



**ILLINOIS
CRIMINAL JUSTICE
INFORMATION AUTHORITY**

300 W. Adams Street • Suite 200 • Chicago, Illinois 60606 • (312) 793-8550

MEMORANDUM

TO: Budget Committee Members

FROM: Kevin Givens, Associate Director, Federal & State Grants Unit

DATE: March 7, 2018

SUBJECT: Summary of Budget Committee actions taken February 28, 2018

On February 28, 2018, the Budget Committee met to discuss and take actions regarding:

- Prescription Pill and Drug Disposal Fund designation.
- Violence Against Women Act designations.
- Victims of Crime Act designations.
- Sex Offender Registration and Notification Act designations.

Authority members and designees present were:

| Budget Committee Member Attendance | Present | Telephone | Absent |
|---|----------------|------------------|---------------|
| Cook Co. Public Defender Amy Campanelli | X | | |
| Kathryn Dunne for Cook Co. Sheriff Tom Dart | X | | |
| Nicole Kramer for Cook County State's Attorney Kimberly Foxx | X | | |
| Cynthia Hora for Attorney General Lisa Madigan | | | X |
| Pamela Paziotopoulos | | | X |
| Jim O'Grady for Illinois State Police Director Leo Schmitz | X | | |
| Jennifer Vollen-Katz | X | | |
| Paula Wolff | | | X |

| Other Authority Member Attendance | Present | Telephone | Absent |
|--|----------------|------------------|---------------|
| Illinois Department of Corrections Director John R. Baldwin | | | X |
| McLean Co. Public Defender Carla Barnes | X | | |
| Cook County Circuit Court Clerk Dorothy Brown | | | X |
| State's Attorney's Appellate Prosecutor's Office Director Patrick Delfino | | | X |
| Illinois Law Enforcement Training and Standards Board Director Brent Fischer | | | X |
| Chicago Police Department Superintendent Eddie Johnson | | | X |
| DeKalb County Circuit Court Clerk Maureen Josh | | | X |
| Effingham County State's Attorney Bryan Kibler | | | X |
| State Appellate Defender's Office Director Michael J. Pelletier | | | X |
| Cook County Board President Toni Preckwinkle | | | X |
| Authority Chair Hon. Elizabeth Robb | X | | |
| Illinois Department of Public Health Director Nirav Shah | | | X |
| Illinois Department of Children and Family Services Director Beverly Walker | | | X |

Also in attendance were:

ICJIA Strategic Policy Advisor Reshma Desai
 ICJIA Federal & State Grants Unit Associate Director Kevin Givens
 ICJIA Program Supervisor Shataun Hailey
 ICJIA Program Supervisor Shai Hoffman
 Rebecca Janowitz, Cook County Justice Advisory Council
 Rick Krause, Illinois Department of Corrections
 ICJIA Federal & State Grant Unit Administrative Assistant Jude Lemrow
 ICJIA Program Supervisor Ron Reichgelt
 ICJIA General Counsel Angie Weis
 Chief Barbara West, Chicago Police Department
 Other Authority staff members and guests

Meeting Minutes

The Budget Committee unanimously approved the minutes of the December 13, 2017, Budget Committee meeting.

Prescription Pill and Drug Disposal (PPDD) Fund

New Designation

The Budget Committee designated \$150,000 in SFY18 PPDD funds to the Illinois Sheriffs' Association to procure drug disposal boxes and arrange for delivery to priority sites.

