

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

SEPTEMBER 2021



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## Executive Summary

The Protection of Individuals with Disabilities in the Criminal Justice System Task Force was created by the Illinois General Assembly to examine the ways in which the different aspects of Illinois' criminal justice system interact with and serve persons with disabilities, including involvement with police, detention and confinement in correctional facilities, representation by counsel, awareness and accommodations for disabilities, and based on that examination, to make recommendations to address any disparities in treatment and to enhance services, interactions, and safety for all segments of our communities.

The Task Force includes representatives from the criminal justice system, state agencies, and disability service providers, as well as persons with disabilities and family members. Over a period of many months Task Force members engaged in research, interviews, dialogue with those representing diverse interests and points of view, and reflection on the principles that ground each segment of our criminal justice system. This work yielded more than 20 recommendations regarding policies, procedures, legislation, and other actions that can, and in its consensus opinion, ought to be taken to protect the public safety and well-being and rights of individuals with disabilities in the criminal justice system, and to better enable our law enforcement and justice-related personnel to best carry out their responsibilities and mandates.

The recommendations include a range of options, strategies, and procedural changes, some of which consequently require a range of actions, legislative and administrative, and State and local, as well as collaboration among diverse stakeholders and the allocation of resources and will to address them with the priority they deserve.

### **Representation by Counsel and Individual Participation in the Criminal Justice System**

1. An advocate should be appointed to assist a citizen with disabilities engaged with the criminal justice system from initial engagement with law enforcement (if possible) through jailing, court proceedings, sentencing, treatment, or as otherwise directed.
2. Training should be provided for all court personnel, including, but not limited to, judges, bailiffs, clerks, court reporters, victim's advocates, State's Attorneys, public defenders, attorneys representing the developmentally disabled, sheriffs, police officers, and jail personnel.

### **Police Interactions**

3. Improve training for emergency dispatch to appropriately triage calls involving individuals with disabilities.
4. Extend certain legal protections to adults with disabilities. To ensure that individuals with physical, cognitive, intellectual, developmental and sensory disabilities who are arrested by police receive appropriate accommodations and are not disadvantaged by the

interrogation process, the Committee recommends that such individuals have access to an advocate when they arrive at the police station.

5. Provide step-down resources for individuals being discharged from hospitals or from police stations to prevent further interactions with law enforcement.
6. Enhance and expand training for law enforcement officers on recognizing disabilities and directing individuals to resources.
7. Make funding available for counties and municipalities to pilot co-responder models to minimize unnecessary contacts with police, such as the Crisis Assistance Helping Out on the Streets (“CAHOOTS”) model.
8. Police department should strive to have a sufficient number of specialized Crisis Intervention Team (CIT) officers during each shift.

#### **Detention in Correctional Facilities**

9. Recruit, hire and retain mental health and intellectual and developmental disabilities (ID/DD) professionals from various arenas/programs.
10. The Illinois Department of Corrections and appropriate stakeholders review the Illinois County Jail Standards and make recommended changes based on nationwide best practice established by the American Correctional Association, American Jail Association, or other nationally recognized accreditation mental health authority.
11. Establish a disability and mental health hotline for correctional facilities.
12. Assess detainees with disabilities or those where disabilities are suspected. This may involve, but is not limited to, screening instruments, comprehensive psychological assessments, neurological and/or neuropsychological evaluations, disability and/or impairment assessments. The assessment should determine diagnosis, strengths and limitations, and necessary accommodations for treatment and rehabilitation.
13. Establish a set number of training hours per year for corrections officers in mental health first-aid, the Americans with Disability Act and De-Escalation Techniques.

#### **Criminal Justice System Awareness of Disabilities and the Need for Accommodations**

14. Collect data on persons with disabilities in the criminal justice system.
15. Update directives of the ADA to mention and define ID/DD and mandate appropriate accommodations and advocacy from the beginning of the process in the criminal justice system to the end.
16. Include additional questions to jail/prison intakes statewide with advocates, guardians or family members present during the intake process.
17. Share information about the Personalized Justice Plan statewide.
18. Hold joint training on ID/DD throughout the Criminal Justice System.
19. Establish a law similar to Virginia’s regarding diversion for persons with disabilities.
20. Establish an Independent Court for persons with ID/DD with supports from a Crisis Response Team (advocates, family, guardians, agencies) from the beginning to the end of the process.
21. Allow Second Chances for individuals with ID/DD even after a conviction.

## Letter from the Task Force Co-Chairs

It has been a privilege to serve as co-chairs of the Protection of Individuals with Disabilities in the Criminal Justice System Task Force. This Task Force was created by the General Assembly to examine and recommend legislative and policy actions that can be taken to protect the public safety and the well-being and rights of individuals with disabilities in the many areas of the criminal justice system. This report is the product of the rich expertise and lived experiences of our diverse Task Force members who are criminal justice system professionals, service providers, lawmakers, judges, advocates, and persons with disabilities.

