

## **Justice Committee Meeting Minutes**

The Justice Committee of the McLean County Board met on Monday, August 5, 2002 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 Sommer, Members Johnson, Emmett, Kinzinger, Pokorney and Renner

Members Absent: None

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

Department Heads/  
Elected Officials

Present: Mr. Bill Gamblin, Director, E-911; Ms. Beth Kimmerling, Coroner; Ms. Roxanne Castleman, Director, Court Services; Mr. Jim Tusek, Public Defender's Office; Sheriff David Owens, McLean County Sheriff's Department; Chief Deputy Derick Love, McLean County Sheriff's Department; Mr. Tom Phares, Jail Superintendent, McLean County Sheriff's Department; Mr. Charles Reynard, State's Attorney

Members of the  
Public Present:

Ms. Carol Reitan, Institute for Collaborative Solution, Inc.; Rev. Thomas Shea, League of Women Voters, Alternative to Jail Committee; Ms. Barbara Stuart, League of Women Voters; Dr. Thomas Ellsworth, Chairman Criminal Justice Department Illinois State University; Mr. Kristopher Brown, Graduate Research Assistant, Criminal Justice, Illinois State University

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

Chairman Sommer placed on file the Committee minutes for July 1, 2002 and July 23, 2002 as presented.

Mr. Jim Tusek, Public Defender's Office, informed the Committee about the Circuit Court's request to add another attorney in the Public Defender's Office since there will be a new Felony Judge in 2003. The new Judge will hold court about two days a week and would like to have an Assistant Public Defender and an Assistant State's Attorney assigned to the courtroom. Mr. Tusek noted that Ms. Davis has not submitted this request for the 2002 calendar year or the 2003 calendar year because of the tight budget.

Mr. Bill Gamblin, Director, E-911, discussed the Status Report for the E-911 System. Mr. Gamblin stated that the Error Report shows the error number staying around the 450 to 480 number. As before, the errors are located within the corporate boundaries. In order to resolve some of these errors, a letter will be sent to the Mayors of the cities, towns and

errors. Mr. Gamblin noted that there weren't any ANI failures for the month of July, 2002.

Mr. Gamblin stated that he was working on Mr. Emmett's request of having a monthly detailed report by city, towns or village. Mr. Gamblin hopes to have this new report for the Justice Committee next month.

Chairman Sommer asked if the 400+ number will be the normal figure for errors.

Mr. Gamblin answered that the number should drop to around 300, but errors will always occur because of new construction, addition of data lines, new businesses, etc.

Mr. Gamblin stated that another issue to keep in mind is the impact of C-LAX, a competitive, local exchange carrier that is allowed to provide dial tones over purchased lines from Verizon and other carriers. This is a two step data process where the phone is installed, goes through the carrier who enters the data records, then the data records go to Verizon, who enters it into their data base and it is then re-checked by E-911. This process takes longer, since more people are involved.

Chairman Sommer wondered if as a result of the high amount of errors, would any line showing an error be without 911 service. Mr. Gamblin answered that generally, even with the errors, the caller should be able to dial 911 no matter what. The errors consist of misspelled street names, wrong number addresses, and such.

Mr. Gamblin updated the Committee regarding Wireless 911. The needed equipment being ordered for installation and testing in September 2002 as part of the plan to migrate to wireless 911 system. Chairman Sommer asked if the error expectations will be the same as with the regular 911. Mr. Gamblin explained that the wireless errors are reviewed differently. On Phase I of the Wireless 911, the number, address, and longitude and latitude of the tower site of the caller will be seen on the screen. Errors expected are the type of data errors presently seen with the normal line plus translations from different towers routing. The call would still go through to dispatch, but a call that should go to McLean County may be routed to Livingston County. The call will be located to within 55 feet from the actual caller site.

Ms. Beth C. Kimmerling, County Coroner, presented the Monthly Report for June 2002.

Ms. Kimmerling noted that cases were down in June, 2002 compared to June, 2001. However, the year to date figures show that the Coroner's Office was seven cases behind year 2001. Year to date, the numbers of autopsies is running seven cases higher than last year. The autopsy line item includes full, complete death investigations including follow-up investigations with local law enforcement. Ms. Kimmerling pointed out that the removal van was more active in June 2002.