Violence Against Women Act (VAWA)

New Designations

The Budget Committee designated funds as described in the table below:

| Entity | Program | FFY17 |
|--|--|--------------------|
| Illinois Coalition Against Domestic Violence | Services to Underserved Areas or Victim Groups | \$696,613 |
| Illinois Coalition Against Sexual Assault | Services to Underserved Areas or Victim Groups | \$696,613 |
| Total: | | \$1,393,226 |

Victims of Crime Act (VOCA)

Designation Reductions

The Budget Committee acted to reduce designations to VOCA programs as described in the table below:

| DESIGNEE - PROGRAM | REASON FOR LAPSE / RESCISSION | FFY15 | FFY16 |
|--|--|------------------|-----------------|
| Cook County State's Attorney's Office - Law Enforcement & Prosecution Based Victim Assistance | Grant ended early due to new NOFO process. New grant stated January 1, 2018. | \$239,908 | |
| Whiteside County State's Attorney's Office - Law Enforcement and Prosecution Victim Assistance | Grantee unable to meet program requirements. Declined grant. | | \$40,000 |
| TOTAL RETURNED | | \$239,908 | \$40,000 |

New Designations

The Budget Committee designated FFY15 Victims of Crime Act funds to support transitional housing programs as described in the table below:

| DESIGNEE | FFY15 |
|-----------------------------------|--------------------|
| A Safe Passage | \$136,133 |
| HOPE of East Central Illinois | \$83,639 |
| Remedies | \$113,475 |
| Dove | \$43,200 |
| A Safe Place | \$156,007 |
| Guardian Angel Community Services | \$150,000 |
| KAN WIN | \$50,000 |
| Heartland Healthcare Services | \$150,000 |
| Crisis Center for South Suburbia | \$49,000 |
| WINGS | \$139,500 |
| TOTAL | \$1,070,954 |

The Budget Committee designated FFY16 Victims of Crime Act funds to support lead entities as described in the table below:

| DESIGNEE | FFY15 |
|--|---------------------|
| Illinois Coalition Against Domestic Violence | \$17,300,000 |
| Illinois Coalition Against Sexual Assault | \$16,300,000 |
| Children's Advocacy Centers of Illinois | \$7,100,000 |
| TOTAL | \$40,700,000 |

The Budget Committee designated FFY16 Victims of Crime Act funds to support trauma recovery centers as described in the table below:

| DESIGNEE | FFY15 |
|--|--------------------|
| Advocate Christ Medical Center | \$1,100,000 |
| OSF Health Care System, dba St. Francis Medical Center | \$1,100,000 |
| TOTAL | \$2,200,000 |

Sex Offender Registration and Notification Act (SORNA)

The Budget Committee designated FFY16 SORNA funds for the purchase of scanning and storage equipment to facilitate electronic transmission of sex offender documentation between local registration agencies and the Illinois State Police, and acquisition of Livescan stations that have the functionality to capture and transmit sex offender palm prints. Designations are as described in the table below:

| Designations | FFY16 | FFY17 |
|--|------------------|------------------|
| Kankakee County | \$19,960 | |
| Williamson County | \$25,181 | |
| City of Galesburg | \$25,012 | |
| Union County | \$20,000 | |
| City of Kankakee | \$16,000 | |
| Ogle County | \$19,678 | |
| Village of Arlington Heights | \$13,600 | |
| Waubonsee Community College | \$18,960 | |
| St. Clair County | \$30,423 | |
| Village of Frankfurt | \$14,187 | |
| SUBTOTAL | \$203,001 | |
| *Designations to be made pending fund availability. | | |
| *McHenry County College | \$13,838 | |
| *City of Carlinville | \$10,000 | |
| **Illinois Department of Corrections funding is contingent on U.S. Department of Justice approval. | | |
| **Illinois Department of Corrections | | \$248,403 |
| GRAND TOTAL | \$226,839 | \$248,403 |

Since this memorandum is the official notification of Budget Committee action taken on February 28, 2018, the following is a reminder to the members of the Authority's organizational rules regarding committee oversight. Section 1750.340(I) of the Authority's Organizational Rules states:

- i) Oversight of Committees—In order to provide for oversight by the Authority of actions taken by any committee, whether ad hoc or standing, Authority members shall be notified—by phone, mail or equivalent—of all motions passed by a particular committee, within five (5) business days of any committee meeting, or prior to the next meeting of that committee, or before the next meeting of the Authority, whichever is sooner. Within ten (10) business days of receipt of such information, a special meeting of the Authority may be convened upon the request of five (5) Authority members, for the purpose of fully discussing any action taken by a committee and to supersede the authorization granted to the committee to act on the Authority's behalf in any particular matter.

