

Justice Committee Meeting Minutes

The Justice Committee of the McLean County Board met on Monday, November 3, 2003 at 5:15 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, Rackauskas and Owens

Members Absent: Member Rodgers

Other Members

Present: Member Selzer

Staff Present: Mr. John Zeunik, County Administrator; Mr. Terry Lindberg, Assistant County Administrator; Mrs. Carmen Zielinski, Administrator's Office

Department Heads/

Elected Officials

Present: The Honorable Elizabeth Robb, Circuit Judge, Eleventh Circuit Court; Ms. Roxanne Castleman, Director, Court Services; Ms. Billie Larkin, Director, Children's Advocacy Center; Ms. Amy Davis, Public Defender; Ms. Beth Kimmerling, Coroner; Mr. William Yoder, State's Attorney; Mr. Eric T. Ruud, First Assistant State's Attorney; Mr. Craig Nelson, Director, Information Services; Mr. Todd Miller, State's Attorney's Office; Mr. Ed Books, Rescue Squad

Members of the

Public Present: Ms. Barbara Stuart, League of Women Voters, Alternative to Jail Committee; Mr. Jack Porter, Alternative to Jail Committee

Chairman Renner called the meeting to order at 5:16 p.m.

Chairman Renner presented the Minutes of the October 6, 2003 Committee Meeting for approval.

Motion by Owens/Rackauskas to recommend approval of the October 6, 2003 Justice Committee Minutes. Motion carried.

Chairman Renner invited Ms. Sharyl Bradley, Normal, Illinois, to address the Committee regarding the Pre-Trial Release and Electronic Monitoring Program. Ms. Bradley stated that she is a Job Retention Specialist for the Office of Rehabilitation and a mother of children who are dealing with the judicial system at this time. Ms. Bradley has looked into the five principal points of the Pre-Trial Screening Monitoring Program and is

impressed with its ability to save money and return minor offenders back into the community where they can work and continue schooling. This program can also provide rehabilitation resources. Ms. Bradley notes that this monitoring program is supported by the judges as an alternative to sentencing young offenders. The average age of prison inmates is between 34 and 36 years old, and placing an 18 or 19 year old in prison would be detrimental.

Mr. Owens asked the age of her children when they had problems and what were their crimes. Ms. Bradley answered that the cases are still ongoing. Their crimes involved illegal use of drugs and a pending charge of conspiracy due to drug activities. Chairman Renner thanked Ms. Bradley for her attendance.

Ms. Roxanne Castleman, Director, Court Services, and Judge Elizabeth Robb, Eleventh Circuit Court, referred to the Pre-Trial Release and Electronic Monitoring Program.

Ms. Castleman discussed some of the alternative options listed on the agenda for the Electronic Monitoring Program. Ms. Castleman stated that within the Court Services Department budget, the Care and Support line item may be decreased by 25% in Option #1 or it may be decreased by 31% with no change to Outside Prisoner Housing in Option #2. The Care and Support line item pays for the youth that are placed outside the community. In the past, this line item has been over budget. However, this year, the Care and Support line item is running under budget as of this date. Ms. Castleman is not sure why this year's figures are running under budget, but she can't guarantee this line item running under budget next year.

Ms. Rackauskas asked where are the youths being placed. Ms. Castleman answered that the children are placed in various facilities in Freeport, Quad City, Peoria or even out of State if necessary.

Chairman Renner noted that the agenda noted some decreases in the Sheriff's Department. Ms. Castleman referred to the Sheriff's Fee Study being recommended for the increase of Bond Fee Revenues. The increase on the Bond Fees may provide further revenue. Chairman Renner clarified that the \$14,000.00 figure listed as revenue for the increase of Bond Fees comes from the tracking of cases, based on past numbers, with some discounted factor included because if an offender cannot pay the bonding fee, they are still entitled to be released from jail.