Ms. Roxanne Castleman, Director, Court Services, discussed the statistical analysis regarding the defendants who were in the original pre-trial study pilots. Dr. Thomas Ellsworth, Chairman Criminal Justice Department Illinois State University and

University joined Ms. Castleman. Ms. Castleman stated that this analysis looks at both the numbers of subsequent offenses for the offenders and the number of subsequent Failures to Appear (FTA) for the June 15, 2001 and January 18, 2002 periods.

Dr. Ellsworth explained that this analysis should help the Committee understand how cases are processed through the criminal justice system in McLean County. Unfortunately, the re-processed cases are of a less serious nature, predominantly traffic and misdemeanors. Regardless of whether the Pre-Trial Instrument works or not, the Courts are not releasing dangerous offenders back into the community. Dr. Ellsworth noted that of the list of 163 cases, there were only 38 people re-arrested during the pre-trial period. Of those 38, only two were arrested for felonies, the rest were arrested for misdemeanors. Also, of the 38 people re-arrested, when tracked from June 1 through June 15<sup>th</sup> period, a large number of them were adjudicated. Of the people who were re-arrested and brought back into the criminal justice system, these cases were often dismissed. What is not understood is the dynamics behind these dismissals. Dr. Ellsworth referred to the January 2002 group. There is not a lot that can be said because a majority of the cases have not been officially processed through the criminal justice system. For the January group of 95 people, 12 of them were re-arrested, which represents 10% of the people processed in the January group. Many of those cases are still pending in the courts. Of the 95 people in the January group, failure to appear (FTA) occurs early in the system, about a month after the initial processing.

Mr. Brown noted that of the 70 people who were on the list of having an FTA after June 15, 2001, 37 did not have an FTA on the original charge. That means only 33 out of 163 persons would have an FTA on the original charge, which represents about 20%. Looking at the January 2002 group, 22 out of 95 failed to appear on the original charge.

Mr. Brown referred to the average number of days that it took for these defendants to FTA. In the June group, it was 61 days and in the January group, 55 days. Mr. Brown noted that the average score for the 38 people was 6.48, which would have been a minimum risk on the original screening instrument. Overall, 79% of the people were minimum risks, while 2.6% were classified as a maximum risk. Mr. Brown stated that if the Committee is looking to gauge the validity of the screening instrument, a distinct conclusion cannot be reached. Mr. Pokorney commented that the dependant variable with this screening instrument is not whether the people are going to commit more crimes, but whether they are going to appear. Mr. Pokorney stated that he feels this is not a very valid instrument if there are that many FTAs that scored low on the screening instrument. Dr. Ellsworth noted that there are a number of reasons why Pre-Trial Screening programs are implemented, community safety and reducing jail overcrowding.

Mr. Renner noted that there are two related issues regarding Mr. Pokorney's concern. One being a methodological issue because there isn't a lot of variance to be explained in the screening instrument. Second, most of the people being discussed in this screening

enough methodological information being presented to be able to make an informed decision. Dr. Ellsworth explained that there are two independent issues with this screening instrument: 1) the validity and reliability of the screening instrument and 2) the learning process of understanding pre-trial practices in McLean County. There is a need to research why some of the FTAs occur so they can be addressed through the development of a supervision program that does nothing more than shadow people. The supervision program can utilize electronic monitoring, drug testing, office visits, field contacts, etc.

Mr. Pokorney wondered if the FTA rate is a function of the defendant forgetting or being irresponsible for meeting his/her obligation, rather than flight. Dr. Ellsworth answered that it could be, but there is no proof with this screening instrument. Mr. Brown clarified that this particular screening instrument cannot address Mr. Pokorney's question. The screening instrument can only tell us that over 80% of the people, if they do have an FTA, it will be only one time. Another 10% will have 2 FTAs.

Mr. Renner stated that the bottom line is that the Committee has received about 40 pages of data that cannot provide the conclusion the Committee is looking for. Dr. Ellsworth noted that they have searched for validated screening instruments, but have not found any. This screening instrument tends to have a high intuitive aspect to it and intuition is not good social science.

Mr. Pokorney read from Page 35, "This table states that the average score of the 33 persons who had an FTA after January 18, 2002, was 6 (minimum risk based on the original screening instrument). 79% of the persons were classified as minimum risk, while 6% were classified as maximum risk according to the original screening instrument."