Subject to the oversight process described above, the Budget Committee action becomes the action of the Authority.

Please contact me if you have any questions.



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Memorandum

To: ICJIA Budget Committee Members
From: Judge Elizabeth Robb, Chair, and John Maki, Executive Director
Date: March 7, 2018
Re: Correcting Statements Made by Kane County State's Attorney's Office Regarding Its Unsuccessful Application for VOCA Funding

As discussed at the Illinois Criminal Justice Information Authority's (ICJIA) February 28 Budget Committee meeting, this memo addresses inaccurate, misleading, and problematic public statements that Kane County's State's Attorney Joe McMahon has made about the ICJIA from January 2017 to present. These statements followed the Kane County State's Attorney's Office's unsuccessful application for funding through a recent competitive Funding Opportunity to support victim advocates in criminal justice agencies. ICJIA would prefer to communicate and work with unsuccessful applicants individually to improve their future applications through the process established under state law. However, State's Attorney McMahon has compelled ICJIA to respond publicly through repeatedly disparaging ICJIA in the media by calling its handling of his office's application "outrageous," "reckless," and "irresponsible," requesting nearly 1,000 pages of material related to ICJIA's processes and its unsuccessful application through the Freedom of Information Act (FOIA), and advocating for elected officials to overturn ICJIA's decision and interfere with its process. ICJIA rejects State's Attorney McMahon's portrayal of its process in the strongest terms possible and will not allow political pressure to influence its decisions. In effect, State's Attorney McMahon has attacked ICJIA for following state and federal law and policy. Pursuant to the Illinois Grants Accountability and Transparency Act (GATA), ICJIA must use a merit-based process for its grant making that is designed to protect state and federal grant funds from political interference and get the best outcomes for the public. That is precisely what ICJIA did in this case. Of the 17 applicants who applied for funding, 16 adequately addressed the core requirements laid out in the Funding Opportunity, and because there was sufficient federal funding available, federal designations were made to them all. Unfortunately, the Kane County State's Attorney's Office's application fell short of this threshold.

In the interests of transparency and governmental accountability, this memo provides a complete record of the Kane County State's Attorney's unsuccessful application from ICJIA. It includes factual corrections of Kane County State's Attorney's statements to the media, a copy of Kane County's States Attorney's application and ICJIA's debrief of its strength and weaknesses, and the material that ICJIA has produced in response to the Kane County State's Attorney FOIA request.

To be clear, ICJIA does not take the rejection of any grant application lightly. Its goal is to do all it can to use federal and state funds to support as many eligible public safety programs under the competitive, merit-based process mandated by the 2014 Illinois Grants Accountability and Transparency Act (GATA). While ICJIA could not support funding the Kane County State's Attorney's Office application because it



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was effectively incomplete, ICJIA has significantly expanded its grant making in recent years. In State Fiscal Year 2015, ICJIA made \$37.6 million in state and federal grants. In State Fiscal Year 2018, ICJIA is projected to make approximately \$100 million in state and federal grants. This growth in grant making is due to an unprecedented increase in Illinois' Victims of Crime Act (VOCA) award, which went from \$17.6 million in 2014 to \$77.6 million in 2015, and the amount has remained fairly stable since 2015. While most states have struggled to spend their increased VOCA awards and, therefore, will likely have to return funds to the Department of Justice, ICJIA is on track to use Illinois' entire award to strengthen and expand victim services across the state. From 2015-2017, ICJIA created nine new Notice of Funding Opportunities, received 124 applications, reviewed all eligible applications, and recommended 78 organizations to receive \$65 million of funding. Today ICJIA is supporting more victim services programs with larger amounts of funding than it ever has in its history. Most importantly, this work has led to a significant increase in victims served through ICJIA-funded programs. In 2015, for instance, ICJIA-funded programs helped approximately 42,000 victims in Illinois. In 2017, ICJIA-funded programs served 131,000 victims. The Department of Justice's Office of Victims of Crime recognized ICJIA's work in victim services by selecting Illinois as one of two states to receive its 2017 Linking Systems of Care discretionary award. This award will provide ICJIA with funding and technical assistance to effectively identify and assess child and youth victims and provide comprehensive services.

