

## Justice Committee Meeting Minutes

The Justice Committee of the McLean County Board met on Monday, March 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, Kinzinger, Rodgers, Johnson and Rackauskas

Members Absent: None

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

Department Heads/  
Elected Officials

Present: Ms. Beth C. Kimmerling, Coroner; Ms. Billie Larkin, Director, Children's Advocacy Center; Ms. Roxanne Castleman, Director, Court Services; Sheriff David Owens; Chief Deputy Derick Love, McLean County Sheriff's Department; Mr. Eric Ruud, First Assistant State's Attorney; State's Attorney's Office; Ms. Amy Davis, Public Defender; Judge John P. Freese, Eleventh Judicial Circuit, Circuit Judge

Members of the  
Public Present:

Ms. Barbara Stuart, Ms. Jane Zeller, and Ms. Sherri Augh, Alternatives to Jail Committee, League of Women Voters and Ms. Carol Reitan, Collaborative Solutions Institute

Chairman Renner called the meeting to order at 5:15 p.m.

Chairman Renner placed the Justice Committee minutes of February 3, 2003 on file as presented.

Ms. Beth C. Kimmerling, Coroner's Office, discussed the Coroner's Monthly Report for January 2003. Ms. Kimmerling noted that the Coroner's Office experienced a slight decrease on cases. However, the out-of-county autopsies doubled from last year, which ultimately increases the Coroner's Office revenue, reflecting a 20% increase towards the projected revenue budget for 2003.

Ms. Kimmerling referred to a question asked by Ms. Rackauskas regarding the flat rate charged for autopsies. Ms. Kimmerling explained that when McLean County pays for an autopsy, the County is actually paying for the services of the forensic pathologist. The fee charged is \$675.00 per case. The County also pays \$125.00 per case for the autopsy assistant. So, a McLean County resident's tax dollars pay the \$800.00 per

autopsy case when the County Coroner deems an autopsy necessary.

Ms. Kimmerling noted that a private autopsy service is also available, where the morgue is rented out and the only revenue recovered is \$225.00 per case. This private autopsy is performed by Dr. Mitchell at a cost of \$2,000.00 per case. The morgue fee of \$225 is also charged for every out-of-county case performed at the McLean County morgue.

Mr. Nuckolls wondered how long McLean County has been at the \$225.00 per case rate on rental of the morgue. Ms. Kimmerling answered that the \$225.00 per case rental rate of the morgue has been set since she started in the Coroner's Office. Talks on increasing this fee have occurred but a change has not been made. By increasing the fee, there is a risk of not being competitive with other counties which provide the same service. Presently, McLean County performs autopsies for Peoria County. Ms. Kimmerling noted that due to her relationship with the Peoria County State's Attorney's Office, the Coroner's Office will not perform any autopsies on cases that involve the Peoria County State's Attorney's Office. The present morgue rental fee is very competitive with surrounding counties and their fees.

Ms. Sandra Parker, Circuit Clerk, was not present to discuss the Monthly Statistical Report. Committee members did not have any questions regarding the Circuit Clerk's Monthly Statistical Report.

Ms. Billie Larkin, Director, Children's Advocacy Center, discussed the Monthly Statistical Report. Ms. Larkin noted some changes in the 2003 CASA Report. Ms. Larkin informed the Committee that 202 children are presently being serviced through the CASA Program. There are 31 children waiting and 19 cases waiting to be assigned, but there are no CASA volunteers to assign to these cases. Another CASA Training Class is being started in late March.

Chairman Renner commended Ms. Larkin on the success of the Tip a VIP Function. Ms. Larkin stated that she does not have the total tally of funds raised but was pleased with the turn out.

Ms. Joan Naour, Director, Correctional Health Services, presented the McLean County Correctional Health Facility Services Department 2002 Year End Report. Ms. Naour noted that the numbers decreased slightly for Year 2002 from 2001, even though the average daily jail population has continued to increase. The Correctional Health Services Department numbers do not correspond directly with the number of people in the jail. The numbers do reflect an increase in the number of chronic disease figures of inmates with asthma, hypertension, diabetes, etc., who need constant medical attention.

