

## **Minutes of the Justice Committee**

The Justice Committee of the McLean County Board met on Monday, December 4, 2006 at 5:00 p.m. in Room 400 of the Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Renner; Members Owens, Rackauskas, and Harding

Other Members Present: None

Members Absent: Members Selzer and Butler

Staff Present: Mr. John Zeunik, County Administrator; Mr. Terry Lindberg, Assistant County Administrator and Ms. Lucretia Wherry, Human Resources Assistant

Department Heads/  
Elected Officials  
Present:

Ms. Roxanne Castleman, Director, Court Services; Mr. Dave Goldberg, Director, Juvenile Detention Center; Mr. Bill Yoder, State's Attorney; Ms. Joan Naour, Director, Correctional Health Services; Ms. Beth Kimmerling, County Coroner; Sheriff Mike Emery; Ms. Amy Davis, Public Defender; Mr. Curt Hawk, Director, EMA; Mr. Tony Cannon, Director, MetCom

Others Present: None

Chairman Renner noted that there is not a quorum present at this time.

Mr. Bill Yoder, State's Attorney, presented his Monthly Caseload Report and the Drug Caseload Update, which he distributed. He reminded the Committee that the October Caseload reflected the most Felony cases since his tenure, with 65 cases filed in October. Mr. Yoder indicated that the Caseload Report for November dropped down to a more normal number. He noted that he is expecting approximately 1,300 felony cases this year. Mr. Yoder pointed out that the drug caseloads continue to increase and he expects 400 drug felony cases this year as opposed to 320 cases last year. He indicated that the search warrants that were requested and obtained show a dramatic increase as well. Mr. Yoder stated that these figures will continue to increase. He expressed appreciation that there will be an additional Assistant State's Attorney handling drug cases beginning in 2007.

Ms. Rackauskas asked Mr. Yoder to explain the sex offender program he has initiated. Mr. Yoder stated that he has formed a Sexual Assault Task Force comprised of law enforcement representatives from Bloomington, Normal, McLean County, ISU and Illinois State Police. A representative from each of these law enforcement agencies meets with a representative from the State's Attorneys office, Kim Campbell, each month to review every report of sexual assault made the previous month. Mr. Yoder explained that the purpose of this meeting is to share ideas on how best to handle these cases and prosecute the offenders.

Ms. Rackauskas asked if this program includes child sexual assaults. Mr. Yoder stated that this program is for adult sexual assaults. He noted that children's sexual assault cases proceed through the Children's Advocacy Center.

Chairman Renner presented the Monthly Statistical Report for the Children's Advocacy Center (CAC) and the CASA Report as submitted by Ms. Billie Larkin, Director, Children's Advocacy Center. He noted that Ms. Larkin was ill today.

Chairman Renner presented the October, 2006, Statistical Reports as submitted by Ms. Sandy Parker, Circuit Clerk. Chairman Renner asked if there were any questions or comments on the report. There were none.

Ms. Harding arrived at 5:16 p.m.

Chairman Renner called the December meeting of the Justice Committee to order at 5:16 p.m.

Chairman Renner presented the November 6, 2006 minutes, the October 17, 2006 Stand-up Committee minutes and the October 17, 2006 Budget Meeting minutes to the Committee for approval.

Motion by Owens/Harding to approve the Minutes of the November 6, 2006 Committee Meeting, the October 17, 2006 Stand-up Committee Meeting and the October 17, 2006 Budget Meeting.

Motion carried.

Ms. Roxanne Castleman, Director, Court Services, presented a request for approval of a Contract with OSF Healthcare Systems for Physician Services for the McLean County Juvenile Detention Center. Ms. Castleman explained that this is the first year of a three-year contract beginning in 2007. She noted that there is a 4% increase over last year, which is consistent with the contract for physician services in the adult jail.

Motion by Owens/Harding to Recommend Approval of a Contract with OSF Healthcare Systems for Physician Services for the McLean County Juvenile Detention Center.

Motion carried.

Ms. Castleman presented a request for approval of a Contract for Counseling Services with Ms. Cathy Vogel for the McLean County Juvenile Detention Center. Ms. Castleman pointed out a typographical error in the second paragraph of her memorandum, which states that the "total services provided will not exceed \$26,09." That figure should say \$26,709.00. She stated that this is a 3% increase over last year.

