

Champaign County
Racial Justice Task Force
July 13, 2017 – 6:30 p.m.

Lyle Shields Meeting Room,
Brookens Administrative Center
1776 East Washington Street, Urbana, Illinois

Agenda Item

- I. **Call To Order**
- II. **Roll Call**
- III. **Approval of Agenda**
- IV. **Approval of Minutes**
 - A. June 29, 2017
- V. **Public Participation**
- VI. **Presentations- report sections**
 - A. Community Engagement
 - B. Police Practices
 - C. Restorative Justice
 - D. Juvenile Justice
- VII. **Task Force Member Comments/ Updates**
 - A. Plan for final report draft and final July meeting
- VIII. **New Business**
- IX. **Adjournment**

Champaign County Racial Justice Task Force (RJTF)
Meeting Minutes
Thursday, June 29, 2017
6:30 pm

I. Call to Order

Ryan Hughes called the meeting to order at 6:42 pm.

II. Roll Call

Members Present: S. Balgoyen, L. Branham, E. Dee, A. Felty, R. Hughes, A. James, E. Patt, C. Randolph, H. Ross, S. Silver, D. Turner, G. Walter.

Members Absent: M. Ar-Raheem, S. Byndom A. Evans, D. Harber, S. Lerner, A. Shelton.

III. Approval of Agenda

Sara Balgoyen moved to approve the minutes from the June 15 meeting. Gerry Walter seconded the motion. The motion carried.

IV. Approval of Minutes

Esther Patt moved to approve the agenda. Artice James seconded the motion. The motion carried.

V. Public Participation

Dave Sutton

It has come to his attention that the jail has a large number of people who have not been tried presumably because they have not paid bail. He asked what the task force has done to reduce fines and fees, or to eliminate cash bail. Lynn Branham responded saying that this is an issue that has been considered by the task force. Some recommendations have been tentatively approved. One is to expand the issuances of notices to appear at the jail in order to limit the number of people entering the jail. The task force is also recommending pretrial services and risk assessment for financial release conditions. She noted her appreciation for his support. Mr. Sutton mentioned he is also in favor of bypassing the jail when possible. Carolyn Randolph noted that she will not support race neutral policies but rather race-based policies.

VI. Presentations

There were no presentations at this meeting.

VII. Task Force Member Comments/Updates

Ryan noted that the task force was informed that the County Board approved an extension for 16 members of the task force. Sara read the names of the individuals who were appointed for the extension.

Carolyn read the following statement:

It was recently brought to my attention that the Champaign County Board voted to extend our tenure through October 2017.

Back in mid-March, we agreed to ask for an extension. The extension was never requested, and as a result the entire RJTF reluctantly decided to accelerate our timeline in an effort to complete our work by the original July 2017 deadline.

Now, it is clear that someone finally went to the Board to make a request for an extension without discussing this with the rest of the RJTF. This breach of communication and breakdown in leadership angers me. More important, it is indicative of larger problems that exist within this body, problems that I and others have mentioned on numerous occasions including a tendency to take over and change the group agenda at the last minute; to make decisions without consent and consensus from the entire group; to ignore select voices and/or concerns; to talk around issues of race and racism despite being a racial justice task force, to place the lion's share of responsibility on the shoulders of a few select group members, and so on.

Rather than dance around the subject and agree to spin our wheels for another three months of service, I want the following questions to be answered:

- 1. Who requested this last-minute extension?*
- 2. Why was the extension requested at this late date and not back in March as agreed upon by the RJTF?*
- 3. Why wasn't this last-minute extension discussed with the entire board?*
- 4. What specifically is going to be done during this extension?*
- 5. What is going to be done differently, in terms of leadership, to ensure that we hit our benchmarks?*

Sara responded that her understanding that a request was made but it did not make it onto the County Board until June. Sam Byndom may have more specific answers about the extension. Esther and Sara shared their understanding of how the extension was requested. Artice agreed that meeting the timeline for the final report created by the task force at the previous meeting is the best thing to do. Gerry concurred and said that once all pieces are there for the final draft, the task force can review what needs to happen to craft final report. Lynn noted that one reason for the timeline agreed last time was for budget recommendations to the County Board. Lynn also mentioned three items for all groups to consider for final report, including training and additional issues to be addressed, CJTF coordinating council, and the need for data collection.

Subsection on Fines and Fees

Esther presented the draft section on fines and fees which has been updated. It is not uncommon for court fees to exceed fines. Some people who do not have fines still have fees. Driving on a suspended license seems to be a big issue. Amy asked about the protocol in recommendation 2. Esther said that it would not require state changes. Gerry asked about mentioning "increasing

access to justice.” Gerry will draft some language about this. Lynn asked about the structure of fees; she recommended that if there are any fees that are implemented because of local rules, then the task force should recommend reducing those now (by the County Board). Esther explained fees and fee schedules: counties have different fee schedules for the state fees. Lynn recommended adding “...two bills, as well as take steps at the local level that will reduce the impact of court fees on low income individuals...” Susan Silver asked if any county was doing this correctly; Esther responded no. The group discussed how to address Champaign’s ability to reduce its fee structure.

Subsection on Housing

Esther presented the subsection on housing, particularly the U.S. Department of Housing and Urban Development’s policies on denial of housing to people with criminal convictions. The group discussed the language of the recommendations. Esther explained the Circuit Clerk fee attachment.

