



The Illinois Department of Corrections

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July 14, 2020

Tracy Siska
tsiska@chicagojustice.org

Re: Freedom of Information Request #200706040

This letter is in response to your request to the Illinois Department of Corrections ("IDOC") pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1, et seq.

You have submitted the following request:

For the years 2019 & 2020 please provide copies of the following public records related to the Illinois Department of Corrections' response to the COVID-19 pandemic:

1. Any materials provided to facilities related to early releases
2. Recommendations on applying sentencing credits
3. Guidelines or instructions for applying sentencing credit
4. Determinations on who to release early
5. What process was used to determine who to release early
6. Any other materials related to early releases in response to COVID-19

Response: A responsive record is enclosed.

Sincerely,
Lisa Weitekamp
Freedom of Information Officer

Enclosure



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Earned Discretionary Sentence Credit & Electronic Detention FAQ

Section I. General Earned Discretionary Sentence Credit Guidelines

1) Statutory Citation

730 ILCS 5/3-6-3(a)(3).

2) Eligibility Requirements

The following criteria will be utilized to determine eligibility for an Earned Discretionary Sentence Credit award:

- a. The Director may award up to 180 days of earned sentence credit for good conduct in specific instances as the Director deems proper.
- b. The good conduct may include, but is not limited to, compliance with the rules and regulations of the Department, service to the Department, service to a community, or service to the State.
- c. Eligible offenders for an award of earned sentence credit may be selected to receive the credit at the Director's or his or her designee's sole discretion.
- d. Eligibility for the additional earned sentence credit under this paragraph shall be based on, but is not limited to, the results of any available risk/needs assessment or other relevant assessments or evaluations administered by the Department using a validated instrument, any history of conviction for a forcible felony enumerated in Section 2-8 of the Criminal Code of 2012, the master record file, including, but not limited to, sentencing material including the facts and circumstances of the holding



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offense, the offender's behavior and disciplinary history while incarcerated, and reports or recommendations made concerning the offender, the offender's commitment to rehabilitation, including participation in programming offered by the Department, and any heroic action of the offender such as saving the life of an employee or other offender.

- e. No offender shall be eligible to receive earned discretionary sentence credit if he or she:
- Has been found guilty of a 100-level disciplinary offense under 20 Ill. Adm. Code 504. ***** Emergency Rules were filed placing a timeframe on the prohibition for 100 level offenses. Staff can review cases for those with 100 level tickets committed more than one year prior to the date of the EDSC review.**
 - Has been found guilty of, or has a pending charge resulting from, a criminal offense committed during his or her current term of incarceration.
- f. The Director shall make a written determination that the offender:
- is eligible for the earned sentence credit;
 - has served a minimum of 60 days, or as close to 60 days as the sentence will allow;
 - has received a risk/needs assessment or other relevant evaluation or assessment administered by the Department using a validated instrument; and
 - has met the eligibility criteria established by rule for earned sentence credit.
- g. Offenders serving 100% sentencing are not eligible to receive an award of Discretionary Sentence Credit.



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- h. Offenders serving 85% sentencing cannot have sentence reduction beyond the 85%
- i. Offenders serving 85% sentencing with concurrent or consecutive 50% charges can only have sentence reductions on the 50% charges.
- j. Offenders serving 75% sentencing may not have their sentence reduced less than 60%, except for *Gunrunning* which shall not be reduced less than 75%
- k. Offenders sentenced for first degree murder or terrorism are ineligible.

3) Discretionary Criteria

- a. Any score on IPSAS tool will be reviewed for accuracy, but an offender must score low or moderate on the assessment in order to be considered.
- b. Any violence score will be reviewed for accuracy, but an offender must score low or moderate on the violence score in order to be considered. The CARE Tool will no longer be utilized in this process.
- c. No active order of protection.
- d. Must not be SVP eligible.
- e. Must not be a parole violator.
- f. Offenders who are voluntary terminations or have been terminated for disciplinary reasons from an impact incarceration program will not be considered for an award until after their projected IIP graduation date.
- g. Must have completed substance abuse treatment if recommended by the court or been waived from the requirement by the Department.
- h. Must have completed mandatory sex offender treatment (if necessary) or been waived of the requirement by the Department and said waiver was provided solely due to the lack of Department resources.



