



Commission Recommendations Implementation

As of November 17, 2017



Law or statewide policy changed



Some parts enacted or policy implementation started



No change yet

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

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

Reduce Protected Zones' Distance & Add Nexus (16)

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

Remove Licensing Barriers (26)

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

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

PA. 99-907 Secretary of State to provide ID, inmates must have birth certificates or social security card & proof of address.

More Services & Treatment Capacity (1)

PA. 99-938 creates comprehensive trauma recovery services. Pilot site planning begun. SB1607 creates a frequent users system engagement supportive housing program.

Risk Assessment Use (2)

IDOC using a new risk assessment tool.

Criminal Justice Coordinating Council (3)

ICJIA in the planning process with five pilot sites.

Gender-Responsive Approach (4)

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

Implicit Bias Training (5)

Some system actors are voluntarily taking implicit bias training.

Data Exchange Coordinating Council (6)

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

Collect Race & Ethnicity Data (7)

Proposed in HB3341 & HB3815. ISP is working to improve race and ethnicity data at the State level.

Evaluate State-Funded Criminal Justice Programs (8)

IDOC is assessing programming with Second Chance Act grant.

Probation Eligibility Expansion (11)

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

Expand Programming Credit Eligibility (18)

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

Reform Truth-in-Sentencing (19)

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

Improve Targeted Electronic Monitoring (21)

PA. 99-797 authorizes chief judges to create an EM program by administrative order for drug- & alcohol-related offenses.

Enhance Rehabilitative Programming (23)

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

Reduce Mandatory Supervised Release Terms (24)

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

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

Proposed in HB3355.

Raise Felony Theft & Retail Theft Thresholds (10)

Proposed in HB3337, HB3856, & HB3355.

Reduce Minimum Sentences for Felonies (13)

Limit Automatic Enhancements (14)

Reduce Drug Crimes One Felony Class (15)

Proposed in HB3355 & HB3235.

Reduce Felony Class for Motor Vehicle Theft (17)

Improve Adult Transition Centers (20)

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

Release for Elderly or Terminally Ill (22)

Proposed in HB1310, HB2726, & HB3816.

Restore Halfway Back Program (25)

The numbers in parentheses on the previous page are the Commission recommendation numbers. The following pages list in more detail the progress on each recommendation. SPAC surveyed criminal justice stakeholders but did not verify implementation received.

Updated as of November 17, 2017.

The Sentencing Policy Advisory Council (SPAC) is a statutorily created council that does not support or oppose legislation. Data analysis and research is conducted by SPAC's research staff. The analysis presented here is not intended to reflect the opinions or judgments of SPAC's member organizations. More information is available at <http://ilspac.illinois.gov>.