Subsection on Structural Issues

Amy Felty discussed the changes she made to the structural section. Amy then walked through the structure and the sections of her report. Esther asked about School Resource Officers. Esther also asked how the report could be narrowed down. Carolyn suggested creating some of this as supplemental reading. She recommended listing how the data was collected, highlights from findings, and then recommendations. She also suggested pulling some things from the Structural section into the introduction of the full report and trying to determine how to fit most of it in as “supplemental reading”. Sara likes the idea of pulling highlights and more relevant recommendations together for the report. Amy asked for help to edit the report down. Lynn mentioned how difficult the task of the group is and mentioned a concern about the original role of the task force to study the criminal justice system. The group discussed the Structural section and how it fits into the work of the task force and how it could fit into the final report.

VIII. New Business

There was no new business.

IX. Subcommittee Meetings

There were no subcommittee meetings.

X. Adjournment

Artice moved to adjourn.

COMMUNITY ENGAGEMENT (DRAFT July 11, 2017)

Priority Step: Developing A Strategic Plan For Informing Constituents About Racial Disparity and Efforts to Reduce Racial Disparity in the Champaign County Criminal Justice System

Overview of Community Engagement

The racial disparities observed in Champaign County's criminal justice system and in other interlocking community agencies and institutions result from race-based discrimination inherent in a system of customs, procedures, rules and routines whose disparate impacts may not be apparent to many members of the community. Ameliorating these disparities will be a project requiring the work of all the community; any lasting solution will require that all segments of the community engage with the problem and with one another. However, as the highest governing body representing all parts of the county, the Champaign County Board has a unique obligation and opportunity to take a leading role in producing and maintaining outcome-based solutions that eliminate racial disparities in the Champaign County criminal justice system and the community at large (Warner, 1999). Intentional racial equity-based approaches to community engagement are proven methods for creating long-lasting change. [citation?]

1. *Community Engagement Practices.* In a general sense, community engagement aims to create relationships and foster processes for identifying community issues and problems, setting goals, creating solutions and setting benchmarks against which community members can measure their progress over time (Wood, 2016). The first step in this process is identifying all groups who have an interest in the welfare of the community and developing strategies for integrating them at every level of the decision-making process (Center for Court Innovations, 2010). Community engagement recognizes that simply asking institutions to reform themselves without consulting members of the community they serve rarely produce meaningful improvements (Marquary-Pyatt and Petzelka, 2008; Ashwood et al., 2014).

The Racial Justice Task Force believes productive efforts to eliminate racial disparities in the county's criminal justice system cannot involve just the subjects of the disparities — those arrested, accused, jailed, or awaiting trial; nor can it involve just the institutions — law enforcement, jails and the courts — whose practices, policies and procedures give rise to racial disparity. To be successful over the long term, engagement efforts must also include those who typically consider themselves adjacent to the system's actions: the rest of the community, whose members may not feel directly involved in the criminal justice system but whose everyday lives, opportunities, security, privacy and communities — and confidence in the CJ processes and institutions — are nonetheless distorted or diminished by the system's unjustly disparate outcomes.

Productive community engagement must involve all communities, with an emphasis on African American and other communities of color vulnerable to the criminal justice system. An effective and ongoing engagement process can make for a more just and resilient community, creating an asset that will contribute to better quality of life for the entire community.

2. *Using the Media to Foster Community Engagement.* The Champaign County Board shapes how constituents come to understand and respond to community issues including the impact of racial disparity in the criminal justice system. Crafting specific goals and guiding principles related to community engagement should be a priority. For example, The Cook County State's Attorney Office lists community engagement priorities including "Developing strategies for engagement with community" and "Increasing communication channels" as central to its mission. Building the frames through which these messages are better understood is necessary also is key to fostering effective community engagement. If, therefore, the Champaign County Board hopes to inform the community of facts regarding racial disparities in our criminal justice system or to inform the community of important initiatives being undertaken to reduce these disparities, it will have to adopt a more aggressive attitude with regard to the media which influences the thoughts and actions of the residents of the county.

The Champaign County Board must consider the following when communicating via the media about racial disparity in the criminal justice system: 1) the appropriate use of media and diverse media outlets, and 2) how to frame media messages that resist racial stereotypes and misinformation about criminality among African Americans and other communities of color.

- a. *Utilizing the media and multiple media outlets.* Traditional and digital media can be used to reach diverse audiences and foster community engagement. The Champaign County Board currently uses media and media outlets that reach a small segment of the county's population, mostly white, middle-income, college-educated men and women (Mitchell, 2016; Newspapers: Age, 2016; Newspapers: Ethnic Group, 2016; Newspapers: Education Level, 2016). For example, the board typically drafts and circulates a press release submitted to local media outlets such as The News Gazette, The Daily Illini, WCIA, and other television outlets for public broadcast. The release also is posted on the official Champaign County website. This strategy guarantees the message will reach constituents with access to print, television, and the internet, rather than the general public. Here, social media has the potential to reach diverse populations, but remains underutilized by the Champaign County Board (Fox and Rose, 2014). Furthermore, community engagement through forms other than media (e.g. community forums, surveys, outreach events) should be utilized to reach the broadest range of residents across demographics.
- b. *Framing.* Framing is a powerful communicative tool that tells audiences what to think about and how to think about a particular issue. The Champaign County Board needs to develop a strategic plan for how to communicate about racial disparity in the criminal justice system. This includes how to counter racial stereotypes that perpetuate the myth that African Americans and other communities of color commit more crimes than Whites (Omani, 2017). Notably, the Champaign County Board has taken some measures to draw attention to racial disparity in the criminal justice system via meeting minutes and public announcements regarding the formation of the Racial Justice Task Force. These efforts, however, fail to educate constituents about racial disparity--what it is and how it impacts diverse communities--and empower them to take action to address this problem. Overall, the Champaign County Board needs to be intentional about providing context and alternative narratives that help to inform and educate residents about racial disparity in the criminal justice system and other related community issues.