Mr. Bill Gamblin, Director, ETSB, informed the Committee that he would have a Year-End Report for 2002. Mr. Gamblin noted that as of February 11, 2003, Enhanced 911 celebrated its first birthday. Mr. Gamblin pointed out that Team Mobile Cellular has successfully moved into Phase I and started forward towards Phase II Test Mode by the middle part of 2003.

Mr. Gamblin informed the Committee that newspapers have mentioned of the spending of Wireless Enhanced 911 Funds by governments on other issues rather than on wireless. Mr. Gamblin verified that McLean County has been collecting a wireless surcharge on cell phones and that these funds have been used to upgrade equipment and database technologies for wireless E-911 service.

Chairman Renner reminded the Committee that last fall the County Board passed a resolution to continue exploring alternatives to jail incarceration. The Justice Committee specifically asked the Administrator's Office to develop some preliminary cost estimates regarding pre-trial and electronic monitoring. Chairman Renner noted that he met with Judge Freese, the Public Defender, the State's Attorney, the Sheriff, and the Administrator's Office on February 21st to discuss this issue.

Chairman Renner introduced the members of the League of Women Voters in attendance: Ms. Barbara Stuart, Ms. Jane Zeller, Ms. Sherri Augh and Ms. Carol Reitan.

Ms. Roxanne Castleman, Director, Court Services, presented a report on Pre-Trial Release, Electronic Monitoring, and other Diversion Programs. Ms. Castleman stated that on February 21, 2003, a Jail Alternatives Workgroup met to develop some cost estimates for an Electronic Monitoring Program. Most of this information was obtained from prospective vendors and data contained in the "Offender Supervision with Electronic Technology" (American Probation and Parole Association 2002) publication. Ms. Castleman noted that Electronic Monitoring has been implemented in other jurisdictions both on a pre-trial release basis and as a post-trial sentencing alternative. Although most of the discussion in McLean County has focused on pre-trial, strong consideration should be given to using Electronic Monitoring on a post-trial basis. Earlier analysis of electronic monitoring program costs have compared incarceration costs against electronic monitoring costs. However, it is important to note that the savings for incarceration costs occur only if new inmates are not brought in to fill the beds made available by diverting inmates to an Electronic Monitoring Program.

Ms. Castleman commented that the State's Attorney's Office has implemented a "Deferred Prosecution Program" and are reviewing how charges are being filed on cases. Ms. Castleman commented that the programs being used by the State's Attorney's Office will

already show a 25% decrease on felony charges compared to last year.

Ms. Amy Davis, Public Defender, commented that the Arraignment Process and the Waiver of Preliminary Hearings were discussed during the workshop. Ms. Davis noted that in the past, at custody hearings the cases were set for arraignment. In the interim, a Grand Jury was convened, and a grand jury indictment was then returned. The indictment led to an arraignment hearing. Now the process is being shortened because there will not be a standing grand jury any longer. Ms. Davis stated that the State's Attorney has decided to have a preliminary hearing. At the second hearing which is set within 7 to 14 days, the defense will receive the entire initial discovery in the case so they can educate themselves about the case. With the availability of the discovery, the attorneys are in a position to address bond issues and have the opportunity to talk with the defendant about waiving preliminary hearing. A preliminary hearing or indictment is pro-forma because all the State has to establish is probable cause. Ms. Davis concluded that during the 7 to 14 days, the attorneys will speak with the defendant to see if it is appropriate to waive the preliminary hearing. In addition, the attorney has the opportunity to address bond at the first hearing. In addition, some cases may be concluded at the 7 to 14 days juncture, thus saving even more time and money. This process would address bonding sooner and decrease time spent on each case.

