



Champaign County Community Justice Task Force
Monday, September 24, 2012 – 6:00pm
Jennifer K. Putman Meeting Room – Brookens Administrative Center
1776 E. Washington St., Urbana

Chair: Michael Richards
Members: Scott Bennett, Lynn Branham, Mark Driscoll, Sheila Ferguson, James Kilgore, Julian Rappaport, Benita Rollins-Gay, William Sullivan

Agenda Item

- I. **Call to Order**
- II. **Roll Call**
- III. **Approval of Agenda**
- IV. **Public Participation**
- V. **Approval of Minutes – September 10, 2012**
- VI. **Discussion of Ideas for Report**
- VII. **Discussion – Next Steps**
- VIII. **Other Business**
- IX. **Next Meeting Date – October 1, 2012 – 6:00pm**
- X. **Adjourn**

1 **COMMUNITY JUSTICE TASK FORCE MINUTES**

2 **Monday, September 10, 2012**

3 **Shields Meeting Room**

4 **Brookens Administrative Center**

5 **1776 E. Washington St., Urbana**

6
7 **MEMBERS PRESENT:** Scott Bennett, Lynn Branham, Mark Driscoll, Sheila
8 Ferguson, James Kilgore, Julian Rappaport, Michael
9 Richards (Chair), William Sullivan

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11 **MEMBERS ABSENT:** Benita Rollins-Gay

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13 **OTHERS PRESENT:** Pattsy Petrie (County Board Member), Linda Lane
14 (Administrative Assistant), various members of the
15 community

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17 **Call to Order**

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19 Richards called the meeting to order at 6:03 p.m.

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21 **Roll Call**

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23 Lane called the roll. Branham, Driscoll, Ferguson, Kilgore, Rappaport, and Richards
24 were present establishing a quorum.

25
26 **Approval of Agenda**

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28 **Motion** by Driscoll to approve the agenda; seconded by Ferguson. **Motion carried with**
29 **unanimous support.**

30
31 Sullivan and Bennett entered the meeting late.

32
33 **Public Participation**

34
35 Pattsy Petrie shared two items she learned at last meeting. One is to think about how an
36 individual enters the system and asked the committee to think about that when making
37 recommendation. Second is that various agencies are spread across the community and it
38 is hard for low income individuals to get to those services. She asked that the committee consider
39 how to offer these services through a central location.

40 Jerehme Bamberger mentioned the positive Access Initiative program and is proud our
41 community offers such a program. Mentioned that African-American youth represent about 22%
42 of the community but represent about 82% of the juvenile detention population. He asked that
43 the committee ask the hard questions, even if they don't think they will like the answers.

44 Aaron Ammons stated concern about the issue of race, especially in the black
45 community. He stated how simple it is for an infraction to occur, especially for a black male, and
46 the effects it has for facing possible felony charge, facing the possibility of losing job and facing
47 the possibility of being incarcerated for a long time. He referenced a quote about men and
48 women lie but numbers don't. Mentioned that a large number of arrests were for jaywalking and
49 most of those were people under 30 years old. Many of those arrests were in a neighborhood
50 where there are no sidewalks and he feels that these people are being targeted. Ammons
51 stated he would like to see the numbers.

52 Ken Salo grew up with apartheid and feels that race is a systemic issue that keeps
53 repeating itself. He stated that race is an American obsession and anarchy an African
54 obsession and it is difficult making the issue real to people. He mentioned that suicide is the

55 leading cause of death among African-American youth. Salo also stated that 1/3 of black families
56 live below the poverty level and that 1/2 of all African-American children will grow up poor and
57 remain that way. He urged that the committee to take opportunity to deal with the systemic, the
58 structure, the underground, the difficult and often invisible issues.

59 Martel Miller stated that race is an issue that needs to be part of the task force. He
60 mentioned that in the 1960's African-Americans were 1/4% of the local jail populations and 3-4%
61 in federal penitentiaries. He pointed out that this task force has no black male member. He
62 didn't understand how the Champaign County jail was too old when most of the jails in Illinois
63 are over 75 years old. He stated prison should have programs to get a college education. Miller
64 said doesn't want money but suggested free health care and free childhood education for 20
65 years. He feels the task force can't put what's important on the table. He feels that a new jail
66 isn't needed; what is needed is affordable housing, and skills.

67 Mark Leff stated he is on the executive board of the local ACLU and concerned about
68 racial disparities in arrest statistics. He has supervised a number of students and has a hard
69 time explaining the explosion in incarceration. Leff stated that can't talk about the jail without
70 talking about race. He would like to make sure that the County Board and the consultant are
71 aware of the disparity issue and move in a direction that addresses it.

72 Chris Evans asked the committee for a motion to suspend the 5 minute speaking rule.
73 **Motion** by Kilgore to allow, seconded by Sullivan. **Motion approved.** Evans stated he's been
74 looking at the justice system from all different angles for 27 years. Said he isn't here to insist the
75 committee talk about race. He feels that in his experience the justice system is being used to
76 control the job market, as an intimidation tool against black youth, as population control and to
77 make money off of poor people. He said jail should be a place of correction and rehabilitation
78 and suggested that everyone stay in jail for a weekend to know the experience. Evans then
79 talked about the high cost of fines, e.g. \$125 for jaywalking, that most 17 year olds don't have to
80 pay the fine when can't even get a paper route job. He stated that this criminal justice system
81 has lost credibility. He suggested that former and/or current inmates be asked what is needed
82 in the system. He stated that this committee needs meetings going into at least next summer.

83 Byron Clark stated that this is an emotional issue for the community and that don't have
84 the option of not dealing with race. He asked committee if slaves were treated well. He said that
85 if asked back at the time it was happening, whites would have answered yes. Looking back
86 now, it is agreed that slaves weren't treated well. He feels that building a \$20 million jail is an
87 act of aggression against blacks. He doesn't want to look back at this time and have the
88 answer be that black people still aren't treated well.

89 Jay Wright said he is a motivational speaker who started non-profit organization to help
90 youth. He asked what the community would be like if that \$20 million was spent on building
91 relationships within the community instead of on a jail. He felt that can't build relationships
92 without talking about race. He challenged the committee to consider strengthening
93 relationships.

94 Johnnie Campbell told story of a young man, who had been in and out of jail since the
95 age of 15, that came to him after getting out of jail at age 22 with an idea for a rap video.
96 Campbell stated it sounded like he was glorifying where he was from, but the video says he
97 wanted to get out of jail and change the person he is. He was trying to become a productive
98 member of society but had no choice but to go back where he came from and who he was
99 because of the doors slammed due to his prison record. Campbell said the new racism isn't
100 you can't drink out of the same fountain but rather that you can't get a job. He also felt the \$20
101 million should be filtered throughout society.

102 Kilgore says committee should give serious vote of thanks to those who spoke. He
103 stated that have never received as much community input before tonight. He said that should
104 deal with race issue appropriately. He also said he has really listened to community concerns
105 about the system and hopes to be able to reflect on how to go forward.

106 Driscoll seconded the community recognition and how it points to how large the

107 disparities are. He recognized the racial issue but didn't feel that was the charge of this task
108 force. He thought maybe they needed to rethink that or that the County Board needed to rethink
109 that. He thought the charge of the task force was to look at resources already available and how
110 to fill the gaps.

111 Rappaport asked that the discussion continue while the community members were still
112 present so could have dialog with them. Richards said a motion to do so could be made after
113 the minutes were approved.

114

115 Approval of Minutes – July 2, 2012

116

117 **Motion by Rappaport to approve minutes, seconded by Bennett. Motion approved.**

118

119 Public Participation Continued

120

121 **Motion by Kilgore to suspend rules to be able to have dialog with audience. Seconded**
122 **by Ferguson. Branham suggested having committee discuss using information from meetings**
123 **and feared the committee will keep talking and not get to any problem solving. Rappaport**
124 **suggested the discussion with the audience before the committee starts talking because he**
125 **doesn't want to lose the audience. Kilgore suggested maintaining a time-limited (20 minute)**
126 **dialog about whether race is something this committee needs to address. Felt that if it wasn't**
127 **addressed now, it would have to be sometime in the future. Motion by Kilgore of amendment**
128 **to suspend the rules for 20 minutes on the suspension of the rules. Seconded by Sullivan. Motion**
129 **approved. Richards stated back to original motion to suspend the rules. Motion Approved.**

130 Ferguson stated to audience she is not shying away from race issue, but that if the task
131 force is to take on the race issue, she feels that the makeup isn't fitting. Branham stated there is
132 a movement in the community due to steamrolling effort to build a new jail. She is hoping that
133 everyone will come up with many ideas and throw them out there to present to the County
134 Board. She recommended a permanent committee with subcommittees. She is disturbed by the
135 racial disparity, but felt this isn't the committee to take it on. She thinks committee should fulfill
136 immediate charge and tend recommendations on the issues highlighted tonight.

137 Richards took a moment to let everybody know where committee stood. He noted that
138 the stated task force purpose is to gather information on current programs and costs to prevent
139 incarceration, reduce recidivism, and to promote rehabilitation and look for additional programs
140 and potential costs that the County doesn't utilize that may bolster current programs. Richards
141 stated that even though that is the stated charge, the committee can put anything in the report
142 that they want if the majority agree. Said anticipating work with IOPP will most likely continue
143 into the new County Board.