3. Developing a Racial Disparity Database. Racial disparity is a result of racism (or discrimination based on race). It exists when the proportion of a select racial group within the system is greater than their proportion in the general population. For example, in Champaign County, African Americans constitute roughly 13% of the total population and make up more than 65% of all inmates in the county jail. Racial disparity also occurs when there is dissimilar treatment between racial groups with drastically different outcomes. Here, African Americans in Champaign County arrested for unlawful weapons possession serve 35 days in jail compared to whites (21 day) for similar charges. This routinely results in a significant loss of income and employment thereby contributing to high rates of joblessness among Blacks. Statistics at the community and national level increasingly show the cumulative impact of racial disparity through each decision point in the criminal justice system. Champaign County, however, has yet to act on such data and to make this information readily available and easily accessible to the general public.

In an effort to better understand and respond to racial disparity in the criminal justice system, the RJTF Community Engagement Subcommittee, with the assistance of Dr. Beverly Wilson (University of Illinois) and several other researchers at the University of Illinois, developed a prototype for a digital database, tentatively regarded as the RJTF Community Justice Data Portal. The overall vision for this web-based application is to foster community dialogue and collective action to eliminate racial disparity in the Champaign County criminal justice system. Bringing together police reports, court orders, and jail records (quantitative) with personal narratives, interviews, and surveys (qualitative) of communities of color and others vulnerable to the criminal justice system, this database continues and extends an intellectual and activist tradition of using “big data” to intervene in contemporary social justice issues.

During the spring of 2017, the RJTF hosted a database workshop at the U of I campus. This provided a “preview” of the web-application and the raw data previously collected. Several community stakeholders including Circuit Clerk Katie M. Blakeman, Dr. Stuart Levy (U of I professor in NCSA), and members of various grassroots organizations including Build Programs Not Jails attended this well-received community event. One participant, in particular, commented on the need for the database. Most promising, Circuit Clerk Katie M. Blakeman offered her support for the continued development of the digital site.

Recommendations

Based on the preceding discussion, there are specific recommendations to be made.

- Champaign County and other local government organizations should utilize a broader mix of communications media in all conversation with the public. This mix should include several print channels, several broadcast or cable channels, and several social media channels. Combined, all of these channels should guarantee coverage of all demographic groups with regard to age, gender, race, ethnicity, and political outlook.
 - Create closer relations with the editors of traditional media channels, both print and broadcast. Use these relationships to better explain the contexts through which later messages from the county may be best understood.
 - Create social media channels which are filled with a constantly updated flow of information. These must be sufficiently engaging so as to capture the attention of the community as well as to establish the larger narrative frame.

- Create and maintain a county-wide data portal, similar to that maintained by the City of Urbana. Augment quantitative data with qualitative information, such as personal narratives. In addition, increase the scope of both quantitative and qualitative data to include the areas of employment, housing, and education.
 - Appoint a Director of Research to continue database development.
 - Hire the following personnel to assist the Director of Research: statistician, ethnographer, computer programmer, and graphic designer.
 - Allocate funds for marketing and maintaining the database.
 - Allocate funds towards community training sessions about best practices for database usage.

References

- Ashwood, L., N. Harden, M. Bell, and W. Bland. 2014. Linked and situated: grounded knowledge. *Rural Sociology* 79(4): 427–452
- City of Urbana Open Data Portal. <https://data.urbanaininois.us/browse?category=Police>. accessed 2/5/2017
- Champaign County, Illinois Sheriff: Inmate Lookup.
<http://www.co.champaign.il.us/Sheriff/InmateLookUp.php>
- Eisen, Lauren-Brooke, Oliver Roeder, America's Faulty Perception of Crime Rates, Brennan Center for Justice at NYU School of Law. March 16, 2015 accessed May 4, 2017 at <https://www.brennancenter.org/blog/americas-faulty-perception-crime-rates>
- Fox, Richard L., and Michelle Rose. "Public Engagement with the Criminal Justice System in the Age of Social Media." By Richard L. Fox, Michelle Rose :: SSRN. *Oñati Socio-legal Series*, 31 Oct. 2014. Web. Accessed 11 June 2017.
- Gramlich, John. 5 facts about crime in the U.S., February 21, 2017, accessed May 4, 2017 at <http://www.pewresearch.org/fact-tank/2017/02/21/5-facts-about-crime-in-the-u-s/>
- Johnson, Mason, FBI's Violent Crime Statistics For Every City In America, October 22, 2015, accessed May 4, 2017 at <http://chicago.cbslocal.com/2015/10/22/violent-crime-statistics-for-every-city-in-america/>
- Lakoff, George, *Women, Fire and Dangerous Things: What Categories Reveal About the Mind*. University Of Chicago Press (1990)
- Marcus, Jackson. For slain man's mother, 'the wait is over' News-Gazette Fri, 01/13/2017 - 8:00am |<http://www.newsgazette.com/news/local/20170113/slainmansmotherwait-over.html> accessed on 5/2/2017
- Marquary-Pyatt, S.T., and P. Petrzelka. 2008. Trust, the democratic process, and involvement in a rural community. *Rural Sociology* 73(2):250-274.
- Mitchell, Amy and Holcomb, Jesse, State of the news media, 2016. accessed on May 4, 2017 at <http://www.journalism.org/2016/06/15/state-of-the-news-media-2016/>
- Newspapers: Daily readership by age, June 15, 2016, accessed May 4, 2017 at <http://www.journalism.org/media-indicators/newspapers-daily-readership-by-age/>
- Newspapers: Daily readership by education level. June 15, 2016. accessed May 4, 2017 at <http://www.journalism.org/media-indicators/newspapers-daily-readership-by-education-level/>
- Newspapers: daily readership by ethnic group, June 15, 2016, accessed May 4, 2017 at <http://www.journalism.org/media-indicators/newspapers-daily-readership-by-ethnic-group/>
- Omoni, Oluwafemi Opeoluwa, *The Reframing of Black America: The Portrayal of African*

