



**ILLINOIS
CRIMINAL JUSTICE
INFORMATION AUTHORITY**

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MINUTES

Illinois Criminal Justice Information Authority

Budget Committee Meeting

Monday, May 4 – 10:00 a.m.

Illinois Criminal Justice Information Authority

The Michael A. Bilandic Building

160 N. LaSalle Street

Room N502

Chicago, IL 60601

Call to Order and Roll Call

The Budget Committee of the Illinois Criminal Justice Information Authority met on Monday, May 4, 2009, in Room N502 of The Michael A. Bilandic Building, 160 N. LaSalle Street, Chicago, Illinois. Budget Committee Chairman Eugene E. Murphy, Jr. called the meeting to order at 10:15 a.m. Other Authority members and designees present were Bridget Healy Ryan for State's Attorney Anita Alvarez, Chief David Bradford, Waisu Fashina for Clerk Dorothy Brown, Elaine Romas for Sheriff Tom Dart, Barbara Engel, Cynthia Hora for Attorney General Madigan, State's Attorney Bill Mudge (via teleconference), Colonel Michael Snyders for Director Jonathan E. Monken, Authority Chairman Sheldon Sorosky (via teleconference), Tony Small for Director Roger Walker (via teleconference), and Ted O'Keefe for Superintendent Jody Weis. Also in attendance were Rick Krause of the Illinois Department of Corrections, Kim Nerheim of United States Attorney's Office, Authority Executive Director Lori G. Levin, Authority Associate Director John Chojnacki, Authority General Counsel Jack Cutrone, and other Authority staff members. Budget Committee members present constituted a quorum. Only members and designees physically present at the meeting were permitted to vote.

Minutes of the February 19, 2009 Budget Committee Meeting

Mr. Krause called for a correction in the minutes. He said that the next-to-last sentence in the last paragraph on Page 4 of the minutes should refer to eight staff positions, not eight staff vacancies. He said that the vacancies (among those positions) were caused by the lengthy state hiring process and vendor turnover. He said that there was no relationship between staff vacancies and the movement of grant funds from a juvenile program to an adult program.

Ms. Healy Ryan moved to approve the minutes, as corrected, of the February 19, 2009 Budget Committee Meeting contained at Tab 1 of the meeting materials. Mr. Small seconded the motion and the minutes were approved by unanimous voice vote.

Minutes of the March 24, 2009 Budget Committee Meeting

Mr. Fashina moved to approve the minutes of the March 24, 2009 Budget Committee Meeting contained at Tab 2 of the meeting materials. Ms. Hora seconded the motion and the minutes were approved by unanimous voice vote.

Executive Director's Comments

Director Levin said that since the Authority's last two planning meetings, a plan was submitted to the Department of Justice (DOJ). She said that General Counsel Cutrone had a conversation with Eileen Garry from the Bureau of Justice Assistance that clarified that Byrne ARRA funds could be distributed via the Authority's normal means as opposed to needing to be distributed in a strictly competitive manner.

Director Levin said that pursuant to discussions with the Governor's Office, the plan that was submitted to DOJ has been put on hold. She said that a top priority of the Governor's was to address the 9.1 percent unemployment rate in Illinois and the Governor was very interested in using the stimulus funds toward that end. She said that there was some concern that successful programs which may not be able to be funded would not be able to continue via the state's budgetary process and the Governor's office wants to make sure that the Authority at least has the ability to fund some of the successful programs in addition to some of the Governor's other priorities.

Director Levin said that the stimulus programs were announced at the same time as the change in Illinois's governorship. She said that she had expected the new Governor's staff to weigh in on the Authority's plans for the expenditure of American Recovery and

Reinvestment Act (ARRA) funds and, as expected, they have expressed interest in funds that could be used for statewide programs.

Justice Assistance Grants (JAG) American Recovery and Reinvestment Act (ARRA) Planning

Director Levin, referring to the first memo from Mr. Chojnacki, regarding JAG ARRA planning and dated April 30, 2009, and contained under Tab 3, said that changes to the JAG plan were necessary. She said that staff would submit plan adjustments consistent with the Budget Committee's actions at this meeting. She said that the Authority would initiate a second public comment period for the adjusted plan.