Mr. John Zeunik, McLean County Administrator, explained the listed revenue option under the Supervisor of Assessment's Budget. Mr. Zeunik noted that a GIS Fee is currently collected in the Recorder's Office. Within the Supervisor of Assessment contract services budget, funds are budgeted for the annual maintenance of the GIS Cadastral Layer, the parcel layer of the GIS System. In the past, per an intergovernmental agreement with Regional Planning, all of these funds were turned over to Regional

Planning, and Regional Planning has been responsible for the maintenance of the GIS. Mr. Zeunik stated that within the last month, a decision was made to contract out the Cadastral maintenance to a third party. This being the case, a projection was made that \$30,000.00 of the GIS Fee income that is currently being received can be withheld and applied to the Electronic Monitoring Program.

Chairman Renner commented that with all of the options of revenues listed, funding for the program is still short by \$52,500.00 for a six-month pilot program. Ms. Castleman noted that all the estimated figures listed here are based on numbers from Tazewell County. Ms. Castleman pointed out that the leasing of GPS equipment, supplies and monitoring for 45 units at \$8.00 adds up to a \$135,500.00 expense for a year.

Ms. Rackauskas asked if the 45-unit number was firm and if payment for all 45 units had to be made up front. Ms. Castleman answered that the number of units and how payment is made is an issue worked out in the contract. There is a minimum number of units that will need to be leased in order to guarantee the price.

Ms. Castleman referred to the Staff expense. The largest bulk of the budget is designated for four Probation Officers at a \$31,800.00 yearly salary, plus benefits and AOIC Training, which is mandated, which reflects a total of \$158,600.00. Chairman Renner stated that the actual total cost for the proposed pilot program is estimated at \$310,300.00. The increase over the previous estimated \$189,000.00 to run this program is due to the upgrade of the units to GPS category. Ms. Castleman explained that the GPS units allow for better monitoring of the individuals by verifying where they presently are.

Mr. Owens wondered if this monitoring program would be used in DUI cases and where is the monitoring being done from. Judge Robb answered that in order to efficiently use an electronic monitoring program, some criteria needs to be developed that would delineate who is an appropriate candidate for electronic monitoring. Ms. Castleman clarified that a pre-trial screening instrument would determine, by score, if an individual is eligible for electronic monitoring. The Court Services Department, the State's Attorney's Office's, the Public Defender involved, along with the Judges, would have to work together to approve a pre-trial screening instrument.

Regarding Mr. Owens question about where is the monitoring being done, Ms. Castleman answered that it would depend on how the program was set-up to begin with. When equipment is leased, the company leasing the monitors would handle the initial violation call. From that point on, depending on the agreed upon terms, a Probation Officer would be paged if the call is one of high importance, such as high risk, or if it is determined that this individual and situation is not of high importance, a fax is sent and Court Services handles this violation the next working day.

Chairman Renner wondered why the proposal is asking for four Probation Officers.

Ms. Castleman answered that she does not believe that this program could adequately work with only two Probation Officers because there has to be a screening process up-front in order to understand and determine who is really eligible for the program. There is a need for two Probation Officers to handle the monitoring.

Mr. Owens is aware of the over crowding in the jail and the number of inmates being housed out-of-county. But, the request for 45 monitoring units seems high, because 45 inmates are not housed out-of-county on the average. Mr. Owens also stated that a six-month pilot does not seem to be a prudent expense. If this program is going to be started, it should be started for a year and documented. Ms. Castleman commented that she does not look at this request as a way to insure the reduction of inmates in the Jail, because she does not think that the numbers will decrease by "x " amount.

Ms. Castleman sees this request as a way to guarantee that the appropriate people are out of jail during the judicial process.

Chairman Renner stated that there is no clear idea of the number of units needed for a six-month pilot program because it was determined that it would take the first six-months of 2004 just to prepare in order to start the program. It was not the intent to hire staff and run the pilot program for just six-months.

Judge Robb stated that any pilot Pre-Trial Program must be funded for a minimum of one year in order to insure any measure of success and prediction of future benefit to the County. A program funded for less than one year will be doomed to failure and will not provide sufficient information from which a decision can be made as to the future benefits of the program.

