

MINUTES

REGULAR MEETING ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

June 6, 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.

In addition to the Vice-chair, other Authority members in attendance were:

Glen Carbon Police Chief David Bradford
Kankakee County Sheriff Timothy Bukowski
Ms. Barbara Engel
State's Attorneys Appellate Prosecutor Director Norbert Goetten
State Appellate Defender Director Theodore Gottfried
DeKalb County Circuit Court Clerk Maureen Josh
Illinois Law Enforcement Training and Standards Board Director Thomas Jurkanin
Attorney General Designee Ellen Mandeltort
Mr. Eugene E. Murphy, Jr.
Mr. John Piland
Mr. John Z. Toscas
Illinois State Police Director Larry Trent
State's Attorney Michael Waller

Approval of the Minutes of the March 7, 2003 Authority Meeting

{Mr. Toscas made a motion to approve the minutes of the regular meeting held on March 7, 2003. State's Attorney Waller seconded the motion, which passed by unanimous voice vote.}

Chairman's Remarks

Vice-chair Devine welcomed new Authority members – David Bradford, Eugene Murphy, and Larry Trent. He also welcomed Ellen Mandeltort, the Attorney General's designee to the Authority. He noted that Roger Walker, the new director of Corrections was unable to be at today's meeting. He congratulated Barbara Engel on her reappointment to the Authority. He also introduced some representatives of Authority members, including Ken Bouche (Illinois State Police), Ellen Dimopoulos (Office of the Circuit Court Clerk of Cook County), Marjorie O'Dea (Cook County Sheriff's Office), and Andrew Walter (Illinois Department of Corrections). He then called on Executive Director Candice Kane to provide her report.

Executive Director's Report

Director Kane welcomed new members and noted that briefings from each unit of the Authority are in the mailing. She noted that most of the time since the last Authority meeting has been spent on keeping up with the Governor's office and the General Assembly regarding legislation and budget issues. She explained that the budget that passed was the one that was originally introduced by the Governor; however, she expects that there will be further reserves. She noted that this week she had to notify four staff that they would no longer have jobs at the Authority as of June

30th. She said that there is no question about their job performance, but the cuts had to first be made in the administrative area. She also noted that we lost 12 positions this year. She said that we will do our best to keep up with things, but inevitably you may see some decrease in some of our efforts in certain areas because of the decrease in staff. She complimented staff on their efforts and said that she expects that members can still rely on staff for the quality and the type of work that the Authority is really known for.

Vice-chair Devine said that it is appropriate to point out that leadership is often a good spot to be in when you have lots of money and lots of good news to tell, but it is a real test when things are a little bit up in the air and budgets are tight. He said that Director Kane deserves thanks from all of us for her steadiness and her commitment to the agency during these times.

Budget Committee Report

State's Attorney Waller reported that copies of the summary of the actions taken at the April 30, 2003 Budget Committee meeting are at members' places. He noted that adjustments and plan approvals were made to the following programs: Anti-Drug Abuse Act (Byrne) for federal fiscal years 1997, 1998, 1999, 2000, 2001, and 2002; Juvenile Accountability Incentive Block Grants for federal fiscal years 2000, and 2001; Local Law Enforcement Block Grants for federal fiscal year 2002, which provide funds to 56 local law enforcement agencies for officer safety equipment; Violence Against Women Act for federal fiscal years 1998, 1999, 2000, and 2001; and Victims of Crime Act for federal fiscal years 2001, 2002 and 2003, with undesignated funds from the latter two years being used to provide continuation funding for either 12 or 24 months to current projects.

State's Attorney Waller called on Diane Griffin to provide the fiscal report. Ms. Griffin presented the fiscal year 2003 report that was included in the mailing under tab 3. The report included details for the period of July 1, 2002 through April 30, 2003. She noted that at the end of April, we had expended or obligated 75 percent of our operations budget. She also said that some funds had been held in reserve. She reported that we have expended or obligated 59 percent of our total awards and grants budget. She noted that it is not uncommon for the awards and grants to spend less because many grantees don't draw down their full award before June 30, so the funds roll over into the next year.

