

# **J. Hanley, Candidate for Winnebago County State's Attorney**

## **A COMPLETE 180: A Roadmap for Remaking the State's Attorney's Office**

Our platform will decrease the jail population, reduce recidivism, *humanize* the criminal justice system, and free up critical resources for the aggressive prosecution of violent criminals.

Strategic Objectives:

- I. **Restore Faith** in the State's Attorney's Office
- II. **Be Effective** in Moving Defendants Through the System
- III. **Prioritize** the Prosecution of Violent Criminals
- IV. **Redirect** Mentally Ill Offenders, Abuse Victims, and Youth from the Criminal Justice System

### **I. Restore Faith in the State's Attorney's Office**

With so much at stake, now is the time for our State's Attorney's office to play a major role in transforming criminal justice in Winnebago County.

We will restore faith in the State's Attorney's Office by working collaboratively and cohesively with members of the criminal justice system - mayors, law enforcement, and judges.

Further, I will inspire and mentor Assistant State's Attorneys so that the Office will be a sought-after job for law-school graduates and one where attorneys want to stay.

*Initiatives:* A rigorous and practical training program will be initiated for new attorneys, including in-court instruction. Further, upon being hired, Assistants will be advised of the various career paths within the office.

*Measurable:* The State's Attorney's Office will operate with no less than 40 attorneys and the average tenure of new hires will increase by one year.

### **II. Be Effective in Moving Defendants Through the System**

We will ensure that the office is more effective by reducing the time it takes to move a defendant from arrest to sentencing. In 2018, it took an average of 345 days for a felony case to be prosecuted. Unnecessary delays cost taxpayers money and thwarts justice for victims - justice delayed is justice denied. Additionally, we will reduce recidivism by focusing on a defendant's risk of re-offending and insist on the use of evidence-based practices in changing criminal behavior.

*Initiatives:* The implementation of a "fast track" court for non-violent offenders, such as those accused of retail theft, which will move defendants through the system in a matter of days, rather than months. This will also allow more resources dedicated to higher priority cases.

*Measurable:* The average number of days from arrest to final disposition will be 180 days or less.

### III. Prioritize the Prosecution of Violent Criminals

We will prioritize the prosecution of violent criminals and violent crimes - shootings, domestic violence, child abuse and gang related crime. By prioritizing the prosecution of these crimes, Assistant State's Attorneys and law enforcement will know where resources will be allocated, which cases must be won, and maximum sentences sought!

Initiatives:

The expanded use of "focused deterrence" - a strategy focused on identifying the worst offenders and pulling all available "levers" to sanction them. Focused deterrence targets specific criminal behavior committed by a small number of chronic offenders, such as youth gang members or repeat violent offenders, who are vulnerable to sanctions and punishment. This practice has been rated promising for reducing crime in studies by the *National Institute of Justice*.

The creation of an additional specialty court – a "gun court" for those charged with gun crimes. The first successful gun court was established in Providence, Rhode Island, in 1994. New York City and other municipalities have experimented with gun courts as well. Providence created its gun court to speed up the criminal justice process so cases could come to trial before defendants would disappear.

A gun court was created in Monroe County, New York, in 2015 after a violent summer that recorded 84 gunshot victims in three months. According to published reports, the Monroe gun court had a success rate of 82 percent in its first two years, while the conventional system had a failure rate of about 77 percent.

Measurable: Collaborate with law enforcement throughout the county to reduce shootings by 10% each year over the next four years.

### IV. Redirect Mentally Ill Offenders, Abuse Victims, and Youth from the Criminal Justice System.

Our main goal is to target **root causes of crime**:<sup>1</sup> mental illness, personal and family trauma, economic disparity, and at-risk youth and juvenile recidivism. These conditions have a devastating impact on our community, particularly the human costs for victims of crime. Together we can attack root causes of crime in ways that have been successful in other places.

The current criminal justice system in our county is not able to:

- adequately treat or rehabilitate those with mental health or substance use issues;
- sufficiently change the behavior and alter the futures of youth offenders;
- meet the needs of crime victims, particularly victims of domestic violence.

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<sup>1</sup> "There comes a point where we need to stop just pulling people out of the river. We need to go upstream and find out why they're falling in." Desmond Tutu.

We need to separate from the criminal justice system the mentally ill and juveniles whose specific situations can be addressed in better ways. Unless they are charged with felonies, we must remove them from the “traditional” arrest-prosecution-sentencing model.

The RAND Corporation (RAND) working with the National Institute of Justice convened a national workshop of criminal justice and mental health experts to discuss treatment of managing seriously mentally ill offenders in the justice system. In their report they noted “a disproportionate number of individuals involved with the justice system — specifically, 20-26% of the jail population, 15% of state prison inmates, 9% of probationers and 7% of parolees — are diagnosed with severe mental illness.”

The RAND-assembled experts recommended greater emphasis on the prevention of mental illness, early detection, and intervention, particularly for children, and training of law enforcement agencies for improved responses to individuals with severe mental illness. They also identified two needs of the highest importance: community-based treatment and reentry coordination and relapse prevention.

Funding additional mental health services in Winnebago County and supporting the new Family Peace Center are important measures favored by our fellow citizens. The juvenile justice system needs to provide more positive intervention programs and mentoring, and reserve incarceration for only the most extreme cases.

