
**Committee Meeting Minutes
Police Interactions Committee**

**Protection of Individuals with Disabilities in the Criminal Justice System Task Force
June 21, 2021**

Conducted via WebEx

Minutes

Task Force Member Attendees: Kathleen Bankhead, Fred Chinn, Leigh Richie, Kathy Hunt Muse, John Keigher, Darlene Perry

Not present: Lt. Col. Akil Smith, Bianca Camargo

Resigned from Committee: Kimberly Johnson-Evans (May 24, 2021)

1. Call to order

- Meeting was called to Order at 1:01 pm – Leigh Richie, Member and Committee Chair
- Roll Call completed with certification of number of members to constitute a quorum

2. Approval of May 24, 2021 meeting minutes

- Leigh Richie, Chair asked that the committee give some time to review the minutes before voting and suggested edits based on her recollection. Edits were also provided by John Keigher.
- Motion to approve the minutes as amended was made by Kathleen Bankhead, Member
- Second of the Motion made by John Keigher, Member
- Ayes have it and 0 Nays

3. Old business:

- Leigh Richie provided opening remarks in relation to the need to finish the task of making recommendations and filling in the provided template. There were a couple committee members who were not present at the previous meeting who researched areas to share out and Leigh Richie asked if they were ready to present to the group on the two areas that were slated to be researched and presented in a previous meeting.
- Darlene Perry started with indicating that she reached out to a few hospitals that provide inpatient care to get a sense of what their step-down process looks like. It varies depending on what hospital a citizen goes to. If the hospital has partial hospitalization or some outpatient, then that is part of the transition back into the community. If the hospital does not have some type of outpatient mechanism attached to the hospital the person is connected to existing mental health providers or they work to connect them to someone before they are released from the hospital. Dr. Perry indicated that sometimes there are barriers to connecting a person with services. The se

OFFICE OF THE DIRECTOR

barriers include travel needs, financial barriers, health coverage. There also may be a wait list which can limit or alter the step-down process. In a previously circulated document (via committee email) Dr. Perry provided resources that could be used by citizens who are in a crisis. She reached out to various organizations and asked questions about working with persons with disabilities and received a wealth of information that is included on the document provided to the committee.

- Leigh Richie thanked Darlene Perry for her research and provision of resources to the committee.
- Kathleen Bankhead indicated that she researched the Juvenile Court Act protections for areas that could be helpful to persons with disabilities in the criminal justice system. One of the areas that stood out was appointing a special advocate who are people who sort of are an impartial viewer of what's going on in a particular case, and then make recommendations to the court and others about how they think things are going. They make suggestions about what is in the best interest of a particular child as a neutral advocate and in some counties the person acts as guardian ad litem. Mrs. Bankhead continued with making a parallel recommendation that there could be a volunteer at a police station who operated as a special advocate for persons with physical, cognitive, or mental health disabilities. Mrs. Bankhead provided an example of a situation she was familiar with where a person with a disability was arrested and situations that transpired at the police station could have been mitigated with third party interventions.
- Mrs. Bankhead continued with research in the Act related to crisis intervention and the part it plays in the mental health protocol for juveniles. She also talked about a juvenile being arrested and taken into what is called Limited Custody, which is used when they are not arrested for a serious offense, but held while authorities reach out to agencies and organizations that may be able to help a juvenile in need of intervention or who has addictions. She referenced that this is utilized instead of placing them in correctional facilities. This provides for a level of outreach and caretaking role in the police setting. She also gave information related to minors who are being charged and representation by an attorney. Minors cannot waive the assistance, council or immediate intervention procedures or diversion programs and Mrs. Bankhead posed the suggestion that a person with disabilities and/or mental health needs could be provided the same processes instead of looking at a correctional type of disposition or circumstance, they would look for community options to mitigate the issue with the detained citizen. She also states that even if a detained person receives diversions that does not stop the prosecution of the case.
- Leigh Richie thanked Kathleen Bankhead for her thorough research and opened the floor for committee members to weigh in.
- Darlene Perry indicated that in her presentation she meant to make a suggestion that when a person calls the police they frame the issue as a mental health crisis so that leads the dispatcher to ask for more information that would hopefully lead to a different type of response from law enforcement when they arrive on the scene. Dr. Perry indicated that she had also sent the committee the involuntary hospitalization process that was put together by Equip for Equality who does advocacy work with and for persons with disabilities.
- Leigh Richie asked if other committee members had questions or insight.
- John Keigher, member, weighed in that he had mulled over the idea of extending many of the protections extended to juveniles to person with disabilities and indicated that it seemed reasonable to extend the accommodations, but he also thought it was reasonable to hear from disability advocates on the matter considering that there may be another side to consider like a person with a visual disability questioning why they were being treated like a child. He posited that perhaps a blanket accommodation has a chance of being over inclusive and would not properly respect the rights of the adults in that sub-category.
- Leigh Richie indicated that Mr. Keigher's observation brought up a good point and that perhaps they could consider applying terms to certain disabilities and not just disabilities across the

