
**Committee Meeting Minutes
Detention and Correctional Facilities Committee**

Protection of Individuals with Disabilities in the Criminal Justice System Task Force

Conducted via WebEx

Minutes for May 17, 2021

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

Not present: NA

1. Call to order
 - Meeting was called to order at 1:36 pm- Allen James, Committee Chair
2. Roll call
 - Roll call completed with certification of number of members to constitute a quorum
3. Old business
 - Approval of minutes from May 10, 2021 meeting
 - Dr. Mary L. Milano Moved to accept the minutes
 - John Keigher Seconded the Motion
 - After a roll call vote, the Ayes have it
4. Review and discuss any additional information or programs involving police as developmental disability officers
 - Allen James indicated that he has done research for training programs for police and did not find any where officers have specific training in handling persons with disabilities in the field. This included juvenile officers as well.
 - John Keigher offered that there is C.I.T. (Crisis Intervention Training) and gave brief descriptions of training curricula in the area of disabilities
 - Allen James referenced articles he sent to the group thread about a program that the state of Indiana runs using the title Forensics Officer. Allen suggested taking the Forensics Officer role and compare it against that of a Juvenile Officer and modify the roles to an officer that works with persons with disabilities
 - Dr. Milano posed a query with relation to an issue that could arise using an officer who might be aligned more clearly with the prosecutor's side.

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- Allen James noted that there could be a problem especially in smaller towns due to the potential for a level of familiarity among town members. There could be a case where an officer comes in just to check off boxes.
- The committee members continued to discuss ideas for the role that an officer could have in local law enforcement and ways in which the role could prove beneficial to a person with disabilities who has encounters with law enforcement.

5. Review and discuss any additional information or programs involving Court Appointed Special Advocates (CASA) for the developmentally disabled

- Allen James referenced sending three items (Two articles and one PDF) to the group email and wanted to particularly reference a program in Vermont that may have some applicability. There is an article from Judici.com on a court appointed advocates for vulnerable adults' program. Attorney James provided additional detailed information on this model. He then proceeded to compare this model with CASA (which is usually for children). One of the reasons for using different terminology is to cut down on confusion and not give the impression of infringing on CASA's arena. The program could be organized by an independent entity like a non-profit or a governmental entity.
- The committee continued with conversation surrounding the descriptors of a vulnerable adult related to age, disability, needs, etc. There were examples provided related to cases each of the committee members have encountered in their professional capacities.
- Allen James recapped the benefits of adding a role like court appointed advocates and indicated that they would be working with persons with disabilities accused of a crime.
- Allen James turned the committee's attention to the other pre-distributed article related to a court appointed forensic advocated for persons with Intellectual/Developmental disabilities as well as the Autism spectrum that is in place in the state of Indiana. This program is for persons charged with crime. The forensic advocate working with the court and looks out for the best interest of the accused. Allen James read the statute as written for Indiana and referenced assessment of fees was also mentioned.
- Dr. Milano inquired if the person was an attorney and if there was any privilege to communications between the accused and the advocate.
- Allen James said the information did not address that, but there was another pre-distributed article that referenced a program run in the state of Oklahoma. He indicated that there has to be some disclosures particularly because the advocate is making recommendations to the court. Attorney James suggested a rule that the court appointed advocate cannot be called as a witness.
- Dr. Milano asked about parameters for lawyers, psychologists, etc. and inquired as to why there were fees.
- Allen James stated that Oklahoma addresses victims and defendants and the program is voluntary. Attorney James suggested taking part of the Oklahoma project, part of the Indiana project and part of the Vermont Disability project and meshing them to create a role that fits what the state of Illinois needs.
- John Keigher asked if there was any idea of why the Indiana role was called Forensic.
- Allen James and committee member Milano took some guesses at the role description.
- John Keigher did some research and looked to see where a program like this was being used. He referenced Lake County in Marion, Indianapolis, but could not see where the program was fully implemented or that any one had been appointed to the role.
- Allen James indicated he looked at the positions from a surface standpoint.
- Dr. Milano expressed concern about people determining what someone's best interests are
- Allen James indicated that a position of this nature could be set up like a GAL (Guardian at litem)
- Dr. Milano indicated that the committee just had to remember that the person is an adult and may have decision making capacity or may require other assistance. They should not be treated like

minors and referenced other areas where the state of Illinois is trying to get away from that type of treatment of adults with disabilities

- Allen James asked when the committee members thought an advocate should be called in
- Dr. Milano indicated that it should be an advocate providing assistance, but not legal representation
- Allen James turned the committee members attention back to the article on the program in Indiana for ideas of when to insert an advocate (When in custody? When under arrest? When charged?)
- Dr. Milano talked more about training and offered her thoughts on some ways to tackle training and what training should entail
- Allen James touched on topics regarding training for bailiffs and court security
- Dr. Milano talked in-depth about persons in courts being asked how they work with people with certain needs and that often there are no specified protocols for working with persons with disabilities
- Allen James reiterated that training for all court personnel on the handling of people with cognitive disabilities and co-occurring diagnosis is a key factor
- John Keigher indicated that part of the dilemma is how much training should be added for each area like bailiffs, court security, etc.
- The committee indicated that they believed that they have two solid suggestions for recommendations

6. Review and discuss judicial reforms involving appointment and training of judges to be well-versed in the Mental Health Code

- See above

7. Next Steps:

- Allen James will provide an outline of suggestions to members

8. Public comment

- None

9. Adjournment

- Dr. Mary L. Milano Moved to close the meeting
- John Keigher Seconded the Motion
- Ayes have it and this meeting adjourned at 2:31 pm

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