Ms. Rackauskas wondered how many hours would the Probation Officers work daily. Judge Robb clarified that for Pre-Trial issues, a staff member from the Probation Department would need to interview anyone booked into the Jail prior to the custody hearing to determine whether they could be released pre-trial.

Ms. Rackauskas asked what happens to offenders placed in the electronic monitoring program who violates the conditions of the pre-trial program. Judge Robb answered that they would be arrested and placed back in Jail. Ms. Castleman noted that the Probation Department conducts their own arrests on cases that are being actively supervised when the office has witnessed the violation. There are some clients, that due to safety issues or concerns, will require contacting the local law enforcement agency for assistance.

Ms. Rackauskas expressed her concern with the amount of manpower available between the County and the adjacent law enforcement agencies to help with the monitoring and assistance for this program. It is obvious that the Sheriff's Department is understaffed.

Ms. Rackauskas asked if there is a guarantee from the rest of the law enforcement agencies that they would assist as needed. Chairman Renner recommended communicating with Tazewell County regarding the number of violations that have occurred under the electronic monitoring program and what their response time is to a violation call.

Mr. Zeunik pointed out that the four Probation Officers requested was based on a model found in other comparable counties. Mr. Zeunik explained that two officers would meet with the individuals booked in the Jail, interview and verify the information given, score the screening instrument, and then provide a report to the Judge at the custody hearing. The report would allow the Judge to decide whether this offender is a candidate for electronic monitoring or not. The two officers responsible for the screening process would report to work around 6:30 a.m.

Mr. Owens expressed his concern on the large amount of unknown issues being disclosed regarding the Electronic Monitoring Program. Mr. Owens would like further information regarding the level of cooperation that can be expected from other law enforcement agencies, including the rural areas of the County. He would also like more information on the lapsed time between the County being notified of a violation and the correction of the violation. Mr. Owens would like to see some criteria for this program, including the level of responsibility needed by the Judges to enforce the program. Also, Mr. Owen does not believe that Driving Under the Influence (DUIs) cases should be accepted into the electronic monitoring program.

Ms. Rackauskas noted that there is no money to fund this program and there are too many unanswered issues that need to be resolved. Further research and discussion is needed, not to mention further funding options besides the increase of the Sheriff's Department Bond Fee. Mr. Zeunik noted that the Sheriff's Fee Study would look at all of the Sheriff's Department's Fees. There could be other fees that could be raised besides the Bond Fee.

Member Nuckolls entered the Justice Committee meeting at 5:53 p.m.

Ms. Rackauskas asked which Committee handles the office space for this program. Mr. Zeunik answered that if the Justice Committee decided to move forward on a program and Court Services advised the Committee that Court Services does not have sufficient space in their present office to accommodate the additional staff, the issue would be presented to the Property Committee. Ms. Rackauskas noted that the cost for office space and equipment is not included in the proposed figures.

Mr. Nuckolls commented that space for this program could be worked into the relocation of departments into the new Government Center.

Chairman Renner pointed out that Tazewell County charged offenders who are sentenced for the use of their electronic monitoring. This could turn into another revenue source for this program. Mr. Zeunik clarified that the statutory authority provides for the ability to access a fee for the use of electronic monitoring services. However, it is very clear in the law, that an individual cannot be denied access to the program if they don't have the ability to pay the fee.

Chairman Renner invited Member Selzer to address the Committee regarding this issue. Mr. Selzer wondered what the motivation behind the request to implement a Pre-Trial Release and Electronic Monitoring Program was. Mr. Selzer asked if the reduction in the Jail population is the only reason for this program. Chairman Renner stated that one reason for looking into this program was due to the high number of pre-trial detainees in Jail who have not been convicted of anything.

