

COMMISSIONERS

EARLEAN COLLINS	1st District
ROBERT STEELE	2nd District
JERRY BUTLER	3rd District
STANLEY MOORE	4th District
DEBORAH SIMS	5th District
JOAN PATRICIA MURPHY	6th District
JESUS G. GARCIA	7th District
EDWIN REYES	8th District



COMMISSIONERS

PETER N. SILVESTRI	9th District
BRIDGET GAINER	10th District
JOHN P. DALEY	11th District
JOHN A. FRITCHEY	12th District
LARRY SUFFREDIN	13th District
GREGG GOSLIN	14th District
TIMOTHY O. SCHNEIDER	15th District
JEFFREY R. TOBOLSKI	16th District
ELIZABETH "LIZ" DOODY GORMAN	17th District

OFFICE OF THE  
**BOARD OF COMMISSIONERS OF COOK COUNTY**

118 NORTH CLARK STREET #567  
CHICAGO, ILLINOIS 60602  
(312) 603-6398

[www.cookcountygov.com/secretary](http://www.cookcountygov.com/secretary)

TONI PRECKWINKLE  
PRESIDENT

MATTHEW B. DeLEON  
SECRETARY TO THE BOARD

JUNE 10, 2013

**PUBLIC HEARING MEETING NOTICE AND AGENDA**

There will be a Public Hearing meeting of the **Criminal Justice Committee** of the Board of Commissioners of Cook County on **Tuesday, June 18, 2013** at the hour of **1:00 P.M.** in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois to consider the following:

1. **PUBLIC TESTIMONY**

323681 CREATION OF A COOK COUNTY TASKFORCE TO EVALUATE THE FEASIBILITY OF ESTABLISHING A COUNTYWIDE FIREARM REGISTRATION SYSTEM AND A REFERENCE BALLISTICS IMAGING DATABASE (PROPOSED RESOLUTION). Submitting a Proposed Resolution sponsored by Earlean Collins, County Commissioner.

**CREATION OF A COOK COUNTY TASKFORCE TO EVALUATE THE FEASIBILITY OF ESTABLISHING A COUNTYWIDE FIREARM REGISTRATION SYSTEM AND A REFERENCE BALLISTICS IMAGING DATABASE**

**WHEREAS**, the County of Cook is a home rule unit of government as defined in Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, Cook County has an ongoing responsibility to protect the health, welfare and safety of its residents; and

**WHEREAS**, the fight against violent crime is one of the most important law enforcement initiatives of our day. And although much progress has been made in reducing the level of violent crime there is much more that can and must be done; and

**WHEREAS**, from Newtown, Connecticut to Chicago to Boston to the White House, Federal, State and local law enforcement are now engaged in a national debate to find more effective and efficient ways of addressing gun violence; and

**WHEREAS**, forensic science has long played a key role in the detection and solution of crimes. The science of ballistics, in particular, has been an important component in addressing violent crimes, which are often committed with firearms; and

**CRIMINAL JUSTICE COMMITTEE NOTICE**

**JUNE 10, 2013**

**PAGE 2**

**WHEREAS**, the general principle behind ballistic imaging technology is that each firearm imparts markings, unique to that firearm, on the shell casing and projectile of expended ammunition. Ballistic imaging technology was first employed by the Federal Bureau of Investigation (FBI) and the Alcohol, Tobacco, Firearms and Explosives (ATF) in the early 1990s. Later the collaboration between the FBI and ATF resulted in a unified system called the National Integrated Ballistic Information Network which specializes in ballistic imaging of crime-scene data; and

**WHEREAS**, interest by states to evaluate the desirability and feasibility of establishing a reference databases of projectiles/cartridge cases associated with firearms sold by dealers within their jurisdiction prompted the Office of Justice Programs, National Institute of Justice and the Department of Justice to commission the Center for Criminal Justice Technology (CCJT) to develop a computer-based impact analysis model and handbook to assist state legislators and law enforcement officials in establishing and operating a Reference Ballistic Imaging Database (RBID) that meets national standards; and

**WHEREAS**, the creation of a statewide RBID system would call for all test-fired shell casings and projectiles be provided to the state police at the time of sale for all new or refurbished guns. Once the exemplars are imaged and archived, the images will be stored in an image database, along with such information as serial number, gun model, and vendor; and

**WHEREAS**, shell casings or bullets that are recovered from crime scenes may be imaged and searched against the RBID. A hit will identify the serial number and type of firearm that fired the ammunition recovered at the crime scene. This information, in turn, can be used in conjunction with the state's permit or registration database to determine the original legal owner of the firearm. Law enforcement authorities will then use this information as a lead to help determine the perpetrator(s) of the crime being investigated. Effectively, this approach permits the conduct of a gun trace without having recovered a firearm. In the case of a gun that has been recovered from a crime scene and whose serial number has been obliterated, law enforcement officials can test-fire the gun, image the shell casing and/or projectile, and then search the RBID to determine such information as the gun make, model, serial number, and vendor.

**NOW, THEREFORE, BE IT RESOLVED**, that the President and the Cook County Board of Commissioners create a taskforce to evaluate the feasibility of establishing a countywide firearms registration system and a reference ballistics imaging database.

**\*Referred to the Committee on Criminal Justice on 05/19/13.**

323682

**INTENSIVE STUDENT EDUCATION AND FAMILY SUPPORT CENTERS (PROPOSED RESOLUTION).** Submitting a Proposed Resolution sponsored by Earlean Collins, County Commissioner.