board. She pondered application to persons with intellectual disabilities or narrowing it further than that and the means to do so.

- Kathleen Bankhead indicated that when she was going through the statute, she was trying to be careful to not infringe on adults' rights when making suggestions and ensure that what she suggested was from more of a procedural and protective standpoint versus areas that were more intrusive.
- Mr. Keigher stated that he believed it is important to keep in mind that the person earmarked to take on these duties would have an increased workload and suggested that perhaps it would be better to have an advocate within the judicial system rather than within the police department. The advocates would have a different set of tools in their belt to apply to different situations. He believes that it will be a bit harder but is doable.
- Kathy Hunt-Muse, member, indicated that there is even disagreement sometimes in the disability rights community on how to approach this area. She reminded the committee that they have heard from two parents and that there is frustration within the disability community with regards to parents/guardians with relation to paternalism towards people with disabilities and the committee should be careful about the types of disabilities earmarked for this type of accommodation like focusing on ID/DD, but also considering ways that they can preserve autonomy for those who want it.
- Kathy Hunt-Muse also spoke about concerns with custodial interrogation settings and confessions and Miranda Rights. She stated there seems to be a window of time where someone is most vulnerable to making a large mistake that would remain with them for a long time so that is another way that the committee could think about focusing a recommendation; focusing it rather than trying to copy over protections from all areas.
- Kathleen Bankhead indicated that the Juvenile Court Act talks about notifying a parent or guardian and she thought this area could be worked out in relation to persons with disabilities who are arrested. Perhaps notification can be made to a family member that they are in police custody. She gave an example to the committee of how this could work and referenced her work as a prosecutor and the plight of friends and family members who are unaware that their loved one with disabilities has been arrested.
- Leigh Richie queried as to whether having an advocate could assist with something like notification made to family as well as an attorney and perhaps mandating that an advocate is available to the person with disabilities prior to questioning.
- Darlene Perry asked if it's more about just ensuring people with disabilities have the proper accommodations so that they do have due process and fair treatment? And that may be that the role of the advocate to be that first point of contact to assess what the disabilities are in relation to due process and accommodations afforded to ensure due process.
- Leigh Richie indicated that she believes the role and the advocate could be helpful, but had a question of if the committee wants the advocate to actually be able to make some decisions or have some influence, then the law enforcement agency is going to have to defer to them. She knows that sometimes it can get that can be difficult in certain situations where you're trying to investigate something quickly. You want to talk to someone quickly.
- Kathy Hunt-Muse indicated that it sounded like the advocate could be somebody who can help sort of assess what type of disability the person has by talking to them. And if it seems like a cognitive or intellectual development disability where contacting next of kin is appropriate then they would be allowed to do so, with the consent of the detainee. Retaining the need for consent from the detainee will help with the paternalism concerns and, of course, the detainees are the ones that would have to identify who the advocate should contact. Having that in place would help prevent some one-size-fits-all policy where an adult who's in a wheelchair with no cognitive disability is having their mother called.

