

Cook County Board of Commissioners

118 North Clark Street
County Board Room
Chicago, Illinois



New Items Agenda

**Wednesday, October 2, 2013
10:45 a.m.**

Issued: Monday, September 30, 2013

13-1796

Presented by: EARLEAN COLLINS, County Commissioner

RECONSIDERATION OF A PREVIOUSLY DENIED VARIATION (COMM. NO. 325079)

requesting that the Board of Commissioners reconsider the following Zoning and Building Variation, which previously failed on the 9/11/13 on the Zoning and Building Report Communication #325079

325079 DOCKET #8925 - UP RAILROAD, Owner/Clear Channel Outdoor, Ed Marcin, Applicant, Application (No. V-13-49; Z13055): Variation seeks to reduce the front yard setback from the minimum required 30 feet to a proposed 6.56 feet; and reduce the distance between two existing off-premise signs from the minimum required 500 feet to a proposed 158.45 feet to rebuild a sign in the I-1 Restricted Industrial District. The Subject Property consists of approximately 6.19 acres located on the Northeasterly corner of Willow Road and Shermer Road in Section 22 of Northfield Township, County Board District #14.

Recommendation: That the application be granted.

Conditions: None

Objectors: Village of Glenview by Resolution
Village of Northbrook

Vice Chairman Murphy, seconded by Commissioner Steele, moved the Approval of Communication No. 325079.

Commissioner Tobolski called for a roll call, the vote of yeas and nays being as follows:

ROLL CALL ON THE MOTION TO APPROVE THE RECOMMENDATION TO COMMUNICATION NO. 325079

Yeas: Chairman Silvestri, Vice Chairman Murphy, Commissioners Butler, García, Schneider, Sims, and Steele (7)

Nays: Commissioners Collins, Daley, Fritchey, Gainer, Goslin, Moore, and Suffredin (7)

Present: Commissioners Gorman and Tobolski (2)

Absent: Commissioner Reyes (1)

The motion to Approve Communication No. 325079. FAILED

13-1797

Sponsored by: EARLEAN COLLINS, County Commissioner

PROPOSED RESOLUTION

CREATING AN INTERGOVERNMENTAL TASK FORCE 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 and it has imposed upon Cook County tax payers to shoulder the entire financial burden; and

WHEREAS, the closing of Illinois mental health institutions and 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 injury, and death of innocent babies, youth, and bystanders, which has 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, creates fertile ground for expanding violent subcultures; and

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

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

BE IT FURTHER RESOLVED, that the task force is 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.

BE IT FURTHER RESOLVED, that the task force should be comprised of 24 members selected by the following:

1. Two appointed by the County Board President;
2. Two appointed by Cook County Hospital Systems Board;
3. Two appointed by the Governor or the General Assembly: from Health & Human services;
4. Three appointed by the Federal Department: one from Health & Human Services, one from HUD and one from the department of Veterans Affairs;

5. Three appointed by the Mayor of Chicago: one from Department of Human Service, two from law enforcement;
6. Two appointed by Cook County Sheriff;
7. One appointed by Suburban Mayors Association: one appointed by Suburban 708 Mental Health Board;
8. Two appointed by Cook County Circuit Court: one from Mental Health Court and one from Drug Court;
9. Three appointed by Community Mental Health Care Providers Association;
10. One Clinical Psychologist;
11. One appointed by Hospital Association; and
12. One appointed by the Coalition of the Homeless.

BE IT FURTHER RESOLVED that the duties of the task force shall include but not 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;
2. The number of aforementioned population who have committed serious crimes;
3. Establish a system of treatment services to respond to their essential human needs in accordance with federal, state and local laws;
4. Develop a funding consolidation plan that will support holistic individualized services that can be funded by different government providers who are responsible for various service needs;
5. 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, whenever possible, utilize existing qualified county task forces and volunteers; and
6. Within ninety days provide a progress report to the Cook County Board.