Director Levin said that a priority for ARRA funds would be to retain personnel or re-hire laid-off personnel. She said that the JAG ARRA award to the Authority is \$50,198,081 and 8.5 percent of that would be used for administrative purposes. She said that up to 34.49 percent of the award (\$15,841,686) may be used for statewide programs and a minimum of 65.51 percent of the award (\$30,089,558) must be allocated to local units of government.

Director Levin said that an effort would be made to see to it that ARRA funds that can be used for statewide programs are, in fact, used for statewide programs. She also said that some of the priorities that had been previously agreed upon by the Budget Committee needed to be tweaked.

Director Levin requested that the priority under Purpose Area 3 be adjusted to include adult programs (added text in *italics*):

Support proven or innovative prevention or intervention programs for juveniles *and adults* identified as at risk for involvement or already involved with the criminal justice system to provide services aimed to mitigate risk factors that are recognized as contributing factors of violent crime, drugs, gangs, guns or other criminal behavior.

Director Levin said that it is difficult to identify criminals as adults or juveniles without first knowing if said individuals would be charged as adults or juveniles; those charged as adults might be 17 years old in some cases and 18 years old in others. She said that attention would be paid specifically to programs that serve young adults, which can mean up to age 30.

Director Levin said that Purpose Area 7 should now be made eligible for ARRA funds and the associated priority should be adopted with it in an effort to restore funding to victim service programs that experienced funding cuts recently:

7. Crime Victim and Witness Programs:

Priority: Restore state-use funds to victim services programs that have been cut out of the state's budget.

Director Levin said that the Purpose Areas merely represent the funding possibilities and no specific commitments have been made to designate funds to any of them in particular. She said that specific designations would be presented to the Budget Committee for approval at a later meeting. She said that staff recommended, pursuant to a Governor's office request, that the statewide funds be used to continue to restore and or support statewide delinquency prevention, violence prevention and intervention, victim services, and juvenile and adult re-entry and no entry diversion programs in conjunction with the Illinois Department of Human Services (IDHS), the Illinois Department of Corrections (IDOC), and the Illinois Department of Juvenile Justice (IDJJ).

Director Levin said that she had some preliminary meetings with the directors of those agencies as well as with the Governor's Office. She said that an effort would be made to align the state budget and the Governor's priorities with the priorities set forth by the Authority. She said that, regarding local-use funds, staff recommended that \$4.4 million in local-use funds be set aside to support the multi-jurisdiction narcotics units, particularly the Metropolitan Enforcement Groups (MEGs) and task forces, and multi-jurisdictional drug prosecution programs as is allowable per the ARRA rules. She said that this would leave approximately \$25.6 million for other local programming.

Director Levin said that an effort should be made to distribute ARRA funds throughout the state in a manner that serves diverse communities and populations. She said that in light of the 9.1 percent unemployment rate, staff recommends that the Authority make it a priority to maintain effective evidence-based programs that were subjected to state or local budget cuts. She said that in order to distribute these funds equitably among the other areas of criminal justice, the \$25.6 million should be allocated in accordance with the following percentages:

Law Enforcement	30 percent	\$7,680,000
Prosecution and Court Programs	30 percent	\$7,680,000
Corrections and Community Corrections	8.33 percent	\$2,132,480
Drug Treatment and Enforcement Programs	8.34 percent	\$2,135,040
Prevention and Education Programs	8.33 percent	\$2,132,480
Planning, Evaluation, and Technology Improvement	15 percent	\$3,840,000

Director Levin said that after general applications from law enforcement to restore funding cuts or maintain personnel are addressed, funds would be available for either work-ready vehicles or LiveScan machines in adherence to the \$40,000-per-entity funding cap as was agreed to at the March 24, 2009 Budget Committee meeting. She said that in order to expedite the benefits of integrated information systems, staff recommended that:

- 1) One third of the technological improvements be allocated via a request for proposals (RFP) to the local law enforcement agencies with the goal of allowing them to interface with the Illinois State Police's (ISP) incident/case (I-CASE) system;
- 2) One third be allocated through an RFP for law enforcement for the purchase and operation of StarComm radios to allow the agencies to interface with ISP, and;
- 3) One third be made available for other integrated justice purposes.