We would like to express our gratitude for the immense contributions of the Task Force members. Although our work took place against the backdrop of the COVID-19 pandemic, our members remained fully engaged and committed to the process. Members served on multiple committees, researched complex issues, and participated in spirited discussions. All of this was in an effort to find meaningful ways of making the criminal justice system more equitable, accessible, and inclusive for persons with disabilities.

We also wish to extend our appreciation to the staff of the Guardianship and Advocacy Commission for providing operational and administrative support, as well as subject-matter expertise, to the Task Force. We thank Gia Orr for keeping the Task Force on schedule, facilitating discussions, and taking minutes for each of our twenty-one meetings. And we thank Teresa Parks for assisting with the drafting of this report.

Although much work will be required in order to address longstanding challenges in Illinois, it is our hope that the Task Force's recommendations contribute to a statewide effort to improve the ways that the criminal justice system serves and interacts with persons with disabilities.

Thank you,

**Leigh Richie**

Associate General Counsel  
Office of Governor JB Pritzker

**Allen James**

Legal Advocacy Service Attorney  
Illinois Guardianship and Advocacy Commission

## Task Force Members

- ❖ **Kathleen Bankhead**, Department of Juvenile Justice Independent Ombudsman<sup>1</sup>
- ❖ **Rep. Chris Bos**, State Representative, 51<sup>st</sup> District
- ❖ **Bob Bowen**, Manager, Jail and Detention Standards Unit, Illinois Department of Corrections
- ❖ **Judge Bianca Camargo**, Associate Judge, 16<sup>th</sup> Judicial Circuit Court
- ❖ **Frederick G. Chinn**, Jail Administrator, Crawford County Sheriff's Department
- ❖ **Rep. William Davis**, State Representative, 30<sup>th</sup> District
- ❖ **Donald J. Dew**, President/CEO, Habilitative Systems
- ❖ **Mary Dixon**, Director, Family-to-Family Health Information Center of The Arc of Illinois
- ❖ **Bryan Echols**, Senior Advisor, State Treasurer's Office
- ❖ **Penny Gates**, Parent/Advocate, Director of Inter Organizational Liaisons, Legal Reform for the Intellectually and Developmentally Disabled
- ❖ **Mary Hettel**, Self-Advocate
- ❖ **Kathy Hunt Muse**, Deputy Chief, Public Interest Division, Illinois Attorney General's Office
- ❖ **Allen W. James**, Legal Advocacy Service, Guardianship and Advocacy Commission
- ❖ **Dr. Omar Jamil**, Senior Policy Advisor, Illinois Department of Juvenile Justice
- ❖ **Crystal Johnson**, Technical Advisor I – Legal Assistant, Office of the General Counsel, Illinois Criminal Justice Information Authority
- ❖ **Kimberly L. Johnson**, President, Chicagoland Autism Connection
- ❖ **John Keigher**, Chief Legal Counsel, Illinois Law Enforcement Training Standards Board
- ❖ **Linda Kelly**, Illinois Department of Children and Family Services
- ❖ **Judge Alfredo Maldonado**, Associate Judge, Circuit Court of Cook County
- ❖ **Dr. Mary L. Milano**, Executive Director, Illinois Guardianship and Advocacy Commission
- ❖ **Carol Nesteikis**, Parent/Advocate and Co-Founder and Vice-President of Legal Reform for the Intellectually and Developmentally Disabled (LRIDD)
- ❖ **Amy Newell**, Executive Director, The Arc of Winnebago, Boone and Ogle Counties
- ❖ **Dr. Darlene Perry**, Executive Director, Chicago School Forensic Center
- ❖ **Leigh Richie**, Associate General Counsel, Office of Illinois Governor JB Pritzker
- ❖ **Col. Akil Smith**, Deputy Director, Illinois State Police
- ❖ **Allison Stark**, Director, Division of Development Disabilities, Illinois Department of Human Services
- ❖ **Jennifer Vollen-Katz**, Executive Director, John Howard Association
- ❖ **Judge Neera Walsh**, Associate Judge, Circuit Court of Cook County
- ❖ **Kate Winner**, Assistant Public Defender, Cook County Public Defender's Office

### Task Force Administrator

- ❖ **Gia Orr**, Director Legislative Affairs, Guardianship and Advocacy Commission

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<sup>1</sup> Ms. Bankhead served on the Task Force until July 2021. Since then, Karima Douglas, Deputy Ombudsman, has represented the Office of the Independent Juvenile Ombudsman.

## Overview and Purpose

The Protection of Individuals with Disabilities in the Criminal Justice System Task Force was created by the Illinois General Assembly to examine and make recommendations regarding the ways in which the different aspects of Illinois' criminal justice system interact with and serve adults and juveniles with disabilities. The legislation specifically directed the Task Force to consider the following with respect to persons with disabilities:

- Involvement with police
- Detention and confinement in correctional facilities
- Representation by counsel
- Participation in the criminal justice system
- Communications with families
- Awareness and accommodations for disabilities
- Concerns for the safety of the general public and individuals working in the criminal justice system.