Motion by Harding/Owens to Recommend Approval of a Contract with Ms. Cathy Vogel for Counseling Services for the McLean County Juvenile Detention Center.

Motion carried.

Ms. Castleman presented a request for approval of a Master Contract for Lease of Space in the McLean County Juvenile Detention Center between McLean County and Ford County. She reminded the Committee that last month they approved similar contracts with Woodford, Logan and Livingston County. Ms. Castleman stated that this is the final County in our Judicial Circuit. She indicated that this will be the first contract with Ford County.

Motion by Owens/Harding to Recommend Approval of a Master Contract for Lease of Space in the McLean County Juvenile Detention Center between McLean County and the Ford County.

Motion carried.

Ms. Castleman presented a request for approval to accept the Juvenile Accountability Incentive Block Grant, Agreement #503603. She reminded the Committee that, in October, they approved the application for the grant. The funds will be used to purchase ten computers to be used in the extended day program. Ms. Castleman noted that there is a 10% cash match, which the department will pay from their 2006 Probation Fee's budget. These are one-time grant funds.

Motion by Rackauskas/Harding to Recommend Approval to Accept the Juvenile Accountability Incentive Block Grant, Agreement #503603.  
Motion carried.

Ms. Castleman presented a final request for approval to apply for a Mental Health Court Planning Grant through the U.S. Department of Justice. She advised that the County would be requesting a grant of \$50,000.00 to determine if McLean County is in need of a mental health court and, if so, how the court would be developed. Ms. Castleman noted that this proposal has the support of Chief Judge Elizabeth Robb; Mr. Bill Yoder, State's Attorney; Ms. Amy Davis, Public Defender, and several social service agencies in the community. Ms. Castleman indicated that this would be a planning grant only and would be similar to the planning grant received for Drug Court.

Mr. Owens asked if there are similar programs in surrounding Counties. Ms. Amy Davis, Public Defender, indicated that there are two mental health courts in the Collar Counties around Chicago and one in Southern Illinois at this time.

Motion by Rackauskas/Owens to Recommend Approval to Apply for a Mental Health Court Planning Grant through the U.S. Department of Justice.  
Motion carried.

Ms. Castleman stated that there is nothing unusual in her Monthly Report.

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

Ms. Joan Naour, Director, Correctional Health Services presented a request for renewal of a Contract with OSF Healthcare Systems and Dr. Kenneth Inoue, M.D. for the provision of medical services for the McLean County Adult Detention Facility. Ms. Naour advised that this Contract is in tandem with the contract for the Juvenile Detention facility. She noted that this is a two-year contract, with a rate increase of 4% for 2007.

Motion by Owens/Harding to Recommend Approval of a Contract with OSF Healthcare Systems and Dr. Kenneth Inoue for the Provision of Medical Services for the McLean County Adult Detention Facility.  
Motion carried.

Ms. Naour presented a request for renewal of a Contract with the McLean County Center for Human Services for the provision of Mental Health Services for the McLean County Adult Detention Facility. She indicated that this contract provides mental health services on site for the inmate population, including weekly two-hour sessions by the Psychiatrist, counseling services for twenty-four hours each week and crisis intervention services whenever necessary. Ms. Naour stated that there is a rate increase of 4.65% for counselors and 4.23% for the psychiatrist, which is an average rate increase of 4.25% for 2007.

Motion by Owens/Harding to Recommend Approval of a Contract with the McLean County Center for Human Services for the Provision of Mental Health Services for the McLean County Adult Detention Facility.  
Motion carried.

Ms. Naour presented a request for renewal of a Contract with Dennis Krug, DDS, for the provision of Dental Clinician Services at the McLean County Adult Detention Facility. She advised that this contract has a 6% increase for 2007, which is primarily due to the fact that no increase was given the previous year. Ms. Naour stated that Dr. Krug does an excellent job.

Motion by Harding/Owens to Recommend Approval of a Contract with Dennis Krug, DDS, for the Provision of Dental Clinician Services at the McLean County Adult Detention Facility.  
Motion carried with Ms. Rackauskas abstaining

Ms. Naour presented a final contract with Merle Pharmacy No. 1, Inc. and McLean County for the provision of Pharmaceutical Services at the McLean County Detention Facility. She noted that this is a two-year contract.