144 Kilgore asked the audience for suggestions to decrease incarceration, decrease
145 recidivism and promote rehabilitation and any additional programs. Rappaport feels have to
146 recommend explicitly that no way can the task force do its job if don't acknowledge race as part
147 of the issue. He would like concrete suggestions from the audience, ideas rather than
148 complaints. Several suggestions from the audience were: take the opportunity to broaden
149 dialog within the community; reduce incarceration by asking State's Attorney to look hard at how
150 she decides who to prosecute; there should be a different way of charging that should be made
151 public to hold elected officials accountable; that chiefs of police no longer engage in small-time
152 drug arrests, not saying ignore major kingpins, and not condoning drug dealing, but suggesting
153 go back to prosecuting important things such as rape, murder, burglaries and major drug cases;
154 research on how whites get charges dropped but blacks can't; research if it's the same officers
155 who do most of the arrests; think about the \$20 million instead of thinking of the jail; research
156 what the majority of people are in jail for; don't let people who run the jail be the experts on what
157 the jail needs but get input from community; widen communication to open spaces for other
158 voices

159 Branham mentioned that there are alternative resources that aren't available in this
160 community that are available in others, e.g. day reporting center. She suggested the task force
161 give its recommendations and add a recommendation of a second stage that be more
162 community based, to broaden the problem beyond the criminal justice system. Richards stated
163 that the 20 minutes was up. **Motion** by Ferguson to suspend rules for 10 more minutes.
164 **Seconded by Kilgore. Motion passed.**

165 More suggestions from the audience included: fund and resource local expertise; broaden
166 problem beyond criminal justice system; create jobs program; stop concentrating on poor
167 minority neighborhoods for policing; stop overcharging and pressuring plea bargains to get
168 reduced charges; release more people on their own recognizance; set realistic bail amounts.

169 Sullivan stated the Reitz would say the reason they concentrate on certain areas of the
170 community is because of complaints from citizens. He asked if it wouldn't be job neglect if didn't
171 protect citizens.

172 More audience suggestions were: information is needed from a group larger than a
173 focus group; taking that information to the general public and including the educational system,
174 mental health, and the churches; holding a series of workshops that must get overall input from
175 the community; develop preventive education program; create community youth project with
176 youth focused on drug prevention and activities that build up the family; the committee get an
177 overview from others who have accomplished what this committee is trying to do and that
178 whatever information is gathered should be shared with the community before presenting it to
179 the County Board.

181 **Establishment of Group Process for Development of Report**

182
183 Richards stated that brought the group back to the establishment of group process for
184 development of report. He asked for questions on the report or thoughts to be offered. Kilgore
185 asked how to deal with race and how to move ahead. He stated that the committee needs to
186 use some information from tonight in its recommendation. The committee has expertise in
187 mental health and pre-trial services. He suggested bringing in constituencies of each area.
188 Rappaport thinks should break into sub-groups to tackle certain issues and then come back as
189 group to discuss. It was stated that previous discussions determined the committee wasn't
190 subject to the open meetings act but Richards stated that is was. Ferguson thought maybe
191 should go to board with two activities to pursue: race as one and inventory of programs and
192 services as the other. Branham stated she would prefer concrete recommendations and would
193 like to hear everyone's ideas and then come to a consensus. She didn't think should go to
194 Board suggesting two groups, but rather suggest in their report the creation of a committee
195 dealing with race.

196 Ferguson asked for clarification on creation of subcommittees. Richards said committee
197 can do whatever as long as it is kept open. It was suggested to add one more appointee and
198 working in groups of three. Rappaport agreed, feeling it wouldn't be an impediment. Kilgore
199 disagreed stating it would be difficult due to schedules because of having to post the meetings
200 and minutes. Driscoll said prefers to keep with open meetings and be as open to the public as
201 possible. Bennett agreed. Discussion continued.

202 Rappaport wanted to know what is feasible from the people who actually deal with the
203 individual issues and how to move idea to action. Ferguson suggested starting with a meeting
204 where focus is one issue. Sullivan suggested the use of a white board and possibly dividing into
205 small groups. Kilgore asked if there was space to do workshops where discussion is circular
206 rather than going through a chair. He would prefer those with expertise to put their ideas
207 together then bring back to the whole group. Branham suggested circulating recommendations
208 between now and next meeting to see what is there and create a structure from there. Thinks it
209 is helpful to get as much information as possible in writing and then start talking about those
210 ideas. Discussion continued.

211 Richards stated that the ideas should be submitted by September 20. Ferguson asked if
212 there was a specific topic. Richards noted that it seemed people would prefer it be wide open.
213 Kilgore suggested that some would not be totally formulated but discussion will develop a
214 concrete recommendation.

215 Kilgore asked where the mandate to continue the task force stood. Richards stated it
216 would need to be on October agenda or it would have to wait until the new Board in December.
217 Kilgore asked if it could be made a priority since this group will cease to exist in October.
218 Richards stated he will mention it to the Board and went on to say that if task force is decertified
219 then two or three could continue to meet on their own.

220 Ferguson voiced concern over wide open discussion stating that the longer meeting
221 starts to break down and said committees tend to have better product when focus on a topic.
222 Driscoll agreed. It was suggested that some ideas will get lost if don't get all ideas out there up
223 front. A larger open ended discussion was suggested to identify the categories to be focused on
224 later. Discussion continued.

225 Branham noted that everyone's ideas will be written differently with some longer than
226 others, but can then take those to working groups. Bennett felt all need to get something in
227 writing and need to identify the larger subgroups before leaving the next meeting.

228

229 **Discussion – Next Steps**

230

231 Richards noted this area has been covered already.

232

233 **Other Business**

234

235 Kilgore stated that Champaign Urbana Citizens for Peace and Justice is having a public
236 forum on alternatives to incarceration on Friday, September 21 from 6-8pm at the Urbana City
237 Council. It will be on UPTV, but wasn't sure if it would be live or re-broadcast later. He stated
238 that this event is open to the public.

239

240 **Next Meeting Date**

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242 Richards reminded all that the next meeting would be Monday, September 24, 2012 at
243 6:00pm in the Jennifer K. Putman Meeting Room.

244

245 **Adjournment**

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247 The meeting adjourned at 9:25 p.m.

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249

250 Respectfully Submitted,

251

252 Linda Lane

253 Administrative Assistant

Recommendations for the Task Force Meeting September 24

James Kilgore

Urgent Issues:

1. Compile a profile of the people held in the county jail with a view to identifying people who could be eligible for alternatives to incarceration or minimum security accommodation
2. Erect low-cost, minimum security dorms at the East Urbana site to accommodate men and women eligible for minimum security. Following the recommendation of the National Institute of Corrections in their 2011 in this regard would be ideal. They recommended seeking the donation of unused pre-fab buildings typically deployed at construction sites.

Recommendations based on the dialog with community members September 10:

1. Hold public hearings on the issue of racial discrimination in the county criminal justice system
2. Commission Champaign-Urbana Citizens Access and Vivelohoy to submit a report to the Board on their findings concerning racial discrepancies in police stops, arrests, charging and sentencing.
3. Develop and implement a plan of action to address racial discrepancies in the criminal justice system

Other recommendations

Following on the example of Richmond, California, employ a full-time person to make contact with all people on parole in Champaign County and develop a program of action to provide support for their re-entry. Priority should be given to employing a qualified person who has previously been incarcerated.

Hold public hearings on the issue of public safety with a view to:

1. soliciting community suggestions for programs and policies that could enhance public safety other than funding jail construction and more police officer
2. Re-allocating the public safety sales tax money which currently sets aside only 5% of its funds for preventative work. Based on community input and other discussions, this percentage needs to be significantly increased to fund alternatives to incarceration.

Further priority areas:

1. I would also prioritize recommendations concerning preventative measures in the field of mental health, substance abuse treatment, homelessness, and court fines but would defer to others with expertise or further deliberations of the Task Force to draft these.
2. I would also recommend a permanent body to oversee the recommendations of the Task Force and the Needs Assessment but I think the purpose and nature of that body should be considered after we have identified and discussed the key areas of our recommendations.

Thoughts for Discussion at 9/24/ 12 Task force Meeting

Overview

My recommended point of view is that it is a mistake to think of the County Jail in isolation from the criminal justice system and also a mistake to view the criminal justice system as independent from the community in which it is situated.

The availability of a community's mental health, substance abuse, educational and social service programs for children, teens, and adults has a dramatic impact on the criminal justice system.

While policies of the local police departments, the State's Attorney's office, as well as the local Judges, have a direct impact on the county jail population, these policies are always dependent on the availability of community alternatives. These alternatives have an influence on the jail in two ways: they influence who is likely to enter the criminal justice system and what alternatives to incarceration are available pre, during and post adjudication.

It is a mistake to assume that a decision made in one part of the system has no influence on the larger community. A decision to build a new jail necessarily means less spending and less attention to other community needs. Of course, the physical facilities need to be decent and well maintained, but that can be accomplished in many ways short of spending multiple millions of dollars for new buildings. For example, we can consider alternative housing for non-dangerous offenders. In short, the question of financing new or modified buildings should not be considered in the absence of a discussion of financing of community alternatives to incarceration.

