

RECOMMENDATIONS

CHAMPAIGN COUNTY COMMUNITY JUSTICE TASK FORCE

JUNE 21, 2013

TASK FORCE MEMBERS

Astrid Berkson, *Chair*

Carol Ammons

Scott Bennett

Lynn Branham

James Kilgore

Darlene Kloeppe

Julian Rappaport

Michael Richards

Bruce Suardini

William Sullivan

With thanks to the initial Task Force with additional members Mark Driscoll, Sheila Ferguson and Benita Rollins-Gay, whose *Progress Report* laid a foundation for the recommendations presented in this report.

TABLE OF CONTENTS

| | |
|---|----|
| EXECUTIVE SUMMARY | 4 |
| SUMMARY REPORT | 5 |
| INTRODUCTION..... | 5 |
| TASK FORCE RECOMMENDATIONS..... | 7 |
| CONCLUSION..... | 20 |
| FULL REPORT AND RECOMMENDATIONS | 21 |
| INTRODUCTION..... | 21 |
| RECOMMENDED SERVICES AND SENTENCING OPTIONS..... | 24 |
| Recommendation #1 Integrate Restorative Justice Principles | 24 |
| Recommendation #2 Expand Pre-Trial Services into a Comprehensive Pre-Trial Services Program | 28 |
| Recommendation #3 Develop a System of Care for Behavioral Health Services | 36 |
| Recommendation #4 Expand Community Sanctions | 47 |
| Recommendation #5 Establish a Re-Entry Program for People Returning from IDOC | 58 |
| RECOMMENDED STRATEGIES FOR IMPLEMENTATION OF SERVICES AND SENTENCING OPTIONS | 61 |
| Recommendation #6 Identify Adequate Funding Support | 61 |
| Recommendation #7 Create a Council for System Coordination | 66 |
| Recommendation #8 Form a Racial Justice Task Force | 71 |
| Recommendation #9 Collect Data and Measure Outcomes to Inform Decision-Making | 73 |
| Recommendation #10 Engage the Public and Criminal Justice Officials in System Change | 75 |
| CONCLUSION | 79 |

EXECUTIVE SUMMARY

The Community Justice Task Force (CJTF) met over the course of a year to fulfill its charges to: 1) research strategies to prevent incarceration, reduce recidivism and promote rehabilitation of prisoners of the Champaign County Jail; 2) identify existing and potential programs and strategies for reducing the risk of Champaign County youths becoming juvenile or adult offenders; and 3) work with the County's jail needs assessment consultant – Institute for Law and Policy Planning (ILPP) – in development of a final report.

Building on the core principles outlined by the previous Task Force, the group developed its vision for a humane and restorative justice system in Champaign County; and to realize these goals, the Community Justice Task Force proposes the following actions:

1. Integrate restorative justice principles throughout the justice system
2. Expand pre-trial services into a comprehensive pre-trial services program
3. Develop a coordinated system of care for behavioral health services (mental health/substance use)
4. Expand community diversion and sentencing sanctions
5. Establish a re-entry program for those returning from Illinois Department of Corrections
6. Identify adequate funding for recommended strategies, including an increase in the percentage of the public safety sales tax funds for preventive measures from 5% to 30%
7. Create a council to systematically plan, coordinate and evaluate services and sentencing options
8. Form a Racial Justice Task Force to address issues of disproportional incarceration
9. Collect data and measure outcomes to inform decision-making
10. Engage the public and criminal justice officials in system change

Each recommendation is briefly described in the following Summary Report, with a fuller explanation and research to assist with implementation given in the Full Report that follows. In addition, the CJTF notes that additional work is needed to assess improvements that can be made in the juvenile justice system.

SUMMARY REPORT

INTRODUCTION

Background

In May, 2011 the National Institute of Corrections (NIC) conducted a study of the conditions in Champaign County’s downtown jail. The NIC consultants pronounced the conditions “deplorable”, recommending closure of the downtown jail and the expansion of the satellite jail. Their report precipitated a decision-making process likely unprecedented in county history. While initial proposals before the County Board put forward a plan for building new jail cells at the satellite, negative reaction from some board members and the public at large prompted a deep and thorough reflection. After months of debate, the board members concluded they needed to seriously study their options before deciding on any major expenditure on criminal justice construction.

In response, the Board put out a Request for Proposals (RFP) for a consultant to conduct a needs assessment for the county, which would explore not only facilities but the criminal justice system more broadly. This led to the Board contracting with the Institute for Law and Policy Planning (ILPP) for that purpose. In addition, the Board decided to appoint a citizens’ group to conduct its own study. Thus, in March 2012, the Community Justice Task Force received its first appointment. After completing a draft report in November of 2012, the Task Force, with some new members, was re-appointed in January 2013, until June of the same year.

The Work of the Task Force

The Task Force has spent over a year conducting research and hearing presentations from county officials and community members, as well as engaging with the ILPP and the public. This report is the final product of that work, consolidating the insights and experience drawn from the wide array of expertise from within the group and beyond. The Task Force attempted to chart some new directions for the county’s criminal justice system. While some may describe the present time as a “crisis” in the county, the Task Force views it as a time of opportunity, a chance to join the County Board, officials and the public in reflecting on criminal justice and how the county should move forward.

This report consists of two major components: a summary report and a full report. The summary report outlines the essence of the

THE TASK FORCE CHARGE:

1) RESEARCH STRATEGIES TO PREVENT INCARCERATION, REDUCE RECIDIVISM AND PROMOTE REHABILITATION OF PRISONERS OF THE CHAMPAIGN COUNTY JAIL;

2) IDENTIFY EXISTING AND POTENTIAL STRATEGIES FOR REDUCING THE RISK OF YOUTHS BECOMING JUVENILE OR ADULT OFFENDERS; AND

3) WORK WITH THE COUNTY’S CONSULTANT (INSTITUTE FOR LAW AND POLICY PLANNING) ON A FINAL REPORT.

ten recommendations being forwarded to the County Board for consideration. The full report has more detailed background and explanation on each of the recommendations as well as some additional documentation.

The Task Force Recommendations

The recommendations of the Task Force broadly fall into three categories: (1) a change in philosophy of intervention; (2) an expanded array of sentencing options and services; and (3) systems administration. Essentially the Task Force recommends the Board consider the following:

- Moving toward a more restorative approach to justice practice, in particular through building on some of the successes such approaches have already achieved in the juvenile justice system in this county and other areas of the country;
- Supporting the initiation and/or development of services and sentencing options in key areas of criminal justice including: pre-trial services, community-based sanctions, behavioral health (mental health and substance abuse) interventions and re-entry; and
- Adopting a more systematic approach to planning and operations of criminal justice, including forming an overall coordinating body (which we have called a Criminal Justice Coordinating Council), improving data collection, evaluation and public engagement and establishing a Racial Justice Task Force.

Obviously, successfully carrying out such a broad program of change requires resources. Hence, the Task Force also recommends that the County Board prioritize:

- Identifying and acquiring adequate funds, including an increased allocation for preventive measures from the public safety sales tax – from the existing 5% to 30% (and later a higher percentage). In the medium and long term, the Task Force is confident that an investment in the recommended measures will result in significant cost reduction, both in terms of demands for jail bed space and resources for law enforcement.

While the Task Force covered quite a broad range of topics in its recommendations, there are at least three important areas, which it has not been able to address here fully. First, while the Task Force heard extensively debated issues of racial disparity in the criminal justice system and heard considerable public testimony on this issue, the Task Force has not covered the topic exhaustively. More study is required. Secondly, the Task Force also urges the County Board to consider gender implications regarding decisions made, since there is currently a disparity between facility conditions for women and for men in the county jail. Thirdly, the Task Force has not looked deeply at juvenile justice due to limited resources and short timeframe. Nonetheless, the Task Force believes that the County needs to explore this area further and find more ways to coordinate juvenile and adult justice more effectively.

The Task Force hopes that this report will precipitate further public participation in the decision-making process around the future of criminal justice in this county. The Task Force looks forward to a continuing dialog with the Board and the public on this report and its recommendations.

TASK FORCE RECOMMENDATIONS

RECOMMENDATION #1

INTEGRATE RESTORATIVE JUSTICE PRINCIPLES THROUGHOUT THE JUSTICE SYSTEM

The integration of restorative justice into a criminal justice system enables individuals who have committed a crime to truly understand the harm their crimes have caused and to redress that harm. Examples of goals of restorative justice include:

- Accountability of individuals for the harm their crimes have caused;
- Healing of those injured by crimes – victims, the family members of victims and those who broke the law, the community and the individuals themselves who committed a crime;
- Community involvement in the effort to negate the adverse past, present and future effects of a crime and avert future crimes.

Largely due to the leadership of the State’s Attorney’s Office, restorative justice practices such as the Regional Planning Commission’s victim-offender mediation program have become routine in the juvenile justice system in Champaign County, but are not yet integrated at the adult level. There are multiple mechanisms through which the adult criminal justice system could implement restorative justice, including:

1. Victim-Offender Mediation: A victim-offender mediation program offers a victim of a crime the opportunity to meet, in the presence of a trained mediator, with the individual charged with or convicted of that crime. Through one or more mediation sessions, the person who committed the crime can gain an understanding of the actual harm caused by it and both parties can gain some measure of closure as they develop through dialogue an agreement under which the person who engaged in criminal conduct will take prescribed steps to remediate the harmful effects of the crime.

2. Family Group Conferencing and Other Mediation Modalities: Other mediation modalities pull additional people, such as family members of the victim and the person who committed the crime, into the restorative and problem-solving dialogues.

BENEFITS OF RESTORATIVE JUSTICE PRINCIPLES:

- **REDUCTION IN REPEAT OFFENDING**
 - **DIVERSIONS FROM CONVENTIONAL AND MORE EXPENSIVE JUSTICE SENTENCES**
 - **REDUCTION IN POST-TRAUMATIC STRESS SYNDROME IN VICTIMS**
 - **DECREASE IN VICTIMS’ DESIRE FOR REVENGE**
 - **GREATER FEELING THAT JUSTICE WAS SERVED THAN IN TRADITIONAL CRIMINAL JUSTICE OUTCOMES**
-

3. Victim-Offender Panels: A victim-offender panel is a restorative justice method using surrogate victims that can be utilized when a victim or the person who committed the crime is unable or unwilling to meet with the other individual.

4. Restorative Sentences: Restorative sentences expand the sentencing options available to judges in Champaign County so that sentences are more proportional to the severity of a crime and will be more cost-effective. One example would be to sentence a person to work in growing, preserving or distributing healthy, locally grown fruits and vegetables to poor people living in areas of the county affected adversely by high crime rates.

After examining existing staffing resources and the benefits of restorative justice, the County Board may allocate funds to hire a full-time restorative justice planner. The savings that researchers have reported through restorative justice processes should more than cover the costs of this staff person.

Economies could be achieved through the use of trained volunteers to staff many of the services delivered through restorative justice programs. For example, volunteers typically serve as mediators. In addition, a number of individuals strategically placed in the criminal justice system could be enlisted to play a leadership role in restorative justice initiatives without additional staffing costs. These might include the Community Service Coordinator in the Court Services and Probation Department and the Victim Advocacy Program Director based in the State's Attorney's Office. Use of experienced faculty at the University of Illinois as trainers could be another useful way to defray costs.

RECOMMENDATION #2

EXPAND PRE-TRIAL SERVICES INTO A COMPREHENSIVE PRE-TRIAL SERVICES PROGRAM TO AVOID UNNECESSARILY INCARCERATING PEOPLE NOT CONVICTED OF A CRIME

Most people incarcerated in the Champaign County Jail have not been convicted of the crime they have been accused of committing but are awaiting the further processing of their criminal case. In September 2012, for example, pretrial detainees comprised approximately 80% of the jail's population. Until found guilty of a crime, these individuals are presumed innocent.

A validated risk-assessment instrument is not currently employed to determine whether a person needs to be confined in jail to assure appearance in court or to protect the public. The criminal justice system in Champaign County also fails to afford judges the option of releasing an individual pre-trial with supervision conditions identified through a validated risk assessment instrument. To their credit, criminal justice officials in Champaign County have taken steps to limit the length of time that some presumptively innocent individuals are confined in the county jail.

One basic step to avert the unneeded incarceration of many people who are not yet convicted is the institution of a pre-trial services program. A long list of organizations with expertise on criminal justice has called for the integration of pre-trial services into communities' criminal justice programs, including

the Conference of Chief Justices, Conference of State Court Administrators, National Sheriffs' Association, American Jail Association, American Probation and Parole Association, Association of Prosecuting Attorneys, American Council of Chief Defenders, International Association of Chiefs of Police, National Association of Counties and American Bar Association. Pre-trial services are now prevalent throughout the United States and are becoming commonplace in Illinois. An Illinois statute, in fact, mandates that "[e]ach circuit court shall establish a pre-trial services agency . . .", but this mandate is largely unfunded by the state.

A pre-trial services program provides two types of services that are instrumental in avoiding incarceration of pre-trial individuals. First, the program performs a screening function both to determine who must be confined while awaiting trial and to identify more accurately the least restrictive condition(s) necessary for pre-trial release. This screening function adheres to evidence-based protocols and utilizes a validated risk assessment instrument. As part of this screening function, a pre-trial services officer verifies pertinent facts that bear on the release or detention decision, such as community or family ties that enhance the probability that a person will appear for trial.

The other key role of pre-trial services is to provide supervision of individuals who continue to reside in the community while awaiting trial. The level of supervision should be limited to what is necessary to provide reasonable assurance that the individual will attend court proceedings and will protect the public from physical danger.

Other jurisdictions have reported a marked decline in the size of their jail populations and significant financial savings as a result of adopting pre-trial services. In order to realize the financial, public safety and justice-related benefits of pre-trial services, Champaign County should move with dispatch to plan, fund and implement pre-trial services.

The precise cost of implementing pre-trial services would depend on several variables, such as the number of pre-trial services officers needed and the number of individuals who would require supervision in the community while awaiting the disposition of their case. With these variables in mind, based on cost information

BENEFITS OF PRE-TRIAL SERVICES

- 1. AVOID THOSE BEING JAILED BECAUSE THEY ARE TOO POOR TO POST BAIL**
 - 2. REDUCE COSTS TO TAXPAYERS, INCLUDING MEDICAL COSTS, THAT ACCOMPANY INCARCERATION**
 - 3. PROVIDE A MORE RELIABLE PUBLIC SAFETY BY VALID ASSESSMENTS OF THE SUITABILITY OF RELEASE**
 - 4. RESERVE JAIL SPACE FOR THOSE WHO RECEIVE JAIL SENTENCES THOSE WHO POSE A FLIGHT RISK OR DANGER PENDING TRIAL**
 - 5. AVOID INTERRUPTION OF EMPLOYMENT, HOUSING AND EDUCATION FOR THOSE DETAINED**
 - 6. AVOID DISLOCATION OF CHILDREN FROM THE HOME**
 - 7. AUGMENT PUBLIC SAFETY BY MONITORING COMPLIANCE WITH RELEASE CONDITIONS**
 - 8. ASSIST THOSE RELEASED WITH SERVICES THAT WILL INCREASE THE LIKELIHOOD OF COMPLIANCE WITH RELEASE CONDITIONS**
-

the Task Force has secured from McLean County about its pretrial-services program and other feedback, the Task Force estimates that the County Board would need to allocate \$200,000-\$250,000 annually to cover the salaries and benefits of a program coordinator, two pre-trial services officers, secretarial support, mileage and other program-related expenses.

RECOMMENDATION #3

DEVELOP A COMPREHENSIVE BEHAVIORAL HEALTH SYSTEM OF CARE

THAT AVOIDS INCARCERATION, REDUCES RECIDIVISM AND PROMOTES REHABILITATION

FOR PERSONS WITH MENTAL HEALTH AND SUBSTANCE USE DISORDERS

Mental Health System

The large numbers of people with serious mental health diagnoses who are either in the county jail or at risk for incarceration following police contact is a major dilemma for this county’s criminal justice system. A jail is not a setting conducive to treatment and prevention of mental illness-related crime. However, this is not only a humanitarian problem. It is a serious problem with respect to the safety of jail staff as well as those incarcerated in the jail. It exacts a heavy cost in staff time and diverts their attention, inviting security problems. In addition, people with serious mental illness problems who remain untreated are likely to offend again following release. Finally, studies in other jurisdictions have confirmed that diverting individuals with serious mental illnesses from jail can yield significant cost savings.

The County Board could provide leadership and support for community collaboration, which requires support from all sectors of the community: the social service and medical community (including the department of public health), the police, the cities and the jail administration as well as other units of county government.

In order to reduce the number of people with serious mental health problems that are placed in the county Jail the following system components are needed:

1. Increase crisis response and intervention in collaboration with local law enforcement that would include developing additional options to jail for persons in crisis, such as a Community-Based

**BEHAVIORAL HEALTH SYSTEM
IMPLEMENTATION PRIORITIES:**

- **INCREASE CASE MANAGEMENT AT PRE-TRIAL AND RE-ENTRY**
- **OPEN A COMMUNITY-BASED BEHAVIORAL HEALTH CRISIS CENTER**
- **LEAD IN COLLABORATION OF GOVERNMENTAL UNITS AND COMMUNITY ORGANIZATIONS FOR OPERATING AND FUNDING A BEHAVIORAL HEALTH SYSTEM OF CARE**
- **MAINTAIN EFFECTIVE SUBSTANCE USE INTERVENTIONS SUCH AS DETOXIFICATION AND DRUG COURT**

Mental Health Crisis Center (possibly including detoxification services) or development of proactive psychiatric advance directives for times of individual crisis.

2. Train law enforcement officers on crisis intervention techniques and resources.
3. Increase access to mental health services within the jail for all populations through screening, assessment and treatment.
4. Connect the behavioral health services provided within the jail to pre- and post-incarceration services through common providers or through agreements
5. Strengthen aftercare including support services and additional case management for the mentally ill who are repeatedly in legal jeopardy.
6. Identify persons with intellectual disability/developmental disability or traumatic brain injury in the criminal justice system and evaluate the nature of the crimes or activity resulting in contact with law enforcement to determine if a diversion program is appropriate.
7. Require use of evidence-based models or best practices with demonstrated effectiveness within jails and community programs and with appropriate staff training.
8. Give high priority to appropriate space for delivery of behavioral health care in the jail.

Substance Use Disorder Services

Substance abuse treatment plays an important role in any jail diversion system and the Substance Abuse and Mental Health Administration (SAMHSA) lists multiple ways treatment can be incorporated throughout the criminal justice process, including pre-trial. It points out that “nationally, 65 percent of all arrestees test positive for an illicit drug and seventy-nine percent of arrestees are ‘drug-involved,’ meaning they tested positive for a drug, reported that they had recently used drugs, had a history of drug dependence or treatment, or were in need of drug treatment at the time of their arrest” Detoxification is often the entry into treatment services. Given the large number of arrestees with chronic substance abuse disorders and the high need for detoxification services, a detoxification unit is an important component of any jail diversion strategy.

The Sheriff also has noted that at any given time, the number of people in the jail needing substance abuse or mental health care is roughly 50%. SAMHSA reports even higher national statistics: “Substance use disorders are common among inmate populations. At the time of arrest and detention, it has been estimated that 70 to 80 percent of all inmates in local jails and State and Federal prisons had regular drug use or had committed a drug offense and 34 to 52 percent of these inmates were intoxicated at the time of their arresting offense (Federal Bureau of Prisons, 2000).”

