



**ILLINOIS
CRIMINAL JUSTICE
INFORMATION AUTHORITY**

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**Illinois Criminal Justice Information Authority
DOMESTIC VIOLENCE PRETRIAL WORKING GROUP**

**Minutes
HB3653**

Thursday, April 28, 2022
2:00 PM to 3:30 PM

Location
Via WebEx Video Conference/Teleconference

Task Force Member Attendance	Present	Telephone	Absent
Amanda Pyron, Executive Director: The Network	X		
Amanda L. Vasquez, ICJIA	X		
Christine Call, Executive Director: Center for Advancing Domestic Peace			X
Deirdre Harrington, Cook County State’s Attorneys Office			X
Eric C. Arnold, ILETSB Executive Institute Western Illinois University	X		
LaTanya Hill, Director Kane Court Services	X		
Margaret Duval, Executive Director Ascend Justice	X		
Monique Patterson, Attorney Supervisor Law Office of Cook County Public Defender	X		
Judge Randy Wilt, 17 th Circuit Court	X		
Wendy Venvertloh, Administrative Office of Illinois Courts			X
Willette Benford, Live Free Illinois			X
Nickole Ticknor, 17 th Circuit Court	X		
Sharlyn Grace, Law Office of Cook County Public Defender			X

Sharlyn Grace and Deirdre Harrington arrived after roll call

Also present were:

Crystal Johnson, ICJIA, Office of the General Counsel
David Olson, Loyola

A. Call to Order and Roll Call

1. Amanda Pyron called the meeting to order at 2:04 PM
2. Crystal Johnson took roll
3. Quorum was established

Old Business

B. Motion to Approve the Agenda for April 28, 2022 (Voice Vote)

1. Moved by Judge Randy Wilt
2. Seconded by Eric C. Arnold
3. All were in favor
4. No oppositions
5. No abstentions
6. Motion passed

Motion to Approve the Meeting Minutes for March 24, 2022 (Voice Vote)

1. Moved by Judge Randy Wilt
2. Seconded by Latanya Hill
3. All were in favor
4. No oppositions
5. Margaret Duval, Nickole Ticknor and Sharlyn Grace abstained from the approval
6. Motion passed

C. Ethics & Sexual Harassment Trainings

Crystal D. Johnson ICJIA Office of General Counsel Technical Advisor explained to members their duty to complete annual trainings for all appointees and designees of task forces. Members were told they should expect an email with their log-in credentials, and they should complete the trainings within 30 days of the meeting.

Risk Assessment

- Amanda Pyron stated pg. 354 of the PFA recommends that the courts procure and utilize a victim centered risk assessment tool. She asked if the question was whether or not a risk assessment was in the law or the type of risk assessment that was being used?
- Eric Arnold stated it referenced that there could be consideration for a risk assessment. He stated his question is-What is the next step in having the conversation? Is it something we can add to the agenda?
- Amanda Pyron stated we could do that because the PFA recommends a validated risk assessment that targets and or considers gender-based violence that courts across the state utilizes. She stated we didn't use one because we didn't want to date the act in the event some better tool came along. She stated the ones used need to be geared towards domestic or sexual violence solely. She stated we can acknowledge that the ones currently used are racially biased and this group should take into consideration when we think of what to use. She stated some have been rated for racial bias more than others. Are there any other thoughts on recommendations for considering a risk assessment tools to be used across the state, particularly those like Cook that don't use a risk assessment tool focused on violence?