In order to speak meaningfully about the county jail it is necessary to pay close attention to who is incarcerated. While it will be useful to be more specific about the details, an overview of statistics available suggests that there is an over-representation of African American men and a significant percentage of people with a history of mental health and/or substance abuse problems. A significant proportion of those incarcerated are nonviolent. The exact statistics on each of these factors may vary from time to time, but the general pattern seems clear. Programs designed to alleviate problems with the county jail should take this pattern into account.

Prevention Programs and Alternatives to Incarceration

There is reason to believe that one way to reduce the numbers of people who enter the criminal justice system is to divert them from the system in the first place. Evidence from many years of research on troubled youth suggests that a strong predictor of whether a youth ends up in the criminal justice system as opposed to the social services system depends on their initial point of entry. Early referral to social services as opposed to adjudication and probation is more likely to keep youth out of the department of corrections in the long term. This finding has been shown to hold locally as well as nationally. In the 1970's, working with both Champaign and Urbana police and with the cooperation of the responsible judge, in a program identified as "exemplary" by the U. S. Department of Justice, researchers at the University of Illinois found that teens in legal jeopardy with multiple arrests

who were randomly assigned and diverted to a program involving advocacy and behavioral contracts with significant others in the child's life significantly reduced their further involvement with legal problems when compared to those who were processed in the system as usual. In a pilot testing of the program it had been found that diversion following adjudication was not effective.

The point here is not to argue for this specific program so much as to point out that it is quite possible to reduce the flow of youth into the criminal justice system by engaging the problems with community collaboration. This does, however, require intentionality. The program, following two years of demonstration, was adopted for several years by the County via funding of trained supervisors for college student workers who were enrolled in a University course. This program was eventually dropped when a new judge decided to turn toward a different policy.

Collaboration cannot simply be spoken of, it must be enacted and requires support from judges, prosecutors, police and the social service community. There are many other programs that could be implemented with county leadership engaging the local community. This applies to adults as well as juveniles and to post as well as pre-adjudication. As more than one research report in the literature has concluded, "if implemented as intended, with an appropriate population of offenders, all of these programs (community and restorative justice, community work or service, day reporting centers, drug courts, electronic monitoring, forfeiture programs, home detention, intensive supervision probation, substance abuse treatment, work release) can be effective alternatives to incarceration." (Patchen and Keveles, 2004). The key to which programs work depends on the ability and willingness local actors to provide the resources and attention necessary for competent implementation. No program is a panacea. The more that are well implemented the better the chances of an overall systemic impact.

Pre-trial Services

There are many examples of ways to reduce the number of people held in jail. Bail policy should be examined with an eye toward making it possible for more people to be released on their own recognizance and for bail to be otherwise set at rates that can be afforded. In an experiment conducted in this county by university researchers as early as 1973 it was found that numbers released on their own recognizance could be increased by systematically attending to it.

Providing direct assistance to people with mental health and substance abuse problems at this time in the process is a policy that could be supported by the county through funding positions for counselors, including community workers, who could operate in collaboration with local social service agencies. While details need to be determined, collaboration seems essential. It is also essential to see this as a joint responsibility between the County and community mental health and substance abuse agencies that can work to build relationships with local community members who have access and credibility with the people who are arrested. One way to increase the likelihood of success is to recruit African American men to work with the men who are released on their own recognizance.

Mental Health

Although it is necessary to provide short term and crisis oriented services in the jail, to whatever extent possible it is important to enhance the capacity of local mental health providers to serve this population when they are not in jail.

When more services are available more people can be sentenced to alternatives to incarceration and more can avoid adjudication altogether. Providing the police with alternatives by using pre-booking diversion to a crisis center as an alternative to jail for those charged with offenses up to nonviolent felonies and suspected of having mental illness has been shown to be an effective strategy elsewhere. Another strategy that has been shown to work is to provide each inmate in need of mental health services with an aggressive mental health case manager who is responsible for following up on post release referral to community services.

Development of options such as these require extensive community collaboration. Leadership in such programs, has been provided at the County level in several places throughout the county (Steadman and Veysey, 1997). Again, the details need to be worked out with local actors, but the county could adopt support for such services as a matter of policy. Engaging the assistance of the County Mental Health Board as an active partner in planning and implementing such services may be helpful.

DRAFT CORE PRINCIPLES OF RESTORATIVE AND CRIMINAL JUSTICE

[NOTE TO TASK FORCE: “Core Principles” can provide a needed framework for the recommendations in the Task Force’s report designed to “prevent incarceration, reduce recidivism, and promote rehabilitation.” The principles also can provide the backdrop for recommendations regarding the addition or “bolster[ing]” of existing programs to achieve these aims. If you agree (and you may not), we would still need to decide what those principles are and whether to refer to them as the “Core Principles of Restorative and Criminal Justice,” the “Recommended Core Principles of Restorative and Criminal Justice,” or something else. Since many of the recommendations I am tendering to the Task Force refer to or reflect the draft “Core Principles,” I’m circulating them to you now.]

1. **Individual Responsibility.** Individuals who commit crimes have an obligation to remedy, where possible, the harm their crimes have caused individuals and the community as a whole.
2. **Restorative Justice.** Criminal-justice systems, including the sentencing and correctional components of those systems, should be structured in a way that promotes restorative justice, enabling those who committed crimes to understand the harm their crimes have caused and to meet their obligations to remedy that harm.
3. **Community Responsibilities.** A community has a duty to further restorative justice through the taking of concrete steps that enable those who have committed crimes and met their obligations stemming from those crimes to put their mistakes behind them. A community also has the responsibility to help foster the successful reintegration of incarcerated individuals into the community.
4. **Human dignity.** Criminal-justice systems, including the sentencing and correctional components of those systems, should reflect and instill a respect for the human dignity of every person, including victims of crimes and those who have committed crimes.
5. **Commitment to Protect Legal Rights.** All government officials should model an unflinching commitment to protect the constitutional and other legal rights of individuals within the criminal-justice system, including the presumption that a person is innocent until convicted of a crime.
6. **Least Restrictive Sentence Necessary.** A sentence imposed in a criminal case should be the least restrictive necessary to achieve the identified and authorized purpose or purposes of that sentence.
7. **Rebuttable Presumption That a Community Sanction is the Most Appropriate Sentence.** Because of the high human, as well as financial, costs of incarceration in jail or prison, incarceration should be the penalty of last resort, with a community sanction being the presumptively appropriate penalty for a person

who does not pose a substantial danger to the community.

8. **Research-Based Decisions to Reduce Recidivism and Maximize Cost-Effectiveness.** Research results and evidence-based practices should guide criminal-justice-related decisions, including those needed to reduce recidivism and maximize the cost-effectiveness of sentences, correctional programming, and reentry plans.
9. **Allocation of Adequate Resources.** Government officials have the responsibility to allocate the resources needed for the criminal-justice system to reduce recidivism, be cost-effective, and comport with the “Core Principles of Restorative and Criminal Justice.”
10. **Transparency and Accountability.** Government officials are accountable to the public. They therefore have the duty to ensure that the public is informed about the operations and performance of the criminal-justice system, including the sentencing and correctional components of that system.
11. **Eradication of the Disproportionate Representation of Minorities in the Criminal-Justice System.** Criminal-justice officials, individuals and groups outside the criminal-justice system, and the community as a whole share a collective responsibility to identify and take the multiple steps needed to eradicate the disproportionate representation of minorities in the criminal-justice system.
12. **Crime-Prevention and Crime-Avoidance Responsibilities.** Criminal-justice officials have significant crime-prevention responsibilities, but they do not have the sole or even primary ability to prevent crimes. Individuals (who can make a choice to commit or refrain from committing a crime), families, neighbors, faith-based organizations, educational entities, nonprofit organizations that address crime risk factors, other governmental entities that fund crime-prevention-related endeavors, and the community as a whole must be at the frontlines of crime prevention. [NOTE TO TASK FORCE: Although the Task Force was charged with developing recommendations bearing on the criminal-justice system and those who have been pulled into that system (“prevent incarceration, reduce recidivism, promote rehabilitation for prisoners,” etc.), I’m suggesting that we consider including one principle that addresses crime prevention in general – before people have committed, been arrested for, been charged with, or been convicted of, crimes.]

DRAFT RECOMMENDATIONS FOR CONSIDERATION AT COMMUNITY JUSTICE TASK FORCE MEETING ON SEPTEMBER 24, 2012

[NOTE TO TASK FORCE: As you know, I had a window of opportunity this summer to begin collecting my own thoughts about recommendations that I believe, at least at this point, should be tendered by the task force to the County Board. After each principal (boldfaced) recommendation that I will be formally tendering to the task force next week, there are some additional recommendations in the discussion briefly fleshing out the principal recommendation. I have, for now, underlined these additional recommendations to facilitate the discussion of all of the recommendations tendered at our meeting next week, including those set forth below.]

