
Committee Meeting Minutes
Representation by Counsel and Independent Participation in the Legal Criminal Justice System
Protection of Individuals with Disabilities in the Criminal Justice System Task Force

**Conducted via WebEx Pursuant to
Executive Orders 2020-07 and 2020-18**

Minutes for May 10, 2021

Task Force Member Attendees: Dr. Mary Milano, John Keigher, Allen James

Not present: NA

1. Call to order
 - Meeting was called to Order at 1:39 pm – Allen James, Member
 - Roll Call completed with certification of number of members to constitute a quorum
2. Introductory remarks
 - Allen James provided introductory remarks related to the reason for the committee and the expectation to come out with recommendations for the whole task force
3. Election of Committee Chairperson
 - Allen James offered to continue as Chair
 - A Motion was made by John Keigher
 - The Second was made by Dr. Mary Milano
 - Votes taken by Roll Call and the Ayes have it
4. Identify Statutory and Administrative Rules Needing Reinforcement to Ensure Representation of Counsel
 - Allen James did a Westlaw search of appointed counsel and found 108 discoveries. He then spoke about his work as an LAS Staff Attorney particularly at Choate Mental Health Center in Anna. He also spoke about persons with dual diagnoses (MI and ID/DD) and gave examples of lack of representation that he has encountered including DCFS wards who are disabled. He also indicated concerns regarding petitions and those who sign in voluntarily. Allen does not get to see those citizens when they sign in voluntarily.
 - Dr. Milano indicated that there are a few layers represented in the examples that Allen James offered (1) first contact with police, (2) entitlement to counsel, (3) lawyer involvement albeit different levels of lawyer engagement and (4) has no counsel, reject public defender, attempts to represent themselves/navigate the system.

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- Committee member James indicated that often times a confined client gets an attorney, but the attorney has no idea of the needs of the person they are representing and/or have no idea what they are doing. Many lawyers and judges do not know the Mental Health Developmental Disabilities Code nor are they familiar with the Fitness Statute. Allen states that there is an educational need for the legal field to learn the needs of persons with MI and/or ID/DD especially the public defenders and states attorneys. He continued to talk about the number of state operated facilities and gave examples of other cases that he has had encountered citing that the MHDD Code can be confusing to some. Ideally there should be a pool of judges (could be Administrative Judges) that are Mental Health judges who have prior knowledge in the area. Allen indicated some judges are a bit hesitant, so they utilize the criminal code.
- Dr. Milano cited that a possible committee recommendation could be around training. She also offered another idea in the form of advocates (who could be lay people) who interfaces between law enforcement, states attorneys, public defenders and others. This may be best at the first moment of contact.
- Allen James stated with it sounded like the CASA program and indicated that county mental health agencies could be utilized in these roles.
- Dr. Milano stated that it could be by court appointment
- John Keigher that the Juvenile Advocate Act may provide a good format to follow (in loco parentis). He also stated that the state may be one to take on the role of an advocate within the court system.
- Task force administrator, Gia Orr notified the committee of what other committees were discussing and models they are looking at including a pilot program in Rockford of the CAHOTS program.
- Allen James gave an example of an attempt at Mental Health Court attempt and indicated that respondents in cases need to know that all involved are working to their benefit.
- Dr. Milano indicated that judges should volunteer and not get appointed. The courts they want are assigned. She stated that it sounds like they had a recommendation for a multi-tier approach to training police.
- Allen James spoke about judges and their calls and indicated a court appointed person like a GAC position could be very beneficial. When needed they can be called upon to have a firsthand look and say “here are the needs.” Also noted was that no matter what the J/F comes up with it is rarely implemented well.
- John Keigher asked Gia Orr if any of the other task force committees are involved with the AOIC (Administrative Office of the Illinois Courts). Gia’s response was that she believed the Criminal Justice Awareness Committee has engaged with AOIC.
- Dr. Milano asked if Chief Justice Anne Burke has a committee on mental health. Dr. Milano did an internet search and found that there is an advisory council for mental health that is chaired by Hon. Katherine Zenoff (sp?). Dr. Milano suggested that the committee reach out to them.
- Committee member Keigher indicated that Judge Zenoff has attended Crisis Intervention conference trainings once or twice. He continued by suggesting that the committee ask DuPage County to come in and talk about addressing the needs of the disabled in the court system. He also talked about new court security and bailiffs training which is a five (5) week long curriculum that his board has created.
- Allen James indicated there was another justice who would be good to reach out to as well.
- Dr. Milano offered that there is a means to apply for Problem Solving Courts and there is a set of standards with consent to participate in Mental Health Court. She referenced ilprobationproblemcourts.gov/psc online and there is a list of certified problem solving courts in mental health courts in Illinois.
- John Keigher referenced look at maybe 12 individuals to cover courts, but more research needed to be done

- Allen James suggested crisis counselors at local community mental health places, but maybe with extra training. They could serve a dual purpose.
- Dr. Milano spoke about an ABA (American Bar Association) project on Homeless Courts and gave examples of how it works
- Allen James indicated that with some additional training people who already work in the system could be re-purposed like police personnel, mental health advocates, juvenile court personnel, county personnel
- Dr. Milano gave more examples of specialty courts and spoke about public defenders under Amy Campenelli. She suggests finding information from other jurisdictions and models.
- John Keigher spoke about the fact that this committee deals with the back end, but the training of judges is a good recommendation that should be looked at further.
- Allen James indicated that he tries to talk to attorneys and judges about a more effective way of working with persons with disabilities and mental health issues, but some listen, and some do not. He went on to give an example of a county case. He also indicated that there is an Illinois Supreme Court Mental Health committee.
- Dr. Milano state that the counties of Peoria, Madison, McDonough have specialty mental health courts.
- John Keigher spoke about looking at the court security and bailiffs training to see if there is a portion on ID/DD interactions.
- Dr. Milano talked about ICJIAA publications, which has MH goals and future publications.
- Allen James shared a scenario that he encountered in court where a MH respondent went after a judge and referenced courtroom officer training. He also stated that participation is making sure that respondents have a say and know what is going on. He indicated that the advocate idea would help.
- Dr. Milano asked if there is any idea of the cost to systems for assigning officer or a floating advocate
- John Keigher stated that there is an opportunity for officers to get special certification under their belt. It is roughly 1K for training and the cost for covering an officer's shift while they are training. As for the suggested advocate, John suggested that there could be one (1) person for 3-4 counties.
- Allen has 7-9 counties in a circuit.

5. Identity Statutory and Administrative Rules Needing Reinforcement or Lacking to Ensure Independent Participation in the Legal Criminal Justice System

- This topic was covered in the statements above.

6. Public comment

- None

7. Next Steps

- Find example of programs to model
- Contact AOIC and see what circuit clerks training is and what does it include

8. Adjournment

- Dr. Milano moves to adjourn the meeting
- John Keigher Seconded the Motion
- Ayes have it via Roll Call and the meeting adjourns at 2:37 pm

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