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

1. Assess the number and quality of service providers in the targeted areas;
2. Identify specific services and needs of returning homeless veterans. Conduct meetings with US Department of Veteran Affairs, local veteran centers, and organizations;
3. Identify current and past government funding sources and dollars spent on service needs over the last several years in the targeted areas;
4. Conduct a review of all government special use funds specific to Human Services including grant funds for the target population;
5. Establish a Cook County Housing Trust Fund in collaboration with the state housing trust fund, Chicago Housing program, 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;
6. Establish rules for spending priorities from money saved from crime reduction in Cook County;
7. Lobby the state Governor and legislators to revisit mandatory sentencing laws;
8. Expand Crisis Intervention Teams to all police districts to targeted areas.

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;
2. Work with universities' schools of social work to utilize their students who need to meet their practical work experience requirements;
3. Establish tuition reimbursement programs for students who agree to work for the county for a specified

time and in high crime areas;

4. Utilize dollars saved by diverting individuals suffering from mental illness and /or drug addiction from the Cook County jails and 1115 waiver;
5. Consider utilizing the new federal law that allows cities to establish 708 mental health Boards;
6. Employ clinical social workers and legal advisors to assist law enforcement with domestic violence crisis involving children and families. Funding pool establish in collaboration with Illinois Department of Children and Family Services and mental healthcare reimbursement for clinical social workers;
7. Establish a shared funding pool to maximize the use of existing dollars. The pool shall be comprised of:
 - a. Government and private funds designated for crime prevention and intervention;
 - b. Health and Human Services at all levels of government;
 - c. Housing Funds at all levels of government;
 - d. Job training workforce investment funds;
 - e. Special grants;
 - f. Redirecting a percentage of tax levy for public safety;
 - g. Shifting funds from programs inside prisons and jails to expanding services at the community level.

13-1798

Sponsored by: EARLEAN COLLINS, County Commissioner

PROPOSED ORDINANCE

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

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 46, Law Enforcement, Article IV, Jail Diversion Program, Section 36-172, Sec. 46-201 through Section 46-217, of the Cook County Code are hereby amended as follows:

Sec. 46-172. Definitions.

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

Appropriate authorities. 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. The process of assisting and monitoring target population detainees in achieving their individualized treatment plan consistent with their diversion plans.

Class 4 felony. An offense for which a sentence to a term of imprisonment of one to three years in a penitentiary and/or a fine of up to \$25,000.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-8-1 and 730 ILCS 5/5-9-1)

Community based mental health service providers. Mental health service providers working within local organization and health facilities.

Co-occurring substance abuse disorder. Mentally ill detainees with addictions to alcohol, drugs and/or other chemical substances (M.I.S.A.).

Crisis intervention. 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. A program that diverts target population detainees from jail in accordance with standardized procedures established by the Advisory Board in conjunction with the appropriate authorities, the detainee and/or their legal representative.

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

Diverted detainee. A target population detainee who is approved by the appropriate authorities for diversion.

Felony. 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)

Mental health assessment. An examination by a licensed mental health service provider and, if applicable, by a substance abuse service provider.

Mental health service providers. Mental health service provider 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.

Mentally ill. Persons who have been clinically diagnosed with a mental illness including persons with co-occurring substance abuse disorder.

Misdemeanor. 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):

- (1) *Class A.* An offense for which a sentence to a term of imprisonment, other than in a penitentiary, of up to one year and/or a fine of up to \$25,000.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-9-1 and 730 ILCS 5/5-8-3)
- (2) *Class B.* An offense for which a sentence to a term of imprisonment, other than in a penitentiary, of up to six months and/or a fine of up to \$1,500.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-9-1 and 730 ILCS 5/5-8-3)
- (3) *Class C.* An offense for which a sentence to a term of imprisonment, other than in a penitentiary, of up to 30 days and/or a fine of up to \$1,500.00 or the amount specified in the offense, whichever is greater, may be imposed. (730 ILCS 5/5-9-1 and 730 ILCS 5/5-8-3)

Post-booking diversion. Diversion agreed to by the State's Attorney's Office after the arrest of a detainee as an alternative to prosecution.