Americans in American Television Crime Dramas February 2017, Master's Thesis
<https://dukespace.lib.duke.edu/dspace/bitstream/handle/10161/14072/Femi%20Omoni%20-%20The%20Reframing%20of%20Black%20America.pdf?sequence=1>, accessed 5/2/2017

Raine, Lee and Larsen, Elena. Who visits government Web sites and what they do | Pew Research Center April 3, 2002, accessed May 4, 2017 at
<http://www.pewinternet.org/2002/04/03/part1/whovisitsgovernmentwebsitesandwhattheydo/>

Representation of Race and Gender in News-Gazette Crime Coverage - PS 494 Fall 2015,
<http://www.clinecenter.illinois.edu/research/undergrad/>, accessed 2/5/2017

RESTORATIVE JUSTICE AND PRACTICES – PREVENTING AND RESPONDING TO CRIME AND DELINQUENCY (DRAFT July 5, 2017)

Priority Step: Fully Integrate Restorative Justice and Practices into the Criminal-Justice and Juvenile-Justice Systems and Community Responses to Crime and Delinquency

Overview of Restorative Justice and Practices

The premise of restorative practices, of which restorative justice is a part, is that people are more cooperative, productive, happier, and more likely to change their behavior in positive ways when we work *with* them rather than doing things *to* or *for* them.¹ The focus of restorative practices is on building and strengthening community and relationships, restoring and repairing them when harm occurs, and averting and remedying harm caused by wrongdoing. Three examples of restorative practices found in both the criminal-justice and juvenile-justice contexts include:

1. *Restorative-Justice Conferences (RJCs)*. As the Illinois Balanced and Restorative Justice Project (IBARJ), which is headquartered in Champaign, has explained, restorative-justice conferences “involve the community of people most affected by the offense – the harmed, the harmer, and the family, friends, and key supporters of both These affected parties are brought together by a trained facilitator to discuss how they and others have been harmed and how that harm might be repaired.” (<http://www.ibarj.org>) The facilitated dialogue results in an agreement setting forth what the person responsible for the harm will do to repair the harm, restore relationships damaged by the offense, and otherwise “make things right.”² The agreement might include apologies, community service, restitution, skill building, educational or employment commitments, or other creative and personalized actions to meet obligations and needs discussed during the restorative dialogue. Participation by all involved in an RJC is voluntary.³

2. *Circles*. A host of different kinds of circles can be employed to prevent and respond to crimes and delinquency. Two examples include Peacemaking Circles and Circles of Support and Accountability (COSAs).

a. *Peacemaking Circles*. Peacemaking Circles are grounded in the shared values of those in the circle, such as respect for others, and a recognition of our interconnectedness. Peacemaking Circles create a safe place for fostering an understanding of others, building and repairing relationships, solving problems, and resolving conflict and disputes. The circles may include those who have been harmed, those who have harmed others, their support people, justice officials (such as police officers), and neighborhood or community representatives. The “keeper” of the circle, unlike the facilitator in a restorative-justice conference, is an equal participant in the circle discussions, though the keeper ensures that each participant can be heard as well as listen. Unlike RJCs, which are in response to a specific harm/incident, Peacemaking Circles are convened when the harm or incident has deeper and wider roots and implications. Examples include ongoing related incidents between groups (e.g., gangs or families), such as retaliation, violence within a neighborhood or the whole community, and hate crimes.⁴

b. *Circles of Support and Accountability (COSAs)*. Circles of Support and Accountability can be used for people who are at high risk of committing a serious crime. While there are different ways of structuring COSAs, one classic model entails three to six trained volunteers meeting regularly, in a circle, with the “core member” – the person at risk of recidivating. COSAs have multiple goals, including (1) to ensure the core member understands that the circle members accept him or her as a person even though they reject the core member’s crime; (2) to develop strong, positive relationships with the core member, which is a protective factor against crime;⁵ (3) to alter cognitive distortions, such as a core member’s attempt to diminish the seriousness of the crime; and (4) to help link the core member with resources, such as a job, that help avert repeat criminal

behavior.⁶ In addition to COSAs, other kinds of circles, including Peacemaking Circles and “Welcome and Reentry Circles,” can be used when a confined person is returning to his or her community.

