



**ILLINOIS  
CRIMINAL JUSTICE  
INFORMATION AUTHORITY**

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**MINUTES**

**Sex Offenses and Sex Offender Registration Task Force**

December 5, 2016

1:00 – 3:30 p.m.

Michael A. Bilandic Building

Room N-505

160 N. LaSalle St.

Chicago, IL 60601

**I. Call to Order and Roll Call**

The Sex Offenses and Sex Offender Registration Task Force met on Monday, December 5, 2016, in Room N-505 at 160 N. LaSalle Street, Chicago, Illinois. Task Force Chair Elgie Sims called the meeting to order at 1:05 p.m. Rep. Sims explained Public Act 099-0873, The Sex Offenses and Sex Offender Registration Task Force and its emphasis developing policy recommendations to create safer communities. The Illinois Criminal Justice Information Authority will serve as the technical assistance advisors to the task force. Director Maki explained that this committee does not require the Open Meetings Act requirements.

**II. Welcome, Introductions, and Opening Remarks**

Task Force members introduced themselves.

Task Force members and designees present were:

- Public Defender Amy Campanelli
- Mary Boland, Cook County Assistant State's Attorney for Anita Alvarez
- Deputy Chief Kathleen Boehmer, Chicago Police Department for Superintendent Eddie Johnson
- Jacqueline Bullard, Deputy Defender, 4th Judicial Circuit
- Jason Chambers, McLean County State's Attorney (via teleconference)
- Mike Fogel, Associate Professor, Chicago School of Professional Psychology
- Jennifer Gonzalez, Cook County Assistant State's Attorney, Supervisor of the Sexual Assault and Domestic Violence Division for Anita Alvarez
- Maria Jacobson, Chicago Police Department for Superintendent Eddie Johnson
- Beth Johnson, Director of Legal Problems at Cabrini Legal Aid
- Lynne Johnson, Policy Director at Chicago Alliance Against Sexual Exploitation
- Gary Lemmon, License Clinical Social Worker

- Tony Lowery, Director of Policy and Advocacy at Safer Foundation
- Director John Maki, Illinois Criminal Justice Information Authority
- Director Jesse Montgomery, Illinois Department of Juvenile Justice (via teleconference)
- Co-chair Representative Elaine Nekritz, 57<sup>th</sup> District
- Tracie Newton, Offender Registration Unit, Illinois State Police, for Director Leo Schmitz (via teleconference)
- Jim O’Grady, Illinois State Police, for Director Leo Schmitz
- Becky Palmer, Training, Consultation and Treatment
- Polly Poskin, Director of Illinois Coalition Against Sexual Assault
- Co-chair Representative Elgie Sims, Jr., 34<sup>th</sup> District
- Hon. George Timberlake, Illinois Juvenile Justice Commission (via teleconference)
- Darla Wexstten, Clinical Social Worker (via teleconference)
- Alyssa Williams Schafer, Public Services Administrator, Illinois Department of Corrections for John Baldwin (via teleconference)
- Ed Wojcicki, Executive Director, Illinois Associations of Chiefs of Police
- Lisa Jacobs, Vice Chair, Illinois Juvenile Justice Commission

Also in attendance were:

- Megan Alderden, Illinois Criminal Justice Information Authority
- Greg Barrett, Iroquois County Probation Department (via teleconference)
- Stephanie Kollmann, Children and Family Justice Center at Northwestern School of Law
- Scott Metzger, Illinois Consortium on Drug Policy at Roosevelt University
- Mary Ratliff, Illinois Criminal Justice Information Authority
- Laurie Jo Reynolds, University of Illinois Chicago
- Erin Sheridan, Illinois Criminal Justice Information Authority
- Kathleen Kane-Willis, Director of Policy and Advocacy at Chicago Urban League

### **III. Principles of Effective Supervision Management and Treatment of People Convicted of Sex Offenses**

Director Maki suggested that the group consider and discuss guiding principles of sex offender offenses and registration in order to anchor future discussions. He recommended that the principles can be added to or amended both in the current meeting and will evolve with future discussions.

Rep. Nekritz asked Director Maki why the task force was not subject to open meetings act. Director Maki stated that there are several factors that determine the requirement for open meetings act; the ICJIA General

Counsel determined that the meetings for this group were not subject to the open meetings act. He said that roll call will be taken and minutes will be kept and distributed.