- Sharlyn Grace asked if a section of the statute that had been deleted because it was so rigid? She asked if there was still authority to use a risk assessment tool?
- Amanda Pyron stated a recommendation that if a risk assessment could be used that it be used specifically for gender-based violence. Wants this part of the act considered. We want to make sure that everyone is comfortable where we are
- Nickole Ticknor stated a FCCs are encouraging each circuit to have these, these discussions around DV, risk assessment specifically.
- Amanda Pyron stated we don't have a FVCC in Cook. She asked if it would be helpful to FVCC Coordinator Ask Mary Ratliff if she can come in and speak?
- Nickole Ticknor answered yes and stated there needs to be risk assessment and we need to be mindful about what is going on in legislation.
- Eric Arnold asked if there is a list of risk assessments that have been evaluated, and it is documented that they are racially biased. He asked if the documentation be provided to the committee.
- Amanda Pyron stated we do we have it and it is one of the goals of the shared community to not use risk assessments that are racially biased. She asked Sharlyn Grace if she could send the research document that outlines which risk assessment tools are racially biased?
- Sharlyn Grace stated she would provide it and stated there is a very active debate on what constitutes racial bias and there is disparity on how to evaluate it and which conclusions to draw. She stated there is an active debate and it is hard to create a tool that doesn't indicate racial disparities.
- Eric Arnold stated in an effort to focus in some risk assessments are general recidivism risk assessments and some are lethality risk assessment. He stated his understanding is that Illinois is focused on general recidivism, particularly by the courts parole system. He stated counties have been using the ODARA for general recidivism. He asked if that has been deemed biased? He asked if the lethality assessment protocol the "LAP" has been deemed racially biased?
- Amanda Pyron stated ODARA gets a better review on racial impact, and that is was deemed more race neutral than an assessment was ever going to be. She stated I agree if a risk assessment relies on prior involvement with the criminal justice system it is not going to be race neutral. She stated the ODARA looks at domestic violence and sexual violence risk factors and Cook County does not use either and uses a generic or general population risk assessment which is what we would prefer. She stated this is what we would be looking for Cook County to use for domestic violence based on risk. ODARA is out of Canada. That is actually what we were looking at to evaluate dv offenders based on race.
- Eric Arnold stated they have received funding from Violence Against Women Act for the lethality assessment protocol because it is a huge initiative that might be helpful for the danger assessment

was the foundation of the Cindy Bischoff law and was grounded in the bail provisions and these are two areas to start to have the conversation.

- Amanda Pyron stated the Act states that the risk assessments cannot be the sole assessment used by a judge to make his decision. She stated the PD's office can weigh in. She stated we are trying to prevent a situation that happened in Cook County where a judge released without any bond an individual who had beaten his pregnant girlfriend over the objection of the prosecutions. She stated we want judges to know that choking and pregnancy, strangulation are pretty high-risk factors. She stated we are unaware of some of the challenges with validated assessment tools and we don't think they should be the sole factors in any case.
- Sharlyn Grace stated she agreed and the section read about risk assessment tools not being the sole factor, was not necessarily geared toward gender-based violence, but focused risk assessment and they are designed to recommend condition of pretrial release. She stated it could be misinterpreted to recommend detention when the tools designer's say they should not be used for. She stated it is different from the gender-based violence. She stated we have been having conversations in Cook County with pre-trial judges regarding which pretrial conditions are evidenced based. She stated it is important for Judges to understand why a tool is making a recommendation with training rooted in knowledge so that they understand.
- Amanda Pyron agreed that judicial training is needed. She stated it would be useful to invite Mary Ratliff to discuss what the FVCC are going to recommend. She also stated she would send information regarding the ODARA and what the Network recommends specifically.
- Amanda Vasquez stated she is curious in terms of the court using a tool that we can recommend. She stated she is curious as to what are people using on the ground. She asked if we think everyone should pick up and use as a part of their procedures?
- Amanda Pyron asked does anyone who is currently using a risk assessment have any feedback?
- Judge Wilt stated we have been using the DVSI and we have been using it for several years in Winnebago County. He stated I do not know the evidence base behind it and we have been using it for quite some time and we sent all of our judges to domestic violence training with federal funds and we have it and our judges in bond court don't set conditions unless DVSI are done. He stated if you have a better tool, if its racially biased, we would like to know. He stated we have a working group creating a new detention court as of January 1, 2023. He stated if there is a tool better than DVSI or if there is something wrong with it, I would like to know.
- Amanda Pyron stated I will do research and see what's out there from the experts to evaluate these tools.
- LaTanya Hill Stated before our DGPS program was run through probation before we dismantled, we did a lot more ODARA. She stated we are one of the pilot sites for the pretrial reform and we are considering, going back to the ODARA because it is not a lengthy assessment. She stated she is open to finding out which risk assessments offer the better tools with less bias.
- Eric Arnold stated the ODARA and DVSI have been the most engaged. He stated on the street level in the spirit of trying to communicate to victims and survivors the lethality that is where we see the danger assessment being utilized. He stated it is not necessarily engaging the court with it but