RECOMMENDATIONS TO INCREASE EFFECTIVENESS OF SENTENCING AND REHABILITATIVE PROGRAMMING

REC.#	Description	Current Facts	Status
1	<p>Increase rehabilitative service and treatment capacity in high-need communities. Give the highest priority to behavioral health/trauma services, housing, and work force development with transportation support:</p> <ul style="list-style-type: none"> a) Establish trauma recovery services in underserved communities that have disproportionate rates of crime and incarceration, b) Relax restrictions in state housing programs that prohibit renting to people with criminal records, and c) Provide sufficient reimbursement to service providers to allow them to expand their capacity. 	N/A	<ul style="list-style-type: none"> ▪ In progress. ▪ P.A. 99-0938 creates comprehensive trauma recovery services. ICJIA is in planning process and some trauma recovery services are offered in Cook County. ▪ No change to state law regarding housing programs' admissions. ▪ Budget impasse has decreased rehabilitative and treatment capacity across the State. ▪ SB1607 creates the Frequent User Systems Engagement (FUSE) supportive housing program; bill sent to governor on November 9, 2017.
2	<p>Expedite the use of risk-and-needs assessment tools by the Illinois Department of Corrections and the Prisoner Review Board. Promote and expedite the use of risk and needs assessment tools by Illinois Circuit Courts in determining sentences in felony cases. IDOC should continue to implement the elements of the Crime Reduction Act of 2009 (730 ILCS §190/15). Support the expanded application of risk and needs assessment within probation departments.</p>	N/A	<ul style="list-style-type: none"> ▪ In progress. ▪ IDOC using the SPIn risk assessment tool; risk assessment specialists are in some facilities with more hires authorized.
3	<p>Provide incentives and support for the establishment of local Criminal Justice Coordinating Councils to develop strategic plans to address crime and corrections policy.</p>	N/A	<ul style="list-style-type: none"> ▪ In progress. ▪ ICJIA is beginning with five pilot sites: Lake, McHenry, McLean, St. Clair, and Winnebago counties.
4	<p>Implement a Gender-Responsive Approach for Female Offenders:</p> <ul style="list-style-type: none"> a) Implement a Gender Responsive Risk Assessment Tool, b) Implement the Women Offender Case Management Model or similar evidence based gender-responsive model, c) Adopt Model Disciplinary Policies tailored to female inmates, and d) Implement Gender Responsive Trauma-informed Treatment Programs. 	<ul style="list-style-type: none"> ▪ On June 30, 2017, IDOC held 2,473 women. 	<ul style="list-style-type: none"> ▪ In progress. ▪ IDOC is implementing recommendations of the Gender-Informed Practice Assessment, released in Nov. 2016. ▪ P.A. 100-0527 creates a new Women's Division.
5	<p>Require periodic training on recognizing implicit racial and ethnic bias for individuals working in the criminal justice system, including but not limited to law enforcement officers, prosecutors, public defenders, probation officers, judges, and correctional staff.</p>	N/A	<ul style="list-style-type: none"> ▪ In progress. ▪ Some system actors are voluntarily taking implicit bias training, including ISP, state prosecutors, and some courts. Some training has been made periodic requirements.
6	<p>Improve and expand data collection, integration and sharing. Support the establishment of the Illinois Data Exchange Coordinating Council (IDECC) to</p>	N/A	<ul style="list-style-type: none"> ▪ In progress.

REC.#	Description	Current Facts	Status
	facilitate an information-sharing environment among state and local units of government.		<ul style="list-style-type: none"> DoIT is coordinating new integration and data sharing agreements between State and local governments.
7	Collect and report data on race and ethnicity at every point in the criminal justice system to allow a systematic assessment of disproportionate minority impact.	N/A	<ul style="list-style-type: none"> In progress. Proposed in HB3341 and HB3815. ISP is working to improve race and ethnicity data in State criminal history records to comply with P.A. 99-0078, effective July 2015.
8	Require all State agencies that provide funding for criminal justice programs to evaluate those programs. Agencies should eliminate those programs for which there is insufficient evidence of effectiveness and expand those that are proven effective. Ensure that programming appropriately targets and prioritizes offenders with high risk and needs.	N/A	<ul style="list-style-type: none"> In progress. IDOC is assessing programs, with Second Chance Act grant funds. ICJIA continues to evaluate criminal justice programs. No statewide requirement has been issued.