Mr. Pokorney stated that the screening instrument did not work in this instance, because it did not predict FTAs. Dr. Ellsworth explained that the screening instrument validated the decision made at the early stage of the criminal justice process. It validates that the judges in the McLean County criminal justice system are making the right decisions regarding bonding and release. Mr. Pokorney noted that the statement Dr. Ellsworth just made relates to Page 22 where "the average score for the 38 persons was 6.48, which would have been a minimum risk on the original screening instrument..." This statement addresses the issue of predicting re-arrests.

Chairman Sommer commented that it was interesting that there were FTAs at the point of arraignments. Many people are not inclined to accept responsibility.

Mr. Pokorney referred back to the statement on Page 35, "This table states that the average score of the 33 persons who had an FTA after January 18, 2002, was 6 (minimum risk based on the original screening instrument). 79% of the persons were classified as minimum risk, while 6% were classified as maximum risks according to the original screening instrument." Mr. Pokorney wanted to know 79% of what type of persons. Dr. Ellsworth explained that it was 79% of the 33 people who failed to appear. Mr. Pokorney explained that of the 33 FTAs, the screening instrument predicted 2 would fail to appear.

Ms. Castleman clarified that those at minimum risk will fail to appear.

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Mr. Pokorney stated that the screening instrument did not do a good job of predicting FTAs.

Mr. Renner asked if anyone knew the average score for the entire population for the original data set. Mr. Brown believed it to be around the minimum range of 5%. Mr. Brown stated using such a short amount of time for this screening instrument did not do it justice. A five to ten year study should provide better data on high-risk people that are still in the community.

Mr. Renner asked what the next step should be regarding the Pre-Trial Release Program. Ms. Castleman answered that it depends on what the Justice Committee is looking for as an end result. Ms. Castleman stated that if the Committee is looking for a Pre-Trial Program to reduce the jail population, she is confident that won't happen with the Pre-Trial Program. If the Committee is looking for a program that states the appropriate people are in jail and the appropriate people, are out in the community with some type of supervision, then the Pre-Trial Release Program would thrive and the FTAs would probably decrease. Mr. Renner asked if Court Services had the Pre-Trial Release Program that contained some type of supervision component, could her present staff manage such a program. Ms. Castleman noted that with the present staff level, doing the follow-up supervision would not be possible. Mr. Renner asked how long of a period of time would be needed to gather the right information in order to judge the effectiveness of the screening instrument. Dr. Ellsworth estimated that it would take six to nine months to gather this information. Ms. Castleman noted that a scoring instrument needs to be developed and implemented and the type of supervision needs to be decided before the number of staff can be predicted accurately. Ms. Castleman noted that the more supervision is provided the more violations will be found. The more supervision the County provides, the more people are going to fail, which would mean that they would return to the criminal justice system. A careful balance has to be reached since they have not been convicted of any offense yet.

Mr. Pokorney stated that based on the data presented, he does not have a lot of confidence with the screening instrument. Additional research should focus on developing this screening instrument to a much higher level. Mr. Pokorney wondered if a search could be done on the FTAs that are re-arrested asking them why they did not appear. Dr. Ellsworth noted that it is a criminal offense to ask them why they did not appear the first time. The issue of the Miranda Rights would arise.

Chairman Sommer noted that many of the FTAs that were in jail would still end up in confinement after adjudication, but could get credit for time served, since some of these offenders will get jail time as part of their adjudication. Chairman Sommer commented that the net results would not be 100% even if everyone appeared at the appropriate time, because they would still have to serve a certain number of days in the jail.

Chairman Sommer thanked Mr. Brown, Dr. Ellsworth and Ms. Castleman for their hard work and effort in informing this Committee regarding the Pre-Trial Release Program and the screening instrument. Chairman Sommer stated that the Justice Committee was looking for a result that would specify certain factors to be used for this screening instrument. It is a difficult task.