The legislation further required that by September 30, 2021, the Task Force submit a report to the Governor, the Attorney General, and the General Assembly with recommendations "regarding policies, procedures, legislation and other actions that can be taken to protect the public safety and the well-being and rights of individuals with disabilities in the criminal justice system." This report represents the culmination of the Task Force recommendations.

## Background

The Protection of Individuals with Disabilities in the Criminal Justice System Task Force Act (20 ILCS 5150) was initially pursued as a collaboration between the Illinois Guardianship and Advocacy Commission (IGAC) and the Arc of Illinois (Arc) when both agencies began seeing trends surrounding the involvement and potentially disparate or denigrating treatment of persons with disabilities in the criminal justice system. The Arc had received reports of persons with intellectual and developmental disabilities facing criminal charges as a result of behaviors associated with their disabilities and with many of these individuals having a limited understanding of the crime, charges or the criminal justice system as a whole. The families and guardians of these individuals were largely excluded from participating in the legal process. Likewise, the IGAC's Human Rights Authority investigated cases in which agencies serving persons with disabilities were engaging law enforcement to address behavioral needs associated with the individuals' disabilities that, at times, led to arrests, charges, and even detainment in correctional facilities that were ill-equipped to handle the unique needs of detainees with disabilities.

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Both the Arc and the IGAC questioned practices and gaps in understanding, resultant services and treatment. It also examined the potentially unnecessary and unwarranted engagement with the criminal justice system that ill-served persons with disabilities and misused limited resources of the community that could have been applied within the criminal justice system to more significant harms and risks. The agencies noted that there was a significant lack of available data surrounding situations in which interaction with the criminal justice system could have been replaced with treatment and alternatives. In addition, they noticed a lack of awareness of, and procedural rights protections for, individuals who may not fully understand the system or be able to participate in their own legal representation. Eventually, both agencies decided that there needed to be a formal means to bring various stakeholders together to review issues and make recommendations specific to the involvement and protection of persons with disabilities in the criminal justice system, as well as enhancements to the abilities and resources of the system to approach and interact with such persons, and thus to better fulfill its functions within the community as a whole.

A key component of the legislation was to ensure diverse representation on the Task Force to “reflect the racial, ethnic, and geographic diversity and diversity of disabilities of this State...” Task Force members also include representatives from the criminal justice system, law enforcement, state agencies, and disability service providers as well as persons with disabilities and family members.

## Task Force Approaches

The Task Force initially met on April 29, 2020, and again on November 12, 2020, February 8, 2021, September 10, 2021, and September 29, 2021. Task Force members were surveyed to identify priorities and ultimately determined to approach its work through a committee structure that included the following four committees: 1) Police Interactions; 2) Detention in Correctional Facilities; 3) Representation by Counsel and Individual Participation in the Criminal Justice System; and 4) Criminal Justice System Awareness of Disabilities and the Need for Accommodations. Task Force Members were assigned to one or more of the committees based on expertise and experience. Each committee was responsible for bringing recommendations to the full Task Force specific to their assigned areas of focus. The various committees collectively met 16 times to develop recommendations that were presented to the full Task Force on September 10, 2021.



## Definitions

The Task Force expressed appreciation for the importance of carefully and accurately defining certain terms for purposes of this report, however, it also recognized that credible authorities may differ in how those terms are defined, including how broad or narrow those definitions should be. ***The intent of this report and of the Task Force is to use language that is respectful, inclusive, and person-first***, recognizing that language may and will change as understandings develop and change, and that the intent of the language used rather than a static set of definitions should always be kept in focus.

- ❖ **“Persons with disabilities”** for the purposes of this report includes persons with intellectual and developmental disabilities (ID/DD), persons with mental illness, persons with physical disabilities, and persons with co-occurring disabilities of both ID/DD and mental illness. The Task Force recognizes that some individuals with disabilities may go undiagnosed in one area or another and that this is an issue the system must take into account. Where a finding or recommendation is intended to address a particular disability or condition, the report will be specific.
- ❖ **“Intellectual disability (ID)”** as defined in 405 ICLS 5/1-116, means significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years.
- ❖ **“Developmental disability (DD)”** as defined in 405 ILCS 5/1-106 and 755 ILCS 5/11a-1, means a disability which is attributable to: (a) an intellectual disability, cerebral palsy, epilepsy or autism; or (b) any other condition which results in impairment similar to that caused by an intellectual disability and which requires services similar to those required by persons with an intellectual disability. Such disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial disability.
- ❖ **“Mental illness”** as defined in 405 ILCS 5/1-129, means a mental, or emotional disorder that substantially impairs a person’s thought, perception of reality, emotional process, judgment, behavior, or ability to cope with the ordinary demands of life, but does not include a developmental disability, dementia or Alzheimer’s disease absent psychosis, a substance use disorder, or an abnormality manifested only by repeated criminal or otherwise antisocial conduct.
- ❖ **“Co-occurring disability”** is defined as having both a mental illness **and** either an intellectual disability and/or a developmental disability.