Circles can also be used for other purposes than preventing and responding to crimes and delinquency, such as to address race-based conflict. Lyubansky and Barter (2011) describe two examples of circles that were used to address interpersonal racial conflict and the positive feedback from participants about these circles.⁷ Circles can also be used to discuss community concerns about police practices. For example, a circle was convened following a Seattle police officer’s shooting and killing of a Native-American wood carver who was walking down the street with a piece of wood and small carving knife. The circle culminated in an agreement by the Seattle Police Department to, among other steps, immediately change the way new police officers were trained.⁸

3. *Family Group Decision Making (FGDM)*. Family group decision making can be used for an array of reasons, such as to develop a reentry plan for an imprisoned person returning to the community, help an individual on probation lead a law-abiding life and be a productive citizen, or provide needed structure and support to a youth who is a chronic truant. During FGDM, family members and the person for whom a plan is being developed meet. The “family” is loosely defined, often including other people, such as a best friend or mentor, who are close to the person on whom the plan is focused. At the beginning of the meeting, service providers and other professionals share information about support services and treatment available within the community. The professionals then leave the room, and the family members develop the plan. The plan typically outlines key responsibilities that the person for whom the plan is being developed and family members will assume under the plan.⁹

Restorative practices give a voice to people affected by crime or delinquency who typically are shunted to the sidelines of the criminal-justice and juvenile-justice systems. A restorative-justice conference, for example, affords the victim of a crime the opportunity to ask the person who committed the crime questions to which the victim wants or needs answers and to play a role in determining how the harm the crime caused can be remedied. Researchers are confirming the positive outcomes that ensue when restorative practices are integrated into a criminal-justice system. For example, restorative-justice conferences are more effective than traditional, non-restorative court processing of cases in reducing recidivism, producing victim satisfaction, and decreasing victims’ fear that they will be victimized again.¹⁰ Restorative-justice conferences also yield significant cost savings, in part through its reduction in reoffending.¹¹ For discussion of research on the benefits of restorative justice and practices in the juvenile-justice context, see Section _ of this report.

The Linkage Between Restorative Justice and Practices and the Goal of Reducing Racial Disparity in the Criminal-Justice System in Champaign County

In addition to the substantial benefits documented thus far of responding to crime in a restorative way, there are significant reasons to believe that restorative justice and practices, when well planned and implemented, can help reduce the racial disparity in criminal-justice systems, including in Champaign County. These reasons include, among others:

1. *Conflict Avoidance and Resolution*. Unaddressed conflict has contributed to acts of violence and retaliatory violence that are having a disproportionate adverse impact in this county. Peacemaking Circles can be employed in multiple ways to curb this violence. They can be used, for example, to promote a dialogue between people in conflict and address the conflict before it escalates. Peacemaking Circles convened in response to conflict between two or more people can be initiated at the request of a person at the center of the conflict, a family member or friend, a neighborhood leader, a police officer, or someone else.

2. *Combatting the Damaging Effects of “Othering” African Americans.* “Othering” is a process through which we classify a category of people as “other than,” and lesser than, ourselves. The “othering” of African Americans has fostered damaging stereotypes about them. Even seeing an African American often evokes negative assumptions about that person’s intellect, work ethic, and virtue. A core feature of restorative practices is that they build and strengthen relationships between people and promote a feeling of belonging. They are a means, therefore, of combatting the adverse effects of “othering,” including explicit and implicit bias and the disparate treatment bias can foster, whether in the criminal-justice system, schools, workplaces, or elsewhere. Section _ of this report expands further on some of the adverse effects of “othering” African Americans.

3. *Recidivism Reduction.* While the greater effectiveness of restorative-justice conferences in reducing recidivism spans a range of crimes, their largest recidivism-reducing impact appears, at this point in the research, to be in instances involving a violent crime.¹² At present, African Americans are arrested in disproportionate numbers for certain serious violent crimes, such as robbery and murder.¹³ RJs hold promise of diminishing these numbers, particularly if combined with other restorative practices.

Implementation of Restorative Justice and Practices in Champaign County and Elsewhere

Restorative justice and practices are, with increasing frequency, being integrated into criminal-justice and juvenile-justice systems in the United States, as well as other countries. To give but a few examples, restorative-justice conferences are part of the criminal-justice and juvenile-justice systems in Colorado.¹⁴ In Armstrong County, Pennsylvania, family group decision making is employed in multiple systems, such as juvenile justice, child welfare, and schools.¹⁵ Circles of Support and Accountability are utilized in Vermont to facilitate the reentry of confined people returning to their communities.¹⁶ And notably, the nation’s first “restorative community court” was recently established in Chicago.¹⁷

Champaign County has, commendably, taken some steps to start bringing restorative justice and practices into the county’s juvenile-justice system. The Regional Planning Commission, for example, oversees a program at the Youth Assessment Center that enables a juvenile to be diverted from the juvenile-justice system if he or she meets the terms of an agreement into which the youth entered during a facilitated dialogue between the youth, the victim or victims of the delinquent act, and the youth’s parents or guardians.

