ALTERNATIVES TO ARREST COMMITTEE MEETING

Wednesday, June 26, 2019

8:00 to 9:30 a.m.

Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Aldermanic Library

AGENDA

1. Call to Order/ Declaration of Quorum

2. Public Comment

3. Approval of the February 27, 2019 Meeting Minutes

   a. Police Enforcement
   b. Administrative Adjudication Hearing Process

5. Discussion of the Alternatives to Arrest Committee Next Steps

6. Schedule Next Meeting

7. Adjournment
ALTERNATIVES TO ARREST COMMITTEE MEETING

Wednesday, February 27, 2019

8:00 a.m.

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Minutes

1. Call to Order/ Declaration of Quorum
Alderman Braithwaite called the meeting at 8:08 am.

Committee Present: Alderman Peter Braithwaite, Alderman Cicely Fleming, Alderman Eleanor Revelle, Reverend Michael Nabors, Patrick Keenan-Devlin, and Becky Biller

Others Present: Harriet Sallach; Karen Demorest; Chad Roger; Kimberly Richardson, Deputy City Manager; Mario Treto Jr., Deputy City Attorney; Hugh DuBose, Assistant City Attorney; Sue Brunner, Administrative Adjudication Lead Judge; Chief Cook, Police Chief; Aretha Barnes, Deputy Police Chief; Melissa Sacluti, Commander; Charlotte Hart, Sergeant; Arica Barton, Youth Advocate; Kevin Brown, Community Services Manager

2. Public Comment
No public comment.

3. Approval of the January 17, 2019 Meeting Minutes
January 17, 2019 meeting minutes were approved.

   Proposed changes to ordinance:
   a. Page 2: 11-1-9 F.3. delete in its entirety
   b. Page 3: 9-25-26 retail theft should read “under $300”
   c. Change all gender-specific language to gender neutral pronouns.
   Ald. Fleming made motion to accept the edits as amended, Patrick seconded. Ordinance as amended was approved unanimously.

5. Approval of Resolution 68-R-18: A Resolution in Support of Employing Administrative Adjudications as an Alternative to the Criminal Justice System for Juveniles
Patrick made a motion to approve Resolution 68-R-18, Alderman Fleming seconded. Resolution was unanimously approved.

6. Discussion of the Alternatives to Arrest Committee Timeline
Committee discussed and accepted the timeline as a working document. May 1, 2019 was agreed upon for implementation. Alderman Fleming provided direction to staff to produce a one-pager with Committee accomplishments.

7. Schedule Next Meeting
   Scheduled for Wednesday June 26, 2019 at 8am.

8. Adjournment
   Patrick Keenan-Devlin made a motion to adjourn the meeting, Alderman Fleming seconded.
   Meeting adjourned at 9:03 am.
MEMORANDUM

To: Kimberly Richardson, Deputy City Manager
From: Moran Center for Youth Advocacy
Date: May 29, 2019
Re: Blueprint for implementation of 159-O-18 and 68-R-18

In anticipation of passage by the Evanston City Council of 159-O-18, as experts in youth development, active participants in the Alternative to Arrest Committee, and as managers of Evanston’s current Diversion Program within the Division of Administrative Hearings, the Moran Center would like to put forward the following blueprint for implementing the newly devised administrative hearing process.

In speaking to the amendments reflected in Section 11-1-9(F), we encourage the Division of Administrative Hearings, when imposing community service hours in lieu of a fine for individuals over the age of 18 years old, to adhere to the spirit of the Ordinance and ensure that the number of community service hours are “commensurate in value to the otherwise imposable fine.” We would therefore recommend that the Administrative Hearing Officers (“AHO”) do not impose more than 20 hours of community service in any case.

Relatedly, the Moran Center stands ready to supply the City with resources developed as part of our management of the City’s Diversion Program, including a list of local agencies that have historically accepted individuals to perform community service hours and forms for individuals to then use in recording community service hours completed.

As the Ordinance then applies to minors, we would foremost recommend that the City include in its annual training of AHOs training in restorative practices, so as to ensure their understanding of the core tenets. In coordination with the City, the Moran Center stands ready to provide such training to the AHOs for free.