Champaign County Drug Court is a post-adjudication probation program. The core team includes much collaboration between Judge Jeffrey B. Ford, representatives from the State’s Attorney and Public Defender’s offices, probation, Prairie Center Health Systems, TASC (Treatment Alternatives for Safer Communities) and Community Elements. Drug Court in Champaign County has been shown to work. Admission criteria require participants to be people with addictions who have non-violent felony convictions. The U.S. Department of Justice Study examined the re-arrest rates for drug court graduates

and found nationally 84% had not been rearrested and charged with a serious crime in the first year. It also found 72.5% have no arrests at the two-year mark. In comparison, Champaign County's Adult Drug Court rate in the first year is 87%, 80% at two years and 66% after 5 years.

RECOMMENDATION #4

EXPAND COMMUNITY SANCTIONS TO INCLUDE A FULL RANGE OF

COMMUNITY-BASED DIVERSION, DEFERRED-ADJUDICATION AND SENTENCING OPTIONS

Though county criminal justice officials have taken useful steps in regard to sentencing options and community corrections, we still require improvement and expansion in this area. Many individuals who presently receive jail sentences would not need to be incarcerated if other suitable penalties existed. Research from the Illinois Criminal Justice Information Authority reveals that 260 of the individuals from Champaign County serving prison sentences in fiscal year 2012 met the criteria to serve their sentences in the community. In addition, the ILPP prepared an overview of the county jail population, which reported that almost half of those in the jail on December 5, 2012, were accused or convicted of misdemeanors, and the majority were accused or convicted of non-violent crimes.

Increasing sentencing options would afford judges the opportunity to tailor a sentence to fit the gravity of a defendant's crime and circumstances. Without such options, judges must impose sentences that either do not adequately hold defendants accountable for their crimes or are unduly harsh to obtain the outcome of justice or wasteful of public funds. Community sanctions and case-disposition options are also significantly less costly than incarceration. These alternatives avoid the hardship to children and families, including the removal of children from the home that can ensue from the incarceration of a parent or family wage earner. Four initial implementation priorities are being proposed:

1. **An array of penalties that will not only limit the high costs and negative effects of incarceration but also costs of community supervision.** These penalties, if structured and implemented properly, would free up resources needed for those defendants for whom more expensive penalties (or services) are needed.

COMMUNITY SANCTION IMPLEMENTATION PRIORITIES:

- **PENALTIES THAT AVOID UNNECESSARY SUPERVISION AND INCARCERATION COSTS**
 - **RESTORATIVE SENTENCES TO ENABLE REPAIR OF HARM DONE**
 - **RESTORATIVE JUSTICE CENTER ACTIVITIES (DAY REPORTING)**
 - **INCREASED ELECTRONIC SUPERVISION SENTENCING**
-

2. **Restorative sentences.** This community-based sentencing option affords the opportunity for repairing harm ensuing from a crime.
3. **Restorative Justice Center(s).** Requiring a person convicted of a crime to attend a day reporting center (DRC) (or day incarceration center) is increasingly being imposed as a sentence across the United States. The operations of DRCs can be structured in many different ways. A DRC can, for example, be the location for programs and activities in which an individual has been required to participate as a condition of his or her sentence. Some examples of such programs and activities include: GED classes, life-skills training, anger-management classes, cognitive intervention programming, job-readiness training, job-placement programming, parenting classes, classes on fatherhood, drug testing, substance-abuse education, alcohol and drug treatment, and continuous remote alcohol monitoring. The day reporting center could also serve as the site for the restorative-justice initiatives, such as mediations.
4. **More Expansive Use of Electronic-Supervision Sentences.** Various forms of electronic supervision should be more readily available as sentencing options that can be explicitly imposed by judges when a sentence to electronic monitoring (EM) or electronic monitoring coupled with home detention (EHD) is deemed the least restrictive sentence necessary to achieve the sentence's purposes.

RECOMMENDATION #5

ESTABLISH A RE-ENTRY PROGRAM FOR PEOPLE RETURNING TO THE COMMUNITY AFTER COMPLETING A SENTENCE IN AN ILLINOIS DEPARTMENT OF CORRECTIONS PRISON

I. Current Situation

According to the Illinois Department of Corrections (IDOC) for the year ending June 30, 2012, Champaign County had 437 people on parole. At present, the 3-year recidivism rate for such individuals in the county is 44.8%. When people on parole are re-arrested, either for violating parole or for a new criminal offense, they go to the county jail. Therefore, if 44.8% of the 437 people on parole in our county are returned to custody within three years that equates to 196 jail admissions, 14 more than the capacity of the satellite facility. Obviously, reducing the recidivism rate could greatly reduce the demand for bed space in the jail. Addressing recidivism could have a significant positive impact on the racial disparity in the jail population as well. According to the IDOC figures, from 2010 to 2012, 67% of the people on parole in the county were African-American, despite the U.S. census (2011) estimating that the overall proportion of African-American in the county's population was just 12.7%.

At present, the facilities and programs available for men and women on parole in Champaign County are extremely limited. There are less than 50 transitional housing slots and very little by way of support services such as counseling or assistance with finding opportunities for employment, education or job training.

For many people on parole, their main source of support is an over-worked parole agent who has not been trained to provide supportive services and lacks the time to connect the person on parole to service providers. There is a desperate need for a one-stop, first-stop connecting point for those returning home, a place to communicate with people who understand their situation and are in a position to offer some assistance and a support group that will assist them to develop a life plan and carry it out. To this end, the Task Force recommends the creation of a re-entry program for Champaign County.

II. Next Steps

The Task Force proposes a re-entry program founded on a partnership between Champaign County, the IDOC and a number of service providers in the community. We have based the proposal for this program on the study of best practice in a number of other parts of the country. Models for our work have been A New Way of Life in Los Angeles, Nova in San Francisco, Safe Return Home in Richmond, CA, the Safer Foundation Garfield Park Initiative in Chicago and Treatment Accountability for Safer Communities (TASC) here in Champaign-Urbana.

Under the Task Force proposal, the County would support a first-stop landing point for people paroling to the county. A County-funded program coordinator would develop and eventually drive the project with the support of an advisory board. The re-entry program would begin by working with IDOC to make contact with people inside prison who will be released to Champaign County within a defined period of time. A visit to soon-to-be-released individuals by a re-entry staff person would lay the groundwork for a life plan, which would be solidified once the person arrived at the First Stop facility. The program coordinator would be supported by a team of “peer mentors” or “success facilitators” - formerly incarcerated people trained to carry out this function.

BENEFITS OF COORDINATED RE-ENTRY FROM IDOC

- 1. ENHANCE PUBLIC SAFETY BY PROVIDING LIFE ALTERNATIVES TO THOSE ON PAROLE SO THEY BECOME PRODUCTIVE MEMBERS OF THE COMMUNITY**
 - 2. REDUCE THE DEMAND FOR JAIL BED SPACE DUE TO RECIDIVISM**
 - 3. REDUCE THE RACIAL DISCREPANCY IN THE JAIL POPULATION, SINCE THE OVERWHELMING MAJORITY OF THOSE ON PAROLE IN THE COUNTY ARE AFRICAN-AMERICAN**
 - 4. CONTRIBUTE NEW DIRECTIONS FOR THE CRIMINAL JUSTICE SYSTEM, MOVING THE COUNTY TOWARD A RESTORATIVE PHILOSOPHY FOCUSED ON REHABILITATION AND COMMUNITY BUILDING**
-

Peer mentors assist an individual in developing a life plan, using an approach, which builds on the individual's strengths, and helps create and/or enhance a web of family and community support. Peer mentors would promote the involvement of their client's family where possible and provide links to necessary resources. These resources would include employment opportunities, treatment programs, family counseling and housing access, as well as assistance with more personal things like acquiring IDs, finding clothes and printing out a resume.

RECOMMENDATION #6

IDENTIFY AND ACQUIRE ADEQUATE FUNDS TO IMPLEMENT BEST PRACTICE SERVICES AND COMMUNITY SANCTIONS

Champaign County is at a crossroads. The County can take this historic opportunity to enhance public safety, save money and wisely allocate limited jail space. The Task Force recommends the development of a financing model that prioritizes funding the mental health, drug treatment and education programs to increase public safety. Instead of adding more jail space, Task Force recommends Champaign County focus on evidence-based alternatives that have been proven to reduce the need for bed space and reduce recidivism. The majority of costs noted in the Task Force recommendations are for staffing and associated fringe benefits and office expenses.

Champaign County has already identified potential funding for its criminal justice build-out through the Public Safety Sales Tax Fund. However, it continues to limit the use of the fund primarily to construction and systems costs, with little being allocated toward evidence-based alternatives to incarceration programs.

In determining funding priorities going forward, the Task Force proposes re-distribution of the Public Safety Sales Tax with an allocation plan that appropriates at minimum 30% of the tax toward alternatives to incarceration and later a higher percentage. When fund changes make it possible starting in 2019, the majority of Public Safety Sales Tax revenues should be dedicated to programming that keeps people out of jail, which will save the county even more money that can be used on programs to continue to reduce recidivism and incarceration (and crime in Champaign County).

In addition, the Task Force has prepared a preliminary list of possible other resources that may provide funding and in-kind contributions to leverage the County's investment. Different partners may have specific interests and restrictions applicable to their support, so it is important to develop a system approach to resource development. The table on the next page summarizes a beginning list of the estimated staffing needs for each recommendation and some possible methods to obtain funds to support these needs through re-direction of existing funds, writing grants and soliciting in-kind contributions from partners who have interest in these activities.

| RECOMMENDATION | STAFFING /OFFICE/TRAINING | ESTIMATES | POSSIBLE RESOURCES/LEVERAGE |
|--|---|--|---|
| Restorative Justice | Mediators | \$10,000 | Community Volunteers CCRPC – Youth Court Diversion University of Illinois |
| Pre-Trial Services | Program Coordinator 2 Officers Secretary | \$200,000 - \$250,000 | Probation and Court Services Re-directed State’s Attorney and Jail Funds Re-directed Sheriff’s Funds |
| Behavioral Health Services | 2 Crisis Counselors 2 Social Workers Program Coordinator Detox Staff Drug Court Coordinator and Part-time Deputy | \$120,000 \$120,000 \$80,000 \$400,000 \$85,000 - \$100,000 | CCMHB CUPHD/CCPHD SAMHSA Medicaid Private Insurance Illinois Dept of Human Services |
| Community Sanctions | Economic Sanctions Consultant Day Reporting Staffing (<i>annual</i>) | \$50,000 \$100,000 \$500,000 | CCMHB Adult Redeploy Illinois Fine Collection Re-directed Jail Funds Illinois Dept. of Corrections Department of Justice |
| Re-Entry Program | Program Coordinator 3 to 6 Part-time Mentors | \$70,000 \$70,500 - \$155,000 | Illinois Dept. of Corrections Quarter Cent Public Safety Tax HUD Local Workforce Area 17 |
| Funding Support | Part-time Grant Writer/Administrator | (<i>incl. in CJCC staffing</i>) | County General Fund Quarter Cent Public Safety Tax |
| Criminal Justice Coordinating Council | Director/Coordinator Data Analyst Secretary | \$120,000 \$80,000 \$50,000 | County General Fund Quarter Cent Public Safety Tax Cities |
| Racial Justice | Part-time Coordinator | \$12,000 | County General Fund Quarter Cent Public Safety Tax Cities |
| Data Collection/Evaluation | Data Analyst Secretary | (<i>incl. in CJCC staffing</i>) | Bar Association |
| Training/Public Engagement | Part-time Coordinator Secretary Contracted Trainers | (<i>incl. in CJCC staffing</i>) \$10,000 | University of Illinois Participant Fees Community Volunteers |

RECOMMENDATION #7

CREATE A COORDINATING COUNCIL TO PLAN AND COORDINATE STEPS THAT CAN BE TAKEN TO REDUCE RECIDIVISM IN THE COUNTY, FURTHER RESTORATIVE JUSTICE AND ENSURE THAT THE CRIMINAL JUSTICE SYSTEM OPERATES BOTH EFFECTIVELY AND COST-EFFECTIVELY

Unlike in many other jurisdictions, no structure exists within this county to facilitate the kind of systemic planning, coordination and operational oversight required for an effective and cost-effective criminal justice system.

Criminal Justice Coordinating Councils (CJCCs) have now become commonplace across the country. Their names may vary, but in general they aim to ensure comprehensive system-wide planning in lieu of fragmented, ad hoc and sometimes resource-wasting decision-making. Just a few examples of CJCC benefits include: improved communication and coordination among the varying components of the criminal justice system and among criminal justice officials, the public and service providers; improved effectiveness of diversion programs, community sanctions and programs and services for individuals in the criminal justice system; and identification of the most cost-effective ways to allocate limited resources.

The National Association of Counties, Justice Management Institute and Pretrial Justice Institute have been working together to develop a National CJCC Network. In sharing insights about how to optimize a CJCCs effectiveness, one report observes: “While CJCCs have a wide variety of approaches to membership, those that seek to take a genuinely systemic approach to addressing criminal justice issues are often county/city collaborations – typically independent from direct control by either the county or city administrations but closely linked to general government through membership and liaison functions.” This report furthermore explains why CJCCs should not be confined to criminal justice officials: “The breadth of representation on such a council will help to bring a comprehensive system-wide perspective to the work of the CJCC.”

Just some examples of individuals (or, perhaps in some instances, their designees) who could bring both expertise and diversity to the CJCC include: the state’s attorney; the public defender and/or another criminal defense attorney appointed by the local bar association; a circuit judge who handles criminal cases; a judge who oversees a problem-solving court, such as the drug court; the Director of Champaign County Probation and Court Services; the court administrator; the sheriff; a police chief in the county; the chairperson of the County Board, other member of the County Board who has criminal justice-related oversight responsibilities, and/or county administrator; a local mayor; the chair of the Mental Health Board or other expert on mental illness; an expert on substance abuse; an expert on educational and employment services, including vocational training, for at-risk adult populations; and representatives of the public, including a person formerly incarcerated.

THE TASK FORCE RECOMMENDS THAT CHAMPAIGN COUNTY BOARD INITIATE, PERHAPS THROUGH AN INTERGOVERNMENTAL AGREEMENT, THE FORMATION OF A SYSTEM COORDINATING BODY KNOWN AS THE CRIMINAL JUSTICE COORDINATING COUNCIL.

The ability of the Coordinating Council to perform its responsibilities will hinge on the members' ability to consider new ideas, research and findings from data collected and the provision of adequate staffing assistance to perform data collection and analysis, outcome evaluations, coordination of the projects spearheaded by the Council and grant writing.

The Task Force recommends hiring three staff persons to facilitate the work of the Criminal Justice Coordinating Council in policy and programmatic planning and coordination, data analysis and outcome measurement and secretarial support. Staffing the Criminal Justice Coordinating Council would require funding, but over time, the Council would yield significant savings of public funds and is likely to receive grants that can assist with planning and system improvement endeavors.

RECOMMENDATION #8

FORM A RACIAL JUSTICE TASK FORCE TO IDENTIFY MEASURES NEEDED TO

ADDRESS THE DISPROPORTIONATE NUMBER OF AFRICAN-AMERICANS IN THE COUNTY JAIL

I. Current Problem of Racial Disparity in the County Jail

The jail population reflects a serious racial discrepancy. While African-Americans made up only 12.7 percent of the county's population in 2012, they have consistently comprised more than half of those in the jail. According to the county's figures, from 2007-2011, 54.7% of those admitted to the jail were African-American.

The causes of this racial disparity have not been fully examined nor has the county taken significant steps to address this problem. Consequently, as several community members have attested during Task Force meetings, a mistrust of the criminal justice system has emerged within many sectors of the African American community. Such fractured relations between African-Americans and authorities have been corrosive to the community and an impediment to effective criminal justice.

The problem of racial disparity in the incarcerated population is not unique to Champaign County. Furthermore, experience in other parts of the country has shown that racial discrepancies in jail populations do not emerge from one particular policy or the actions of a few errant individuals. As the American Bar Association's (ABA) Racial Justice Improvement Project explains "while there are some bad actors in the criminal justice system whose professional judgment is affected by racial bias, 'race neutral' laws that are fairly and evenly enforced across all racial groups can still have a disparate impact on minority defendants." For example, linking pre-trial release to the payment of money can lead to more African-Americans being incarcerated, since a disproportionate number of African-Americans are poor.

II. A Key Step to Address the Problem of Racial Disparity in the Criminal Justice System: Formation of a Racial Justice Task Force

The County Board needs to develop a strategy for fully understanding the problem of racial disparity and taking appropriate action. The first step is to form a Racial Justice Task Force (RJTF). This group would include people with expertise in criminal justice as well as those with experience in racial justice analysis and equity policy. Ideally the RJTF should be at least 50 percent African-American but in any case must reflect a significant African-American composition.

The RJTF should draw on the experience of other jurisdictions that have addressed issues of racial justice. For example, the American Bar Association has instituted pilot projects that in four states have focused on a variety of points in the system where racial disparity emerges, including in pretrial detention, setting of bail, probation revocation and access to diversion programs.¹

RECOMMENDATION #9

COLLECT DATA, SET PERFORMANCE STANDARDS AND MEASURE OUTCOMES THAT WILL ENABLE PROGRAMS TO MEET GOALS, BE MORE COST-EFFECTIVE AND BE MORE SUCCESSFUL IN REDUCING RECIDIVISM

Primarily, current data collection within the criminal justice system in Champaign County centers on requirements for grant applications or annual reports that provide the justification for budget requests. Priorities for data collection are not determined from a systemic perspective, nor the effectiveness of criminal justice policies, procedures, practices and programs evaluated at a system level. Even when statistics are collected and reported, the soundness of the methodologies employed when collecting and reporting the data are not normally assessed.

Through the specification of goals and objectives, the development of performance standards and outcome measures, the carefully targeted collection of data, and the conducting of methodologically sound evaluations, criminal justice officials, other government officials, service providers and the public will be better able to ascertain the cost-effectiveness of criminal justice in the county. Systematic data collection and evaluation will also enable improvements in policies, procedures, practices and programs based on real outcomes.

RECOMMENDATION #10

PROVIDE TRAINING AND PUBLIC ENGAGEMENT OPPORTUNITIES TO FURTHER SYSTEMIC IMPROVEMENTS IN THE CRIMINAL JUSTICE SYSTEM

While criminal justice officials in Champaign County presently receive some training in their respective spheres, there is no structure to provide the training required to evaluate and implement systemic

changes. At present, there also is no existing mechanism in Champaign County designed to ensure that the public understands the extent to which initiatives undertaken within the criminal justice system are cost-effective and successful in accomplishing goals such as the reduction of recidivism. In addition, there currently is no structure through which criminal justice officials regularly and collectively elicit and receive the public's ideas about how to improve the functioning of the criminal justice system.

The proposed Criminal Justice Coordinating Council or other responsible body should make sure that training is available for effective program and system improvements. The Council could also be at the forefront in integrating the public into the efforts to reduce incarceration, decrease recidivism and facilitate the re-entry of formerly incarcerated people returning to the community. The County Board can provide leadership to integrate the public into justice-related initiatives in Champaign County.

CONCLUSION

The Task Force believes the recommendations outlined in this report can play an important role in promoting effective decision-making on the vital issues confronting the criminal justice system. The Task Force has suggested possible programs, services and system changes for consideration, and has identified several possible resources for funding such initiatives. The Task Force is encouraged that the County Board has opted to engage both professional and community expertise before making any major decisions and has avoided any temptation to address the existing criminal justice challenges by simply constructing new facilities. This participatory approach the County has employed in addressing the jail and criminal justice issues has set an important example for future governance in this county. We trust that our advocacy of new approaches, new administrative systems and the initiation of new projects as well as our recommendations for enhanced funding of measures to prevent incarceration, reduce recidivism and promote rehabilitation will find many receptive ears on the board and in the community.

Finally, we would like to note that the work of this Task Force would not have been possible without the support and efforts of many people. This has been part of a complex and innovative process of local governance and public engagement. The Task Force particularly thanks the county officials and members of the public who attended working sessions and provided us with invaluable information and perspectives and the county administrative staff, in particular Deb Busey and Linda Lane, who have kept the Task Force on track and provided much needed support every step of the way.

