

Minutes of the Justice Committee Meeting

The Justice Committee of the McLean County Board met on Monday, March 8, 2004, at 5:00 p.m. in Room 700 of the McLean County Law and Justice Center, 104 W. Front Street, Bloomington, Illinois.

Members Present: Chairman Renner, Members Nuckolls, Harding, O'Connor, Rackauskas and Owens

Members Absent: None

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

Department Heads/
Elected Officials

Present: Sheriff Dave Owens, Mr. Derrick Love, Chief Deputy Sheriff, Sheriff's Department; Ms. Billie Larkin, Director, Children's Advocacy Center; Mr. Jim Wahls, Director, ESDA; Mr. Bill Gamblin, Director, E9-11.

Others Present: Mr. Bruce Cowans

Chairman Renner called the meeting to order at 5:02 p.m.

Chairman Renner presented the Minutes of the February 2, 2004 Committee meeting for approval.

Motion by Owens/Nuckolls to recommend approval of the February 2, 2004 Justice Committee Minutes. Motion carried.

Sheriff Dave Owens presented the report of Cost of Certain Sheriff Fee Services, which was prepared by MAXIMUS, Inc. Mr. Derick Love, Chief Deputy, Sheriff Department and Mr. Bruce Cowans, MAXIMUS were also present. Mr. Cowans stated that MAXIMUS has worked with McLean County and 51 other Counties in the past. This project was to study the process, work time, direct and indirect costs in the Sheriff Department to determine certain fees. Maximus is confident of the costs for services rendered. However, there are questions regarding the revenue to be actually generated from increasing certain fees. The revenue received is dependent on the number of people paying for the services rendered. The percentage of people actually paying bond fees is between 48% to 51%. This is much lower than in other Counties where around 80%-90% is collected. In McLean County, due to the number of indigent individuals, many I-Bonds or

Recognizance Bonds are issued. If there is an indigent individual, McLean County can not legally hold the person for an inability to pay the bond fee.

Mr. Owens asked if McLean County is comparable to other Counties on other costs and fees. Mr. Cowans replied that, in general, McLean County is comparable. However, service of papers has been reduced by 50% in the past 10 years. At the same time, the number of full-time equivalent positions in the Process Service Division has remained the same. To cover costs, the service fee would have to be increased to \$50.00. Other Counties do not charge more than \$40.00. If this fee is increased, service could reduce further due to individual hiring others outside of the Sheriff's Department to deliver papers. However, at the same time, some individuals are very difficult to serve thereby guaranteeing, the Sheriff Department this business.

Mr. Cowans added that, currently, there is a case in Federal Court challenging the right of law enforcement agencies to charge a bond fee. For years, cases such as this have been defeated in State Court. However, this pending federal case should be kept in mind when relying on bond fees for revenue.

Ms. Rackauskas asked how the Sheriff's Department determines if an individual is not able to pay a bond fee. Sheriff Owens replied that the Department is aware of how much money an individual has on their person when they are taken into custody. Also, if an individual has money in the commissary fund, that money can be used toward the bond fee.

Chairman Renner asked the Committee if there were any further questions regarding the study. Hearing none, Chairman Renner suggested the Committee discuss whether the Committee would like to consider raising Sheriff's fees to help fund the pretrial release/electronic monitoring program. Chairman Renner if this increase in fees could be earmarked for the pretrial release/electronic monitoring program. Mr. John Zeunik, County Administrator, replied that the Justice Committee would have to recommend an amendment of the McLean County Board Budget Policy. This money, under current budget policy, would go into the General Fund, unattached to any specific program.

Chairman Renner stated that the Committee has three options. The Committee could act on the recommendation. The Committee could chose to take no action on the recommendation. Or, the Committee could defer action until the April Justice Committee meeting.

Sheriff Owens stated that he feels that his recommendation is a reasonable fee increase as to the amount of revenue that could be collected. Mr. Owens stated

that \$46,000.00 in new revenue could be collected under the Sheriff's recommendation. Mr. Lindberg noted that \$90,000.00 could possibly be collected under MAXIMUS' recommendation. Mr. Owens stated that he is supportive of the Sheriff's recommendations.

Chairman Renner asked the Committee if the Committee wants to earmark the increased fees for the pretrial release/electronic monitoring program. The Committee agreed to earmark the increased amount of the Sheriff's Fees. Mr. Zeunik explained that the Budget policy has to be amended to allow money intended for the General Fund to be designated for a specific process. If the County Board approves the amendment, the Treasurer would create a separate fund for the money earned from the increase in the Sheriff's Fees. The revenue earned from current Sheriff fees is already accounted for in the 2004 Fiscal Year Recommend Budget. The revenue set aside for the pretrial release/electronic monitoring program would be the amount of Sheriff's Fees collected above what is already budgeted.