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4) Review of EDSC Award from generated list:

- a. Counselor initiates the review and makes a recommendation. Counselors should conduct a thorough review of the criminal history to include a review of the master file and LEADS report before making the recommendation. Arrests for crimes other than domestic battery should not be a factor in the criminal history decision making process. For crimes other than domestic battery, only convictions should be taken into consideration. Domestic battery arrests should be considered on a case by case basis.
- b. Counselor supervisor (CWS/CSS) reviews the award and makes a recommendation
- c. Warden's designee (CSS) reviews the award and makes a recommendation
- d. If a substance abuse waiver is required, Kevin Ball, Addiction Recovery Management Services Unit, reviews
- e. The Re-entry Administrator will review the award and make a recommendation
- f. The Chief of Program and Support Services reviews the award and makes a final determination along with the number of days to be awarded, if approved.
- g. Records Office completes a new sentence calculation.
- h. Offender is released if they have an approved host site.

5) Notifications

- a. IDOC will provide a 48-72 hour notification to State's Attorneys Prior to release.

Section II. Frequently Asked Questions - EDSC (FAQ)

- 1) **Do we complete a review of everyone on the generated lists?**



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Yes. Regardless of their score, everyone should be reviewed.

2) Do we complete a review for offenders who have pending EPSC contracts?

Yes. If an offender is awarded EPSC after their award of EDSC, then the Records Office needs to contact Jennifer Parrack and Alyssa Williams by email to complete a reduction of the EDSC award. In the event the EDSC award puts an offender out after the date would be if they would receive the EPSC award, then the entire award of EDSC would need to be rescinded.

3) Do we still submit offenders for an award of EDSC even though they have less than 180 days before they MSR?

Yes. Partial awards can be given.

4) Can we submit an offender for EDSC when he/she does not have an approved host site?

Yes. If the offender's host site is not approved by the time the offender reaches his MSR date, then the Records Office can ask for a reduction of the award to give Field Services more time. In addition, if a host site is attained, the Records Office can request an adjustment so the offender can MSR sooner than the original date.

5) Can an offender be submitted for EDSC if they have a pending court writ.

Yes. Please ensure comments regarding the type and status of the court writ are placed in the notes section of the review, so consideration can be given.



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6) Can an offender be submitted for EDSC with a warrant?

Yes. Ensure comments regarding the type and status of the warrant are placed in the notes section of the review so consideration can be given.

7) How does a reverse and remand sentence affect EDSC? Example... Offender A1234 was reversed and remanded on 2/13/19 and given a new custody date on 4/15/2019 for the same case, and before being reversed and remanded had 100 series IDR's that would disqualify him

No, since it was a reversal and a remand, he is now in on a new incarceration. The 100 level was on his previous incarceration so he is eligible for a review now.

8) Please verify if parole violators are ineligible for both EDSC & ED? They would need to see the PRB to be resumed?

Currently they are not eligible for EDSC but are reviewed for ED on a case by case basis.

9) Can we streamline the Substance Abuse Waiver process so that this can be bypassed?

At this time, the substance abuse waiver is required.

10) Does an offender who is ineligible for EDSC automatically correlate to an offender being a poor candidate for electronic detention?

No



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11) For anyone who qualifies for submission, and is < 6 mos to MSR, are we supposed to initially submit them solely for EDSC and only submit them for ED if they don't get the award or should we submit them for EDSC and ED at the same time?

You would submit those offenders for ED only if they did not receive an award of EDSC.

12) What about offenders who have been deemed MOD E/R due to nature of offense, AWOL, warrants, detainers, etc.? Are we to reduce them solely for the purpose of EDSC/ED?

NO

13) Is it possible to get a list of offenders who were submitted for EDSC but deferred? Especially if we are to submit them for ED. If we are not notified, we have to check hundreds of them, one at a time to see if they received an award, so that we know if we need to submit for ED.

You can have a view created to show you this information in O360.

14) Are offenders with revoked ESSC ineligible for EDSC or ED?

Offenders who have revoked time that has not been restored are ineligible for EDSC. We will review for ED on a case by case basis.



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Section III. General Electronic Detention Guidelines

1) Statutory Citation

Statutory Criteria per 730 ILCS 5/5-8A-3

2) Eligibility Requirements

Excluded Offenses:

- a. 1st Degree Murder
- b. Escape
- c. Predatory criminal sexual assault of a child
- d. Aggravated criminal sexual assault
- e. Criminal sexual assault
- f. Aggravated battery with a firearm as described 720 ILCS 5/12-4.2 or 720 ILCS 5/12-3.05 subdivision (e)(1),(e)(2),(e)(3) or (e)(4)
- g. Bringing or possessing a firearm, ammunition or explosive in a penal institution
- h. Super-X drug offense**
- i. Calculated criminal drug conspiracy
- j. Street gang criminal drug conspiracy
- k. Any predecessor/successor offense same/substantially same elements or inchoate offense of foregoing offenses