FULL REPORT AND RECOMMENDATIONS

INTRODUCTION

Background

In May, 2011 the National Institute of Corrections (NIC) conducted a study of the conditions in Champaign County's downtown jail. The NIC consultants pronounced the conditions "deplorable", recommending closure of the downtown jail and the expansion of the satellite jail. Their report precipitated a decision-making process likely unprecedented in county history. While initial proposals before the County Board put forward a plan for building new jail cells at the satellite, negative reaction from some board members and the public at large prompted a deep and thorough reflection. After months of debate, the board members concluded they needed to seriously study their options before deciding on any major expenditure on criminal justice construction.

In response, the Board put out a Request for Proposals (RFP) for a consultant to conduct a needs assessment for the county, which would explore not only facilities but the criminal justice system more broadly. This led to the Board contracting with the Institute for Law and Policy Planning (ILPP) for that purpose. In addition, the Board decided to appoint a citizens' group to conduct its own study. Thus, in March 2012, the Community Justice Task Force received its first appointment. After completing a draft report in November of 2012, the Task Force, with some new members, was re-appointed in January 2013, until June of the same year.

The Task Force then met from January through June 2013, to research strategies to prevent incarceration, reduce recidivism and promote rehabilitation of prisoners of the Champaign County Jail. Building on the core principles developed by the previous Task Force, the group developed its vision for a humane and restorative justice system in Champaign County as follows:

The Task Force has spent over a year conducting research and hearing presentations from county officials and community members, as well as engaging with the ILPP and the public. This report is the final product of that work, consolidating the insights and experience drawn from the wide array of expertise from within the group and beyond. The Task Force attempted to chart some new directions for the county's criminal justice system. While some may describe the present time as a "crisis" in the county, the Task

THE TASK FORCE CHARGE:

1) RESEARCH STRATEGIES TO PREVENT INCARCERATION, REDUCE RECIDIVISM, AND PROMOTE REHABILITATION OF PRISONERS OF THE CHAMPAIGN COUNTY JAIL;

2) IDENTIFY EXISTING AND POTENTIAL STRATEGIES FOR REDUCING THE RISK OF YOUTHS BECOMING JUVENILE OR ADULT OFFENDERS; AND

3) WORK WITH THE COUNTY'S CONSULTANT (INSTITUTE FOR LAW AND POLICY PLANNING) ON A FINAL REPORT.

Force views it as a time of opportunity, a chance to join the County Board, officials and the public in reflecting on criminal justice and how the county should move forward.

This report consists of two major components: a summary report and a full report. The summary report outlines the essence of the ten recommendations being forwarded to the County Board for consideration. The full report has more detailed background and explanation on each of the recommendations as well as some additional documentation.

The Task Force Recommendations:

The recommendations of the Task Force broadly fall into three categories: (1) a change in philosophy of intervention; (2) an expanded array of sentencing options and services; and (3) systems administration. Essentially the Task Force recommends the Board consider the following:

- Moving toward a more restorative approach to justice practice, in particular through building on some of the successes such approaches have already achieved in the juvenile justice system in this county and other areas of the country;
- Supporting the initiation and/or development of services and sentencing options in key areas of criminal justice including: pre-trial services, community-based sanctions, behavioral health (mental health and substance abuse) interventions and re-entry; and
- Adopting a more systematic approach to planning and operations of criminal justice, including forming an overall coordinating body (which we have called a Criminal Justice Coordinating Council), improving data collection, evaluation and public engagement and establishing a Racial Justice Task Force.

THE TASK FORCE VISION:

A RESTORATIVE JUSTICE MODEL THAT USES DATA TO DRIVE DECISIONS,

SPEEDY ACCESS TO TRIAL

BEST PRACTICE SERVICES, LESS RECIDIVISM, FEWER TRANSFERS TO IDOC

FOCUS JAIL RESOURCES ON PUBLIC SAFETY AND ELIMINATE INCARCERATIONS FOR NON-CRIMINAL ISSUES RELATED TO MENTAL HEALTH, SUBSTANCE USE, POVERTY OR HOMELESSNESS

Obviously, successfully carrying out such a broad program of change requires resources. Hence, the Task Force also recommends that the County Board prioritize:

- Identifying and acquiring adequate funds, including an increased allocation for preventive measures from the public safety sales tax – from the existing 5% to 30% (and later a higher percentage). In the medium and long term, the Task Force is confident that an investment in the recommended measures will result in significant cost reduction, both in terms of demands for jail bed space and resources for law enforcement.

While the Task Force covered quite a broad range of topics in its recommendations, there are at least three important areas, which it has not been able to address here fully. First, while the Task Force heard extensively debated issues of racial disparity in the criminal justice system and heard considerable public testimony on this issue, the Task Force has not covered the topic exhaustively. More study is required. Secondly, the Task Force also urges the County Board to consider gender implications regarding decisions made, since there is currently a disparity between facility conditions for women and for men in the county jail. Thirdly, the Task Force has not looked deeply at juvenile justice due to limited resources and short timeframe. Nonetheless, the Task Force believes that the County needs to explore this area further and find more ways to coordinate juvenile and adult justice more effectively. The Task Force hopes that this report will precipitate further public participation in the decision-making process around the future of criminal justice in this county. The Task Force looks forward to a continuing dialog with the Board and the public on this report and its recommendations.

RECOMMENDED SERVICES AND SENTENCING OPTIONS

Recommendation #1 Integrate Restorative Justice Principles

I. The Current Status of Restorative Justice in Champaign County

The integration of restorative justice into a criminal justice system enables individuals who have committed a crime to truly understand the harm their crimes have caused and to redress, to the extent possible, that harm. The end-all of restorative justice is not the exaction of revenge; instead, restorative justice strives to promote other ends. Examples of core aims of restorative justice include:

(1) accountability of individuals for the harm their crimes have caused; (2) healing of those injured by crimes – victims, the family members of victims and of those who broke the law, the community and the individuals themselves who committed a crime; and (3) community involvement in the effort to negate the adverse past, present and future effects of a crime and avert future crimes.

**RESTORATIVE JUSTICE
SHOULD BE INTEGRATED
FULLY INTO THE CRIMINAL
JUSTICE SYSTEM IN
CHAMPAIGN COUNTY.**

Due in significant part to the leadership of the State’s Attorney’s Office, restorative-justice programs have begun to become important features of the juvenile justice system in Champaign County. The county’s Regional Planning Commission oversees these programs, such as a victim-offender mediation program. Earlier this year, the Illinois Criminal Justice Information Authority profiled the restorative-justice programs in Champaign County’s juvenile justice system in *An Inventory and Examination of Restorative Justice Practices for Youth in Illinois*, singling out this county from the many others in Illinois in which restorative justice is also beginning to become part and parcel of their juvenile justice systems.² Champaign County, though, has not yet taken the steps to integrate restorative justice into the fabric of the criminal justice system and the community.

II. Key Future Steps

Much has been written about restorative justice, its many benefits and its implementation elsewhere in the country and in other nations.³ The above-mentioned report of the Illinois Criminal Justice Authority highlighted some of these benefits of restorative justice confirmed by research: (1) some reduction in repeat offending; (2) the doubling of diversions from the conventional justice system; (3) a reduction in

² Ill. Criminal Justice Information Auth., *An Inventory and Examination of Restorative Justice Practices for Youth in Illinois* 27-28 (2013).

³ The Marquette University Law School’s Restorative Justice Initiative has collated lists of many of these books, articles and research reports. See Marquette University Law School, Restorative Justice Initiative at <http://law.marquette.edu/rji/resources.html>.

post-traumatic stress syndrome in victims; (4) a decrease in victims' desire for revenge; and (5) both in victims and those who committed a crime "a greater feeling that justice was served than in traditional criminal justice proceedings."⁴

The purpose of this preliminary report is not to serve as a primer on restorative justice. But profiled below are several examples of mechanisms through which a criminal justice system can implement restorative justice:

1. Victim-Offender Mediation. A victim-offender mediation program offers a victim of a crime the opportunity to meet, in the presence of a trained mediator, with the individual charged with, or convicted of, that crime. Through one or more mediation sessions, both parties can gain some measure of closure as they develop, through a constructive dialogue, an agreement under which the person who engaged in criminal conduct will take prescribed steps to remediate these and other harmful effects of the crime.

2. Family Group Conferencing and Other Mediation Modalities. Other mediation modalities pull additional people into the restorative and problem-solving dialogues discussed above. Family group conferencing, for example, also includes the family members of the victim and the person who committed the crime and perhaps certain close friends. A sentencing circle, sometimes called a "peacemaking circle", is an even more inclusive restorative-justice mechanism, with criminal justice officials and sometimes members of the community participating in the session.

3. Victim-Offender Panels. A victim-offender panel is a restorative-justice tool that can be utilized when a victim or the person who committed the crime is unable or unwilling to meet with the other individual. For example, some victims of drunk driving can meet with a group of individuals convicted of DUI (driving under the influence) to discuss the impact drunk driving had on the victims and their families.

4. Restorative Sentences. As mentioned in Recommendation #4, what would be "restorative sentences" in name, purpose and content are one of the four initial implementation priorities for expanding the sentencing options available to judges in Champaign County so that sentences are more proportional to the severity of a crime and more cost-effective. One example of what could become a classic restorative sentence could include work in growing, preserving, or distributing healthy, locally grown fruits and vegetables to poor people living in areas of the county particularly affected adversely by the effects of crime. The focus of other restorative

⁴ Ill. Criminal Justice Information Auth., *supra* note 1, at 12.

sentences could be on beautifying crime-ridden areas through the planting of trees, bushes and flowers and other landscaping work. Still another example of restorative sentencing could entail the repair and renovation of dilapidated homes in low-income neighborhoods particularly plagued by crime.

Individuals who serve restorative sentences would also likely participate in at least one other restorative-justice program, such as victim-offender mediation. Otherwise, those who have committed a crime might perform work benefiting the community without having any comprehension of the real and full harm their crimes have caused, without any personal embracing of their responsibility to remediate that harm and without any signifier from the community, after the completion of that community service, that they have repaid their debt to the community arising from their criminal conduct and are now being welcomed back fully as members of it.

III. Recommendations

While implementation of all of the recommendations set forth in this report will help to address evident gaps and deficits in the current criminal justice system, integrating restorative justice into the criminal justice system should be a particularly key focus.

IV. Preliminary Cost Information

Volunteers could staff many of the mechanisms through which restorative justice is delivered to victims, the community and those who have committed crimes. Trained volunteers, for example, typically serve as mediators, which are consistent with a core premise of restorative justice – that the community as a whole is adversely affected by a crime and can and should play a significant role in alleviating its negative past, present and future effects. In addition, there is already a Community Service Coordinator in the Court Services and Probation Department. This individual might be able to help plan and oversee the service of “restorative sentences.” There is also a Victim Advocacy Program Director based in the State’s Attorney’s office; this person too could potentially play an important role in the community-wide endeavor to implement restorative justice. Finally, the County Board could allocate funds for a Criminal Justice Day Reporting Center, which could serve as the location for some of the restorative-justice programs, such as victim-offender mediation.

In sum, there are already a number of individuals, only some of whom are listed above, who could be enlisted to play a leadership role in bringing restorative justice into the criminal justice system without the incurring of additional staffing costs. The most important step in advancing restorative justice is training for criminal justice officials, community leaders and the public about restorative justice. The University of Illinois could be one useful source of support to defray training costs. Perhaps the

University of Illinois has an expert on restorative justice who would be able, with university support, to provide this foundational training on restorative justice. If not, the County Board can determine if the law school would be willing to pay for an expert on restorative justice to visit the community. This expert could both provide the training mentioned above and then offer some training to law students about restorative justice.

Other follow-up training regarding mediation mechanics would be needed for mediators, though. The Task Force recommends a minimum of \$10,000 a year for this training. In addition, the Coordinating Council, after examining existing resources and the benefits of restorative justice, might ask the County Board to allocate funds to hire a full-time restorative-justice planner. The savings that researchers have reported are reaped through restorative-justice processes should, it appears, more than cover the costs of this staff person if such a request were made.⁵

⁵ *Id.* at 13-14.

Recommendation #2 Expand Pre-Trial Services into a Comprehensive Pre-Trial Services Program

I. The Current Utilization of Pre-trial Incarceration in Champaign County

Most people incarcerated in the Champaign County Jail have not been convicted of the crime they have been accused of committing. They are waiting the further processing of their criminal case. In September 2012, for example, pretrial detainees comprised approximately 80% of the jail's population.⁶ Until found guilty of a crime, these individuals are, under the United States Constitution, presumed innocent.

To their credit, criminal justice officials in Champaign County have taken some steps to limit the length of time that some individuals are detained pretrial in the county jail. And these steps, it was reported to the Task Force, have contributed to the laudable success in abating a crowding problem that had plagued the county jail for years, even after construction of the satellite facility.

One of these steps is the generation once a week, on Monday, of a computer list of detained individuals who meet certain criteria, such as being subject to a bail condition of less than \$20,000. This list is sent to the public defender's office. Typically, the public defender's office reviews this list on Tuesday and makes any bond-reduction motions on Wednesday; a bond-reduction hearing to consider these motions is then held on Friday.

The state's attorney's office has also played a leadership role, working in conjunction with local judges, the public defender and the sheriff, to stave off jail crowding. The state's attorney regularly receives a list of who is being detained pretrial in the jail and she has taken the initiative to try to get some of these individuals released. For example, when a person is detained in jail while awaiting the opening of a spot in a mental-health facility, she has reached out to the public defender in an effort to identify what might be done to expedite this transfer.

A validated risk-assessment instrument is not employed in Champaign County currently when determining whether a person needs to be confined in jail pretrial in order to garner his or her

**EXPANDED
PRE-TRIAL SERVICES
SHOULD BE PROMPTLY
ESTABLISHED IN
CHAMPAIGN COUNTY TO
PERFORM THE SCREENING
AND SUPERVISION
FUNCTIONS NEEDED TO
AVOID, EXCEPT IN
NARROWLY DEFINED
INSTANCES,
INCARCERATING PEOPLE
NOT CONVICTED OF A
CRIME.**

⁶ Champaign County Sheriff's Office, *September 2012 Population Summary*.

appearance at court proceedings or to protect the public from physical danger. Nor is there the systematic verification of facts that bear on the question whether the pretrial confinement of a particular individual is an unavoidable necessity. The criminal justice system in Champaign County also fails to afford judges the option of releasing an individual pretrial subject to a supervision condition or conditions whose necessity has been identified through a validated risk-assessment instrument. These systemic gaps and failures lead, inevitably, to both unnecessary incarceration and avoidable hazards to the public's safety.

II. A Key Step to Further Limit Pretrial Incarceration in Champaign County: Establishment of a Pretrial-Services Program

Professional standards have been developed by experts on pretrial detention to limit the incarceration of presumptively innocent individuals as much as possible – to avoid the high costs, both financial and human, which attend pretrial incarceration.⁷ These nationally promulgated, professional standards on pretrial release, as well as other resources developed by experts on this subject,⁸ identify an array of steps that jurisdictions can take to limit the unnecessary incarceration of individuals who are, it bears repeating, presumed innocent of any criminal wrongdoing.

One very basic step to avert the unneeded incarceration of many pretrial detainees is the institution of a pretrial-services program. A long list of organizations with expertise on criminal justice has called for the integration of pretrial-services programs into communities' criminal justice programs. The organizations that have recognized, in the words of one U.S. Department of Justice administrator, "the need to reform our often antiquated and sometimes dangerous pretrial practices and replace them with empirically supported, risk-based decision-making,"⁹ include the Conference of Chief Justices, Conference of State Court Administrators, National Sheriffs' Association, American Jail Association, American Probation and Parole Association, Association of Prosecuting Attorneys, American Council of Chief Defenders, International Association of Chiefs of Police, National Association of Counties and American Bar Association.¹⁰ The National Sheriffs' Association, for example, approved a resolution in 2012 that provides, in part, as follows:

⁷ See American Bar Ass'n, *Standards for Criminal Justice: Pretrial Release* (3d ed. 2007); Nat'l Ass'n of Pretrial Services Agencies, *Standards on Pretrial Release* (3d ed. 2004).

⁸ See, e.g., Conference of State Court Administrators, *2012-2013 Policy Paper: Evidenced-Based Pretrial Release* (2012); Pretrial Justice Inst., *Pretrial Services Program Implementation: A Starter Kit* (2009); Marie Vannostrand, Nat'l Inst. of Corr., U.S. Dep't of Justice, *Legal and Evidence-Based Practices: Applications of Legal Principles, Laws and Research to the Field of Pretrial Services* (2007); Barry Mahoney et al., Nat'l Inst. of Justice, U.S. Dep't of Justice, *Pretrial Services Programs: Responsibilities and Potential* (2001).

⁹ Laurie Robinson, Assistant Attorney General, Office of Justice Programs, U.S. Dep't of Justice, Remarks at the National Symposium on Pretrial Justice (May 31, 2011).

¹⁰ For citations and website links to the pertinent resolutions, standards and policy statements of many of these organizations, see Conference of State Court Administrators, *2012-2013 Policy Paper: Evidenced-Based Pretrial Release* 15-16 nn. 67-73 (2012). See also Conference of Chief Justices, 2013 Midyear Meeting, Resolution 3 (Jan. 30, 2013); Nat'l Sheriffs' Ass'n, 2012 Resolutions (June 18, 2012).

WHEREAS, pretrial risk assessment of all defendants with a validated instrument and pretrial supervision of some defendants released to the community pending trial helps to maximize court appearances while maintaining public safety;

NOW, THEREFORE BE IT RESOLVED, that the National Sheriffs' Association supports and recognizes the value of high-functioning pretrial services agencies to enhance public safety; promote a fair and efficient justice system; provide assistance to sheriffs in the administering of a safe jail and reducing jail crowding; and help relieve the financial burden on taxpayers.¹¹

Pretrial-services programs are now prevalent throughout the United States and are becoming commonplace in Illinois.¹² At least fifteen counties in Illinois have instituted programs with full-time pretrial-services officers; two of these programs are completely funded by the county.¹³ An Illinois statute, in fact, mandates that “[e]ach circuit court shall establish a pretrial services agency . . .,” but this mandate is largely unfunded by the state.¹⁴

Functions and Benefits of a Pretrial-Services Program

A pretrial-services program provides two primary types of services that are instrumental in avoiding unneeded incarceration of individuals before adjudication of their guilt or innocence – a screening function and a supervision function.

1. Screening Function.

A pretrial-services program performs a screening function that enables a court to both better determine who really must be confined while awaiting trial and to identify more accurately the least restrictive condition(s), if any, necessary for pretrial release. This screening function, if conducted properly, adheres to evidence-based protocols and utilizes

¹¹ Nat'l Sheriffs' Ass'n, 2012 Resolutions (June 18, 2012).

¹² For examples of these programs, see the “List of Pretrial Programs” at <http://www.pretrial.org/Resources/Pages/PretrialPrograms.aspx>.

¹³ Interview with Greg Anderson, Probation Management Operations Supervisor, Administrative Office of the Illinois Courts (Feb. 28, 2013). The counties that receive some, though sometimes a relatively miniscule amount of, state funding include: Cook, Lake, Kane, Kankakee, Macon, Madison, McHenry, Rock Island, St. Clair, Tazewell, Whiteside and Winnebago. *Id.* (reporting that in 2012, for example, Madison County received \$5100 from the state to help pay for two pretrial officers). The two counties of which the Administrative Office of the Illinois Courts is aware that have pretrial-services programs fully funded by the county are DuPage and McLean.

