

MINUTES

REGULAR MEETING ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

March 7, 2003
120 S. Riverside Plaza, 21st Floor
Chicago, Illinois

Call to Order and Roll Call

Vice-chair Richard Devine convened the regular meeting of the Illinois Criminal Justice Information Authority and asked Robert Boehmer, the Authority's Secretary and General Counsel, to call the roll.

Other Authority members in attendance were:

Mr. Al Apa
Cook County Circuit Court Clerk Dorothy Brown
Ms. Engel (present via telephone)
State's Attorneys Appellate Prosecutor Director Norbert Goetten
DeKalb County Circuit Court Clerk Maureen Josh
Illinois Law Enforcement Training and Standards Board Director Thomas Jurkanin
Attorney General Lisa Madigan
Mr. John Piland
Mr. John Z. Toscas
State's Attorney Michael Waller

Approval of the Minutes of the December 6, 2002 Authority Meeting

{Mr. Toscas made a motion to approve the minutes of the regular meeting held on December 6, 2002. State's Attorney Waller seconded the motion, which passed by unanimous voice vote.}

Chairman's Remarks

Vice-chair Devine noted that the law enforcement community lost a tremendous part of our group yesterday. He said that anybody that knew John Thomas, the First Deputy Superintendent of the Chicago Police Department, knew him as a man of great integrity and a great commitment to the criminal justice system, particularly in Chicago. He said that we lost someone who believed in all the right things and did it the right way his whole life.

Vice-chair Devine said that since we are in period of transition at the Authority, members should make a real commitment to participate and attend meetings. He said that it is important to maintain the momentum of the work we are doing. Finally, he noted that the most important thing that he had to do today is to note the retirement of Peter Bensinger, who retired as chair on December 31, 2002. He said that at our last meeting we were able to wish Bensinger farewell. He said that he has known Bensinger going back to the 70's and does not know of anybody that has committed more of his time and effort to the criminal justice system in Illinois. He said that Mr. Bensinger truly is a good person who always tries to do the right thing as he sees it and is very honest and upfront about his dealings with people. He said that that allows the Authority to have very healthy working operations both for staff and those on the Authority. Vice-chair Devine then read a Resolution of Commendation for Peter Bensinger into the record.

{Mr. Toscas made a motion to approve the Resolution of Commendation for Peter Bensinger. State's Attorney Waller seconded the motion, which passed by unanimous voice vote.}

Vice-chair Devine acknowledged that Ken Bouche from the Illinois State Police and Jack Pecoraro from the Illinois Department of Corrections were present at the meeting. He then called on Director Kane for her report.

Executive Director's Report

Director Kane noted that Congress finally passed the 2003 budget and is starting work on the 2004 budget. She said that the LLEBG program had been reduced, which is particularly noteworthy because we have received more proposals this year than in the past years. She said that this indicates that there really is a need for basic law enforcement equipment. She also noted that the JAIBG program was reduced and the Violence Against Women Act

program increased a little, but we will receive less funding because of additional set asides. She expressed concern over the President's 2004 proposal to consolidate the LLEBG and Byrne programs. She said that the amount of money available under the new program would be about half what is available under the two programs combined. She noted that the National Criminal Justice Association is already starting to organize states regarding this new proposal.

Director Kane indicated that more funds are being dedicated to homeland security, but those funds will not flow through the Authority, the State Police, or the Department of Corrections. She said that those funds will go through the Illinois Emergency Management Agency. She expressed concern that while IEMA's historic relationship has been with fire departments, hospitals, and other emergency disaster type agencies, which is appropriate; law enforcement may not be at the table as it has been in the past. She requested feedback from the members as to whether the Authority should be more aggressive in establishing a partnership with IEMA to make sure that funds that flow through IEMA go to law enforcement agencies for programs that are essential to homeland security and that are more inclusive than just including fire or hospital emergency response. She suggested that she can discuss this issue with Carl Hawkinson from the Governor's office.

State's Attorney Devine said that more attention is being paid to homeland security, which is appropriate, but at the same time, those funds that might be used for law enforcement and prevention are even more vital today. He said that we should do everything possible to make sure that funds that might come in and have a tie-in with what we are doing come in in a way that allows us to have some input on how they are used. Ms. Josh agree that we need to be a part of the decision making process and if we are not going to be at the table, it is not going to happen. Attorney General Madigan offered to join Director Kane in meeting with Carl Hawkinson.

Director Kane noted that we are now going through the budget process. She said that we are fortunate that we have a Bureau of the Budget Analyst that understands the agency and has taken the time to learn about what we do, so he is cognizant of the importance of our work. She indicated that this will be a very difficult budget process and that we will have to make cuts. She responded to newspaper articles regarding state employees and expressed her confidence in staff. She said that staff is very professional and are doing a good job despite of what they may be seeing or reading in the papers.