**INTENSIVE STUDENT EDUCATION AND FAMILY SUPPORT CENTERS**

**WHEREAS**, the County of Cook is a home rule unit of government as defined in Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

**CRIMINAL JUSTICE COMMITTEE NOTICE**

**JUNE 10, 2013**

**PAGE 3**

**WHEREAS**, it is a universal concept that family and community issues impact educational success and that when social and economic supports are not available to assist children and their families to buffer the consequences of poverty and other problems then no amount of school reform will change the educational success of the abovementioned population; and

**WHEREAS**, just as important is the data, which has historically been the same, showing the correlation between education and self-worth, decision making, crime, unemployment, homelessness, incarceration and health; and

**WHEREAS**, it has been nationally accepted and proven that early identification and intervention programs have better results for behavior modification problems than to wait until children get into more serious problems at a later age; and

**WHEREAS**, the school system affords the greatest opportunity for early identification of children who are experiencing academic and/or social difficulties in their homes and/or at school; and

**WHEREAS**, children of working parents or guardians who are expelled from school for extended periods of time without supervision are prime targets for gang recruitment and other criminal activities; and

**WHEREAS**, the concept behind the centers is to take a holistic approach to addressing problems by linking home, school and community to create a more comprehensive, integrated system of school-based student and family support services.

**NOW, THEREFORE, BE IT RESOLVED**, that the President and the Cook County Board of Commissioners recognizes the potential for the use of intensive student education and family support centers to address crime reduction and family and community stability; and

**BE IT FURTHER RESOLVED**, that the President and the Cook County Board of Commissioners extend an open invitation to the Illinois State Board of Education, Illinois P-20 Council, City of Chicago, Chicago Board of Education and community stakeholders to discuss more effective ways to better serve the needs of children from families who are at risk of academic and/or social economic failure and the creation of a lead exploratory committee to examine the use of these centers; and

**BE IT FURTHER RESOLVED**, that the exploratory committee examines the feasibility of establishing intensive student education and family support centers that:

- Serve students at risk of academic failure and behavioral problems; and
- Are located in or near schools in which twenty percent (20%) or more of the student body are eligible for free or reduced-priced school meals; and
- Promote identification and coordination of new and existing funding and resource pools; and
- Include, but not limited to, the following core components:
  - a. Afford students who exhibit behavioral problems alternatives to suspension except for those who commit crimes that would constitute a felony if they were adults; and

**CRIMINAL JUSTICE COMMITTEE NOTICE**

**JUNE 10, 2013**

**PAGE 4**

- b. Afford opportunities for early identification and intervention for students who are at risk for academic failure and behavioral problems; and
- c. Promote a holistic approach when addressing students problems including family's critical needs that impact the students ability to succeed academically and socially; and
- d. Minimize the need for new funds by funding collaborations with federal, state and local units of government, utilizing professionals who qualify for government and private reimbursement, establish agreements with colleges and universities with internships and other programs; and
- e. Provide safe havens for children who are forced to live in hostile home environments through establishing temporary housing campus like settings; and
- f. Academic and social economic success; and
- g. A safe, stimulating, learning environment; and
- h. Behavior modification; and
- i. Individualized service plans for students in crisis, to be administered by professionals who qualify for third party reimbursement; and
- j. Reducing school expulsions to only those who commit crimes that would constitute a felony; and
- k. Child, family and community advocacy programs; and

**BE IT FURTHER RESOLVED**, that the Exploratory Committee issue a written report of its findings within six months from the date of its' creation; and

**BE IT FURTHER RESOLVED**, that a suitable copy of this Resolution be tendered to the Illinois State Board of Education, Illinois P-20 Council, City of Chicago, Chicago Board of Education and selected community stakeholders in hopes of collectively finding solutions to minimize barriers to education.

**\*Referred to the Committee on Criminal Justice on 05/19/13.**

323683

CREATING AN INTERGOVERNMENTAL TASKFORCE TO REDUCE CRIME COMMITTED BY PERSONS WITH MENTAL ILLNESS AND/OR SUBSTANCE ABUSE (PROPOSED RESOLUTION). Submitting a Proposed Resolution sponsored by Earlean Collins, County Commissioner.

**CREATING AN INTERGOVERNMENTAL TASKFORCE  
TO REDUCE CRIME COMMITTED BY PERSONS WITH  
MENTAL ILLNESS AND/OR SUBSTANCE ABUSE**

**WHEREAS**, the County of Cook is a home rule unit of government as defined in Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, the state of Illinois has primary responsibility for individuals with mental illness and drug addiction it has imposed upon Cook County tax payers to shoulder the

entire financial burden; and

**WHEREAS**, the closing of the Illinois state mental institutions coupled with declining resources for treatment at the local level, are the driving influences for the increase in the homeless population, the crime rate, and overcrowding at Cook County Jail; and

**WHEREAS**, according to the latest law enforcement data approximately 65% of homicides are committed by individuals with mental illness and/or drug addicted; and

**WHEREAS**, Cook County has experienced a drastic increase in gun crimes resulting in injuring and killing of innocent babies, youth and adult bystanders, which have drawn attention throughout the country and abroad; and

**WHEREAS**, the release of thousands of ex-offenders and returning veterans who have exhausted all legal means to supply their basic needs create fertile ground for expanding violent subculture; and

**WHEREAS**, gangs and other criminal elements have formed a culture of violence and retaliation which have begun to dominate economically distressed communities with fear, human trafficking and economic exploitation.