Ms. Griffin then presented slides and spreadsheets regarding the fiscal year 2004 budget. She noted that our total budget for 2004 is just under \$135 million and a little bit under ½ percent below what we expect to spend this fiscal year. She said that the reductions are primarily from the general revenue fund and criminal justice information systems trust fund and that our headcount was reduced by 12. She reported that 87% of the budget is federal grants, 6% is Motor Vehicle Theft Prevention Trust Fund, 2% for the Criminal Justice Information Systems Trust Fund, 4% from general revenue, and 1% for our not-for-profit fund, which supports research projects. She also noted that the largest portion of our budget goes outside of the agency for grants – just 5% is actually earmarked for the basic operations of the agency.

Ms. Griffin noted that since 1983, we have seen a 59% reduction in general revenue funded staff. Currently, more than half of our staff is funded by some sort of grant. She said that it is important to point out that we can no longer take on projects that don't have funding because we do not have the operational staff to devote to new projects. Ms. Griffin noted that while the budget has passed, we expect further reductions. She said that staff in merit compensation titles will not receive salary increases for fiscal year 2004 and will be required to pick up the portion of the pension contribution that is currently paid by the state. She reported that we have also been provided with figures related to cost saving initiatives the governor will be proposing. She indicated that the Department of Central Management Services would be responsible for defining the initiatives, communicating those to the agencies and directing the transfer of funds from the Authority to an efficiency initiatives revolving fund. She also indicated that the Governor's proposed information systems consolidation initiatives might also impact our budget.

Ms. Griffin reported that the proposed transfers from our trust funds to the general revenue fund would affect our ability to spend in future years. She said that there would be a transfer of \$300,000 from our users fund and \$250,000 from the Motor Vehicle Theft Prevention Trust Fund to the general revenue fund. She said that we have also heard about proposed administrative surcharges to be assessed against trust funds, but we still have not gotten information on dollar amounts. She said that these surcharges will reduce the fund balances and we will probably feel the impact in future years.

In response to a question from Vice-chair Devine, Director Kane expressed concern about further reserving money in the Criminal Justice Information Systems Trust Fund. She indicated that this fund is composed of money paid by users of ALERTS, PIMS, and ALECS. She said that more reserves could jeopardize staff salaries and our ability to pay for maintenance contracts and other things. Sheriff Bukowski said that this is a critical issue to law enforcement. He said that each day there are over one million ALERTS messages on the system. He said that for years there has been distrust of state government by the local users. He indicated that this would exacerbate the problem. He said that it would cost \$10 million to change the system if ALERTS was to go down. He said that a reduction or reserve threatens officer safety. He also commented that it is unfair that local users should pay money into the fund if that money is going to be transferred to the general revenue fund. He said that users drafted a resolution highlighting the importance of ALERTS and expressing concern about the proposed reductions and reserves. He said that they are concerned that this sets a dangerous precedent and that the day-to-day operation of these systems is threatened. He indicated that this would damage the relationship between local governments, central management services and the state police and the Authority if we do not take a position on this issue. He said that the users have discussed whether or not they should attempt to pay the money into their own fund and find someone to operate the system. He said that we need to send a strong message to the governor and that we should be willing to sit down and talk about the implications.

Director Goetten asked how the proposed reductions and reserves could be reconciled with the governor's commitment to public safety. Vice-chair Devine suggested that it would be appropriate for the Authority to express its concern to the governor regarding this issue and other cuts which may impact the Authority. Director Trent suggested that we ask for a meeting with the Governor to discuss the issues to make sure that he is aware.

In response to a question from Mr. Piland, Director Kane indicated that ALERTS and IWIN could now communicate. She said that the reductions and cuts will have an effect on the programs that we are conducting in partnership with the Illinois State Police and other criminal justice agencies that are invested in our information systems because it creates a lag in our ability to move forward. State's Attorney Waller suggested that it is a simple message – the trust fund is not the state's money and cuts or transfers are inappropriate.

Sheriff Bukowski reiterated his concern that these budget actions are creating bad blood and that the users are not happy. He said that there is a lot of mistrust of Central Management Services. He indicated that the money needs to be protected. In response to a question, Director Kane said that the directors of the Office of Management and Budget and the Department of Central Management Services have been given the authority to make appropriate transfers to make the budget work. She said that it is important to make the governor aware of the issue. She said that she is very sympathetic to the challenge that they have in attempting to balance the budget, but that the consequences in this case may not be consistent with the governor's intent to ensure public safety as a priority.