She said that she sought to adhere to the three funding tiers that the Budget Committee approved at the March 24, 2009 meeting.

Ms. Engel said that it would be worth considering how the use of ARRA funds figures into the longer term goals of the criminal justice community in Illinois; for example, these funds could have an impact on projects such as 2040 that look far into the future. The plans for the ARRA funds presented here do not reflect long-term future planning, but that may be because these funds are oriented differently and are intended to plug holes because so many programs have experienced huge funding cuts. She said that it would be prudent to begin to think about where the criminal justice community should be in the future versus where it currently stands.

Chairman Sorosky concurred with Ms. Engel.

Col. Snyders said that, regarding the statewide level of the 34 percent representing the \$15 million, he understood that many other states use that money on law enforcement so part of the give and take of all of this is that law enforcement is not partaking in that particular 34 percent and is pretty much focused on the 65 percent. He said that, when compared with other states nationwide, law enforcement is not getting any higher chunks here in Illinois. He said that from the state side it's almost status quo that the MEG and Task Force money that's incorporated in here really is meant to keep the doors open to basically continue employment. He said that, unfortunately, he was equally as concerned and disappointed from the opposite end as Ms. Engel; there's not much above and beyond almost status quo. He said that local law enforcement agencies definitely have equipment needs, but even so, law enforcement is hardly over-represented in the proposed ARRA spending plans.

Director Levin said that to her knowledge, a lot of states use this money solely for law enforcement. She said that Illinois has been a little bit more proactive and, without suggesting that all states use it for law enforcement except for Illinois, the Authority has been creative with this money for things other than law enforcement.

Ms. Engel said that she was very pleased to see that staff had recommended reinstating victim services among the Purpose Areas that would be eligible for funding.

Director Levin, in response to a question by Ms. Hora, said that the percentages were historical in part. She said that staff had tried to rate some categories to account for population concerns, but staff decided not to do that because the MEGs and Task Forces were receiving a separate set-aside and staff decided to try a more balanced approach by adhering to the priorities and to past funding history. She said that staff added to drug treatment and enforcement to make it comparable to corrections and community corrections. She said that as it stands, the ISP would not receive any of these funds. She said that before creating the percentages it appeared that there would be problems determining funding if the Authority received too many diverse applications. She said that staff is trying to develop a system that provides some guidance throughout the application process.

Ms. Hora said that it did not make sense to create percentages when it isn't yet known whether or not good programs would apply. She said that doing so would box in the process from the beginning.

Chairman Murphy said that nothing being presented here is set in stone and could not be changed later. He said that staff has simply presented guidelines. He said that subsequent meetings would address needed adjustments.

Director Levin said that if, for example, better funding opportunities exist in community corrections than in drug treatment or enforcement then such funding could be considered at a later Budget Committee meeting. She said that pursuant to Budget Committee action, staff could submit a Grant Adjustment Notice to DOJ to allow the plan percentages to change. She said that the percentages should be treated as general guidelines.

Chairman Murphy said that every conversation has to start somewhere. Given that money is involved, there is a lot of talk about projects and programs. However, the better programs, with better abilities to comply with the ARRA requirements, will be the beneficiaries of ARRA funds. This is in keeping with the trends that the Authority started a few years ago toward leaner and better-defined goals for its programs. Established programs would make more attractive candidates for ARRA funds than would programs that have either just started or are little more than good sounding ideas.

Ms. Engel asked if any sort of weighting would be given to any particular types of programs. She said that it would be important to maintain some flexibility in determining funding recipients. She said that if the intent of ARRA funds was job creation and/or maintenance, it might be difficult to demonstrate how equipment purchases would figure into that strategy. She said that, for example, it might prove difficult to balance funding for a program so that it can maintain personnel versus the purchase of radios, even if both instances represent expenditures for legitimate needs.

Director Levin said that the Authority would address regular proposals before considering any RFPs. She said that this strategy would emphasize job maintenance. She said that the Authority would not issue an RFP at the same time that general applications.

Director Levin, in response to a comment from Ms. Engel, said that the Authority would not necessarily fund only existing grantees and that the process would be opened up. She said that some entities may have foreknowledge that their programs may be considered for restoration, but no firm decisions have been made yet because such was not the Authority's plan. She said that the percentages were proposed so that they would serve as a starting point for the larger conversation, as opposed to a disorganized discussion about how to spend \$25 million.

