

# **Rules of Procedure for Protection of Individuals with Disabilities in the Criminal Justice System Task Force**



**Adopted on February 8, 2021**

The Protection of Individuals in the Criminal Justice System Task Force operates pursuant to the authority of 20 ILCS 5150.

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**Section I—Declaration and Purpose**

Section 1.1           The *Protection of Individuals with Disabilities in the Criminal Justice System Task Force* (or “*Task Force*”), in order to fulfill its statutory purpose and responsibilities under 20 ILCS 5150 and to serve the residents of Illinois, hereby establishes the Rules of Procedure to direct its operations. It is the purpose of these Rules of Procedure to clarify the means by which the Task Force will perform its functions, delegate authority without avoiding responsibility, and respond to the requirements of its legislative mandate.

Section 1.2           Pursuant to 20 ILS 5150, the Protection of Individuals with Disabilities in the Criminal Justice System Task Force is created to consider issues that affect adults and juveniles with disabilities with respect to their involvement with the police, detention and confinement in correctional facilities, representation by counsel, participation in the criminal justice system, communications with their families, awareness and accommodations for their disabilities, and concerns for the safety of the general public and individuals working in the criminal justice system. The Task Force shall make recommendations to the Governor and to the General Assembly 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. The Task Force shall submit a report with its findings and recommendations to the Governor, the Attorney General, and the General Assembly on or before September 30, 2021.

**Section II—Membership and Officers**

Section 2.1           Members of the Task Force are selected pursuant to the appointment specifications noted in 20 ILCS 5150.

Section 2.2           The Co-chairs shall be members of the Task Force. The Task Force members shall elect one of the appointed members to serve as one of the Co-chairs at the first the Task Force meeting. The other Co-chair shall be the liaison of the Governor’s Office.

**Section III—Meetings**

Section 3.1           All meetings of the Protection of Individuals with Disabilities in the Criminal Justice System Task Force, shall be open to the public and comply with the Open Meetings Act.

Section 3.2           Regular meetings of the Task Force shall be held at a time and location determined by the Co-chairs in consultation with designated staff from the Guardianship and Advocacy Commission (GAC). The Co-chairs, at their direction, may cancel or reschedule any regular meeting by written notice within a reasonable time prior to the scheduled meeting date. The time and place of all such meetings scheduled or rescheduled shall be given to the Task Force members at least seven (7) calendar days prior to this meeting date.

Section 3.3           Special meetings of the Task Force may be called at the direction of the Co-chairs in consultation with designated GAC staff or by request of a majority of Task Force members. Public notice of any special meeting, except a meeting held in the event of a bona fide emergency, shall be given at least 48 hours before such meeting.

Section 3.4 The Co-chairs shall prepare an Agenda of business scheduled for deliberation prior to each meeting in consultation with designated GAC staff. The approval of Minutes from the previous meeting and a public comment opportunity shall be included on each Agenda. The Agenda shall be distributed to the members of the Task Force at least two (2) calendar days prior to a scheduled meeting. Any member may have an item placed on the Agenda by notifying the Co-chairs of their desires in that regard in writing at least four (4) days prior to the Task Force meeting. Such notification should also include a copy of a list of any written materials that the member wishes to distribute to the Task Force. Supporting materials, including the Agenda, shall be posted at the location of the meeting and on the Task Force website created according to Section 5.2 of the Rules of Procedure within 48 hours of any meeting. In addition, there shall always be a category titled “New Business” for the initiation of emergency matters on every Agenda.

Section 3.5 The following committees of the Task Force are hereby established in order to assist the Task Force with identifying areas of focus for Task Force’s report and drafting recommendations: (1) Police Interactions; (2) Detention in Correctional Facilities; (3) Criminal Justice System Awareness of Disabilities and the Need for Accommodations; and (4) Representation by Counsel and Individual Participation in the Criminal Justice System.

Committees shall be chaired by a member of the Task Force and will be accountable to the Task Force on committee topics. Members of the Task Force shall serve on at least one committee of their choosing. Committee membership shall be comprised of Task Force members only. Committees must adhere to the requirements set forth in the Open Meetings Act, including requirements related to posting meeting agendas, recording minutes, and public comment.

#### **Section IV—Conduct of Business**

Section 4.1 In order to transact business, a simple majority of those appointed to the Task Force must be present at the initial roll call at the commencement of any meeting and they shall constitute a quorum. All meetings of the Task Force shall be held in locations that are convenient and open to the public. To the extent feasible, meetings shall be held in locations that support video conferencing to promote attendance of the member and the broadest possible public participation. The Task Force will endeavor to stream audio and video of all public meetings. Task Force members attending in person, by video conference or by telephone shall be considered present as permitted by the Open Meetings Act. The meeting will follow the direction of the co-chairs. Those presenting will be acknowledged by the co-chairs and items requiring action will be called by the co-chairs seeking a motion and a second prior to any vote.