Director Goetten made a motion to approve sending a letter to the governor expressing concerns about the transfer and reserve of funds in the Criminal Justice Information Systems Trust Fund and requesting a meeting with the Governor to discuss the issue. The motion was seconded by Director Gottfried, and passed by unanimous voice vote.

Vice-chair Devine directed staff to draft a letter for his signature. He asked Authority members to provide comments to staff so that they can incorporate members' thoughts into the letter.

Legislation and Regulations Committee Report

Director Goetten called on Robert Boehmer to provide a status report on this year's legislative session. Mr. Boehmer reported that House Bill 3511, the bill to change the membership of the Authority did not pass, but that Representative Hoffman may be working on boards and commissions this summer. Director Goetten noted that House Bill 3540, the bill to extend the life of the Motor Vehicle Theft Prevention Council, passed and will be sent to the Governor.

Director Goetten reported that many bills were evolving during the process of the committee meetings and that it was difficult taking a position on any of them. He said that House Bill 223 and Senate Bill 15 regarding taping of interrogations passed. Mr. Boehmer said that the bills were identical. He said that they require the Authority to provide equipment grants, and require the training board to provide training regarding taping interrogations. Both of

those requirements are subject to appropriations. The bills only apply to custodial interrogations in the police station for homicide investigations. He said that the bills also include many exceptions.

Regarding racial profiling, Mr. Boehmer reported that two bills passed – Senate Bill 30 and House Bill 361, which are identical. These bills require the state police and training board to conduct diversity training, require local law enforcement officers issuing tickets and warning citations to record certain data, and require departments to utilize a stop card when no ticket or warning is issued. The information would be submitted to the Department of Transportation who would analyze it and report on disproportionality. A committee would also be created to assist the Department of Transportation. Data collection would begin in January of 2004 and continue for three years.

Director Goetten asked Mr. Boehmer to report on the expungement bills that passed. Mr. Boehmer reported that Senate Bill 788 allows the sealing of records if a person was arrested but acquitted or released, the conviction was reversed or the person was placed on supervision under certain circumstances. The bill would also allow for the sealing of misdemeanor convictions if the person has not been convicted of any other offense within four years of completing the sentence. The burden would be on the person to seek sealing and law enforcement agencies would have the ability to object. The records could be unsealed under certain circumstances and would be available to law enforcement and the courts. Certain records regarding violent offenses and sex offenses would not be subject to sealing. Director Gottfried said that his office would be required to provide assistance to persons seeking to have records sealed. He said that he would be asking the Authority for some assistance.

Director Goetten reported that Senate Bill 472 implements some capital punishment reforms. He said that one of those requires the Authority to operate a custodial interview pilot program. Mr. Boehmer reported that we have not seen any funds appropriated for this purpose. He noted that the Authority did award Byrne funds to the Illinois State Police to create a similar program and that staff would work with the Illinois State Police to conform that program to the program required by Senate Bill 472. Mr. Boehmer noted that a synopsis of criminal justice legislation that passed both houses is at members' places.

Information Systems Committee Report

Ms. Josh said that the committee met on April 23rd and recommended to the Budget Committee that funds be redesignated to livescan projects. She asked Illinois State Police Deputy Director Ken Bouche to provide additional information regarding these projects. Deputy Director Bouche said that the funds would be designated to go to the top paper submitting agencies so that they can convert to electronic submissions.

Ms. Josh said that she, Director Kent, Deputy Director Bouche and others recently attended a meeting regarding this issue. She said that we have been working a long time to try to revitalize a group that used to be called the Automated Disposition Reporting Group so that we could have some consistency in data elements. She said one of the key players is the Administrative Office of the Illinois Courts who have committed to participating. She said that this is a giant step toward getting all of the agencies together to standardize how we receive and disperse information. She said that a great deal of credit should go to Ken Bouche in getting that together.

Ms. Josh also reported that the committee approved a set of guidelines that Authority staff can use to submit individual proposals less than \$50,000 directly to the Budget Committee. She said that this is a more expeditious way of getting things done. Finally, she said that the committee discussed the issues regarding appropriations for the Authority's information systems.