## Recommendations

Each Task Force committee brought forward several recommendations. This report lists those recommendations as presented, noting that there were recurring themes, particularly in two areas: 1) the recommendation that persons with disabilities have access to an advocate when involved with the criminal justice system, and 2) the recommendation that parties involved in the system receive disability awareness education. As a result of the concurrence of the analyses of the multiple committees, and although there are other significant recommendations that have immediacy, these two recommendations ought to be addressed with priority and allocation of resources.

### Representation by Counsel and Individual Participation in the Criminal Justice System Committee

Committee members: Allen James, John Keigher, and Dr. Mary L. Milano

<b>Recommendation #1</b>	<b>An advocate should be appointed to assist a citizen with disabilities engaged with the criminal justice system from initial engagement with law enforcement (if possible) through jailing, court proceedings, sentencing, treatment, or as otherwise directed.</b>
<b>Recommended Action</b>	✓ <b>Agency Action (Administrative Offices of the Illinois Courts)</b> ✓ <b>Legislative Action</b>

**Additional Information:** The State of Indiana has a similar program entitled Court Appointed Forensic Advocate for Persons with Intellectual Disabilities, Developmental Disabilities, or Autism Spectrum Disorders (IC 35-36-12).<sup>2</sup> This statutory position is specifically for those charged with a crime and who are also developmentally disabled. The State of Oklahoma has a statutorily created program for the developmentally disabled entitled Court-appointed Advocates for Vulnerable Adults (30 OK Stat § 30-3-106.1). This program is for adults who are victims of abuse, neglect, exploitation, or disabled. The primary emphasis appears to be for victims but encompasses all aspects of the Oklahoma legal system. These statutory references provide a good outline for similar measures in Illinois. The named title of the Oklahoma statute seems preferable to that of Indiana, but Indiana does directly address the needs of those charged or suspected of a crime.

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<sup>2</sup> Court Appointed Forensic Advocate for Persons with Intellectual Disabilities, Developmental Disabilities, or Autism Spectrum Disorders, available at <https://statecodesfiles.justia.com/indiana/2015/title-35/article-36/chapter-12/chapter-12.pdf>

Other than the name/title of the special advocate there needs to be a determination who this person will be. It can be someone trained and employed permanently by the court system or more likely a community person who is either employed by an agency that works with the developmentally disabled and/or is a volunteer with similar experience. The person should have expertise in working with the developmentally disabled and some knowledge of the legal system with training for the position.

The entry point of this advocate would have to be resolved. If that entry point is immediately upon being in police custody or a suspect in a crime, then there would have to be a known person on standby readily available to assist the police or there would need to be a police officer trained to ensure the person's rights are protected similar to a juvenile officer.<sup>3</sup> Otherwise, the entry point would be upon the filing of a criminal charge instigating the court's involvement and an order of appointment for a special advocate from the court. It is possible that there could be both a police officer trained to protect the rights of the disabled while in custody and a court appointed advocate should any criminal charges be filed. Ultimately, this person should not only be concerned that the person's rights are protected, but should ensure that legal counsel is contacted at the earliest possible moment in the process.

There will be a need to determine the qualifications of the court appointed advocate. It may be a Qualified Intellectual Disabilities Professional (QIDP), licensed counselor, social worker, attorney, or some other credentialed individual with experience serving the developmentally disabled population.

The detailed responsibilities will need to be determined. Any new statute will need to declare if the person is to act in the best interests of the person and report to the court in the same manner as a guardian ad litem or are they simply to ensure the rights of the individual are protected. If acting on the best interests of the developmentally disabled person, the advocate can make recommendations to the court for placements and treatments as alternatives to criminal punishment. The idea is that this would be better than just proceeding through the fitness process as outlined in 725 ILCS 5/104-10 et. seq that is poorly suited for the needs of the developmentally disabled. Otherwise, they would ensure that the individual understands the proceedings, if possible, and ensure that they and their rights are being protected while they are in the system. If they are to act in the best interests of the individual then the advocate should be protected from being called as a witness against any person upon whom they serve and should disclose only those confidences necessary to effect the proper care and treatment of the individual in question.

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<sup>3</sup> "Juvenile police officer" means a sworn police officer who has completed a Basic Recruit Training Course, has been assigned to the position of juvenile police officer by his or her chief law enforcement officer and has completed the necessary juvenile officers training as prescribed by the Illinois Law Enforcement Training Standards Board, or in the case of a State police officer, juvenile officer training approved by the Director of the State Police.

Finally, there would need to be a determination of the exit point for their services. That point may be immediately upon the closing of a case or the end of custody. Otherwise, their involvement can continue until there is a court order ending their services.

<b>Recommendation #2</b>	<b>Training should be provided for all court personnel, including, but not limited to, judges, bailiffs, clerks, court reporters, victim’s advocates, State’s Attorneys, public defenders, attorneys representing the developmentally disabled, sheriffs, police officers, and jail personnel.</b>
<b>Recommended Action</b>	<ul style="list-style-type: none"> <li>✓ <b>Agency Action by the Administrative Offices of the Illinois Courts</b></li> <li>✓ <b>Legislative Action</b></li> </ul>

**Additional Information:** This training should encompass the needs and behaviors of those who are developmentally disabled, along with legal and treatment alternatives.