Mr. Renner reviewed the bottom line. In order for the County Board to begin to establish a Pre-Trial Release Program, two people would need to be added to the Court Services' staff. Ms. Castleman stated that it would take two people to do the pre-trial component and two people to do the follow-up program. The number of additional staff would also depend on how much supervision is established. Mr. Brown noted that to estimate the number of cases just multiply 150 for the two weeks pilot in June, 2001 by the rest of 2002 and you would reach a total of 3,600 cases. Mr. Renner wondered if Ms. Castleman had an estimate of the salary for the two people. Ms. Castleman answered that the starting salary would be around \$30,000.00 not including benefits. Mr. Pokorney noted that a good, solid screening instrument has to be developed first. Mr. Renner stated that the two new positions could complete a search for a validated instrument and then develop the proper screening instrument.

Sheriff David Owens, McLean County Sheriff's Department, presented a request for approval to seek competitive bids on equipment to support and operate the "Clear Talk System" 800 MHz radio system. Sheriff Owens stated that the Sheriff's Department tested radio systems for about two months. The "Clear Talk System" is owned and operated by Corn Belt Electric and five other Electric Co-Ops located in Central Illinois. This system is an 800 MHz trunking system that uses a "Smart Zone Technology." Countywide coverage is provided through five tower sites, one tower in McLean County and four outside of McLean County. The best results include the use of an "in-car" repeater system that allows deputies to talk in and out of structures, especially in rural areas of McLean County. Based on the testing, the "Clear Talk System" best suits the needs of the Sheriff's Department. At this time, the Sheriff's Department is requesting permission to seek competitive bids on equipment that will allow for the operation of the "Clear Talk System." The Sheriff's Department would then lease access to the system based on the number of radios used on the system on a monthly basis. The maximum rate of access to all tower sites owned by Clear Talk is \$35.00 a month per radio. Representatives from Clear Talk have indicated that this cost is negotiable. Sheriff Owens noted that additional equipment would have to be placed in the Law and Justice Center, MetCom and the backup center to make the system operational. The costs associated with installing the equipment, monthly access fees and the purchase of additional equipment will be presented to the Justice Committee after the bids have been received and evaluated. Sheriff Owens stated that with the purchase of mobiles, which can be operated as either digital and analog systems, the Sheriff's Department would have the flexibility to access the Star Com 21 System, which Motorola is currently building for the Illinois State Police. Sheriff Owens noted that there currently are two other Sheriff's Departments in Illinois who operate successfully on the "Clear Talk System," LaSalle County and Edgar County.

Mr. Emmett wondered why the Clear Talk System worked so well within McLean County when they only had one tower site in the County and the present E. F. Johnson system has so much trouble with coverage. Sheriff Owens answered that the Clear Talk System has two towers that are over 600 ft. tall. The towers in McLean County are nowhere near that height. Sheriff Owens commented that he was able to communicate, through the repeater, with a deputy in the 7<sup>th</sup> floor of the Law and Justice Center while the Sheriff was inside the basement tunnel of the Law and Justice Center. That was an event that has not been possible with the present system.

Mr. Emmett asked if the Sheriff's Department was using repeaters in their vehicles at the present time. Sheriff Owens answered that they were not. With the Clear Talk System, repeater would have to be purchased for each vehicle. Sheriff Owens explained that the Clear Talk System was tested without car repeaters and there was some problem transmitting in the rural areas. With the repeater, the coverage would increase to about 98%. Mr. Emmett asked if the present system would work properly if repeaters were added. Sheriff Owens answered that, perhaps, repeaters would improve the transmission. Mr. Emmett asked if the present system has been tested with in-car repeaters in order to judge its performance. Sheriff Owens answered that no such testing has been done. Sheriff Owens mentioned that the Chenoa Police Department plans to test another repeater system with the present system. Chairman Sommer answered that the Chenoa Police Department was satisfied with their system. Mr. Emmett's expressed his concern of spending a large amount of money on a system that is 800 MHz, which is what the present system is, when the addition of in-car repeaters may alleviate the problem of the present system. Sheriff Owens stated that in-car repeaters may help the present system some, but from feedback received from the officers in the field, the system is still not reliable.

Mr. Pokorney asked if the Bloomington Police Department was off the E. F. Johnson system. Sheriff Owens answered that the following agencies are using the E. F. Johnson system: Bloomington-Normal Fire Departments, Public Works, Bloomington-Normal Parks and Recreation, Health Department, Animal Control, Sheriff's Department and the Coroner.