Several years ago, the Champaign County Board appointed a Community Justice Task Force to develop recommendations to avert and limit incarceration, reduce recidivism, and promote the rehabilitation of formerly incarcerated people returning to communities in our county. The Task Force’s threshold recommendation in its 2013 report was to integrate restorative justice throughout the criminal-justice system in the county.¹⁸ While there has been some progress in beginning to implement several of the Task Force’s other recommendations, no steps have yet been taken to implement this recommendation, one designed to avoid and remedy the harm crimes cause. Through this report and the additional recommendations set forth below, the Racial Justice Task Force now hopes to jumpstart the taking of these critically important steps to integrate restorative justice and practices into our criminal-justice system as well as the juvenile-justice system.

Recommendations

The Racial Justice Task Force recommends the taking of the following steps to reduce the racial disparity in the county’s criminal-justice system:

Develop and implement a plan to integrate restorative practices throughout both the criminal-justice and juvenile-justice systems, as well as community responses to crime in Champaign County.

In 2013, the Champaign County Community Justice Task Force called on criminal-justice officials to work with others to create a Restorative and Criminal Justice Coordinating Council. As explained elsewhere in this report, the Racial Justice Task Force renews this recommendation. The Task Force furthermore recommends that the Coordinating Council appoint a Restorative Justice and Practices Planning Subcommittee to develop a proposed plan to (1) put restorative practices in place that enable community members to address conflict and take other proactive measures to prevent crime, and (2) integrate restorative practices throughout the criminal-justice and juvenile-justice systems in the county. The Racial Justice Task Force recommends that this subcommittee include some members of the Coordinating Council, several experts on restorative justice and practices, and any other individuals needed to develop an effective plan and garner the support of criminal-justice and juvenile-justice officials and the community for the plan.

If restorative practices are utilized in only a limited way, they will not make a dent in the racial-disparity problem in the criminal-justice system in Champaign County. Nor will the people in the county reap the many other benefits of restorative practices. The plan being developed should therefore include provisions to ensure that restorative practices permeate the criminal-justice and juvenile-justice systems rather being consigned to their periphery. Examples of such provisions include:

- The incorporation of a range of fully restorative practices into the criminal-justice and juvenile-justice systems, including restorative-justice conferences, family group decision-making, and different kinds of circles.
- The extension of restorative practices to all stages of the criminal-justice and juvenile-justice systems, from the law-enforcement stage at the front end to post-confinement/detention supervision at the back end. (In appropriate cases, a restorative practice, such as a restorative-justice conference, can be used in lieu of court processing of a case, while in other cases, the restorative practice can be utilized in addition to court processing.)
- Not limiting the types of crimes for which restorative practices will be available, though at the same time ensuring that participation of people in a restorative process is voluntary and that they have been screened for their suitability to participate.
- Institution of a “restorative community court,” drawing from the experience of effective community and problem-solving court models from around the United States and world.

¹ Wachtel, T. (2013). *Defining restorative*. Bethlehem: International Institute for Restorative Practices.

² International Institute for Restorative Practices. (2006). Restorative justice and practices. Retrieved from http://www.iirp.edu/pdf/beth06_davey2.pdf

³ For additional information about restorative-justice conferences, see Wachtel, T., O’Connell, T., & Wachtel, B. (2010). *Restorative justice conferencing: Real Justice and the conferencing handbook*. Bethlehem, PA: International Institute for Restorative Practices.

⁴ For additional information about Peacemaking Circles, see Boyes-Watson, C. & Pranis, K. (2010). *Heart of hope: A guide for using peacemaking circles to develop emotional literacy, promote healing and build healthy relationships*. Boston, MA: Center for Restorative Justice at Suffolk University.

⁵ Rhodes, W., Dyou, C., Kling, R., Hunt, D., & Luallen, J. (2013). *Recidivism of offenders on federal community supervision*. (Accession no. RCJ 241018). Retrieved from <https://www.ncjrs.gov/pdffiles1/bjs/grants/241018.pdf>

⁶ For additional information about COSAs, see Höing, M, Bogaerts, S., & Vogelvang, B. (2013). Circles of Support and Accountability: How and why they work for sex offenders, *Journal of Forensic Psychology Practice*, 13(4), 267-295.

⁷ Lyubansky, M. & Barter, D. (2011). A restorative approach to interpersonal racial conflict. *Peace Review: A Journal of Social Justice* 23(1), 37-44.

⁸ Lyubansky, M. (2013). *Restorative justice for Trayvon Martin*. *Journal for Social Action in Counseling and Psychology*, 5(1), 59-72.

⁹ For additional information about FGDM, see Smull, B., Wachtel, J., & Wachtel, T. (2012). *Family power: Engaging and collaborating with families*. Bethlehem: International Institute for Restorative Practices.

¹⁰ Strang, H., Sherman, L., Mayo-Wilson, E., Woods, D., & Ariel, B. (2013). Restorative justice conferencing (RJC) using face-to-face meetings of offenders and victims: Effects on offender recidivism and victim satisfaction. A systematic review. *Campbell Systematic Reviews*, 2013(12), 1-63; Sherman, L., Strang, H., Mayo-Wilson, E., Woods, D., & Ariel, B. (2015). Are restorative justice conferences effective in reducing repeat offending? *Journal of Quantitative Criminology*, 31(1), 1-24.

¹¹ Strang, H., Sherman, L., Mayo-Wilson, E., Woods, D., & Ariel, B. (2013), *supra* note 5.

¹² Strang, H., Sherman, L., Mayo-Wilson, E., Woods, D., & Ariel, B. (2013), *supra* note 5.