¹⁴ The Illinois statute requiring the establishment of pretrial-services agencies states as follows: “Each circuit court shall establish a pretrial services agency to provide the court with accurate background data regarding the pretrial release of persons charged with felonies and effective supervision of compliance with the terms and conditions imposed on release.” 725 Ill. Comp. Stat. § 185/1.

a validated risk-assessment instrument. As part of the performance of this screening function, a pretrial-services officer also verifies pertinent facts that bear on the release-detention decision in a particular case, such as the existence of community or family ties that enhance the probability that the individual being screened will appear for trial.

Examples of the benefits reaped from the screening component of a pretrial-services program include the following:

- Diminishing the risk of individuals being incarcerated pretrial because they are too poor to post bail;
- Reducing the high financial costs to taxpayers, including medical-care costs, that attend incarceration;
- Minimizing the costs of overly restrictive release conditions;
- Providing a more reliable means of protecting the public's safety than ad hoc assessments of the suitability of an individual for release and of any potential condition(s) of that release;
- Reserving jail space for individuals who receive jail sentences following a conviction and for those who, during the processing of their cases, pose an excessive risk of flight from the county or physical danger to another individual or the community;¹⁵
- Avoiding the loss of employment, loss of housing and interference with education that can ensue when an individual is subjected to pretrial detention;
- Warding off the financial hardship to family members, including children, when a wage earner within the home is confined pretrial;
- Averting the trauma and stigma experienced when individuals are incarcerated, even though not convicted of a crime;
- Minimizing the trauma and stigma experienced by the families of persons who are incarcerated, even though not convicted of a crime;
- Avoiding the dislocation of children from the home that can ensue when a single parent or other primary caregiver is subject to pretrial incarceration;
- Diminishing the risk that individuals will plead guilty simply to avoid the adverse effects of further pretrial incarceration on themselves and their families;

¹⁵ The *Standards on Pretrial Release* promulgated by the National Association of Pretrial Services Agencies establish a presumption that individuals arrested for and charged with, a crime will be released on their personal recognizance – effectively, a promise to appear in court. If release on a personal recognizance is considered inappropriate, a defendant still must generally be released, though subject to the “least restrictive condition(s) of release that will provide reasonable assurance that the defendant will appear for court proceedings and will protect the safety of the community, victims and witnesses pending trial.” Only when *no* condition or set of conditions could meet these aims is pretrial detention considered appropriate. Nat’l Ass’n of Pretrial Services Agencies, *Standards on Pretrial Release*, Standard 1.2 (3d ed. 2004).

- Enabling individuals to consult with their defense attorneys more readily and to prepare their defense to a criminal charge;
- Reducing the risk that certain personal attributes, such as race, ethnicity, or gender, that are irrelevant to an individual’s suitability for pretrial release will influence pretrial-release decisions.

2. Supervision Function

The other key role of a pretrial-services program is to provide supervision, though only when needed, of individuals who continue to reside in the community while awaiting trial. The type and amount of this supervision will vary from case to case. But the level of supervision to which a presumptively innocent individual is subject should be confined to what is necessary to provide the requisite “reasonable assurance” that the defendant will attend court proceedings and will protect the safety of victims, witnesses and the community while the defendant is awaiting trial.¹⁶

A pretrial-services program, for example, can and should be structured in a way that meets the treatment needs of mentally ill individuals who, without such treatment, will or may be incarcerated pending trial. Towards that end, pretrial-services programs in other communities have developed linkages with service providers to facilitate the meeting of those needs, such as the need for mentally ill individuals to continue taking medications to manage their illnesses and, in turn, avoid committing crimes while awaiting trial.¹⁷

Examples of the benefits that accrue from the supervision component of a pretrial-services program include the following:

- Limiting the financial and human costs of incarcerating presumptively innocent individuals who, without some level of supervision in the community, would need to be confined in jail while awaiting the criminal justice system’s processing of their cases;
- Augmenting the public’s safety by monitoring compliance with release conditions;
- Assisting individuals released pretrial in procuring the services, such as transportation to court, mental-health or substance-abuse treatment, or

¹⁶ *Id.*

¹⁷ For a description of one such program model, see Nat’l Inst. of Justice, U.S. Dep’t of Justice, *Managing Mentally Ill Offenders in the Community: Milwaukee’s Community Support Program* (1994).

assignment to a mentor, that will increase the likelihood of compliance with release conditions.

- Coordinating with third-party custodians, both individuals and entities, further enhancing the probability that pretrial-release conditions are met;
- Diminishing the risk that particular individuals will not appear for court proceedings, curbing the costs stemming from the issuance and enforcement of arrest warrants for the failure to appear in court;
- Affording the cost-effective option of modifying release conditions, within a range set by the court, when needed for court-appearance or public-safety reasons; and
- Further meeting the aims of pretrial-release conditions by promptly notifying the court when release conditions might need to be modified even further.

III. Recommendations for the Champaign County Board, Criminal Justice Officials and Public

In order to realize the many financial, public safety and justice-related benefits of pre-trial services programs recounted above, the Task Force proposes a prompt effort to plan, fund and implement a pre-trial services program in the county. The details regarding the structuring of the pretrial-services program in Champaign County could be fleshed out by the Criminal Justice Coordinating Council with assistance from its staff, other criminal justice officials, service providers who may provide services, such as mental-health treatment, to individuals released pretrial and other interested individuals and entities. The Pretrial Justice Institute, a nonprofit organization with noted expertise in pre-trial release programs and other pretrial decision making, is another helpful source of information and expertise to which the Coordinating Council and others in the county could turn when developing the pretrial-services program. In addition, goals, objectives and outcome measures would need to be established for the pretrial-services program, with the Coordinating Council, aided by its staff, playing a significant role in that endeavor.¹⁸ However all of these details are resolved, it is particularly important that the pre-trial services program meet the following requirements:

Requirement #1 The pre-trial services program should be structured in accordance with evidence-based practices and protocols and should utilize validated risk-assessment instruments when screening individuals for pretrial release and possible conditions of release.

Requirement #2 The professional standards developed by the American Bar Association and the National Association of Pretrial Services Agencies to govern pretrial release should be consulted and generally followed when contouring pretrial-release policies and procedures for the

¹⁸ The National Institute of Corrections has published a helpful resource that can facilitate the selection of these outcome measures. Nat'l Inst. of Corrections, U.S. Dep't of Justice, *Measuring What Matters: Outcome and Performance Measures for the Pretrial Services Field* (2011).

county.¹⁹ Only when the Coordinating Council identifies a compelling reason for departing from a standard developed by these noted experts on criminal justice and pre-trial release should the Council deviate from the professional standards governing pretrial release.

Requirement #3 In order to meet its objectives, including the avoidance of unnecessary and costly pre-trial incarceration and the safeguarding of the public's safety, the pretrial-services program must be adequately funded.

IV. Preliminary Cost Information

The precise cost of implementing a pre-trial services program in Champaign County would depend on a number of variables. Examples of these variables include the following: (1) the number of pre-trial services officers needed to perform the functions of the pre-trial services program well; (2) the pay level, including the cost of fringe benefits, of the program coordinator and other pretrial officers; (3) the number of individuals who would need to be subject to some supervision in the community while awaiting the disposition of their cases; (4) the level of supervision needed for those individuals based on a research-based chart of supervision conditions matched to risk levels (lower supervision levels are less costly); and (5) the amount of travel needed for pretrial-services officers to perform their supervision functions. In addition, the director of the Probation and Court Services Department in this county, to whom the pretrial-services coordinator would report, no doubt would want to and should, weigh in on the question of what the pay levels of the pretrial-services coordinator and other pretrial-services officers should be.

With these vagaries in mind, based on cost information the Task Force has secured from McLean County about its pretrial-services program and other feedback, the Task Force estimates that the County Board would need to allocate somewhere between \$200,000 to \$250,000 a year for the county's pretrial-services program to perform its essential functions. This sum should cover the salaries and benefits of the program coordinator and two other pretrial-services officers, secretarial support, travel expenses and other program-related expenses. While some other counties in Illinois, such as McLean and Kankakee, utilize only two pretrial-services officers, these counties have smaller populations.²⁰ In addition, the pretrial-services officers in McLean County only screen cases when ordered by the court to do so,²¹ which can lead to unnecessary incarceration pending the issuance of such an order and can prolong incarceration due to delays in the initiation of the screening process.

¹⁹ While the ABA Standards provided the foundation for many of the NAPSA Standards, if the ABA Standards and the NAPSA Standards set forth different standards on a particular pretrial-release issue, the Council should determine which standard to follow and identify the reason for that decision.

²⁰ According to the U.S. Census Bureau, the estimated population of Champaign County in 2011 was 201,685, compared to 170,556 in McLean County and 113,698 in Kankakee County.

The costs of any currently existing, as well as proposed, criminal justice-related programs or processes in Champaign County must, of course, be weighed against their demonstrated or anticipated benefits. As discussed earlier, pretrial-services programs, if properly constructed and implemented, can yield manifold benefits. These benefits are not confined to the conserving of fiscal resources. These benefits include, for example, the augmenting of public safety and limiting of the suffering that can attend pretrial incarceration. Other jurisdictions have reported a marked decline in the size of their jail populations and a significant financial savings as a result of their adoption of pretrial-services. For example, the average daily population in the jail in Mecklenburg County, North Carolina was reduced by 33% once validated risk-assessment tools were employed to identify who should remain in the community pending trial and their release conditions, if any.²² And Okaloosa County, Florida, whose population in 2011 was estimated at 180,822, averted, through the adoption of a pretrial-services program, the planned expansion of a jail. By avoiding this new construction and the hiring of additional jail staff that would ensue from the jail expansion, the county reported avoiding spending over \$27 million of taxpayers' money.²³

²¹ Sharjeel Rizvi, Pretrial Services Coordinator, McLean County Pretrial Services, Presentation to the Champaign County Community Justice Task Force (July 2, 2012).

²² Pretrial Justice Inst., *Pretrial Risk Assessment 101: Science Provides Guidance on Managing Defendants* 5 (2012).

²³ *Pretrial Release: A Tremendous Success in Okaloosa County, Florida*, Fact Sheet (March 2011). For other examples of pretrial-services programs that have been successfully implemented, see American Bar Ass'n, *Frequently Asked Questions About Pretrial Release Decision Making* 6 (2012).

Recommendation #3 Develop a System of Care for Behavioral Health Services

ACCESS TO BEHAVIORAL HEALTH (MENTAL HEALTH) SERVICES

I. The Current Lack of a Behavioral Health System of Care for the Mentally Ill in Champaign County's Criminal Justice System

The large numbers of people with serious mental health diagnoses who are either in the county jail or at risk for incarceration following police contact is a major dilemma for this county's criminal justice system. The County Sheriff, the Jail Administrator and our local police departments have noted this many times. In addition, the National Institute of Corrections made note of this in its 2011 report. A jail is not a setting conducive to treatment and prevention of mental-illness-related crime. However, this is not only a humanitarian problem. It is a serious problem with respect to the safety of jail staff as well as those incarcerated in the jail. It exacts a heavy cost in staff time and diverts their attention, inviting security problems. In addition, people with serious mental-illness problems who remain untreated are likely to offend again following release.

COMPREHENSIVE IMPROVEMENTS SHOULD BE MADE TO DEVELOP A BEHAVIORAL HEALTH SYSTEM OF CARE THAT AVOIDS INCARCERATION, REDUCES RECIDIVISM AND PROMOTES REHABILITATION FOR THOSE WITH MENTAL HEALTH AND SUBSTANCE USE DISORDERS.

While the exact numbers fluctuate over time, available reports on the influx of mentally ill individuals into the criminal justice system provide useful data. For example, on a sample day in April of 2011, the National Institute of Corrections found 250 people in custody. In January of 2012, the Sheriff listed 53 people who he termed the "most acute mental health inmates." In testimony at the County Mental Health Board meeting on March 20, 2013, Sergeant Sanders of the Urbana Police Department reported 325 police contacts in 2012, with people suffering acute mental illness, almost double the number in 2011. He testified that this number was actually the minimum since all such contacts are not necessarily reported or classified this way. Moreover, Urbana's police force is about one-third the size of Champaign's.

Police officers have very few alternatives to jail for these individuals because of the limited number of available and appropriate community mental-health services. For example, there are too few crisis options available to provide timely and effective interventions that can divert people from the jail. Furthermore, once persons suffering mental illnesses are released from jail, there remains an inadequately coordinated system to assure that they receive the treatment necessary to reduce recidivism. While the county jail spends more than \$500,000 for in-jail health services and the County Mental Health Board allocates more than one-third of its budget to criminal justice-related contracts for

youth and adults (about \$500,000 for adult services), in-jail treatments are not presently well coordinated with available services once a person is released to the community. The situation briefly described above is complicated further by the tendency for service providers and units of government (county, cities, Mental Health Board and Public Health Departments) to work independently, rather than to see themselves as part of a system. In addition, government units often view access to mental-health services as outside their responsibilities until the troubled individuals end up in contact with law enforcement or in jail. (While in jail the County has a legal duty to provide and pay for, services in an environment that, ironically, is not conducive to treatment.) This lack of a systemic response to those with serious mental illnesses who are in the county jail or at significant risk of being incarcerated or re-incarcerated is not a problem that can be solved by law enforcement, the jail administration, or any other entity or individual acting alone.

II. Key Steps to Reduce the Population of Individuals with Serious Mental Illness who are Housed in the County Jail

A. Leadership and Support for Community Collaboration to Limit Incarceration, Reduce Recidivism and Promote Rehabilitation of the Mentally Ill

The county jail should not be viewed in isolation from the larger criminal justice system; and the criminal justice system, including the jail, must be understood to be an important part of our community. Collaboration among and between units of government, prosecutors, judges and social service agencies is a key ingredient in any plan for the reduction of the number of mentally ill people housed in the jail.

Collaboration requires support from all sectors of the community: the social service and medical community, the police, the cities and the jail administration, as well as units of county government. However, collaboration requires leadership. Criminal justice scholars point to County leadership as a key ingredient in successful programs.²⁴

The professional literature has concluded that there are many effective alternatives to incarcerating individuals with serious mental illnesses if implemented as intended with an appropriate population.²⁵ A 2008 report from the Justice Policy Institute therefore recommends that counties divert people with mental health and drug treatment needs to the public health system and community-based treatment.²⁶ The report furthermore recommends that counties divert spending on jail construction to agencies that

²⁴ Steadman, H.J. & Veysey, B.M. (1997, January), *Providing Services for Jail Inmates with Mental Disorders*, National Institute of Justice Research Brief (CJ 162207).

²⁵ The Council of State Governments has published a particularly helpful resource that outlines evidence-based practices that optimize the effectiveness of community-based sentencing and diversion options. See Council of State Governments Justice Ctr., *Improving Outcomes for People with Mental Illnesses under Community Corrections Supervision: A Guide to Research-Informed Policy and Practice* (2009).

²⁶ Petteruti, A. & Walsh, N. (2008, April) *Jailing Communities: The impact of jail expansion and effective public safety strategies*. A Justice Policy Institute Report

work on community supervision and make community supervision effective. Recent reports from many others who have studied these problems make similar recommendations.²⁷

Given the reduction of State funding for mental health in Illinois, the county must take seriously the many ways it can collaborate in funding and strengthening local services as an alternative to jail. Studies in other jurisdictions have confirmed that such diversion efforts can yield significant cost savings. For example, a study in Connecticut found that incarcerating a person with a serious mental illness and providing treatment in a correctional setting costs nearly twice as much as providing treatment within the community.²⁸

B. Establishment of a Behavioral Health System for Those Within, or at Significant Risk of Being In, the Criminal Justice System

In preparing this report, the Task Force initially reviewed and described local mental health services potentially available to those who are involved with, or at risk for involvement with, the criminal justice system. After review of these services, several particularly significant gaps and weaknesses in the delivery of mental health treatment and services to this population were identified. Based on this review, the Task Force has set forth below the first priority steps to develop a behavioral health system of care for those within, or at significant risk of being drawn into, the criminal justice system:

1. Increase crisis response and intervention in collaboration with local law enforcement that would include developing additional options to jail for persons in crisis, such as a Community-Based Mental Health Crisis Center (possibly including detoxification services) or development of proactive psychiatric advance directives for times of individual crisis.
2. Train law enforcement officers on crisis intervention techniques and resources.
3. Increase access to mental health services within the jail for all populations through screening, assessment and treatment.
4. Connect the behavioral health services provided within the jail to pre- and post-incarceration services through common providers or through agreements
5. Strengthen aftercare including support services and additional case management for the mentally ill who are repeatedly in legal jeopardy.

²⁷ See, e.g., Cook, A.N. & Roesch, R. (2011) Tough on Crime Reforms: What Psychology has to say about the recent and proposed justice policy in Canada, *Canadian Psychology*. September 1-9.

²⁸ Vera Inst. of Justice, *Treatment Alternatives to Incarceration for People with Mental Health Needs in the Criminal Justice System: The Cost-Savings Implications 2* (2013).

6. Identify persons with intellectual disability/developmental disability or traumatic brain injury in the criminal justice system and evaluate the nature of the crimes or activity resulting in contact with law enforcement to determine if a diversion program is appropriate.
7. Require use of evidence based models or best practices with demonstrated effectiveness within jails and community programs and with appropriate staff training.
8. Consider any jail modification or new physical facilities with high priority to appropriate space for delivery of behavioral and health care.

III. Recommendations for the Champaign County Board, Criminal justice Officials and the Public

There is a pressing need for the County Board, together with other units of government (the cities, the local police departments, judges, prosecutors, defense attorneys, public health officials, the county mental health board) and potential service providers to contribute leadership, funds and people to help create and implement intergovernmental agreements that will foster a coordinated system dedicated to reduction of the number of seriously mentally ill people housed in the county jail. The creation of such a system will take considerable time, negotiation and resources, though a number of resources provide specific and expert guidance in the development of a behavioral-health system of care for the mentally ill (as well as those with substance-use disorders) who are in the criminal justice system or at the verge of being drawn into that system.²⁹ All the steps listed above cannot be accomplished immediately, but they provide a vision for how to move this County toward what everyone knows needs to be done: a reduction in the number of mentally ill people housed in a place where they should not and need not, be – the jail.

In order to begin this process, the Task Force recommends that the following first steps toward such a systematic approach be implemented as soon as is feasible:

1. The County Board should provide the leadership needed in creating both intergovernmental agreements and contracts for services. There is a pressing need for more crisis intervention and case managers. These individuals are often able to calm and advocate for people in a crisis, as well as assist them in finding help outside the jail. The County should approach the cities and the university police, as well as the Mental Health Board and the local Boards of Health, to create a jointly funded program to employ such staff. Their task would be to work with citizens who the police determine do not require going to jail, if they can find an alternative. They could

²⁹ See, e.g., Council of State Gov'ts Justice Ctr., *Adults With Behavioral Health Needs Under Correctional Supervision* (2012).

also help to train more police officers in crisis intervention. Such assistance would be of help to local law enforcement officers who spend a significant amount of time and energy trying to deal with the difficulties posed by individuals suffering an acute mental illness.

2. The County should commit to developing a Community-Based Mental Health Crisis Center or Unit as a safe and secure place, outside the current jail, for people with mental illness who are at risk for going to jail due to a lack of an appropriate alternative. It may be possible to develop such a setting in cooperation with one of the local hospitals or behavioral-healthcare providers.
3. The County should, as a first step toward developing a Community-Based Mental Health Crisis Center or Unit, provide or secure funds for at least two community-based crisis workers and a program coordinator/supervisor to be employed at the Center or Unit.
4. Two social workers should be employed locally at the jail, focused on evaluation of the need for mental-health services. Their job would be to coordinate with pre-trial and re-entry services and to maintain on-going community contacts with police departments and mental-health providers. One or both of these positions should provide aggressive case management services at the time of release.