Status Report: Study of Racial Differences in Sentencing

Vice-chair Devine said that last fall the Authority heard a preliminary report on a collaborative research project between the Authority, Loyola University, the John Howard Association and TASC. The study examined the impact of sentencing laws and practices on the minority community. He said that we thought Authority members would enjoy hearing about the status of the work. He then called on Dr. Art Lurigio, Melody Heaps and Tim Whitney.

Ms. Heaps described some findings in the 1996 Human Rights Watch report on Disproportionate Minority Confinement and the reasons for engaging in the research in Illinois. She said that they are approaching the research very carefully and expect to end up with a set of reports that clearly indicate the total environment, but which do not

point any fingers but point out some issues that we may want to look at to develop some policy changes.

Dr. Lurigio reviewed the findings of the Human Rights Watch report that were described at an earlier Authority meeting. He said that the goals of our project were to provide a detailed analysis of national trends in sentencing for drug crimes and create a historical analysis or chronicle of drug related criminal statutes. He said that the Illinois specific data that the project gathers would lay a solid foundation for constructive discussions with key policy makers at every step in the process. He said that the purpose of those discussions is to suggest different ways in which we can address the problem of disproportionality. He said that the first product that has been submitted was a review of disproportionality on the national scene. He said that that was a summary of research that has been done in other states examining disparities in sentencing for drug violations in particular. He indicated that the second product is a summary of changes in drug laws from 1985 to present, which was prepared by TASC legal counsel and policy analyst Tim Whitney. Finally, he said that the next two products would involve in-depth analysis of local databases.

Dr. Lurigio said that the last step in the process is to have people around the table to discuss the findings and from those discussions to generate a series of recommendations that will be published through the Authority. Dr. Lurigio then called on Tim Whitney who provided a brief description of his review of drug law changes. Dr. Lurigio then provided additional information regarding prison admissions for drug offenses. He noted that the data suggest that disproportionality is largely a function of drug markets in Chicago. He said that drug sales in Chicago are primarily open-air markets, street corner drug sales are prevalent and organized gangs control sales. He indicated that public drug sales are extremely disruptive to social order in the neighborhoods and result in numerous calls for police service. He also indicated that another hypothesis to test with data is whether African-Americans have less access to treatment opportunities when compared with non-African-Americans. He said that treatment options in poor neighborhoods might be less abundant than they are in other areas, which may in part explain the increased numbers of arrests of African Americans who cannot avail themselves to treatment services, which is critical in stemming the demand for drugs. He said they will also be examining whether differences in criminal histories influences sentencing that results in disproportionality.

Director Kane said that it would be appropriate for the researchers to work with the Authority's Planning and Research Committee. She said that the findings are very consistent with what we have found on the juvenile level. She said that we now have to get a better understanding of why there is disproportionality before we can move forward with an approach that is going to address the real issues. She indicated that too often there is action before we have an understanding of what needs to be accomplished. She said that this is an appropriate issue for the Authority to address.

Mr. Piland noted that in his community methamphetamine offenders prosecuted are all Caucasian and that he believes that to be the case throughout Illinois. He indicated that in his county, a disproportionate number Caucasian persons are being imprisoned for methamphetamine charges. Dr. Lurigio noted that it is also important to look at the proportions of people arrested and prosecuted and convicted to determine disproportionality. Mr. Piland also mentioned that he appreciated that the study is tracking the changes in laws. He noted that at one point the sentence for methamphetamine users was actually less than that for crack cocaine. He indicated that he perceived this as racist, treating minorities more harshly than Caucasians, and that he had a bill introduced to address that disparity and treat those offenses similarly. He also noted that in methamphetamine cases where there is no drug present, only precursors, offenders are prosecuted for class 2 felonies and cannot receive probation. He said that this could be perceived as a law that is tougher on a population of Caucasians than on the general public.

Dr. Kane said that it may be helpful for numbers to have some understanding of the extent of substance abuse in Illinois and who would fall into those categories. She agreed that just starting with the measurement of population is problematic.

New Business

Hearing no new business, Vice-chair Devine noted that the meeting dates for 2003 are September 5th, and December 5th. He also noted that the Ad Hoc Committee on Violence Against Women would meet on June 17, 2003.

{Upon a motion by Ms. Josh, second by Mr. Toscas, 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, prominent initial "R".

Robert P. Boehmer
Secretary and General Counsel