

## **Minutes of the Justice Committee**

The Justice Committee of the McLean County Board met on Tuesday, February 5, 2008 at 4:30 p.m. in Room 400 of the Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Renner; Members Butler, Rackauskas and Cavallini

Members Absent: Members Nuckolls and Harding

Staff Present: Mr. John Zeunik, County Administrator; Mr. Terry Lindberg, Assistant County Administrator and Ms. Jude LaCasse, Assistant to the County Administrator

Department Heads/  
Elected Officials  
Present:

Ms. Judy Renner, Director, Children's Advocacy Center; Ms. Beth Kimmerling, Coroner; and Mr. Bill Yoder, State's Attorney

Others Present: Chief Deputy Sheriff Rusty Thomas; Mr. Greg Allen, McLean County Jail Superintendent; Ms. Michelle Anderson, Financial Reporting Specialist, County Auditor's Office; Rev. Tom Shea, Alternatives to Jail Committee

Chairman Renner called the meeting to order at 4:30 p.m.

Chairman Renner presented the January 7, 2008 Committee minutes to the Committee for approval.

Motion by Cavallini/Rackauskas to approve the Minutes of the January 7, 2008 Committee Meeting.  
Motion carried.

Chairman Renner presented the December, 2007 Statistical Reports, 4<sup>th</sup> Quarter 2007 Statistical Reports and Annual Statistical Reports for 2007 as submitted by Ms. Sandy Parker, Circuit Clerk.

Ms. Judy Renner, Director, Children's Advocacy Center, presented the Monthly Statistical Report for the Children's Advocacy Center (CAC) and the CASA Report. She stated that the FY'2007 CAC interviews were up by 13% over 2006. Ms. Renner indicated that CASA served 174 children in 2007 with 63 CASA volunteers assigned.

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

Chief Deputy Rusty Thomas and Mr. Greg Allen, McLean County Jail Superintendent reviewed the Executive Summary Report on the evacuation of the Law and Justice Center on October 18, 2007. Chief Deputy Thomas stated that the evacuation was ordered as a result of the main gas service to the Law and Justice Center being severed during excavation of the west side parking lot. He pointed out that the Sheriff's Department feels that it is important to provide a report to the Committee when incidents, such as the gas leak, occur.

Chief Deputy Thomas advised that the summary provides details from the initial notification, evacuation, completion of repairs, and what actions were taken by all entities involved. He indicated that the level of cooperation among outside entities and McLean County Departments involved was very good.

Chief Deputy Thomas reported that, within 15 minutes of notification, both the Law and Justice Center and the Health Department were evacuated, and all McLean County staff, citizens and juries were moved north to Front Street. The U.S. Cellular Coliseum provided a great service by opening their doors so that all evacuees could be safe from any danger that might have been presented.

Ms. Rackauskas recommended that future reports contain evaluation and conclusion sections. Chief Deputy Thomas agreed that future reports will include a conclusion to the incident. He also indicated that an amendment will be provided to the current report with that information.

Mr. Cavallini asked if precautions were followed, such as calling JULIE, when the digging began. Mr. Zeunik replied that JULIE was called, the lot was clearly marked and there was a "spotter" on the scene who was directing the backhoe operator where to dig. Unfortunately, the operator dug in the wrong place, against the direction of the spotter.

Chairman Renner asked Chief Deputy Thomas and Mr. Allen to stay for a discussion item under "New Business."

Chairman Renner asked if there were any further comments or questions. Hearing none, he thanked Chief Deputy Thomas and Mr. Allen.

Ms. Beth Kimmerling, Coroner, reviewed her December 2007 Monthly Report. She noted that when the report was prepared, it was prior to the cut-off date for accepting revenue for 2007. Therefore, the year-end report will reflect changes in the final deposit dollars and changes in inquests and Coroner Ruling numbers. Ms. Kimmerling indicated that there are 12 death investigation cases still open from 2007. She stated that some of those that will fall into either the Inquest or the Coroner Ruling category. Ms. Kimmerling noted that the remainder of the numbers will stay fixed for 2007.