IV. Preliminary Cost Information

The initial costs to the County are for two crisis intervention/case managers located in the community (\$ 120,000 for salaries, fringes, mileage, office space and supplies) plus a program coordinator/supervisor (\$ 80,000). Costs to the jail: Two social worker/case managers located at the jail (\$120,000).

CONTINUATION OF SUBSTANCE USE DISORDER SERVICES

I. The Current Substance Use Disorder Services

As already noted in the information presented regarding a pretrial services program, most people in the Champaign County Jail have not been convicted of the crime they have been accused of committing. They are waiting the further processing of their criminal case. The Sheriff has noted that at any given time, the number of people in the jail needing substance abuse or mental health care is roughly 50%. This estimate is actually low compared to national statistics from the Substance Abuse and Mental Health Administration (SAMHSA) Center for Substance Abuse Treatment's *Treatment Improvement Protocol (TIP) 45, Detoxification and Substance Abuse Treatment* (2006), "Substance use disorders are common among inmate populations. At the time of arrest and detention, it has been estimated that 70 to 80 percent of all inmates in local jails and State and Federal prisons had regular drug use or had

committed a drug offense and 34 to 52 percent of these inmates were intoxicated at the time of their arresting offense” (Federal Bureau of Prisons 2000; Mumola 1999).

For those in need of detoxification services, there currently are no detoxification services available in the community. The closest publicly funded detoxification unit is more than 80 miles from Champaign-Urbana. These services should be available to which police and sheriff officers can take these individuals to receive the proper care they need, rather than having the only alternative be to house them in the County Jail.

Prior to drastic cuts in state funding, a detoxification unit was available within the county. This unit, run by Prairie Center Health Systems, a 501(c) 3 non-profit organization specializing in substance abuse prevention and treatment, served over 600 individuals annually (over 850 admissions) from over 60 counties in Illinois. Of these, 371, or nearly 55%, were residents of Champaign County. Over half of the individuals served also had other co-occurring medical or mental health issues. 93% of the patients were living below the federal poverty level. At the time of operation, the cost per day was roughly \$277 per patient, with an average length of stay of 4 days. Services included 24-hour medically monitored detoxification provided by registered and licensed nursing staff and an MD who is a board-certified addictionologist.

II. Key Steps to Further Limit Incarceration in Champaign County: Establishment of Detoxification Services to Collaborate with Criminal Justice and Other Community Providers

Following detoxification, individuals are assessed and then can be referred to community providers to meet additional identified needs (substance abuse treatment, mental health treatment, medical and dental care, housing, etc.). The detoxification unit could also collaborate with and communicate an individual’s progress, treatment recommendations and referrals made with any pre-trial program or criminal justice program, as needed.

III. Recommendations for the Champaign County Board, Criminal justice Officials and Public

Substance abuse treatment plays an important role in any jail diversion system, as SAMHSA’s *Substance Abuse Treatment for Adults in the Criminal Justice System, Treatment Improvement Protocol (TIP) Series, No. 44* dedicates an entire chapter to the multiple ways treatment can be incorporated throughout the criminal justice process, including pre-trial.

SAMHSA’s *TIP Series, No. 44* points out that “Nationally, 65 percent of all arrestees test positive for an illicit drug. Seventy-nine percent of arrestees are “drug-involved,” meaning they tested positive for a drug, reported that they had recently used drugs, had a history of drug dependence or treatment, or were in need of drug treatment at the time of their arrest (Belenko 2000).” Although detoxification

services are not substance abuse treatment, detoxification is often the entrance many individuals take to enter into treatment services. Given the large number of arrestees with chronic substance abuse disorders and the high need for detoxification services, a detoxification unit is an important component of any jail diversion strategy.

IV. Preliminary Cost Information

The Task Force recommends two new social workers be employed at the jail, focused on evaluation of the need for mental health services. The Task Force recommends the County as a first step toward developing a Community-Based Mental Health Crisis Center, provide funds for at least two community-based crisis workers to be employed at the Center. There is a pressing need for more crisis intervention and case managers. These workers are often able to calm down and advocate for people in a crisis, as well as help them to find help outside the jail. The County should approach the cities and the university police, as well as the Mental Health Board, the local hospitals and the Boards of Health, to create a jointly funded program to employ such workers.

A community committee, led by interested community members and organized by Prairie Center Health Systems, met monthly during 2012, to analyze the local needs and gaps related to behavioral health services. The committee's number one recommendation was to find a way to fund and operate a detoxification unit in Champaign County. To that end, Prairie Center has begun collaborative discussions with local hospitals, the State of Illinois Division of Alcoholism and Substance Abuse and other entities in an attempt to partner and bring detoxification services back to Champaign County. It is estimated that the local funding need would be approximately \$400,000 annually to cover the difference between what has been advanced to the State for funding approval and the overall \$1.2 million program budget. Prairie Center is also garnering contributions to this project from local hospitals and other community partners, as this program will provide coordination of services between local emergency rooms and community providers. This project also includes Prairie Center staff being available at the newly created Community Resource Center at Provena/Presence Covenant Hospital. It is anticipated that this Community Resource Center will also be used by law enforcement to assist persons in obtaining proper care and connecting individuals to appropriate community services.

I. The Current Drug Court in Champaign County

Champaign Country Drug Court is a post-adjudication probation program. The core team includes much collaboration between Judge Jeffrey B. Ford, representatives from the State's Attorney and Public Defender's offices, probation, TASC (Treatment Alternatives for Safer Communities), the Prairie Center Health Systems treatment counselors and case manager and a case manager from Community Elements. The Drug Court maintains cooperative working relationships between the substance abuse treatment

and criminal justice systems. Information flows among the courts, case management staff and substance abuse treatment professionals.

Drug Court in Champaign County has been shown to work. In the calendar years 2011 and 2012, Champaign County Adult Drug Court graduated 48 persons. They spent 931.5 months in our Drug Court, just over 77.6 years. The average time was 19.4 months.

At the time these 48 entered Drug Court they had accumulated:

- 26 ordinance violations
- 14 juvenile adjudications
- 298 fine only traffic tickets
- 144 misdemeanors
- 183 felony convictions

Their sentences included:

- 236 community based sentences
- 56 straight jail sentences
- 80 DOC commitments

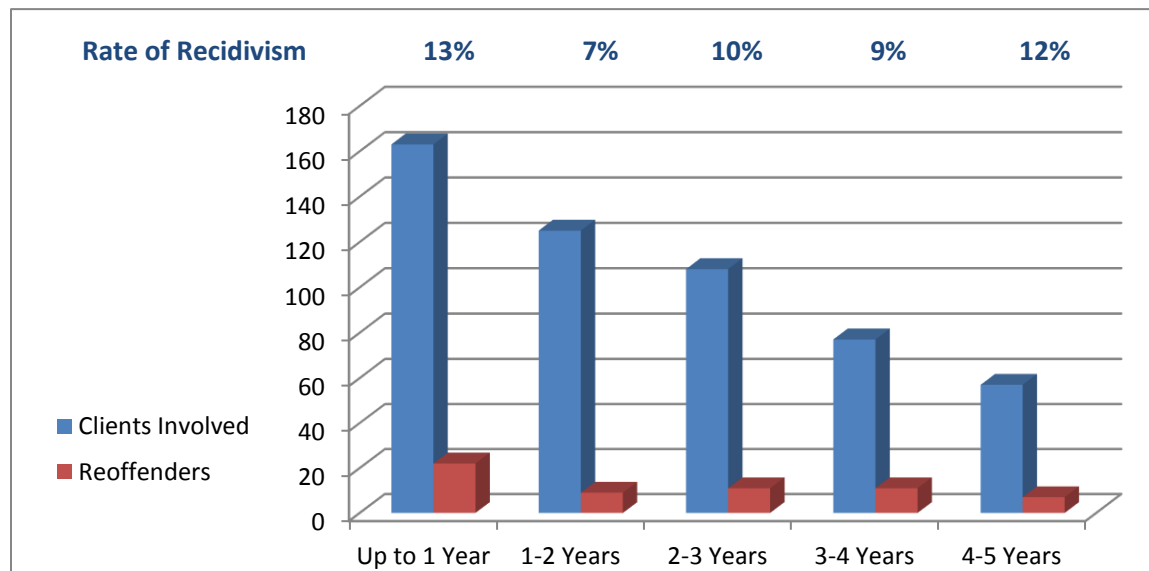
While spending a total of 77.6 years in Drug Court, these 48 persons ended up being convicted of 12 fine-only traffic tickets and one misdemeanor. The average age of the graduates was 38 years. The average use of substances was around 20 years. Champaign County Adult Drug Court admission criteria require these individuals to be non-violent felons with addictions. They are sentenced at an open sentencing hearing (no plea agreements) with a pre-sentence report. They are required to be evaluated by TASC and found to have a substance abuse problem and may benefit from a Drug Court program.

Analysis of recidivism annually following graduation has been conducted through a collaboration of the Probation Department and the Drug Court Coordinator. Recidivism was defined as a graduate being convicted on a new charge, or if the individual returns to court on a revocation of probation. Minor traffic offenses are excluded along with ordinance violations. The following data represents the criminal history review of Drug Court graduates starting from 6/01/2000 (first graduating class) through the December 2011 graduating class:

509 offenders have been sentenced to Drug Court from March 1999 through December 2011. These figures represent a 35% graduation rate. Of the graduates, the gender breakdown is 74 females and 104 males. The race numbers are 88 African-Americans, 87 Caucasian, 2 Latino and 1 other.

This evaluation followed each Drug Court graduate for a 5-year period following their graduation. During this timeframe, 56 of the 163 clients recidivated at least one time, 6 of those same clients recidivated 2 times and 2 of those clients recidivated 3 times. Therefore, 66% of the Drug Court clients did not recidivate during the 5-year period following graduation.

This table represents all graduates who have been out of Drug Court for at least one year. Since 1999 we have tracked our clients for 5 years following their graduation.



*At the time of compilation, 2011 Drug Court graduates had not met the one year, post-graduation requirement. The same formula is used to compute years 2-5.

The Office of National Drug Control Policy produced a Fact Sheet which includes drug court recidivism rates. Those rates can be viewed at www.ncjrs.gov/pdffiles1/201229.pdf. The U.S. Department of Justice Study examined the re-arrest rates for drug court graduates and found nationally 84% had not been re-arrested and charged with a serious crime in the first year. Champaign County's Adult Drug Court rate is 87%. It also found 72.5% have no arrests at the 2-year mark. Champaign County's rate is 80% at two years and 66% after 5 years.

II. Key Steps to Further Limit Incarceration in Champaign County: Sustain the Drug Court Coordinator and Sheriff's Deputy Positions on the Drug Court Team

Through a current two-year, non-renewable Bureau of Justice Administration, Department of Justice Drug Court Enhancement Grant, Champaign County Drug Court was able to add a full-time Drug Court Coordinator and 0.25FTE Sheriff's Deputy to the Drug Court Team. The current grant ends in September 2013.

- A. **Drug Court Coordinator:** Adding a Drug Court Coordinator has assisted the Champaign County Drug Court team to better collect and evaluate outcome data and facilitate enhanced coordination of services between all Drug Court team members. The Coordinator serves as the liaison for community outreach to ensure volunteer and employment opportunities are available for Champaign County Drug Court participants. Other Coordinator responsibilities include developing and strengthening linkages with community agencies and key stakeholders, providing and/or coordinating training for the Drug Court Team and serving on the Drug Court Steering Committee.

- B. **Deputy Sheriff:** The grant funding has allowed additional hours for a Champaign County Deputy Sheriff to be an active member of the Drug Court Team and allows for greater visibility and presence of the Drug Court program within the community while adding law enforcement representation to the multidisciplinary Drug Court Team. The deputy attends weekly Drug Court Team meetings and Drug Court proceedings, assists probation with community monitoring and home visits to monitor participant compliance and to assess and report identified needs of participants and their families to the Drug Court team. An unexpected but positive outcome of adding the Deputy Sheriff to the team has been that many Drug Court participants report improved perceptions of law enforcement due to his involvement. The Deputy Sheriff has been able to assist participants who have found themselves in need of law enforcement services, but who would have, in the past, not have called for assistance due to their negative perceptions of law enforcement. These positive impacts have been shown in other drug courts in the United States. A study of 18 adult drug courts that included law enforcement as part of the Drug Court team found that having a member from law enforcement on the team was associated with higher graduation rates, compared to those without (57% to 46%). And, that drug court teams that included law enforcement personnel reduced costs an additional 36% over the reductions achieved by traditional drug courts. The study can be found at www.ncjrs.gov/pdffiles1/nij/grants/223853.pdf.

III. Recommendations for the Champaign County Board, Criminal justice Officials and the Public

The addition of the Drug Court Coordinator and the Deputy Sheriff to the Drug Court Team has had such a huge impact on the operation of the Drug Court that these positions should be sustained. Research has shown that drug courts that performed regular reporting of program statistics and used these statistics to make modifications to the drug court program was “associated with a significantly higher graduation rate (60% vs. 39%) and with substantially better results in terms of outcome costs (34% for programs that made modification compared to 13% for programs that didn’t).” This makes the Drug Court Coordinator position imperative to retain.

Sustaining the Deputy Sheriff on the team is also essential, as indicated by drug court research which states, “Including law enforcement on the drug court team is practiced more rarely but is clearly associated with more positive outcomes. Working on the street, law enforcement can contribute a unique perspective to the drug court team. Law enforcement can improve referrals to the program and can extend the connection of the drug court team into the community for further information gathering and monitoring of participants (e.g., in the form of home visits). This all contributes to positive outcome costs.”

IV. Preliminary Cost Information

Funding provided through a Bureau of Justice Administration, Department of Justice Drug Court Enhancement Grant has provided a total of \$200,000 to Champaign County Drug Court. Of this funding, approximately \$135,000 is dedicated to salary and benefits for these two positions over a two-year period. This grant was able to add a full-time Drug Court Coordinator (currently employed at Prairie Center Health Systems) and 0.25FTE Sheriff’s Deputy to the Drug Court Team. The current grant ends in September 2013. To fully support these positions and related operating costs, it is estimated it would cost \$85,000-\$100,000 per year.

Recommendation #4 Expand Community Sanctions

I. The Current Utilization of Community-Based Diversion, Deferred-Adjudication and Sentencing Options in Champaign County

Champaign County currently has, for the most part, what would be considered a traditional sentencing system. Judges typically impose one or more of the following penalties on individuals for their crimes: (1) a fine; (2) a form of unsupervised probation known as “conditional discharge;” (3) standard supervised probation; (4) incarceration in jail; or (5) incarceration in prison.

Intensive supervision probation (ISP) used to be a sentencing option within the county, but the ISP program was disbanded due to budget cutbacks.³⁰ Unavailability of funding has also foreclosed the institution in Champaign County of what is called a “day reporting center” (DRC).³¹ (A sentence to a DRC is an “intermediate punishment” – one falling between probation and incarceration – that is discussed more fully later in this report.) And electronic monitoring, another example of an intermediate punishment, is not used as a stand-alone sentence in this county – one explicitly ordered by the judge, although the sheriff has been remitted the discretion to allow some people sentenced to jail to be confined in what is called “Electronic Home Detention” (EHD). In addition, probation officers have the discretion to make electronic monitoring a condition to which probationers will be subject, but electronic monitoring is a condition that attends probation only infrequently in this county.³²

A mental health court instituted in 2011 in the county was also a disposition option that enabled certain mentally ill individuals charged with crimes to avoid a criminal conviction if they successfully completed the mental-health court program. The mental-health court was terminated in May 2013, though, due to what were reported to be differences between local judges and the prosecutor regarding the appropriate way to respond to a participant’s refusal to take ordered medication.

A FULL RANGE OF COMMUNITY-BASED DIVERSION, DEFERRED-ADJUDICATION AND SENTENCING OPTIONS SHOULD BE MADE AVAILABLE WITHIN THE COUNTY, BE PROPERLY IMPLEMENTED IN ACCORDANCE WITH EVIDENCE-BASED PRACTICES AND BE ADEQUATELY FUNDED SO THAT CASE DISPOSITIONS AND SENTENCES ARE COST-EFFECTIVE AND FURTHER, WHEREVER POSSIBLE, RESTORATIVE JUSTICE.

³⁰ Joe Gordon, Director, Champaign County Probation and Court Services Department, Presentation to the Champaign County Community Justice Task Force (August 6, 2012).

³¹ *Id.*

³² *Id.*

As will be discussed later in this report, the limited resources made available in Champaign County for community-based sanctioning options are a relative pittance compared to those allocated for institutional confinement. Despite these resource limitations, criminal justice officials in the county have worked in concert to begin taking at least some of the steps needed to move towards a full range of sentencing and other case-disposition options. Importantly, as was discussed earlier in the third recommendation of this report, this county now has a drug court, though its future funding is insecure. In addition, a “Second Chance Court” was initiated in 2012. A collaborative undertaking of local judges, the state’s attorney’s office and the probation department, this court provides an avenue for certain individuals charged with nonviolent felonies and no prior criminal convictions to avoid the negative consequences of having a felony on their record. If defendants deemed eligible for the “Second Chance Court” meet certain requirements before their plea date – typically prepayment of fines and restitution, the performance of public service and completion of an on-line educational class, they are allowed to plead guilty to a misdemeanor offense.

Despite these commendable first steps, the sentencing and community correctional systems in Champaign County are still marked by some patent deficiencies that lead to needless and costly incarceration. The deficiencies in the county’s sentencing and community correctional systems that can and must be rectified if the aims of reducing needless incarceration, promoting rehabilitation and conserving public funds are to be realized include: (1) an insufficient array of community-based sentencing options; (2) inadequate funding of and a tenuous funding base for, these options; (3) a lack of integrated planning and programming for individuals serving sentences within the community (with the exception of those persons being processed through the drug court);³³ and (4) the absence of mechanisms to ensure that the sentence imposed in a criminal case is the least restrictive necessary to achieve the identified and authorized purpose or purposes of that sentence.

A data analysis conducted by the Illinois Criminal Justice Information Authority, a state agency which collects and analyzes statistics to inform criminal justice-related decisions in the state, revealed that 260 of the individuals from Champaign County serving prison sentences in fiscal year 2012 met the criteria to serve their sentences safely in the community.³⁴ These figures do not include individuals who received a jail sentence. These individuals usually have committed less serious crimes and have less extensive criminal records than those consigned to prisons. Therefore, many and perhaps most, of the individuals who presently receive jail sentences would likely not need to be incarcerated in the jail if other suitable penalties existed within the community.

³³ Joe Gordon, Director, Champaign County Probation and Court Services Department, Presentation to the Champaign County Community Justice Task Force (August 6, 2012) (reporting that, due to their “team approach,” integrated programming is easier in the drug court and in the mental-health court than in place in the county).

³⁴ Ill. Criminal Justice Information Auth., *Adult Redeploy Illinois: Champaign County*, <http://www.icjia.org/public/redeploy/redeploy-map2.cfm?q=CHAMPAIGN> (last visited April 30, 2013). Of these 260 individuals, 153 had been convicted of property crimes and 47 had been convicted of drug-related crimes.

This conclusion is buttressed by data collected recently by the Institute for Law and Policy Planning (ILPP). ILPP prepared a “snapshot,” an overview, of the individuals incarcerated in the local jail on December 5, 2012. The reported statistics on the incarcerated individuals’ “offense level” and “offense type” do not, unfortunately, differentiate between people accused of crimes and those convicted of a crime and serving a jail sentence. Nonetheless, the statistics are revealing. Almost half of the confined individuals had been accused or convicted of a misdemeanor.³⁵ And the majority of the jailed individuals had been charged with nonviolent crimes.³⁶

II. A Key Step to Further Limit Incarceration in Champaign County: Development and Implementation of a Plan for a Comprehensive and Integrated Community Corrections System

As mentioned earlier, an integral feature of well-structured and cost-effective sentencing and correctional systems is that they provide judges a wide array of community sanctions from which to choose. Affording judges this breadth of sentencing options enables them to tailor a sentence to fit the gravity of a defendant’s crime and the defendant’s individual circumstances, including prior criminal convictions. Without such options, judges inevitably will be forced to impose sentences that either do not adequately hold defendants accountable for their crimes or are unduly harsh and a wasteful expenditure of public funds.