Chairman Murphy said that staff had developed a plan and then the rules were changed at the federal level so adjustments needed to be made. He said that it would not be a problem to submit future changes to DOJ, but should something come up that isn't spelled out in the guideline percentages, DOJ would need to be notified.

Ms. Engel said that victim services was not reflected in the percentages.

Director Levin said that such funding would be made using state-use money.

Chief Bradford asked for a clarification on the difference between a competitive grant versus a non-competitive grant and how that might affect issues of transparency in the Authority's relationship with DOJ.

Director Levin said that staff would use a scoring system, but if that system produces lopsided results favoring any one program type, staff could make adjustments.

General Counsel Cutrone said that the process is going to be competitive in some sense and when considering a strictly competitive process then a scoring system is developed in advance and then all those applications are scored and awards are made pretty much based on scoring. The problem that staff ran into in thinking more about this in light of the further guidance we got from DOJ was that it's easier to do when comparing program type A with program type A. But since there are so many types of programs out there, it's

going to be really hard to develop a scoring system that's going to compare apples to oranges to pineapples. He said that some judgment would be needed to determine what kinds of programs would constitute the best use of the funds and the process is competitive in that sense, but it would not be competitive on an objective scoring basis. It would be very difficult to create a strictly objective scoring basis if disparate programs are considered. He said that the Budget Committee is the final arbiter of what the best use of any funds would be.

Director Levin said that some sort of scoring would be developed and its details would be made available to all interested parties. She said that efforts would also be made to consider geographic issues and to deal with different types of communities.

Chief Bradford said that he was concerned that the Budget Committee and the Authority staff do not equate and the general public should not equate non-competitive brands with arbitrary discretion; that they are not interchangeable terms and that arbitrary discretion is not something that's involved in the use of these funds.

Director Levin said that Authority board members would be welcome to participate in the review process. She said that the process would not be arbitrary. She said that the Governor's Office may have recommendations that could be presented to the Budget Committee. She said that some sort of open and transparent scoring mechanism would be developed. She said that weighting would be considered in an effort to ensure that all of the state's geographical areas are represented. She said that it would be a priority to ensure that rural communities, central Illinois, and northern and southern minority and majority communities would be covered. She said that this might be possible if the process wasn't strictly competitive. She said that every effort would be made to ensure that the rest of Illinois, not just Cook County, has the same opportunities.

Ms. Nerheim, representing the United States Attorney's Office, asked if jurisdictions that had received JAG funds because of their Uniform Crime Reporting (UCR) would be eligible despite the fact that they had already received funds.

Director Levin said that it would be up to the Budget Committee to decide if it wants to remove Chicago and the seven other municipalities from contention.

Chairman Murphy said that there is no reason why anyone wouldn't be able to apply. He said that an application is an application, nothing more or less.

Ms. Nerheim said that she had spoken with many jurisdictions that did not have an opportunity to compete with those seven cities because of the UCR reporting. She said that Waukegan is a prime example of such a city. She said cities like Waukegan have real

crime issues and she was curious as to whether cities such as Naperville and Waukegan would be going on in the same competitive process.

Chairman Murphy said that if such entities file applications, those applications would be reviewed.

Director Levin said that the Authority's 2009 JAG application is at BJA at this point. She said that ISP has been working on the UCR issue. She said that at this point it was unknown if 2009 would be affected. She said that BJA was recalculating things so she didn't want to count on anything at this point.

Director Levin, in response to a question by Ms. Hora, said that funding for equipment might fall under technical support. She said that there might be an agency seeking to hire a technical person for whatever program, such as StarComm radios that may require some technical assistance or with the I-CASE incident/case reporting program.

Col. Snyders said that out of the 15 percent for technology planning and improvement, he understood that the recommendation is that at third of that money be made available for integration technology support for I-CASE. He said that there has been a specific need for local law enforcement to be able to connect with the statewide data warehouse to exchange information. He said that ISP has committed several million dollars toward building a statewide database and information warehouse and there had been a need identified for locals regarding how to fund that; how to fund connecting local records management systems (RMS) to the statewide warehouse and I-CASE. He said that this funding would allow local agencies to hire a vendor to build the connection from their RMS or from to the statewide data warehouse.