As permitted by the Open Meetings Act, in the event the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns, the Task Force may hold an open meeting by audio or video conference without the physical present of a quorum of the members, provided the conditions set forth in the Open Meetings Act are met. (5 ILCS 120/7(e))

If a quorum is not present at the scheduled time of the meeting, the Co-chairs may continue a roll call for a reasonable time. Thereafter, if a quorum is not reached, the meeting may continue as permitted by the Open Meetings Act, provided no official action is taken. Official action may be taken if and when a quorum is subsequently reached.

Section 4.2 Only duly appointed members of the Task Force shall make motions and vote. A vote may take place only if a quorum is present. A member is considered present if the member is either in attendance at the meeting site or participated in the meeting via telephone or video conferencing.

Voting may commence and continue once a quorum has been declared by a Co-chair. The affirmative vote of a simple majority of those members present is necessary for any action taken by vote of the Task Force.

Proxy votes or participation in meetings of the Task Force shall not be permitted. A Task Force member must be present to record their own vote, to present a motion, or to participate in discussion.

Section 4.3 Minutes of each meeting shall be approved by the Task Force as required by the Open Meetings Act. Copies of the approved Minutes shall be posted on the website required by Section 5.2 and made available to anyone who requests them in accordance with the Open Meetings Act.

Section 4.4 Task Force meetings, including committee meetings, shall be open to the public and public participation is encouraged. A public comment period shall be part of the agenda of each meeting. Participants are expected to follow these guidelines:

1. Address the Task Force only at the appropriate time as indicated on the Agenda and when recognized by the Co-chairs.
2. Identify oneself and be brief. Ordinarily, comments shall be limited to five (5) minutes per person; but the aggregate total public comment should not exceed thirty (30) minutes. In the interest of time, the Co-chairs may shorten public comment to give the maximum number of participants the opportunity to speak.
3. Public comments should be limited to matters on the agenda or related to the purpose and duties of the Task Force.

### **Section V—Administrative Support**

Section 5.1 Designated GAC staff shall provide administrative support to the Task Force.

Section 5.2 Designated GAC staff shall create and maintain a website for the Task Force that shall serve to inform the public about the Task Force. The website is available at <https://www2.illinois.gov/sites/gac/Pages/Protection-of-Individuals-in-the-Criminal-Justice-System-Task-Force.aspx>.

### **Section VI—Ethics and Sexual Harassment Training, Open Meetings Act Training, and Conflicts of Interest**

Section 6.1 All members of the Task Force are subject to the requirements of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et al. Each member must complete annually the mandatory ethics and sexual harassment training for members of Illinois boards and commissions. The GAC will provide the training materials to the Task Force members. A signed acknowledgment of completion of the training shall be submitted to designated GAC staff and kept for each Task Force member.

Section 6.2 All members of the Task Force shall complete annually the Open Meetings Act training available on the website of the Illinois Attorney General. A certificate of completion shall be submitted to designated GAC staff and kept for each Task Force member.

Section 6.3 No Task Force member shall accept any stipend, fee, gratuity, or consideration of any kind or nature from any person, unit, agency, or organization for the purpose of influencing a vote, decision, or recommendation of a member on a matter before the Task Force.

Section 6.4 A member of the Task Force may not vote or substantially participate in the discussion of a matter before the Task Force where the member (or that person's immediate family member) has an actual or perceived conflict of interest with respect to the issue being deliberated. A conflict of interest may be created where the independence of the member's judgment may be affected by the member's personal interest in the outcome of the Task Force's activity.

The Task Force is composed of some individuals who, in part, are appointed to represent the views of certain stakeholders or share their personal experiences. There is not necessarily a conflict of interest when a member advocates or votes based on that member's role as a representative of a stakeholder; however, there may be the potential for an actual or perceived conflict of interest where the advocacy or vote disproportionately favors a particular organization or individual and the member has a relationship to or interest in that organization or individual's case.

Any potential conflicts should be disclosed to the Task Force and the Guardianship and Advocacy Commission (GAC) Ethics Officers prior to the member's participation in discussion of the subject matter posing the potential or actual conflict. Upon approval of the GAC Ethics Officer, the Task Force may permit participation in a matter by a member with a potential conflict of interest provided that the potential conflict has been sufficiently addressed through disclosure and any mitigation.

#### **Section VII—Adoption and Amendments to Rules of Procedure**

Section 7.1 These Rules of Procedure shall be in effect immediately upon their adoption by the Task Force. They may be amended at meetings of the Task Force, provided that the amendment has been proposed in writing to the members at one meeting and approved by a majority vote at a subsequent meeting. These Rules may be repealed at meetings of the Task Force by a majority vote of the Task Force.

Section 7.2 A complete electronic copy of these Rules of Procedure shall be posted on the website required by Section 5.2.