Community-based sanctions and disposition options yield untold other benefits when properly contoured and implemented in accordance with evidence-based protocols, including validated risk-assessment tools. Many of these financial, public-safety and humanitarian benefits mirror those that can be reaped through the adoption of a pre-trial services program. For example, community sanctions and case-disposition options are significantly less costly than incarceration. Although the exact costs of a sanction can vary depending on the way in which it is implemented, the following cost information compiled by the Council of State Governments and American Probation and Parole Association provides a general illustration of the high operating costs of prisons and jails compared to those of a subset of community-based sentencing options:

| OPTION | COST PER OFFENDER |
|--|--------------------------|
| • Prison | \$29,000/year |
| • Jail | \$19,903/year |
| • Substance abuse treatment in drug courts | \$8 to \$14/day |
| • Residential drug treatment | \$3,132/admission |

³⁵ Inst. for Law and Policy Planning, *Champaign County Criminal Justice System Assessment: Draft Report 20* (2013) [hereinafter *ILPP Study*].

³⁶ *Id.*

- Cognitive-behavioral therapy \$105/offender
- Job and employment training \$400/offender
- Probation \$3.42/day
- Parole \$7.53/day
- Intensive Probation \$7,150/year
- Day reporting centers \$20/day
- Home confinement with electronic monitoring \$2-\$4/day
- Halfway house \$31.47/day
- Electronic monitoring in lieu of jail time \$870 (savings)
- Drug treatment in the community \$574/offender
- Work release \$54/day³⁷

It would be the responsibility of the Criminal Justice Coordinating Council, which is discussed in Recommendation #7, to identify and help fully integrate into the county’s criminal justice system the community-based diversion, deferred-adjudication and sentencing options that are either not available or, if available, are underutilized or not employed as cost-effectively as they could be. The Council would complete this work with the assistance of criminal justice officials, service providers and others.

III. Recommendations for the Champaign County Board, Criminal justice Officials and Public

While there are a number of community-based sentencing options on which the Council no doubt will (and should) focus, four initial implementation priorities are being recommended for the Council’s consideration and for funding, when funding is needed, by the County Board: (1) penalties that avoid, where appropriate, both supervision and incarceration costs; (2) “restorative sentences”; (3) a day reporting center, which could be called a “Restorative Justice Center”; and (4) more expansive use, where appropriate, of electronic-supervision sentences. But it bears noting that the Coordinating Council may identify additional implementation priorities, particularly priorities involving the further augmenting of diversion and deferred-adjudication options to avoid unneeded incarceration.

Initial Implementation Priorities

1. Penalties That Avoid, Where Appropriate, Both Supervision and Incarceration Costs

The Task Force is first recommending that criminal justice officials and the County Board complete the planning needed to institute penalties that will not only limit the high costs and negative effects of incarceration but also the often overlooked costs of community

³⁷ Linda Layton et al., Am. Prob. & Parole Ass’n & Council of State Gov’ts, *An Elected Official’s Guide to Community Correctional Options* 43 (2d. ed. 2010).

supervision. These penalties, if structured and implemented properly, would free up resources needed for those defendants for whom more expensive penalties (or services) are needed.

A starting point for this effort to avert the unnecessary incursion of supervision and incarceration costs could be the structure for implementing and collecting fines and other economic penalties in the county. Carefully calibrating a fine, for example, to reflect a crime's seriousness as well as a defendant's financial capacity to pay a fine can ensure that the fine is both an enforceable and meaningful sanction. A fine system, if properly devised, can also diminish the inequities in the sentencing of individuals with vastly differing incomes and resources. Finally and significantly, researchers have found that properly contoured fine systems can lead to dramatic drops in short-term sentences to incarceration.³⁸ This benefit is particularly noteworthy for this county, since the average length of stay for individuals booked into the jail to serve a jail sentence in the Champaign County jail and incarcerated in the jail on December 5, 2012 was forty-five days.³⁹ And this figure likely inflates the length of jail sentences in Champaign County because it does not take into account sentences to "time served," and it is an average figure, not the median.

Even when a structure for carefully calibrating fines is in place, a common impediment to the widespread use of fines in lieu of unneeded incarceration or community supervision is the absence of the collection and monitoring mechanisms needed to enforce them. Such mechanisms would need to be carefully planned and put in place in Champaign County. Several examples of mechanisms that have worked elsewhere include: (1) securing, when possible, payment of fines when they are levied by placing the charges on defendants' credit cards, thereby reducing the costs of monitoring the payment of fines; and (2) confiscating property, when deemed appropriate, when a fine has not been paid.⁴⁰ The Task Force, though, is not recommending that these mechanisms would be suitable for adoption in Champaign County. These questions will require further study by the Coordinating Council.

To take steps to revamp the system for economic sanctions to make the economic penalties more readily enforceable and to avert any disparate treatment of the poor, the County may need the assistance of an expert on economic penalties, including fines, restitution, fees and

³⁸ See Sally T. Hillsman et al., Nat'l Inst. of Justice, U.S. Dep't of Justice, *Fines in Sentencing: A Study of the Use of the Fine as a Criminal Sanction* (Executive Summary) 17 (1984).

³⁹ *ILPP Study*, supra note 6, at 23. Ninety-six per cent of the individuals confined in the jail on that date had been detained six months or less and almost two thirds had been confined sixty days or less. *Id.* at 22. But these additional figures reported by ILPP do not differentiate between those convicted of a crime and those accused of a crime.

⁴⁰ Edwin W. Zedlewski, Nat'l Inst. of Justice, U.S. Dep't of Justice, *Alternatives to Custodial Supervision: The Day Fine* 10 (2010).

court costs. This endeavor would advance the important goal of conserving time and money needed for processing and sanctioning of those individuals for whom community supervision, programming, or, at times, incarceration is necessary.

2. “Restorative Sentences”

“Restorative sentences” are an augmented and differently constructed form of community service. Recommendation #6 discusses the integration of this community-based sentencing option into the criminal justice system in this county.

3. Restorative Justice Center(s)

Requiring a defendant to attend a day reporting center (DRC) – what some jurisdictions call a “day incarceration center” – is, with increasing frequency, being imposed as a sentence across the United States. Sentencing a defendant to a DRC can be a stand-alone sentence or, when needed, combined with a probation sentence. Jurisdictions vary as to who operates their DRCs – probation staff, a nonprofit agency, or the sheriff.

The day-to-day operations of DRCs can be structured in many different ways. Some or all of those sentenced to a DRC can, for example, be required to come to the DRC at a prescribed time and submit their itinerary for that day. DRC staff or others can then conduct periodic checks to confirm that the individual is where he or she is supposed to be, such as at work or school. A DRC can also be the locus for programs and activities in which an individual has been required to participate as a condition of his or her sentence. Some examples of such programs and activities include: GED classes, life-skills training, anger-management classes, cognitive intervention programming, job-readiness training, job-placement programming, parenting classes, classes on fatherhood, drug testing, substance-abuse education, alcohol and drug treatment and continuous remote alcohol monitoring.

The day reporting center or centers established in Champaign County could also serve as the site(s) for the restorative-justice initiatives, such as victim-offender mediation, described in the report accompanying the Task Force’s first recommendation. In addition, defendants sentenced to a “restorative sentence,” which is discussed in that section of the report, could receive training at the DRC about restorative justice as a prelude to serving that sentence. Since, as will be seen, it is being recommended that restorative justice become a centerpiece of Champaign County’s criminal justice system, any day reporting center established in the county should be referred to as a “Restorative Justice Day Reporting Center.”

4. More Expansive Use of Electronic-Supervision Sentences

Significant advances in technology have enabled jurisdictions to provide judges with more sentencing options from which to choose. Continuous-signaling devices, for example, can confirm through radio frequency transmissions emanating from a transmitter worn by an individual serving an electronic-supervision sentence that s/he is at home when required to be there by the court. Mobile monitoring devices can enable a probation officer or a police officer to drive by a location where an individual is supposed to be, such as a workplace or site of an AA meeting and verify the individual's presence through the signal emitted from an ankle or wrist transmitter. And as part or all of a sentence, a person can be subject to Global Positioning System (GPS) satellite monitoring, which tracks the individual's whereabouts twenty-four hours a day. GPS tracking devices can be used to confirm that an individual is in an "inclusion zone," an area where the individual is required to be at certain times. And the GPS system can alert authorities and any victim on the notification list if the person being monitored has entered an "exclusion zone," an area that the sentence has prohibited the defendant from entering.

Technology also now permits correctional officials to monitor more easily individuals' compliance with certain other conditions of their sentences. Remote alcohol detection devices, for example, can be used to determine whether someone has consumed alcohol in contravention of a sentencing order.

The Criminal Justice Coordinating Council should take the necessary steps that will enable the various forms of electronic supervision to be more readily available as sentencing options that can be explicitly imposed by judges when a sentence to electronic monitoring (EM) or electronic monitoring coupled with home detention (EHD) is deemed the least restrictive sentence necessary to achieve the sentence's purpose or purposes. Examples of particularly important steps for the Coordinating Council to take include:

- A. Ensure that presentence screening and risk-assessment processes are in place in order to maximize the utility of electronic supervision as an intermediate punishment, avert unneeded incarceration, avoid the incursion of costs on unneeded electronic supervision and avert electronic supervision that unnecessarily curbs an individual's access to work, rehabilitative programming, or other activities that foster positive outcomes post-conviction, such as the reduction of recidivism.
- B. Both to avoid discrimination against sentenced individuals due to their poverty and to ensure that a sentence to electronic supervision can be imposed whenever such a sentence is deemed the most appropriate sentence in a case, implement changes in

policies, procedures and practices so that an electronic-supervision sentence is fully available for defendants who have no or few funds to pay a fee to defray some or all of the costs of the electronic monitoring, assuming that the imposition of such fees is even advisable.

- C. Ensure that the electronic-monitoring technology is being employed in the county that is in keeping with public-safety needs and is, operationally, an effective intermediate sanction.

- D. Explore ways in which law-enforcement agencies in the county and the Probation and Court Services Department might coordinate in the monitoring of individuals with EM and EHD sentences in ways that reduce the costs and maximize the efficiency, of electronic-supervision sentences.

IV. Preliminary Cost Information

Several points are crucial to understand regarding the costs of community sanctioning options. First, as mentioned earlier, community sanctions cost much less than incarceration. For example, the Florida Office of Program Policy Analysis and Government Accountability reported in 2011 that using day reporting centers in lieu of prison for identified nonviolent offenders would save \$44.06 a day per offender, while GPS monitoring would save \$41.51 each day.⁴¹

Second, additional community sanctioning options would not inevitably require spending more by Champaign County. Identified costs of these options might result from a shifting of resources that follows a shifting in the priorities in the county's use of funds – a shift from a jail-centered focus to a community-corrections and restorative-justice focus. Or the costs of a day reporting center could, in any event, have a negligible overall budgetary impact if carefully calibrated fines or other penalties not entailing incarceration or community supervision were to become more prevalent in the county. Finally, shorter community-supervision sentences or jail sentences could free up resources for added community sanctioning options.

Third, the exact cost of a particular community sentencing option will depend on how it is contoured, including whether and how often certain program requirements attend that sentence. Using the cost information disseminated by the Council of State Governments and the American Probation and Parole Association to illustrate this point, if the Restorative Justice Day Reporting Center in Champaign County did not provide cognitive-behavioral therapy to individuals determined, after screening, to be in need of

⁴¹ Nat'l Conference of State Legislatures, *Principles of Effective State Sentencing and Corrections Policy* 12 (2011).

such therapy, the incursion of \$105 per offender could be avoided. But research has repeatedly revealed that cognitive-behavioral treatment, which addresses the thinking and behaviors of individuals who commit crimes, is one of the most effective ways to reduce recidivism.⁴²

Another vagary that will affect costs is the space utilized for a Restorative Justice Day Reporting Center. An additional variable that will affect the amount of funds that need to be allocated or shifted to community corrections is the number of individuals who will, in the future, be sentenced to one of the newly available sentencing options. Some gaps in the statistics that have been gathered about the county's jail population – gaps stemming in part from conflating pretrial detainees and sentenced inmates when reporting about “offense level” and “offense type” – make it difficult to predict the number of individuals who could, for example, serve their sentence at a day-reporting center, not the jail. But with close to half of the jail population comprised of persons accused or convicted of misdemeanors and the majority of the jail population consisting of persons either suspected or convicted of nonviolent crimes only, the unearthed data do support a much more expansive utilization of community-based sentencing options in Champaign County once a continuum of sanctions is put in place.

As will be seen later in this report, the Task Force is recommending that a fixed sum of money be allocated annually by the County Board to move the county away from its jail-centered focus towards a criminal justice system more in keeping with fiscal, public-safety, justice-related and humanitarian imperatives. It is also important to make fixed funding allocations so as to ensure that jail-related funding decisions do not siphon off the funds that, ironically, could avert or significantly reduce the need for those jail-related expenditures. And the Task Force also recommends that Champaign County seek state funds, like other Illinois counties have done successfully,⁴³ to defray the costs of expanded community sanctioning and supervision options. Set forth below is some information that can help guide decisions about allocations of that fixed lump sum of county funds.

- A. **Fines.** Much of the work of considering and planning the options for the optimal use of penalties that avoid both supervision and incarceration costs could be borne by the Coordinating Council, criminal justice officials, the Circuit Clerk and others. However, funds need to be allocated for planning assistance from an expert on economic penalties. While the county would issue an RFP for this planning assistance, it is estimated that the kind of

⁴² Ohio Inst. of Correctional Best Practices, Ohio Dep't of Rehabilitation and Correction, *Best Practices Tool-Kit: Community Corrections and Evidence-Based Practices* 3 (2008).

⁴³ See, e.g., The Adult Redeploy Illinois Oversight Bd., *2012 Annual Report to the Governor and General Assembly on the Implementation and Projected Impact of Adult Redeploy Illinois* 29-48 (March 8, 2013) (listing grants awarded to incentivize the sanctioning and treatment of nonviolent offenders in their communities, including grant amounts of \$250,000 for Knox County, \$350,000 for Macon County and \$138,1223 for McLean County).

specific feedback needed to realize the objectives of avoiding the unnecessary incursion of incarceration and supervision costs, making economic penalties enforceable sanctions and avoiding discrimination against the poor would require a minimum expenditure of \$50,000.

- B. **Day Reporting Center.** Guidance regarding the costs of operating a DRC is available from other jurisdictions. For example, Wisconsin Correctional Services, a nonprofit agency now called Wisconsin Community Services, operated the Waukesha County Day Reporting Center in Wisconsin in 2012 pursuant to a contract for \$223,000.⁴⁴ The DRC staff includes a full-time supervisor, two caseworkers, a part-time employment specialist who also works at the jail and a part-time employee who coordinates community service. The DRC's caseload is fifty-five.

It is noteworthy that the DRC in Waukesha County has expanded twice since its inception in 2007, as commonly happens once local criminal justice officials see DRCs in action. The DRC in Champaign County might also unfold in increments. But the Task Force recommends that the sums set forth below, at a minimum, be allocated for the planning and operation of the DRC so that it can become a primary mechanism in the county for reducing and avoiding incarceration and recidivism:

- \$100,000 for the planning of the DRC.
- \$250,000 a year for the DRC, with a matching grant in the same amount obtained through Adult Redeploy Illinois, a state program through which other counties in Illinois have secured funding to defray the costs of expanded community sanctioning and supervision options.
- If a matching grant is not secured, \$500,000 a year for the DRC.

The Coordinating Council should also work to secure additional funding for the DRC from the Illinois Department of Corrections. The DOC itself currently operates seven DRCs for parolees.⁴⁵ With DOC funding, the DRC could also become a mechanism to facilitate the successful reentry of prisoners returning to the community.

- C. **Electronic Monitoring.** The Coordinating Council would need to take a number of steps, including an assessment of deficiencies or perceived deficiencies in current

⁴⁴ Laurel Walker, *Officials Laud Success of Waukesha County Day Report Center*, J. SENTINEL, March 28, 2012, <http://www.jsonline.com/news/waukesha/waukesha-county-day-report-centers-success-lauded-0h4ou0c-144731385.html>.

⁴⁵ Ill. Dep't of Corr., *Day Reporting Centers*, <http://www2.illinois.gov/idoc/parole/Pages/DayReportingCenters.aspx> (last visited May 8, 2013).

modes of electronic monitoring in the county, before a determination could be made regarding the amount of money needed for more widespread use of electronic-supervision sentences. Experts on electronic technology have detailed these steps, including steps to follow during the process of issuing RFPs,⁴⁶ and it would behoove the Coordinating Council to follow those steps with great care.

⁴⁶ One resource that should prove particularly helpful to the Council as it lays the groundwork for these additional sentencing options is a 241-page manual published by the Bureau of Justice Assistance on implementing electronic supervision within a jurisdiction. See Matthew DeMichele & Brian Payne, Am. Prob. & Parole Ass'n, *Offender Supervision with Electronic Technology: Community Corrections Resource* (2d ed. 2009).

Recommendation #5 Establish a Re-Entry Program for People Returning from IDOC

I. Current Situation

According to the Illinois Department of Corrections (IDOC) for the year ending June 30, 2012, Champaign County had 437 people on parole. As of the same date, Illinois Department of Corrections (IDOC) reported a recidivism rate for the state of 47%, meaning that nearly half of those paroled will be incarcerated again within three years. In Champaign County, the figures are similar. For those on parole from 2007-2009, 44.8% were back in custody within three years. When people on parole are re-arrested, either for violating parole or for a new criminal offense, they go to the county jail. Therefore, if 44.8% of the 437 people on parole in our county are returned to custody within three years that equates to 196 jail admissions, 14 more than the capacity of the satellite facility. Obviously, reducing the recidivism rate could greatly reduce the demand for bed space in the jail. Addressing recidivism could have a significant positive impact on the racial disparity in the jail population as well. According to the IDOC figures, from 2010 to 2012, 67% of the people on parole in Champaign County were African-American, despite the U.S. census (2011) estimating that the overall proportion of African-American's in Champaign County's population was just 12.7%.

THE RE-ENTRY PLANNING AND ADDITIONAL TREATMENT AND PROGRAMS NEEDED TO AVOID INCARCERATION, REDUCE RECIDIVISM AND PROMOTE REHABILITATION SHOULD BE MADE FULLY AVAILABLE WITHIN THE COUNTY, BE PROPERLY IMPLEMENTED IN ACCORDANCE WITH EVIDENCE-BASED PRACTICES, BE ADEQUATELY FUNDED AND BE COORDINATED AS INDIVIDUALS MOVE THROUGH AND OUT OF THE CRIMINAL JUSTICE SYSTEM.

At present, the facilities and programs available for men and women on parole in Champaign County are extremely limited. There are two faith-based transition houses which accommodate less than two dozen people combined and a Center for Women in Transition that houses less than ten people. The TASC program provides drug treatment for about 40-50 people. The Times Center offers shelter to 10-15 people but little by way of programs or services targeted at those on parole. The Prairie Center offers a few places as well for people with substance abuse problems via a link with Sheridan Correctional Facility. Overall, this is woefully inadequate.

To make matters worse, many have been away from their communities for years and may have no familiarity with the basic devices needed to navigate daily life - computers, cell phones and credit card swipe facilities. They also often return with only their \$50 "gate money" and no identification other than a prison ID card. Simple things like opening a bank account, acquiring a drivers' license, enrolling in educational programs, getting a copy of their social security card, even checking out books from the library can become a major challenge.