**NOW, THEREFORE, BE IT RESOLVED**, that the President and Board of Commissioners create an intergovernmental taskforce to reduce crime committed by persons with mental illness and/or substance abuse; and

**BE IT FURTHER RESOLVED**, that the task force be represented of federal, state, county, local government and community stakeholders. The purpose of the task force is twofold; (1) to develop a collaborative system of services to facilitate our crime reduction efforts and (2) to provide more humane services for homeless individuals with mental illness, drug addicted, jobless veterans and ex-offenders who have exhausted all legal means for supporting their critical human needs; and

**BE IT FURTHER RESOLVED**, that the taskforce should be comprised of 21 members selected by the following:

1. Two (2) appointed by the County Board President; and
2. Two (2) appointed by Cook County Hospital Systems Board; and
3. Two (2) appointed by the Governor or the General Assembly: from health & human services; and
4. Three (3) appointed by the Federal Department: one from Health & Human Services, one from HUD and one from the department of Veterans Affairs; and
5. Three (3) appointed by the Mayor of Chicago: one from Department of Human Service, two from Law enforcement; and
6. Two (2) appointed by Cook County Sheriff; and
7. One (1) appointed by Suburban Mayors Association: one appointed by Suburban 708 Mental Health Board; and
8. Two (2) appointed by Cook County Circuit Court: one from mental health court and one from drug court; and

**CRIMINAL JUSTICE COMMITTEE NOTICE**

**JUNE 10, 2013**

**PAGE 6**

9. Three (3) appointed by Community Mental Health Care Providers Association; and
10. One (1) Clinical Psychologist; and
11. One (1) appointed by Hospital Association; and
12. One (1) appointed by the Coalition of the Homeless; and

**BE IT FURTHER RESOLVED**, that the duties of the taskforce shall include but not be limited to the following:

1. Determine the number of homeless individuals with mental illness, drug addicted, veterans and ex-offenders who have no legal means to supply their basic human needs; and
2. The number of aforementioned population who have committed serious crimes; and
3. Establish a system of treatment services to respond to their essential human needs in accordance with federal, state and local laws; and
4. Develop a funding consolidation plan that will support a holistic individualized service plan that can be funded by different service providers who are funded and responsible for the various services needs outlined in the individual plan; and
5. Conduct meetings with local police and community service providers to gain first hand knowledge as to the problems and needs of the aforementioned population in order that the service plan will be targeted to respond to their specific needs; and
6. Contract for professional and technical support with Cook County Board approval for staff and other technical and professional services that's essential to fulfill the task force responsibilities, to the extent possible utilize existing qualified county task forces and volunteers; and
7. Within ninety days provide a progress report to the Cook County Board; and

**BE IT FURTHER RESOLVED**, that the specific action plan shall include, but not be limited to the following:

1. Access the number and quality of service providers in the targeted areas. Conduct individual and group meetings to gather firsthand knowledge and information; and
2. Identify specific services and needs of returning homeless veterans. Conduct meetings with US Department of Veteran Affairs and local veteran centers, and organizations; and
3. Identify current and past Government funding sources and dollars spent on service needs over the last several years in the targeted areas; and
4. Conduct a feasibility review of all government special use funds specific to Human Services including grant funds for the target population; and
5. Establish a Cook County Housing Trust Fund in collaboration with the state housing trust fund, Chicago Housing program, US, HUD, US Department of Veterans Affairs, and the Cook County Homes Program which could be administrated under Cook County Land Bank Authority to ensure their low income housing goals; and
6. Establish rules for spending priorities from money saved from crime reduction in Cook County; and

CRIMINAL JUSTICE COMMITTEE NOTICE

JUNE 10, 2013

PAGE 7

7. To lobby the state Governor and legislators to revisit mandatory sentencing laws; and
8. Expand Crisis Intervention Teams to all police districts in the targeted areas; and

**BE IT FURTHER RESOLVED**, that all options are explored to establish coordinated funding pools made of stakeholders who target the needs of the family, including but not limited to the following:

1. Employ professionals who qualify for federal reimbursement for health services including psychological and emotional problems; and
2. Work with universities schools of social work to utilize their students who need to meet their practical work experience requirements; and
3. Tuition reimbursement programs for students who agree to work for the county for a specified time and in high crime areas; and
4. Utilize dollars saved by diverting individuals suffering from mental illness and /or drug addiction from the Cook County jails and 1115 waiver; and
5. Consider utilizing the new federal law that allows Counties to establish 708 mental health boards; and
6. Employ clinical social workers and legal advisors to assist law enforcement with domestic violence crisis involving children and families. Funding pool established in collaboration with Illinois Department of Children and Family Services and mental healthcare reimbursement for clinical social workers; and
7. Establish a shared funding pool comprised of:
  - a. Government and private funds designated for crime prevention and intervention; and
  - b. Health and Human Services at all levels of government; and
  - c. Housing Funds at all levels of government; and
  - d. Job training workforce investment funds; and
  - e. Special grants; and
  - f. Redirecting a percentage of tax levy for public safety; and
  - g. Shifting funds from programs inside prisons and jail to develop services in the communities.