- Leigh Richie asked Darlene Perry to talk about one particular area that she has previously circulated via email concerning intersectionality and how it should be considered by the committee when framing recommendations.
- Darlene Perry responded with her thoughts on the topic of intersectionality with persons with disabilities and race, economic barriers, law enforcement's attitudes toward certain groups of people as far as racial disparities, etc.
- Leigh Richie thanked everyone for their conversation surrounding these two topic areas and suggested moving on to working on the recommendations list. She suggested sharing her screen to which other committee members agreed. The committee then began the task of going through each suggested recommendation one by one and adding further details to send to the whole task force.
- There was a discussion about some recommendations that may already appear in pending legislation to be signed by Governor Pritzker.
- There was further discussion about who the committee would recommend qualify as an advocate for persons with disabilities and agreement that the advocate should not be a police officer, but rather perhaps a person from the community. The committee spoke at length about this topic including the background of advocates and what would be deemed acceptable for one to hold this position.
- There were further discussions about recommendations that the committee is making that are parallel to the Juvenile Court Act and further considerations to take when selecting an advocate who would work in tandem with law enforcement.
- The committee revisited discussions about the role of the advocate with respect to juveniles and persons with disabilities who are juveniles and those who are adults. There was also considerable discussion regarding the advocate being from within the law enforcement community or outside the community like a disability rights person. Discussions regarding training law enforcement personnel was also revisited along with training for the person who would be the advocate within the process.
- Kathleen Bankhead suggested that the advocate be trained in tandem with law enforcement officers so they could also establish coordination to address the needs of persons with disabilities.
- The committee continued to try to find some common ground with respect to the role of the advocate as well as what community the advocate should come from. Chief Fred Chinn expressed his thoughts on the role of the law enforcement officer and the significance of training to be able to provide recommendations and accommodations as needed for detained persons with disabilities.
- Kathy Hunt-Muse and Kathleen Bankhead both spoke about the benefits of an advocate coming from the disability rights community.
- Leigh Richie indicated that there's a real benefit to institutionalizing some of this in law enforcement agencies to having someone within the department who can coordinate resources and help develop training and make sure there is a look out for what the officers are doing and maybe answer questions for law enforcement officers as well as make sure that the agency is providing accommodations that are in a legally sufficient way, but maybe even going beyond that. Ms. Richie suggested that one of the recommendations still be to have an internal person as a coordinator that does not even have to be called an advocate to do those to perform those functions. She suggested possibly a coordinator and an advocate as separate supports.
- Kathy Hunt-Muse posed some additional questions about legal protections for the detained person with disabilities with discussion by committee members.
- The committee also discussed the costs and resources associated with their recommendations and suggested maintaining an open mind about the costs and where they would come from paying particular attention to smaller law enforcement agencies in the state.

- There was further discussion about separating out the roles of the advocate and a coordinator and how the role of the coordinator can also be parallel to the other committee recommendation related to training law enforcement. Leigh Richie suggested the need to broaden this area out a bit more.
- John Keigher asked about the logistics and timeframe for the committee and the task force.
- Leigh Richie indicated the timeframe previously shared via email for the committees to complete their work and submit recommendations, to have full task force meetings and to draft and finalize a report to the General Assembly.
- Mr. Keigher suggested hearing from some other task force members who sit in other positions weigh in on the areas that the committee is debating.
- Kathleen Bankhead indicated that she wanted to ensure that the committee made a statement about legal protections for persons with ID/DD.
- Leigh Richie asked for that to be fleshed out a bit more as she was keeping in line with the consideration of striking the right balance between protections and paternalistic concerns. Kathleen Bankhead provided examples correlated to the Juvenile Court Act.
- There was a discussion at length about protections afforded to persons with disabilities and application during the criminal justice process. Kathy Hunt-Muse indicated that committee members are trying to find ways to protect the situation where someone has intellectual disability that makes them equivalent of a juvenile as well as a means to identify a person who does not present as a juvenile by outward appearance.
- Leigh Richie stated that the committee was having great discussions and while there are some pieces that they may not agree on there were others that equate to good recommendations and details to carry out recommendations. She also indicated that the committee was over the meeting time but given availability of schedules they could continue to meet.
- Committee members indicated their availability and willingness to continue while they had time.
- The committee continued to discuss filling out the template and areas that they wanted to provide further details with agreed upon recommendations until time began to be a factor for committee members.

4. Next Steps/Assignments

- Leigh Richie indicated the need to find another meeting date and the committee discussed availability if virtual meetings were still allowed. Leigh Richie indicated she would inquire.
- In the interest of time, committee members agreed to submit their schedules over the next week or so via email so that a next meeting date could be chosen.
- Leigh Richie indicated that she would circulate what dates seemed to garner the most attendees and suggested moving through the remainder of the agenda.

5. Public Comment

- None

6. Adjournment

- Kathy Hunt Muse, Member Moved to adjourn the meeting
- John Keigher, Member Seconded the Motion
- Ayes have it and the meeting adjourned at 3:01 pm