Ms. Rackauskas asked in which categories the numbers will be changed. Ms. Kimmerling replied that the dollar amounts will increase in Copy Fees, Morgue Fees and Reimbursement for Services Fees.

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

Chairman Renner presented the Court Services Monthly Reports as submitted by Ms. Roxanne Castleman, Director, Court Services. He asked if there were any questions. There were none.

Chairman Renner presented the Monthly Caseload Report as submitted by Ms. Amy Davis, Public Defender.

Mr. Bill Yoder, State's Attorney, presented his Monthly Caseload Report and Asset Forfeiture Fund Report. He noted that, in 2007, there were slightly over 1,400 felonies charged. Mr. Yoder added that the January 2008 numbers project that this will be another 1,400 case year. He stated that the Asset Forfeiture report reflects the same Fund Balance issue that it has addressed for the last several years. Mr. Yoder advised that he expects this issue to be finalized within the next 12-24 months. He indicated that he will prepare a detailed 2007 year-end report for the Committee in March.

Mr. Yoder informed the Committee that Felony convictions, for the first time in the history of the County, went over 1,000 actual convictions. He advised that this reflects the nature of what is happening within the community.

Chairman Renner presented the final December 31, 2007 Justice Committee bills for review and approval as transmitted by the County Auditor. The Justice Committee bills include a prepaid total of \$635,994.15 and a Fund Total that is the same.

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Motion by Butler/Cavallini to recommend approval of the Justice Committee bills as of December 31, 2007.  
Motion carried.

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Chairman Renner presented the January 31, 2008 Justice Committee bills for review and approval as transmitted by the County Auditor. The Justice Committee bills include a pending total of \$1,272.80 and a prepaid total of \$2,011,340.09 for a Fund Total of \$2,012,612.89.

Motion by Rackauskas/Cavallini to Recommend Approval of the Justice Committee bills as of January 31, 2008, as transmitted by the County Auditor.  
Motion carried.

Chairman Renner indicated that Ms. Rackauskas has brought up some policy issues that she would like to share with the Committee regarding the jail overcrowding.

Ms. Rackauskas recommended that a short-term and long-term strategic plan for the entire justice system be prepared by the Justice departments. She stated that the plan should be well thought out and should include all current and potential programs that are necessary to alleviate the jail overcrowding. Ms. Rackauskas advised that whatever programs are considered, including the potential of building a new jail, it is necessary that the whole community be kept educated and informed. She further suggested that the community be involved in the planning.

Chairman Renner reviewed past discussions on methods to control the increasing jail population, including potential modular units, an expanded work-release program and electronic monitoring. He recognized that jail overcrowding is an on-going problem. Chairman Renner also noted that it is very important, albeit difficult, to bring the Judges, the State's Attorney, the Public Defender, the Sheriff and Court Services together to work on this on-going issue. He recognized that this group got together to develop the Drug Court Program and the Pre-Trial Release Program.

Ms. Rackauskas recommended that the jail overcrowding be looked at as a whole concept and not just focus on one idea, such as Drug Court. She indicated that she does not believe the philosophy and long-term goals have been established. Chairman Renner suggested that a consensus needs to be reached on what programs are necessary. Ms. Rackauskas replied that there are three parts that need to be included in the plan, namely:

- Preventative;
- Punitive;
- Rehabilitative.

Ms. Rackauskas added that a fourth part of the package should be community ownership. She stated that it will take the entire community to look at the problem and be involved in the solution to the problem. Ms. Rackauskas recognized that this is a very complicated issue in our society today.