Director Maki invited the task force to go through the suggested guiding principles. He stated that the principles presented on the PowerPoint presentation have equal priority and are in no certain order.

The first principle presented is “Protect Public Safety,” Director Maki asked the group if this was appropriate and the description captured this principle. Mary Boland stated that the Supreme Court has confirmed that public safety is the primary purpose for sex offender laws. Judge Timberlake commented that public safety is the result of good system practices, including intelligent registration and effective, evidence based responses to individuals.

Director Maki and Megan Alderden discussed a preference to use the term evidence informed over evidence based. Evidence based infers that the practice has gone through rigorous testing and produced specific results. Evidence informed is more relaxed; practices have been shown to be effective in some cases, but no rigorous testing has been done. Director Maki stated that the principle of “Use Evidence-Informed Practices” demonstrates a commitment to using research and analysis, which is not always done in the criminal justice system. He said that the group’s recommendations should be grounded in research and best practices. Lynne Johnson stated that this principle is important to talk about in the context of how our culture thinks about sexual violence. She said that there are many pervasive misconceptions and misinformation about sexual violence in our culture; evidence informed practices are important to keep us grounded in our conversations of sexual violence. Mike Fogel asked if evidence informed practices has really shown to protect victims because the sex offenses and registration laws are in effect after the fact. Gary Lemmon commented that our society and criminal justice system often times victimized the victims to create more trauma. Elgie Sims stated that the legislature is reviewing trauma informed interventions and practices in the criminal justice process; he encouraged those practices to be a part of the task force’s discussions. Polly Poskin suggested that the wording of this principle should state that it reduce recidivism thus protecting future victims. Director Maki suggested that evidence-informed practices and trauma-informed practices should guide the task force’s discussions, therefore not asserting inaccurate information. He said our discussion should be centered on personal experience and research. Mary Boland stated that there are really two parts of sex offenses laws according to the courts: registration and notification. She said that recidivism deals with registration and monitoring while notification is more related to community safety. Rep. Sims explained that the legislation was created with both registration and notification in mind, ensuring that there was task force representation from each side of the laws and criminal justice process in order to have a more, well-rounded outcome. Director Maki suggested that we not wordsmith the document, but stay high level in discussion of the principles.

Director Maki introduced the principle of “Allocate Resources Efficiently.” He stated that this principle is not necessarily controversial, but it doesn’t necessarily reflect the way things are currently done.

Director Maki introduced the principle of “Make Decisions Based on Assessments.” He stated that this principle is in line with using evidence-informed practices.

Director Maki introduced the principle of “Hold Individuals and Systems Accountable.” Judge Timberlake stated that he had issues with the language of punishment. By holding individuals accountable the statement

gives punishment undue weight. He asserted that individuals should be held accountable to the victims and their communities, however we assume that punishment holds people accountable; it has been found that it is not necessarily the case. He suggested the word punishment be changed to sentences. Tracy Newton stated that the Supreme Court found that registration is not a punishment. Mary Boland added that registration is a civil matter that is not part of the sentence or punishment. She stated that if we address registration as punishment, then it has to be connected to the sentence. She said that registration's purpose to protect future victims and allow law enforcement to monitor offenders. She suggested that we keep registration away from the 8<sup>th</sup> amendment analysis, because of the way courts construe the standards that are applicable to sentencing and punishment versus civil registration. She stated that there is a lot of case law in both Illinois and the United States. Gary Lemmon asked if using consequences rather than punishment. Many members agreed that the group should be cautious when using the word, consequences. Director Maki recommended that the current discussion should be carried through the work the task force does in the future. Tracy Newton added that the world has changed considerably since the registration laws were first passed. Polly Poskin suggested that the basis of the registration laws is prevention, not punishment. Rep. Sims stated that there are many laws that come into the general assembly regarding sex offenses and sex offender registration. He asserted that the task force develop priorities for policies that are effective for all parties affected by these laws.