Mr. Owens asked when the Sheriff could implement a change in fees. Chairman Renner suggested the fees be increased as of July 1, 2004. The Sheriff's recommendation is to charge \$25.00 for Civil Process Service, \$8.00 for Civil Process Return, \$25.00 for the Prisoner Bond and \$15.00 for Warrants.

Motion by Owens/Rackauskas to recommend approval of an increase in the Sheriff's Fees as recommended by the Sheriff. Motion carried.

Motion by O'Connor/Harding to recommend amending the Board's Budget Policy to earmark the increase in the Sheriff's fees for the pretrial release/electronic monitoring program. Motion carried.

Sheriff Owens presented a PowerPoint program to illustrate the McLean County Sheriff's Department's Annual Report. The Crime Trend shows a 9.5% decrease in Major Index Crimes. The Major Crime index is for McLean County only. The Major Crime Index does not include Bloomington/Normal Police Departments or the smaller communities that have their own police departments. The Major Index Crime also shows a 1.5% reduction.

The number of traffic accidents investigated by the McLean County Sheriff's Department increased 5.8%. However, injuries and fatalities were lower in 2003 than in 2002. Driving Under the Influence arrests were down 23.5%. Sheriff Owens attributes the decrease in DUI arrest and the decrease in the issuance of traffic tickets to retirement of senior, experienced officers, in the office.

Reports taken by the Sheriff's Department have decreased consistently with the decrease in crime. The number of warrants served in 2003 is down 6.4%. The jail population decreased 10.4% in 2003. Some of the decrease is due to the months the jail was not occupied because of the explosion and fire at the Law and Justice Center. Jail Booking increased less than 1%. The Criminal Investigations Division caseload is down. However, arrests were made in the two bank robbery cases and the burglary spree in McLean, Dewitt, Logan, Ford, and Woodford Counties. There have been a number of suspicious structural fires in rural McLean County. Investigations relating to these fires continue.

Civil Process decreased 10.8%. In addition to serving papers, Sheriff Owens informed the Committee that the Civil Process deputies handle extraditions, Sheriff sales, serve warrants and supplement patrol and court security. Sheriff Owens asked if the Committee members had any questions. Hearing none, Chairman Renner thanked the Sheriff's for the presentation.

Mr. Jim Wahls, Director, ESDA, presented a request for approval of an Illinois Department of Nuclear Safety (IDNS) Grant for Fiscal Year 2005. This is an annual grant.

Motion by Owens/O'Connor to recommend approval of a request for an Illinois Department of Nuclear Safety Grant for Fiscal Year 2005. Motion carried.

Mr. Wahls presented a request for approval of a Contract Agreement between ESDA and Mr. Eric Hodges for professional services. The contract is for Mr. Hodges to assist in converting the Local Emergency Operations Plan documents to a more useable format and to train ESDA staff on the maintenance and updating of new files in a compatible format. Under this agreement, payment for services is not to exceed \$5,000.00. Mr. Owens asked why there is not a set amount for services. Mr. Wahls explained that there are limited funds for the project, however there is not a set time frame for completion because no one is sure how long the process will take. The goal for completion is six months.

Mr. Nuckolls asked if this is a project that our own Information Services staff could do. Mr. Wahls explained that the Information Services staff does not have enough time to take on this project.

Motion by O'Connor/Harding to recommend approval of a request for a Contract Agreement between ESDA and Mr. Eric Hodges for professional services. Motion carried.

Mr. Wahls stated that ESDA is holding a Weather Spotter class on March 31, 2004.

Chairman Renner noted that the E-911 statistical reports can be found on pages 65-69 of the agenda packet. Mr. Bill Gamblin, E-911 Administrator, was present at the meeting to answer the Committee's questions. Mr. Gamblin noted the telephone routing system has been upgraded. CAD Reports are now able to breakout administrative calls, non-emergency calls and emergency calls.

Mr. Gamblin updated the Committee on Voice over IP. Home computers may now serve as telephones. The problems this causes for E-911 is that there is no surcharge taken and there is no telephone number and address provided to the 911 call taker. This is a specific problem when people are traveling and use their PDA's as a phone. No matter where the individual dials 911 from, the call would be routed back to McLean County.