Mr. Emmett wondered if Bloomington or Normal had checked out the Clear Talk System. Sheriff Owens stated that Normal had tested the Clear Talk System with the same results, though they did not use an in-car repeater. The Town of Normal has not made a decision as of yet.

Chairman Sommer asked when Clear Talk was established as a business. Sheriff Owens responded that they have been in business for over four years now. Sheriff Owens informed the Committee that the CEO of Clear Talk is a local resident, so they need to make sure that their system works well for their own needs. If the McLean County Sheriff's Department leased their services, they would become the third law enforcement entity to do so. Chairman Sommer wonder if Clear Talk continued to grow at an

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accelerated pace, would inter-modulation become a problem. Sheriff Owens stated that he did ask Clear Talk if their system could support the 500-600 radios used throughout McLean County by public services and Clear Talk answered "yes." Sheriff Owens informed the Committee that southeast McLean County is a weak area. Clear Talk has stated that if McLean County enhanced their system by bringing two or three 800 MHz frequencies, Clear Talk would erect a tower site in that area of the County. Sheriff Owens reiterated that his department tested the equipment all over McLean County.

At this time, the Sheriff's Department is requesting that the Justice Committee allow him to send out bids after all of the requirements and details are worked out. Chairman Sommer wondered if the repeaters and mobiles constitute parts of a unit. Sheriff Owens clarified that the repeater, a mobile and a portable would represent a unit. Mr. Emmett noted that the estimated monthly fee for the equipment totals \$105.00 per officer. Sheriff Owens replied that the repeater is not added into the monthly fee at this time.

Chairman Sommer asked how many systems are in McLean County at the present time. Sheriff Owens asked Ms. Shawn Walker, Director, MetCom, to answer that question. Ms. Walker stated VHF, 2 different 400 UHF's and the E.F. Johnson 800 MHz system. Ms. Walker answered that for a short-term fix Clear Talk could be interfaced within the existing radio console by placing an antenna in the tower at MetCom. For a long-term fix, more research will need to be done because other users may be interested in joining such as Normal Police Department. Additional users would need tower space and the tower can only accommodate a certain amount of antennas before the tower site becomes unworkable. At that point, it would be necessary to replace the consoles at MetCom.

Ms. Johnson asked how much the trunking system used with the in-car repeaters cost. Sheriff Owens answered that the in-car repeater recommended by Motorola, cost about \$5,700.00 to \$6,700.00 per unit. Mr. Emmett asked if the Motorola system could be used with the Clear Talk system or could it be used with the existing system. Sheriff Owens answered that he does not know if it would work with the present system because it was designed to work with the protocol used with the Clear Talk system and it is the system recommend for use with the Star Com 21 system.

Chairman Sommer noted that once the Justice Committee authorizes moving forward with the preparation of the bid, it gives the Clear Talk concept tacit approval.

Chairman Sommer advised that he is not comfortable with this. Ms. Walker noted that if the Committee opts for the long-term fix, consoles would cost about \$60,000.00 each and there are 13 consoles in MetCom.

Sheriff Owens referred to federal funding that may be available, but there are two issues regarding federal money: 1) People being able to communicate within each other with the system, and 2) System being APCO Project 25 compliant. Any municipality or government looking for funding from the federal government for radio systems must address those two issues. Sheriff Owens noted that even though UHF systems are less expensive, they

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would need upgrading in five years. The Clear Talk System would allow for future growth because the system would allow for analog and digital frequencies.

Mr. Pokorney asked which organization was responsible for the E.F. Johnson system, E.T.S.B. or MetCom. Sheriff Owens explained that the MetCom Department did not exist when the E.F. Johnson radio system was purchased, E.T.S.B. purchased the system.

Mr. Pokorney asked who is responsible for the E. F. Johnson radio system now.

Ms. Walker explained that MetCom is responsible for the daily care of the E.F. Johnson system. The issues regarding the future of the system is the responsibility of the E.T.S.B. Board. Mr. Pokorney asked Sheriff Owens how the recommendation he is making to the Justice Committee squares with the Sheriff's position as a member of the E.T.S.B. Sheriff Owens explained that for the last three months, there has been an "Ad Hoc" Radio Committee. This Committee's membership includes representatives from E.T.S.B. and MetCom's. At the last meeting, the E.F. Johnson system was voted down as a viable option. Sheriff Owens stated that the Ad Hoc Committee is looking into the future of a 400 MHz Trunking System Countywide, the Clear Talk System or building a new system from scratch. Mr. Pokorney stated that the present communication system is intolerable, but it is important to find out from E.T.S.B. and MetCom what their long term direction is, so the solutions being discussed are compatible with their goals.