In providing “separate and private hearings for minors,” it is recommended that such hearings be scheduled on a monthly basis during the week after school hours, using the Aldermanic Library as the venue for the hearings. Experienced city staff, including the Youth Advocates and Youth & Young Adult Outreach Team Members, should be assigned to welcome youth and their families at the administrative hearings in the outer chamber.

While the City has made laudable efforts to employ the administrative hearing process as a forum to restoratively intervene and support youth, it is imperative to
ensure that due process continues to be guaranteed for every child who appears before the Division of Administrative Hearings. At the closed hearing, children will continue to be afforded the right to call witnesses, present arguments, etc.

For youth found “not liable,” the matter should be marked as closed, and the Division of Administrative Hearings should then follow all procedures outlined within Ordinance 65-O-18 for the maintenance and expungement of minors’ municipal records. Upon a child admitting liability or being found liable under the City Code, the AHO should subsequently offer youth the option of either paying an allowable fine, which may be paid within 35 days, or participating in the City’s restorative and supportive services initiative. The only limitation on the AHO being able to offer youth the option of participating in the City’s restorative and supportive services initiative is if the minor has received three (3) prior findings of a violation of the offense with which the minor is facing charges under the City Code.

If the child opts to participate in the City’s restorative and supportive services initiative and is eligible, the AHO should direct the minor to a confidential setting within the Civic Center. To create a truly welcoming environment, the Moran Center would be willing to organize food and beverage donations to be available within this setting. The City’s Youth Advocates and/or members of the Youth & Young Adult Outreach Team would then conference with youth and conduct a brief clinical assessment. The assembled team would use that conference as an opportunity to develop an appropriate “repair of harm agreement” which should take into consideration the harm caused by the child, as well as that child’s needs. The individualized “repair of harm agreement” may include substance abuse education, counseling, career training, victim-offender mediation, and/or the performance of community service not to exceed forty (40) hours, as well as a timeline for completion, not to exceed one hundred twenty (120) days. As part of the assessment, city staff will also take into account any ancillary costs potentially associated with any of the services delineated within a child’s “repair of harm agreement.”

The city staff may then either present their recommendations to the AHO for approval that evening or may seek a continuance allowing for additional conferencing, after which the city staff would reappear on the continuance date to seek the AHO’s approval of the “repair of harm agreement.” The AHO would then set the matter down for a return date.

In supporting youth meet their obligations under their “repair of harm agreements,” city staff could then refer youth, where appropriate, to community-based agencies. As part of Evanston Cradle to Career (“EC2C”), the community’s collective impact model, the City should rely upon the services of EC2C’s youth-serving agencies - City of Evanston’s Youth & Young Adult Division, Connections for the Homeless (“Connections”), Curt’s Café, Erie Family Health Center (“Erie”), Infant Welfare
Society of Evanston (“IWSE”), James B. Moran Center for Youth Advocacy (“Moran Center”), PEER Services, Youth Job Center (“YJC”), and Youth & Opportunity United (“Y.O.U.”) – which are all, in fact, presently engaged in an effort to improve Evanston’s social safety net and develop a seamless fabric of support for our community’s youth and their families.

With regards to facilitating restorative justice practices, which might be part of a child’s “repair of harm agreement,” the Moran Center would happily coordinate such practices, without any cost to the City, as well as recruit, train, and schedule community members who volunteer to be a part of these practices.

The city staff would then ultimately report out to the AHO on the return date whether a minor has successfully completed the terms under the child’s “repair of harm agreement” without requiring the minor’s appearance. Upon the minor successfully completing the requirements under the agreement, the AHO would mark the case as closed and waive all fines; however, if the minor is unsuccessful, the AHO would then impose all allowable fines.

In then codifying Retail Theft and Theft under $500 within the City Code, thus making such offenses citable under the Code, we would recommend that the City’s Law Department provide training to the Evanston Police Department regarding these
new offenses so as to ensure that the police appreciate their ability to employ this new mechanism as a means to divert individuals away from the criminal justice system.

As part of the Law Department’s training of the Evanston Police Department, we would also recommend that the Law Department explain the directive outlined within 68-R-18, which provides that the police should employ the Division of Administrative Hearings, as opposed to the Circuit Court of Cook County, for adjudicating municipal ordinance violations, where appropriate, particularly as applied to minors.