Motion by Owens/Rackauskas to Recommend Approval of a Contract with Merle Pharmacy No. 1, Inc. and McLean County for the Provision of Pharmaceutical Services at the McLean County Detention Facility.  
Motion carried.

Ms. Naour noted that she expects to have the Year End and Quarterly Report available in January, 2007.

Chairman Renner asked if the Committee had any questions. There were none.

Ms. Beth Kimmerling, Coroner, presented a request for approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2006 Combined Annual Appropriation and Budget Ordinance, General Fund 0001, Coroner's Office 0031. Ms. Kimmerling explained that, over the last two years, the Coroner's Office has received a distribution of funds from the State of Illinois Death Certificate Surcharge Fund. She indicated that the amount awarded to the Coroner's Office, this year, was \$1,361.47. Ms. Kimmerling stated that the Auditor's Office has a specific line item to which this check is deposited. She advised that the funds will be used to purchase a computer program that will standardize their reporting system. Ms. Kimmerling noted that this program has been offered to all Coroners' Offices in the State of Illinois at a special cost of \$1,360.00.

Motion by Owens/Harding to Recommend Approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2006 Combined Annual Appropriation and Budget Ordinance, General Fund 0001, Coroner's Office 0031.

Motion carried.

Ms. Kimmerling reviewed her Monthly Report, noting that, except for out of County cases, the figures have surpassed year to date figures as of the end of October, including the standard autopsies and inquests.

Ms. Kimmerling reported that an incident occurred in the Coroner's Office which precipitated an Illinois State Police investigation. She distributed a memorandum explaining the incident and outlining changes that were implemented to avoid future problems, which she read verbatim, as follows:

*On 19<sup>th</sup> July 2006 at approximately 1425 hours, Ms. Kathy Emery came to the Coroner's Office to collect the personal property of Ms. Christy Smith (DOD 4<sup>th</sup> January 2006). I retrieved the evidence room keys and gave them to Chief Deputy Coroner Barb Nafziger. Deputy Nafziger opened Bin #3 in front of me and Deputy Coroner David Killian. The bin contained a purple Bic lighter, a dental card, and an Illinois State identification card. There was no cash in the bin. However, Ms. Smith's file as well as the Coroner's Inventory sheet indicated that \$201.00 should have been present. I immediately advised Lt. Mike Essig of the McLean County Sheriff's Department (MCSD) who instructed me to not release any of the property to Ms. Emery at this time and offered the investigative assistance of the MCSD.*

*I then explained to Ms. Emery that the cash was either missing or misplaced and that I would have to contact her at a later date to make arrangements to release the property. She agreed that this was the most appropriate action to take.*

*I contacted Detective Vickie Schaefer on the afternoon of the 19<sup>th</sup> July 2006 to inquire as to the proper method of securing Ms. Smith's property as well as the contents of the entire Evidence Room until the next morning. Detective Schaefer suggested that I photograph and reseal Ms. Smith's evidence and that I seal the door to the Evidence Room. These actions were taken.*

*On the morning of 20<sup>th</sup> July 2006, I contacted County Administrator John Zeunik to advise him of the situation. I also contacted Sheriff Dave Owens and asked for his Department's assistance with this matter. Detective Howard Springer was assigned to this investigation. Later that day, Detective Springer and Chief Deputy Coroner Nafziger verified the contents of all individual bins as well as the entire evidence room and found that no additional currency or items were missing.*

*Due to a potential conflict of interest, Detective Springer asked the Illinois State Police (ISP) to perform an independent and thorough investigation of the matter. Special Agent Tony Kestner from Zone 5 Investigations was assigned to this case.*

*I am here to report that the ISP investigation is now complete. As is standard protocol, a copy of its report was forwarded to the McLean County State's Attorney's Office for review. The results of this investigation did not meet the criteria for filing of criminal charges, and as such, this investigation has been administratively closed.*

*With the assistance of the County Administrator John Zeunik and Risk Manager Jen Ho, a reimbursement check in the amount of \$201.00 was issued and delivered to Ms. Smith's family on July 28<sup>th</sup> 2006.*