Mr. Selzer informed the Committee that the Property Committee is looking into alternatives to free-up space once some of the offices move into the new Government Center and out of the Law and Justice Center for the weekend offenders. Mr. Selzer knows that there are other needs within the County, at the present time, that have more merit than this proposed program. Mr. Selzer would like to see this request placed in the budget cycle for the 5-year plan of McLean County. Mr. Selzer would like to see more information on positive and negative results achieved through this program from the State also. Those numbers would help determine the level of need for this program.

Chairman Renner concluded that the Justice Committee concurs to "table" this issue until the December 1, 2003 Justice Committee meeting, when further information is obtained and reviewed.

Chairman Renner asked if members had questions regarding the Court Services Monthly Statistics. No questions were presented.

Ms. Billie Larkin, Children's Advocacy Center, presented the Monthly Statistical Report. Ms. Larkin reminded the members of the Justice Committee that they are invited to the CASA Swearing-In on Thursday, November 6, 2003, at 4:30 p.m.

Chairman Renner asked if members had any questions for Ms. Larkin regarding the Children's Advocacy Center Monthly Statistical Report. The members did not have any questions at this time.

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Mr. Bill Gamblin, 911 Administrator, was not present to discuss the E-911 Monthly Report. Committee members did not have any questions at this time.

Ms. Amy Davis, Public Defender, presented the Monthly Statistical Report. Ms. Davis referred to the Electronic Monitoring Program and the issue of whom is eligible to participate. Ms. Davis informed the Committee that the Justice Advisory Council developed a screening instrument that used a point system that was acceptable to all the parties involved. Copies of this screening instrument will be made available to the Justice Committee.

Ms. Davis noted that people who violate while on electric monitoring runs around a 5% for Tazewell County. Finally, Ms. Davis informed the Committee that funding from the Illinois Criminal Justice Information Authority (ICJIA) is pending. She is awaiting a phone call informing her whether McLean County will be considered for some funding.

Ms. Davis informed the Committee that the Public Defender's Office did receive a notice for an annual grant from the Department of Human Services in the amount of \$45,000.00, which will allow to the hire a Social Worker. No matching funds are necessary.

Chairman Renner asked if Justice Committee members had any questions for Ms. Davis on the Monthly Statistical Report. No questions were presented.

Ms. Sandra Parker, Circuit Clerk, was not present to discuss the Monthly Statistical Report for September 2003 and the Third Quarter Statistical Report. The Committee did not have any questions regarding these reports at this time.

Mr. Owens asked for clarification of the categories "Begin Pending" and "End Pending" in the monthly reports. Mr. Terry Lindberg, Assistant County Administrator, explained that those captions account for the starting of the reporting data and the ending of the disposition of cases required by the State. Follow the process all the way across the page from left to right.

Sheriff David Owens, McLean County Sheriff, was not present to discuss the McLean County Detention Facility Population Report. Ms. Rackauskas asked if the data in the Sheriff's Department Monthly Reports could also be broken down by the number of female/male inmates. Mr. Zeunik replied that he will ask to have this category permanently added to the report.

Ms. Beth Kimmerling, Coroner, presented a report on a Morgue Facility Fee Increase. Ms. Kimmerling informed the Committee that during the budget preparation process she reviewed the morgue facility fee in addition to the list of services McLean County provides for this fee and determined that the \$225.00 morgue facility fee was not covering McLean

County's costs associated with providing an out-of-county autopsy services. In an effort to align the two figures, the morgue facility fee will increase to \$250.00 as of January 1, 2004. Ms. Kimmerling noted that it has been three years since McLean County implemented an increase in this area. The Morgue Facility Fee includes the facility, clerical staff, postage, photocopying, histology services, photographs, replacement body bag, morgue cleaning, laundry service, transcription service, biohazard disposal, body storage and supplies.

Chairman Renner asked the Committee if they had any questions regarding the proposed Morgue Facility Fee Increase or the Coroner's Monthly Report. The members did not have any questions.

