

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Illinois Crime Reduction Act of 2009.

6 Section 5. Purpose and Definitions.

7 (a) Purpose. The General Assembly hereby declares that it  
8 is the policy of Illinois to preserve public safety, reduce  
9 crime, and make the most effective use of correctional  
10 resources. Currently, the Illinois correctional system  
11 overwhelmingly incarcerates people whose time in prison does  
12 not result in improved behavior and who return to Illinois  
13 communities in less than one year. It is therefore the purpose  
14 of this Act to create an infrastructure to provide effective  
15 resources and services to incarcerated individuals and  
16 individuals supervised in the locality; to hold offenders  
17 accountable; to successfully rehabilitate offenders to prevent  
18 future involvement with the criminal justice system; to measure  
19 the overall effectiveness of the criminal justice system in  
20 achieving this policy; and to create the Adult Redeploy  
21 Illinois program for those who do not fall under the definition  
22 of violent offenders.

23 (b) Definitions. As used in this Act, unless the context

1 clearly requires otherwise:

2 (1) "Assets" are an offender's qualities or resources,  
3 such as family and other positive support systems,  
4 educational achievement, and employment history, that  
5 research has demonstrated will decrease the likelihood  
6 that the offender will re-offend and increase the  
7 likelihood that the offender will successfully reintegrate  
8 into the locality.

9 (2) "Case plan" means a consistently updated written  
10 proposal that shall follow the offender through all phases  
11 of the criminal justice system, that is based on the  
12 offender's risks, assets, and needs as identified through  
13 the assessment tool described in this Act, and that  
14 outlines steps the offender shall take and the programs in  
15 which the offender shall participate to maximize the  
16 offender's ability to be rehabilitated.

17 (3) "Conditions of supervision" include conditions  
18 described in Section 5-6-3.1 of the Unified Code of  
19 Corrections.

20 (4) "Evidence-based practices" means policies,  
21 procedures, programs, and practices that have been  
22 demonstrated to reduce recidivism among incarcerated  
23 individuals and individuals on local supervision.

24 (5) "Local supervision" includes supervision in  
25 local-based, non-incarceration settings under such  
26 conditions and reporting requirements as are imposed by the

1 court or the Prisoner Review Board.

2 (6) "Needs" include an offender's criminogenic  
3 qualities, skills, and experiences that can be altered in  
4 ways that research has demonstrated will minimize the  
5 offender's chances of re-offending and maximize the  
6 offender's chances of successfully reintegrating into the  
7 locality.

8 (7) "Risks" include the attributes of an offender that  
9 are commonly considered to be those variables, such as age,  
10 prior criminal history, history of joblessness, and lack of  
11 education that research has demonstrated contribute to an  
12 offender's likelihood of re-offending and impact an  
13 offender's ability to successfully reintegrate into the  
14 locality.

15 (8) "Violent offender" means a person convicted of a  
16 violent crime as defined in subsection (c) of Section 3 of  
17 the Rights of Crime Victims and Witnesses Act.

18 Section 10. Evidence-Based Programming.

19 (a) Purpose. Research and practice have identified new  
20 strategies and policies that can result in a significant  
21 reduction in recidivism rates and the successful local  
22 reintegration of offenders. The purpose of this Section is to  
23 ensure that State and local agencies direct their resources to  
24 services and programming that have been demonstrated to be  
25 effective in reducing recidivism and reintegrating offenders

1 into the locality.

2 (b) Evidence-based programming in local supervision.

3 (1) The Parole Division of the Department of  
4 Corrections and the Prisoner Review Board shall adopt  
5 policies, rules, and regulations that, within the first  
6 year of the adoption, validation, and utilization of the  
7 statewide, standardized risk assessment tool described in  
8 this Act, result in at least 25% of supervised individuals  
9 being supervised in accordance with evidence-based  
10 practices; within 3 years of the adoption, validation, and  
11 utilization of the statewide, standardized risk assessment  
12 tool result in at least 50% of supervised individuals being  
13 supervised in accordance with evidence-based practices;  
14 and within 5 years of the adoption, validation, and  
15 utilization of the statewide, standardized risk assessment  
16 tool result in at least 75% of supervised individuals being  
17 supervised in accordance with evidence-based practices.  
18 The policies, rules, and regulations shall:

19 (A) Provide for a standardized individual case  
20 plan that follows the offender through the criminal  
21 justice system (including in-prison if the supervised  
22 individual is in prison) that is:

23 (i) Based on the assets of the individual as  
24 well as his or her risks and needs identified  
25 through the assessment tool as described in this  
26 Act.