Col. Snyders said that such money would go to the local agencies that need to establish the connectivity, not the ISP.

Director Levin said that, in relation to a point made by Ms. Nerheim, staff was aware of the UCR issues and that was why the percentages were weighted. She said that there were some issues with reporting at ISP, but Illinois had only seven municipalities that received direct awards. She said that ISP is trying to straighten out these issues and has new rules in place. She said that some municipalities have lost their direct JAG funding since the new rule began so that is part of the reason why the percentages are weighted toward law enforcement.

Chairman Murphy said that this meeting was not an appropriate forum for the discussion of specific topics, but it was intended to be a discussion of general parameters. He said that all interested parties have ideas now and the time spent so far has not been wasted because it began to focus said parties. He said that the process was open again. He said

that the faster this panel works, the faster it will get through this process, but it will not be easy. He said that this process is like trying to determine if it is better to assist widows or orphans. He said that all good programs are good ideas, but some are more developed than others and that may determine which ones are rewarded.

Chief Bradford moved to approve the recommended changes to the JAG ARRA funding plans as described in the first memo regarding JAG ARRA planning and dated April 30, 2009, contained at Tab 3 of the meeting materials. Mr. Small seconded the motion and it was approved by unanimous voice vote.

Director Levin referring to the second memo from Mr. Chojnacki, regarding general adjustments to the JAG plan, dated April 30, 2009 and contained under Tab 3, said that staff recommended eliminating the four-year limit on the State's Attorney's Appellate Defender's and the State's Attorney's Appellate Prosecutor's Systemic Sentencing Issues Appeals projects. She said that this recommendation was made in an effort to ensure that the services provided by these agencies are maintained. She said that they have received Byrne Anti-Drug Abuse Act (ADAA) or JAG funds for over ten years. She said that during that time, these programs had received funds to address one set of concerns under ADAA and another under JAG, since all grantees were permitted to begin new four-year cycles when JAG began. She said that for a long time an effort has been under way to move these programs to general revenue funding, but that probably wouldn't happen any time soon. She said that to avoid shutting down the whole criminal justice appellate system, staff recommended the removal of the four-year limitation; that way these programs could be assured of continued funding. Such is the case with funding for the MEGs and Task Forces, she said. She said it would be disingenuous to claim that the Authority is keeping the four-year limit when no other agency is going to fund these programs.

Chief Bradford moved to approve the recommended changes to the general JAG plan as described in the second memo regarding general adjustments to the JAG plan and dated April 30, 2009, and contained at Tab 3 of the meeting materials. Ms. Healy Ryan seconded the motion and it was approved by unanimous voice vote.

Victims of Crime Act (VOCA) American Recovery and Reinvestment Act (ARRA) FFY09 Planning History and Plan Introduction

Program Supervisor Ron Reichgelt, referring to the memo from Mr. Chojnacki, regarding the VOCA ARRA planning history and plan introduction, dated April 30, 2009, and contained under Tab 4, said that the Victim Services Ad Hoc Committee (VSAHC) met recently to discuss funding priorities and strategies for VOCA and Violence Against Women Act (VAWA) ARRA-related funds. He said that at this meeting, only VOCA

funds would be discussed and that a reference in the memo to VAWA was simply a typographical error.

Mr. Reichgelt said that the Authority's FFY07 VOCA federal award had been reduced from the amount of its FFY06 federal award. Staff was able to overcome that reduction and fully fund all of the Authority's VOCA programs by taking certain programs, such as some to the Cook County States Attorney's Office and the Authority's InfoNet program, and fund them under JAG. The Authority's FFY08 VOCA award was reduced further and staff was unable to recommend using JAG funds again to make up for the reduction..

Mr. Reichgelt said that the VSAHC decided to fund all programs at a reduction, which was reflected in every program's award that used FFY08 funds. He said that staff recommended reinstating as much of the 27.8 percent cut that VOCA programs had received as possible. He said that by using both the ARRA money and the Authority's anticipated increase to its regular VOCA (FFY09) award, staff is hoping to be able to reinstate upwards of 20 percent of the 27.8 percent reductions.