Eligible - Class 1 felonies (other than exclusions) with 90 days or less to serve

Eligible - Class X felonies (other than exclusions) with 90 days or less to serve provided:

- a. Sentenced on or after 8/11/93
- b. Not prohibited by the court in the sentencing order



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Eligible - For individuals over the age of 55, the following criteria should be used to determine eligibility:

- a. Individual must be 55 years of age or older
- b. Cannot be serving a sentence for:
 - a. Predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse or criminal sexual abuse
 - b. Any predecessor or successor offense with the same or substantially the same elements, or
 - c. Any inchoate version of these excluded offenses, including attempt, conspiracy, or solicitation
- c. The individual must have 12 months or less remaining on their sentence
- d. The individual must be serving a determinate sentence
- e. The individual must have served at least 25% of the sentenced prison term
- f. Placement in an electronic monitoring or home detention program is approved by the Prisoner Review Board or the Department of Juvenile Justice.
- g. The individual must not have an active order of protection (OOP), stalking no contact order, or civil no contact order
- h. The individual must not have previously attempted an escape offense or any inchoate version of escape, including attempt, conspiracy, or solicitation during the previous 3 years.
- i. The individual may not have a significant violent criminal history or significant disciplinary concerns during the previous year while incarcerated in the Department.
- j. The individual must not have an active judicial warrant for arrest or detainer from another jurisdiction
- k. The individual must not be a registered sex offender



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- i. The individual must have a scored as either low or moderate risk to recidivate pursuant to the results of an evaluation of the individual using the Department's chosen risk assessment instrument

Eligible - Class 2, 3, or 4 felonies (other than exclusions) pursuant to Department administrative directives

****Super-X drug offenses are referred to as a violation of (i) 720 ILCS 570/401 (a)(1)(B), (C), or (D); (ii) 720 ILCS 570/401(a)(2)(B), (C), or (D); (iii) 720 ILCS 570/401(a)(3)(B), (C), or (D); or 720 ILCS 570/401(a)(7)(B), (C), or (D) of the Illinois controlled Substances Act**

3) Submitting offenders for Electronic Detention

Refer to DOC 0316 Transition Center or Electronic Detention Transfer Checklist and AD 05.06.130 for completion of ED transfers.

In response to the COVID-19 emergency, the following items should be scanned to Jennifer Parrack and Alyssa Williams:

- a. Transfer report
- b. Security reclassification or escape risk report
- c. Application for transfer to a Transition Center, DOC 0321
- d. Offender Health Status Transfer Summary, DOC 0090

Review Process after list is generated:

- a. Counselor initiates the reviews and makes a recommendation ensuring all proper documentation has been gathered and completed including anything from medical and mental health
- b. Counselor supervisor (CWS/CSS) reviews and makes a recommendation



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- c. Jennifer Parrack and Alyssa Williams review and make a final determination for placement
- d. PRB reviews and makes a recommendation (only in the case of offenders 55+)

Section IV. Frequently Asked Questions - ED (FAQ)

- 1) Received an e-mail from a TCO staff on 4/1/20 - that age is no longer a "concern" for ED. As this was on criteria regarding ED Program 3/25/20, just verifying that age is no longer a factor to consider for ED so I can share with all my counselors.

Age is a concern if an offender is 55+ and is being released under the 55 and over section of the ED statute, age is not a factor if the person is placed on ED due to the other portions of the statute.

- 2) If the offender does not have an approvable host site, they are not eligible for ED. Does this mean we do not submit for ED at all if no current approved host site?

Staff need to work to determine an approved site before. If no approved site can be found, do not submit for ED.

- 3) Are staff supposed to review everyone on the list, even if they are under age 55?

You are to review everyone on the class 2, 3 and 4 list for EDSC first, then ED.

Yes. Age is still a factor when reviewing for 55+ offenders who are reviewed based on separate criteria than those individuals who are under 55.



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4) **Do we need to have an extradition waiver completed as well?**

Please see AD 05.06.130 section 7 for what needs to be included in the ED packet.

5) **Which criteria are we applying to which groups (lists) of offenders and which criteria are we to disregard for which group(s)?**

Criteria does not change based on the lists. There is the under 55 population and the 55+ population criteria.

6) **How do we handle offenders who are on C grade or B grade?**

Please submit all grade levels.

7) **What do we do about offenders who have transfer stops – some of whom have been cleared on a health status summary but still have on-going medical issue, follow up appointments, etc.?**

Health Care unit will need to be consulted to see if the offender is eligible and could be released due to their health conditions and continuation of care.