Director Maki asked if there are principles or goals that are missing from the list presented. It was suggested that achieving justice may need to be added to the list. Amy Campanelli suggested adding some language about allocating resources for offenders in order to reduce recidivism. Lynne Johnson suggested that the discussions by this task force not be guided by the Supreme Court cases and decision. Evidence-informed practices recommended as a priority in future discussions. Reviewing laws, policies and practices of other states was proposed by Amy Campanelli. Allocating resources should not only be allocated to sex offenders, but to victims also. Polly Poskin stated that resources need to be allocated proportionately to sex offender and victims. She also commented that the general public is not educated and informed about sex offender laws. Judge Timberlake stated that the sex offender registry needs to be adequate, correct and up-to-date. He said that sex offender registries may not always protect public safety, but they cannot protect the public if they are not reliable. Polly Poskin asserted that communities would be better served if resources were allocated to sex offenders prior to their release from corrections. Darla Wexstten stated that categorizing victim and offenders is not always best practice; there should be an acknowledgement of the problem affecting the family system.

#### **IV. Presentation: Review of Sex Offenses and Sex Offender Registration**

Director Maki introduced a PowerPoint presentation by Illinois Criminal Justice Information Authority staff, Mary Ratliff and Megan Alderden (see attached PowerPoint). He stated that sex offenses and sex offender registration laws and policies are relatively new in the criminal justice system.

Mary Ratliff presented:

- History of Sex Offender Registry in the US
- Sex Offender Registry – Other states
- History of Sex Offender Registration in Illinois
- Sex Offenses Subject to Registration
- Categories of Sex Offenders
  - Sexually Dangerous Person

Mike Fogel mentioned that the Sexually Dangerous Person law has been in effect since 1938. Mary Boland stated that Sexually Dangerous is an aversion that is done in lieu of prosecution.

- Sexually Violent Person
- Sexual Predator
  - Sexual Predator Convictions

Director Maki asked if there was any narrowing of the sex offender registration in the legislative history. Mary Boland stated that 2006 or 2007 convictions/offenders that were not sexually motivated into a violent offender registry. Additionally there is limited availability of juveniles. Mary Ratliff stated that the presentation does not have a lot of information about juveniles. It was mentioned that juveniles are subject to lifetime registration, however they can petition to get off the registry. Mary Ratliff said that other states allow both juvenile and adult offenders to petition to be released from the registry, however the criteria for the petitions varies across the states.

Megan Alderden presented:

- Data Sources
  - Illinois State Police – Sex Offender Registry
  - Illinois State Police – Criminal History Record Information (CHRI)
  - Illinois Department of Corrections (IDOC)
  - Illinois Department of Juvenile Justice (IDJJ)
- The number of total registrants has been steadily increasing.
  - Megan Alderden mentioned that this increasing number is a likely due to a stacking effect, in that the registration periods are so long, that we have people staying on the registry, and new people being added. She added that as of November 2016 about 92% of registrants are compliant.
- The majority of registrants are lifetime registrants.
  - The lifetime registrants are considered to be sexual predators.
- There are few individuals registered as sexually violent and sexually dangerous persons and most are incarcerated.
- The majority of registrants are male and white.
- The majority of registrants are adults.
- The majority of victims were juveniles regardless of the offender's age.
  - Younger sex offenders tend to victimize people under the age of 12. This is often the result of younger offenders having greater access to young people.
- County of Conviction vs. County of Residence
  - The two maps are similar. Polly Poskin asked if this could be a result of offenders choosing to live where they are released. Megan replied by saying that the Department of Corrections generally places ex-prisoners where they are convicted. She stated that there are many factors

that determine where people live once they are out of prison including the inability to return to their original residence because of threat of non-compliance with the sex offender registry.

