

Justice Committee Meeting Minutes

The Justice Committee of the McLean County Board met on Monday, February 7, 2000 at 5:00 p.m. in Room 700 of the McLean County Law and Justice Center, 104 W. Front Street, Bloomington, Illinois.

Members Present: Members Rodman, Gordon, Pokorney, Arnold

Members Absent: Chairman Sommer

Staff Present: Mr. John Zeunik, County Administrator; Mr. Terry Lindberg, Assistant County Administrator; Ms. Lucretia A. Wood, Administrative Assistant, County Administrator's Office

Department Heads/
Elected Officials

Present: Sheriff Dave Owens, McLean County Sheriff's Department; Ms. Amy Davis, Public Defender's Office; Ms. Roxanne Castleman, Director, Court Services; Ms. Beth Carlson, Deputy Coroner, Coroner's Office; Ms. Billie Larkin, Director, Children's Advocacy Center; Ms. Joan Naour, Director, Correctional Health Services; Ms. Jane Engblom, Jury Commission; Circuit Judge John Freese, 11th Judicial Circuit Court; Mr. William Scanlon, Trial Court Administrator 11th Judicial Circuit Court; Mr. Charles Reynard, State's Attorney

Acting Chairman Pokorney called the meeting to order at 5:00 p.m. Hearing no objections, the minutes of the January 3, 2000 meeting were approved and placed on file as presented.

Ms. Jane Engblom, Jury Commission, presented the Juror Statistics for 1999. She stated that less money was spent on juries than in previous years. She stated that in 1999, there were 107 jury trials. Over the last two years, McLean County has saved \$38,571.00. This is due to the aggressive case management by the judges and the Juror Utilization Review study.

Acting Chairman Pokorney asked what the Juror Utilization Review is. Ms Engblom stated that the Review is a report describing the outcome of the jury trials each month. The judges review this report to become more efficient when requesting and scheduling jurors.

Ms. Joan Naour, Director, Correctional Health Services, presented the Correctional Health Services Fourth Quarter Report and the 1999 Year-End Report. She stated that most of the numbers for 1999 have increased, with the exception of a decrease in nursing encounters.

Mr. Pokorney asked if the increases are due to the increase in the jail population. Ms. Naour stated that this is a contributing factor. She stated that another factor is the types of illness that the staff has to treat.

Ms. Naour stated that there is now a Correctional Officer assigned from 10:00 a.m. to 6:00 p.m. A Correctional Officer always has to be present for any exam. In the past, the nursing staff has had to wait for an Officer to be available.

Mr. Rodman stated that the report shows that the statistics have remained constant for the past three years.

Acting Chairman Pokorney asked what the visual acuity examination is. Ms. Naour stated that it is an on site eye chart examination. Ms. Naour stated that corrective eyeglasses are ordered only for inmates with very poor vision and for inmates who break their glasses while in the facility.

Acting Chairman Pokorney stated that Ms. Sandra Parker, Circuit Clerk, was not able to attend the meeting. Mr. Arnold stated that he would like to know why there are 285 Probate cases remaining on the Age of Pending Cases for more than years. Judge Freese indicated that many of the Probate cases remain pending when a guardian or minor child is involved. When a case is on appeal, the case also remains pending.

Ms. Billie Larkin, Director, Children's Advocacy Center, presented the monthly statistics report for the Children's Advocacy Center. Ms. Larkin stated that the CASA program in 1996 averaged 19.85 months for a child to achieve permanency in the court system. In 1998, these numbers decreased to 7.66 months. Mr. Larkin indicated that to validate that the CASA program is working, the Center wants to study cases that do not have a CASA Advocate to see if the time period has declined as well. She stated that a student from Illinois Wesleyan University will be working on the project. The study is projected to be completed in May.

Mr. Arnold asked how the permanency statistics are derived. Ms. Larkin stated that the case is tracked from the time the judge requests a CASA advocate until permanency is reached.

Mr. Arnold asked the Children's Advocacy Center is only involved in Physical/Sexual Abuse case. Ms. Larkin explained that on the Center's side Physical/Sexual Abuse cases are the only case handled. The CASA program also handles neglect cases pending before the Court.