For many, their main source of support is an over-worked parole agent who has not been trained to provide supportive services and lacks the time to connect the person on parole to service providers. There is a desperate need for a one-stop, first-stop facility that would provide a connecting point for those returning home, a place to communicate with people who understand their situation and are in a position to offer some assistance, a support group that will assist them to develop a life plan and carry it out. To this end, the Task Force proposes a re-entry program for Champaign County.

Next Steps

The Task Force proposes a re-entry program founded on a partnership between Champaign County, the IDOC and a number of service providers in the community. The Task Force has formulated this program based on the study of best practice in a number of other parts of the country. Models for the work have been A New Way of Life in Los Angeles, Nova in San Francisco, Safe Return Home in Richmond, CA, the Safer Foundation Garfield Park Initiative in Chicago and Treatment Accountability for Safer Communities (TASC) here in Urbana.

Under the Task Force proposal, the County would support a first-stop landing point for people paroling to Champaign County. A County-funded program coordinator would develop and eventually drive the project with the support of an advisory board. The re-entry program would begin by working with IDOC to make contact with people inside prison who will be released to Champaign County within a defined period of time. A visit to the person by a re-entry staff person would lay the groundwork for a life plan which would be solidified once the person arrived at the First Stop facility. The program coordinator would be supported by a team of “peer mentors” or “success facilitators” - formerly incarcerated people trained to carry out this function. The use of peer mentors is an established practice in many successful re-entry programs, including Safe Return Home, Nova, Safer Foundation and TASC. It has also been used effectively in the Champaign County Peer Court.

The main task of the peer mentors would be solidifying and implementing the life plan. Key to this would be using an approach which built on the individual’s strengths and helped them to create and/or enhance a web of family and community support. Peer mentors would promote the involvement of their client’s family where possible and provide links to necessary resources. These resources would include employment opportunities, treatment programs, family counseling, housing access as well as assistance with more personal things like acquiring IDs, finding clothes, printing out a resume, etc.

Impact

This re-entry program will impact in four important areas. First, by providing support to those on parole the County will be contributing to public safety. By supplying the needed support to people on parole, individuals will become productive members of the community, far less likely to resort to crime or other undesirable activity. These individuals can become success facilitators in their own right in the community, extending the impact of the program far beyond the immediate circle of clients. Second, the re-entry program reduces the demand for jail bed space in Champaign County. Third, as noted above

a reduced recidivism rate will contribute to decreasing the racial discrepancy in the jail population since the overwhelming majority of those on parole in the county are African-American. Last, the re-entry program will contribute toward developing new directions for our criminal justice system, moving us toward a philosophy of rehabilitation and community building.

The Task Force proposes that the County set up the re-entry program and fund the salary of the program coordinator for three years, the salaries of part-time mentors for two years and provide housing vouchers for ten people on parole in year three.

The Task Force proposes that funding for this project initially come from county funds. In the medium to long run, the program could solicit funding for expansion under various state and federal grant opportunities such as the Federal Second Chance program and IDOC's Illinois Redeploy, as well as from sources in the cities of Urbana, Champaign and Rantoul. .

The Task Force proposes that the County Board prioritize employing a program coordinator for this project who has appropriate skills and experience with this sector. The Task Force urges the County Board to give preference to employing a formerly incarcerated person with the requisite qualifications.

4. Budget Implications

Year One

| | |
|--|-------------------|
| Salary and benefits for Program Coordinator | \$70,000 |
| Salaries and training for three part-time peer mentors | \$70,000 |
| Total | -\$140,000 |

Year Two

| | |
|---|-------------------|
| Salary and benefits for Program Coordinator | \$70,000 |
| Salaries for six part-time peer mentors | \$120,000 |
| Training for mentors | \$5,000 |
| Rent and equipment for office | \$30,000 |
| Total | -\$225,000 |

RECOMMENDED STRATEGIES FOR IMPLEMENTATION OF SERVICES AND SENTENCING OPTIONS

Recommendation #6 Identify Adequate Funding Support

Champaign County is at a criminal justice crossroads. After decades of “tough on crime” policies and building facilities as a way to attempt to stay in step with criminal justice practices, the County now has the opportunity to reshape its facilities and spending priorities. This must be done in several ways:

1. A shift in correctional funding is necessary so that more of these funds are used for alternatives to traditional jail confinement. Areas to be prioritized should include: electronic monitoring and day reporting, funding other community-based programming and improving jail conditions (e.g. by enhancing mental health and medical care). In determining the funding formula going forward, correctional activities should be incentivized to prioritize the expansion of diversion and preventive measures. The County’s criminal justice stakeholders and Sheriff should also set outcome measures to ensure that goals are being met.
2. At the time of building the “Satellite Jail,” County Board members and the public were told that this would be the last jail build needed. However, the maintenance of the facilities was and is inadequate to keep pace with its current uses. Champaign County has issued \$10 million in bonds for the Satellite Jail, \$28.8 million in bonds for the Courthouse expansion and Juvenile Detention Center and \$6.0 million in bonds for Courthouse renovations. Since 2008, Champaign County has spent \$18,538,405 dollars merely on debt service for public safety facilities. However, it has not adequately maintained its facilities, resulting in a 30-year-old facility (the Downtown Jail) that is barely useable. In the future, adequate funds should be set aside for regular maintenance of criminal justice facilities and development of a long-term repair and maintenance plan that is proactive.
3. Champaign County's spending priorities are not synchronized with community needs - \$800,000 is spent annually out of the Public Safety Sales Tax (PSST) to provide for utility costs for the county facilities. These much-needed resources as well as additional sums from the PSST could be put to better use by investing in programs to reduce recidivism, community-based alternatives to incarceration and evidence-based approaches to public

A PLAN FOR IDENTIFYING AND ACQUIRING ADEQUATE FUNDS SHOULD BE DEVELOPED IN ORDER TO IMPLEMENT SERVICES NEEDED TO PREVENT INCARCERATION, REDUCE RECIDIVISM, AND FACILITATE RESTORATIVE JUSTICE BEST PRACTICES.

safety. The PSST funding needs to focus on county allocations that will contribute to the positive outcomes the study of the criminal justice system is meant to achieve: lower recidivism rates and increased use of cost-effective alternatives to incarceration. This can only be achieved by implementing an improved funding formula as spelled out below.

I. Improving Funding Formula

Champaign County has already identified potential funding for its criminal justice build-out through the Public Safety Sales Tax Fund. However, it continues to limit the use of the fund primarily to construction and systems costs, with little being allocated toward evidence-based alternatives to incarceration programs.

In determining funding priorities going forward, the Task Force proposes re-distribution of the Public Safety Sales Tax with an allocation plan that appropriates at minimum 30% of the tax toward alternatives to incarceration. When fund changes make it possible starting in 2019, the majority of Public Safety Sales Tax revenues should be dedicated to programming that keeps people out of jail, which will save the county even more money that can be used on programs to continue to reduce recidivism and incarceration (and crime in Champaign County).

II. General Corporate Fund Spending on Criminal Justice System

Almost all of the \$7.5 million that Champaign County spends on correctional costs is spent on operational expenses. Out of the five downstate counties with which Champaign County routinely compares expenses, Champaign's medical and food costs are the second lowest. In FY2012, Champaign spent \$903,365.86 on jail expenditures for food and medical costs. Only Rock Island County's expenditures were lower. Champaign County's 2-1 ratio for medical costs to food costs was in line with the average expenditures for the 5-county average of McLean, Sangamon, Peoria, Rock Island and Champaign Counties.

However, Champaign County's FY2012 expenditures for jail medical expenses alone - \$609,520 - were three times as much as the county's entire budget for reducing recidivism (\$203,000).

Thus, the only readily apparent way to reduce operating costs at Champaign County's correctional facilities is to reduce the number of inmates in its high-security jails. Cutting the costs of incarceration using any number of methods would free up money that could be used on anti-recidivism programs and programs to keep juveniles out of the justice system.

County General Corporate Fund

Day-to-day operations and facility costs of Public Safety institutions (Court System/Court Services/Probation, Public Defender, State's Attorney, Sheriff, Correctional Facilities) make up \$19.2 million of the County General Corporate Fund's \$32.6 million budget. In other words, almost 59% of these county funds underwrite the county's criminal justice system. (Municipalities expend additional large sums of money for law-enforcement officers.)

County General Corporate Fund

Day-to-day operations and facility costs of Public Safety institutions (Court System/Court Services/Probation, Public Defender, State's Attorney, Sheriff, Correctional Facilities) make up \$19.2 million of the County General Corporate Fund's \$32.6 million budget.

| | |
|---|-----------------------|
| <u>Day to Day Public Safety/Justice Costs</u> | |
| Sheriff | \$ 4.7 million |
| State's Attorney & Support Enforcement | \$ 2.5 million |
| Circuit Court/Jury Commission | \$ 1.1 million |
| Public Defender | \$ 1.1 million |
| Court Services/Probation | <u>\$ 1.5 million</u> |
| | \$10.9 million |
| <u>Corrections Budget</u> | |
| Correctional Center | \$ 5.9 million |
| Juvenile Detention Center | <u>\$ 1.6 million</u> |
| | \$ 7.5 million |
| <u>2012 Repair & Maintenance Budget (routine expenditures) for Public Safety Facilities</u> | |
| Downtown Jail | \$ 41,403 |
| Satellite Jail | \$ 52,482 |
| Juvenile Detention Center | \$ 17,353 |
| Courthouse | <u>\$ 55,208</u> |
| | \$166,446 |
| <u>Physical Plant Staff Costs (prorated for public safety facilities at utilities' rate)</u> | |
| | \$600,417 |
| <u>General Corporate Fund - Total Budget</u> | |
| | \$32.6 million |
| <u>Public Safety & Justice System Expenditures</u> | |
| | \$19.2 million |

III. Public Safety Sales Tax

Revenue for the 1/4 cent Public Safety Sales Tax Fund is expected to be 4.7 million dollars for FY13 and expenditures are budgeted for \$4.7 million. Of that, \$3.3 million is earmarked for debt service on bonds for the Courthouse and Juvenile Detention Center.

In partnership with the Mental Health Board, the County has dedicated \$230,000 for juvenile justice post-detention programs to reduce recidivism and delinquent behavior for FY13. That money is being used to support the Parenting with Love and Limits program.

Other budgeted non-debt service expenditures in 2013 are \$190,000 for Courts & Justice system software maintenance/technology, \$825,000 to offset utility costs for public safety buildings and \$100,000 for the Needs Assessment study.

In 2012, 71 percent of the Public Safety Sales Tax budget was spent on construction bonds, 5 percent was spent on programming to reduce recidivism, 18 percent was spent on Public Safety Facility operational costs and 4 percent for criminal justice system technology costs.

The present ordinance regarding the Public Safety Sales Tax Fund requires only a minimum of 5 percent for preventative, community-based programs but allows a much higher percentage to be allocated to programs that will ultimately save the county money. The Task Force strongly recommends that the County Board increase that current 5 percent dramatically in order to support community-based programs that will reduce the demand for jail bed space in the county.

Public Safety Sales Tax Expenditures

| | |
|---|----------------------|
| Debt Service, Public Safety Facilities | \$3.3 million |
| Utility Costs, Public Safety Facilities | \$825,000 |
| Justice System technology and software maintenance budget | \$190,000 |
| Juvenile anti-recidivism programs | \$230,000 |
| Miscellaneous (largely Needs Assessment Study in FY 2013) | <u>\$150,000</u> |
| | \$4.7 million |

Total Public Safety Expenditures, All Funds

| | |
|-------------------------|-----------------------|
| General Corporate Fund | \$19.2 million |
| Public Safety Sales Tax | <u>\$ 4.7 million</u> |
| | \$23.9 million |

IV. Mental Health Board Funding

Another source of funding for mental health programs and programs to reduce recidivism is the Champaign County Mental Health Board (CCMHB).

On May 22, 2013, the Mental Health Board passed a resolution making mental health care for those involved, or potentially involved, in the criminal justice system a high priority. In order to put this resolution into action, contracts with Community Elements, including new funding (total funds committed - \$576,884) are in the process of being refocused on the service needs of people with behavioral health problems who are also involved in the criminal justice system.

The County's Mental Health levy is expected to generate 3.9 million dollars in FY 2013. The Mental Health Board has budgeted 3.4 million dollars for grants for the prevention and treatment of mental or emotional, developmental and substance abuse disorders. While the amount of money available for grants has increased slightly the last two fiscal years, many agencies that work with CCMHB have been squeezed by cuts to their state funding and thus there is a high demand for grant funding from the Mental Health Board.

V. State and Federal Grants

There obviously are limits on the ability of Champaign County to fund the programs that can make its criminal justice system a better-functioning one. To invest in innovative programs that reduce crime in Champaign County, the County will also need to seek out grants and programming from the Federal Government and the Illinois Department of Corrections. Fortunately, there are several programs that are county success stories at doing just that:

Access Initiative

All revenue and expenditures for the Access Initiative are from a 6-year Illinois Department of Human Services SAMHSA grant. The program is expected to expend 2 million dollars in FY 2012 and 1.5 million in 2013. Increased funding will be directed towards services targeted on youth with Serious Emotional Disturbance (SED) involved in the juvenile justice system.

Drug Court Program Grant

Starting in FY 2012, Champaign County Drug Court has received a 2-year, \$100,000 per year U.S. Department of Justice grant that has allowed it to expand its services. CCMHB has contracted with the Prairie Center to provide these services. However, the grant is only for two years and if the County wants to continue the program, it will most likely have to fund the program itself. The grant allowed the County to dramatically expand the Drug Court program.

Recommendation #7 Create a Council for System Coordination

I. The Current Criminal Justice Planning “Structure” in Champaign County

Criminal justice officials in Champaign County have pressing day-to-day work obligations related to the processing of criminal cases. Nonetheless, as noted in earlier sections of this report, they have periodically worked in concert to implement improvements in the criminal justice system. Institution of a drug court is an example of one such collective endeavor. But unlike in many other jurisdictions, there presently is no structure in place within this county to facilitate, on an ongoing basis, the kind of systemic planning, coordination and oversight for which there is an evident need. Without such a structure, the goals of operating the criminal justice system most cost-effectively, reducing reliance on incarceration, diminishing recidivism and facilitating the reentry of inmates returning to the community cannot be fully realized.

**A CHAMPAIGN COUNTY
CRIMINAL JUSTICE
COORDINATING COUNCIL
SHOULD BE ESTABLISHED
TO IDENTIFY AND
COORDINATE STEPS THAT
CAN BE TAKEN TO REDUCE
RECIDIVISM IN THE
COUNTY AND ENSURE
THAT THE CRIMINAL
JUSTICE SYSTEM
OPERATES COST
EFFECTIVELY.**

II. A Key Step to Facilitate Criminal Justice-Related Planning, Coordination and Oversight in Champaign County: Establishment of a Restorative and Criminal Justice Coordinating Council

Criminal Justice Coordinating Councils (CJCCs) have now become commonplace across the country.⁴⁷ Their names may vary, but they share many core aims, including the institution of comprehensive system wide planning in lieu of fragmented, ad hoc and sometimes resource-wasting decision making. CJCCs often initially focus on the development of alternatives to incarceration but then branch out to address other criminal justice-related problems and issues.

When properly structured and implemented, Criminal Justice Coordinating Councils produce innumerable benefits. Just a few examples of benefits that have been identified by those who have studied and worked with CJCCs include:

- Improved communication and coordination, both between the different components of the criminal justice system and between criminal justice officials and the service providers who work with individuals who are in, or at significant risk of being in, the criminal justice system;
- Augmented efficacy of diversion programs, community sanctions and programs and services for individuals in the criminal justice system;

⁴⁷ Aimee Wickman et al., The Justice Mgmt. Inst., *Improving Criminal Justice System Planning and Operations: Challenges for Local Governments and Criminal Justice Coordinating Councils* 4 (2012).

- Identification of the most cost-effective ways to allocate limited resources;
- Cost savings and cost containment through other steps, such as the identification of ways to avoid duplication of efforts;
- Accountability to the public in the operations and funding of the criminal justice system and criminal justice-related services; and
- Greater public support of the criminal justice system.⁴⁸

The National Association of Counties, Justice Management Institute and Pretrial Justice Institute have been working together to develop a National CJCC Network.⁴⁹ In sharing insights about how to optimize a CJCC's effectiveness, a report that is part of this network-developing endeavor observes: "While CJCCs have a wide variety of approaches to membership, those that seek to take a genuinely systemic approach to addressing criminal justice issues are often county/city collaborations – typically independent from direct control by either the county or city administrations but closely linked to general government through membership and liaison functions." This report furthermore explains why CJCCs should not be comprised solely of criminal justice officials: "The breadth of representation on such a council will help to bring a comprehensive system-wide perspective to the work of the CJCC." its membership must be quite diverse, including not only key criminal justice officials.⁵⁰

III. Recommendations for the Champaign County Board, Criminal Justice Officials and Public

So that criminal justice sanctions, programs and services are addressed systemically and most cost-effectively, the Task Force proposes that the Champaign County Board should initiate, perhaps through an intergovernmental agreement, the establishment of a Champaign County Criminal Justice Coordinating Council. In order for the Coordinating Council to be able to achieve the goals for which it was formed, the Council would need to be comprised of a diverse array of individuals. Some examples of individuals (or, perhaps in some instances, their designees) who could constitute the CJCC include: (1) the state's attorney; (2) the public defender or a defense attorney appointed by the local bar association; (3) a circuit judge who handles criminal cases; (4) a judge who oversees a problem-solving court, such as the drug court; (5) the head of Champaign County Probation and Court Services; (6) the court administrator; (7) the sheriff; (8) a police chief in the county; (9) the chairperson of the County Board, other member of the County Board who has criminal justice-related oversight responsibilities and/or county administrator; (10) a local mayor; (11) the chair of the Mental Health Board or other expert on mental illness; (12) an expert on substance abuse; (13) an expert on educational and employment services, including vocational training, for at-risk adult populations; and (14) at least two representatives of the public. Some jurisdictions further specify the qualifications of the public

⁴⁸ *Id.* at 4, 6; Robert C. Cushman, *Guidelines for Developing a Criminal Justice Coordinating Committee* 4-6 (2002).

⁴⁹ The Justice Mgmt. Inst., *Criminal Justice Coordinating Councils*, <http://www.jmijustice.org/current-projects/criminal-justice-coordinating-councils> (last visited May 22, 2013).

⁵⁰ Wickman et al., *supra* note 1, at 10.

representatives. For example, as has been done elsewhere, the agreement forming the Restorative and Criminal Justice Coordinating Council might (or might not) require that one public representative live in a high-crime neighborhood or that one have a prior felony conviction.

Several points bear emphasizing regarding the composition of the Champaign County Criminal Justice Coordinating Council. First, it is imperative that the individuals selected to serve on the Council be open-minded – that they be willing to consider new ideas, research and evaluation findings – as they work collectively to improve the operations of the criminal justice system in Champaign County.

Second, the Criminal Justice Coordinating Council should be diverse in terms of the race, ethnicity and gender of its members.

Third, the Council could establish linkages with the University of Illinois and Parkland College, both of which can bring needed expertise to the work of the Council and assist, in other ways, in the identification and implementation of steps to improve the functioning of the criminal justice system within the county. These linkages could be established, for example, by having a representative from each of these higher-education institutions serve as *ex officio* members of the Council, by having a faculty member or university or college official fill at least one of the slots on the Council, or through service on subcommittees established by the Council.

Fourth, members of the Coordinating Council who, for a designated term, fill a slot reserved for a person with a certain elected or appointed position would be responsible for eliciting feedback from other individuals in the county who hold a similar position and for then funneling that feedback to the Coordinating Council. If, for example, the Urbana police chief initially filled the slot designated for a local law-enforcement official, he would need to coordinate with his counterparts in other cities and towns throughout the county.