- Arrests for registerable sex offenses are a small proportion of the arrests each year.
  - Director Maki asked what the relationship between arrest and actual offending. Lynne Johnson stated that the arrest rate for sexual violence has nothing to do with its prevalence. She said that one study found that the arrest rate is around 11%. Megan Alderden stated that many cases of sexual violence are not reported and, for those that are reported, less cases are convicted. Polly Poskin suggested that the task force discuss and consider the facts that are available such as arrests, convictions and registration data. Director Maki asked about what the real meaning of number of sex offenders is. Lynne Johnson stated that most sexual violence victim advocates spend their time explaining to victims why the system isn't responding to the crime against them. She said there are many reasons for this lack of response and there is no one point of blame anywhere. Polly Poskin suggested that the arrest rate reflects the responsiveness of the criminal justice system. She said that the sexual violence arrest rates vary across the state due to varying education, willingness and resources of law enforcement and prosecution, not because of higher crime rate in a particular area.
  - Rep. Sims said that the data and evidence-informed practices should be presented to the legislature in order to create better laws and policies. He recommended that the task force should discuss and recommend that information in the final report to the legislature. It was suggested that since the registry only represents a small portion of the sex offenses that occur, it does not serve to protect the community.
  - Polly Poskin proposed that a notification system may be more effective than a registration system. She stated that victims want knowledge and the ability to stay safe; a strong notification system may be more effective in protecting victims. However, Ms. Poskin noted that she does not favor one system over another.
  - John Maki asserted that there is a lack of data around the subject of sex offenses, registration and notification. Amy Campanelli asked if the Cook County State's Attorney's offices collected data on sex offenders reoffending. Mary Boland stated that data about reoffending has not been collected. Amy Campanelli asked if Department of Corrections collected data on reoffending. Alyssa Williams-Schafer responded by saying that she does not know if reoffending data has been collected. Jason Chambers stated that there is reoffending data to his knowledge in McLean County. Tracy Newton said that Department of Corrections has information in LEADS about convictions, however it is very difficult to extrapolate specific information about the convictions. Mary Boland stated that the SMART office did research in 2015 on recidivism of adult sex offenders. Megan Alderden confirmed that the Illinois Criminal Justice Information Authority has the ability to collect information about arrests, but the specific information about conviction is challenging to gather.
- Age and race of arrestees for sex offenses tend to be similar to the average arrestee.

- Juveniles currently registered are a small proportion of those in State secure facilities and on aftercare.
  - A smaller proportion are on aftercare than are in State secure facilities.
  - A portion of juveniles will start their sentence in Department of Juvenile Justice and are transferred to complete their sentence in the Department of Corrections.
- Persons convicted of sex offenses and persons currently registered are a small proportion of those in prison and on parole.
  - A smaller proportion are on parole than are in prison.
- Some individuals do not have a place to live that complies with the State’s sex offender housing restrictions
  - These individuals are sometimes referred to as “gate violators”.
- The median age of sex offenders residing in prison or on parole is the same.
- A higher percentage of persons in prison were African American than on parole.
- The median age of registrants residing in a secure facility or on aftercare is similar.
- A higher percentage of persons on aftercare were white than in a secure facility.
- Data Limitations
  - What we know
    - Basic information about registration and how it has changed over the years.
    - Demographics and characteristics about individuals subjected to the registration requirements
    - Who is being arrested
    - Who is in Department of Corrections and Department of Juvenile Justice
  - What we don’t know
    - Information about people on probation
    - Good conviction information to understand the flow through of the criminal justice process
    - How the registration process changes has impacted communities

The question of how many people who are convicted of sex offenses and are on the registry are victims of sexual violence themselves. Megan Alderden stated that there is no data about sex offenders as prior victims as well as information about the specific incident that lead up to the arrest. Gary Lemmon suggested that using people first language instead of using terms such as sex offenders. Director Maki stated that we don’t know the effect of putting someone on the registry. Lynne Johnson suggested that gathering information and data from victims of sexual violence would be effective in understanding specific incidents.

**V. Discussion of Task Force’s Charge, Meeting Schedule, and Deliverables**

Director Maki stated that the statute that created the task force is broad. He suggested that the group also focus on the process of meetings. Megan Alderden suggested the task force take a “triangulation” approach where multiple methods to collect various pieces of information to establish the direction of the recommendations.

Director Maki indicated that the task force has approximately one year to meet and create a report with recommendations.

Department of Children and Family Services was suggested to be represented on the task force. Director Maki stated that other member can be added to the group. He recommended meeting every 6 to 8 weeks. He stated that the Illinois Criminal Justice Information Authority has limited staff time to dedicate to the task force. Other members of the group expressed concerns that there is limited time before a report is due and suggested meeting more often. Director Maki suggested that future meetings are about 4 hours in length in order to dive deeply into the issues. Task force members recommended meeting monthly at first and then meet less often later in the year. A few members recommended all-day meetings. Director Maki suggested that the meetings take place in several places around the state. Video conferencing was recommended.

Director Maki outlined the charge from the statute including classification, resource allocation, and public safety. Member suggested front loading agenda in order to articulate the questions and gathering the correct information which would allow much of the work to take place in between meetings. Director Maki stated that work groups could be incorporated into the task force's work.