1           (ii) Comprised of treatment and supervision  
2 services appropriate to achieve the purpose of  
3 this Act.

4           (iii) Consistently updated, based on program  
5 participation by the supervised individual and  
6 other behavior modification exhibited by the  
7 supervised individual.

8           (B) Concentrate resources and services on  
9 high-risk offenders.

10          (C) Provide for the use of evidence-based  
11 programming related to education, job training,  
12 cognitive behavioral therapy, and other programming  
13 designed to reduce criminal behavior.

14          (D) Establish a system of graduated responses.

15           (i) The system shall set forth a menu of  
16 presumptive responses for the most common types of  
17 supervision violations.

18           (ii) The system shall be guided by the model  
19 list of intermediate sanctions created by the  
20 Probation Services Division of the State of  
21 Illinois pursuant to subsection (1) of Section 15  
22 of the Probation and Probation Officers Act and the  
23 system of intermediate sanctions created by the  
24 Chief Judge of each circuit court pursuant to  
25 Section 5-6-1 of the Unified Code of Corrections.

26           (iii) The system of responses shall take into

1 account factors such as the severity of the current  
2 violation; the supervised individual's risk level  
3 as determined by a validated assessment tool  
4 described in this Act; the supervised individual's  
5 assets; his or her previous criminal record; and  
6 the number and severity of any previous  
7 supervision violations.

8 (iv) The system shall also define positive  
9 reinforcements that supervised individuals may  
10 receive for compliance with conditions of  
11 supervision.

12 (v) Response to violations should be swift and  
13 certain and should be imposed as soon as  
14 practicable but no longer than 3 working days of  
15 detection of the violation behavior.

16 (2) Conditions of local supervision (probation and  
17 mandatory supervised release). Conditions of local  
18 supervision whether imposed by a sentencing judge or the  
19 Prisoner Review Board shall be imposed in accordance with  
20 the offender's risks, assets, and needs as identified  
21 through the assessment tool described in this Act.

22 (c) Evidence-based in-prison programming.

23 (1) The Department of Corrections shall adopt  
24 policies, rules, and regulations that, within the first  
25 year of the adoption, validation, and utilization of the  
26 statewide, standardized risk assessment tool described in

1           this Act, result in at least 25% of incarcerated  
2           individuals receiving services and programming in  
3           accordance with evidence-based practices; within 3 years  
4           of the adoption, validation, and utilization of the  
5           statewide, standardized risk assessment tool result in at  
6           least 50% of incarcerated individuals receiving services  
7           and programming in accordance with evidence-based  
8           practices; and within 5 years of the adoption, validation,  
9           and utilization of the statewide, standardized risk  
10          assessment tool result in at least 75% of incarcerated  
11          individuals receiving services and programming in  
12          accordance with evidence-based practices. The policies,  
13          rules, and regulations shall:

14                 (A) Provide for the use and development of a case  
15                 plan based on the risks, assets, and needs identified  
16                 through the assessment tool as described in this Act.  
17                 The case plan should be used to determine in-prison  
18                 programming; should be continuously updated based on  
19                 program participation by the prisoner and other  
20                 behavior modification exhibited by the prisoner; and  
21                 should be used when creating the case plan described in  
22                 subsection (b).

23                 (B) Provide for the use of evidence-based  
24                 programming related to education, job training,  
25                 cognitive behavioral therapy and other evidence-based  
26                 programming.

1 (C) Establish education programs based on a  
2 teacher to student ratio of no more than 1:30.

3 (D) Expand the use of drug prisons, modeled after  
4 the Sheridan Correctional Center, to provide  
5 sufficient drug treatment and other support services  
6 to non-violent inmates with a history of substance  
7 abuse.

8 (2) Participation and completion of programming by  
9 prisoners can impact earned time credit as determined under  
10 Section 3-6-3 of the Unified Code of Corrections.

11 (3) The Department of Corrections shall provide its  
12 employees with intensive and ongoing training and  
13 professional development services to support the  
14 implementation of evidence-based practices. The training  
15 and professional development services shall include  
16 assessment techniques, case planning, cognitive behavioral  
17 training, risk reduction and intervention strategies,  
18 effective communication skills, substance abuse treatment  
19 education and other topics identified by the Department or  
20 its employees.