Mr. Eric Ruud, First Assistant State's Attorney, referred to the Deferred Prosecution Program since Mr. Yoder was out of town. Mr. Ruud announced that the State's Attorney's Office has expanded the deferred prosecution program to involve a larger number of eligible participants. Eligible participants include first time misdemeanor offenders, cases where no serious physical harm occurred, minor battery, minor alcohol and drug possession cases. This program will not include DUIs and Domestic Violence cases. Mr. Ruud noted that there has been a significant number of cases charged with these minor offenses that will not automatically be charged with these from now on. Instead, the defendant will receive a letter from the misdemeanor division that informs them that they are eligible for a deferred prosecution program and specify the programs available depending on their crime, such as those provided by Collaborative Solutions.

Chairman Renner understands that the Justice Committee is being asked to review the cost of the Electronic Monitoring and Pre-Trial Release, however, because the State's Attorney' Office is adding several changes to the deferred prosecution system and the waiver of preliminary hearings, other pieces of this puzzle will emerge. As these pieces are put together, compiled data needs to be reviewed and accessed throughout the next six months or so.

Chief Judge, John Freese, Eleventh Judicial Circuit, noted that Judge Elizabeth Robb,

who is the presiding Judge of the Criminal Division will be the Judge working primarily with this Alternative to Jail Committee. Judge Freese commented that Mr. Yoder has

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been State's Attorney for three months. In those three months, a lot of changes have been implemented. The primary source of cases in the justice system is the charges filed by the State's Attorney. The State's Attorney's Office makes charging decisions, and they decide whether certain cases are going to be deferred out of the system. Mr. Yoder has already announced his intention to expand the deferred prosecution program and has indicated that he will be more selective in charging felonies.

Judge Freese clarified that the Circuit Court Judges are not opposed to electronic monitoring or any type of Pre-Trial Release program. Judges in the Circuit Court are willing to use any and all tools available to them for sentencing.

Judge Freese referred to the \$188,000.00 cost for the Pre-Trial Release and Electronic Monitoring Program. These programs will have to be funded without State assistance. New money will have to be found in order to fund these programs and the additional staff needed. Because of the uncertainty of funding for these programs, all of the players involved have met and decided that they would like to see how Mr. Yoder's proposed modifications will impact jail population before starting a Pre-Trial Release and Electronic Monitoring Program. Judge Freese stated that he agrees with the need to document and review data for the next six months and then making a decision whether to move forward.

Judge Freese noted that Sheriff Owens provided significant statistics on the number of people who were pre-trial and the number of people who were in jail because of sentencing five years ago. Sheriff Owens stated that he has seen a significant change from when he took office to last year on the number of people being sentenced to the Detention Facility or sentenced to a Work Release Program. The overcrowding numbers of the jail population are driven more by the sentenced individuals than pre-trial individuals. Sheriff Owens noted that the plans made by the State's Attorney impacts the pre-trial population even more than the past. The Sheriff's Department has not had to house any inmates out of County since February 1<sup>st</sup>. Electronic Monitoring for sentenced inmates could reduce the weekenders stay in the facility also. This is another issue to consider and review. Another factor to research in the future is a Work Release Center.

Chairman Renner acknowledged the help provided by Ms. Gretchen Grabowski, an IWU intern, who will be monitoring the Jail Population Analysis System. Ms. Grabowski has included a memo in the Justice Committee Agenda Packet for the Committee's review.

Ms. Davis commented that the change to the number of inmates incarcerated will be immediate. By the end of April, statistics should provide plenty of information regarding the impact of these proposed programs by the State's Attorney's Office. Judge Freese noted

that part of speeding up the arraignment process with the new State's Attorney's proposals should include the component of a bond reduction hearing in the early stage in front of the assigned judge.

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Ms. Johnson agreed that the new proposals stand to make positive changes within the Justice System.

Mr. Nuckolls asked Ms. Castleman how many new staff members would be needed to conduct the Electronic Monitoring and Pre-Trial Release Program. Ms. Castleman answered that she estimates a need for four new staff members. Two would screen the individuals for eligibility and two would do the actual monitoring of the individuals in the program. Mr. Nuckolls asked if this program would require 24 hour/seven days a week staffing. Ms. Castleman answered that it depends on how the system was set up, because electronic monitoring data gets transmitted to a private company that would then page or fax the appropriate office informing them of the individual's disruption of services. So, a staff member will have to be on a pager in order to answer the page or fax immediately or in a timely manner.

