola University
- Michael Pelletier - Illinois Appellate Defender
- Howard Peters- Former Director, Illinois Department of Corrections
- Elena Quintana - Executive Director, Institute for Public Safety - Adler University
- Kwame Raoul - State Senator
- Elizabeth Robb - (Ret.) Chief Judge, 11th Judicial Circuit
- Pamela Rodriguez - President and CEO, Treatment Alternatives for Safe Communities
- Kathryn Saltmarsh - Executive Director, Illinois Sentencing Policy Advisory Council
- Stephen Sawyer - Director of Specialty Courts, 2nd Judicial Circuit & (Ret.) Chief Judge
- Elgie Sims Jr. - State Representative
- Brian Stewart - State Representative
- Greg Sullivan - Executive Director, Illinois Sheriffs' Association
- Michael Tardy - Director, Administrative Office of the Illinois Courts
- Gladyse C. Taylor – Acting Director, Illinois Department of Corrections