Chairman Sommer would like to review the bid specifications before they are sent out.

Chairman Sommer suggested that the Sheriff's Department work with the MetCom Department in order to incorporate all the necessary information in this bid. Sheriff Owens will try to have this information for presentation at the next Justice Committee meeting. Mr. Emmett asked if there really is a need to make this a formal bid. Mr. Emmett asked if the Sheriff could provide information on prices and equipment information. Sheriff Owens answered that he is able to give the Justice Committee a ball-park figure of the cost of these systems. Sheriff Owens commented that McLean County is in the midst of this problem with poor transmission and communication because not enough money was spent to begin with. Chairman Sommer commented that the fault for these expensive mistakes with the radio systems in McLean County goes back to the enabling legislation. Some aspects of the law need to be changed in order to assign more elected officials to the E.T.S.B. Board.

Chairman Sommer stated that the Justice Committee "by consensus" authorized the Sheriff of McLean County to present information on equipment and prices for the review of the Justice Committee. Chairman Sommer noted that Ms. Walker should participate in the analysis and development of this information.

Sheriff Owens requested approval to enter into an Agreement with the City of Bloomington and the Town of Normal to receive a Block Grant from the Bureau of Justice Assistance. Sheriff Owens explained that the County Administrator recently contacted him regarding the Sheriff's Department eligibility for a local Law Enforcement Block Grant from the Bureau of Justice Assistance. Sheriff Owens noted that Section 104 (b) of the Local Justice Committee Meeting Minutes

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Law Enforcement Block Grants Program, addresses funding disparities among jurisdictions. It is the responsibility of the Bureau of Justice Assistance to identify potential disparate situations. The Statute requires the State Attorney General to certify that a disparity exists among the jurisdictions identified by the Bureau of Justice Assistance. McLean County was identified by the Illinois Attorney General's Office as being a disparate jurisdiction. Jurisdictions certified as disparate by the Attorney General's Office must agree that they will share funds and in what proportion. If an agreement cannot be reached, none of the jurisdictions may apply for funding. Sheriff Owens stated that an agreement has been reached with the City of Bloomington and the Town of Normal to receive a total of \$8,000.00. This represents \$4,000.00 from each jurisdiction. It was further agreed, by all three agencies, that this money would be used to provide additional correctional staff on weekends to help deal with the large volume of intakes at the McLean County Adult Detention Center. A match of \$889.00 will be required from our operating budget. At this time, Sheriff Owens requests entering into an agreement with the City of Bloomington and the Town of Normal to receive \$8,000.00 from the local Law Enforcement Block Grant from the Bureau of Justice Assistance.

Motion by Pokorney/Renner to recommend approval to enter into an Intergovernmental Agreement with the City of Bloomington and the Town of Normal to receive a share of the Local Law Enforcement Block Grant from the Bureau of Justice Assistance.  
Motion carried.

Mr. Reynard discussed a request for approval of a method of implementation for an attorney position funded by a grant from the Illinois Department of Children and Family Services. Mr. Reynard stated that there is a qualified candidate who is considering taking this position, however, he would not accept the position on a contractual basis, but may be willing to undertake the full-time Assistant State's Attorney position. The new position's salary would be \$45,000.00, all of which would be provided by the Department of Children and Services through an the contract agreement. Mr. Reynard explained that a temporary reduction in another attorney's time responsibilities, if made to correspond in duration with the duration of the contract agreement, would provide more than sufficient resources to cover the employee benefits. This approach achieves several valuable objectives: 1) restores the temporary partial loss of service of an existing staff in child abuse and neglect cases and permits her to continue on a part-time basis per her request; 2) adds significant value to the Children's Advocacy Center/State's Attorney's Office program for the effective prosecution of child sexual assault and abuse cases, and 3) produces net savings of approximately \$5,415.00.

