

Minutes of the Justice Committee

The Justice Committee of the McLean County Board met on Tuesday, January 6, 2009 at 4:30 p.m. in Room 400 of the Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Renner; Members Wendt, Hoselton and Rankin

Members Absent: Members Rackauskas and McIntyre

Other County Board

Board Members Present: None

Staff Present: Mr. John Zeunik, County Administrator; Mr. Terry Lindberg, Assistant County Administrator; Mr. Bill Wasson, Director, Administrative Services; and Ms. Judith LaCasse, Assistant to the County Administrator

Department Heads/
Elected Officials

Present: Mr. Don Everhart, Circuit Clerk; Mr. Will Scanlon, Trial Court Administrator - Eleventh Circuit Court; Ms. Cindy Brand, Jury Commission; Sheriff Mike Emery; Mr. Bill Yoder, State's Attorney; Ms. Lori McCormick, Director, Court Services; and Ms. Judy Renner, Director, Children's Advocacy Center

Others Present: Ms. Michelle Anderson, Financial Reporting Specialist, County Auditor's Office; Mr. Adam Grist, Assistant State's Attorney; Mr. Jeff Horve, Assistant State's Attorney; and Mr. Jake Harlow, Assistant State's Attorney

Chairman Renner called the meeting to order at 4:36 p.m.

Chairman Renner presented the minutes from the December 2, 2008 Committee meeting and the November 18, 2008 Stand-up meeting to the Committee for approval.

Motion by Hoselton/Rankin to approve the Minutes of the December 2, 2008 Committee meeting and November 18, 2008 Stand-up Committee Meeting.
Motion carried.

Mr. Don Everhart, Circuit Clerk submitted his November 2008 Statistical Report. He indicated that there was nothing unusual to note in the report.

Chairman Renner asked if there were any questions or comments. Hearing none, he thanked Mr. Everhart.

Mr. Will Scanlon, Trial Court Administrator - Eleventh Circuit Court, presented two requests relating to the Children's Waiting room. The first was a request for approval of an Amendment to the Contract between the Eleventh Judicial Circuit Court, the County of McLean and the Children's Foundation for the Children's Waiting Room. The second was a request for approval of an Emergency Appropriation Ordinance amending the McLean County Fiscal Year 2009 Combined Annual Appropriation and Budget Ordinance, Children's Waiting Room Fund 0171, Circuit Court 0016.

Mr. Scanlon explained that the Children's Foundation operates the Children's Waiting Room on the 3rd Floor of the Law and Justice Center. He stated that a County Ordinance was passed in May of 2006, effective July 1, 2006, to collect an additional \$5.00 filing fee to fund that operation. Mr. Scanlon indicated that the Children's Waiting Room came into existence in February of 2008 and has been operating with an Agreement that expired on December 31, 2008. As part of that Agreement renewal, the Children's Foundation staff has requested an increase in the amount that they were being reimbursed from that fund. Mr. Scanlon noted that the reimbursement amount was previously set at \$33,000.00, and they are asking that it be increased to \$37,800.00, which is an increase of \$400.00 per month.

Mr. Scanlon advised that \$32,500.00 was collected in 2008 in the filing fee fund. In addition, there is an existing fund balance, as of December 31, 2008, of \$45,606.00 above the \$32,500.00 that was collected. Mr. Scanlon indicated that Mr. Lindberg drafted the Agreement and the Emergency Appropriation Ordinance. He emphasized that there is sufficient revenue to meet the request of \$37,800.00. Mr. Scanlon added that there is also a sufficient fund balance to cover any shortfall.

Chairman Renner asked why there is such a significant increase from \$33,000.00 to \$37,800.00. Mr. Scanlon replied that more staff is needed in the Children's Waiting Room than was anticipated. Chairman Renner asked if there is more usage of the Waiting Room than expected. Mr. Scanlon replied that the preliminary report indicated that approximately 192 children per month are using the Children's Waiting Room and, originally, only 100 children were anticipated.

Mr. Wendt expressed concern that there was not sufficient material provided to justify the significant increase in budget. He felt that a 20% increase is fairly large.

Mr. Hoselton asked if the Children's Waiting Room accommodates children whose parents are in Court. Mr. Scanlon replied that this is a program that operates during the day at the Law and Justice Center for persons who are called to Court either as defendants or witnesses.

Mr. Rankin asked what will happen if this request is not approved. Mr. Scanlon replied that it would be necessary to reduce the number of hours that the Waiting Room is available.