RECOMMENDATION #1: A CHAMPAIGN COUNTY RESTORATIVE AND CRIMINAL JUSTICE COORDINATING COUNCIL SHOULD BE ESTABLISHED TO IDENTIFY STEPS THAT CAN BE TAKEN BY CRIMINAL-JUSTICE OFFICIALS, OTHER GOVERNMENTAL OFFICIALS, NONGOVERNMENTAL ENTITIES, AND THE PUBLIC TO ENSURE THAT THE CRIMINAL-JUSTICE SYSTEM IN CHAMPAIGN COUNTY OPERATES COST-EFFECTIVELY AND IN CONFORMANCE WITH THE “CORE PRINCIPLES OF RESTORATIVE AND CRIMINAL JUSTICE.”

In order for the Champaign County Restorative and Criminal Justice 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 – members of the public, certain criminal-justice officials who perform particularly key roles at different junctures in the criminal-justice system, and service providers who have expertise in addressing core problems, such as mental-health and substance-abuse problems, that contribute to individuals’ ill-advised choices to commit crimes. At a minimum, the Council should include the following individuals:

1. A restorative-justice provider or other expert in restorative justice. (See Recommendation #4 for a discussion of restorative justice and its integration into the criminal-justice system in Champaign County.)
2. A local prosecutor.
3. A local public defender.
4. A circuit judge who handles criminal cases.

5. A judge who oversees a problem-solving court, such as a drug court or mental-health court.
6. A representative from Champaign County Probation and Court Services.
7. A nonprofit community-corrections provider.
8. A local jail official.
9. A local law-enforcement official.
10. A local government official.
11. A mental-health services provider or other expert on mental illness.
12. A substance-abuse treatment provider or other expert on substance abuse.
13. A provider of educational services, including vocational training, to adults with learning disabilities and educational deficits or other expert on educational services for at-risk adult populations.
14. An employment specialist for at-risk adult populations.
15. At least three representatives of the public.

Several points bear emphasizing regarding the composition of the Champaign County Restorative and 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. If the individuals serving on the Council were wedded to the status quo, the ability of the Council to help make the county’s criminal-justice system operate more cost-effectively and in conformance with the “Core Principles of Restorative and Criminal Justice” would be severely hampered.

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

Third, the Council should 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, the Restorative and Criminal Justice Coordinating Council should 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.

Examples of subcommittees that the Restorative and Criminal Justice Coordinating Council should consider establishing at the outset include the following:

1. **Restorative Justice Planning Subcommittee.** This subcommittee would assist in fleshing out the details of implementing Recommendation #4.
2. **Subcommittee on Pretrial Services and Community Sentences.** This subcommittee would be charged with the responsibility to assist in implementing Recommendations #2 and 3.
3. **Reentry Planning and Integrated Programming Subcommittee.** This subcommittee would develop recommendations and take other steps to assist the Council in the implementation of Recommendation #5.
4. **Public Outreach and Education Subcommittee.** This subcommittee would assist the Council in performing two key functions: one, meeting the public-education responsibilities outlined in Recommendation #7; and two, developing mechanisms to solicit and receive input from the public about ways to enhance the cost-effectiveness of the criminal-justice system in the county and to more fully incorporate the "Core Principles of Restorative and Criminal Justice" into pretrial-processing, sentencing, corrections, and reentry processes in the county.
5. **Data Collection and Program Evaluation Subcommittee.** This subcommittee would assist the Coordinating Council in ensuring that gaps and problems in data-collection and program-evaluation mechanisms in the county's criminal-justice system are identified, whether by the subcommittee itself, one or more consultants, or a statistician employed by the county with the appropriate data-collection and program-evaluation expertise. The subcommittee would also help the Council ensure that the requisite refinements in those mechanisms are made. Finally, the subcommittee would help to ensure that risk-assessment tools currently employed within the county are meeting their potential to significantly diminish the costs of the criminal-justice system in ways commensurate with public-safety needs.

The Restorative and Criminal Justice Coordinating Council would determine whether additional subcommittees are needed to facilitate the Council's work. For example, the Council might (or might not) determine that a Case Processing Subcommittee would be helpful in the endeavors to avoid the unnecessary incursion of criminal-justice-related costs and to ensure that case outcomes comport with the "Core Principles of Restorative and Criminal Justice."

Whatever subcommittees the Council forms, it would be important for the Council to ensure that the subcommittees coordinate their efforts, whenever needed or advisable. For example, if the Subcommittee on Pretrial Services and Community Sentences was developing, for the Council's consideration, a detailed proposed plan for the institution of a day reporting center or centers in the county, the Restorative Justice Planning Subcommittee would play a role in the development of the proposed plan, highlighting how restorative justice would be integrated into the operations of the day reporting center or centers.

RECOMMENDATION #2: THE CHAMPAIGN COUNTY RESTORATIVE AND CRIMINAL JUSTICE COORDINATING COUNCIL SHOULD ENSURE THAT A PRETRIAL-SERVICES PROGRAM IS 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.

Most of the people incarcerated in the Champaign County Jail are awaiting the potential filing of criminal charges or, if charges have been filed, are waiting for the further processing of their criminal case.¹ Until found guilty of a crime, these individuals are, under the United States Constitution, presumed innocent.²

Professional standards have been developed to limit the incarceration of these presumptively innocent individuals – to avoid, whenever possible, the high costs, both financial and human, that attend such incarceration.³ The Standards on Pretrial Release promulgated by the National Association of Pretrial Services Agencies, for example, establish a presumption that individuals arrested for, and charged with, a crime will be

¹ [NOTE TO TASK FORCE: I recommend securing a written source (perhaps an annual report from the sheriff?) specifying the percentage of the jail population that is comprised of pretrial detainees. The task force can then cite that statistic and source in this footnote.]

² See *Coffin v. United States*, 156 U.S. 432, 453 (1895) ("The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law.")

³ See ABA STANDARDS FOR CRIMINAL JUSTICE, PRETRIAL RELEASE (3d ed. 2007); STANDARDS ON PRETRIAL RELEASE (Nat'l Ass'n of Pretrial Servs. Agencies, 3d ed. 2004).

released on their personal recognizance – effectively, a promise to appear in court.⁴ 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.”⁵ Only when *no* condition or set of conditions could meet these aims is pretrial detention considered appropriate.⁶

The professional standards on pretrial release, as well as other resources developed by experts on this subject,⁷ outline 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. The Coordinating Council should consider the advisability of adopting each of these steps in Champaign County, if these steps have not already been undertaken.

There is one very fundamental step, though, that clearly needs to be taken promptly in the county in order to avert the unneeded incarceration of certain pretrial detainees: the institution of a pretrial-services program. Pretrial-services programs are prevalent throughout the United States.⁸ These programs provide two types of services to courts, as well as the community, which are instrumental in avoiding unneeded incarceration. First, they perform 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 a validated risk-assessment instrument. Thus, the benefits reaped from the screening component of a pretrial-services program go beyond limiting the high financial costs, psychic toll, and other injurious effects of unnecessary pretrial detention (as well as the costs of overly restrictive release conditions); this screening is also 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.

⁴ See NAPSA Standard 1.2.

⁵ *Id.*

⁶ *Id.*

⁷ See, e.g., 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). The Pretrial Justice Institute is another helpful source of information and expertise to which the Coordinating Council and criminal-justice officials in the county could turn when developing the pretrial-services program.

⁸ For some of these programs, see the Pretrial Justice Institute’s “List of Pretrial Programs” at <http://www.pretrial.org/Resources/Pages/PretrialPrograms.aspx>.

The other key role of a pretrial-services program is to provide supervision, 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. [NOTE TO TASK FORCE: The relevant statutory language, along with the citation(s), governing pretrial-release standards in Illinois can be inserted in appropriate places in this subsection.]

The details regarding the structuring of the pretrial-services program in Champaign County will be fleshed out by the Champaign County Restorative and Criminal Justice Coordinating Council, with assistance from the Subcommittee on Pretrial Services and Community Sentences, 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. But however all of these details are resolved, the task force considers it particularly important that the pretrial-services program meets the following requirements:

Requirement #1. The pretrial-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 Standards on Pretrial Release developed by the American Bar Association and the National Association of Pretrial Services Agencies should be consulted and generally followed when contouring pretrial-release policies and procedures for the county.⁹ Only when the Coordinating Council identifies a compelling reason for departing from a standard developed by these noted experts on criminal justice and pretrial release should the Council deviate from the professional standards governing pretrial release.

Requirement #3. The pretrial-services program 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, the Coordinating Council should develop 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 avoid committing crimes while awaiting trial.¹⁰

⁹ As the Foreword to the NAPSA Standards indicates, 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.

¹⁰ 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

RECOMMENDATION #3: THE CHAMPAIGN COUNTY RESTORATIVE AND CRIMINAL JUSTICE COORDINATING COUNCIL SHOULD ENSURE THAT A BROAD RANGE OF COMMUNITY-BASED SENTENCING OPTIONS ARE AVAILABLE WITHIN THE COUNTY SO THAT JUDGES CAN IMPOSE SENTENCES THAT COMPORT WITH THE “CORE PRINCIPLES OF RESTORATIVE AND CRIMINAL JUSTICE” AND ARE COST-EFFECTIVE.

