

POTENTIAL REFORMS FOR CONSIDERSATION

RACE/ETHNICITY

- Require training for all criminal justice personnel on issues of race and ethnicity.
 - Require initial training of all newly hired prosecutors and public defenders in implicit racial and ethnic bias.
 - Require bi-annual refresher training of all prosecutors and public defenders in implicit racial and ethnic bias.
 - Recommend annual training all judges who preside over felony criminal cases in implicit racial and ethnic bias.

Note: if these reforms are deemed advisable, discuss and identify

1. who should develop and provide the training,
2. how we will ensure that the training occurs, and
3. how we will evaluate the quality of the training.

DISPROPORTIONATE MINORITY CONTACT

- Data collection and system assessment of DMC
 - Police departments should participate in the National Incident Based Reporting System program. That program requires police agencies to collect and report detailed information about crime incidents, arrests and clearances, including demographic information of victims and offenders.
 - Circuit clerks and State's Attorneys should consistently report complete and accurate data in a timely manner on charging, convictions, and sentencing to Illinois' Criminal History Record Information system as required by law.
 - Court actors should collect and publish data on the use of pre-trial/post-trial prison diversion programs by race/ethnicity of persons.
 - Probation Departments should collect and publish data on revocations and race/ethnicity.
 - Note: IDOC already collects and publishes population statistics by race/ethnicity.
 - Illinois General Assembly should require racial/ethnic impact notes to estimate the effect of proposed criminal justice legislation when possible.
 - ICJIA should publish an annual assessment of the criminal justice system's impact on race/ethnicity, which includes summaries of the information collected above.

DRUG LAWS

- Revise the statutory schemes for possession of a controlled substance from its current structure that elevates any offense involving 15 grams or more of cocaine or heroin to a class 1 felony, to a scheme that is more graduated.

New proposed classification scheme:

Possession of a Controlled Substance

>0 to <15 grams – Class 4
15 to < 50 grams – Class 3
50 to < 100 grams – Class 2
100+ grams – Class 1

Manufacture, Delivery, Possession of a Controlled Substance with Intent

>0 to <15 grams – Class 3
15 to < 50 grams – Class 2
50 to < 100 grams – Class 1
100 to < 400 grams – Class X (6 to 30 years)
400 to < 900 grams – Class X (9 to 40 years)
900 + grams – Class X (12 – 50 years)

- Revise the state criminal code to provide that a third or subsequent class 2 felony conviction for any controlled substance offense does not automatically become a class X offense. (class 2's carry 3-7 year terms; class X carries 6-30 years)

Note: Discuss the “and subsequent” prong of this. Should it ever be elevated to a Class 1 or X offense? If so, when?

- Make the 1,000 feet rule an aggravating sentencing factor (as opposed to an automatic charge upgrade).
- Make all look-alike drug offenses a Class A Misdemeanor (as opposed to a felony offense at the level of the transaction had the drugs been real.)

OTHER OFFENSES

Burglary

- Create a new offense – Burglary to a vehicle as a Class 4 felony.
- Reduce burglary to garage to a Class 4 felony, when the garage is detached from the home.
- Exclude Burglary to a vehicle and burglary to a detached garage from the definition of forcible felonies.

Possession of a Stolen Motor Vehicle

- Reduce PSMV to a class three felony offense.
- Second or subsequent PSMV offenses committed within 10 years of a prior PSMV offense are currently non-probationable. Revise the code to make such subsequent PSMV offenses probationable.

Retail Theft and Theft from Person

- Revise the criminal code by raising the dollar values that produce felony status to retail theft offenses. Require retail theft of property greater than \$2,000 in value to qualify as a class 4 felony.

Discuss: potential exceptions to the dollar value increase: car/vehicle; firearms.

Note: WI - \$2,500 TX - \$1,500 OH - \$1,000

- Increase the number of prior misdemeanor retail theft convictions that result in an offense qualifying retail theft as a felony to three instead of two.
- Revise the criminal code by raising the dollar values that produce felony status to theft from a person. Theft from a person of property greater than \$1,000 is necessary to reach class 4 felony status.
- Tie the loss figure in the retail theft and theft from person statutes to an inflation index, so that it automatically adjusts annually. Provide a mechanism so that this adjusted figure is published for use by the players in the criminal justice system.

Sentence Enhancements/Automatic Upgrades

- Limit sentence enhancements to Class X felonies to those involving forcible felonies, (excluding burglary to auto and burglary involving detached garages—see above).

Police Contact with Mentally Ill Persons

- Require crisis intervention training (the 40 hour Memphis model widely recognized as the gold standard of CIT) for police officers by the end of their 3rd year of service, or if they currently have more than 3 years of police experience, within 24 months of the adoption of this reform.