Ms. Amy Davis, Public Defender presented a review of a case recently decided in the First District, Cook County, which suggested that Public Defenders are liable to be sued. In the past, it was assumed that Public Defenders were immune to liability because they are County employees. There is a case in another District, which says that in order for someone to maintain or prove a claim of malpractice against his attorney, the defendant first has to prove he is innocent. If a defendant decided to file a malpractice suit against the Office, the County does carry sufficient liability insurance. However, the Office does not have coverage for punitive damages. It is illegal in the State of Illinois for Public Employers to carry punitive damages coverage. This is not a concern because in order to find an individual liable for punitive damages, the wrong-doing has to be proven to be willful and wanton.

Ms. Davis presented the 1999 Statistical Reports. The net results of the felony and misdemeanor screener program in 1999 is that private counsel was appointed 232 times. This includes felony and misdemeanor cases. Mr. Arnold asked how does the report compare to 1998. Ms. Davis stated that last year between 85 and 90 cases were screened out to private counsel. Mr. Arnold asked if a column could be added to the report to show a comparison to the previous year. Ms. Davis replied that it would not be a problem to add the additional information.

Ms. Beth Carlson, Deputy Coroner, presented the 1999 Year-End Report and General Report. She stated that she will have a more detailed report for the March Committee meeting. She stated there is one correction in the information provided. The Total Year to Date cases should be 794.

Mr. Rodman noted that Mr. Tony Becker completed a Computer Forensic class. He asked what is Computer Forensics. Ms. Carlson stated that Computer Forensics is used to verify that computer files and documents have not been altered or deleted.

Ms. Roxanne Castleman, Director, Court Services presented a request for approval to hire a temporary full-time Juvenile Probation Officer. She explained that Ms. Sandra Schaller suffered a severe heart attack on January 2nd. She is in Barnes Hospital in St. Louis waiting for a heart transplant. Her work has been divided up among the other Juvenile Officers in the Department, however it is adding stress to the Office. She is requesting that a temporary person be hired until Ms. Schaller can return to work. It is expected that Ms. Schaller will go on disability in April. The Administrative Office of the Illinois Courts will not fund the position until Ms. Schaller goes on disability. Until that time, this position would be an additional FTE.

Mr. Rodman asked if Ms. Castleman has spoken to Ms. Schaller and if it is her wish to go on disability. Ms. Castleman stated that Ms. Schaller has been on a ventilator. The ventilator was shut off a week ago. Ms. Castleman stated that she spoke to Ms. Schaller at that time and Ms. Schaller asked about disability. Her brother has been gathering the information for her.

Motion by Arnold/Gordon to recommend approval of the request received from the Court Services Department to add a temporary full-time Probation Officer. Motion carried.

Ms. Castleman presented the Juvenile Detention Statistics for the month of January. She stated that there are currently 20 youth at the Center, 17 are McLean County youths, 3 are Out-of-County youths. The Center is holding 2 beds for Livingston County, which is under contract.

Acting Chairman Pokorney asked if Peoria County is drawing youth from other counties. Ms. Castleman stated that it is possible, but they have not housed as many youths as they expected. Part of the reason McLean County has not housed as many youths is because the Center has been housing so many McLean County youths that there has not been beds available for Out-of-County youths.

Sheriff Dave Owens presented a request for approval of an Emergency Appropriation Ordinance Amending the Fiscal Year 1999 Combined Annual Appropriation and Budget Ordinance for the Court Security Fund, 0141, Sheriff's Department, and the County General Fund 0001. He stated that the Fund's expense totalled \$255, 491.62. Revenue for the Fund was \$210, 475.39. Therefore, the Fund is short \$45,016.23.

Mr. Arnold asked if the Court Security staff is still Senior Officers. Sheriff Owens explained that there are several senior deputies and one deputy in his first year. He stated that the contract allows for the deputies to bid for the different posts, including the Court Security detail, by seniority.

Mr. Arnold asked if Court Security required a high level of skill. Sheriff Owens replied that the Courthouse setting can be volatile. Court Security requires deputies with good people skills who can deal with families and inmates. The senior deputies are good at diffusing situations because of their experience.