There should be training for specific individuals and their roles within the criminal justice system. Bailiffs and other court security personnel should be trained in the proper handling of behaviors. Victim Advocates should be trained in the proper manner to work with those developmentally disabled victims. Judges, State’s Attorneys, public defenders, and lawyers representing the developmentally disabled should be required to receive training on both the Mental Health and Disabilities Code and the best manner to relate and work with this segment of the population. It is also suggested that there be an exploration into either assigning judges specifically trained in the Mental Health and Disabilities Code and Criminal Fitness Procedures or alternatively create administrative judges to hear these matters whose opinions are subject to direct appeal. Circuit Clerks should receive training on how to best serve developmentally disabled individuals seeking assistance from their office. There should also be training for police officers and jail personnel in the proper methods of working the developmentally disabled community.

This training could be performed by private entities or provided by existing State of Illinois agencies such as Guardianship and Advocacy Commission, Department of Human Services, Department of Corrections, Crisis Intervention Team, or others.



## Police Interactions Committee

Committee members: Kathleen Bankhead, Judge Bianca Camargo, Frederick G. Chinn, Kathy Hunt Muse, John Keigher, Dr. Darlene Perry, Leigh Richie, and Col. Akil Smith

<b>Recommendation #3</b>	<b>Improve training for emergency dispatch to appropriately triage calls involving individuals with disabilities.</b>
<b>Recommended Action</b>	✓ <b>Agency Action (Illinois State Police, Illinois Department of Human Services, Law Enforcement Training Standards Board, Guardianship and Advocacy Commission, Task Force Members)</b>

**Additional Information:** The Committee also indicated that there is a need to address issues related to interacting with people with disabilities in the statewide training to be offered to emergency call takers pursuant to HB 2784 with the possibility that Task Force members and/or Guardianship and Advocacy Commission work with the Illinois State Police as rules to implement training are formulated. The committee also discussed how challenges regarding law enforcement calls for service that involve individuals with disabilities and/or individuals experiencing mental health or behavioral crises can be alleviated, in part, by emergency dispatchers relaying better information to officers. More information also can enable providing an emergency response to individuals requiring mental health or behavioral health services akin to the responses already provided to individuals who require emergency physical health care.

<b>Recommendation #4</b>	<b>Extend certain legal protections to adults with disabilities. To ensure that individuals with physical, cognitive, intellectual, developmental and sensory disabilities who are arrested by police receive appropriate accommodations and are not disadvantaged by the interrogation process, the Committee recommends that such individuals have access to an advocate when they arrive at the police station.</b>
<b>Recommended Action</b>	✓ <b>Agency Action (Guardianship and Advocacy Commission)</b> ✓ <b>Legislative Action</b>

**Additional Information:** The advocate should have expertise in issues related to disabilities, including cognitive impairments and intellectual disabilities. The duties/responsibilities of the advocate would be to help identify and recommend accommodations needed for individuals who have been arrested and asst the individual with contacting a family member, guardian, and/or legal representative. The Committee recognizes that this recommendation will require

significant resources and further consideration of how it will be implemented statewide. Additionally, the Committee recognizes that there may be several ways to accomplish this goal.

<b>Recommendation #5</b>	<b>Provide step-down resources for individuals being discharged from hospitals or from police stations to prevent further interactions with law enforcement.</b>
<b>Recommended Action</b>	✓ <b>Agency Action (Hospitals, Law Enforcement Agencies and Local Health Departments)</b>

**Additional Information:** The Committee discussed that individuals who encounter police while experiencing a mental or behavioral health crisis may require additional health services or could otherwise experience a crisis that results in additional police interactions in the future. To reduce unnecessary police involvement with individuals in crisis, the committee recommends the following:

- For individuals being discharged from hospitals, hospitals (perhaps with assistance of local governments) should help direct individuals to community services and/or disability agencies.
- For individuals leaving a police station who may have been experiencing a mental health crisis or would otherwise benefit from services, police (perhaps through their coordinators) will help direct them to community-based resources and/or disability agencies.

<b>Recommendation #6</b>	<b>Enhance and expand training for law enforcement officers on recognizing disabilities and directing individuals to resources.</b>
<b>Recommended Action</b>	✓ <b>Agency Action (Illinois Enforcement Training Standards Board and the Illinois State Police. Utilize the ILETSB Mobile Training Units (MTUs) which provide regional law enforcement courses that cater to local interests and concerns and incorporate local resources.)</b>

**Additional Information:** To meet the above recommendation, the Committee suggests the following implementation strategies:

- Make a coordinator available (preferably in-house) to serve as a point of contact for police officers and community members, to develop training (utilize training developed by Mobile Training Unit) and policies, and to help to direct people to resources regarding individuals with disabilities.
- Provide in-service training to officers on interacting with individuals with disabilities, including different methods of effective communication. (Also integrate this into existing training modules, such as use of force, arrest and control tactics, etc.)

- Police departments or Mobile Training Units should consult with subject matter experts and community-based organizations in the development of training.
- Conduct periodic review of the effectiveness of training to ensure alignment with best practices and revise training accordingly.