Mr. William A. Yoder, State's Attorney, discussed a Request for Approval of an Intergovernmental Agreement between the Illinois Department of Public Aid and the McLean County State's Attorney's Office for the IV-D Child Support Enforcement Program. Mr. Yoder stated that the Intergovernmental Agreement addresses the responsibilities of both parties arising under Title IV-D of the Federal Social Security Act relating to child support enforcement. Under Illinois Law, the Department of Public Aid can contract with local State's Attorneys to handle the legal responsibilities for child support cases usually handled by the Attorney General's Office. Mr. Yoder noted that the McLean County State's Attorney has operated a division under such an Agreement since February 1999. The proposed Agreement has a term commencing December 1, 2003 and terminating June 30, 2004. The terms of the proposed Agreement are substantially similar to those of prior Agreements. Funding will be at the same level as the current Agreement, which terminates November 30, 2003. The Department of Public Aid has verbally committed to the funding, the appropriate level of funding has been incorporated into the draft Agreement and the State's Attorney has incorporated the appropriate level of funding into his FY2004 budget request. As in prior years, payment under the Agreement is by reimbursement with the State's Attorney submitting monthly expenditure reports to the Department.

Mr. Yoder stated that three elements of the proposed Agreement are currently being negotiated. The first element addresses the level of production required by the State's Attorney in terms of the number of support orders obtained. We are seeking reciprocal language which would require a certain level of production by the Public Aid in terms of the number of cases referred to the State's Attorney for court action. The second such element addresses what sanctions, if any, will be imposed upon the State's Attorney if the State's Attorney fails to perform at an appropriate level. The Department is suggesting that a financial sanction equal to a certain dollar amount be imposed if the State's Attorney does not obtain a minimum number of support orders. The State's Attorney is proposing that any sanction for insufficient production, whether monetary or contract renewal, be tied to a requirement on the Department that it produce an

adequate number, or percentage, of case referrals. The third such element addresses the number of days within which the State's Attorney must show proof of the entry of each child support order and the date by which the Department must provide the State's Attorney with a summary of such orders. The State's Attorney anticipates that a final draft of the Agreement will be available to the Committee and the County Board for review prior to the November 18th Board meeting.

Motion by Rackauskas/Owens to recommend
Approval of an Intergovernmental Agreement
between the Illinois Department of Public Aid
and the McLean County State's Attorney's Office
for the IV-D Child Support Enforcement
Program. Motion carried.

Chairman Renner asked if members had any questions regarding the State's Attorney's Asset Forfeiture Fund and Case Load Reports. The members did not have any questions.

Mr. Craig Nelson, Information Services, presented a Request for Approval of Work Order Number 12 for Professional Services Agreement with Northrop Grumman Space and Mission Systems, Inc. – Court Services Department - Juvenile Detention Integrated Justice Information System Module. Mr. Nelson stated that Work Order #12 provides for Joint Application development sessions needed to complete the requirement definitions of the Juvenile Detention Facility and the Juvenile Court Services Program.

Mr. Owens asked where this training would take place. Mr. Nelson answered that the training will take place in McLean County.

Motion by Rackauskas/Nuckolls to recommend
Approval of Work Order Number 12 for Professional
Services Agreement with Northrop Grumman Space
and Mission Systems, Inc. – Court Services Department
- Juvenile Detention Integrated Justice Information
- System Module. Motion carried.

Mr. John Zeunik, County Administrator, presented a Request Approval of an Agreement to Provide Professional Consulting Services to the County of McLean, Illinois – Sheriff's Fee Service Study. Mr. Zeunik informed the Committee that McLean County has taken advantage of an opportunity under Illinois Law to set certain fees based on a Cost Study. MAXIMUS is a professional services firm, out of Northbrook, Illinois, who has conducted such a study for the Sheriff's Department in 1992 and 1997 and for the County Clerk in 2001. This Study would commence within two weeks of approval from the County Board

and would require about eight weeks to complete. The cost for the County is a fixed fee of \$9,250.00. This project will determine if fee prices for certain Sheriff's Department services are reimbursing the County for the actual cost of delivering the service. Based on past experiences, the current fee prices do not pay for all cost that McLean County incurs to provide them. If the costs of the service exceeds the price paid by the customer, tax dollars must subsidize the fee service. Historically, State law set prices for fee.