Mr. Yoder stated that he does not feel the McLean County Justice departments have avoided the problem. He indicated that the Judges, the State's Attorney, the Public Defender, Court Services and the County Administrator have been meeting consistently to find ways to address the issue of jail overcrowding and other

associated issues. Mr. Yoder advised that McLean County is a growing community. He stated that the court system is dealing with the issues of increased crime, as well as other issues. Mr. Yoder agreed that the justice problems need to be looked at as a whole, including the preventative, punitive and rehabilitative aspects. He informed the Committee that the Juvenile Justice Council, along with other outside groups, are dealing with the preventative side of the issue by providing services to youth to give them the foundations to become productive members of society. There are pre-natal care programs, early childhood programs and prevention programs to help at-risk kids with programs such as Big Brothers/Big Sisters. The suppression side of the issue deals with the kids that are influencing the younger ones in the wrong direction. The Juvenile Justice Council is working to prevent the community youth from committing crimes.

Mr. Yoder advised that the Court System, the State's Attorneys Office and the Public Defender's Office support the above programs. However, the function of the State's Attorneys Office is to prosecute criminals and to protect the community. Mr. Yoder noted that the role and the funding that he receives are geared more towards punitive and rehabilitative. Mr. Yoder pointed out that he was part of the effort to form a Drug Court Program and a Pre-Trial Release Program.

In regard to the concern of jail overcrowding, he stressed that the people who are in the jail are people that belong in the jail. He noted that there may be some people in jail who are serving a required mandatory jail term for misdemeanor offenses and others in the jail who have committed so many minor offenses that there is no alternative but to reluctantly sentence them to jail. Mr. Yoder stated that the vast majority of the people in the jail need to be in the jail. He noted also that the vast majority of them are pre-trial detainees. Mr. Yoder stated that alternatives have been discussed for these people. He indicated that, because the topic of bricks and mortar has come up occasionally in the community, every alternative is discussed and considered. Mr. Yoder noted that the Pre-Trial Release Program was instituted to assist with the jail overcrowding issue.

Mr. Yoder informed the Committee that the Justice departments are meeting to discuss these issues and to address the overall issue, which is what do we need to do to protect the public. He reiterated that the main goal of the State's attorney's office is to protect the public by making sure that dangerous people are not out in the public.

Chairman Renner asked if it is true that 30%-40% of the people in the jail are non-violent. Mr. Yoder replied that it depends on what you consider non-violent. He stated that if you consider a person dealing drugs non-violent then that is correct.

Mr. Yoder indicated that 80%-85% of all felonies that are prosecuted are drug and alcohol related. He noted that he sets a very high priority of keeping drug dealers in jail. Mr. Yoder stated that if you consider these individuals non-violent then a high percentage of people in the jail are non-violent. Chief Deputy Thomas added that, from his experience in law enforcement, most inmates in the jail who are drug dealers and users are violent and a danger to society. He pointed out that the last three people accepted into the Drug Court Program have an extensive criminal history of forgery, deceptive practice, retail theft, burglary, etc. Chief Deputy Thomas indicated that he strongly supports the Drug Court Program. He noted that three individuals will graduate from Drug Court next week. Chief Deputy Thomas stated that graduation from the program is only the beginning of a life-long process of rehabilitation.

Mr. Cavallini recommended that a graph be developed that links the three major areas, namely prevention, punitive and rehabilitation and how they all relate to one another. Ms. Rackauskas suggested that the information be available to the Committee and to the community, as the public needs to be aware of the efforts the County is taking to deal with the jail overcrowding. Ms. Rackauskas suggested that the media be utilized to help get the word out to the public.

Ms. Rackauskas stated that she did not mean to imply that the Justice departments are not making an effort to alleviate the jail overcrowding. However, she would like to see a written document on what is being done and what the Committee can do to help. Ms. Rackauskas asked that this issue be considered between now and the meeting next month to see how we can facilitate the knowledge and information that the Justice departments have so that the Committee and the community can be aware. She noted that if the County does need more jail space, now is the time to start planning.

Chairman Renner commended Ms. Rackauskas for opening the dialogue on the jail overcrowding issue. He recommended that steps begin to be developed on what the Justice Committee can do to promote effectiveness in the three areas of prevention, punishment and rehabilitation.

Chairman Renner asked if there was any other business or communication for the Justice Committee. Hearing none, the meeting was adjourned at 5:08 p.m.

Respectfully submitted,

Judith A. LaCasse  
Recording Secretary