Chairman Renner referred to Page 16 and Page 20 of the agenda. Page 16 documents Incarceration Costs totaling \$186,318.00. Page 20 documents Electronic Monitoring Costs totaling \$188,692.00. Ms. Castleman noted that these costs were separated out in order to show that even though a number of offenders are out of jail, it does not necessarily mean that the \$186,000.00 will be available to spend somewhere else. Unless a wing of the jail is actually closed off, the same number of correctional officers will still remain on the payroll. Operating the jail requires the expenditure of certain fixed costs.

Ms. Rodgers wondered if the empty space in the jail could be rented out when not in use by McLean County. Sheriff Owens answered that if there is a significant amount of empty space, renting it to other counties would not be a problem and would provide some revenue. Sheriff Owens warned that he would have to make sure that any increase in empty beds was not a fluke and then find McLean County with no jail space for its own use.

Chairman Renner reiterated that this information will be monitored monthly for the next six months. Chairman Renner noted that the Justice Committee packet includes a "Practical Guide for Preventing Jail Crowding" for the members to review.

Ms. Castleman commented that proper policies for these programs need to be put into place. Chairman Renner wondered if the members of the workgroup could start discussing and reviewing the needed policies for these programs. Ms. Castleman does not see a problem with starting discussions regarding a protocol for these programs during the next six months. Ms. Castleman mentioned that it takes her department 60 to 90 days to fill a

vacant position due to the interviewing process.

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Chairman Renner asked Mr. Zeunik what the process is for getting this issue on the 2004 Budget Agenda. Mr. Zeunik answered that a recommendation needs to be made to the County Board by the Justice Committee. Final action by the County Board would dictate that this program be incorporated into the Fiscal Year 2004 Budget preparation.

Mr. Zeunik commented that the last time this kind of recommendation was made to the County Board was when the Violent Offender Grant in the Public Defender's Office was coming to an end. Ms. Davis presented her case for continuing to fund the program to the Justice Committee and the County Board. The County Board approved the request and asked the Administrator's Office to prepare the budget with the program funding intact. Mr. Zeunik stated that there are a few special revenue funds that could help with some of the cost for this program. But, this action would cause the need to look at other things that may be scaled back or cut in order to make room for this directive.

Ms. Rackauskas asked what is the deadline for submission of a direction into the 2004 Budget. Mr. Zeunik answered the July 2003 County Board meeting. Chairman Renner suggested that this issue be discussed in May and then again in June 2003, to decide if the numbers point to a positive recommendation for this program, then the request can formally be made in July for the County Board to decide.

Ms. Davis reminded the Committee that some of the background work on the protocol for the programs has already been done by the Criminal Justice Advisory Committee last year. Chairman Renner asked if Ms. Davis could provide this protocol information at the next Justice Committee meeting. Ms. Davis will provide the information for the next Justice Committee packet.

Judge Freese commented that there is a lot of information already gathered through many community agencies like the League of Women Voters. Judge Freese noted that McLean County has the benefit of not having to react to an emergency status situation in the County jail.

Chairman Renner summarized that when the Justice Committee meets in April, these numbers will be revisited. Then in May and June, a closer scrutiny will be done on the numbers and a recommendation for July can then be made for the 2004 Budget Cycle.

Ms. Johnson agreed this time span would allow the Justice Committee to set forth the budget request for Fiscal Year 2004 and still have the rest of this year to see how the programs continue to impact the justice system and the jail population.

Ms. Rackauskas asked where will the four new staff members be housed. Ms. Castleman stated that she has no room at the present time in the Court Services Department. There is a conference room that may be divided out if necessary. Ms. Rackauskas noted that this is another factor that needs to be discussed when the funding issue is revisited.

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Ms. Castleman expressed her concern with the funding issue of these programs because the County is barely keeping afloat with the revenue received and she does not want to sacrifice any basic services presently in place just to start these new programs.