Mr. Lindberg advised that the Children's Foundation operates on a June 30 fiscal year. He indicated that the contract was structured to provide four quarterly payments. At \$33,000.00 for a 12 month period, the payments were \$8,250.00 per quarter. Mr. Lindberg stated that, after the first two quarters in their fiscal year, the Children's Foundation indicated that they had lost private and other funding. In addition, there was a significant increase of use at the Children's Waiting Room. Therefore, the Children's Foundation asked for the additional \$4,800.00 to carry them through their fiscal year ending June 30, 2009. Mr. Lindberg advised that he does not anticipate that this will be an on-going situation. He noted that the proposed increase takes the fee up to approximately \$10,000.00 for the next two quarters. Mr. Lindberg anticipated that, beginning in the Foundation's July 1, 2009 fiscal year, the fee will go back to \$8,250.00.

After additional discussion, Chairman Renner recommended that the two requests be postponed to the February Justice Committee meeting. He further recommended that more information be provided and a representative from the Children's Foundation be available to discuss the request.

No action was taken on the requests for approval of an Amendment to the Contract between the Eleventh Judicial Circuit Court, the County of McLean and the Children's Foundation for the Children's Waiting Room, and the request for approval of an Emergency Appropriation Ordinance amending the McLean County Fiscal Year 2009 Combined Annual Appropriation and Budget Ordinance, Children's Waiting Room Fund 0171, Circuit Court 0016.

Mr. Scanlon announced that the Circuit Court reelected Judge Elizabeth Robb to serve as Chief Judge through 2010.

Chairman Renner asked if there were any addition questions or comments. Hearing none, he thanked Mr. Scanlon.

Ms. Cindy Brand, Jury Commission, presented the Jury Commission 2008 Year-end Report. She noted that the approximate total pay amounts contained in the report in the packet were very close to the final year-end figures. Ms. Brand indicated that comparative jury statistics are as follows:

- Mileage: 121,764 miles
- Total Mileage reimbursement and \$10.00 per day payment: \$129,860.32

Ms. Brand advised that fewer jurors served in 2008, but they served for more days. She noted that this was due to civil judges hearing more asbestos cases, which often last for several weeks.

Ms. Brand indicated that the number of trials continues to increase a little bit each year.

Ms. Brand informed the Committee that, with the jury eligibility forms and second request forms, she is able to account for 90% of the qualified jurists. She added that the Jury Commission is able to account for 100% of the people who are summoned to jury duty. If they do not respond, the Jury Commission follows up until they have established that the person has moved away or is no longer available.

Chairman Renner asked if there were any addition questions or comments. Hearing none, he thanked Ms. Brand.

Sheriff Mike Emery presented a request for approval of a Maintenance Agreement with Identix for the Live-Scan Fingerprinting System in the McLean County Detention Facility. He explained that this is a 12 month agreement with a total yearly expense of \$33,084.00, which is less than what was paid in 2008. Sheriff Emery indicated that this agreement is to provide maintenance on the Identix machine in the Jail which does the electronic finger-printing and digitally transmits the fingerprints to the State Police.

Motion by Rankin/Wendt to Recommend Approval of a
Maintenance Agreement with Identix for the Live-Scan
Fingerprinting System in the McLean County Detention
Facility.

Motion carried.

Sheriff Emery submitted a request for approval to accept a Task Force Six, Project Safety Neighborhoods Grant from the Illinois Criminal Justice Information Authority in the amount of \$8,998.00.

Sheriff Emery advised that this grant is a pass-through grant, with no financial responsibilities to McLean County. Sheriff Emery noted that it is audited by the McLean County Auditor's Office. He explained that this is funding to provide electronic surveillance equipment for the Task Force Six Drug Unit, which services DeWitt and McLean Counties. The equipment provides audio and video evidence to the State's Attorneys Office.

Motion by Hoselton/Wendt to Recommend Approval to Accept a Task Force Six, Project Safety Neighborhoods Grant from the Illinois Criminal Justice Information Authority in the amount of \$8,998.00.
Motion carried.

Sheriff Emery presented a request for approval of a clothing bid with Ray O'Herron Co. for Police uniforms and equipment purchases from February 1, 2009 to January 31, 2010 for the Sheriff's Department. He explained that formal written bids were solicited from three vendors. At the formal bid opening, on December 19, 2008, two bids were received and opened. Sheriff Emery recommended that McLean County accept the bid proposal received from Ray O'Herron Co., Inc.