21 (d) The Parole Division of the Department of Corrections  
22 and the Prisoner Review Board shall provide their employees  
23 with intensive and ongoing training and professional  
24 development services to support the implementation of  
25 evidence-based practices. The training and professional  
26 development services shall include assessment techniques, case



1 planning, cognitive behavioral training, risk reduction and  
2 intervention strategies, effective communication skills,  
3 substance abuse treatment education, and other topics  
4 identified by the agencies or their employees.

5 (e) The Department of Corrections, the Prisoner Review  
6 Board, and other correctional entities referenced in the  
7 policies, rules, and regulations of this Act shall design,  
8 implement, and make public a system to evaluate the  
9 effectiveness of evidence-based practices in increasing public  
10 safety and in successful reintegration of those under  
11 supervision into the locality. Annually, each agency shall  
12 submit to the Sentencing Policy Advisory Council a  
13 comprehensive report on the success of implementing  
14 evidence-based practices. The data compiled and analyzed by the  
15 Council shall be delivered annually to the Governor and the  
16 General Assembly.

17 Section 15. Adoption, validation, and utilization of an  
18 assessment tool.

19 (a) Purpose. In order to determine appropriate punishment  
20 or services which will protect public safety, it is necessary  
21 for the State and local jurisdictions to adopt a common  
22 assessment tool. Supervision and correctional programs are  
23 most effective at reducing future crime when they accurately  
24 assess offender risks, assets, and needs, and use these  
25 assessment results to assign supervision levels and target

1 programs to criminogenic needs.

2 (b) After review of the plan issued by the Task Force  
3 described in subsection (c), the Department of Corrections, the  
4 Parole Division of the Department of Corrections, and the  
5 Prisoner Review Board shall adopt policies, rules, and  
6 regulations that within 3 years of the effective date of this  
7 Act result in the adoption, validation, and utilization of a  
8 statewide, standardized risk assessment tool across the  
9 Illinois criminal justice system.

10 (c) The Governor's Office shall convene a Risks, Assets,  
11 and Needs Assessment Task Force to develop plans for the  
12 adoption, validation, and utilization of such an assessment  
13 tool. The Task Force shall include, but not be limited to,  
14 designees from the Department of Corrections who are  
15 responsible for parole services, a designee from the Cook  
16 County Adult Probation; a representative from a county  
17 probation office, a designee from DuPage County Adult  
18 Probation, a designee from Sangamon County Adult Probation; and  
19 designees from the Attorney General's Office, the Prisoner  
20 Review Board, the Illinois Criminal Justice Information  
21 Authority, the Sentencing Policy Advisory Council, the Cook  
22 County State's Attorney, a State's Attorney selected by the  
23 President of the Illinois State's Attorneys Association, the  
24 Cook County Public Defender, and the State Appellate Defender.

25 (c-5) The Department of Human Services shall provide  
26 administrative support for the Task Force.

1 (d) The Task Force's plans shall be released within one  
2 year of the effective date of this Act and shall at a minimum  
3 include:

4 (1) A computerized method and design to allow each of  
5 the State and local agencies and branches of government  
6 which are part of the criminal justice system to share the  
7 results of the assessment. The recommendations for the  
8 automated system shall include cost estimates, a  
9 timetable, a plan to pay for the system and for sharing  
10 data across agencies and branches of government.

11 (2) A selection of a common validated tool to be used  
12 across the system.

13 (3) A description of the different points in the system  
14 at which the tool shall be used.

15 (4) An implementation plan, including training and the  
16 selection of pilot sites to test the tool.

17 (5) How often and in what intervals offenders will be  
18 reassessed.

19 (6) How the results can be legally shared with  
20 non-governmental organizations that provide treatment and  
21 services to those under local supervision.

22 Section 20. Adult Redeploy Illinois.

23 (a) Purpose. When offenders are accurately assessed for  
24 risk, assets, and needs, it is possible to identify which  
25 people should be sent to prison and which people can be

1 effectively supervised in the locality. By providing financial  
2 incentives to counties or judicial circuits to create effective  
3 local-level evidence-based services, it is possible to reduce  
4 crime and recidivism at a lower cost to taxpayers. Based on  
5 this model, this Act hereby creates the Adult Redeploy Illinois  
6 program for offenders who do not fall under the definition of  
7 violent offenders in order to increase public safety and  
8 encourage the successful local supervision of eligible  
9 offenders and their reintegration into the locality.