RECOMMENDATIONS TO REDUCE THE NUMBER OF PRISON ADMISSIONS

REC. #	Description	Current Facts	Status
9	Prevent the use of prison for felons with short lengths of stay. IDOC should be authorized and encouraged to use existing alternatives to imprisonment for individuals with projected lengths of stay of less than 12 months. IDOC should be required to report its use of alternatives to imprisonment for these individuals in its Annual Report.	<ul style="list-style-type: none"> FY17 admissions: 9,010 Individuals eligible on June 30, 2017: 3,653 	<ul style="list-style-type: none"> No implementation. Proposed in HB3355.
10	Raise the threshold dollar amounts for theft not from a person and for retail theft from their current level to \$2,000. Limit the automatic enhancement from misdemeanor theft to felony theft to cases where there has been a prior felony theft conviction.	<ul style="list-style-type: none"> FY17 admissions: 1,276 Individuals eligible on June 30, 2017: 578 	<ul style="list-style-type: none"> No implementation. Proposed in HB3337, HB3856, and HB3355. Cook County State's Attorney implemented \$1,000 threshold for felony retail theft charging decisions.
11	Give judges the discretion to determine whether probation may be appropriate for the following offenses: <ul style="list-style-type: none"> a) Residential burglary; b) Class 2 felonies (second or subsequent); and c) Drug law violations. 	<ul style="list-style-type: none"> FY16 admissions eligible: 4,303 (533 for 11(a); 2,291 for 11(b); and 1,479 for 11(c)) Individuals eligible on June 30, 2016: 8,748 (1,268 for 11(a); 4,401 for 11(b); and 3,079 for 11(c)) 	<ul style="list-style-type: none"> Partial implementation. P.A. 99-0938 gives judges discretion to impose probation on most Class 2 felonies (second or subsequent) and certain drug offenses. P.A. 100-0003 creates the Safe Neighborhoods Reform Act, expands eligibility for specialty probation programs for first-time offenders.

REC. #	Description	Current Facts	Status
12	Before an offender is sentenced to prison for a Class 3 or 4 felony, require that a judge explain at sentencing why incarceration is an appropriate sentence when: a) The offender has no prior probation sentences, or b) The offender has no prior convictions for a violent crime.	<ul style="list-style-type: none"> FY16 admissions eligible: 1,310 Individuals eligible on June 30, 2016: 824 	<ul style="list-style-type: none"> Implemented. P.A. 99-0861 enacts this recommendation when both conditions are met (“and” rather than “or”).
13	Reduce the minimum sentence authorized for each felony class except for Class 4.	<ul style="list-style-type: none"> FY17 admissions eligible: 16,408 Individuals eligible on June 30, 2016: 38,411 	<ul style="list-style-type: none"> No implementation.
14	Limit the automatic sentence enhancement for a third or subsequent Class 1 or Class 2 felony conviction to cases where both the current and the two prior convictions involve forcible felonies.	<ul style="list-style-type: none"> Admissions and inmates eligible depend on eligibility criteria. 	<ul style="list-style-type: none"> No implementation. Proposed in P.A. 100-0003 as filed, but removed by later amendments.

RECOMMENDATIONS TO REDUCE LENGTH OF STAY

REC. #	Description	Current Facts	Status
15	Reduce the sentencing classification for felony drug crimes set forth in the Controlled Substances Act, the Methamphetamine Control and Community Protection Act, and the Cannabis Control Act by one class.	<ul style="list-style-type: none"> FY17 admissions eligible: 5,928 Individuals eligible on June 30, 2017: 7,630 	<ul style="list-style-type: none"> No implementation. P.A. 99-0697 expands civil violations to some misdemeanor and Class 4 marijuana possession offenses. Proposed in HB3355 and HB3235.
16	Change the mandatory felony classification increase for drug crimes committed near a protected area: a) Conviction for delivery, or possession with intent to deliver, certain drugs within 1,000 feet of a school, park, church, or senior-citizen facility results in an automatic increase of the seriousness of the offense by one felony class. Reduce the size of the protected area from 1,000 feet to 500 feet, b) Require the prosecutor to establish a nexus – an effect or a likely effect of the crime on the protected area – between the location and the drug offense before that offense is increased by one felony class, and c) Remove public housing from the current statute as a protected area.	<ul style="list-style-type: none"> FY17 admissions eligible: 203 Individuals eligible on June 30, 2017: 554 	<ul style="list-style-type: none"> Implemented. P.A. 100-0003, the Safe Neighborhoods Reform Act, enacts this recommendation.

