

MINUTES

REGULAR MEETING ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY Friday, September 2, 2011 at 9:03 a.m. 300 West Adams Street, 2nd Floor Conference Room Chicago, Illinois

Call to Order and Roll Call

Chairman Peter M. Ellis welcomed Board Members and guests to the third 2011 quarterly Board Meeting of the Illinois Criminal Justice Information Authority. He called the meeting to order and asked General Counsel Lisa Stephens to call the roll.

In addition to Chairman Ellis, Authority Board Members in attendance were:

State's Attorney and Vice Chairman Anita Alvarez
Public Defender Abishi Cunningham
Director Patrick Delfino
Director Bradley Demuzio
Ms. Barbara Engel
Director S. A. Godinez
Mr. Felix M. Gonzalez
Director Hiram Grau
Ms. Cynthia Hora
Superintendent Garry F. McCarthy
Director Kevin T. McClain
Director Michael J. Pelletier
Public Defender Randall B. Rosenbaum
Mr. John Z. Toscas

Approval of Minutes of the June 3, 2011 Regular Meeting

With a quorum in place, Chairman Peter M. Ellis then asked for a motion to adopt the minutes of the June 3, 2011 Authority Board Meeting.

{With corrections suggested by Ms. Barbara Engel, Mr. John Z. Toscas so moved. Director Patrick Delfino seconded the motion, which was adopted by unanimous voice vote.}

Chairman's Remarks

Chairman Ellis then welcomed new Authority Board Member Garry F. McCarthy, Superintendent of the Chicago Police Department, to his first meeting. Superintendent McCarthy thanked Chairman Ellis and the Board for the opportunity to serve and said he was excited about the unlimited potential in what can be done at the Authority as far as criminal justice is concerned.

Chairman Ellis thanked Superintendent McCarthy and next called upon Executive Director Jack Cutrone for his remarks.

Executive Director's Remarks

Mr. Cutrone said that the federal fiscal year '11 budget had been cut for Justice Assistance Grants (JAG) by 17 percent. He added that it is anticipated that another 17 percent reduction in JAG funding could be experienced based on some legislation that had come out of a House Committee on Appropriations for Public Safety. He said that the figure has not been finalized with those appropriations and budget bills still working their way through Congress.

Thus he asked Board Members who had not already sent letters of support for funding to Representatives in their jurisdictions and also to the two U.S. Senators from Illinois to please do so. He said that it was important for Board Members as the leaders of the criminal justice community in Illinois to make their voices heard in Congress, showing the good work that has been done with federal grant money to maintain and increase public safety.

Mr. Cutrone reported on legislation that was passed in the Illinois General Assembly over the last year that affects the Authority. He said that one piece was the creation of the Task Force on Inventorying Employment Restrictions, placing it in the Authority to contact all state agencies to examine their policies about the extent to which criminal history records prevent employment with the agency or prohibit licensing in a profession or trade licensed by the agency.

He pointed out that barriers to employment represent one of the largest impediments to successful integration into the community and that many times those barriers to employment are a result of criminal history records that may not bear any relationship at all to a particular job that is involved.

Mr. Cutrone then mentioned the Act to Abolish the Death Penalty in Illinois signed by the Governor, which he explained includes a part called the Death Penalty Abolition Fund that is to be administered by the Authority. He explained that it is for providing services to surviving family members of homicide victims, and that ICJIA General

Counsel Lisa Stephens is taking the lead in trying to develop a plan for the Authority in that regard.

Next, Director Kevin T. McClain inquired as to the process for determining how to disperse the money in the Fund. Mr. Cutrone said that the normal process of presenting grant designations to the Budget Committee would be followed.

Mr. Cutrone then discussed another grant program to be administered by the Authority that was created by legislation, the Prescription Drug Disposal Fund. He said the money is basically to fund police agencies or provide funds for reimbursement to police agencies that create programs for properly disposing of prescription drugs, as well as to underwrite some incentive efforts to encourage the public to engage in such programs. He explained that the fund will be supported by court costs and fees imposed in drug cases and added that the amount was not known as yet nor was the collection process. He said that as with the Death Penalty Abolition Fund, ICJIA needs to get spending authority from the legislature before any money can be spent.