Here are more specifics on our approach to these difficult challenges:

A. Intercept and Treat Mentally Ill Defendants<sup>2</sup>

1. *Pre-Arrest Diversion*: Train officers in Crisis Intervention (CIT) and empower and encourage officers to redirect those with mental health disorders to community resources – not the jail – where appropriate. As best practice, first responders should be authorized to take into protective custody individuals experiencing mental health crises so they can be properly evaluated by mental health or medical professionals.
2. *Post-Arrest Diversion*: Within 48 hours after being booked in the county jail, identify those individuals with mental health disorders and, if appropriate, release individuals to community resources.
3. *Mental Health Court*: Using prosecutorial discretion, increase the number of defendants participating in the “specialty” mental health court because of its proven success in providing treatment and reducing recidivism. Increase resources available for these specialty courts. Research on the impact of mental health courts indicates that participants are more likely to be connected with treatment services, are rearrested less frequently during and after the program, and spend less time in jail.

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<sup>2</sup> These strategies are based partially on the Sequential Intercept Model, a conceptual framework for communities to organize targeted strategies for justice-involved individuals with behavior health disorders. See <http://gainscenter.samhsa.gov>. Further, the Miami Dade County Judicial Circuit has implemented these strategies with great success. See “Eleventh Judicial Circuit Criminal Mental Health Project.”

## B. Prosecute Domestic Violence Offenders While Better Meeting the Needs of Victims

1. *Family Peace Center*. The State's Attorney's office can use its influence to advocate and sustain the Family Peace Center – and support it directly through the placement of an assistant state's attorney and a victim-witness coordinator at the Center.<sup>3</sup>
2. *Keep victims out of courtrooms*: Advocate for and execute all legal methods available to prevent victims from having to come to the courthouse for orders of protections and criminal hearings.
3. *Prioritize prosecution of domestic violence defendants*: Train assistant state's attorneys to be "trauma informed" and to prosecute domestic violence cases without the testimony of victims.
4. *Prostitution and Trafficking Intervention Court*. Support the creation of a "problem-solving" court in Winnebago County for victims of prostitution and human trafficking.

## C. Reduce Youth Immersion in the Criminal Justice System

1. *Youth offender intervention*: Employ early warning and referral systems for children – particularly children of color - who have experienced trauma to prevent their entry into the criminal justice system.
2. *Restorative justice*: Implement a restorative justice program for youthful offenders, recruiting our faith community to execute such a program. A restorative process allows for offenders to recognize the human cost of their actions and aims to right their misdeeds together with stakeholders. Programs can include victim empathy classes for offenders, victim assistance, restitution, community service, and letters of apology. According to the National Institute of Justice findings, successful restorative programs in the U.S. have shown considerable progress in reducing recidivism, saving time and judicial expense, while preventing incarceration and its associated costs.<sup>4</sup>
3. *Reduce recidivism*: With dogged determination, radically change the current juvenile justice model to reduce recidivism: 87% of those juveniles committed to an Illinois juvenile detention facility are re-arrested within three years.<sup>5</sup>

Massachusetts enacted a criminal justice reform in 2018 focused on diverting more people out of the justice system while rehabilitating those in it. Since it went into effect, far fewer children and teenagers are coming into contact with the juvenile justice system. Juvenile arrests in Massachusetts dropped by 43% between fiscal

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<sup>3</sup> See <https://rockfordfamilypeacecenter.org/>

<sup>4</sup> A plethora of additional programs can be found at *Blueprints for Healthy Youth Development and CrimeSolutions.gov*.

<sup>5</sup> See Gleicher, L. (2019). *Examining the Extent of Recidivism in Illinois After Juvenile Incarceration*, Chicago, IL: Illinois Criminal Justice Information Authority. <https://DOI: 10.13140/RG.2.2.30753.86888/1>.

2018 and 2019, from nearly 2,500 to 1,400, according to a state report. This outcome produced savings for taxpayers in a state where the reported costs of incarcerating a youth for one year was about \$173,000.

During 2018-19, fewer youths in Massachusetts were charged and taken into state custody. Admissions for pretrial detention for juveniles dropped by 27%, and first-time commitments to the Department of Youth Services, which supervises juvenile delinquents, dropped by 17%. Complaints dropped by 26 percent and delinquency filings by 33%. Complaints are filed when youths age 12 to 17 are accused of criminal activity. Delinquency filings occur when a clerk magistrate finds probable cause that the juvenile committed a crime.

The city of Miami, Florida, has also been successful with its juvenile diversion program. Miami police in many cases issue civil citations to get youth offenders help from and treatment by social workers, family counselors and psychologists.<sup>6</sup>

Public school districts in Baltimore and Los Angeles have partnered with municipal police departments in programs that have made progress in reducing juvenile crime, according to a 2019 National Juvenile Justice Network report on “Reducing Youth Arrest: Prevention and Pre-Arrest Diversion.

#### Other Initiatives:

- Robust Re-entry Programs
- Conviction Integrity Unit
- Restorative Justice and “Micro-interventions”
- Expand Court Hours
- Use of Data/Analytics to Measure Outcomes and Drive Strategy
- Grants, Grants, and More Grants!

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<sup>6</sup> For more information, see “Reducing Youth Arrest: Prevention and Pre-Arrest Diversion;” 2019 National Juvenile Justice Network.