Fact Check

The below italicized text quotes State's Attorney McMahon attacks on ICJIA and is followed by a factual correction.

"This [rejection] came with no notice to us." "Kane County state's attorney calls grant rejection 'reckless,' reassigns victim advocates," Daily Herald, January 8, 2018.

This statement is false. GATA put all state grantees on notice that state grant making would transition to a competitive process. ICJIA also repeatedly notified grantees of this change in the grant making process, explaining that even though many of ICJIA's grantees had received funding for several years, they would now have to apply for new funding. ICJIA was clear that if applicants were unsuccessful, they would not receive funding.

"I reached out to [ICJIA] Executive Director John Maki. He declined [the] offer to meet." Kane County state's attorney calls grant rejection 'reckless,' reassigns victim advocates," Daily Herald, January 8, 2018.

This statement is misleading. Pursuant to GATA, ICJIA's Executive Director is not able to communicate with applicants about potential funding while they have an application pending, including while a funding decision is being appealed. On December 29, Executive Director Maki received a message from the Kane County State's Attorney, requesting a meeting to discuss his office's unsuccessful application, but his office's appeal of that funding decision was pending at that time. Executive Director Maki responded the same day with the following email message offering to meet after the appeal process was complete:



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Dear State's Attorney McMahon,

I received a message that you wanted to schedule a meeting to discuss VOCA funding. I'm sorry, but state law prohibits me from having conversations with applicants who are appealing ICJIA's funding decisions.

When the appeal process is completed, I'd be happy to meet with you to discuss VOCA or any other issue.

Since the appeal process has completed, Executive Director Maki has repeatedly tried to schedule a conference call with the Kane County State's Attorney to discuss these statements and other issues. As of March 7, 2018, the Kane County State's Attorney has not responded to these requests.

"When the [Illinois] General Assembly continues to pass laws that mandate responsibility without providing an attached revenue source to fulfill these responsibilities, I think it's irresponsible." "Federal Funding Halted for Kane County victim's rights advocates," Kane County Chronicle, January 9, 2018.

Insofar as this statement applies to ICJIA's administration of VOCA, it is based on an inaccurate understanding of how federal funding works. While ICJIA recognizes that criminal justice agencies often struggle to comply with unfunded state mandates, VOCA funds may not be used to supplant state or local funds that would otherwise be available to crime victim services. Congress has required that VOCA funds be used solely to develop new projects or expand existing projects that provide direct services to crime victims. When states are found to violate this requirement, the Department of Justice will require states to return the funds.

"I am very disappointed with the decision of the Illinois Criminal Justice Information Authority to eliminate funding." "Kane County eliminates Victims' Rights Unit due to lack of grant," Chicago Tribune, January 10, 2018.

This statement is false. ICJIA did not eliminate funding for the Kane County State's Attorney's Office. Rather, their application for a new discretionary program was unsuccessful because out of 17 applicants, it was the only one that failed to address the core requirements laid out in the Funding Opportunity.

State's Attorney McMahon has stated that he has sent letters to victims blaming ICJIA for his offices unsuccessful application. He has also sent a letter to Governor Rauner requesting that the Governor instruct ICJIA's Executive Director "to prioritize grant awards based on need and fulfillment of mandated responsibilities before [awarding] taxpayers funds to NGOs [nongovernmental agencies]." "Crime Statistics in Kane County released for 2017," Kane County Chronicle, February 13, 2018.

