
Committee Meeting Minutes
Criminal Justice System's Awareness of Disabilities and Needs for Accommodations

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

March 12, 2021

11:00 am – 12:30 pm

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

Minutes

Task Force Member Attendees: Representative Will Davis, Mary Dixon, Penny Gates, Linda Kelly, Carol Nesteikis, Amy Newell, Allison Stark

Not present: Kimberly Johnson-Evans

1. Call to Order
 - Meeting was called to Order at 11:05 am – Carol Nesteikis, Member
 - Roll Call completed with certification of number of members to constitute a quorum
2. Election of committee chairperson
 - Carol Nesteikis nominated Mary Dixon who accepted the nomination
 - Mary Dixon nominated Allison Stark who declined the nomination
 - Upon taking up a vote to elect Mary Dixon as committee chair
 - Ayes-7
 - Nays-0
3. Discussion of materials that address awareness of disabilities (Physical, MH and/or ID/DD that committee members may want to see used by/shared with CJ statewide stakeholders
 - Mary Dixon referred the committee to the pre-meeting materials sent via email Particularly LRIDD materials submission which highlighted a bill in the state of Virginia SB133.
 - Fitness to stand trials is a big deal when it comes to persons with disabilities
 - Discussion began related to what is happening in Illinois already
 - Reference to Redeploy Illinois and background related to program metrics and implementation
 - Task force administrator Gia Orr proffered a reminder about the goals of the committees and the timeline the committees and overall task force are working with to submit a final report to the General Assembly.

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- Mary Dixon offered insight into her background and body of work as an attorney in conjunction with ACLU, Arc of Illinois and other entities. An additional observation was made concerning the benefits of implementing Disability Response Teams in Illinois.
- A query/observation was made concerning consistency of widespread use of terminology in relation to persons with disabilities. Mary Dixon offered that the Arc has created a glossary of definitions that could be utilized widely.
- Penny Gates stated that from her experience with her son there is a complete void of understanding by everyone in the criminal justice system as to the awareness of types of disabilities and the needs for accommodations. She further referenced a need for resources to help persons with disabilities who are engaged with the CJ system and for the families who are working to support them. She also cites a need for a means to help police initially identify a person suffering with disabilities and/or mental health needs. She spoke to IL having a disability ID and the need for specialty courts. Mrs. Gates also concurred the needs related to Fitness to stand trial.
- Mary Dixon acknowledged the stories of task force/committee members Carol Nesteikis and Penny Gates who both have children who have disabilities and have engaged with the criminal justice system. She indicated a need for the committee to hear their stories and the plight of their children in full during the meeting.
- Amy Newell indicated her work with the Arc of Winnebago County which also extends its work into Boone and Oglesby counties. She indicated that Stevenson and Dixon counties are a bit harder to reach but are still within their purview. Mrs. Newell referenced a training opportunity available (SWOTS) that Arc does with their counties that has success and could be replicated throughout IL. Further, the Arc of US has done a good job with helping facilitate conversations and trainings.
- Amy Newell would like to see the committee focus on separate courts that are not hyper focused on a specific realm of ID/DD like Autism, but capable of dealing with the range of intellectual and developmental disabilities. It could be modeled after MH court, yet Mrs. Newell emphasizes that judges need to be trained well in this area.
- Further Mrs. Newell would like to see that trainings be mandated for law enforcement and that those trainings return to being in-person versus on-line. It has been cited that officers are able to advance through the slides on-line without having “taken” the course.
- Mary Dixon asked that committee members share their backgrounds a bit more beginning with Carol Nesteikis and Penny Gates.
- Carol Nesteikis shared her family’s story starting with initial engagement with local law enforcement, jail interactions, court proceedings and subsequent life outside of the day to day criminal justice system engagement.
- Penny Gates shared her family’s story starting with initial engagement with local law enforcement, jail interactions, court proceedings and expectations beyond day to day CJ involvement. Mrs. Gates asserted that her child was charged at 21 for a matter that occurred at the age of 14. Further observations were that polygraph tests should not have been administered and the attorney did not understand intellectual disabilities and types of treatments provided.
- Linda Kelly spoke to her background and her current position at DCFS in relation to the mission the task force and committee with touchpoints with the criminal justice system). Ms. Kelly works with programming for youth in care with an intellectual disability. It was also noted that DCFS has programming (Office of Delinquency Prevention & Restorative Justice) for dually involved youth (DCFS youth with touchpoints in the criminal justice system). She spoke about what is offered in programming related to education, diversion, training and transitional planning.