Chairman Renner stated that the Justice Committee is under the assumption that any new programs will have to be funded with new money without taking away from any present programs.

Ms. Rodgers asked what the budget for housing out-of-county inmates was for 2003. Sheriff Owens answered \$60,000.00. In 2002, the Sheriff's Department ended up spending \$118,000.00 to house out-of-county inmates. Sheriff Owens commented that any savings on the out-of-county inmates could be used for other expenses. Sheriff Owens would like to be able to sell bed space on a consistent basis in order to provide added revenue.

Ms. Johnson is very appreciative of the efforts that the different department heads in the Justice System have made to come together as a team to accomplish this goal.

Ms. Castleman presented the Statistical Reports for January 2003. The Committee had no questions for Ms. Castleman.

Ms. Amy Davis, Public Defender, discussed the Monthly Caseload Report. Ms. Davis stated that there were two typographical errors in her report. The date on Page 54 of the report should be March 3, 2003, not 2002. On Page 55, she noted that the contracts for the conflict attorneys have been modified because the fee paid to each was reduced by \$4,000.00 due to budgetary constraints. Each contract attorney only handles 7-8 cases per month now. The Committee has no further questions for Ms. Davis.

Mr. Bill Yoder, State's Attorney, was not present tonight. Mr. Eric Ruud, First Assistant State's Attorney, presented the Case Load Report and Asset Forfeiture Report. Mr. Ruud reiterated that major felonies, like aggravated battery or murder, are not being released into the community. The lower number of felonies in this month's report reflect cases that would most likely become misdemeanors "knock-down" cases anyway.

Mr. Nuckolls commented that the proposed changes are basically improved screening practices. Mr. Nuckolls asked at what stage of the process will deferred prosecution be offered. Mr. Ruud answered that the way it presently stands, a first time offender that has not seriously injured someone, will be notified of the deferred prosecution programs



available to them. Mr. Nuckolls wondered if the offenders have to plead guilty in order to participate in the deferred prosecution program. Mr. Ruud answered that they do not have to plead guilty. No charges will be filed if an offender successfully completes the program assigned to the offender. The whole process should take 45 to 60 day period.

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Ms. Johnson asked if there was a fee for these programs. Mr. Ruud answered that there is a \$350.00 fee charged to the offender. Ms. Johnson wondered what happens to someone who cannot afford to pay the \$100.00 necessary to get out jail. Mr. Ruud explained that if they can ascertain that they are indigent, the fee will be waived or lowered.

Sheriff David Owens, McLean County Sheriff's Department, presented the McLean County Detention Facility Population Report and McLean County Sheriff's Department 2002 Annual Report. Sheriff Owens informed the Committee that the number of fatalities on County roads has increased by 800% in 2002. DUI arrests have increased, traffic accidents have decreased, injury and fatality cases have increased in 2002. Alcohol related fatalities increased in the year 2002. Sheriff Owens predicted that because of the budget cuts being made in school districts, including fewer after school programs and extra curricular activities, juvenile crime will increase significantly.

Ms. Rackauskas asked if the change of a felony to a misdemeanor will askew the Sheriff's monthly report. Sheriff Owens explained that the three factors that drive the jail population numbers in the report are the number of people in, the number of people out and how long they stay in the facility. The new programs affect the length of time offender's stay in the facility and this is a good, because the length of time is being shortened or eliminated. The original, appropriate charge of the offense is documented in the incident report, so tracking can still be done accordingly.

Mr. John M. Zeunik, County Administrator, informed the Committee that he attended the County Administrator's meeting in Peoria. The issue of jail population and alternatives to incarceration is an issue being discussed by the following Counties: Tazewell, Lake, Peoria, Madison, and Winnebago. Lake County currently has all of the alternative programs being discussed by McLean County in place. Lake County is looking at expanding their work release center as well as a possible expansion of their jail. Mr. Zeunik stated that Lake and Cook Counties are the only two counties in Illinois that have a Boot Camp as another sentence alternative. Peoria County expanded their jail within the last four years and are currently at capacity. The Tazewell County has a new jail that is scheduled to open in August of 2003. Tazewell County Administrator is already concerned that not enough space was designated for women in prison, so they may have to house women out-of-county.