*Special Agent Kestner made the following informal suggestions to me concerning the handling of evidence and personal property within the Coroner's Office. His investigation identified two main areas of concern: the storage of evidence and access to evidence.*

*Storage*

- *It was recommended that the open bins be replaced with lockers. Currency should be stored in different containers and properly packaged.*

*Access*

- *The Evidence Room is presently a multi-purpose room. Ideally, it should be utilized for the storage of evidence only. Electronic access with video monitoring is preferred; however at a minimum restricting access to two persons would be acceptable.*

*Special Agent Kestner recognized the office for its policy of having currency counted by two persons from separate agencies and documented in individual reports, as well as having a policy that indicates the photocopying of all currency.*

*To date, the following changes have been implemented within the Coroner's Office:*

- *the lock to the Evidence Room has been re-keyed in order to have it only accessible to the Coroner and her designee*
- *a drop safe has been purchased and installed from this year's budget; this depository will serve as a temporary storage solution for all currency and any items of value greater than \$50.00*

*The issues regarding a separate evidence room and lack of adequate storage space have been addressed with County Administration. Finding a long-term solution to this problem that meets the needs of the office and those persons we serve while also maintaining a secure and technologically advanced evidence facility is a priority. Policy revisions have occurred for these short-term solutions and will be on-going as long-term solutions are identified.*

Ms. Kimmerling described the "bin lockers" as being similar to old gym lockers. She noted that, although the bins are on a shelving system and are locked, the evidence room served as a storage room for evidence, personal property and also as an office for Dr. Mitchell. It is a room used for multiple purposes. Ms. Kimmerling indicated that anyone with a master key to the building could have access to the room. She also noted that the bins, although locked, could be



accessed without too much difficulty. Ms. Kimmerling assured the Committee that steps are being taken to eliminate a repeat of this incident, including the purchase of a drop safe and limited access to the room. She stated that long term solutions are being planned. Ms. Kimmerling stated that she has never experienced a situation such as this one in the past.

Chairman Renner and members of the Committee expressed their appreciation on her response to this incident and her quick action to eliminate future problems.

Sheriff Mike Emery stated that the transition is going very smoothly in the Sheriff's Department. He presented the McLean County Detention Facility Report for November 2006. Sheriff Emery asked the Chairman of the Committee if there is any additional information the Committee would like included in the report.

Ms. Rackauskas stated that she would like to know what is the policy on allowing female inmates time off to take care of their children. Sheriff Emery replied that he believes this would have to be an order issued by the court. He stated that the Sheriff cannot allow custodies in and out of jail. He noted that the courts determine what inmates can be on work-release and would make the determination if being a stay-at-home mom can be considered a job that qualifies for a work release sentence.

Sheriff Emery advised the Committee that he will be approaching the Finance Committee tomorrow night to request approval of a restructuring and reorganization of the administrative staff in the jail.

Sheriff Emery stated that the Sheriff's Department has received over the last few weeks a contribution of \$1,000.00 from Wal-Mart, which will be used to purchase finger-printing equipment. This 2007 revenue and expenditure budget amendment will be presented to the Finance Committee at a Stand-up Committee meeting.

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

Ms. Amy Davis, Public Defender, presented a request for a contract between Mr. John Wright Jr., Special Public Defender, and the Public Defender's Office. She stated that this is a standard contract, which will run from the end of this year to the end of next year.

Motion by Owens/Rackauskas to Recommend Approval of a Contract between Mr. John Wright, Jr., Special Public Defender, and the Public Defender's Office.

Motion carried.

Ms. Davis pointed out that page two of the Monthly Caseload Report indicates that she has six Drug Court cases. She stressed that this does not reflect her regular caseload. Ms. Davis noted that her caseload is not reported on a monthly basis as her caseload fluctuates according to need. Ms. Davis indicated that her caseload

will be reflected in a year-end report. She advised that she will be responsible for all of the Drug Court cases.

Mr. Curt Hawk, Director, EMA, reported that EMA opened eight warming centers around the County to provide services for people whose power was out due to the storm on Friday, December 1<sup>st</sup>.