Director Kane noted that David Olson, who started as an intern at the Authority has been promoted and is now tenured at Loyola University and still works part time for the Authority on research and evaluation projects. She noted that Authority members have recognized the value of staff by hiring them in some cases for their own agencies.

Vice-chair Devine said the Byrne and JAIBG issues are important and that members should all try to discuss the issue with their congressional contacts. He suggested that staff can provide members with some talking points. He also complimented staff for its professionalism and hard work. He said that this is in large part due to the leadership of the executive director.

Budget Committee Report

State's Attorney Waller noted that the summary of actions taken at the January 18, 2003 meeting is at their places. He noted that the committee made adjustments to Byrne and JAIBG for fiscal years 2000-2002; the Violence Against Women Act for fiscal years 1997-2000 and 2002, and VOCA for fiscal years 1999-2002. He then called on Diane Griffin to provide the fiscal year 2003 report for the period of July 1, 2002 through January 31, 2003.

Ms. Griffin said that the fiscal report is included behind Tab 4 of the mailing. She said that we have expended or obligated a total of 57 percent of our available operations budget; 58 percent of our general revenue budget and 56 percent of our users budget. She said that we did have a number of one time large anticipated expenditures out of the users fund so we expect final figures to be higher this year than in past years. Regarding awards and grants, she reported that overall we have expended or obligated a total of 53 percent of the available appropriation. She noted that final expenditures depend on how quickly grantees draw down their funds.

Legislation and Regulations Committee Report

Director Goetten called on Bob Boehmer to summarize Authority legislative issues. Mr. Boehmer reported that many bills have been introduced in the General Assembly to date. He called members attention to House Bill 3540 which would extend the life of the Motor Vehicle Theft Prevention Council, and House Bill 3511. He noted that House Bill 3511 would, among other things, remove three public members from the Authority, add a public defender, and change the dates of the executive director and Authority member appointments. State's Attorney Devine expressed concern over the removal of public members from the Authority. He said that one of the values of the Authority is to have the discussion between public members and people who are active in law enforcement. State's Attorney Waller added that it has been invaluable to have the different viewpoints and perspectives over the twelve years that he has been on the Authority. He said that it is really helpful to have people outside the criminal justice system to give their perspective. Ms. Engel noted that as a public member for many years she has tried to expand the idea that the criminal justice system needs to include victim voices and understand the importance of expanding criminal justice so that all kinds of stakeholders feel a part of it. She said that it would be a mistake and short-sighted to limit this larger vision of criminal justice. State's Attorney Devine suggested that staff work to oppose this portion of House Bill 3511. Director Goetten noted that there is a lot of cynicism about criminal justice these days and that it is important to keep private citizens on the board. Regarding the addition of a public defender, members expressed support but suggested that the Cook County Public Defender also be added.

Mr. Boehmer then called members' attention to bills regarding videotaping confessions and interrogations. He said that some of the bills will require the Authority to administer grants to law enforcement agencies to purchase the recording equipment. He noted that the grant program would be subject to appropriation. He also noted that audiotaping would also be allowed under the bills.

Mr. Boehmer also referred to expungement bills which were pending before the General Assembly – House Bill 1091, House Bill 2391 and Senate Bill 423. He said that House Bill 2391 would allow for the expungement of misdemeanors and Class 4 felonies except for crimes of violence or sex crimes. He indicated that the automatic nature of expungement may create some logistical problems. State's Attorney Devine said that Representative Howard is most concerned about employment. He noted that there was concern that law enforcement should still have access to these records, even if potential employers would not have access.

Members noted that Class 4 felons, those convicted of drug possession offenses, often receive probation sentences which may be expunged. In addition, for many misdemeanors, first time offenders often receive supervisions sentences, which can be expunged. Ms. Brown noted that the sponsor is concerned that not enough people have taken advantage of the expungement provisions that exist. She said that the sponsor was trying to make it easier or quicker for people to take advantage of expungement. Ms. Brown said that often people have old arrests on their records and did not know that they could have been expunged.

Mr. Boehmer noted that staff, along with the Illinois State Police and members of the Illinois Integrated Justice Information Systems Governing Board, plan on putting together a privacy committee to address expungement and other issues regarding access to information. In response to a questions from Ms. Engel, Mr. Boehmer indicated that certain crimes of violence and sex offense were exempted from the expungement provisions. The discussion regarding expungement was referred to the Legislation and Regulations Committee. Vice-chair Devine instructed staff to make sure that there is contact with all Authority members regarding this issue and their opinions on the issue.

Mr. Boehmer then referred to capital punishment reform bills which would require the Authority to collect information regarding first degree murder cases in Illinois and study the proportionality of sentences. Mr. Boehmer expressed concern that the Authority would not have the resources to complete a study.