Mr. Zeunik stated that Winnebago County was able to get their citizens to approve a

1 cent Public Safety Sales Tax. Any County Board can place a Public Safety Sales Tax in the ballot, but it has to be proposed in a ¼ of a cent increments. If McLean County placed a ¼ of a cent Public Safety Sales Tax on the ballot, \$3 million would be generated.

Winnebago County is planning to build a 1,000 bed County Jail. Mr. Zeunik noted that Kane County is terribly overcrowded and they send inmates to McHenry County.

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Kane County had a proposal to expand their County Jail and their Justice Committee just decided that the proposal was not good enough, so that issue will be revisited. The message here is that McLean County is not unique with the jail population overcrowding issue.

Ms. Johnson clarified that the Public Safety Sales Tax funds can be used for other things besides the County Jail, as long as it relates to public safety issues such as electronic monitoring. Mr. Zeunik explained that when the law was enacted the purpose of the law was to provide the means for Counties to fund jail expansions. Generally, it has been used for bricks and mortar or operating costs. Mr. Zeunik stated that this option has been discussed within the Justice Committee if McLean County gets to a point where building a new facility becomes necessary. Mr. Zeunik warned that the only way to get approval of this sales tax is by referendum.

Chairman Renner noted that a way to package this could be that with a sales tax anyone traveling and doing business in McLean County pays this tax. Ms. Rodgers stated that it is the same principle as the luxury taxes from the State.

Mr. Zeunik informed the Committee that the Public Safety Sales Tax can start at a minimum of a ¼ cent and be increased by ¼ cent increments. It can be started at any amount, just like Winnebago. Ms. Johnson stated that if a Public Safety Sales Tax is passed, once the money starts coming in, the staffing for the Pre-Trial Release Program and Electronic Monitoring can be established. Mr. Zeunik did warn the Committee that none of the referendums passed on the first try on the ballot. It took Winnebago County and Tazewell County three times on the ballot before it passed. Mr. Zeunik stated that because McLean County is a regional sales center people come here to shop and to spend money so they would greatly contribute to this sales tax.

Ms. Rackauskas stated that there is a psychological side to this issue. The society in Bloomington-Normal, which has been in a kind of bubble regarding certain types of crimes, would have trouble acknowledging this public safety sales tax because it brings the fact that there is crime in their community to a head. Ms. Rackauskas also noted that another reason that this referendum may not be passing is because people see the request of a ¼ of a cent, but a quarter seems bigger than one. It is very important to consider the psychological aspects of these referendums. People don't want to take ownership that there is a problem and many are not ready to accept this.

Ms. Rodgers commented that there also are people who will step up and say yes to this referendum in order to provide a more secure community.

Chairman Renner noted that the media needs to be made a part of this issue right from the start so they can help promote this issue. Ms. Rodgers thanked Mr. Zeunik for bringing this information to the Justice Committee. It is another option to continue to Justice Committee

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discuss.

Chairman Renner asked if March 2004 would be the earliest this Public Safety Sales Tax could be put on the ballot. Mr. Zeunik answered that the referendum has to be placed on a general election ballot, which does include a primary election. This referendum can not be placed in a Consolidated Election ballot. Mr. Zeunik clarified that once the referendum passes, the States starts collecting the tax immediately once the results have been certified to the State Department of Revenue. Mr. Zeunik noted that the County may use this time to look at the revenue pattern. A Public Safety Sales Tax does not apply to a 100% of the purchases. For example, Public Safety Sales Tax does not apply to the purchase of automobiles. There are some categories that are exempt from this sales tax. This is why the projections of revenues done for McLean County indicate that the County would receive \$3 million, where for the sales tax, the County receives close to \$5 million.

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 Johnson/Rodgers 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 6:47 p.m.

Respectfully submitted,

Carmen I. Zielinski  
Recording Secretary

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