¹³ While the FBI collects statistics on arrests, not convictions, a majority of the people arrested in 2015 for murder (or non-negligent manslaughter) and robbery were African Americans. Federal Bureau of Investigation. (2015). *Crime in the United States* (Table 43A). Retrieved from <https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015/tables/table-43>

¹⁴ For information on the restorative practices implemented in Colorado, see <http://www.rjcolorado.org>.

¹⁵ For additional information on the FGDM model in Armstrong County, see

<http://www.co.armstrong.pa.us/services/cyf/family-decision-making>.

¹⁶ Fox, K. (2013). *Circles of support and accountability: Executive summary prepared for the state of Vermont department of corrections*. [Burlington, VT]: University of Vermont.

¹⁷ Wood, L. (2016, May 31). Community court offers hope for healing. *Chicago Daily Law Bulletin*. Retrieved from <http://www.chicagolawbulletin.com/Archives/2016/05/31/Community-court-5-31-16.aspx>

¹⁸ Champaign County Community Justice Task Force. (2013). *Recommendations*. Retrieved from <http://www.urbanillinois.us/sites/default/files/attachments/03-recommendations-champaign-county-community-justice-task-force.pdf>

FEES AND COSTS FOR CRIMINAL AND TRAFFIC PROCEEDINGS (7-13-17 draft)

Priority Step: Reduce Disparate Impact of Court Fees on Low Income People

Fines are punishment for an offense; fees are additional costs charged to a defendant to pay for court expenses. Fees include actual expenses of the individual case and also fund a variety of other purposes. For example, people convicted of non-violent offenses such as driving on a suspended license or theft of merchandise worth less than \$300 were charged a fee for the Violent Crime Victim's Fund. For other examples of fees, please see Appendix.

It is not uncommon for the amount of court fees in a traffic or criminal case to be a much greater fiscal burden than the fine for the conviction. For example, among cases in the Circuit Clerk's public records are a person convicted of theft sentenced to 30 months of probation with no fine, but court fees added up to \$1,162. A person convicted of Driving Under the Influence was fined \$1,495 and the court fees were \$2,765, almost double the amount of the fine.

Court fees effectively become an additional punishment for the offense, with a disparate impact based on income, and therefore, based on race. In Champaign County, an African American is more than twice as likely as a Caucasian to live in poverty. According to the U.S. Census Bureau 2015 population estimates for Champaign County, 41.5% of African Americans have incomes below the poverty level compared to 17.2% of Caucasians.

On June 1, 2016, the Illinois Statutory Court Fee Task Force, a bi-partisan body created by the Illinois General Assembly, issued its report: *Findings and Recommendations for Addressing Barriers to Access to Justice and Additional Issues Associated with Fees and Other Court Costs in Civil, Criminal and Traffic Proceedings*. One of the state Task Force's recommendations is: "The General Assembly and the Supreme Court should authorize the waiver or reduction of assessments [fees] . . . imposed on criminal defendants living at or near poverty."

In 2017, legislation (HB 2591) was introduced in the Illinois General Assembly to implement this recommendation, providing for:

- Waiver of court fees for anyone with income below 200% of the poverty level;
- 75% waiver of fees for anyone with income 201 - 250% of the poverty level;
- 50% waiver of fees for anyone with income 251 – 300% of the poverty level;
- 25% waiver of fees for anyone with income 301 -400% of the poverty level.

Consideration of the bill has been postponed until next year.

Driving on Suspended or Revoked License

One-day snapshot views of the Champaign County Jail population consistently show that the majority of people serving sentences for driving on a suspended or revoked license are African American. For example, on February 14, 2017, 55% of the 27 people serving time in the jail for this offense were African American. Approximately one in seven people held at the county jail on any given day is serving a sentence for driving on a suspended or revoked license.

For low income and indigent drivers, the staggering amount of court fees increases the adverse effects associated with traffic charges. In addition to facing civil penalties when unpaid fees are reported to a collection agency, a person whose driver's license has been suspended or

revoked cannot legally operate a motor vehicle until the license is reinstated. In essence, length of punishment is extended because of inability to pay.

The Illinois Secretary of State's web site prominently states: "All reinstatement fees must be paid prior to issuance of a new Driver's License." In addition to court fees, the Secretary of State charges reinstatement fees ranging from \$70 for "Failure to Appear in Court Suspension" to \$500 to reinstate a revoked license.

It is also important to note that the Secretary of State has the authority to suspend or revoke driver's licenses for a variety of reasons, including failure to pay child support or failure to pay parking tickets. Existing policies combined with poverty create a vicious cycle whereby inability to pay money results in loss of driving privileges that are not reinstated because of inability to pay fees. If anyone driving without a license is stopped by a police officer, the person will be charged with driving on a revoked or suspended license which is a criminal misdemeanor.

Legislation (HB 3920) was introduced in 2017 providing that a person who drives a vehicle when his or her driver's license is revoked or suspended *due to an unpaid civil penalty* such as failure to pay child support, will be guilty of a petty offense carrying a fine of \$50 rather than the current charge of Class A misdemeanor that imposes a fine of \$2,500 and up to one year in jail (plus more court fees). Consideration of this legislation was postponed until next year.

Recommendations

The Champaign County Racial Justice Task Force recommends taking the following steps to increase the public's access to justice and reduce the racial disparity in the county's criminal justice system, including its jail population.