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

Provider. A mental health service provider or a substance abuse service provider.

Special Court. Cook County Mental Health Court.

Substance Abuse. A pattern of harmful use of alcohol or drug use for mood altering purposes.

Substance abuse service providers. 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 Dependency 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 detainees. People with mental illness and/or substance abuse, including those with co-occurring substance abuse disorder, 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 the County and the jurisdiction of the Mental Health Court located at the Criminal Court Building in the City of Chicago.

Third party health coverage. Health coverage provided by a public or private reimbursement program including but not limited to 1115 Waiver, Medicaid or Medicare.

Sec. 46-201. Purpose.

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 with ~~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~~ mentally ill and/or substance abuse detainees or arrestees in the Cook County.
- (2) Provide mentally ill and/or substance abuse ~~offenders~~ detainees or arrestees with improved quality and access to the appropriate assessment and treatment services.
- (3) Reduce rates of recidivism among mentally ill and/or substance abuse detainees or arrestees ~~offenders.~~
- ~~(4) Reduce the jail population in the County.~~
- (54) Assist in maintaining compliance with the Federal consent decree on jail overcrowding.
- (65) 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 category ies established by law, to alternatives to incarceration.
- (76) Improve positive relationships between target population ~~citizens~~ and law enforcement officers.
- (87) Ease the financial burden on County taxpayers for the cost of treatment for the aforementioned population in the County correctional system.

Sec. 46-202. 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:

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.

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.

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 means persons afflicted with mental illness and/or substance abuse.

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

Sec. 46-2023. 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 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 mentally ill and/or substance abuse detainees or ~~mentally ill and substance abuse~~ arrestees entering into the County jail and afford greater opportunities for crisis intervention and essential supportive services.
- (2) Provider-Participating service providers standards. ~~In addition to meeting the qualifications established by State and Federal laws for the treatment of mental health and substance abuse disorder To the extent possible, 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 years. 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.
- (3) Regional Crisis Intervention Centers resources for law enforcement. ~~24-hour crisis intervention resource center, equipped with social workers will be established and in each police district within the targeted areas 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. to assist with resources for stabilizing and follow-up case management as needed. 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.~~ The crisis center and the crisis intervention team shall be ~~subject to funding by the intergovernmental agreement established~~ primarily reimbursed in accordance with provisions set forth in ~~Division 3 of this article~~ Sec. 46-208. There shall be established crisis intervention teams in each police district made up with social workers who qualify for direct third party reimbursement, police and community workers.

- (4) *Third party health care reimbursement sources.* In those cases where a diverted detainee/arrestee 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. 46-203. Target population.~~

~~The County's Jail Diversion Program shall focus on the following categories 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. 46-204. Eligibility.~~

~~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. 46-2054. - 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, specialty 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/arrestees 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 a 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 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 the age of 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/or~~ substance abuse service providers ~~is~~ are unavailable 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 encouraged to explore all efforts for restitution as a condition of pre-booking diversion.
- i. Complete a detailed incident report.

(2) *Post-booking diversion.* This category of diversion may be sought by the State's Attorney for mentally ill and/or substance abuse detainees/arrestees 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 specialty 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.

(c) *Resumption of prosecution.* Failure to comply with the diversion plan shall subject the diverted detainees/arrestees to further prosecution.

Sec. 46-2065. 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, and utilization of the state's database.

Sec. 46-206. 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. 46-207. 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. 46-208. 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. 46-209. 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 mentally illness and substance abuse disorders.

Sec. 46-210. 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.

(b)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.

(c)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. 46-211. 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 persons with mentally illness and/or substance abuse disorder.
- (7) Establish criteria for measuring program outcomes.
- (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. 46-212. 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. 46-213. 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) Were 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. 46-214. 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. 46-215. 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. 46-216. 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. 46-217. Effective Date

- (a) This Ordinance shall take effect immediately upon its passage.
- (b) Within six weeks of the passage of this Ordinance an Advisory Panel shall be appointed and approved.

(c) 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.