encouraging law enforcements, when they do their protocol, we want them engaging the ODARA in the lethality assessment because these are questions that we encourage officers to use in their reports. He stated the information collected on the street is almost a one-to-one match and it is being used for consideration by the courts. He stated it is valuable information for the courts to consideration. He stated the intent is for the officer safety and the survivors because perpetrators murder officers as well. He stated with the help of the lethality assessment the and regarding the relationship between the victim and advocate it is to move them to a safer place.

- Amanda Pyron asked what counties have FVCC?
- Eric Arnold stated 10th judicial group, Southern Illinois, Northern Winnebago and Kankakee. He stated we lost one in Galesburg.
- Amanda Pyron stated I don't have good visibility on how this is working in counties so she doesn't have an insight in Southern Illinois and how this might be impacting the courts? She stated the lethality assessment protocol is not being done in cook county. She stated she wanted to know where there is real areas of strength and where additional resources can be added.
- Eric Arnold stated the entire state reveres what Winnebago County is doing because they receive a grant with federal funds to implement the lethality assessment protocols with law enforcement and victims advocacy level. He stated we went through and trained with federal funds, and OBD and a specific subject matter expert and it has blossomed into creating a lot of specialized concern. He stated Kankakee County is also strong and has been for over a decade and we would get the most robust conversation out of these two.

Data working group

- Amanda Pyron shared her screen and the data to be collected statewide regarding domestic violence incidents. She asked if there were any questions or concerns that jump out?
- Margaret Duval state we can cross check the list against the data recommendations that should be coming out from the Domestic Violence Coordinator in Cook for the next meeting.

Sexual Assault Risk Assessment

- Amanda Pyron stated that Cook County just finished a review and there were some committees that made some recommendations and we are happy to use those as well. She stated in regard to the last meeting when someone asked about the risk assessments for sexual assault that the ODARA can be used for domestic violence and sexual assault risk assessment. She stated there is also the Static 200-2R and she is not recommending if committee wants to take up a specific risk assessment tool, she is willing to adopt it.

Cindy Bischoff Law

- Amanda Pyron stated in regard to the Cindy Bischoff it is still enforced, and someone thought it would not be relevant since the Bail portion was removed- it is still-in-tact. She stated the Chicago Applesseed on behalf of AOIC there is a prevision that says all reference to bail or pretrial release affected entire legal code of Illinois. She stated there would be no issues of bail release, if you are an active used, still

the law in Illinois and any issues on Order of Protections can still be addressed. She stated it still pertains to respondents and any issues on protection can be met.

- Eric Arnold asked if Cindy Bischoff is intact? He stated those consideration that it put on the courts all hinged on that person being in custody and in order to release them the court had to consider those specific questions which came out of the domestic violence assessment protocol. He stated it was cut and pasted out of the several factors for the intent that a violation of order of protection court could not determine if it would hold them or release them, that would not take place for 21 days. Violations arrested, fingerprinted, notice to appear in 21 days. What about from the time of the arrest from the 21 days.
- Amanda Pyron stated I read the law and goops are a detainable offense and one of the highest risk offenses that we have.
- Eric Arnold stated we would like to give definition to that, and we want everyone to understand that and the provisions of the order of protection are still valid.
- Sharlyn Grace stated the language is in-tact and provided the below link.
[https://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=072500050K110-5#:~:text=P.A.%20101%2D652%20\)-,Sec.,bail%20and%20conditions%20of%20release.&text=obstructing%20or%20attempting%20to%20obstruct,eligible%20defendant's%20release%2C%20if%20applicable](https://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=072500050K110-5#:~:text=P.A.%20101%2D652%20)-,Sec.,bail%20and%20conditions%20of%20release.&text=obstructing%20or%20attempting%20to%20obstruct,eligible%20defendant's%20release%2C%20if%20applicable). it is 110-5(f) under current law and will be 110-5(b-5)under the Pretrial Fairness Act.