Fifth, other slots on the Coordinating Council, such as the slot for an expert on substance abuse, could be filled through a process of nominations, applications and interviews. The selection of who would fill these slots might, as in a number of jurisdictions, be parsed out between different entities.

Sixth, the Criminal Justice Coordinating Council could and most likely would, establish some subcommittees to assist the Council in its work. These subcommittees could delve more deeply into various facets of the criminal justice system, develop recommendations for the Council's consideration and conduct other tasks assigned by the Council. These subcommittees would not be, nor need to be, comprised solely or even primarily of Council members. The subcommittees would therefore be a means of bringing additional expertise and public input into the work of the Council and the collective countywide endeavor to improve the criminal justice system in Champaign County.

IV. Preliminary Cost Information

There is much work that lies ahead for the Criminal Justice Coordinating Council. The ability of the Coordinating Council to perform its responsibilities will hinge, in part, on whether it is provided the requisite staffing assistance. Staff members perform a number of vital functions for a Coordinating Council, many of which are detailed in *Guidelines for Staffing a Local Criminal Justice Coordinating Committee*, a very helpful resource published last year by the National Institute of Corrections (NIC).⁵ A few examples of these functions include: (1) data collection and analysis; (2) assistance in the development of outcome measures for sentencing options and criminal justice-related policies and programs; (3) the performance of outcome evaluations; (4) the conducting of research; (5) ensuring that decisions are based on data, evidence-based protocols and best practices; (6) drafting planning documents and reports; (7) coordinating the planning of projects spearheaded by the Coordinating Council; and (8) grant writing and the drafting of RFPs.

The Task Force is recommending that, at a minimum, three staff persons be hired to facilitate the system-wide work of the Criminal Justice Coordinating Council. The first staff member, the staff director, would play a key role in policy and programmatic planning and coordination and would perform other tasks, such as the drafting of requests for proposals and grant submissions. The second staff member would serve, in part, as the Coordinating Council's data analyst and expert on outcome measures. A secretary would also be needed to provide support services to these two staff members and the Coordinating Council.

Based on feedback received from a member of our Task Force who performs planning and coordination work in other realms for the Regional Planning Commission, the estimated costs of hiring these three individuals are as follows:

1. Staff Director: Overall costs of \$100,000 to \$120,000 (salary of \$50,000 to \$60,000 x 2 for fringe benefits, travel expenses and office expenses).
2. Data Analyst and Outcome Measures Expert: Overall costs of \$80,000 (\$40,000 salary x 2).
3. Secretary: \$50,000 to \$60,000 (salary of \$25,000 to \$30,000 x 2).

In sum, staffing the Criminal Justice Coordinating Council would cost \$230,000 to \$260,000. It is important to remember, though, that the incursion of these costs will help ensure that public funds expended on sentencing options and other criminal justice-related programs and services are being well used, are not being wasted and are reaping maximal benefits. As the NIC study on CCJC staffing reported:

Over time the cost savings to local government can be significant; jurisdictions that allocate funding for planning functions, including staff, rather than directing the funding toward increasing the existing operational infrastructure (e.g., more jail facilities, law enforcement, prosecutors, or judges) often discover that they have more flexibility and

⁵ Michael R. Jones, Nat'l Inst. of Corr., *Guidelines for Staffing a Local Criminal Justice Coordinating Committee* 21-26 (2012).

are more effective in allocating limited government funds. A few hundred thousand dollars spent on strategic planning and coordinating infrastructure can save millions of dollars annually.⁶

In addition, when a local government has a Criminal Justice Coordinating Council, coupled with staff assistance, it is more likely than other jurisdictions to receive grants that can, in turn, assist in planning and system-improvement endeavors.⁷

⁶ *Id.* at 11.

⁷ *Id.* at xi.

Recommendation #8 Form a Racial Justice Task Force

I. Current Problem

Our jail population reflects a serious racial discrepancy. While African-Americans made up only 12.7% of the county's population in 2012, they have consistently comprised more than half of those in the jail. According to the County's figures, from 2007-11, 54.7 percent of those admitted to the jail were African-American. A snap survey by the Institute for Law and Policy Planning (ILPP) on December 5, 2012 showed an African-American presence of 57% in the jail. Not only does this disproportionately affect those incarcerated and their families, but such over-representation of African-Americans in the jail population contributes to undermining harmonious relations between the criminal justice system and the African-American community as a whole.

A RACIAL JUSTICE TASK FORCE SHOULD BE FORMED TO INVESTIGATE AND DEVELOP POLICIES TO ADDRESS THE DISPROPORTIONATE PRESENCE OF AFRICAN-AMERICANS IN THE COUNTY JAIL.

The problem of racial discrepancy in the incarcerated population is not unique to Champaign County. Furthermore, experience in other parts of the country has shown that racial discrepancies in jail populations do not emerge from one particular policy or the actions of a few errant individuals. As the American Bar Association's (ABA) Racial Justice Improvement Project explains, "while there are some bad actors in the criminal justice system whose professional judgment is affected by racial bias, 'race neutral' laws that are fairly and evenly enforced across all racial groups, can still have a disparate impact on minority defendants." To address this, the ABA has initiated projects in a number of jurisdictions around the country and Champaign County should follow suit.

II. Next Steps

Racial inequity in our jail population is unacceptable and the county urgently needs a plan to remedy the situation. The first step is to form a Racial Justice Task Force which would include people with expertise in criminal justice as well as those with experience in racial justice analysis and equity policy. Ideally the Task Force should be at least 50 percent African-American but in any case must reflect a significant African-American composition.

The Task Force proposed that the county draw on the experience of other jurisdictions which have addressed issues of racial justice, especially the pilot projects of the American Bar Association in Minnesota, Delaware, New York and Louisiana. These projects have focused on a variety of points in the system where racial disparity emerges. For example, they have developed policy reform to address

racial discrepancy in pretrial detention, setting of bail, probation revocation and access to diversion programs. The work of these projects can provide some important initial guidelines for a Champaign County Racial Justice Task Force. In addition, Champaign County already has some useful experience of its own in regard to bringing about racial equity in the criminal justice system in the work of the Citizens Advisory Committee on Jury Selection, formed in 2011.

III. Expected Impact

Taking appropriate measures will impact the over-representation of African-Americans in the jail population and help build more amicable relations between the criminal justice system and the African-American community.

IV. Budgetary Implications

The Task Force requires an annual budget of \$12,000 for purposes of data collection, facilitation of Task Force and community meetings as well as publication of data, educational material and a final report. The Task Force would also be encouraged to apply for further funding from the American Bar Association and other sources which support such initiatives.

Recommendation #9 Collect Data and Measure Outcomes to Inform Decision-Making

I. The Current Lack of a Structure in the Criminal Justice System in Champaign County for Systemic Goal Setting, Data Collection and Evaluation Based on Defined Outcome Measures

The different components within the criminal justice system in Champaign County do identify their own goals, such as efficient case processing. And they do collect data regarding their own operations. Primarily, the data collection centers on data to be included in grant applications or in annual reports that provide the justification for budget requests. What data are needed and collected is not determined from a systemic perspective, nor is the effectiveness of criminal justice policies, procedures, practices and programs normally evaluated from a systemic perspective. Even when statistics are collected and reported, the soundness of the methodologies employed when collecting and reporting the data are not normally assessed.

II. A Key Step to Implement Systemic Changes Effectively in Champaign County: Goal Setting, Data Collection and Evaluation from a Systemic Perspective

Through the specification of goals and objectives, the development of performance standards and outcome measures, the carefully targeted collection of data and the conducting of methodologically sound evaluations, the Criminal Justice Coordinating Council, criminal justice officials, other government officials, service providers and the public will be better able to ascertain the cost-effectiveness of criminal justice policies, procedures, practices and programs in the county. They will be better able to determine how those policies, procedures, practices and programs can be improved to enhance the cost-effectiveness of the criminal justice system, reduce recidivism and further restorative justice. A structure with a systemic focus for collecting and evaluating data can also help guard against what can sometimes be the proclivity within certain parts of criminal justice systems to “pick the low-hanging fruit” – to subject low-risk defendants to more stringent sentences or conditions than needed – in order to improve reported performance results, whether in an institutional or community setting.

THE GOALS, OBJECTIVES, PERFORMANCE STANDARDS AND OUTCOME MEASURES SHOULD BE ESTABLISHED, DATA COLLECTED AND EVALUATIONS CONDUCTED THAT WILL ENABLE REFINEMENTS TO CONTINUE TO BE MADE ON A TIMELY BASIS TO CRIMINAL JUSTICE POLICIES, PROCEDURES, PRACTICES AND PROGRAMS TO MAKE THEM MORE COST-EFFECTIVE AND MORE SUCCESSFUL IN REDUCING RECIDIVISM AND FURTHERING RESTORATIVE JUSTICE.

III. Recommendations for the Champaign County Board, Criminal justice Officials and Public

The Criminal Justice Coordinating Council, aided by its data analyst, should play a leadership role in ensuring that the proper data-collection and evaluation mechanisms are in place throughout the criminal justice system. The County Board can and should also take several steps to ensure that goal setting, data collection and evaluation become part of the criminal justice system's culture. One of these steps is to ensure that the intergovernmental agreement or other mechanism employed to establish the Coordinating Council requires that the necessary planning, data-collection and evaluation mechanisms be instituted. Another step is to fund the Coordinating Council's staff, as discussed earlier in this report. These staff members will be at the frontlines in the effort to ensure that decisions regarding criminal justice sanctions, programs and services further certain shared and defined goals and are informed by data and evaluation results.

IV. Preliminary Cost Information

The County has fragmented data collection processes and databases that can be connected into a more comprehensive resource for program, system and outcome evaluation. Depending on the type of data needs, simple Excel spreadsheets or off-the-shelf software tools can be purchased for \$50-\$1000 per user. For more complicated networking of partnering service agencies, an Internet-based data collection system is desirable, which could run \$50,000. While reporting can be integrated into existing justice system jobs, a dedicated person should be assigned the task of supporting the Criminal Justice Coordinating Council or other body with oversight and coordination of data needed, obtaining consulting expertise, analyzing results and recommending system improvements. The budget for a fulltime data analyst (with fringes, office space and supplies) will cost \$90,000 annually.

Recommendation #10 Engage the Public and Criminal Justice Officials in System Change

I. The Current Lack of Coordinated Training of Criminal Justice Officials and Lack of Public Education on Criminal Justice in Champaign County

We are all aware that people, for a variety of reasons, often tend to be resistant to change, however much needed that change is. They may have become so accustomed to the status quo that it is difficult to envision a different approach or paradigm. They may feel that proposals for change constitute an implicit criticism of the ways in which they have been performing their jobs. Or there may be an aversion to the work that would be entailed and the hurdles that would have to be surmounted, whenever changes are being instituted.

In order to limit what can be an entrenched resistance to change and to garner the widespread support of those who work in the criminal justice system for the improvements to be made in that system; well-coordinated and systemically focused training of criminal justice officials is needed. But while criminal justice officials in Champaign County receive some training in their respective spheres, there presently is no structure in place to ensure that the essential training to understand and effectuate systemic changes occurs.

At present, there is also no mechanism in place in Champaign County designed to ensure that the public understands the extent to which initiatives undertaken within the criminal justice system and varying criminal justice sanctions, programs and services are cost-effective and successful in accomplishing such goals as the reduction of recidivism. In addition, while members of the public can tender some limited comments at certain public meetings, such as those of the County Board, there is no structure in place through which criminal justice officials regularly and collectively elicit and receive the public's ideas about how to improve the functioning of the criminal justice system.

II. Key Steps to Implement Systemic Changes Effectively in Champaign County: Coordinated Training of Criminal Justice Officials and Public Outreach and Education

The Criminal Justice Coordinating Council should make sure that officials throughout the criminal justice system receive the training necessary for them to understand the rationales for and benefits of, the systemic improvements to the criminal justice system that need to be made. These officials should also receive the requisite training to implement these changes fully, effectively and efficiently. For example,

PROVIDE FURTHER TRAINING OF CRIMINAL JUSTICE OFFICIALS, STAFF, AND THE PUBLIC TO ENABLE SYSTEMIC IMPROVEMENTS IN THE CRIMINAL JUSTICE SYSTEM AND TO INTEGRATE RESTORATIVE JUSTICE INTO THAT SYSTEM.

in order for restorative justice to be integrated effectively into the criminal justice system, judges, prosecutors, defense attorneys, probation and other community-corrections officials, jail officials and other categories of individuals identified by the Council would need to understand fully what restorative justice is, its benefits and their respective responsibilities in advancing the aims of restorative justice.

The Criminal Justice Coordinating Council can also be at the forefront in integrating the public into the endeavor to reduce incarceration, decrease recidivism and facilitate the reentry of inmates returning to the community. The Coordinating Council's outreach to and education of, the public for which this recommendation calls is important for four primary reasons:

- 1. Public Understanding of Community Sanctions.** Researchers have confirmed that when members of the public are informed about community sanctions, their support for them shifts dramatically. For example, in one seminal study in Alabama, 422 adults were told about twenty-three hypothetical offenders whose crimes ranged from shoplifting, selling drugs, drunk driving, burglary and embezzlement to rape and armed robbery. When first given two sentencing options from which to choose – either a probation sentence or a prison sentence, the study subjects selected the prison sentence in eighteen of the twenty-three cases. But after being informed about five other sentencing options, the adults being studied opted for a prison sentence in only four of the twenty-three cases. Notably, many of the offenders for whom the study subjects now considered imprisonment an inappropriate sanction had been convicted of very serious crimes, including drug dealing, embezzlement of \$250,000 and committing an unarmed burglary for the second time.⁵¹
- 2. Source of Ideas.** The public can provide feedback that will assist the Criminal Justice Coordinating Council in identifying additional ways to improve the functioning of the criminal justice system.
- 3. Promotion of Restorative Justice.** One of the key premises of restorative justice is that crimes primarily harm the community itself and individuals within the community. Consequently, community members need to be given opportunities (and have the responsibility to avail themselves of those opportunities) to understand restorative justice and be vehicles of it.

⁵¹ For additional details about the findings of this Alabama study, see John Doble & Josh Klein, *Punishing Criminals: The Public's View – An Alabama Survey* (1989). The findings of this study have been replicated in other states. See, e.g., John Doble et al., *Punishing Criminals: The People of Delaware Consider the Options* (1991).

4. **Governmental Accountability.** Endeavors to make the inner workings of the criminal justice system more transparent to the public have the inherent value of promoting governmental accountability. When criminal justice officials and other government officials know that members of the public are more likely to become aware of and scrutinize their actions, that knowledge can catalyze these officials to continually ask themselves, “What else can we do to improve the functioning of the criminal justice system?”

III. Recommendations for the Champaign County Board, Criminal justice Officials and Public

While the Criminal Justice Coordinating Council, the Coordinating Council’s staff and administrators in the criminal justice system would be primarily responsible for making sure that needed training, informed by data and best practices, is provided to criminal justice officials, the County Board can and should play a role in making high-quality training the expected norm within the county’s criminal justice system. As a condition of granting the funding applications of entities within the criminal justice system, the County Board, for example, can require that they verify or obtain verification that they are meeting training needs identified by the Coordinating Council. In addition, when reviewing service providers’ responses to requests for criminal justice-related proposals, the County Board can consider the extent to which a service provider meets one of the criteria outlined in the RFP – the provision of training to help meet the goals of the RFP. Finally, providing the funding for the Coordinating Council’s staff will help ensure that training needs are met. The staff will assist the Coordinating Council in identifying the needs for training with a systemic focus and ensuring that those needs are met. In addition, the staff can provide some of this training, such as training on restorative justice.

The County Board can also help to ensure that outreach to and education of, the public about criminal justice-related initiatives become the convention in Champaign County. The County Board can perform this function, in part, through the terms of the intergovernmental agreement or other mechanism establishing the Criminal Justice Coordinating Council. That agreement can clarify that the Council’s responsibilities and the responsibilities of its staff include outreach to and education of, the public about, for example, endeavors to make systemic improvements in the criminal justice system and the public’s role in integrating restorative justice into that system.

IV. Preliminary Cost Information

Public engagement will actually reduce the costs of system planning and implementation through opportunities for volunteer service and shared expertise for cross-training and other mechanisms needed for successful system development and continuous improvement. That said, some costs for

staff and volunteer training and public engagement will be incurred, estimated for system development at \$10,000 for trainers, training events, social media and other tools.

CONCLUSION

The Task Force believes the recommendations outlined in this report can play an important role in promoting effective decision-making on the vital issues confronting the criminal justice system. The Task Force has suggested possible programs, services and system changes for consideration, and has identified several possible resources for funding such initiatives. The Task Force is encouraged that the County Board has opted to engage both professional and community expertise before making any major decisions and has avoided any temptation to address the existing criminal justice challenges by simply constructing new facilities. This participatory approach the County has employed in addressing the jail and criminal justice issues has set an important example for future governance in this county. We trust that our advocacy of new approaches, new administrative systems and the initiation of new projects as well as our recommendations for enhanced funding of measures to prevent incarceration, reduce recidivism and promote rehabilitation will find many receptive ears on the board and in the community.

During its brief tenure, the Community Justice Task Force did not address issues in the juvenile justice system nor broader issues to prevent youth from entering the adult justice system. However, from knowledge of youth services noted similarities to adult services regarding action steps needed to prevent youth from graduating to the adult system. Although further work is still needed, the county's juvenile justice system is already moving in these directions - for the past 10 years, with impetus from the State's Attorney's Office, the Champaign County Mental Health Board and Juvenile Detention Center staff, the County's juvenile justice services have been actively progressing in a direction consistent with many of the Task Force recommendations for the adult system. Consequently, when the Juvenile Detention Center was constructed, staff implemented an admission screening process to determine risk prior to hearing that has resulted in the JDC's census remaining under capacity. Diversion options and alternative sanctions, case review procedures to expedite referrals to community agencies for mental health and family issues, best practice behavioral interventions and restorative justice programs have positively impacted recidivism rates. While there is not a single coordinating council for juvenile services, community committees that influence this system through assistance with strategic planning, staffing, funding, training and evaluation include the Juvenile Crime Enforcement Coalition, Champaign County Mental Health Board, Quarter Cent Administrative Committee, ACCESS Initiative and more recently, the Champaign Coalition. Improvements are still needed with regard to coordination of services between justice/education/ mental health agencies, involvement of the judiciary in decision-making committees, disproportionate representation of minorities in the system, performance measurement and funding for mental health and family interventions to address underlying causes of delinquency which often are related to poverty, disabilities, substance use, domestic violence and other issues.

In summary, the Community Justice Task Force has developed its vision for a humane and restorative justice system in Champaign County and proposes the following actions:

1. Integrate restorative justice principles throughout the justice system
2. Expand pre-trial services into a comprehensive pre-trial services program
3. Develop a coordinated system of care for behavioral health services (mental health/substance use)
4. Expand community diversion and sentencing sanctions
5. Establish a re-entry program for those returning from Illinois Department of Corrections
6. Identify adequate funding for recommended strategies, including an increase in the percentage of the public safety sales tax funds for preventive measures from 5% to 30%
7. Create a council to systematically plan, coordinate and evaluate services and sentencing options
8. Form a Racial Justice Task Force to address issues of disproportional incarceration
9. Collect data and measure outcomes to inform decision-making
10. Engage the public and criminal justice officials in system change

Finally, we would like to note that the work of this Task Force would not have been possible without the support and efforts of many people. This has been part of a complex and innovative process of local governance and public engagement. The Task Force particularly thanks the county officials and members of the public who attended working sessions and provided us with invaluable information and perspectives and the county administrative staff, in particular Deb Busey and Linda Lane, who have kept the Task Force on track and provided much needed support every step of the way.