<b>Recommendation #7</b>	<b>Make funding available for counties and municipalities to pilot co-responder models to minimize unnecessary contacts with police, such as the Crisis Assistance Helping Out on the Streets (“CAHOOTS”) model.</b>
<b>Recommended Action</b>	<ul style="list-style-type: none"> <li>✓ <b>Agency Action (Law Enforcement Agencies and ICJIA’s Federal and State Grants Unit)</b></li> <li>✓ <b>Legislative Action</b></li> </ul>

**Additional Information:** Crisis Assistance Helping Out in the Streets (“CAHOOTS”) is a mobile crisis intervention program that was created in Eugene, Oregon in 1982. Crisis intervention teams respond to calls in Eugene and Springfield, Oregon that are dispatched through the police-fire-ambulance communications center that are deemed to be non-criminal crises (e.g., issues related to homelessness, intoxications, disorientation, substance abuse and mental illness, and dispute resolution). Although CAHOOTS is responsible for non-criminal crises, there are instances when police and/or EMS are also dispatched.

Each CAHOOTS team consists of a medic (nurse or EMT) and a highly trained crisis worker. They are tasked with providing services to individuals in crisis such as crisis counseling; suicide prevention, assessment, and intervention; conflict resolution and mediation; grief and loss; substance abuse; housing crisis; first aid and non-emergency medical care; resource connection and referrals; and transportation to services.

According to the Vera Institute for Justice, CAHOOTS responded to about 24,000 calls in 2019 and only 311 required police backup, and in Eugene, CAHOOTS teams resolved almost 20 percent of all calls coming through the city’s public safety communications center. The annual budget for CAHOOTS is about \$2.1 million (about 2% of the police departments’ budgets). According to the Eugene Police Department, CAHOOTS diverts 5-8% of calls from police.<sup>4</sup>

The program has inspired similar programs in other locations, including Denver, Oakland, Portland, and Winnebago County (Illinois). It is our understanding that a report-out on the pilot program from Winnebago County is forthcoming.

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<sup>4</sup> More information on CAHOOTS can be found at <https://www.eugene-or.gov/4508/CAHOOTS> and <https://www.vera.org/behavioral-health-crisis-alternatives/cahoots>

Another example of a co-responder model is the McLean County Center for Human Services Emergency Crisis Intervention which utilized community crisis response, symptom stabilization, and community reengagement to link people to the appropriate community services. From the 1980s until the early 2000s, crisis counselors were dispatched to assist law enforcement in the field, respond to calls in the community without police support, and respond to calls from the jail and community hospitals to provide services and coordinate discharge plans.

CAHOOTS is one model and may not be the best fit for all parts of the state due to variations in population size, types of emergency services required, and the availability of appropriately trained personnel. For that reason, we recommend that funding be made available for counties and municipalities to pilot co-responder models to minimize unnecessary contacts with police, without imposing one type of model statewide.

<b>Recommendation #8</b>	<b>Police departments should strive to have a sufficient number of specialized Crisis Intervention Team (CIT) officers during each shift.</b>
<b>Recommended Action</b>	✓ <b>Agency Action (Illinois Law Enforcement Training Standards Board, law enforcement agencies, ICJIA)</b>

**Additional Information:** To support the recommendation, the Committee recommends the following implementation strategies:

- Make funding available for departments to strengthen their CIT programs.
- Make mental health resources available to CIT officers.
- Encourage intergovernmental cooperation to provide CIT officers and resources throughout specific regions.
- Offer grants or other resources to assist agencies develop and sustain CIT programs that utilize and link local providers and response entities.

CIT is a specialized training that officers can voluntarily receive to improve de-escalation skills about responding to calls for service involving individuals experiencing a crisis and connecting them to local resources. The training has proved valuable throughout the state where there are CIT officers present, and our committee recommends creating support and incentives to encourage more CIT participation.





## Detention in Correctional Facilities Committee

Committee members: Kathleen Bankhead, Bob Bowen, Frederick G. Chinn, Donald Dew, Bryan Echols, Mary Hettel, Dr. Omar Jamil, and Jennifer Vollen-Katz

<b>Recommendation #9</b>	<b>Recruit, hire and retain mental health and ID/DD professionals from various arenas/programs.</b>
<b>Recommended Action</b>	✓ <b>Agency Action (Adler, Jane Addams School of Social Work, University of Illinois Chicago, Social Security Administration, Southern Illinois University at Carbondale School of Social Work, retirees, National Health Service Corps through the Health Resources and Services Administration (HRSA))</b>

**Additional Information:** The Committee also suggests the following implementation strategies:

- Seek mental health and physical disabilities professionals with diverse experiential, racial, cultural, differently abled backgrounds by mining professional organizations, advocacy agencies, etc.
- Partner with the National Health Service Corps (through HRSA) to identify Illinois correctional facilities as underserved areas for mental health. This will enable Psychologists and qualified Mental health professionals to participate in the HRSA program by working in these settings while having some of their student loans forgiven.
- Potential Resources Adler University <https://www.adler.edu/>; Jane Adams School of Social Work <https://socialwork.uic.edu/>; SSA <http://www.ssa.gov>; Southern Illinois University at Carbondale School <https://ehs.siu.edu/socialwork/>.