**\*Referred to the Committee on Criminal Justice on 05/19/13.**

323684

COOK COUNTY JAIL DIVERSION PROGRAM FOR NON VIOLENT MENTALLY ILL AND/OR SUBSTANCE ABUSE DETAINEES OR ARRESTEES (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Resolution sponsored by ~~Foni Preekwinkle, President, Earlean Collins, Jerry Butler, John P. Daley, John A. Fritchey, Bridget Gainer, Jesus G. Garcia, Elizabeth "Liz" Doody Gorman, Gregg Goslin, Stanley Moore, Joan P. Murphy, Edwin Reyes, Timothy O. Schneider, Peter N. Silvestri, Deborah Sims, Robert B. Steele, Larry Suffredin and Jeffrey R. Tobolski~~, County Commissioners.

**COOK COUNTY JAIL DIVERSION PROGRAM FOR  
NON VIOLENT MENTALLY ILL AND/OR  
SUBSTANCE ABUSE DETAINEES OR ARRESTEES**

CRIMINAL JUSTICE COMMITTEE NOTICE

JUNE 10, 2013

PAGE 8

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 46 Law Enforcement, Article IV Jail Diversion Program, Division 2 Program Established, Sections 46-201 through 46-207, of the Cook County Code is hereby amended as follows:

**Sec. 46-201. Preamble**

WHEREAS, the County of Cook is a home rule unit of government as defined in Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Cook County has an ongoing responsibility for protecting the health and safety of its residents and remains committed to public service that is efficient, equitable and accountable; and

WHEREAS, approximately 20% of the jail population is diagnosed with mental illness and if coupled with the population suffering with substance abuse the number increases to approximately 60%; and

WHEREAS, for individuals with mental illness and substance abuse who are diverted from incarceration Cook County saves an estimated \$2,000.00 per month by avoiding the cost of prosecution and court expenses not including the cost of healthcare. More importantly, it has been well documented that a more efficient use of criminal justice dollars is to allocate resources to diverting non-violent mentally ill and substance abuse detainees or arrestee from incarceration and into holistic community based treatment programs; and

WHEREAS, some diversionary methods currently employed are among the most successful; (1) pre-booking; diversion at the first line of contact by the arresting officer, (2) post-booking; diversion at the State's Attorneys level and (3) the mental health and drug courts; and

WHEREAS, the establishment of a Cook County Jail Diversion Program, in partnership with the State of Illinois, local law enforcement, community-based mental health and social service providers, will reduce Cook County's jail population and improve the quality of life for the aforementioned population.

NOW, THEREFORE, BE IT ORDAINED, by the President and the Cook County Board of Commissioners to amend the Cook County Jail Diversion Program for Non-Violent Mentally Ill and/or Substance Abuse Detainee or arrestee.

**Sec. 46-202. Short Title.**

This Ordinance shall be cited and known as the "Cook County Jail Diversion Program for Non-Violent Mentally Ill and/or Substance Abuse Detainees or Arrestees".

**Sec. 46-201. Purpose.**

**Sec. 46-203. Purpose.**

CRIMINAL JUSTICE COMMITTEE NOTICE

JUNE 10, 2013

PAGE 9

The purposes of the County Jail Diversion Program are to:

- (1) Improve public safety and reduce overcrowding at the County jail by establishing partnerships and cooperative working relationships between state, federal and local units of government and community based service providers for ~~the housing, and treatment~~ and case management of the mentally ill population non-violent mentally ill and/or substance abuse detainees or arrestees in the Cook County.
- (2) Provide ~~mentally ill and substance abuse offenders~~ non-violent mentally ill and/or substance abuse detainees or arrestees with improved access to the appropriate assessment and treatment services.
- (3) Reduce rates of recidivism among ~~mentally ill and substance abuse offenders~~ non-violent mentally ill and/or substance abuse detainees or arrestees.
- (4) Reduce the jail population in the County.
- (5) Assist in maintaining compliance with the Federal consent decree on jail overcrowding.
- (6) Afford equal access to all people, without regard to race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, housing, or any other protected categories established by law, to alternatives to incarceration.
- (7) Improve positive relationships between target population ~~citizens~~ and law enforcement officers.
- (8) Ease the financial burden on County taxpayers for the cost of treatment for the aforementioned population in the County correctional system.

**Sec. 46-204. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

County means the County of Cook.

Appropriate Authorities means the Circuit Court of Cook County, the State's Attorney of Cook County, the Sheriff of Cook County, the Public Defender of Cook County and local law enforcement.

Case Management means those services which will assist individuals in gaining access to needed social, educational, medical, treatment and other services. (20 ILCS 301/1-10. Co-occurring Substance Abuse Disorder means an individual with mental illness and substance abuse (M.I.S.A.).

**CRIMINAL JUSTICE COMMITTEE NOTICE**

**JUNE 10, 2013**

**PAGE 10**

Crisis Intervention means to safely intervene with people in crisis in order to stabilize a crisis situation while minimizing the risk of harm to the individual and all persons involved.

Diversion Plan means an individualized community based treatment and supportive service plan as an alternative to incarceration with a focus on minimizing repeat unlawful conduct.

Felony means an offense for which a sentence to death or to a term of imprisonment in a penitentiary for one year or more is provided. (720 ILCS 5/2-7).

Class 4 Felony means an offense for which a sentence to a term of imprisonment of 1 to 3 years. (730 ILCS 5/5-8-7).