Mr. Cutrone next highlighted other activities in which the Authority is engaged, including the ICJIA Criminal Justice Strategic Plan for Illinois, a request for assistance from the Kane County State's Attorney's Office to help it develop a risk assessment tool to be used as a guide in its sentencing recommendations, and a plan is to bring in some national experts to speak with police chiefs and police administrators from throughout the state and to present best practices in police consolidation along with providing some technical assistance. He also mentioned St. Leonard's House Ministries' grant and evaluation, and the Center of Excellence to help jurisdictions in Illinois develop Mental Health Courts to deal with people with mental and emotional issues to produce better, more economical results instead of just recycling them through a revolving door in the criminal justice system.

At that point, Mr. Cutrone asked if there were other questions or concerns. Hearing none, Chairman Ellis thanked Mr. Cutrone and moved on to financial matters.

Budget Committee Report

At approximately 9:42 a.m., Chairman Ellis convened a Budget Committee Meeting, appointing all Board Members present as a Committee of the whole. In the absence of Budget Committee Chairman Eugene E. Murphy, Jr., Chairman Ellis conducted the meeting.

Approval of Minutes of the June 3, 2011 Budget Committee Meeting

With a quorum in place, Chairman Ellis called for a motion to adopt the minutes of the June 3, 2011 Budget Committee Meeting.

{Mr. John Z. Toscas so moved. Mr. Felix Gonzalez seconded the motion, which was adopted by unanimous voice vote.}

Approval of Minutes of the July 14, 2011 Budget Committee Meeting

Chairman Ellis then called for a motion to adopt the minutes of the July 14, 2011 Budget Committee Meeting.

{With corrections suggested by Ms. Cynthia Hora and Ms. Barbara Engel, Mr. Toscas so moved. Mr. Gonzalez seconded the motion, which was adopted by unanimous voice vote.}

Justice Assistance Grants (JAG) FFY08 Supplemental and FFY09 Plan Adjustments

FFY08 Supplemental

Recommended Designations

Authority Program Supervisor Herbert Johnson, referring to the memo regarding Justice Assistance Grants (JAG) FFY08 Supplemental and FFY09 Plan Adjustments and dated September 2, 2011, said that staff recommends designating \$112,000 in FFY08 Supplemental funds to the Illinois State Police for the purchase of eight portable Livescan machines.

Mr. Johnson said that staff recommends designating \$13,000 in FFY08 Supplemental funds to the Illinois Criminal Justice Information Authority (the Authority) for the purpose of hosting a symposium entitled, *The New Paradigm in Policing: Shared Services and Consolidation*.

FFY09

Mr. Johnson said that staff recommends designating a maximum of \$132,000 to the Cook County Public Defender's Office (CCPD) for the purpose of creating information technology and software capabilities for the Public Defender's Case Management System called *Project BRIDGE*. He explained that this will provide the CCPD with interfacing capabilities with the clerk of the circuit court's office to download necessary data for the CCPD's cases. He added that the CCPD downloads data to about 300,000 clients and will eliminate the need to reenter data, allowing data to be transferred seamlessly.

{After a discussion as to the cost-savings aspect of *Project BRIDGE*, Mr. Toscas moved to approve (JAG) FFY08 Supplemental and FFY09 Plan Adjustments. The motion was seconded by Mr. Gonzalez and adopted by voice vote, with Public Defender Abishi Cunningham abstaining.}

Director Cutrone, in response to a question by Ms. Hora, said that JAG FFY08 and FFY09 funds expire in 2012. Mr. Johnson verified that the expiration date is 2012.

Ms. Engel said that there are funds remaining in FFY08, FFY08 Supplemental, FFY09, and ARRA09. She inquired as to the existence of proposals for these programs, especially given that there is only one year to spend some of these funds, as opposed to resorting to spending the money on equipment. Director Cutrone said that every effort would be made and that the Authority has been better at programming funds in the past.

Adjourn

At approximately 9:55 a.m., the Budget Committee portion of the meeting concluded and the Authority Regular Board Meeting resumed.

Fiscal Report by Dreena Jones, Chief Fiscal Officer

Chairman Ellis asked Ms. Dreena Jones, Chief Fiscal Officer, for a fiscal report. Ms. Jones called attention to Exhibit 1, Operations, in the Board materials, which she explained showed that for the period of July 1, 2010 through August 15, 2011 the Authority had expended and obligated 80 percent of its General Revenues. She said that since then, the Authority's entire General Revenues appropriation minus the reserves had been used.