Mr. Boehmer noted that House Bill 344 would require the Authority to post a link to campus crime statistics on our website. In addition, he called members' attention to House Bill 3719, which creates the Illinois Public Safety Act, which would be funded through assessments on homeowner's insurance policies. Funds would go to the Regional Institute for Community Policing to support various programs. Director Kane said that she believed that there is significant overlap between the purposes of this bill and the duties of the Authority, the Violence Prevention Authority, and the Training Board. She noted that the mechanisms are in place to achieve the purposes of the act without creating a new entity. She also expressed concern that the insurance industry may not be supportive of this concept. Director Jurkanin agreed that the Training Board and the Authority should have the responsibilities outlined

in the proposal.

Research Informing Practice: The Implementation Evaluation of the Juvenile Justice Reform Act

Vice-chair Devine noted that the Authority has always encouraged agencies to use research to inform policy and practice. He then introduced Senior Research Analyst Phil Stevenson to discuss the recent implementation evaluation of the Juvenile Justice Reform Act that was conducted by the Authority's Research and Analysis Unit. Mr. Stevenson provided the Authority with a PowerPoint presentation on the findings of the study.

Mr. Stevenson acknowledged that the research was funded by the Juvenile Justice Commission and was guided by an ad hoc advisory board made up of researchers, prosecutors, public defenders, community based representatives, and representatives of the Juvenile Police Officers Association and the Illinois Court Services and Probation Association. He also acknowledged the work of Megan Alderden and Tim Lavery of the Authority's Research and Analysis Unit, as well as Elizabeth Kooy who was instrumental in designing the instruments and the research. He also thanked the participants from all aspects of the juvenile justice system. Finally, he acknowledged the role of the Juvenile Justice Forum, who stimulated the idea of doing an implementation evaluation and helped in the dissemination of findings.

Mr. Stevenson noted three general findings from the study. First, we learned that juvenile police officers were underutilizing the station adjustment provisions, which ask officers to distinguish between formal and informal station adjustments. Second, we learned that a substantial percentage of juvenile justice professionals in Illinois had a limited understanding of balanced and restorative justice, which many argue, is the guiding philosophy for Illinois' juvenile justice system. Third, we learned that relatively few counties were convening Juvenile Justice Councils. He noted that the reform provisions encouraged, but did not require the convening of Councils.

After referring to the statistics regarding station adjustments, Mr. Stevenson noted that as a result of the findings, two activities occurred. First, the Illinois Collaboration on Youth has developed a project to provide a coordinated response for station adjusted youth. He said that juvenile police officers in some jurisdictions can now refer a youth who they station adjust to a Comprehensive Community-Based Youth Services (CCBYS) agency who would use a screening instrument to assess the youth's risk for re-offending, and provides information that allows a better match between the needs of the youth and the services that can be provided. The CCBYS agency would also be responsible for the youth's case management. Second, a data subcommittee of the Juvenile Justice Forum was created. Mr. Stevenson said that the committee focused its efforts on increasing awareness of the statutory requirement for reporting juvenile arrest information.

Mr. Stevenson noted that in response to findings regarding a lack of knowledge about balanced and restorative justice, the Juvenile Crime Enforcement Coalition designated JAIBG funds for a balanced and restorative justice summit that will be scheduled for September of this year. He said that the goal of the summit is to create a strategy that promotes the statewide implementation of BARJ practices consistent with the purpose and policy statement of the Illinois Juvenile Justice Reform Act. He said that the planning process for the summit is already creating new partnerships and there is a lot of sharing of knowledge. He said that a pre-conference resource guide is being developed that will assist juvenile justice practitioners to learn more about the promise of balanced and restorative justice, and the limitations of the approach.

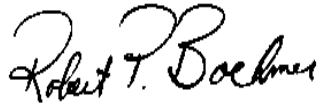
Mr. Stevenson noted that in response to the data that showed that relatively few Juvenile Justice Councils had been created, the Authority, through a grant from the Justice Research and Statistics Association, developed a guidebook for juvenile justice professionals who are struggling with convening a Juvenile Justice Council. He noted that demand for the guidebook has been very high. He said that staff also conducted a series of workshops throughout the state providing this information to local juvenile justice professionals.

New Business

Hearing no new business, Vice-chair Devine noted that the meeting dates for 2003 are June 6th, September 5th, and December 5th. He again encouraged members to stay active during transition time.

{Upon a motion by Ms. Josh, second by Mr. Piland, and unanimous voice vote, Vice-chair Devine adjourned the meeting.}

Respectfully Submitted,

A handwritten signature in black ink that reads "Robert P. Boehmer". The signature is written in a cursive style with a large, stylized "R" and "B".

Robert P. Boehmer
Secretary and General Counsel