One of the “Core Principles of Restorative and Criminal Justice” is that a community sanction is the presumptively appropriate penalty for persons who do not pose a substantial danger to the community.¹¹ This presumption is a rebuttable one. There will be times, for example, when a state statute mandates the incarceration of someone who poses no substantial danger, or even any danger, to people within the community.¹² But the “Core Principles” recognize that when sentencing and correctional systems are well structured, a sentence to confinement, whether in a jail or prison, should be a relative rarity.

One integral feature of such well-structured 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

COMMUNITY: MILWAUKEE’S COMMUNITY SUPPORT PROGRAM (1994). [NOTE TO TASK FORCE: If we decide to cite this program model to illustrate its feasibility, we can track down a more current description of this program. I believe, but am not certain, that it is now run by a different entity, “Transitional Living Services, Inc.”]

¹¹ This core principle is drawn from the American Bar Association’s “Blueprint for Cost-Effective Pretrial Detention, Sentencing, and Corrections Systems” adopted by the ABA in 2002. *See* Appendix to Rep. 107, Summary of Action of the House of Delegates, 2002 Annual Meeting, *available at* http://www.americanbar.org/groups/criminal_justice/pages/CJPolicyInitiatives.html.

¹² The existence of such statutes, though, would not foreclose the institution of diversion, deferred-adjudication, or other programs for individuals charged with committing crimes subject to such mandatory-minimum sentences. The Kings County Drug Treatment Alternative-to-Prison (DTAP) program in New York, which was created by District Attorney Charles “Joe” Hynes, is one example of such a program. To be eligible for DTAP, a defendant must be charged with a felony and have at least one prior felony conviction. In addition, the defendant must manifest signs of being drug-addicted, and there must be an indication that the addiction was a motivating factor behind the crime. If a defendant successfully completes the DTAP program, which requires residential treatment, the felony charge is dismissed. For additional information on DTAP, see CHARLES J. HYNES, DTAP TWENTY-FIRST ANNUAL REPORT (2012).

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.

The Coordinating Council will identify and help fully integrate into the county's criminal-justice system the community sanctions that are either not available or, if available, are underutilized or not employed as cost-effectively as they could be. The Council will complete this work with the assistance of the Subcommittee on Pretrial Services and Community Sentences, other criminal-justice officials, service providers, and other interested individuals and entities. While there are a number of community sentencing options on which the Council will (and should) focus, the task force recommends five initial implementation priorities for the Council's consideration. Three of these initial implementation priorities are briefly discussed below. Recommendation #4 includes a brief overview of the fourth initial implementation priority – "restorative sentences." See pages - . And Recommendation #5 elaborates on the fifth initial implementation priority – additional specialized sentencing options (as well as diversion and deferred-adjudication options) for certain defendants with serious mental-health problems, serious substance-abuse problems, or both problems (co-occurring disorders). See pages - .

Initial Implementation Priority: Restorative Justice Center(s). Requiring a defendant to attend a day reporting center (DRC) is, with increasing frequency, being imposed as a sentence across the United States.¹³ Sentencing a defendant to a DRC can be a stand-alone sentence or, when needed, combined with a probation sentence.

The 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 – victim-offender mediation, family group conferencing, sentencing circles, and victim-offender panels – described under the fourth recommendation the task force is submitting. (See page ___) In addition, at the DRC, defendants sentenced to a "restorative sentence" and others could

¹³ For examples of some of the array of day reporting centers in the country, see Sudipto Roy & Jennifer N. Grimes, *Adult Offenders in a Day Reporting Center – A Preliminary Study*, 66 *FED. PROBATION* 44, 44-45 (June 2002); 1 DALE G. PARENT ET AL., *NAT'L INST. OF JUSTICE, DAY REPORTING CENTERS* (1995).

receive the training about restorative justice contemplated by that recommendation. Since the task force is recommending, as will be seen, that restorative justice become a centerpiece of Champaign County’s criminal-justice system, the task force recommends that any day reporting center established in the county be referred to as a “Restorative Justice Center.”

Initial Implementation Priority: 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 he or she 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 defined 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 Restorative and 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 for judges when such supervision is in keeping with any legal constraints on the use of these electronic devices¹⁴ and with the “Core Principles on Restorative and Criminal Justice.”¹⁵ One resource that should prove

¹⁴ [NOTE TO TASK FORCE: When the sheriff’s staff appeared before the Task Force, we were told that a court case and statutes limit, in some instances, when electronic supervision can be used in Illinois. Further details about what those limits are can be secured and mentioned briefly in the report. In addition, the report can include statistics (perhaps from an annual report?) confirming that we have some electronic monitoring in the county, though the sanction is employed very sparingly.]

¹⁵ Judges and other criminal-justice officials, such as probation officers tendering sentencing recommendations in presentence investigation reports, will, in particular, need to exercise great care to prevent electronic monitoring from being tacked on as a condition of probation even when such monitoring is not, as required by the Core Principles, the least severe sanction necessary to achieve the sentence’s purpose or purposes.

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.¹⁶ And 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, an electronic-supervision sentence should be 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. [QUESTIONS FOR TASK FORCE'S CONSIDERATION: Do defendants sent to jail have to pay "jail fees" to defray the costs of their incarceration in the county jail, and if so, under what circumstances? To what extent are fees potentially curbing the use of electronic supervision in Champaign County? Finally, what is the "systemic response" to nonpayment of a fee?]

Initial Implementation Priority: Day Fines. Even though fines are considered "unequivocally punitive,"¹⁷ the potential of fines to limit incarceration and impose a meaningful, proportional, and enforceable sanction for a serious crime, including certain felonies, has not been realized in the United States.¹⁸ By contrast, what are known as "day-fine systems" are prevalent in many countries, constituting basic features of their sentencing systems.¹⁹ Set forth below is a brief description of how day fines can be used to calibrate a fine to reflect a crime's seriousness as well as a defendant's financial capacity to pay a fine:

The "day-fine" . . . is designed to enable a sentencing judge to impose a level of punishment which is commensurate to the seriousness of the offense and the prior record of the offender, while at the same time taking account of his or her poverty or affluence.

¹⁶ See MATTHEW DeMICHELE & BRIAN PAYNE, AM. PROB. & PAROLE ASS'N, OFFENDER SUPERVISION WITH ELECTRONIC TECHNOLOGY: COMMUNITY CORRECTIONS RESOURCE (2d ed. 2009).

¹⁷ 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) 6 (1984) (emphasis in the original).

¹⁸ See EDWIN W. ZEDLEWSKI, NAT'L INST. OF JUSTICE, U.S. DEP'T OF JUSTICE, ALTERNATIVES TO CUSTODIAL SUPERVISION: THE DAY FINE 1 (2010) (reporting two central concerns about traditional fining systems – that they are "disproportionately punishing offenders with modest means while imposing no more than slaps on the wrist for well-to-do offenders").

¹⁹ *Id.* at 3-5. See also Peter J. Tak, *Sentencing and Punishment in The Netherlands*, in SENTENCING AND CORRECTIONS IN WESTERN COUNTRIES 161 (Michael Tonry & Richard S. Frase eds., 2001) (reporting that fines are presumed under the law in the Netherlands to be the most appropriate penalty and that when judges impose a different sanction, they must explain why they did not impose a fine).

In a day-fine system, the amount of the fine is established in two stages. The first involves setting of the number of units of punishment to be imposed, taking account of the seriousness of the offense (and perhaps the defendant's prior history, too), but without regard to the means of the offender. In the second stage, the monetary value of each unit of punishment is set in light of information about the offender's financial circumstances. Thus, at least theoretically, the degree of punishment should be in proportion to the gravity of the offense, and roughly equivalent (in terms of severity of impact on the individual) across defendants of differing means.²⁰

When a law was enacted in West Germany mandating that, except in exceptional situations, day fines or sentences to probation be imposed in lieu of sentences to incarceration for less than six months, the number of custodial sentences of that duration dropped from 113,000 in 1968 to fewer than 11,000 by 1976.²¹ But day fines not only can avoid the high costs and negative effects of incarceration but also the often-overlooked costs of community supervision. In short, day fines can be the optimal penalty for certain defendants sentenced in this county, and a well-structured day-fine system could free up resources needed for those defendants for whom more expensive penalties (or services) are needed.

An impediment to the widespread use of day fines in jurisdictions in this country is that, unlike in European countries, they have not put in place the collection and monitoring systems needed to enforce day fines.²² Several recommendations tendered by a researcher at the National Institute of Justice to redress this problem are set forth below:

One such recommendation would be to move the collection process out of the courts, which are ill-equipped to track payments and manage a fine-collection system. Responsibilities could be transferred to some other office of municipal government with capabilities for collecting revenues (e.g., a tax assessor). Alternatively, courts could contract with private collection services that routinely collect funds for a variety of loans. Either solution would remove a significant challenge to administration of the system.

Another suggestion that would help with day fine administration is to follow the example of Nordic countries, [which] try to collect the fine in a lump-sum payment (via credit card) at the point of levy. This vastly simplifies the administration of the system and reduces monitoring overhead.

Finally, enforcement of collections should follow the Swedish model; confiscate property to remedy nonpayment. If the primary reason for implementing day

²⁰ HILLSMAN ET AL., *supra* note ___, at 16-17.