- 1. County board members and criminal justice officials should advocate for passage of the two bills described above (HB 2591 and HB 3920 in 2017) that will reduce the impact of court fees on low-income persons convicted of criminal or traffic offenses, as well as take steps at the local level that will reduce the impact of court fees.**
- 2. A protocol should be established to grant low-income and indigent persons, at the conclusion of a case, a period longer than 180 days (up to five years) for paying court fines and fees without the debt being sent to collection. This would prevent the additional court filings and hearings that are now necessary for people whose incomes indicate they will likely be unable to pay all fees and fines within six months.**
- 3. A protocol should be established to ensure that in every case, the Circuit Clerk's Office and the Public Defender's Office inform defendants of the opportunity to extend the time period for payment of fines and fees and facilitate their applications.**
- 4. County board members and criminal justice officials should advocate for passage of state legislation to facilitate reinstatement of a driver's license when inability to pay court fees is the only reason for the delay. This would reduce the number of people driving on suspended or revoked licenses and the number sentenced to the county jail, thus reducing one factor contributing to the racial disparity in the jail population.**

Housing for People with Criminal Conviction Records (7-13-17 draft)

Priority Step: Remove barriers to achieving stable housing for people with criminal conviction records.

Although persons with criminal conviction records are not a protected class under the federal Fair Housing Act, on April 4, 2016, the U.S. Department of Housing and Urban Development (HUD) Office of General Counsel issued a memo to all public housing authorities warning that a policy of denying housing to people with criminal conviction records might violate the Act, even if racial discrimination is not intended, if the policy is too broad and is found to have a disparate impact based on race.

The memo noted:

“As many as 100 million U.S. adults – or nearly one-third of the population – have a criminal record of some sort. . . . Since 2004, an average of over 650,000 individuals have been released annually from federal and state prisons and over 95 percent of current inmates will be released at some point. When individuals are released from prisons and jails, their ability to access safe, secure and affordable housing is critical to their successful reentry to society.

“Across the United States, African Americans and Hispanics are arrested, convicted and incarcerated at rates disproportionate to their share of the general population. Consequently, criminal records-based barriers to housing are likely to have a disproportionate impact on minority home seekers.”

The memo urged that any exclusion of an applicant because of criminal record be based on evidence and “not just by invoking generalized concern about safety.”

The Housing Authority of Champaign County’s (HACC) eligibility criteria used for HACC-owned, public housing and for the Housing Choice Voucher program include:

- Family members who are ex-offenders must have been compliant with all parole requirements a minimum of **five years** prior to final eligibility determination.
- No member of the family may have engaged in drug related or violent criminal activity for **five years** prior to final eligibility determination, conviction or arrest not necessary.

Significant problems with this policy include:

- Inability to obtain housing or to re-unite with one’s family increases the risk of recidivism;
- The policy has no rational relationship to safety of housing communities because it does not distinguish crimes committed at the place where the convicted person had resided from crimes not related to the convicted person’s former housing.
- Even first time offenders whose sentence is probation for a period of less than five years are subject to a five year ban from subsidized housing.

The Department of Housing and Urban Development has not required Housing Authorities to take any action in response to the 2016 memo. The burden to challenge the policy falls on the individual applicant who has the means to take court action to challenge HACC’s regulations.

Municipal Laws

City of Urbana and City of Champaign municipal code chapters on Human Rights, originally adopted in the 1970's, prohibit discrimination in employment, credit, housing and access to public accommodations on the basis of a person's "prior arrest or conviction record."

However, in 1994, City of Champaign added an exception, limiting non-discrimination protection only to persons who have lived outside of jail or prison for at least five years. The policy has a disparate impact on African American people both because of the race disparity in criminal convictions, and because of the race disparity in incomes. According to the U.S. Census Bureau 2015 population estimates for Champaign County, 41.5% of African Americans have incomes below the poverty level compared to 17.2% of Caucasians.

If a person with a conviction record for any crime, no matter how serious, is from a home-owning family, the family can reunite immediately upon the person's release. And it remains unlawful in City of Champaign to deny the purchase of residential real estate based on the applicant's conviction record.

However, if the person is a renter, as are most low income and indigent people, Section 17.4-5 of Champaign municipal code provides a broad exception: anyone convicted of a forcible felony or a felony drug charge may be lawfully denied housing until he or she has lived outside of jail or prison for at least 5 consecutive years without another conviction related to drugs or force.

In October, 2016, the Champaign County Re-Entry Council recommended that the Housing Authority of Champaign County change its eligibility policies and that the City of Champaign change its Human Rights law to prohibit discrimination in housing based on criminal conviction records without a 5-year delay for each applicant.

Also in October 2016, the City of Champaign's Human Relations Commission recommended to the Champaign City Council that it change its Human Rights law to repeal the section allowing discrimination in rental housing based on conviction record. At the time of this report, the mayor and city council have not yet decided to place the proposal on an agenda.

Recommendations

1. The Housing Authority of Champaign County (HACC) should change its eligibility policies to provide fair housing rights to all applicants with criminal conviction records except when U.S. Department of Housing and Urban Development rules require a public housing authority to reject an applicant due to criminal record.
2. The Champaign County Board should urge the Housing Authority of Champaign County to change its policies as described above.
3. The Champaign City Council should repeal Section 17.4-5 of the city code.
4. The Champaign County Board and local law enforcement officials should urge Champaign City Council members to repeal Section 17.4-5 of the city code to help reduce recidivism and racial disparities in the criminal justice system.