She then turned to Exhibit 2, Awards and Grants, and reviewed the following: that the Authority had expended and obligated 99 percent of its General Revenue Matching Funds and 44 percent of the total appropriation; the Criminal Justice Trust Fund expended and obligated 44 percent representing approximately \$48 million; the General Revenue Matching Fund expended and obligated \$640,000, representing 99 percent of the appropriation; the Criminal Justice Information Projects Fund expended and obligated \$19,577; and the Juvenile Accountability Incentive Block Grant Fund spent approximately \$1.8 million, which was 40 percent of the appropriation.

She said that based on suggestions at the last Quarterly Board Meeting, two exhibits were added to provide more information. She explained that Exhibit 3 outlines the federal sources that fund the fiscal year expenditures, noting that cash drawn down from the Federal Grant programs in fiscal year 2011 as of August 15, 2011 was \$47, 236,636. She pointed out that this value does not exclude Justice Accountability Block Grant (JABG) and Justice Assistance Grant (JAG) awards that are not drawn down on a reimbursement basis. She then explained that Exhibit 4 shows in percentages how much each grant contributes to the entire amount of federal funds the Authority received in fiscal year 2011, with JAG, Victims of Crime Act (VOCA) and Violence Against Women Act (VAWA) programs representing 91 percent of the Authority's federal funding.

In conclusion, she asked for any questions. With no response, Chairman Ellis thanked Ms. Jones and concluded the Budget Committee Meeting. Returning to the agenda of the Authority Board Meeting, he introduced Mr. Mark Kammerer of the Cook County State's Attorney's Office for a presentation on "The Expansion and Impact of Alternative Prosecution and Sentencing Programs in Cook County."

Presentation on "The Expansion and Impact of Alternative Prosecution and Sentencing Programs in Cook County" by Mark Kammerer, Coordinator of Alternative Prosecutions and Sentencing Programs, Cook County State's Attorney's Office

Mr. Kammerer said that the alternative initiatives he would be discussing are developed and monitored by the State's Attorney's Office and are limited to non-violent offenders. He explained that the two Alternative Prosecution Programs are those in which the person does not plead guilty to anything if he or she agrees to meet certain criteria established by the prosecution.

He said that if the person successfully complies with the prosecution's requirements, charges are dismissed outright upon completion of the program, unlike Alternative Sentencing, which is post-conviction. He explained that the latter involves a plea of guilt, and represents a large collaboration between the prosecution, defense, judiciary, probation, sheriff, and community agencies, such as Treatment Alternatives for Safe Communities (TASC).

Of the two Alternative Prosecution programs, he stated that Drug School is the largest existing in the county with 3,500 cases per year on a regular basis over the last ten years. He reported that of those cases, 90 percent successfully complete their program and have their charges dismissed outright. In responding to a question regarding new arrest rates for those 90 percent, Mr. Kammerer said that in the first year about 20 percent have a new arrest and about 11 or 12 percent are drug-related as compared to those who do not complete the program with over 60 percent having a new arrest and of those, close to 50 percent having a new drug arrest. Also in response to a question as to what percentage of the total eligible individuals do not register or miss classes, he cited about 10 percent.

Mr. Kammerer next described the second deferred prosecution initiative. He said that the State's Attorney initiated the Felony Deferred Prosecution Program in March, 2011 to meet a population that was not eligible for Drug School. In describing the program, he said that it is more demanding than Drug School and if people meet the criteria in terms of their current charge and criminal background, they are offered the program by the State's Attorney in the courtroom. He further explained that if they accept it, they are transferred to one particular court call at 26th and California, Branch 9, and are assigned to that courtroom initially and every three months subsequently for one year to report to the Court as to their participation level and their progress.

He added that the partners in the program with the State's Attorney's Office include representatives of the Pre-Trial Services Department through the Office of the Chief

Judge and TASC, who meet with the individuals on a regular basis for one year, which is the course of the program. He said that the requirements of the program are refraining from criminal activity, not getting a new arrest, and engaging in appropriate educational, vocational and treatment activities, including community service. He continued to explain that if, at the end of their 12 months in the program and reporting to the Court three times in the interim, they meet the program's requirements, their charges will be dismissed outright.

He reported that about 300 cases were referred to the program between its inception and the present, and of them 16 did not join, with the following placements: vocational training, six percent; educational, 13 percent; community service, seven percent; and drug education, eight percent. He said that to date, 95 percent of the participants have not been arrested for a new criminal activity and 90 percent are in compliance with the expectations of the program.