REC. #	Description	Current Facts	Status
17	Reduce the crime of possession of a stolen motor vehicle from a Class 2 felony to a Class 3 felony. Make a conforming change for conspiracy to possess stolen motor vehicles by lowering the classification from a Class 2 to a Class 3 felony.	<ul style="list-style-type: none"> ▪ FY17 admissions eligible: 222 ▪ Individuals eligible on June 30, 2017: 353 	<ul style="list-style-type: none"> ▪ No implementation.
18	Expand eligibility for programming credits. All inmates should be eligible to earn programming credits for successfully completing rehabilitative programming, with the exception of credits that would reduce a sentence below Truth-in-Sentencing limits.	<ul style="list-style-type: none"> ▪ Admissions and inmates eligible depend on eligibility criteria. 	<ul style="list-style-type: none"> ▪ Partial implementation. ▪ P.A. 99-0938 removes the ban on repeat offenders receiving programming credit. ▪ P.A. 100-0003, the Safe Neighborhoods Reform Act, permits inmates subject to 75% truth-in-sentencing to receive programming credit.
19	<p>Allow inmates who are currently required by statute to serve 75%, 85%, or 100% of their sentence to earn programming credit and supplemental sentence credit for good conduct that could reduce their sentence below the currently-required percentage. The amount of programming and supplemental sentence credit available to these inmates should be capped as follows:</p> <p>a) Inmates who currently are required to serve 100% of their sentence should be required to serve no less than 90% of their sentence.</p> <p>b) Inmates who currently are required to serve at least 85% of their sentence should be required to serve no less than 75% of their sentence.</p> <p>c) Inmates who currently are required to serve 75% of their sentence should be required to serve no less than 60% of their sentence.</p> <p>d) Beginning on the date these changes take effect, inmates may begin earning credit on their current sentence for programs successfully completed after that date. Inmates should not be granted credit for programs completed before these changes take effect.</p>	<ul style="list-style-type: none"> ▪ FY17 admissions eligible: 1,880 <li style="padding-left: 20px;">75%: 71 individuals <li style="padding-left: 20px;">85%: 1,596 individuals <li style="padding-left: 20px;">100%: 213 individuals ▪ Individuals eligible on June 30, 2017: 14,442 <li style="padding-left: 20px;">75%: 451 individuals <li style="padding-left: 20px;">85%: 9,484 individuals <li style="padding-left: 20px;">100%: 4,507 individuals 	<ul style="list-style-type: none"> ▪ Partial Implementation. ▪ P.A. 100-0003, the Safe Neighborhoods Reform Act, permits inmates subject to 75% truth-in-sentencing to receive programming credit. ▪ Proposed in HB3355 and HB2882.
20	Make better use of Adult Transition Centers. Ensure that use of Adult Transition Centers is informed by the risk-and-needs research and evidence, which shows that residential transitional facilities, paired with appropriate programming, should be primarily reserved for high and medium risk offenders to obtain the greatest public safety benefit.	<ul style="list-style-type: none"> ▪ Admissions and inmates eligible depend on eligibility criteria. 	<ul style="list-style-type: none"> ▪ No implementation.

REC. #	Description	Current Facts	Status
21	<p>Improve and expand the use of electronic monitoring technology based on risk, need, and responsivity principles.</p> <p>a) The Illinois Department of Corrections should increase the use of electronic detention in lieu of imprisonment for both short-term inmates and inmates who are ready to be transitioned out of secure custody.</p> <p>b) Allow IDOC to use electronic monitoring for up to 30 days without Prisoner Review Board approval as a graduated sanction for those on Mandatory Supervised Release.</p> <p>c) Ensure that Prisoner Review Board orders requiring electronic monitoring are based on risk assessments.</p> <p>d) Encourage and support the use of electronic monitoring within local jurisdictions as an alternative to incarceration and pretrial detention.</p> <p>e)</p>	<ul style="list-style-type: none"> FY16 admissions eligible: 11,869 Individuals eligible on June 30, 2016: 1,734 	<ul style="list-style-type: none"> Partial implementation. No change on permitting IDOC to use electronic monitoring (EM) without PRB approval. No change in PRB's EM policies. P.A. 99-797 authorizes chief judges to create an EM program by administrative order for drug- and alcohol-related offenses.
22	<p>Develop a protocol to provide for the placement to home confinement or a medical facility for terminally ill or severely incapacitated inmates, excluding those sentenced to natural life. The determination of illness or severe incapacity is to be made by the Illinois Department of Corrections medical director.</p>	<ul style="list-style-type: none"> Admissions and inmates eligible depend on eligibility criteria. 	<ul style="list-style-type: none"> No implementation. Proposed in HB2726 and HB3816.

