

McLean County Criminal Justice Coordinating Council

Executive Committee

November 11, 2010

Meeting Minutes

Members Present: Judge Freitag (Chair), Mike Emery, Kim Campbell, Jane Foster, Bill Yoder, Will Scanlon, Karen Zangerle and Lydia Scott was present to record minutes

Others Present: Terry Lindberg

Statistical Researchers Present: Dr. Frank Beck

Open:

Committee Chair Judge Freitag opened the meeting and thanked the group for coming in early. A special thanks to Karen Zangerle for breakfast. He advised the Judge Robb had a previous engagement and would not be able to attend the meeting. Mr. Yoder had the first item on the agenda and Judge Freitag opened the floor to him.

Discussion:

- I. Case Disposition Guidelines; two handouts distributed
 - A. The handout entitled, "Guideline for Case Progression through the Justice Process for Criminal Misdemeanor DUI & Major Traffic Cases" was explained. Mr. Yoder advised that it should be viewed as a road map to keep cases on schedule. It also gives motivation to keep timetables and it discourages delays in the process. The subcommittees of the Case Disposition Committee have created this document and Mr. Yoder believed it was very close to final approval by their full committee. The Judiciary, Court Services, Public Defenders Office, and State's Attorney's Office have all collaborated on this but he was not certain if the public attended any of the meetings.

Will Scanlon questioned if the second item on the second page meant that a standard offer was given for every offense at the first court date. Jane Foster advised that for all offenses there is a standard offer given to all cases with that same charge.

Karen Zangerle asked if the process laid out in the document was different from the current process. Yoder advised no, but that the discussions allowed pinpointing of bottle necks in the system. ASA Matt Banach led the discussion on this and he believes they have been successful in prompting meaningful discussions on the matter.

- B. Jane Foster presented information on the second handout regarding 402 Conferences. She explained that a 402 conference is a closed door meeting between the judge, the defense and the prosecution that allows the judge to let council know which way she or he is leaning in the case. We do not currently use these conferences in McLean County. The handout indicated information from the counties they found that use the 402 Conference. The counties that use them found them very beneficial but there wasn't a standard format and it ranged from very formal to very informal depending on the individual judge. Kim Campbell added that in addition to the counties listed, DuPage, Kendall and Kane counties all use 402 conferences as well.

Judge Freitag said that it would be beneficial to take a field trip to the jurisdictions that hold 402 conferences and see how they are conducted. He said that he doesn't believe that they have yet gathered enough information to determine if this is something to use in McLean County. He said he is not certain there will be a great deal of support for it at this point, but that is why the group needs to do more research and bring more detailed information to the table when it is presented.

Bill Yoder advised that the negative is that the conference happens behind closed doors, the defendant is not there and it may seem underhanded to the public. The positive aspect of the 402 conference is that cases can be settled faster by knowing how the Judge is leaning, and compromising based on the information discussed. He advised that in the next month the Case Disposition Committee will gather again and discuss this topic more extensively.

Will Scanlon suggested it might be better to start with the Court, the State's Attorney and the Defense talking and sharing their ideas for setting parameters to be followed for all cases. Judge Freitag said that each case has to be considered individually and he would object to having standardized outcomes. He argued that most judges would have the same feeling because all aggravating and mitigating factors need to be reviewed in each individual case. Mr. Scanlon said that he is thinking in broader terms. Bill Yoder said that currently offers are given to defendants on a standard basis. He questions if similar defendants should be given different offers based on the judge the case is set with due to the fact that different judges tend to rule in different ways. Will Scanlon said that the judges should be able to agree within a small window for similar cases. Kim Campbell and Jane Foster both disagreed with that assumption and they did not agree with setting parameters for the cases because of various mitigating factors that could be involved in any case. Bill Yoder interjected that discussion about guidelines is a good thing, but actually setting parameters would not be.

Judge Freitag advised he wanted to keep the meeting moving and asked if the "Guideline for Case Progression through the Justice Process for Criminal Misdemeanor DUI & Major Traffic Cases" would be ready for the full CJCC meeting in January. Bill Yoder advised that it should be ready by then. Judge asked that it be completed prior to the meeting so that it can be distributed for review and discussed at the full council meeting.

II. Geographic limits on OV, Civil and Family Warrants

- A. Judge Freitag asked Jane Foster if she had any information on this topic. She advised that Greg Allen was to reach out of the towns regarding OV and Civil warrants and that the State's Attorney's Office controls the geographic limits on the Family warrants. Sheriff Emery advised that we had 3 inmates in on OV warrants over the weekend but we were housing 9 inmates out. Judge Freitag suggested that the cities and towns need to have another avenue to collect these funds because it is a collection issue. Sheriff advise that Bloomington is starting to use Harris&Harris but Normal has not come on board with the collections idea as of yet.

III. Funding for Statistical Reporting

- A. Sheriff Emery advised that the SCAAP funds he has been using to pay for the research that the Stevenson Center provides for the CJCC will run out in approximately four months. The cost now is \$2,250.00 per month. Sheriff asked if anyone had ideas for secondary funding to continue utilizing the service of the researchers.

Terry Lindberg said that we will find the funding if it is decided that the group wants to continue getting the research. He brought up some key questions to review such as; do we want to keep getting the same type of research and will the Stevenson Center be charging the same amount? Mr. Lindberg advised that we have budget appropriations to be made if needed. The CJCC has moved forward, conducted research and used that research to make progress, so asking the County for money to continue the program would be easier than it was when the group started.

IV. Statistical reporting by the Stevenson Center; two handouts distributed

- A. Dr. Beck reviewed the table and text documents. The table shows a general decline in the number of cases filed across the three years compared. Dr. Beck noted that there has been a change in the data for July of 2010 since their last presentation. He advised that since some cases have concluded since then, their data is now contained with in these charts.

Bill Yoder said he is worried about this report because of the way the data reads. He said that he looks at the actual number of cases filed into the circuit clerk in a given month and these numbers still don't correspond. It was discussed that this still may be due to cases being filed in as traffic cases and then being changed to felony charges later. Lydia Scott suggested that the State's Attorney's Office select specific cases in which that instance has occurred and provide them case identifiers to Dr. Beck. She suggested that then Dr. Beck could review those cases to determine if they are being excluded from the statistics being pulled from EJS. Bill Yoder advised he could have Jane Foster provide the Stevenson Center with the needed example cases.

- B. Dr. Beck said that the trend shows to be that there are more whites and less blacks having new felony cases filed against them and that it is basically steady when looking across sex and race.
- C. Dr. Beck said that they are very close to being able to pull the data to tell the number of beds in a particular month being used for persons with particular cases. He advised it is very difficult to do, but they are close. He questioned how one booking would come up as using 2 beds for 1 person. Will Scanlon advised that if the offender had a prior case and was out and brought in on a Petition to Revoke as well as new charges, it would be 2 cases, with 1 person using 1 bed. He advised they probably stay longer in the jail as well because with a prior record, bond is set higher. Will advised that he had been working with Dr. Wells but that they had not met in a while, so the two of them will meet on this.

V. Membership of Committees- handout was distributed

- A. The most recently updated list of Committee Chairs and members was distributed.

Close:

Judge Freitag advised that the next Executive Committee meeting would be December 7, 2010, at 7:45 am in his jury room. He asked that each committee submit their reports to Will Scanlon no later than December 3, 2010. Reminder that the next full CJCC meeting on January 6, 2011, at 1:00pm in room 400 of the Government Center. Meeting adjourned.

NOTE: The Executive Committee Meeting is now set for December 14, 2010 (same time and location).