Mental Health Service Provider means Mental Health Service Providers with expertise in providing comprehensive psychological, emotional and/or psychiatric services, in accordance with the Illinois Mental Health and Developmental Disabilities Code, 405 ILCS 5/1 et seq., and consistent with standards adopted by recognized professional mental health service provider associations including the Illinois Psychological Association.

Mental illness means a mental or emotional disorder that substantially impairs a person's thought, perception of reality, emotional process, judgment, behavior, or ability to cope with the ordinary demands of life, but does not include a developmental disability, dementia or Alzheimer's disease absent psychosis, a substance abuse disorder, or an abnormality manifested only by repeated criminal or otherwise antisocial conduct. (405) ILCS 5/1-129.

Misdemeanors means any offense for which a sentence to a term of imprisonment, other than to a penitentiary, for less than one year may be imposed. (720 ILCS 5/2-11).

Class A misdemeanor means an offense for which a sentence of imprisonment shall be a determinate sentence of less than one year. (730 ILCS 5-4.5-55(a)).

Class B misdemeanor means an offense for which a sentence of imprisonment shall be a determinate sentence of not more than 6 months. (730 ILCS 5-4.5-60 (a)).

Class C misdemeanor means an offense for which a sentence of imprisonment of not more than 30 days. (730 ILCS 5-4.5-65 (a)).

Post Booking Diversion means diversion agreed to by the States Attorney's Office after the arrest of a Detainee as an alternative to prosecution.

Pre-Booking Diversion means diversion agreed to by local law enforcement authorities prior to any formal charges being filed against a detainee.

Substance Abuse Service Providers means individuals in local organizations and health facilities with expertise in providing comprehensive assessments and treatment services in accordance with the Alcoholism and Other Drug Abuse and Dependence Act, 20 ILCS 301/1 et seq., as administered by the Illinois Department of Human Services, formerly

known as the Illinois Department of Alcoholism and Substance Abuse.

Target Population mean non-violent mentally ill and/or substance abuse detainee or arrestee, with a primary focus on offenders from areas with the highest crime rates.

Third Party Health Coverage means health coverage provided by public or private reimbursement insurance, including but not limited to 1115 Waiver, Medicaid or Medicare.

**Sec. 46-2025. Scope.**

The County Board calls upon persons responsible for the administration of the criminal justice system ~~with the~~ in Cook County, and the officials and community service providers responsible for mental health services in the State of Illinois to work together to develop improved and expanded diversion programs for ~~person suffering from non-violent mentally ill and/or substance abuse detainees or arrestees, mental illness and substance abuse disorder in order to determine how such programs might be expanded to promote treatment as an alternative to incarceration on a broader scale within the County.~~ Successful jail diversion programs must incorporate:

- (1) Assessments. Detainees who are considered for diversion must agree to undergo an individualized mental health and physical evaluation and assessment and to accept referrals for appropriate services including housing and case management. The program must be designed to reduce the number of non-violent mentally ill and/or substance abuse arrestees or mentally ill and substance abuse detainees entering into the County jail and afford greater opportunities for crisis intervention and essential supportive services.
- (2) ~~Provider~~ Participating service standards providers. ~~To the extent possible, Mental Health and Substance Abuse Disorder~~ In addition to meeting the qualifications established by State and Federal laws for the treatment of mental health and substance abuse disorder Service Providers who participate in the jail diversion program shall be those who are already receiving funds from Federal, State, County, and/or local units of governments for Mental Health and Substance Abuse Disorder services. All County funding for such services, if any, shall be performance based and any renewal shall be contingent upon the quality and quantity of service rendered the previous year. Each participating diverted detainee or arrestee must have an individualized service plan which shall be developed by a licensed professional ~~in the State~~ in the field of mental health and substance abuse ~~disorder~~. This plan must be in collaboration with the appropriate law enforcement officials and the criminal justice system when applicable. The treatment plan shall be consistent with the Illinois Mental Health and Developmental Disabilities Code, 405 ILCS 5/1 et seq., and in accordance with the Alcoholism and Other Drug Abuse and Dependency Act, 20 ILCS 301/1 et seq., standards adopted by recognized professional mental health and substance abuse service provider associations including the Illinois Psychological Association, and the Illinois Department of Human Services.

CRIMINAL JUSTICE COMMITTEE NOTICE

JUNE 10, 2013

PAGE 12

- (3) ~~Regional eCrisis resources for law enforcement. A regional 24-hour crisis intervention resource center, operated by a lead agency, shall be established to be utilized by local law enforcement when there is no available service in the impacted area. The crisis center shall assist local law enforcement, including any law enforcement crisis intervention teams, when called upon to stabilize a crisis situation involving a mentally ill and substance abuse offender.~~ Intervention Center. A 24-hour crisis intervention resource center, equipped with social workers will be established and in each police district within the targeted areas to assist with resources for stabilizing and follow-up case management as needed. The crisis center and the crisis intervention team shall be subject to funding by the intergovernmental agreement established in accordance with provisions set forth in Division 3 of this article.
- (4) Third party health care reimbursement sources. In those cases where a diverted detainee does not have a source of third party health coverage, the Cook County Health and Hospital System Bureau of Health Services shall make every concerted effort to assist the diverted detainee in making application for any third party health care reimbursement.

