

**Illinois Criminal Justice Information Authority**

**Minutes**

**illinois task force on constitutional rights and remedies**

20 ILCS 5165/4-5 P.A. 101-652

P.A. 101-24

Thursday, November 1, 2021

1:00pm—3:00 pm

Location

Via WebEx Video Conference/Teleconference

1. Call to Order
   * Meeting was called to Order At 2:34 by Co-Chairman Elgie Sims
   * ICJIA General Counsel, Karen Sheley took roll call. Quorum was achieved.

**Attendees**

|  |  |  |  |
| --- | --- | --- | --- |
| **Task Force Member Attendance** | **Present** | **Telephone** | **Absent** |
| Professor Craig Futterman, U of Chicago |  |  | X |
| Joel D’Alba, Shareholder Asher, Gittler & D’Alba |  |  | X |
| Professor Carolyn Shapiro, Kent Law School | Y |  |  |
| General Counsel Tamara Cummings, Illinois FOP | Y |  |  |
| Commissioner Larry Rogers Jr., Board of Review Commissioner |  |  | X |
| President Michael Wilder, Black Men Lawyers Association | Y |  |  |
| Director Jim Kaitschuk, Illinois Sheriffs’ Assoc. | Y |  |  |
| City Manager Christopher Conrad, Highland Park | Y |  |  |
| General Counsel Dana O’Malley, Chicago Police Dept. | Y |  |  |
| Peter Hanna (designee), ACLU | Y |  |  |
| Senator Elgie Sims, State Senator 17th District | Y |  |  |
| Representative Justine Slaughter, State Rep. 27th District |  |  | Y |
| Deputy Director Matt Davis, Illinois State Police | Y |  |  |
| Chief Ashley Wright, Illinois Attorney General |  |  | Y |
| Judge Barbara Crowder, Retired Judge | Y |  |  |
| Representative Dan Ugaste | Y |  |  |
| Senator John Curran | Y |  |  |
| Mack Julion | Y |  |  |

**Also present were:**

Karen Sheley, Crystal D. Johnson – ICJIA Office of General Counsel

Jackie Gilbreath-ICJIA Research Analyst

2. Old Business

* + Chairman Sims referred the members’ attention to the Minutes sent to members on October 29, 2021 for the meetings of October 7, October 21 and October 25 of 2021.
  + He noted that the minutes will be amended to reflect that Dana O’Malley was present at the meeting on October 21, 2021 and asked if there were additional amendments.
  + Judge Crowder stated that the spelling of the name of member of the public who spoke at the October 7th meeting was “Don Zoufal.”
  + Rep Ugaste noted that John Murphey was spelled with an “e” and for that correction.
  + Prof Shapiro stated she was in attendance and late to the meeting on October 7th.
  + Chairman Elgie Sims noted the amendments and called for a motion to approve the minutes as amended.
  + Michael Wilder moved to approve the meeting minutes as amended.
  + Prof. Shapiro seconded the motion.
  + **Professor Craig Futterman, Chief Ashley Wright and Co-Chair Slaughter joined after roll call.**

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| **Task Force Member Approval of Minutes** | **Present** | **Telephone** | **Absent** |
| Professor Craig Futterman, U of Chicago |  |  | X |
| Joel D’Alba, Shareholder Asher, Gittler & D’Alba |  |  | X |
| Professor Carolyn Shapiro, Kent Law School | Y |  |  |
| General Counsel Tamara Cummings, Illinois FOP | Y |  |  |
| Commissioner Larry Rogers Jr., Board of Review Commissioner |  |  | X |
| President Michael Wilder, Black Men Lawyers Association | Y |  |  |
| Director Jim Kaitschuk, Illinois Sheriffs’ Assoc. | Y |  |  |
| City Manager Christopher Conrad, Highland Park | Y |  |  |
| General Counsel Dana O’Malley, Chicago Police Dept. | Y |  |  |
| Peter Hanna (designee), ACLU | Y |  |  |
| Senator Elgie Sims, State Senator 17th District | Y |  |  |
| Representative Justine Slaughter, State Rep. 27th District |  |  | X |
| Deputy Director Matt Davis, Illinois State Police | Y |  |  |
| Chief Ashley Wright, Illinois Attorney General |  |  | X |
| Judge Barbara Crowder, Retired Judge | Y |  |  |
| Representative Dan Ugaste | Y |  |  |
| Senator John Curran | Y |  |  |
| Mack Julion | Y |  |  |

3. New Business

Chairman Sims referred members to the draft preliminary report sent on October 29, 2021. He asked if there were any suggested amendments to the preliminary report. Clarified that the report is not making recommendations at this time. No numbers on 7th circuit cases yet.