This request is based on an inaccurate understanding of state and federal law, ICJIA, and VOCA. One of the key purposes of GATA is to prevent elected officials from interfering with the process state grant-making entities use to make funding decisions. ICJIA is an independent authority, whose Board is responsible for establishing its priorities and approving its funding recommendations. ICJIA's Executive Director neither establishes funding priorities nor personally selects programs for funding. Pursuant to



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GATA and ICJIA's administrative rules, ICJIA's Executive Director's role is to oversee the grant-making process and present funding recommendations to the Board. VOCA funds are not supported by taxpayer dollars, but rather are from federal court fines and fees. Finally, as VOCA is intended to support victim services, non-profits are the primary recipients of VOCA funds because they provide most victim services.

"[T]he irony of ICJIA denying our request for funding, yet awarding more than four times my request to an organization that has zero mandated functions and has no role in the criminal justice system is not lost on me." "Kane state's attorney continues fight for victim's advocate funding," Daily Herald, February 2, 2018.

This statement seems to be based on an inaccurate understanding of VOCA, although it is not entirely clear what State's Attorney McMahon finds ironic. VOCA is intended to support victim services, as defined by the Department of Justice's Office of Victims of Crime. VOCA funds cannot be used to support most criminal justice system operations. This federal requirement determines ICJIA's administration of VOCA funds. Through this process, Kane County victim service organizations have recently won two VOCA grants: one an award to support the Kane County's Court-Appointed Special Advocate Victim Assistance Program, and the other a grant to support services to victims of community violence to the East Aurora School District.

Just as VOCA's rules guide how ICJIA administers VOCA funds, federal grants dedicated to criminal justice system activities determine how ICJIA administers these funds. For instance, the Justice Assistance Grant is intended to support a range of criminal justice areas, including law enforcement and prosecution. Through the same competitive, merit-based process that it has used to administer VOCA funds, ICJIA awarded Kane County-based law enforcement agencies, including the Kane County State's Attorney, two JAG grants: one for a Multijurisdictional Narcotic Trafficking Enforcement program, and the other for a Multijurisdictional Narcotic Prosecution Unit.

ICJIA's Debrief of Kane County State's Attorney's Application

On February 28, ICJIA, pursuant to the process established in GATA, sent a document debriefing the strengths and weaknesses of Kane County State's grant application, which their office requested. Below are excerpts from that document:

"As part of the Law Enforcement, Prosecution, and [Court Appointed Assisted NOFO competitive process, programs previously funded by ICJIA, such as yours [Kane County State's Attorney], were encouraged to submit an application, with the understanding that all applications needed to fulfill all new program requirements incorporated into the NOFO; as stated under Required Activities:

Advocates were required to provide crisis intervention and case management as follows:

1. Crisis Intervention: Refers to victim de-escalation, emotional support, and guidance provided by advocates. May occur at the scene of a crime, immediately after a crime, or be provided on an ongoing basis.



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2. Case Management: Refers to assisting victim(s) in identifying and achieving their needs and goals, and includes at a minimum:
 - a) Assessment and development of a service plan to facilitate a client's progress.
 - b) Information about and referral to needed services.
 - c) Advocacy that includes one or more of the following: Assisting victims in securing rights and services from other agencies, writing a victim impact statement, completing victim compensation paperwork, or obtaining criminal or civil protection orders; intervening with employers, creditors and others on behalf of a victim; assisting in filing for losses covered by public and private insurance programs; accompanying victims to the hospital, and other activities.
 - d) Ongoing emotional support.

Summary:

This application was effectively incomplete, failing both to fully answer the majority of questions and to address how the funding would be used to satisfy the NOFO's core program requirements. The application read as if it were written without sufficient preparation or attention to the questions. While ICJIA recognizes that the Kane County State's Attorney Office has received ICJIA funding to support advocates for several years, ICJIA, pursuant to GATA, is mandated to use a merit-based, competitive process to evaluate applications for funding. This law requires ICJIA to evaluate applications based solely on the answers they provide, prohibiting the consideration of factors outside of this process, such as how long a program has been funded in the past. Your application failed to provide detailed responses related to specific questions on service provision, delivery, and coordination (e.g., question D1). Additionally, required core program elements were not addressed in the application (e.g., crisis intervention services). Given the incompleteness of your application, ICJIA had no choice but to reject it. For future applications, ICJIA recommends that your office dedicates enough time to fully answer all of the questions. If your office has questions about future applications, please contact ICJIA for assistance.