Mr. Zeunik advised Chairman Renner that under the current Fiscal Year 2003 Budget, in the County Board Contract Services line item a balance of \$19,000.00 is available to cover this contract. These funds are used for professional services. The reason all of these funds have not been used this year is because there has not been a need to contract outside legal counsel in any of the Collective Bargaining negotiations that the County has been involved with.

Mr. Nuckolls asked what the actual budgeted amount was for the County Board Contract Services line item was. Mr. Zeunik answered that this line item was originally budgeted at \$45,000.00.

Motion by Rackauskas/Nuckolls to recommend
Approval of an Agreement to Provide Professional
Consulting Services to the County of McLean, Illinois
– Sheriff's Fee Service Study. Motion carried.

Mr. Zeunik presented a Review of Fiscal Year 2004 Recommended Budget: Rescue Squad. This item was discussed at the last Justice Committee meeting and was held-over. There was some discussion by the Committee of possibly not funding the Rescue Squad and using the funds to move forward with the Pre-Trial Electronic Monitoring Program. Mr. Zeunik stated that he was directed to look into when the City of Bloomington and the Town of Normal would be prepared to assume full responsibilities for HazMat and for Technical Special Rescues. After discussing this issue with the Fire Chiefs, neither the City of Bloomington nor the Town of Normal are prepared to assume this responsibility as of January 1, 2004. The Fire Chiefs stated that the earliest they would be fully equipped and ready to provide regional HazMat services would be July 1, 2004. Mr. Zeunik noted that for this reason the Rescue Squad's budget was not eliminated and included in the information of the Pre-Trial Electronic Monitoring Program.

Mr. Zeunik introduced Mr. Ed Books, Volunteer, Rescue Squad.

Mr. Owens asked if there was an answered to the question regarding the selling of the HazMat equipment that had been purchased with a Federal grant. Mr. Zeunik answered that he does not have a definitive answer for the Committee at this time. Mr. Owens favors funding the Rescue Squad for another year.

Mr. Books stated that the members of the Rescue Squad are all volunteers who train weekly and respond to an average of 42 calls a year. All the resources and training of the Squad is dedicated to rescue and support of other public safety agencies. The Squad performs extrications, provides backup air and lighting support for major fires, assists the Police Department with evidence recovery, manhunts and scene lighting, provided rescue support for several Fire Departments per their protocol and furnishes rescue services for Lifeline Mobile Medics, per a long standing mutual aid agreement.

Mr. Books noted that the Squad, with its two vehicles, brings more equipment to the scene than several fire departments combined. Some of the equipment is not available through any other source. All major pieces of equipment have backups, allowing several jobs to be done at once. This is especially important in multiple vehicle or victim accidents. Unlike most Fire Departments' equipment, which require an engine to start, the Squad's major equipment is air powered. No other power source is needed to operate. This eliminates possible time delays caused by equipment failure, which in turn could slow the rescue operation. The Rescue Squad has extrication equipment (air powered), boom poles with over 16,000 pounds of controlled lifting, 17,000+ watts of generator power with metal halide lighting, air impact wrenches, sockets, hand tools, hand operated hydraulic tools for cramped spaces, air bags with controllers used in lifting heavy loads, 3 boats with recovery bars and equipment and dry underwater diving suits and underwater communication equipment.

Motion by Owens/ Rackauskas to Recommend
Tentative Approval of the Fiscal Year 2004
Recommended Budget for the Rescue Squad.
Motion carried.

Chairman Renner asked if members had any other questions. Members did not have any further questions.

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

Motion by Nuckolls/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 6:55 p.m.

Respectfully submitted,

Carmen I. Zielinski
Recording Secretary
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