Mr. Rodman asked if the deputies would be paid the same amount if they were not assigned to Court Security. Sheriff Owens stated that is correct.

Sheriff Owens stated that the Court Security Fund paid for itself for many years. Year ago, there was only one Court Security deputy. Now there is a Sergeant and six deputies. It is becoming a very specialized area in Sheriff departments.

Mr. Arnold asked why General Funds need to be used to supplement the Court Security Fund. Mr. Zeunik explained that in the past, a Court Security Fee was taken on every traffic ticket. The legislature enacted a law that limited a Court Security fee only in those cases where a Court appearance is made. The Municipalities wanting to see more fee income drove the change in the law. The Sheriff indicates that the 1999 expenses were \$255,491.00, that is \$30,000 under budget. The Sheriff has implemented policies to keep overtime to a minimum. He stated that revenue was also below budget. Last year, the deficit was in excess of \$68,000.00.

Motion by Rodman/Gordon to recommend approval of an Emergency Appropriation Ordinance Amending the Fiscal Year 1999 Combined Annual Appropriations and Budget Ordinance, Court Security Fund 0141, Sheriff's Department, 0029 and County General Fund 0001. Motion carried.

Sheriff Owens presented the January Adult Detention Facility Population Report. He stated that the average daily population is at capacity. On the evenings and weekends, the jail is over capacity. The population has increased from the averages in December.

Sheriff Owens presented the Sheriff's Department Annual Report for 1999. In past years, this report was not completed until March or April. Due to IJIS, the Department has been able to prepare this Report earlier this year.

Sheriff Owens stated that the average jail population counts are up and the number of individuals booked are up. In 1999, an average of 21.67 inmates were booked per day.

Mr. Rodman stated that 571 inmates were transported, and yet the number of hours spent transporting the inmates was more than double the hours in 1998. He asked what caused the increase in the transportation hours. Sheriff Owens explained that it depended on where the inmates were picked up. He stated that the transport team will pick anyone up within a one day's drive from McLean County. If it is further away, the transport will be contracted out.

Mr. Arnold stated that he would like to see a narrative accompany the statistical report. The narrative should give an explanation to the changes from 1998 to 1999.

Mr. Arnold asked why bookings have increased so far over the number of arrests. Sheriff Owens replied that bookings were for all agencies in McLean County. The arrest statistics include only arrests by the McLean County Sheriff's Department.

Mr. Arnold asked if the jail booking agreement with the other agencies is part of the jail population problem. Sheriff Owens replied that in the past, the major agencies used to do booking and then the Sheriff's Department would have to book the inmate again. Sheriff's Owens stated that the growth of McLean County is the cause of a lot of the increases.

Mr. Arnold asked if there is a relationship between the bookings and the jail capacity. Sheriff Owens responded that there is a relationship. Mr. Arnold asked if the jail capacity is shared with the other agencies. Sheriff Owens replied that the other agencies are aware that there is a population problem. He stated that the officers may use I-bonds on certain jailable offenses. The agencies are doing this in order to keep the population down.

Mr. Rodman asked if there is a financial contribution from the Bloomington and Normal Police Departments for the Booking Agreement. Sheriff Owens stated that is correct. It helps defray the cost of the additional records staff added.

Mr. Rodman asked what is an initial police report. Sheriff Owens replied that it is the police officer's report of the incident. Most incidents are crime related. Others are informational.

Sheriff Owens indicated that there were only 3 traffic related deaths in 1999. There were 6 in the two previous years. There were more tickets written in 1999. DUI arrests are the highest that they have been in three years. Warrants served by Court Security have increased back up to the 1997 figures. Warrants served by patrol have also increased.

Circuit Judge John Freese, 11th Judicial Circuit Court and Mr. William Scanlon, Trial Court Administrator, 11th Judicial Circuit Court, presented a request for approval of a Resolution Amending the Funded Full-Time Position Resolution for the Fiscal Year 2000, General Fund, Circuit Court. The request is to increase the .50 FTE Senior Secretary to 1.0 FTE Senior Secretary. He stated that the Circuit Court is requesting this amendment due to the Supreme Court granting the 11th Judicial Circuit authority to appoint a new Associate Judge. This judge will be in McLean County three days a week in conjunction with Judge Drazewski in McLean County 1 day a week. These judges will need appropriate support staff.