Ms. Johnson clarified that the money used to compensate the employee benefits for the new Assistant State's Attorney would come from the funds not used by the individual who has gone on part-time basis. Mr. Reynard confirmed that the new Assistant State's Attorney's employee benefits would be compensated through the money saved from the Justice Committee Meeting Minutes

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other attorney working part-time. Ms. Johnson asked if Mr. Reynard foresees the future need to make the part-time position into a full-time position. Mr. Reynard answered that there may be a need down the road to turn the part-time position into a full-time position.

Motion by Renner\Emmett to recommend approval of the method of implementation for an Assistant State's Attorney position funded by a grant from the Illinois Department of Children and Family Services.

Mr. Reynard stated that once he has a set scenario regarding this agreement, he will review the agreement with the Administrator's Office.

Motion carried.

Mr. Charles Reynard, State's Attorney, discussed the Legal Opinion regarding Re-organization\Re-structuring of the Emergency Telephone System Board and the Metro McLean County Centralized Communications Center Operational Board. Mr. Reynard stated that at the June 18, 2002 County Board meeting a motion was requested for a legal opinion from the McLean County State's Attorney regarding whether or not it was possible to re-organize or re-structure the Emergency Telephone System Board (ETSB) and the Metro McLean County Centralized Communications Center Operational Board (MetCom). This document is provided for informational purposes only.

Chairman Sommer pointed out that on Page 67, The Law, Exhibit 1, towards the middle of the paragraph it reads... "one of whom must be a public member who is a resident of the local exchange service territory included in the 911 coverage area, one of whom (in counties with a population less than 100,000) must be a member of the county board, and at least..." Chairman Sommer suggests that the number be changed to less than 500,000, that would provide the requirement needed to place a member of the County Board on the E.T.S.B.

Mr. Eric Ruud, First Civil Assistant State's Attorney, explained that there has been subsequent Attorney General opinions in this subject. Mr. Ruud checked with the Commerce Commission's attorneys who stated that the population's limit is for counties with less than 100,000. Mr. Ruud commented that some legislative change is needed.

Mr. Ruud explained that local county governments, not being home-rule, must do that which is expressly permitted by state law, unless by necessary implication to the contrary, it has to be done. In order to have clarity, it would be advisable to change the legislation. Mr. Ruud referred to the law called the "Public Officer Prohibited Activity Act" which states that County Board members cannot on any other board elected or appointed body except for the following. One thing it does say is "Emergency Telephone System Boards are permissible but only in accordance with 15.4 of the Emergency Telephone System Act. " That act only allows those in counties with population less than 100,000. Mr. Ruud advised against placing a Board Member in the E.T.S.B. Board at this time.

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Ms. Sandra Parker, Circuit Clerk, was not present to discuss the Statistical Reports for the Month of June, 2002.

Mr. Jim Wahls, Director, ESDA, requested approval of an Emergency Appropriation Ordinance amending the McLean County Fiscal Year 2002 Combined Annual Appropriation and Budget Ordinance General Fund 0001, ESDA Department 0047. This appropriation is due to the Domestic Preparedness Grant award in the amount of \$29,976.81 from the Illinois Emergency Management Agency (IEMA). Grant funds are to be used to improve ESDA's capability to respond to incidents of mass destruction or other terrorists activities.

Motion by Emmett/Kinzinger to recommend approval of an Emergency Appropriation Ordinance amending the McLean County Fiscal Year 2002 Combined Annual Appropriation and Budget Ordinance General Fund 0001, ESDA Department 0047. Motion carried.

Ms. Billie Larkin, Children's Advocacy Center, was not present to discuss the Monthly Statistical Reports.

Representatives of the Alternative to Jail Committee, League of Women Voters, presented a report on the Pre-Trial/Electronic Monitoring, Victim – Offender Mediation Programs.

Ms. Barbara Stuart and Rev. Thomas Shea, Alternative to Jail Committee, League of Women Voters and Ms. Carol Reitan, Collaborative Solutions Institute addressed the Committee. Ms. Stuart stated that the United States has led the world in the number of people incarcerated for the past few years, and recidivism has increased 5%. Ms. Stuart stated that there has been a big drop in the programs that help offenders re-enter the community. Public opinion has gradually changed because overall people want fewer victims, not more inmates. In McLean County, jail population has been an issue.