Mr. Hawk presented a request for approval of the 2007 McLean County Emergency Operations Plan, which he provided at the meeting. He noted that the Plan is updated every two years with the State. Mr. Hawk indicated that the State had them remove some items from the Plan to give it a more clear, all-hazard type response rather than individualizing it for each possible hazard.

Ms. Rackauskas expressed concern with approving the changes in the Plan without having had a chance to study the Plan. She recommended that a full copy of the report be made available in the Administrator's Office and then approved at a Stand-up Committee meeting. Mr. Hawk agreed to leave a copy in the Administrator's Office for Committee members to review. Ms. Harding recommended that Mr. Hawk highlight the changes by way of a memorandum to the Committee for their review. Mr. Hawk agreed to provide a written update on the changes that have been made over the last two years.

Chairman Renner recommended that Mr. Hawk keep a log of changes that take place over the two year period and use that log to prepare a written report to the Committee on the changes that were made.

Mr. Hawk noted that the most significant change over the last two year period was changing the name to Emergency Management Agency (EMA) and the consolidation of the Rescue Squad into EMA. He also noted that the State's request to move away from individualizing each emergency and approaching all

emergencies as an all-hazard type response, is also a significant change over two years ago.

Mr. Hawk agreed to provide a memorandum outlining the changes in the Plan to the Committee for clarification. Chairman Renner stated that the Committee will consider approval of the Plan at a Stand-up Committee Meeting on Tuesday, December 19<sup>th</sup>.

Ms. Harding asked if EMA has been busy. Mr. Hawk replied that they have been very busy, noting the ice storm on Friday, December 1<sup>st</sup> and two missing children in LeRoy. He stated that a ground search was conducted and the children were located in Downs. Mr. Hawk reported that, on Saturday, December 2<sup>nd</sup>, EMA opened warming centers to accommodate County residents whose homes had no power. He further reported that EMA will be deployed to Decatur to assist with humanitarian support, including sending 250 National Guard Members to do a door to door search to find those who are without power.

Chairman Renner asked if there were any other questions. Hearing none, he thanked Mr. Hawk for his report and for the work that he does.

Mr. Tony Cannon, Director, Metro McLean County Centralized Communications Center presented a request for approval of an Intergovernmental Agreement creating the MetCom Centralized Communications Center. He indicated that, at the last MetCom Operational Board Meeting, the Agreement was approved by the MetCom Board. Mr. Cannon noted that the MetCom Operational Board was at seven members with the City of Bloomington, but when they chose to leave, it reduced the size of the Board to five members. He and the Board decided that, in order to maintain a better operation, membership should remain at seven members. Mr. Cannon stated that in order to do this, they are asking to nominate a member of the Rural Police Chief's Association and a member of the emergency medical services community to be represented on the MetCom Operational Board.

Motion by Rackauskas/Harding to Recommend  
Approval of an Intergovernmental Agreement Creating  
the MetCom Centralized Communications Center.  
Motion carried.

Mr. Cannon presented a request for approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2006 Combined Annual Appropriation and Budget Ordinance, Metro McLean County Centralized Communications Center Fund 0452, MetCom Department 0030. Mr. Cannon advised that, at the last MetCom Operational Meeting, he requested that two

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additional items be funded through the MetCom Fund Balance. The first item is MetCom's portion of the STARCOM21 emergency radio system 2006 maintenance fee. The second request is for a new Data Warehouse/Reporting server for the TriTech Computer Assisted Dispatch (CAD) system. He noted that this item was budgeted for replacement in 2007 by ETSB. However, the present system failed and it was necessary to replace the system.

Motion by Owens/Harding to Recommend Approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2006 Combined Annual Appropriation and Budget Ordinance, Metro McLean County Centralized Communications Center Fund 0452, MetCom Department 0030.

Motion carried.

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

Chairman Renner noted that the summary for the November 30, 2006 Justice Committee bills was not included in the folder. He advised that the bills will be submitted for approval at a stand-up Committee meeting prior to the Board Meeting on Tuesday, December 19th.

Chairman Renner asked if there was any other business or communication for the Justice Committee. Hearing none, the meeting was adjourned at 6:05 p.m.

Respectfully submitted,

Lucretia Wherry  
Recording Secretary