Ms. Billie Larkin, Director, Children's Advocacy Center, presented the monthly Statistical Reports for the Children's Advocacy Center. The CASA Program swore in new volunteers in March. However, the Program is still short on volunteers. Ms. Harding asked how many children each volunteer serve. Ms. Larkin explained that the CASA Volunteer is assigned one case. The number of children in each case may vary.

The Children's Advocacy Center is reaching a busy time of year. April is Child Abuse Awareness Month. Information will be sent out soon.

Mr. Nuckolls asked if the number of reports are up. Ms. Larkin replied that the number of reports has returned to a normal level.

Ms. Sandy Parker, Circuit Clerk, was not available to attend the meeting. Chairman Renner asked if the Committee had any questions regarding the Circuit Clerk's General Reports. Ms. O'Connor asked what are Eminent Domain cases. Mr. Zeunik explained that those are cases where the State or City government is allowed to take property. Hearing no further questions, Chairman Renner moved to the next agenda item.

Ms. Beth Kimmerling, Coroner, was not available to attend the meeting. However, she had sent out an email earlier in the day apologizing for her absence. Chairman Renner asked if the Committee had any questions regarding the Coroner's General Reports. Hearing none, Chairman Renner moved to the next agenda item.

Ms. Amy Davis, Public Defender, was not available to attend the meeting. Chairman Renner asked if the Committee had any questions regarding the Public Defender's General Reports. Hearing none, Chairman Renner moved to the next agenda item.

Ms. Roxanne Castleman, Director, Court Services, was not available to attend the meeting. Chairman Renner asked if the Committee had any questions regarding Court Services General Reports. Mr. Zeunik noted that the Juvenile Detention Center was recently surveyed by the Illinois Department of Corrections. The Juvenile Detention Center meets all jail standards for a juvenile detention center. Hearing none, Chairman Renner moved to the next agenda item.

Mr. Bill Yoder, State's Attorney, was not available to attend the meeting due to a prior commitment. Chairman Renner asked if the Committee had any questions regarding the State's Attorney's General Reports. Hearing none, Chairman Renner moved to the next agenda item.

Mr. Zeunik responded to questions raised by the Justice Committee during the February Committee Meeting. The Committee had asked, when determining whether Work Release and/or Periodic Imprisonment is an appropriate sentence, does the Court consider "parenting" to be a full-time job? Chief Judge Freese and Circuit Court Judge Elizabeth Robb have advised that the answer to this question can be found in 730 Illinois Compiled Statutes (2002) 515-5.31. This section of Illinois law sets forth the mitigating factors, one of which the Court must to consider is whether "The imprisonment of the defendant would entail excessive hardship to the dependents."

The other question that the Committee asked, is in setting prices for merchandise sold in the County Jail Commissary, can the Sheriff's Department set prices so as to generate additional revenues that can be used to fund a pretrial release/electronic monitoring program. The Illinois County Jail Standards in Section 701.250 sets forth the requirements for operating a Commissary. Prices shall not exceed the prices of the same items that are sold in the local community stores.

The Committee has also asked if the fund balance in the County Jail Commissary Fund and any future profits generated by the County Jail Commissary could be appropriated to fund a pre-trial release/electronic monitoring program. The Illinois County Jail Standards require that profits from the commissary be used for detainee welfare. The money collect is subject to an audit.

Mr. Owens updated the Committee on the NACo Conference. Although, Mr. Owens is not on any Justice Steering Committee, he was able to sit in on some of the workshops. Mr. Owens learned that there may be money available to fund the school's portion of the COPS program that was terminated at Tri-Valley for lack of the school being able to meet the local match. There is also a technical grant available. While, no one was available to answer with absolute certainty, the representative at the conference felt that ankle bracelets for the pretrial release/electronic monitoring program may qualify for the a COPS technology grant. Mr. Zeunik has been given all the information for follow up. Mr. Owens stated that he would be providing the County Board with a written report of his experiences at the conference. Chairman Renner thanked Mr. Owens for the information, adding that NACo is a great educational tool for County Board Members.

Chairman Renner presented the bills, as transmitted and recommended by the County Auditor, for review and approval by the Justice Committee.

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Motion by O'Connor/Owens to recommend approval
of the bills, as presented by the County Auditor.
Motion carried.

There being nothing further to come before the Committee at this time,
Chairman Renner adjourned the meeting at 6:18 p.m.

Respectfully submitted,

Lucretia Wherry
Recording Secretary
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