²¹ *Id.* at 17.

²² EDWIN W. ZEDLEWSKI, NAT'L INST. OF JUSTICE, U.S. DEP'T OF JUSTICE, ALTERNATIVES TO CUSTODIAL SUPERVISION: THE DAY FINE 8 (2010).

finer is to reduce corrections populations, it seems counterproductive to consume prison and jail resources as part of the process.²³

The Coordinating Council can consider these recommendations, review other resources on day fines,²⁴ and consult with one or more experts on day fines as it determines how a day-fine system could be feasibly implemented in Champaign County.

RECOMMENDATION #4: THE CHAMPAIGN COUNTY RESTORATIVE AND CRIMINAL JUSTICE COORDINATING COUNCIL SHOULD TAKE THE STEPS NEEDED TO INTEGRATE RESTORATIVE JUSTICE, INCLUDING “RESTORATIVE SENTENCES,” INTO THE CRIMINAL-JUSTICE SYSTEM IN CHAMPAIGN COUNTY.

While the task force believes that implementation of all of the recommendations set forth in this report are needed to address some evident gaps and deficits in the current criminal-justice system, implementing the above recommendation to integrate restorative justice into the criminal-justice system should be a particularly key focus of the Restorative and Criminal Justice Coordinating Council’s efforts to help improve the functioning of the criminal-justice system. Through restorative justice, a core aim of sentencing and correctional systems shifts from “getting back” at individuals because they have committed a crime to having them “give back” to others harmed by their crimes, including individual victims and the community. Restorative justice, when implemented correctly, lays the foundation for offenders to truly understand the harm their crimes have caused and enables them to redress, to the extent possible, the harm their crimes have caused. The end-all of restorative justice is, in short, not the exaction of revenge; instead, restorative justice strives to promote other ends: accountability of offenders for the harm their crimes have caused and healing of those injured by crimes – victims, victims’ and defendants’ families, the community, and the defendants themselves.

Much has been written about restorative justice, its benefits, and its implementation elsewhere in the country and in other nations.²⁵ The purpose of this report is not to serve as a primer on restorative justice, though the Coordinating Council will need to make sure that judges, criminal-justice practitioners, defendants, and others

²³ *Id.* at 10.

²⁴ *See, e.g.*, BUREAU OF JUSTICE ASSISTANCE, U.S. DEP’T OF JUSTICE, HOW TO USE STRUCTURED FINES (DAY FINES) AS AN INTERMEDIATE SANCTION (1996).

²⁵ *See, e.g.*, MARK UMBREIT & MARILYN PETERSON ARMOUR, RESTORATIVE JUSTICE DIALOGUE: AN ESSENTIAL GUIDE FOR RESEARCH AND PRACTICE (2011) [hereinafter RESTORATIVE JUSTICE DIALOGUE]. *See also* DANIEL W. VAN NESS & KAREN HEETDERKS STRONG, RESTORING JUSTICE 209-34 (4th ed. 2010) for a long list of books and articles on restorative justice.

receive training about restorative justice.²⁶ But the task force will profile several examples of mechanisms through which the Coordinating Council can, and in the opinion of the task force should, bring restorative justice to the criminal-justice system in Champaign County.

1. **Victim-Offender Mediation.** Victim-offender mediation programs offer a victim the opportunity to meet with an offender in the presence of a trained mediator. Through one or more mediation sessions, the offender can gain an understanding of the actual harm caused by his or her crime. Rationalizations through which offenders often dismiss the adverse impacts of their crimes (e.g., “the burglary I committed didn’t really didn’t hurt anybody because homeowners have insurance”) can be debunked as the offender hears from the victim about the crime’s injurious effects. And both the victim and the offender can gain some measure of closure as they develop, through a constructive dialogue, an agreement under which the offender will take prescribed steps to remediate these and other harmful effects of the crime.²⁷

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 victim’s and the offender’s family members and perhaps certain close friends.²⁸ Sentencing circles, sometimes called “peacemaking circles,” are even more inclusive restorative-justice mechanisms, with criminal-justice officials and sometimes members of the community participating in these sessions.²⁹

3. **Victim-Offender Panels.** A victim-offender panel is a restorative-justice tool that can be utilized when a victim or an offender is unable or unwilling to meet with the other individual. For example, some victims of drunk driving can meet with a group of

²⁶ For a discussion of this need for training about restorative justice and restorative sentences, see Lynn S. Branham, *Plowing in Hope: A Three-Part Framework for Incorporating Restorative Justice Into Sentencing and Correctional Systems*, 38 WM. MITCHELL L. REV. 1261, 1277-79 (2012).

²⁷ For an in-depth discussion of victim-offender mediation, see RESTORATIVE JUSTICE DIALOGUE, *supra* note __, at 111-41; MARK UMBREIT, THE HANDBOOK OF VICTIM OFFENDER MEDIATION (2001). For recommendations regarding how to prepare victims and offenders for mediation sessions, conduct those sessions, and follow up on them, see MARK S. UMBREIT & JEAN GREENWOOD, OFFICE FOR VICTIMS OF CRIME, U.S. DEP’T OF JUSTICE, VICTIM-SENSITIVE VICTIM-OFFENDER MEDIATION: RESTORATIVE JUSTICE THROUGH DIALOGUE 7-16 (2000).

²⁸ For additional information about family group conferencing, see RESTORATIVE JUSTICE DIALOGUE, *supra* note __, at 143-78; MARK S. UMBREIT, OFFICE FOR VICTIMS OF CRIME, U.S. DEP’T OF JUSTICE, FAMILY GROUP CONFERENCING: IMPLICATIONS FOR CRIME VICTIMS (2000).

²⁹ For a detailed discussion of sentencing circles, see KAY PRANIS ET AL., PEACEMAKING CIRCLES: FROM CRIME TO COMMUNITY (2003).

individuals convicted of DUI (driving under the influence) to discuss the impact drunk driving had on the victims and their families.³⁰

4. ***Restorative Sentences.*** As mentioned earlier, what would be “restorative sentences” in name, purpose, and content are one of the five 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, more cost-effective, and in accord with the “Core Principles of Restorative and Criminal Justice.” In order for restorative sentences to realize their full potential as tools of restorative justice, the Restorative Justice Planning Subcommittee would need to prepare, for the Coordinating Council’s consideration, a detailed recommended plan for integrating these sentences into the criminal-justice system. An article outlining key steps to be taken to make restorative sentences eventually a mainstay of criminal-justice systems throughout the country could provide a starting point for this planning process.³¹ This article explains why the taking of these steps is important:

[P]lanning, training, and other steps would have to be undertaken in a jurisdiction to ensure that these sentences are, in truth, restorative sentences, and not simply a summary edict by a judge that a defendant perform some type of community service as a part, or all of the criminal sentence. Without taking these steps, defendants might perform work benefiting the community, such as picking up trash along a highway, 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.³²

One example of what could become a classic restorative sentence would include, in part, 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 sentences could be on beautifying crime-ridden areas through the planting of trees, bushes, and flowers and other landscaping work. Still another restorative-sentencing program could entail the repair and renovation of dilapidated homes in low-income neighborhoods particularly plagued by crime.³³

RECOMMENDATION #5: THE RESTORATIVE AND CRIMINAL JUSTICE COORDINATING COUNCIL SHOULD ENSURE THAT THE TREATMENT, PROGRAMS, AND REENTRY PLANNING NEEDED FOR INDIVIDUALS TO REDRESS SERIOUS PROBLEMS THAT CONTRIBUTED

³⁰ See VAN NESS & HEETDERKS STRONG, *supra* note __, at 71-72.

³¹ Branham, *supra* note __, at 1268-85.

³² *Id.* at 1270.

³³ For further discussion of these examples of restorative sentences, see *id.* at 1271-75.

TO THEIR DECISIONS TO COMMIT CRIMES ARE AVAILABLE, FOLLOW EVIDENCE-BASED PRACTICES, AND ARE COORDINATED AS INDIVIDUALS MOVE THROUGH, AND OUT OF, THE CRIMINAL-JUSTICE SYSTEM.

[QUESTIONS FOR TASK FORCE’S (AND TASK FORCE SUBCOMMITTEE’S) CONSIDERATION: Since this report cannot address all of the details bearing on our recommendations – for example, all of the pertinent details about mental-health treatment, job-skills training, substance-abuse treatment, etc., what are the *most* important recommendations within this section to be tendered to the County Board, criminal-justice officials, and public? And what specifics need to be mentioned at this point (and not left to the Coordinating Council and, in particular, its Reentry Planning and Integrated Programming Subcommittee) in order for those recommendations to be meaningful and not just banal generalities?]

RECOMMENDATION #6: THE CHAMPAIGN COUNTY RESTORATIVE AND CRIMINAL JUSTICE COORDINATING COUNCIL SHOULD ENSURE THAT CRIMINAL-JUSTICE OFFICIALS RECEIVE THE TRAINING NEEDED TO IMPLEMENT EFFECTIVELY THE COUNCIL’S DECISIONS REGARDING SYSTEMIC IMPROVEMENTS.