Sheriff Emery stated that another vendor, 10-8 Outfitters, may be used for specific items that may be of a lower cost, including the uniforms for the Jail.

Motion by Rankin/Wendt to Recommend Approval of a Clothing Bid and Equipment Purchases with Ray O'Herron Co. for Police Uniforms from February 1, 2009 to January 31, 2010 for the Sheriff's Department.
Motion carried.

Sheriff Emery presented a request for approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2008 Combined Annual Appropriation and Budget Ordinance, General Fund 0001, Sheriff's Department 0029. He explained that these emergency funds are to be used to cover the expense incurred in fiscal year 2008 to house inmates out of County.

Motion by Wendt/Hoselton to Recommend Approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2008 Combined Annual Appropriation and Budget Ordinance, General Fund 0001, Sheriff's Department 0029.
Motion carried.

Sheriff Emery advised that the National Institute of Corrections Assessment Team personnel are on site this week and County Board members are participating in the assessment. He announced that there will be a public forum on Thursday, January 8th in Room 400 of the Government Center, from 8:00 a.m. to 12:00 Noon, where the Assessment specialists will provide their thoughts on the assessment review for McLean County. Sheriff Emery indicated that a significant amount of publicity has been done for this forum, including an interview on WJBC with the two assessment specialists. He invited members of the Committee to attend the forum.

Chairman Renner thanked Sheriff Emery for his efforts in arranging the assessment review.

Chairman Renner asked if there were any questions. Hearing none, he thanked Sheriff Emery.

Chairman Renner presented the Coroner's Monthly Report for November 2008 as submitted by Ms. Beth Kimmerling, Coroner. He asked if there were any questions on the report. There were none.

Mr. Bill Yoder, State's Attorney, reviewed his Monthly Caseload Report and Asset Forfeiture Fund Report. He indicated that earlier in the year, the number of Felony cases was running ahead of the previous year. However, at the end of the year, the number of felonies was identical to the previous year. Mr. Yoder noted that he considers this a positive outcome. He added that, from 2002 to 2007, there was an average of 50 more felonies each year.

Mr. Yoder advised that, last month, he brought his Domestic Violence Unit to the meeting to give a presentation on the unit. He introduced his Gang and Drug Crimes Unit, which he indicated was the most important unit due to the nature of the work that they do. Members of the Unit include:

- Mr. Adam Grist, Assistant State's Attorney;
- Mr. Jeff Horve, Assistant State's Attorney;
- Mr. Jake Harlow, Assistant State's Attorney.

Mr. Yoder stated that the majority of felony cases are related to drugs and/or alcohol. He noted that Mr. Jeff Horve has been head of the Drug and Gang Crimes Unit for several years and is one of the senior attorneys in the State's Attorneys Office. Mr. Yoder indicated that both Mr. Adam Grist and Mr. Jake Harlow are new to the Drug and Gang Crimes Unit.

Mr. Horve provided a brief report on the Drug and Gang Crime Unit. He indicated that the Unit is involved with a case from the ground up. Mr. Horve advised that he is involved with the investigative and charging portion of a case, and Mr. Grist and Mr. Harlow are involved in courtroom prosecution. Mr. Horve stated that there are two courtrooms; Mr. Grist and Mr. Harlow are each an anchor in one of the courtrooms. Mr. Horve noted that he handles the overflow, though his role is mostly in investigations.

Mr. Horve indicated that the Unit works with all drug units in McLean County in an advisory capacity, including the investigations. He stated that they work with informants who are interested in making "deals" for lighter sentences. He stressed that they do not make deals with people who have committed serious crimes. Mr. Horve noted that they help the Police draft search warrants and overhear orders. He added that they are on call 24/7. When a person is charged and goes to Court, the Unit works with the screening people and other support areas, such as the Public Defender's Office, to see if that person would be eligible for the Drug Court Program to get extensive treatment and away from drugs.

Mr. Yoder advised that community members often wonder what is the nature of the gang problem in the community. He asked Mr. Horve if the gang problem has escalated. Mr. Horve replied that the gang problem is consistent. He noted that there are spikes at various times, but it has not spiked recently.

Mr. Yoder advised that next month he will bring in his Children's Advocacy Attorney to talk about her work with the Children's Advocacy Center.

Chairman Renner asked if there were any questions. Hearing none, he thanked Mr. Yoder.