10 (b) The Adult Redeploy Illinois program shall reallocate  
11 State funds to local jurisdictions that successfully establish  
12 a process to assess offenders and provide a continuum of  
13 locally based sanctions and treatment alternatives for  
14 offenders who would be incarcerated in a State facility if  
15 those local services and sanctions did not exist. The allotment  
16 of funds shall be based on a formula that rewards local  
17 jurisdictions for the establishment or expansion of local  
18 supervision programs and requires them to pay the amount  
19 determined in subsection (e) if incarceration targets as  
20 defined in subsection (e) are not met.

21 (c) Each county or circuit participating in the Adult  
22 Redeploy Illinois program shall create a local plan describing  
23 how it will protect public safety and reduce the county or  
24 circuit's utilization of incarceration in State facilities or  
25 local county jails by the creation or expansion of  
26 individualized services or programs.

1 (d) Based on the local plan, a county or circuit shall  
2 enter into an agreement with the Adult Redeploy Oversight Board  
3 described in subsection (e) to reduce the number of commitments  
4 to State correctional facilities from that county or circuit,  
5 excluding violent offenders. The agreement shall include a  
6 pledge from the county or circuit to reduce their commitments  
7 by 25% of the level of commitments from the average number of  
8 commitments for the past 3 years of eligible non-violent  
9 offenders. In return, the county or circuit shall receive,  
10 based upon a formula described in subsection (e), funds to  
11 redeploy for local programming for offenders who would  
12 otherwise be incarcerated such as management and supervision,  
13 electronic monitoring, and drug testing. The county or circuit  
14 shall also be penalized, as described in subsection (e), for  
15 failure to reach the goal of reduced commitments stipulated in  
16 the agreement.

17 (e) Adult Redeploy Illinois Oversight Board; members;  
18 responsibilities.

19 (1) The Secretary of Human Services and the Director of  
20 Corrections shall within 3 months after the effective date  
21 of this Act convene and act as co-chairs of an oversight  
22 board to oversee the Adult Redeploy Program. The Board  
23 shall include, but not be limited to, designees from the  
24 Prisoner Review Board, Office of the Attorney General,  
25 Illinois Criminal Justice Information Authority, and  
26 Sentencing Policy Advisory Council; the Cook County

1 State's Attorney; a State's Attorney selected by the  
2 President of the Illinois State's Attorneys Association;  
3 the State Appellate Defender; the Cook County Public  
4 Defender; a representative of Cook County Adult Probation,  
5 a representative of DuPage County Adult Probation; a  
6 representative of Sangamon County Adult Probation; and 4  
7 representatives from non-governmental organizations,  
8 including service providers.

9 (2) The Oversight Board shall within one year after the  
10 effective date of this Act:

11 (A) Develop a process to solicit applications from  
12 and identify jurisdictions to be included in the Adult  
13 Redeploy Illinois program.

14 (B) Define categories of membership for local  
15 entities to participate in the creation and oversight  
16 of the local Adult Redeploy Illinois program.

17 (C) Develop a formula for the allotment of funds to  
18 local jurisdictions for local and community-based  
19 services in lieu of commitment to the Department of  
20 Corrections and a penalty amount for failure to reach  
21 the goal of reduced commitments stipulated in the  
22 plans.

23 (D) Develop a standard format for the local plan to  
24 be submitted by the local entity created in each county  
25 or circuit.

26 (E) Identify and secure resources sufficient to

1 support the administration and evaluation of Adult  
2 Redeploy Illinois.

3 (F) Develop a process to support ongoing  
4 monitoring and evaluation of Adult Redeploy Illinois.

5 (G) Review local plans and proposed agreements and  
6 approve the distribution of resources.

7 (H) Develop a performance measurement system that  
8 includes but is not limited to the following key  
9 performance indicators: recidivism, rate of  
10 revocations, employment rates, education achievement,  
11 successful completion of substance abuse treatment  
12 programs, and payment of victim restitution. Each  
13 county or circuit shall include the performance  
14 measurement system in its local plan and provide data  
15 annually to evaluate its success.

16 (I) Report annually the results of the performance  
17 measurements on a timely basis to the Governor and  
18 General Assembly.