* City Manager Chris Conrad clarified that the report is not making any recommendations at this time and there is no further information on qualified immunity cases from the 7th circuit at this time.
* Chairman Sims stated that City Manager Chris Conrad was correct, we are meeting our statutory deadline for the preliminary report and we will continue our work.
* Rep Ugaste noted that under the recommendations for considerations, there was a submission from Professor Futterman entitled “Application of Qualified Immunity in Illinois.” He stated it seemed more informational than containing any recommendations. He further stated that it seemed like it belonged in a different section of the report.
* Professor Futterman stated yes this is informational, there is no recommendation, but it provides a lot of the requested information on the federal doctrine of qualified immunity and how it is applied in Illinois.
* General Counsel Karen Sheley asked if it should it go in section 3 in reported cases?
* Chairman Sims stated section 3 would be most appropriate and moved to accept the report with the approved changes.
* Commissioner Rogers moved to approve the amended report.
* Michael Wilder seconded the motion.
* Chairman Sims directed General Counsel Sheley to take a roll call vote. The amended preliminary report was approved with the following votes.

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| --- | --- | --- | --- |
| **Task Force Member Approval of Amended Report** | **Present** | **Telephone** | **Absent** |
| Professor Craig Futterman, U of Chicago | Y |  |  |
| Joel D’Alba, Shareholder Asher, Gittler & D’Alba | Y |  |  |
| Professor Carolyn Shapiro, Kent Law School | Y |  |  |
| General Counsel Tamara Cummings, Illinois FOP | Y |  |  |
| Commissioner Larry Rogers Jr., Board of Review Commissioner | Y |  |  |
| President Michael Wilder, Black Men Lawyers Association | Y |  |  |
| Director Jim Kaitschuk, Illinois Sheriffs’ Assoc. | Y |  |  |
| City Manager Christopher Conrad, Highland Park | Y |  |  |
| General Counsel Dana O’Malley, Chicago Police Dept. | Y |  |  |
| Peter Hanna (designee), ACLU | Y |  |  |
| Senator Elgie Sims, State Senator 17th District | Y |  |  |
| Representative Justine Slaughter, State Rep. 27th District | Y |  |  |
| Deputy Director Matt Davis, Illinois State Police | Y |  |  |
| Chief Ashley Wright, Illinois Attorney General | Y |  |  |
| Judge Barbara Crowder, Retired Judge | Y |  |  |
| Representative Dan Ugaste | Y |  |  |
| Senator John Curran | No Vote |  |  |
| Mack Julion | Y |  |  |

* Chairman Sims stated the discussion would be on the next slate of meetings and deferred to members. He stated he wanted to make sure we have ample time to read materials and that the spring session will adjourn in April and we need ample time for legislative debate.
* Rep Ugaste stated he would be willing to work at the pace the majority decided —but that he would not be opposed to a week off. He further stated the holidays were coming up and the need for members to be cognizant about needing time surrounding that as well.
* Judge Crowder state here is a lot to read and would be happy to take next week off and Thanksgiving week.
* Chairman Sims stated that the members could take off the week of 22nd the week of Thanksgiving. He further stated if we are going to meet twice this month we can meet the week of the 15th and the 29th.
* Khadine Bennet asked if the meeting will be spent giving additional information or inviting additional speakers?
* Chairman Sims stated if there are additional speakers or information he would be open to it but at the next meeting he was hoping we can get to the discussion of recommendations.
* Chairman Sims noted that Mondays tend to be good but asked if the meetings could be moved to 2:00 p.m. He further noted that November 15th and November 29th at 2:00 p.m. would work to accommodate task force members with other obligations.

4. Public Comment

* Chairman Sims called for public comment. There was none.
* Chairman Sims thanked everyone for their participation and hard work.

5. Adjournment

* Chairman Sims called for a motion to adjourn the meeting.
* Commissioner Rogers moved to adjourn the meeting.
* The motion was seconded by Michael Wilder.
* The meeting was adjourned at 2:56 p.m.