**Sec. 46-2036. Target population.**

The County's Jail Diversion Program shall focus on ~~the following categories~~ non-violent mentally ill and/or substance abuse detainees or arrestees from the targeted areas. ~~of detainees with a primary focus on offenders within the jurisdiction of agreed upon police districts within the City of Chicago and the Village of Maywood, the jurisdiction of the Juvenile Court and misdemeanor courts of the District 4, Maywood Courthouse of the Circuit Court of Cook County and the jurisdiction of the Mental Health Court located at the Criminal Court Building in the City of Chicago:~~

- (1) ~~Mentally ill detainees and substance abuse detained for Class A, B and C misdemeanors which are nonviolent.~~
- (2) ~~Mentally ill detainees and substance abuse detained for nonviolent Class 4 felony offenses.~~

**Sec. 46-2047. Eligibility.**

- (1) Non-violent mentally ill and/or substance abuse offender who commits a Class A, B and C misdemeanor is qualified for pre-booking diversion where a plea of guilty is not required.
- (2) Non-violent mentally ill and/or substance abuse offender who commits a non-violent Class 4 felony offense.

~~For pre-booking jail diversion there is no mandatory requirement that a diverted detainee first plead guilty to an offense prior to participating in a diversion program.~~

**Sec. 46-2058. Types of jail diversion programs.**

(a) This Jail Diversion Program is designed to strengthen existing jail diversion efforts which are currently used by some local law enforcement officials such as station adjustments, peer juries, special courts, and other alternatives to incarceration.

(b) This Jail Diversion Program will include four types of diversion, each of which shall be subject to the approval of the appropriate authorities and have agreed-upon conditions by all parties involved, the agreement shall be tailored to particular circumstances, for which diverted detainees shall be held accountable. The four categories of diversion are as follows:

- (1) Pre-booking diversion. Pre-booking jail diversion does not mandate or require that an detainee or arrestee plea guilty to an offense prior to participation in a diversion program. Pre-booking diversion may be sought by local law enforcement for non-violent mentally ill and/or substance abuse detainees or arrestees ~~mentally ill detainees and substance abuse, booked for Class B and C misdemeanors,~~ as often as possible. The arresting officer shall be the first line of contact and shall be encouraged to take the following basic steps prior to any official charges for minor and/or nuisance crimes:
  - a. Attempt to resolve any crisis without harm to the suspect, general public, or law enforcement officials.
  - b. Refer directly to a hospital or treatment center when appropriate.
  - c. Contact parent or guardian if individual with mental illness ~~mentally ill~~ and/or substance abuse ~~detainee~~ is under 17.
  - d. Evaluate the situation and determine if the suspect is potentially divertible.
  - e. Determine if detainee or arrestee can be sent to his or her residence under conditions agreed upon by law enforcement, ~~detainee offender,~~ parent(s) or guardian, and the victim of the crime.
  - f. Contact a community based mental health and substance abuse service provider when appropriate for proper assessment and referral for services.
  - g. If no community based mental health and substance abuse service provider is available contact the ~~24-hour regional~~ crisis center for crisis intervention.
  - h. In cases where the detainee or arrestee has caused injury to a person or damage to one's property, the appropriate authorities shall be encourage to explore all efforts for restitution as a condition of pre-booking diversion.

CRIMINAL JUSTICE COMMITTEE NOTICE

JUNE 10, 2013

PAGE 14

- i. Complete a detailed incident report.
- (2) Post-booking diversion. This category of diversion may be sought by the State's Attorney for non-violent mentally ill and/or substance abuse detainees who are detained for crimes that constitute Class A misdemeanors and Class 4 felonies ~~and which are nonviolent~~. The State's Attorney may seek a pre-arraignment investigation which may include, but need not be limited to, assessment by a mental health and substance abuse service provider to determine whether the suspect is eligible for diversion. If a diversion plan is agreed upon by all parties involved, it may include a requirement that the diverted detainee adhere to an individualized treatment and service plan developed by an appropriate clinician, provision for restitution with respect to injuries or property damage caused by the diverted detainee and may identify a case manager who shall monitor the diverted detainee's compliance with the diversion plan and report on such compliance as required in the diversion plan.
  - (3) Pre-trial diversion to special courts. This level shall continue to emphasize proper assessment and speedy trials for those detainees who have been diagnosed by the appropriate clinicians as ~~being mentally ill~~ having a mental illness or with substance abuse disorders. If a detainee has been diagnosed as ~~being mentally ill~~ having a mental illness or diagnosed with substance abuse disorders and is held over for trial the detainee shall have immediate access to the appropriate treatment services. The case should be referred to the appropriate special courts for a speedy trial. This category of diversion is subject to the approval of the court.
  - (4) Post-adjudication diversion.
    - a. This category of diversion is for persons adjudicated guilty of an offense by the courts. In cases where a person has also been found, by a licensed clinician, as ~~being mentally ill~~ having a mental illness and suffering with substance abuse and it has been agreed upon ~~on~~ by the courts that a diversion plan may be developed, that person shall be eligible for immediate treatment.
    - b. This category of diversion consists of dispositions in the Juvenile Court and the misdemeanor courts within the jurisdiction of the District 4, Maywood Courthouse of the Circuit Court of Cook County and the Mental Health Court. In appropriate cases as ordered by the court, a diversion plan may be developed as a condition of a defendant's probation or supervision. The court may consider assignment of a case manager to monitor the defendant's compliance with the diversion plan and may require notification of the arresting law enforcement agency or other parties prior to the defendant's release from custody or discharge from hospitalization for mental health or substance abuse treatment.
  - (5) Resumption of prosecution. Failure to comply with the diversion plan shall subject the diverted detainee to further prosecution.