<b>Recommendation #10</b>	<b>The Illinois Department of Corrections and appropriate stakeholders review the Illinois County Jail Standards and make recommended changes based on nationwide best practice established by the American Correctional Association, American Jail Association, or other nationally recognized accreditation mental health authority.</b>
<b>Recommended Action</b>	✓ <b>Agency Action (Illinois Department of Corrections and advocates)</b>

**Additional Information:** The Committee also recommended a review of the Jail Standards grievance system. A link to the Illinois Jail Standards is as follows:

<https://ilga.gov/commission/jcar/admincode/020/02000701sections.html>.

<b>Recommendation #11</b>	<b>Establish a disability and mental health hotline for correctional facilities.</b>
<b>Recommended Action</b>	✓ <b>Agency Action (Illinois Department of Corrections and Jails)</b>

**Additional Information:** Utilizing the state of Illinois' responsibility and authority to recognize and protect the human rights of all citizens including individuals with disabilities, maintain and expand available accurate information with hotline contact numbers for agencies and offices that people can contact when they seek assistance or support in exercising, protecting or getting help accessing these rights, while in confinement settings. The Committee suggests that correctional facilities prominently post hotline information in every living unit and in common areas, like the dining area. A possible resource: <https://www.team-iha.org/>

<b>Recommendation #12</b>	<b>Assess detainees with disabilities or those where disabilities are suspected. This may involve, but is not limited to, screening instruments, comprehensive psychological assessments, neurological and/or neuropsychological evaluations, disability and/or impairment assessments. The assessment should determine diagnosis, strengths and limitations, and necessary accommodations for treatment and rehabilitation.</b>
<b>Recommended Action</b>	✓ <b>Possible Legislative Action to amend 405 ILCS 5/3-100 so that those the present with a disability are quickly assessed in order to minimize/eliminate holding persons with disabilities in jails that are not a public health risk.</b>

**Additional Information:** The committee discussed amending the Mental Health and Developmental Disabilities Code (405 ILCS 5) so that those who present at a correctional facility with a disability can be quickly assessed to minimize/eliminate holding persons with disabilities that are not a public health risk. This could be a correctional facility intake function. A link to 405 ILCS 5/3-100 follows: <https://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=1496>.

<b>Recommendation #13</b>	<b>Establish a set number of training hours per year for corrections officers in mental health first-aid, the Americans with Disability Act and De-Escalation Techniques.</b>
<b>Recommended Action</b>	✓ <b>Agency Action with Mobile Service Units providing training assistance</b>

**Additional Information:** Committee members discussed avenues for funding training such as through recent correctional reform legislation and/or cannabis taxation. Mobile Training Units previously offered specialized training through the Illinois Law Enforcement Training Standards Board and could be reinstated particularly for smaller communities.

Resource informational links include the following:

<https://www.lexipol.com/correctional-officer-mental-health-surviving-on-the-inside/>

[https://www.huffpost.com/entry/how-to-de-escalate-a-ment\\_b\\_11890670](https://www.huffpost.com/entry/how-to-de-escalate-a-ment_b_11890670)

<https://www.cnn.com/2016/09/05/health/prison-mental-health-first-aid/index.htm>



## Criminal Justice System Awareness of Disabilities and the Need for Accommodations Committee

Committee members: Representative William Davis, Mary Dixon, Penny Gates, Kimberly Johnson-Evans, Linda Kelly, Carol Nesteikis, Amy Newell, and Allison Stark

<b>Recommendation #14</b>	<b>Collect data on persons with disabilities in the criminal justice system.</b>
<b>Recommended Action</b>	✓ <b>Agency Action (Juvenile detention centers, county jails, Illinois Department of Juvenile Justice (DJJ) /Illinois Department of Corrections (IDOC))</b>

**Additional Information:** The Committee contends that a large percentage of adults and juveniles in the criminal justice system have disabilities. According to the National Center for Criminal Justice and Disability and the Arc of the United States, an estimated 2 in 10 prisoners and 3 in 10 jail detainees reported having cognitive disabilities.

<b>Recommendation #15</b>	<b>Update directives of the Americans with Disabilities Act (ADA) to mention and define ID/DD and mandate appropriate accommodations and advocacy from the beginning of the process in the criminal justice system to the end.</b>
<b>Recommended Action</b>	✓ <b>Agency Action (All Criminal Justice Agencies)</b> ✓ <b>Possible Legislative Action</b>

**Additional Information:** The Committee contends that most ADA directives for criminal justice agencies do not mention or define ID/DD. Resource information is available through the National Center for Criminal Justice and Disability and the Arc of the United States.