New Business

D. Discussion of other working groups/pilot sites and issue alignment

Meeting Dates and Times

- Monique Patterson, Sharlyn Grace, and Nickole Ticknor are unable to meet in May.

Illinois Supreme Court Recommendations Working Groups

- Amanda Pyron asked how can we align our groups in the county and Supreme Court? Kane County make sure our recommendations are heard. She stated we don't want to talk about how this conflict.
- Amanda Pyron stated she would reach out to the AOIC to find out what each county is doing and how they are reaching out to their domestic violence community-hopefully they have a list. She stated it would be helpful to understand how others are on pilot site.
- LaTanya Hill stated Kane is a pilot site, every county is at a different spot, with what conversations they have had about the PFA implementation. She stated we have started meeting in Kane, each end of the county is tasked with how they are going to implement. She stated each county is tasked with giving a lot of direction and we need to ask AOIC because they have handled all Phase I and we should focus on Phase II and III sites.
- Eric Arnold stated he is on another task force and they use a liaison between committees, a designated person in our meetings we can flesh out a direction other committee are using.

- Amanda Pyron asked if a list could be provided of the other committees members are on. She stated I could report out on the Illinois Supreme Court subcommittee that I'm serving on and the Cook County, both kind of the larger working group, and the DV working group. She stated I could also report back on some of the domestic violence division work that Cook County is doing.
- Eric Arnold asked can we have a discussion about DV cases where we know what kind of elements can be included in court where the perpetrators know they need to stay away from the victim?
- Amanda Pyron stated there is not a citation for dv offenses, misdemeanors, or felonies. She stated all misdemeanors are detainable offenses. She stated all offenders are required to be held 24 hours, for an IDVA misdemeanor offense and 48 hours for a felony offense. She stated this law is a win for survivors because it makes it mandatory for domestic offense where the offender is arrested, they will be detained for a least 24 hours. She stated the victim or survivor will be able to come in and get an order of protection. She stated the firearm remedy is there as well.
- Deirdre Harrington stated that it provides more protections even on GOOPS and all other offenses. She stated it is a part of the misinformation campaign that offenders will be cited and released, and this will not be occurring to my understanding.
- Eric Arnold stated that for me whether it is misinformation or not, for a working group like ours giving clarity to that now and getting the right info out there should be added to our list. He stated it is out there in a big way.
- Amanda Pyron stated the Network and Appleseed put together a series of briefing documents on different provisions of the law. She stated there are parts of the state that would not cover it, and it is getting close to being settled law. She stated maybe we can get the members at AOIC to draft something more neutral.
- LaTanya Hill stated that some of the areas that did not want to hear your campaign will be with phase 1 sites, AIOC should be doing a lot of education with those sites going over these aspects of the law, those sites are going to be state run and all of the information that is happening on the street and pretrial release hearing will have state run influence.
- Eric Arnold stated ICJIA putting things out is a good resource and Cordelia at the AG's office because she has been a law enforcement trainer statewide. He stated the more that we can get this incorporated to law enforcement training, any document that could prove the factual nature of how it is going to play out with law enforcement would be helpful and I can be a liaison for that.
- Amanda Pyron stated we have put together guidance documents for legislatures that we can also look at translating into an ICJIA document or asking the AG's office to summarize the law and see where it should live. She stated we can add to the agenda law enforcement guidance documents for judges and prosecutors as well.
- Eric Arnold stated we can provide a document that says at the time of arrest for domestic violence this is still a detainable offense, getting that out there would be huge right now because they do not have clarity on it.

E. Members Updates

None

F. Public Comments

No public comments.

G. Adjournment

1. Moved by Ms. Latanya Hill
2. Seconded by Ms. Deirdre Harrington
3. All were in favor
4. No oppositions
5. No abstentions
6. Meeting adjourned at 3:35 PM