Polly Poskin asked if the goal of the group was to replace or improve sex offender registration laws. Director Maki replied saying that the statute is open-ended and the group may not be in a position to answer that question yet. Greg Sullivan stated that registration and notification go hand in hand. Alyssa Williams-Schafer stated that the vast majority of the cases are in probation. Consensus was suggested to be a goal of the task force. Consistency was also recommended as a goal. Lisa Jacob talked about the Juvenile Justice Commission's report on sex offending. She stated that in the beginning of the development of this report, their committee focused on a common set of facts including data, research, practitioner perspectives, statutes and mapping out the response to sex offenses. Director Maki recommended the group build upon past efforts and tap into the experience of members and other experts.

Director Maki read from Public Act 099-0873: *(1) The Task Force shall examine current offenses that require offenders to register as sex offenders, the current data and research regarding evidence based practices, the conditions, restrictions, and outcomes for registered sex offenders, and the registration process.* Mary Boland asked if part of the charge included juvenile sex offenders. She stated that it would not be a good use of time to duplicate information that has already been done in the Juvenile Justice report. Director Maki recommended that the focus is primarily adult sex offenders. Rep. Sims stated that purpose of the legislation was meant to focus on adult sex offenders. Tracy Newton stated that it is all one registry including both juveniles and adults.

Director Maki recommended that the next meeting focus on reviewing the Juvenile Justice Commission report. He suggested that the report's focus on factual patterns as well as the methods used to create the report could be beneficial to get a sense of where we are and go forward with recommendations. Members commented on the value of this report. Requests were made by task force members for the Illinois Criminal Justice Information Authority to disseminate information gathered. Director Maki requested that members give feedback on what information is needed to best prepare for meetings.

Polly Poskin stated that the key piece to best address sex offender management is understanding the risk to reoffend. She asked if there is an assessment tool to assess the risk to reoffend. Members responded by saying



that there are assessment tools. Director Maki suggested that part of the charge would be to address treatment and prediction. Polly Poskin added that the effectiveness of monitoring sex offenders should be addressed. Lynne Johnson recommended that there is more focus on individual responses instead of offense-based responses to sexual violence.

Director Maki suggested that the group evaluate the research and evidence-informed practices related to what we do right now as well as related to what can be done with a specific emphasis on treatment and predictive tools. Members commented on the issues of practices that treating everybody the same do not work and individualized plans are more effective. The issues of risk assessment, treatment and aftercare were emphasized. Mike Fogel asserted that there is no simple assessment tool. He stated that there are assessment tools currently used, but they have limitations specifically in the courts. He added that there is valuable information beyond what offenses for which people are arrested and convicted.

Director Maki recommended that the next two meetings focus on the process and substance of the Juvenile Justice Commission report. Additionally, the group should review the current evidence-based research and practices of the current system as well as what can be done focusing on risk assessment, treatment and aftercare. He stated that this would create a fact pattern in order to best direct recommendations. He suggested that the next meeting be schedule for some time in late January with the following meeting in February or early March. Rep. Sims commented that the general assembly starts session in January.

Any information members have to share can be emailed to Mary Ratliff. ICJIA intends to set up a website to post and share information. ICJIA Research and Analysis department will review research and materials submitted. Mary Ratliff requested that all members complete sign in sheet to update most current contact information.

#### **VI. Public Comment**

Audience member requested that the task force review information and consider recommendations from a policy zero perspective. She suggested that there is a scarcity principle that should operate when it comes to resources. Only evidence-based practices should be utilized. Polly Poskin asserted that the group should not turn something that isn't science into science. Darla Wexstten stated that lived experience is also valuable.

Eric, a criminal defense attorney, requested that the task force consider the role of delegation including probation officers and judges. He stated that the cookie cutter approach to sex offense laws and registrations limits judges and probation. He requests that allowing judicial waiver or probation officer waiver be considered to allow for individualized flexibility.

#### **VII. Next Meeting**

Rep. Sims said that there will be some internal conversations about the specific date, time and location of the next meeting. Information regarding the next meeting will be sent out in short order. Meeting minutes and the PowerPoint presented at this meeting will be sent out in the following week.

#### **VIII. Adjourn**

Rep. Sims thanked everyone for their participation and adjourned the meeting.