Chairman Renner presented the November 2008 Monthly Caseload Report as submitted by Ms. Amy Davis, Public Defender. There were no questions on the report.

Ms. Lori McCormick, Director, Court Services, presented a request for approval of an agreement between Secure Alert, Inc. and McLean County for Electronic Monitoring and Associated Services. She explained that Secure Alert Inc. made a presentation of their electronic monitoring devices and services to representatives of the County on December 10, 2008. Based upon that presentation and a comparison of other companies, Ms. McCormick recommended that the County enter into an agreement with Secure Alert Inc. With this agreement, McLean County can have available to both Adult and Juvenile Court Service Departments an alternative to detention in the form of electronic monitoring.

Ms. McCormick advised that Chief Judge Elizabeth Robb informed her that she will be discussing, with the Judiciary at their monthly meeting on Wednesday, January 7, 2009, an order establishing reasonable fees to defray the costs of electronic monitoring. Ms. McCormick stated that there has been collaboration between County Administration, the Judiciary, and Court Services to establish appropriate fees to cover the direct and indirect costs associated with electronic monitoring.

Ms. McCormick indicated that the Cindy Bischoff Law became effective January 1, 2009. She explained that this, under this law, the judiciary has the ability to order electronic monitoring on individuals who have violated Orders of Protection. The law was passed by the Legislature in the summer of 2008 following a domestic violence situation that occurred in the spring of 2008 when Cindy Bischoff was killed by an ex-boyfriend.

Ms. McCormick advised that McLean County must be prepared to implement electronic monitoring if ordered to do so by the Courts. She noted that McLean County is the only County in the Eleventh Judicial Circuit that does not have electronic monitoring. Ms. McCormick indicated that the type of electronic monitoring that is being requested and that is referred to in the law is global positioning, where you have to be able to know where that person is at all times. Secure Alert has the ability to work without a land-line in the offender's home. The equipment has a cell phone in the ankle bracelet, which is one way the person is tracked. In addition, the person is tracked with a beacon that is placed in their home or at work.

Mr. Wendt asked if there is an alert if someone tries to take off the bracelet. Ms. McCormick replied that there is a large alert, as well as the ability to speak to the person through the monitor. She stated that there are exclusion zones and inclusion zones. If the person is not supposed to be someplace and starts to go there, an alarm is sounded. The system also has the ability to make a call to the victim if necessary.

Ms. McCormick cautioned that using this system does not mean that everything will be perfect. It is simply another type of program that can be offered.

Ms. McCormick advised that the system is \$210.00 per month, per unit, which is approximately \$7.00 per day. She noted that they do not expect someone to be on electronic monitoring for an extended period of time.

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Ms. McCormick stated that a set-up fee and a per diem fee will be charged to the perpetrator.

Mr. Wendt expressed his opinion that the electronic monitoring system may help alleviate the jail overcrowding.

Motion by Hoselton/Rankin to Recommend Approval of
an Agreement between Secure Alert, Inc. and McLean
County for Electronic Monitoring and Associated
Services.

Motion carried.

Ms. McCormick presented the Court Services Department Monthly Report. She indicated there was nothing specific to report. Ms. McCormick indicated that the year-end report will be available in the next couple of month.

Chairman Renner asked if there were any additional questions or comments. Hearing none, he thanked Ms. McCormick.

Ms. Judy Renner, Director, Children's Advocacy Center, reviewed the Children's Advocacy Center Monthly Statistical Report and the CASA Report. She stated that there is nothing specific to highlight. She reported that, on the Children's Advocacy Center side, fewer children were seen than last year, with a total of 271 children as opposed to 318 children last year. On the CASA side, through November, 162 children have been served.

Chairman Renner asked if there were any questions or comments on the CAC Monthly Statistical Report or the CASA Report. Hearing none, he thanked Ms. Renner.

Chairman Renner presented the December 31, 2008 Justice Committee bills for review and approval as transmitted by the County Auditor. The Justice Committee bills include a Pending Total of \$1,308.88 and a Prepaid Total of \$2,925,502.18 for a Fund Total of \$2,925,502.18.

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Motion by Rankin/Hoselton to Recommend Approval of
the Justice Committee Bills as of December 31, 2008,
as transmitted by the County Auditor.
Motion carried.

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Chairman Renner asked if there was any other business or communication for the Justice Committee. Hearing none, the meeting was adjourned at 5:18 p.m.

Respectfully submitted,

Judith A. LaCasse
Recording Secretary