Ms. Stuart referred to the speaking engagement she and Rev. Shea attended in Rockford, Illinois. The audience was especially interested in the Community Justice Advisory Council idea, Pre-Trial\Electronic Monitoring Release Program and the Victim-Offender Mediation Program.

Rev. Thomas Shea discussed the Electronic Monitoring Program and the Pre-trial Release Program. Rev. Shea recognizes that the issue at stake here is community safety. The Alternative to Jail Committee is trying to provide the Judges with more choices for sentencing options that are not available presently. Rev. Shea listed current needs in McLean County. The jail population runs above 200 more often than not, about 50% of the jail population is pre-trial or unable to post bond, many are non-violent, high security and high cost space is being used to house low-risk offenders, FTAs have to be reduced and the housing of county offenders outside of McLean County has to be reduced or eliminated because to house an inmate in another county costs \$50.00 per day with a budgeted line set at \$60,000.00 per year. Rev. Shea listed sources to cut expenditures and provide the electronic monitoring program such as: 1) Allot the \$60,000.00 presently

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reserved for out of county housing since this program would eliminate the need to house out of county; 2) rent the empty jail space to other counties for the housing of their inmates and bring in revenue of \$50.00 per day per inmate, and 3) by reducing the jail population 10%, \$100,000.00 can be saved in jail expenses, etc.

Mr. Renner asked if there were any cost estimates for the Electronic Monitoring Program. Rev. Shea answered that Tazewell County spends \$16.00 per day. This fee includes supervisory personnel expense. The vendors' service and equipment amounts to around \$4.00.

Ms. Carol Reitan pointed out that it is not that McLean County might be able to rent out empty jail space but McLean County would actually be eliminating inmates and their expenses to McLean County. Mr. Renner noted that it would actually be cheaper to send inmates out of county than to house them here.

Ms. Reitan commented that even though these programs have been recommended by many experts in the criminal justice system, if the County Board is not willing to fund any of the programs then none of the programs will be started. The County Board needs to provide some direction in order for any of these programs to move forward. Ms. Reitan noted that the Victim-Offender Mediation Program is already up and running. The State's Attorney's Office and Court Services are cooperating with the Victim-Offender Mediation Program. The \$240.00 fee charged to the offenders participating in the Victim-Offender Mediation Program is sustaining the program very well. There are a few rules regarding the fee that have been established: 1) anyone with a Public Aid Card is charged half the price of the program - \$120.00; 2) anyone that has a problem with the fee, a payment schedule is worked out with them, and 3) if no agreement is reached from the mediation program, the fee is refunded, because their case will be turned back over to the criminal justice system.

Mr. Renner asked if the Victim-Offender Mediation Program needed something from the County Board. Ms. Reitan answered that some time in the past a mention was made regarding an "Indigent Payment" program instituted where the County would foot the bill for the mediation.

Mr. Kinzinger wondered if there has been an issue when a victim is intimidated by the offender into accepting a resolution to the mediation, because they are face to face during the program. Ms. Reitan answered that it is the victim's choice to face the offender. If the victim decides not to face the offender, then someone stands in for the victim. There are mediators present during the confrontation. Mr. Emmett noted that the cases referred to the victim-offender mediation program are considered low-risk. Ms. Reitan explained that all of the offenders are interviewed before they are accepted into the mediation program, plus they have to be referred into the program by the Court.

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Motion by Renner/Pokorney to ask the County Board to continue their interest in evaluating and pursuing Alternatives to Jail Incarceration beginning with the Victim-Offenders Mediation Program as a protocol.

Chairman Sommer clarified that the proposed motion does not refer to the Electronic Monitoring Program being approved.

Motion carried.

Ms. Stuart briefly discussed the McLean County Jail Cost Comparison document presented to the Justice Committee.

Chairman Sommer presented a transfer and bills, as presented by the County Auditor, for review and approval by the Justice Committee.

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Motion by Kinzinger/Johnson to recommend payment of the bills and recommend approval of the transfers, as presented by the County Auditor. Motion carried.

There being nothing further to come before the Committee at this time, Chairman Sommer adjourned the meeting at 8:31 p.m.

Respectfully submitted,

Carmen I. Zielinski  
Recording Secretary

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