We are all aware of the reality 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 even 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, the Coordinating Council should make sure that officials throughout the criminal-justice system receive the training needed for them to understand the rationales for, and benefits of, these changes. These officials should also receive the requisite training to implement these changes fully, effectively, and efficiently. For example, if the Council agrees that reentry planning for those serving jail sentences should be a proactive, problem-solving process in which the inmate, the inmate’s family, and others play a very active role, officials who help to develop, or oversee the development of, these reentry plans need to receive training about how to maximize the utility of reentry planning in general and, in particular, this kind of inclusive reentry planning. The training for which the task force is calling would extend to judges, prosecutors, defense attorneys, probation and other community-corrections officials, jail officials, and other categories of individuals identified by the Council.

RECOMMENDATION #7: THE CHAMPAIGN COUNTY RESTORATIVE AND CRIMINAL JUSTICE COORDINATING COUNCIL

SHOULD ENSURE THAT THERE IS OUTREACH TO, AND EDUCATION OF, THE PUBLIC ON AN ONGOING BASIS ABOUT INITIATIVES TO MAKE THE CRIMINAL-JUSTICE SYSTEM IN THE COUNTY MORE COST-EFFECTIVE AND IN ACCORD WITH THE “CORE PRINCIPLES OF RESTORATIVE AND CRIMINAL JUSTICE.”

The Public Outreach and Education Subcommittee would play an instrumental role in assisting the Coordinating Council in implementing this recommendation. The outreach to, and education of, the public for which this recommendation calls is important for four primary reasons:

1. **Source of Ideas.** The public can provide feedback that will assist the Coordinating Council in identifying additional ways to improve the functioning of the criminal-justice system.
2. **Public Understanding of, and Support for, Community Sentences.** 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 – “strict probation” that required an offender to meet with a probation officer up to five times a week for two years; strict probation along with restitution; strict probation plus community service; house arrest for up to a year; and boot camp for three to six months, 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.³⁴
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.
4. **Governmental Accountability.** Endeavors to make the inner workings of the criminal-justice system more transparent to the public have the inherent

³⁴ 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).

value of promoting governmental accountability. When criminal-justice officials and other governmental 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?”

RECOMMENDATION #8: THE CHAMPAIGN COUNTY RESTORATIVE AND CRIMINAL JUSTICE COORDINATING COUNCIL SHOULD ENSURE THAT THE PERFORMANCE STANDARDS ARE IN PLACE, 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 REFLECTIVE OF THE “CORE PRINCIPLES OF RESTORATIVE AND CRIMINAL JUSTICE.”

Through the development of performance standards, the carefully targeted collection of data, and methodologically sound evaluations, the Coordinating Council, other criminal-justice and governmental officials, service providers, and the public will be better able to ascertain the cost-effectiveness of criminal-justice policies, procedures, practices, and programs; determine how these policies, procedures, practices, and programs can be improved; and identify what more needs to be done to further implement the “Core Principles of Restorative and Criminal Justice.” The Data Collection and Program Evaluation Subcommittee can play a leadership role in ensuring that the proper data-collection and evaluation mechanisms are in place throughout the criminal-justice system to realize these objectives. The committee 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.

RECOMMENDATION #9: THE CHAMPAIGN COUNTY BOARD SHOULD APPOINT A BROAD-BASED AND DIVERSE “DISPROPORTIONATE- JUSTICE IMPACT STUDY TASK FORCE” TO IDENTIFY THE STEPS THAT CAN BE TAKEN BY FAMILIES, THE PUBLIC, NONGOVERNMENTAL ENTITIES, JUVENILE-JUSTICE AND CRIMINAL-JUSTICE OFFICIALS, AND OTHER GOVERNMENTAL OFFICIALS TO ERADICATE RACIAL AND ETHNIC DISPARITY IN THE CRIMINAL-JUSTICE AND JUVENILE-JUSTICE SYSTEMS.

[NOTE TO TASK FORCE: Examples of additional recommendations that can be included in the discussion of this principal recommendation include: specifics regarding the composition of this special task force; the need for the task force to hold public meetings to secure feedback, ideas, and the public buy-in needed to effectuate the goal of this recommendation; and the advisability of examining the work products of experts and other task forces that have developed recommendations to reduce racial and

ethnic disparity in juvenile- and criminal-justice systems.]

[NOTE TO TASK FORCE: I recommend that the latter part of the task force's report include some additional sections and points. Some of the points mentioned below may ultimately be integrated earlier into the report. But I believe that somewhere in the report the following matters need to be addressed:

1. A bulleted list should set forth examples of some of the additional points and issues that the Coordinating Council should consider and address. This list is important, in part, because the task force cannot identify every single step and even every significant step that needs to be taken to make the criminal-justice system in the county (in particular, the sentencing and correctional systems) more cost-effective and in accord with the "Core Principles of Restorative and Criminal Justice." Examples of issues that could be profiled on this bulleted list include: (a) the length of sentences, both community-based sentences and sentences to institutional confinement; (b) the potential institution of other problem-solving courts (in addition to drug and mental-health courts) or taking of other steps to incorporate a problem-solving ethos into court processes; (c) additional diversion or deferred-adjudication options; (d) avoiding "net-widening" – the imposition of additional constraints on convicted individuals simply because more sentencing options are available, even when those constraints are not needed to serve penological objectives; (e) the possibility of diminishing the costs and burdens of the criminal-justice system (thereby freeing up resources to, for example, process offenders who pose the greatest threats to the public's safety) by imposing civil penalties for certain criminal conduct; (f) exploring whether modifications need to be made in the ways in which correctional fees are imposed and collected; (g) identifying changes that can be made in probation-modification and probation-revocation processes that will produce more cost-effective outcomes that accord with the "Core Principles"; and (h) identifying actions that need to be taken at the state level to facilitate the county's endeavor to minimize the financial and human costs of incarceration (and save the state itself money).
2. A short section of the report should discuss why and how adoption of the systemic improvements identified in the report is financially feasible (with the definitive number-crunching to be completed by a qualified consultant).
3. A short section of the report can profile ways in which a consultant(s) (or at least the right consultant(s)) can be particularly helpful. For example, an expert can calculate the impact of pretrial services, a Restorative Justice Center, and other measures for which this report will call on the size of the jail's population. Those calculations can, in turn, help to inform decisions about how to address the physical-plant problems in the downtown jail.
4. A short section of the report can reiterate the report's limited (though important) focus – the criminal-justice system and, more particularly, sentencing and correctional systems. This section can mention that crime prevention begins long

before a person becomes involved in the criminal-justice system and can underscore the central importance of others in crime-prevention endeavors – parents, other family members, neighborhoods, faith-based groups, nonprofit organizations, and other individuals and entities.

Champaign County Community Justice Task Force

Purpose:

- a. To gather information on current programs and costs to prevent incarceration, reduce recidivism, and promote rehabilitation of prisoners.
 - b. To look for additional programs (and potential costs) that the County does not utilize that may bolster current programs.
 - c. Provide report including suggestions and information to County Board in October 2012.
-

Options for consideration in regard to improvements to mental health and substance use disorder treatment programs and services within the adult criminal justice system:

- Increase access to mental health services within the jail for all populations. Screening, assessment, and engagement in treatment are needed at a level not currently provided.
- The provider of mental health services within the jail should have the capacity to provide post-incarceration mental health and substance use disorder services in Champaign County. This will enable continuity of care to exist as the consumer exits the facility and returns to the community. It may also serve as preventative measure as knowledge of the persons pre-existing mental health care will enable continuity of care while incarcerated. The provider in the jail should be utilizing datalink which identifies DHS clients and could help provide more information regarding the needs of those incarcerated.
- Increase access to substance use disorders treatment services within the jail for all populations. Services are currently limited to Alcohol Anonymous/Narcotics Anonymous. Screening, assessment, and engagement in treatment are needed at a level not currently provided.
- The provider of substance use disorder treatment services within the jail should have the capacity to provide post-incarceration substance use disorder and mental health services in Champaign County. This will enable continuity of care to exist as the consumer exits the facility and returns to the community. It may also serve as preventative measure as knowledge of the persons pre-existing substance use disorder treatment will enable continuity of care while incarcerated.
- Identification of persons with intellectual disability/developmental disability or traumatic brain injury in the criminal justice system needs to occur in order to provide appropriate support and case management to this population during their involvement with the system. Steps include establishing a screening process and instituting support services and case

management to assist these individuals with navigating the system. Conduct an evaluation of the type of crimes or activity resulting in contact with law enforcement and charges filed to determine whether a jail diversion program is appropriate for these individuals.