Application Strengths:

- The application repeatedly emphasizes that the program employs bilingual staff, which is a critical capacity to address the needs of non-English speaking victims. At the same time, the application provides no clear explanation of the number of non-English speaking victims served or even the need for these services.
- The budget was clear.

Application Weaknesses:

Multiple answers were effectively incomplete or generally failed to sufficiently answer the question:

- Question 3: Answer simply lists different entities, but fails to describe how services are coordinated.
- Question A.1: Answer lists crime statistics, but fails to provide any analysis or describe the need for services.
- Question A.2: Answer fails to sufficiently describe the strengths and challenges of the community beyond a simple and generic statement that would be applicable to a vast majority of communities.



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- Question B.1-3 Answers fail to clearly describe the entire organization including various units and staffing, for example, the number of staff within each unit.
- Questions C.1-3: Entire section is extremely vague and underdeveloped. It fails to provide a qualitative history of providing services to victims of crime. The applicant states it has nine grants but did not provide the size of the budget or some of the names of the funders.
- Section D. Answer does not speak to the ranges of services that the NOFO required, including crisis intervention and case management that extends beyond activities related to court involvement. While the applicant discusses advocacy related to the court system, the answer fails to describe how advocates would provide crisis intervention and create a service plan that meets the needs of the victim.
- Question D.1: No answer provided.
- Question D.2-3: Answer fails to provide a detailed explanation of direct services or an adequate justification for the applicant's projection of the number of clients to be served in the project grant year.
- Question D.4: Answer lists only one barrier to services, but does not adequately explain how program will address it.
- Question D.5: Answer fails to describe how it will incorporate trauma-informed care—but rather simply notes it will refer victims to “outside social service agencies.” This is a core requirement of the program.
- Question D.6: Answer fails to describe how programs will serve victims when they do not wish to pursue criminal charges, which is a core requirement of the program.
- Question E.4: Answer states that limited funding is available for training, however VOCA funding can be used to train direct service staff. Although the response mentions webinars or low cost trainings, the answer neither provides examples nor identifies possible agencies they may connect with to identify such opportunities.
- Question F: Within the chart, this is the first mention of support groups for family members of homicide victims, such activities should have been discussed earlier within the description of the program. It is not clear what these groups entail and the qualifications of the individuals leading these groups.
- Section G: The NOFO stated that crisis intervention and case management were required program elements; however, the applicant failed to provide estimates for how many clients will receive these services. The response in the chart notes that personal advocacy services and emotional support/safety services (which includes crisis intervention) were not applicable despite them being required program elements. Within the “required trainings” section, the applicant notes that 1 staff person will receive training on trauma when the NOFO requires that all funded staff (in this case, 4 staff persons) are to receive trauma training.



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In conclusion, as this debrief shows and as it noted above, the primary problem with your office's application is that it needed more time and attention paid to answering the questions. ICJIA hopes this experience will improve your office's future applications for funding."

FOIA Requests

On February 15, 2018, the Kane County State's Attorney requested through FOIA material related to the ICJIA NOFO to which it applied that encompassed nearly 1,000 pages of material. Please click the following link for the documents ICJIA produced in response:

http://www.icjia.state.il.us/assets/pdf/FOIA/ICJIA_Kane_FOIA_Release_030118.pdf

Conclusion

While State's Attorney McMahon's attacks are unfortunate, ICJIA remains deeply committed to assisting Kane and all of Illinois' 102 counties strengthen their public safety systems. We look forward to working with the Kane County State's Attorney and hope this experience will improve its future applications for funding.