**Sec. 46-2069. Crisis intervention training.**

The intergovernmental agreement shall include provisions for shared resources for explore funding and promotion of training opportunities for law enforcement and service providers with respect to crisis intervention involving persons with mental illness and/or substance abuse, which Training shall include recognition of mental illness and substance abusers, knowledge of available local resources and the use of less than lethal force the proper use of force.

**Sec. 46-20710. Confidentiality.**

The rules of confidentiality, as set forth under the Illinois Mental Health and Developmental Disabilities Code and Alcoholism and Other Drug Abuse and Dependency Act and other applicable State, Federal and local laws, shall be adhered to.

**Sec. 46-211. Intergovernmental Agreement.**

The Cook County Board President and the Board shall request that the State's Attorney develop an Intergovernmental Agreement between Cook County Board of Commissioners, City of Chicago, State of Illinois, Cook County Sheriff, Cook County Circuit Court, and local units of government within the targeted areas. The agreements shall address the following:

- (1) The role of the State of Illinois, the County of Cook, and community 708 mental health boards in regards to funding and providing services for the target population.
- (2) The feasibility of improved service coverage for diverted detainees or arrestees through shared resources.
- (3) The creation and funding of 24-hour crisis intervention centers.
- (4) Standardized policies and procedures to ensure equal opportunity for all mentally ill and/or substance abuse detainees or arrestees to participate in a diversion program.

**Sec. 46-212. Funding.**

Mental health and substance abuse service providers participating in the Cook County Jail Diversion Program shall seek reimbursement for their service from third party reimbursement sources (i.e. 1115 Waiver, KidCare, Medicare/Medicaid, and/or private insurance entities) and when applicable may be compensated through Federal, State and local funds; subject to the appropriation and availability from State, County and local government.

**Sec. 46-213. Advisory Panel.**

The purpose of the Advisory Panel is to establish a strong advocacy and resource group to enhance Cook County's effort to improve the quality of mental health and substance abuse services in Cook County and to reduce the population of non-violent

mentally ill and/or substance abuse detainees or arrestees entering the Cook County criminal justice system. The thirteen member panel shall be composed of persons with expertise in law enforcement, criminal justice, assessment and treatment of the mentally ill and substance abuse populations.

**Sec. 46-214. Structure.**

A thirteen-member Advisory Panel is established to report to the Board of Commissioners regarding the implementation and evaluation of the Cook County Jail Diversion Program.

The Advisory Panel shall consist of thirteen (13) members as follows: (1) appointed by the Chief Judge of the Circuit Court of Cook County, (1) appointed by the Cook County Sheriff, (2) appointed by the Cook County State's Attorney, (1) appointed by the Cook County Public Defender, (2) appointed by the City of Chicago Office of the Mayor, (1) appointed by the Village of Maywood, and (5) appointed by the President of the Cook County Board of Commissioners; from among the following: (1) selected the Cook County Department of Public Health, (1) selected from University of Illinois Jane Addams School of Social Work, (1) selected from Illinois Community Mental Health Providers Association, and (2) selected from a consumer organizations with (1) representing mental health.

This Advisory Panel's composition will reflect the demographics of the County as a whole, with a majority of members selected from the target areas. The Panel shall select officers from among its membership.

**Sec. 46-215. Responsibilities of Advisory Panel.**

The Advisory Panel shall:

- (1) Recommend administrative policies and procedures for implementation of the Cook County Jail Diversion Program.
- (2) Identify current local, state and federal funding resources for services to the mentally ill and/or substance abuse detainees or arrestees.
- (3) Develop a feasibility study to determine the availability of essential mental health and substance abuse services at the community level, to ensure a successful mental health diversion program for both youth and adults.
- (4) Recommend a structure for maximizing the use of existing resources and making them readily available to law enforcement crisis intervention centers.
- (5) Assist in establishing a collaborative relationship between the State of Illinois, County of Cook, local municipalities and local community based mental health and substance abuse service providers, with emphasis on mutual goals, shared responsibilities and resources.
- (6) Review existing training curriculum for law enforcement officials and make recommendations for change to enhance their ability, where needed, to

identify mentally ill and substance abuse persons.

- (7) Establish criteria for measuring the outcome of the programs.
- (8) Devise a plan for minimizing cost through service integration and coordination.
- (9) Lobby federal and state governments to improve funding resources for Jail Diversion Program services at the local level.
- (10) Request that the County apply for funds for support staff to the Advisory Panel.
- (11) Recommend procedures to ensure nondiscriminatory opportunities for detainees and arrestees to participate in a diversion program.

**Sec. 46-216. Establishment of Electronic Database.**

Law Enforcement, the State's Attorney's Office, the Courts and the Probation Department are required to maintain a data base of information regarding persons who have been diverted by their respective agencies in order to improve information sharing between departments and to assist in identifying repeat offenders who may have been previously diagnosed with a mental illness and/or substance abuse.

