

FELONY SENTENCING COMMITTEE

July 24th, 2014

Minutes

Attendees:

Chair Justice Horton
Judge Shindurling
Judge Stegner
Judge Kerrick
Judge Owen
Judge Stoker
Judge Nye
Patti Tobias
Scott Ronan

Guests:

Judge Wood
Judge Wilper
Kerry Hong
Terry Kirkham
Steve Bywater

Next Meetings:

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| August 13, 2014 | 11:30 – 1:30 (conference call) |
| September 23, 2014 | 6:00pm (dinner meeting at Judicial Conference) |
| October 30, 2014 | 9:30 – 3:30 (Supreme Court Bldg.) |
| January 15, 2015 | 9:30 – 3:30 (Supreme Court Bldg.) |

Welcome and Introductions

Chair Justice Horton led introductions of committee members and guests. **Judge Shindurling moved and Justice Horton seconded the approval of the June 12th, 2014 minutes. Judge Wood provided comments for adjustment to the minutes.** Motion passed.

Draft Matrix of Incentives and Sanctions

Kerry Hong reviewed the draft matrix of incentives and sanctions. The matrix matches conditions of probation with LSI-R domains, incentives and sanctions, and responses geared towards behavior change. Kerry also highlighted the response chart as a companion piece to provide guidance on the magnitude of responses, increasing based on the incentives or sanctions levels. The intent is to allow for individualized probation responses but within the recommended levels. Kerry also indicated that piloting the use of this matrix is part of the implementation and he expects to have that opportunity as the early draft moves to final draft. Judge Owen volunteered to participate in the piloting of the application of the matrix. Lastly, Kerry reported on the next steps; to gain full concurrence with JRI committees, conduct pilot(s), continue to gain input from the felony sentencing committee, review on a smaller scale for operational review, construct methods of data collection, and develop a handbook for probation officer guidance. There will be an opportunity to collect information on what is working and make adjustments. In September, there will be an opportunity to obtain feedback from district judges at the judicial conference, towards the finalization of IDAPA rules in November.

There was some question as to the use of tokens as a method for incentives for prosocial behavior. The approach of using sanctions and incentives to modify behavior change in an offender is a proven evidence based practice that decreases recidivism. In addition, there was a comment that although a token economy may be a method for rewarding positive behavior, perhaps a real economy with movement to the limited supervision unit, and a reduction in fees, fines, or cost of supervision should be added to the matrix.

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Credit for Time Served

Judge Wilper reported on the JRI subgroups' efforts to identify issues with the calculation of credit for time served across multiple criminal justice entities. Initial calculations indicate that a clarified process for uniformed calculating and granting credit for time served as a condition of probation could result in millions of dollars in savings to the Department of Correction. Judge Wilper indicated that the proposed process and language contemplates credit for time served would be calculated by disposition, allow for credit for probationers in custody on a sanction, and would count for retained jurisdiction the day after sentencing (to account for days in custody during hold, transport, and assessments). A final draft will go to the Felony Sentencing Committee in August and to the Administrative Conference in October for feedback.

Request for Early Discharge Process-Update

Terry Kirkham reported that the District Managers will review the criteria for early discharge and ensure cases are reviewed and filed by IDOC to the Court starting in September. Consideration of early discharge with remaining restitution needs to be clarified.

Conditions of Supervision/ Agreement of Supervision- Update

Terry reported that the JRI Supervision Team is currently melding an overall agreement of supervision that covers all areas the Courts and IDOC are concerned with. A draft will be circulated at the August 13th, Felony Sentencing Committee meeting.

Limited Supervision Unit

Steve Bywater reviewed the proposed IDAPA rules governing the establishment and operation of a limited supervision program by IDOC. Initial feedback addressed the following:

- Need feedback on the establishment of a legal and financial obligation unit within the LSU for those that have successfully completed all conditions of probation, except for complete payment of restitution
- Want feedback regarding provision (i)
- Nature of individual charges should not disqualify, but based on individual factors for IDOC recommendation

The Committee will have an opportunity to provide comments on a revised draft at the August meeting.

Meeting Adjourned

Next Scheduled Meetings/Conference Calls-Webinar

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| August 13, 2014 | 11:30 – 1:30 (conference call) (1-888-713-3067 – Conf. Code 2089477428) |
| September 23, 2014 | 6:00 p.m. (dinner meeting at Judicial Conference) |
| October 30, 2014 | 9:30 – 3:30 (Supreme Court Bldg.) – Lincoln Conference Room |
| January 15, 2015 | 9:30 – 3:30 (Supreme Court Bldg.) – Lincoln Conference Room |