RECOMMENDATIONS TO REDUCE RECIDIVISM BY INCREASEING THE CHANCES OF SUCCESSFUL REENTRY

REC.#	Description	Current Facts	Status
23	<p>Enhance rehabilitative programming in IDOC. Implement or expand evidence-based programming that targets criminogenic need, particularly cognitive behavioral therapy and substance abuse treatment. Prioritize access to programming to high-risk offenders. Evaluate those programs identified as promising and eliminate ineffective programs.</p>	N/A	<ul style="list-style-type: none"> Partial implementation. P.A. 100-0198 (content-controlled tablets for education) and P.A. 100-0283 (entrepreneurship training). IDOC has implemented some cognitive behavioral therapy. IDOC is using a Second Chance Act grant to assess programs and determine evidence base for existing programs.
24	<p>Limit the maximum term of Mandatory Supervised Release to 18 months for Class X, Class 1 and Class 2 felonies. Require the Prisoner Review Board, based on a risk and needs assessment, to discharge low-risk and -needs offenders from MSR.</p>	N/A	<ul style="list-style-type: none"> Partial implementation. P.A. 100-0003, the Safe Neighborhoods Reform Act, permits but does not mandate the PRB to discharge low-risk and -needs offenders.
25	<p>Restore the halfway back program as an alternative to incarceration violations of mandatory supervised release.</p>	N/A	<ul style="list-style-type: none"> No implementation.

REC.#	Description	Current Facts	Status
26	Remove unnecessary barriers to those convicted of crimes from obtaining professional licenses. Review all licensure restrictions to identify those necessary for public safety.	N/A	<ul style="list-style-type: none"> ▪ Implemented. ▪ P.A. 99-0667 adds a seven-year decay provision for educational licensing and revocation. ▪ P.A. 99-0876 removes barriers for roofing, barber/cosmetology, and nail salons. ▪ P.A. 99-0886 removes barriers for some healthcare licensing. ▪ P.A. 100-0286 sets broad changes on how IDFPR is to use convictions in determining whether to grant a license. ▪ Additional changes in P.A. 100-0534 and proposed in HB3342. ▪ IDFPR reviewed licensing procedures and policies to ease restrictions except where necessary for public safety.
27	Require IDOC and the Secretary of State to ensure inmates have a State identification card upon release at no cost to the inmates, when their release plan contemplates Illinois residence. IDOC must report in its Annual Report the percentage of offenders released from custody without a valid official State Identification card or some other valid form of identification.	N/A	<ul style="list-style-type: none"> ▪ Implemented. ▪ P.A. 99-0907 requires Sec. of State to provide IDs if inmate has birth certificate or a social security card and proof of address. ▪ P.A. 100-0042 establishes that inmates will not be required to pay a search fee for a birth record search or an additional fee for a certified copy of the record upon the person's release on parole, mandatory supervised release, final discharge, or pardon from the IDOC if the person presents a specified form completed by IDOC.

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

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

For recommendations that require a law change:	For recommendations that require a policy change or new program:
<p>Green = law changed to match or exceed recommendation</p> <p>Yellow = parts of recommendation enacted into law</p> <p>Red = no change in law yet</p>	<p>Green = Statewide policy change meets or exceeds recommendation</p> <p>Yellow = implementation started and in progress</p> <p>Red = no implementation yet</p>
<p><i>SPAC analysis included surveys criminal justice stakeholders and close monitoring of legislative proposals. When a law is changed, the recommendation is considered complete regardless of implementation. When SPAC learns of implementation progress, the color may change but no verification of the information is conducted.</i></p>	