**Sec. 46-217. Police Evaluations.**

Law Enforcement is encouraged to include the following criteria for evaluation of police response to crises involving mentally ill and/or substance abuse offenders. Evaluations of police responses should be consistently conducted on a case-by-case basis to determine the best case practices when detaining or arresting people in crisis. Evaluation criteria should include, but not be limited to, the following:

- (1) Was there any significant violence or harm done to the subject, the general public or law enforcement officials during the process of apprehension?
- (2) Was the crisis resolved on the scene? At the police station? Or elsewhere?
- (3) Where family members alerted and included in the problem solving process in accordance with State and Federal law, when the offender is under the age of 17?
- (4) Was the detainee transported or referred to the appropriate service provider when warranted?
- (5) Was the detainee formally incarcerated?
- (6) Did law enforcement take advantage of community-based resources and were the resources readily available as well as suitable for the situation?
- (7) Was this a repeat encounter with the detainee or arrestee within a year, six

months, 90 days, or 45 days, who had participated in a diversion program?

**Sec. 46-218. Performance Measurement Standards.**

Performance measurement standards shall include, but not limited to, the following:

- (1) Percentage of detainees or arrestees with case managers.
- (2) Total number of detainees or arrestees seen per quarter.
- (3) Number of appointments made for detainee or arrestee and percentage of those kept.
- (4) Percentage of detainees or arrestees with living arrangements.
- (5) The number of periodic follow-ups with detainee or arrestee.
- (6) Percentage of current and accurate detainee or arrestee records that are available for review by any appropriate agency.
- (7) Progress reports on arrestee's or detainee's efforts in complying with their individualized treatment plan.
- (8) Rate of recidivism.
- (9) Reduction in the jail population
- (10) Number of community-based service providers.
- (11) Percentage of detainees or arrestees in diversion programs.
- (12) Percentage of reduction in non-violent crimes.
- (13) Cost analysis
- (14) Increase stakeholder's training regarding identifying and servicing persons with mental illness and/or substance abuse.

**Sec. 46-219. Applicability.**

As provided in Article VII, Section 6(c), of the State of Illinois Constitution of 1970, if this Ordinance conflicts with an ordinance of a municipality, the municipal's ordinance shall prevail within the municipality. This Ordinance shall be enforceable within the municipal jurisdiction to the extent permitted under the statutes and constitution of the State of Illinois and of the United States of America.

Nothing in this Ordinance shall be construed to compel law enforcement officers, the State's Attorney's Office, the Public Defender's Office, the Circuit Court of Cook County or any office or agency working with those offices in the administration of the criminal justice system to take any action which is inconsistent with the judgment and

decisions of those offices or to act in a manner which is contrary to existing law. To the extent that any provision of this Ordinance requires express statutory authorization, the approval of any official or requires an agreement between the affected parties, this Ordinance shall be contingent upon such statutory authorization, approval or agreement.

**Sec. 46-220. Severability.**

If any article, paragraph, sentence, or clause of this Ordinance or the application thereof to any person is for any reason deemed to be invalid or unconstitutional, such decision shall not affect any remaining portion, section, or part thereof or application of this Ordinance to any person.

**Sec. 46-221. Effective Date.**

- (1) This Ordinance shall take effect immediately upon its passage.
- (2) Within six weeks of the passage of this Ordinance an Advisory Panel shall be appointed and approved.
- (3) Within one year after the implementation of this Ordinance, the Advisory Panel shall report to the Cook County Board of Commissioners regarding the number of detainees and arrestees diverted the cost benefits to Cook County, the effectiveness and future viability of the jail diversion program.

**Secs. 46-20822 - 46-230. Reserved.**

**\*Referred to the Committee on Criminal Justice on 05/19/13.**

According to the Cook County Board's Rules of Organization and Procedure, Section 2-107 (dd), public testimony will be permitted at regular and special meetings of the Board and at committee meetings of the Board.

*Speaker Registration Deadline:* Authorization as a public speaker shall only be granted to those individuals who have submitted in writing the required information to the Secretary to the Board NO LATER THAN 24 hours prior to the announced starting time of a meeting.

*Online registration allowed:* For convenience, an online form will be provided by the Secretary to the Board on their website, [www.cookcountyil.gov/secretary](http://www.cookcountyil.gov/secretary) This form must be returned to [cookcounty.board@cookcountyil.gov](mailto:cookcounty.board@cookcountyil.gov), no later than 24 hours before a meeting.

*In-Person registration:* In-person registration requires the same information be provided. In-person registration is available up to 24 hours before a meeting at the Cook County Building, 118 North Clark Street, Room 567, Chicago, Illinois.

*No telephone registration:* Only IN-PERSON or ONLINE registrations filed by the deadline will be recognized.

**CRIMINAL JUSTICE COMMITTEE NOTICE**

**JUNE 10, 2013**

**PAGE 20**

Authorization as a public speaker shall only be granted to those individuals who have submitted in writing, their name, address, subject matter, and organization (if any) to the Secretary 24 hours in advance of the meeting. Duly authorized public speakers shall be called upon to deliver testimony at a time specified in the meeting agenda. Authorized public speakers who are not present during the specified time for public testimony will forfeit their allotted time to speak at the meeting. Public testimony must be germane to a specific item(s) on the meeting agenda, and the testimony must not exceed three minutes; the Secretary will keep track of the time and advise when the time for public testimony has expired. Persons authorized to provide public testimony shall not use vulgar, abusive, or otherwise inappropriate language when addressing the Board; failure to act appropriately; failure to speak to an item that is germane to the meeting, or failure to adhere to the time requirements may result in expulsion from the meeting and/or disqualify the person from providing future testimony.

The Committee Chairman may, at their discretion, waive the 24-hour registration requirement.



Matthew B. DeLeon, Secretary

Chairman: Collins  
Vice-Chairman: Reyes  
Members: Committee of the Whole