- Representative Will Davis provided his background as an elected official and his work within his district, statewide and nationally. He began building his platform in the disabilities space by working with Guardianship and Advocacy Commission where he serves as a Commissioner. Rep. Davis began to champion legislation for GAC and in doing so has learned much about persons with disabilities, their needs and instances where the state can provide for updated and/or new expectations for care, services, etc. for persons with disabilities like in the criminal justice system. Rep. Davis would like to see the committee and task force as a whole focus on legislative expectations the would like to offer to the General Assembly as well as review of legislation/public acts that are already on the books, yet in need of enforcement, implementation and/or funding. Further, Rep. Davis commits to carrying legislative efforts that come from the task force.
- Mary Dixon offered information she researched on a court case related to fitness to stand trial- US vs. Coty from June 2020. It speaks to fitness determinations. She further queried:
 - What can state's attorneys do to divert persons with disabilities?
 - What kinds of trainings can attorneys do for CLE?
 - Can there be a CLE added for attorneys on ID/DD and representation in court?
- Amy Newell offered information on the Arc of US's Personal Justice Plan and gave a brief description of what it is and how it could be beneficial to the task force.
- A follow-up question was asked about how receptive the states attorney was/is to using the Personal Justice Plan. Amy Newell indicated that Winnebago County has a very open SA. Additional follow-up question: How many in Winnebago County have been diverted?
- There was continuing discussion leading to questions such as:
 - Where assessments fit?
 - Where diversions fit?
 - Replication of programs like those used by Arc of Winnebago
- Mary Dixon indicated that it is imperative to know all of the state's attorneys and public defenders training and well as all programs that are using diversion.
- Mary Dixon cited the time and the need to continue through the agenda items while also acknowledging that many of what comes next has been touched out in the previous discussions.

4. Accommodations for individuals with disabilities in the criminal justice system

a. What exists now in Illinois and what do we need

i **Juveniles**

- Discussion began about Juvenile Court and how those proceedings go as well as who is involved
- Mary Dixon referred to the pre-meeting materials sent via email
- Mary Dixon spoke with IDJJ Director Heidi Mueller related to the plight of the task force and to see what goals and expectation are in place for youth engaged in the criminal justice system. Director Mueller referenced youth she has encountered when visiting facilities and ensuring they are in the best environment for them. She has made transfers of youth who were placed in facilities that were not best for them.
- Further questions from this discussion:
 - Where does the initial assessment of youth occur to determine if there is a disability?
 - What types of questions are asked that get to if there is a diagnosed disability? Did you have an IEP at school? Did you see a counselor each week?
 - What types of training do judges get who oversee youth courts?
- Amy Newell indicated that often times youth do not want people to know that they have a diagnosis which at times interferes with the ability to provide adequate services.
- There is a need for more information on the juvenile system and the rights of juveniles

- Allison Stark provided information on her background both a director of DD services with DHS and her work prior in the service provider settings. She spoke to the need information on the point of contact for sentencing and the need to insert accommodations as needed as well as education resources. She also stressed the need for universal training and universal assessment.
- There was discussion regarding Community Residential Services
- A point was made regarding children/youth's right to FAPE (Free and Appropriate Education) and continued IEP services in detention settings.

ii Adults

- Mary Dixon referred committee members to the pre-meeting materials sent via email
- Illinois Dept. of Corrections directives were provided and reviewed as it relates to policies for persons with disabilities in correctional facilities
- Representative Davis queried about how the task force can create a dialogue with agencies like IDOC and IDJJ. Gia Orr indicated that there are task force members who represent those agencies and perhaps they can reach out to the co-chairs to seek them as speakers.
- Mary Dixon would like to invite Director Mueller from IDJJ, a IDOC representative and a AOIC (judges training) representative. She indicated she had already reached out to all three and suggested they be speakers for the full task force.
- Mary Dixon spoke about the topic of mental illness and thinking about restoration to fitness. Would like to talk about this in further meetings especially related to what the process is; right to counsel, etc.
- The committee would like information on IDJJ facilities related to the standards and facility closings (began under former Governor Quinn).

5. Next steps/assignments

- Find out answers to lingering questions raised in previous discussions
- Make additional inquiries of other touchpoint areas in the criminal justice system:
 - Prisoner Review Board- how do they handle review of persons with disabilities, what policies exist?
- Inquire and incorporate representation from other law enforcement (Chiefs of Police, Sheriffs, Local Law Enforcement and Illinois State Police)
 - Gia Orr reminded that the task force is short an appointee- Chief of Police, but there is representation on the task force from ISP, Lt. Col. Akil Smith
- Assign committee members to seek out and speak with a State Appellate Prosecutor and a State's Attorney
- Carol Nesteikis offered to seek out a State Appellate Prosecutor
- Mary Dixon offered to seek out the SA on the task force, Bianca Carmago, Kane County
- Rep. Davis offered to seek out the judges appointed to the task force as well as reach out to the Chiefs and Sheriff's Associations
- Discussion ensued regarding setting the next meeting date
 - March 26, 2021 at 2:00 pm

6. Public comment

- None

7. Adjournment

- A Motion was made to adjourn by Penny Gates
- Carol Nesteikis Seconded the Motion
- By call of the vote the Ayes have it
- Meeting adjourned at 12:34 pm