- The Drug Court Expansion Grant Award from the Department of Justice-Bureau of Justice Assistance enabled the program to provide additional management and support services to the Champaign County Drug Court. The term of the award expires in September 2014. To maintain current services the means to sustain the expansion and growth of the Drug Court and Mental Health Court needs to be identified. The two Specialty Courts serve as an alternative to incarceration and cost savings associated with the reduced demand for jail space should be used to support expansion of the programs.
- Aftercare including support services and additional case management for Drug Court and Mental Health Court graduates should be strengthened to reduce potential for relapse and recidivism.
- Crisis intervention team training for law enforcement should be expanded with support from local jurisdictions.
- Crisis response and intervention in collaboration with local law enforcement should be increased. This would include developing additional options for law enforcement other than jail when an individual with mental illness or substance abuse that is in crisis but not subject to arrest if de-escalated and linkage and referral accomplished at the scene.
- State funding reductions have had a significant effect on mental health and substance use disorder treatment services in the community at large. For example alcohol and other drug detoxification is no longer available in Champaign County. In order to sustain progress achieved during incarceration, a broader continuum of services needs to be available in the community. Investment in mental health and substance use disorder treatment services in the community can serve as both a preventative measure for those willing to engage prior to involvement with criminal justice system, potentially limiting contact with law enforcement, as well as reduce recidivism by reducing anti-social behaviors post incarceration. The community should explore the development of a best practice respite/detox center/model for individuals with behavioral health needs.
- Similar consideration should be given to a prevention based investment in the social service system including prevention of domestic violence and support services for victims of domestic violence, prevention of sexual assault and support services for victims of sexual assault, as these and other services have suffered the loss of state support.

- Advocacy at the state level for restoration of funding for behavioral health and social services is also warranted. Examples of the impact of state reductions are the closure of the Prairie Center Health Systems Detox program and the reduction of psychiatric leadership (physicians) at Community Elements.
- State policy has changed on the termination of medical benefits upon a person's incarceration to a suspension of benefits to enable continuity of care as they exit the system. If Champaign County has not implemented the change from termination to suspension of the medical care benefit the policy should be revisited.
- Require use of evidence based/informed models or best practices with demonstrated effectiveness within jails for any mental health or substance use disorder program implemented within the criminal justice system. And that for any model used staff be trained, and certified if appropriate to the requirements of the model, with supervision and evaluation sufficient to ensure fidelity to the model. Recently, with the support of the Sheriff, the jail staff, the mental health providers in the jail and the community provider, funding was obtained to implement a best practice model called Moral Reconciliation Therapy (MRT). MRT is currently available to those incarcerated and a strong referral and linkage system allows the individual to participate in MRT at the community mental health setting when released.
- Any physical changes made to the jail, be it renovation, expansion or new construction, must include adequate space and resources to meet the needs for delivery of behavioral health and physical health care.
- As a result of funding reductions and the complexities in service needs, a system of care should be developed. This system and the organizations that make up the system will need to integrate behavioral health and primary care, utilize best practice models that have benchmarked outcomes, co-locate for easier access, and include prevention, intervention, and treatment options. To accomplish this it may require closer collaboration, partnerships, and potentially mergers of existing community resources and agencies.

Existing Mental Health and Substance Use Disorder Services within Champaign County Courts as an alternative to incarceration:

Drug Court – Counseling and case management services are provided to drug court clients by Prairie Center Health Systems. FY 2013 projected expenses for client services is \$257,000 (excludes Champaign County Court, State's Attorney Office, Public Defender costs incurred to participate in Drug Court and Drug Court Team meetings as well as TASC (Treatment Alternatives for Safe Communities) costs to participate and provide additional services to the Court). Revenue is a mix of

state and local contracts including \$173,250 from the Champaign County Mental Health Board. Additional support services are provided through a two year \$200,000 grant award from the Department of Justice - Bureau of Justice Assistance of which \$100,000 is budgeted for FY 2013. Non-Medicaid clients may also be referred to Family Service's Counseling program or assisted through the Criminal Justice and Specialty Courts program at Community Elements. A client assistance and staff training fund is supported by drug court fees and drug court donations. The Drug Court serves as an alternative to incarceration.

Mental Health Court – The Community Elements Criminal Justice and Specialty Courts (Drug Court and Mental Health Court) program FY 2013 projected expenses for client mental health screening, assessment, treatment and case management provided is \$151,860 (excludes Champaign County Court, State's Attorney Office, Public Defender, and TASC costs incurred to participate in Mental Health Court and Mental Health Court Team meetings). Revenue is from the Champaign County Mental Health Board (CCMHB). Growth in Mental Health Court related expenses as the program develops further is anticipated. Referral of participants to other programs within Community Elements may underestimate total cost, for example some treatment services such as psychiatric care may be provided if the client is Medicaid eligible or through a separate CCMHB psychiatric services contract with Community Elements. Drug Court clients with a co-occurring mental illness diagnosis are assisted through this program. Mental Health Court clients with a co-occurring substance use disorder diagnosis can be assisted by Community Elements or referred to Prairie Center Health Systems under a new \$10,000 contract for FY 2013. Non-Medicaid clients may also be referred to Family Service's Counseling program, which may utilize current CCMHB funding for this purpose. The Mental Health Court serves as a preventive measure and an alternative to incarceration.

Additional services for individuals with mental illness and/or substance use disorders having contact with the criminal justice system:

Crisis program: The Community Elements administered program provides intervention and assistance services to persons experiencing a mental health crisis. Services can be accessed by telephone or through a crisis response team. The crisis response team may respond to contacts initiated from Emergency Departments of local hospitals or on-site at the client's home or elsewhere in the community with assistance of local law enforcement. Total program cost for FY 2013 was \$765,000 but state support reduced revenue by 20% resulting in reduced program capacity. A portion of the crisis program is supported through an \$188,985 contract with the CCMHB. The CCMHB contract – Crisis, Access, Benefits, and Engagement also enables clients to be assessed independent of a crisis for mental illness, referral and linkage to appropriate level of care, and if income eligibility indicated receive assistance with entitlement benefits applications although this service has limited capacity due to length of application approval process.

Men's SAFE House: The SAFE (Substance Abuse Free Environment) House is a twelve-month residential program for men recovering from substance abuse operated by the Canaan Development Foundation. The Women's SAFE House is scheduled to open in October 2012. Men's SAFE House and

Women's SAFE House programs incorporate a structured daily regimen of: G.E.D., and/or adult education, devotions, group therapy, personal counseling, volunteer work projects, evening community-wide personal enrichment courses, and weekly worship services. After-care supports and crisis assistance are also offered.

TIMES Center - Community Elements operates the emergency shelter and transitional housing program for men who are homeless. The population served includes men released from jail or prison who have no place to live. The program provides a structured living environment with support services. Emergency shelter is available for up to 90 days and transitional housing for up to two years. Capacity for both programs is limited. The Respite Center operated by Community Elements is co-located with TIMES Center. The Respite Center is open to clients experiencing a mental health crisis.

TASC (Treatment Alternatives for Safe Communities) - provides behavioral health recovery management services for individuals with substance abuse and mental health disorders. Through a specialized system of clinical case management, TASC initiates and motivates positive behavior change and long-term recovery for individuals in Illinois' criminal justice, corrections, juvenile justice, child welfare, and other public systems.

Other Community Resources:

CHANGE (groups for perpetrators of domestic violence) - CHANGE provides separate groups for men and for women specifically designed to confront the dynamics of domestic abuse. There are twenty-four weekly and one and one-half hour groups offered on a sliding fee scale.

Cognition Works, Inc.- Cognition Works, Inc. offers individual, couples, and group counseling that treats all forms of patterned irresponsible behavior such as: poor work habits, unreliability, traffic violations, theft, truancy, chemical abuse, anger, domestic violence, poor performance in schools, fighting and disruptive behavior at home. A sliding fee scale is offered. Cognition Works, Inc. also provides educational groups, seminars, and workshops.

Community Elements: Offers range of behavioral health care services beyond those previously referenced. Additional mental health services include psychiatric care, case management, and other supervised group homes, supported and independent apartment, psychosocial rehabilitation, and other supportive and preventative community based care.

Frances Nelson Health Center: Provides physical health care and behavioral health care services. Primary focus is on physical care with limited capacity for behavioral health services. Integration of behavioral health care and physical care occurs and is a potential resource for post-incarceration integrated care services with additional support.

Jesus is the Way Prison Ministries, Inc. - The Ministry provides chapel services, counseling, and spiritual direction to adult inmates of the county Correctional Center, to juvenile inmates of the county Youth Detention Center, and to prison populations throughout Illinois. It also provides follow-up assistance to just-released inmates with employment, housing, food, and spiritual needs. Additionally, Christian after-care for those being released from prison (up to 20 men) is available.

Salvation Army Stepping Stone Shelter - The shelter provides temporary and transitional housing for homeless men on a nightly basis; two meals (evening and breakfast) are available. Qualifying individuals may work on a long-term style change action plan. Scheduled evening intake is from 7pm- on.

Champaign House- Greater Community AIDS Project (GCAP) - GCAP offers a variety of services for people living with HIV/AIDS including Transitional and Permanent Housing, monthly Foodbank and Emergency assistance. It is suggested that all potential consumers are either in or establishing CARE Connect case management through all Champaign-Urbana Public Health Department.

Prairie Center Health Systems: Offers range of substance use disorder treatment services including residential program providing inpatient treatment, intensive outpatient and outpatient treatment for adults. The level of treatment is dependent on outcome of assessment.

Restoration Urban Ministries - Restoration Urban Ministries provides food pantry and clothing, religious services, youth programs, drug and alcohol support groups and a 74-unit transitional housing program. It also offers a couples group. The Wraparound project provides services to families of children who are in custody of DCFS or who are at risk of being placed. Services include advocacy, referral and assistance, transportation and training.