Director Levin said that staff would use the FFY08 designations as benchmarks. She said that the reinstitution of funding for programs that had been reduced was an allowable use of ARRA funds. She said that all programs would see funding reinstated in equal proportion to one another. She said that whether a particular grantee receives funds from either ARRA or a regular VOCA award would not bear on the award amount.

Chairman Murphy said that these funds should be thought of as, "found money."

Mr. Reichgelt said that staff recommended designating the ARRA funds to ICASA and ICADV. He said that the reason for doing this is because ARRA funds have certain restrictions and reporting objectives that must be followed and staff feels that giving it to the largest agencies would allow staff to be able to track this money easily and staff would be able to follow the additional objectives. He said that staff would be able to use this money in the same way as has been done with past designations; the coalitions would distribute these funds to their sub-grantees in a competitive process.

Director Levin said that ICASA took funding cuts across the board and ICADV eliminated programs which staff anticipates would be reinstated.

Mr. Reichgelt said that when the Authority receives the FFY09 VOCA award, staff will recommend designations to all programs, including ICASA and ICADV. He said that since the coalitions are effectively receiving their increases out of the ARRA funds, their regular FFY09 designations would remain the same as was their FFY08 designations. He said all other programs would get a 20 percent increase, assuming the federal award to the Authority is large enough to accommodate a 20 percent increase. He said that it would be prudent to retain some of the FFY09 regular award in order to ensure that all

programs could be properly covered in 2010, since it is likely that in 2010 there would only be the regular FFY10 federal award and the Authority would not have the luxury of working with two pots of money as it does here in 2009.

Director Levin said that none of the ARRA money would be held back and that any retained funds would be retained from the regular FFY09 federal award.

Chairman Murphy said that the stimulus money should be treated as if it was “found money.” He said that the Authority might never be in this position again.

Director Levin said that the goal was to reinstate all programs by 20 percent. She said that this is not one-time versus extra money, but rather this is all extra money to put all programs back on a level playing field and next year that playing field would be the point from which new funding would be determined.

Ms. Hora said that she was reluctant to talk about what to do with FFY09 funds. She said that she was concerned about all programs, across the board, receiving a 20 percent increase. She said that any increase should be determined in accordance with each program’s merits. She said that it would be okay to use ARRA funds for such a purpose, but not regular funds.

Chairman Murphy said that this meeting was concerned with ARRA funds and other funds would be considered at a later date.

Ms. Engel said that one of the reasons why it is a good idea to give ARRA funds to the coalitions is because they are responsible and accountable for their programs. The coalitions will get their information in on time and this is important because of the additional strings attached to ARRA funds and because of the added scrutiny that Illinois will likely receive. She said that the time allotted to report data is very limited. She said that the recommendation to fund the coalitions amounts to a vote of confidence in their abilities.

Chairman Murphy said that he would fully expect the Authority’s ARRA spending to be audited. He said that the best course of action would be to designate ARRA funds to the programs with the best track records in terms of their reporting.

Mr. Fashina moved to approve the recommended VOCA ARRA plan as described in the memo from Mr. Chojnacki, dated April 30, 2009, and contained under Tab 4. Ms. Engel seconded the motion and it was approved by unanimous voice vote.

Chairman Murphy said that the Budget Committee effectively had some homework to attend to and that the planning process is a little further set back than might be ideal. He

invited all members present in the room or via teleconference to get more involved in the planning process. He said that the more help that is offered and the more educated the board members are, the better off the whole process would be.

Further Discussion

Ms. Engel said that she thought that the coalitions were going to see substantial cuts in their general revenue funding streams and she asked if they would be considered in the discussions regarding statewide funding.

Director Levin said that the statewide budget cuts were reasons why new priorities were brought before the Budget Committee. The Authority would be meeting with the secretary of DHS and directors of IDOC and IDJJ and the Governor's Office to make recommendations to the Authority Board regarding statewide ARRA JAG funds.

Adjourn

Ms. Healy Ryan moved to adjourn. The motion was seconded by Col. Snyders and passed by unanimous voice vote. The meeting was adjourned at 11:17 a.m.