In an ensuing discussion regarding whether the Public Defender's Office is involved in the Felony Deferred Prosecution Program, Public Defender Cunningham responded in the affirmative and Mr. Kammerer noted that there is a defense lawyer with the participant at every court appearance. He then noted that if there is a victim involved, the victim must agree to the person's participation, by signing a statement with the State's Attorney's Office, and in addition, if there is restitution involved, the restitution must be paid in full before charges are dropped.

Mr. Kammerer moved on to discuss the Alternative Sentencing Program, pointing out that the primary treatment courts involved include Drug Court, Veterans' Court, and Mental Health Court. He said that by statute the State's Attorney's Office must agree to the defendant's participation in any of those courts along with his or her agreement, as a voluntary process. He pointed out that the Drug Treatment Courts were established in the county in 1998, starting with three and now up to five. He reported that to date there have been over 1,000 individuals countywide who have successfully completed the program.

In describing the Drug Treatment Court Program, Mr. Kammerer said that there are follow-up reviews of people who graduate after one, three and ten years, examining criminal activity and comparing it to comparable periods prior to entering the program. He pointed out that in the first year 85 percent have not had a new arrest after completing Drug Court, and 90 percent do not have a new drug arrest, which represents a trend of a very significant decrease that occurs.

Mr. Kammerer went on to discuss the Mental Health Court Program, stating that the first one was started in 2004 at 26th Street after a realization that a large number of people in the system have a co-occurring mental health disorder. He reported that there are now seven Mental Health Courts in the county, explaining that the same basic concept as a non-adversarial court process is used with significant supervision focusing on mental health services.

He said that over 320 individuals have been admitted to the various Mental Health Courts in the county, with 89 percent having no felony convictions since they were admitted, and 82 percent with no felony arrests. He explained that there only has been a three-year follow-up for the participants because they have not been out for ten years, adding that 96 percent had no felony convictions within one year after completion and 94 percent of the graduates had no felony conviction three years after their completion of the program.

He described the newest Alternative Sentencing program, Veterans' Court, which was started in February, 2009 at 26th Street and was the fifth newest Veterans' Court in the United States, with Cook County now having six. He said that in addition to operating similarly as Drug Treatment Court and Mental Health Court, Veterans' Court has a strong collaboration with the Veterans' Administration (VA). He pointed out that by linking participants to the VA, they are no longer dependent on many county or state services by accessing VA federal services, thereby saving the county or state money.

In closing, he said that he very rarely sees an instance where there is not at least a major decrease in arrests in the first year for individuals in the Mental Health, Drug, or Veterans' Court programs. He also pointed to the cost benefits to the county of the different Alternative Prosecution/Sentencing Programs. He cited Drug School as saving around \$2 million per year; Mental Health Court, just in terms of custody costs, approximately \$4 million per year; and Veterans' Court, about \$750,000, with the total for the three nearly \$7,500,000, which does not take into account Drug Court, the new Felony Deferred Prosecution program or the Felony Prostitution Court that just started.

Mr. Kammerer said that the State's Attorney's Office is very supportive of these types of programs as long as they involve nonviolent individuals who are not posing any imminent risk to public safety and are interested in turning their lives around. He then asked if there were any questions or comments.

In the discussion that ensued, many positive remarks were made about the approach that the Alternative Programs have taken to help individuals rather than be strictly punitive. Also compliments were voiced about the programs' effectiveness in reducing recidivism, the cost savings to the county they engender, and the collaborative efforts involved. At that point, similar successful undertakings in several other counties throughout the state were described which led to a discussion suggesting that perhaps a major focus should be placed on expanding the use of such models.

In response, Director Kevin T. McClain said that although he was impressed with the programs, he had concerns about applying them universally. Mr. Cutrone remarked that he felt by analyzing the programs that have worked and identifying the factors that the evidence shows have been successful, those programs should be expanded to matched populations.

Chairman Ellis then asked if there were any other questions or comments. Hearing none, he thanked Mr. Kammerer for his presentation and commended the work of the State's Attorney's Office.

He also asked if there were any old or new business. With no response, Chairman Ellis thanked everyone for their participation, announced that the next Authority Board Meeting would be December 2, 2012, and called for a motion to adjourn.

Adjournment

{Ms. Cynthia Hora's motion to adjourn was seconded by Ms. Barbara Engel and adopted by unanimous voice vote.}