Mr. Rodman stated that the State funds the judicial position, but the County funds the support staff. Judge Freese stated that is correct.

Mr. Rodman asked if the funds for the support staff would be taken out of the General Fund. He asked if this position was anticipated in the preparation of the FY'2000 budget. Mr. Zeunik stated that the position increase was not anticipated in the FY'2000 budget. Since it is early in the year, this would be accomplished by a transfer from the County Board's contingency line item. For 2001, the position would be part of the 2001 budget. Judge Freese stated that the Circuit Court did not anticipate the Supreme Court authorizing an additional Associate Judge.

Acting Chairman Pokorney asked if there is the part-time employee will move into the full-time position. Mr. Scanlon stated that the change in FTE had not been discussed yet with the part-time employee.

Judge Freese stated that other than the additional FTE, there will be no other cost associated with the change. The judges will share an office and a courtroom.

Motion by Rodman/Gordon to recommend approval of a Resolution Amending the Funding Full-Time Equivalent Positions Resolution for Fiscal Year 2000, General Fund, Circuit Clerk. Motion carried.

Mr. Charles Reynard, State's Attorney, presented a request for approval of a Resolution Appropriating Funds to the State's Attorneys Appellate Prosecutor Office. He stated that this is the same resolution that has been in place for years. The amount appropriated remains the same as it has for the last five years.

Mr. Rodman asked if the funding was included in the budget. Mr. Reynard stated that funding is budgeted in the State's Attorney's Office. The Appellate Prosecutor handles the criminal appeals that are generated from the County. The number of appeals generated in McLean County justifies a 1.0 FTE. The Appellate Prosecutor is able to do this work for \$20,000. This is less than a starting Assistant State's Attorney's salary.

Motion by Rodman/Gordon to recommended approval of a Resolution Appropriating Funds to the State's Attorney's Appellate Prosecutor Office. Motion carried.

Mr. Reynard presented a request for Approval of an Intergovernmental Agreement between McLean County and the Illinois Criminal Justice Information Authority-Continuation of Domestic Violence Protocol Implementation Program. This is the third

year for the grant. The grant funds one attorney and one clerk position. The grant expires at the end of October or November of this year.

Motion by Arnold/Rodman to recommend approval of an Intergovernmental Agreement between McLean County and the Illinois Criminal Justice Information Authority-Continuation of Domestic Violence Protocol Implementation Program. Motion carried.

Mr. Reynard presented the monthly Caseload Report. He stated that the report included the first full month of casework for the Child Support Enforcement Program. This is initial data. The County will have to wait to see how it projects in the future. He stated that the month of January for Criminal Felony files suggest that the month is anomalous or the statistics for the year will be increased from 1999.

Mr. Arnold stated that there is a projected increase in the DUI statistics. He asked if this information is conveyed to Mother's Against Drunk Driving (MADD). Mr. Reynard replied that the information is available to MADD.

Mr. Gordon stated that the number of Traffic cases prosecuted is up 15%. Juvenile Abuse cases are up 50%. Mr. Reynard stated that Abuse and Neglect cases have been increasing. Court scheduling of Abuse and Neglect cases has increased to five days a week. The attorney's handling these cases are doing a great job. This is very productive work, stopping the abuse and neglect lowers the chances of the children becoming adult offenders.

Mr. Zeunik presented the General Report for IJIS. He stated that training is being scheduled for Version 3.0. The County is looking at a live date at the end of March or beginning of April.

Acting Chairman Pokorney presented the bills, which have been reviewed and recommended for payment to the Justice Committee by the County Auditor.

Motion by Arnold/Gordon to recommend payment of the Fiscal Year 1999 Year-End bills and the Fiscal Year 2000 bills as presented by the County Auditor. Motion carried.

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There being nothing further to come before the Committee at this time, Acting Chairman Pokorney adjourned the meeting at 6:52 p.m.

Respectively submitted,

Lucretia A. Wood
Recording Secretary