<b>Recommendation #16</b>	<b>Include additional questions to jail/prison intakes statewide with advocates, guardians or family members present during the intake process.</b>
<b>Recommended Action</b>	✓ <b>Agency Action (DJJ/IDOC, Juvenile Detention Centers, Local/County/State Jails and Prisons)</b>

**Additional Information:** The Committee suggests that intake language must be provided in a way that can be comprehended by the person with disabilities. In addition, sample intake questions might include the following:

- Have you had special education?
- Do you need help with decisions, living, working, etc.?

The National Center for Criminal Justice and Disabilities and the Arc of the United States are resources.

<b>Recommendation #17</b>	<b>Share information about the Personalized Justice Plan statewide.</b>
<b>Required Action</b>	✓ <b>Agency Action (All Criminal Justice Agencies statewide)</b>

**Additional Information:** According to Committee members, the Personalized Justice Plan has been used successfully by some agencies in Winnebago County, Illinois as an alternative to incarceration. The Arc of the United States and the National Center for Criminal Justice and Disability are resources.

<b>Recommendation #18</b>	<b>Hold joint training on ID/DD throughout the Criminal Justice System</b>
<b>Recommended Action</b>	✓ <b>Agency Action (Judges, Prosecutors, Defenders, Probation Officers, State Agencies, Therapists and Others)</b>

**Additional Information:** See how Illinois went further in statute than the U.S. Supreme Court in codifying factors that must be taken into account in sentencing a person under age 18. [www.ilga.gov/legislation/ilcs/fulltext.asp](http://www.ilga.gov/legislation/ilcs/fulltext.asp). The Committee also questioned if adults with disabilities should be treated similarly to juveniles in the criminal justice system.

<b>Recommendation #19</b>	<b>Establish a law similar to Virginia’s regarding diversion for persons with disabilities.</b>
<b>Recommended Action</b>	✓ <b>Legislative Action and then implementation by Attorneys, Judges and the Court System</b>

**Additional Information:** Virginia’s new law has allowed some persons with disabilities to have their cases dismissed or diverted in Virginia.

The law requires attorney training. It also requires judges to take into consideration MH/IDD in more stages of the criminal justice system. And, it allows deferred disposition for a person with IDD/Autism.

Resources/References:

<https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0523+pdf>

<https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP1004+pdf>

Dr. Lynda Geller, PHD

Melissa Heifetz, Advocacy Partners, LLC

Brian Kelmar, Legal Reform for the Intellectually and Developmentally Disabled

Tonya Milling, Director of the Arc of Virginia

<b>Recommendation #20</b>	<b>Establish an Independent Court for persons with ID/DD with supports from a Crisis Response Team (advocates, family, guardians, agencies) from the beginning to the end of the process.</b>
<b>Recommended Action</b>	✓ <b>Agency Action (Criminal Justice System)</b>

**Additional Information:** The Committee recommends due process protections for all persons with disabilities, regardless of charge and including sex offenses. Due to improper and inadequate sex education and sometimes social behavior gaps, many adults and juveniles with disabilities end up in the system without any criminal intent. Resources include Rockland County’s Intellectual and Developmental Disabilities Alternative to Incarceration (IDDATI) Program, the National Center for Criminal Justice and Disability, and the Arc of the United States.

<b>Recommendation #21</b>	<b>Allow Second Chances for individuals with ID/DD even after a conviction.</b>
<b>Recommended Action</b>	✓ <b>Agency Action (Criminal Justice System)</b> ✓ <b>Possible Legislative Action</b>

**Additional Information:** This recommendation provides a pathway for people with ID/DD to have their records expunged and have another chance at life. There is a low recidivism rate for persons with ID/DD who have received proper therapy and education from trained ID/DD therapists.

Resources include:

National Center for Criminal Justice & Disability

Author: Nick Dubin: Autism Spectrum Disorder. Developmental Disabilities and the Criminal Justice System”. “Autism Spectrum, Sexuality and the Law”

Dr. Lynda Geller, PHD



## Conclusion

The Task Force understands that, in order to meaningfully address the identified areas of concern, there must be not only a willingness to effect change, but there also must be a commitment of collaboration, money, resources, and resolve. In an ideal world, stakeholders would receive this report and immediately begin to put the plans in action. However, we recognize that there are many important issues competing for attention and resources allocated by the State of Illinois. That said, it is our hope that where there are recommendations that are not costly to implement, this report and those ideas will be accepted and put into action soon. For those recommendations that require more heavy lifting to achieve, we hope the Task Force members, policymakers, associated agencies, and other stakeholders stand ready to assist in that effort.

We hope that the work of this Task Force, which includes diverse membership with a wide range of experiences and expertise, inspires a continued effort to work together toward solving a problem or problems where they exist. Above all else, we hope this report spurs not simply a discussion but also action in understanding and resolving injustices involving those in our society who have been and continue to be disadvantaged in their daily lives due to systemic problems. We appreciate the Illinois General Assembly's recognition, as evidenced by the creation of this Task Force, that problems do exist for those with disabilities that are involved with the criminal justice system, and we look forward to working with the General Assembly, Attorney General's Office, Governor's Office, and other stakeholders to take action to remedy inequities in the criminal justice system for those with disabilities.



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