

Justice Committee Meeting Minutes

The Justice Committee of the McLean County Board met on Monday, June 3, 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, Kinzinger, Pokorney and Renner

Members Absent: Members Johnson and Emmett

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

Department Heads/
Elected Officials

Present: Mr. Charles Reynard, State's Attorney; Ms. Beth Kimmerling, Coroner; Ms. Billie Larkin, Director, Children's Advocacy Center; Mr. Jim Wahls, Director, ESDA; Ms. Roxanne Castleman, Director, Court Services; Mr. Dave Goldberg, Superintendent, Juvenile Detention Center; Sheriff David Owens, McLean County Sheriff's Department; Mr. Thomas Phares, Jail Superintendent, McLean County Sheriff's Department; Ms. Sandra Parker, Circuit Clerk; Mr. Bill Gamblin, Director, E-911

Members of the
Public Present:

Ms. Carol Reitan, Institute for Collaborative Solution, Inc.;
Rev. Thomas Shea, League of Women Voters, Alternative to Jail Committee

Chairman Sommer called the meeting to order at 5:19 p.m.

Chairman Sommer noted that County Board Member Benjamin Owens' name was omitted from the May 6, 2002 minutes.

Motion by Renner/Pokorney to recommend approval
of the May 6, 2002 and the May 21, 2002 meeting minutes
as amended. Motion carried.

Mr. Charles Reynard, States Attorney's Office, reported on the Asset Forfeiture Fund. There were no questions asked by Committee members.

Mr. Reynard informed the Justice Committee that a contract was filled regarding the Traffic Contract Attorney position in the State's Attorney's Office. Mr. Reynard recommended that the Contract Agreement be presented for approval at a Stand-Up Session before the County Board Meeting.

Ms. Beth C. Kimmerling, Coroner, presented the Monthly Report for April 2002. The Justice Committee members had no questions for Ms. Kimmerling.

Ms. Billie Larkin, Children's Advocacy Center, discussed the Monthly Statistical Report. Mr. Renner asked if the situation with the Illinois Department of Children and Family Services (DCFS) has been resolved. Ms. Larkin answered that she had attended a meeting today regarding the DCFS issue. DCFS Investigator numbers are below the minimum number necessary to properly conduct the program. Of twelve investigators there are only five presently working. Ms. Larkin stated that in May the Department processed 28 cases, which represents a 12% to 14% increase from last year. It was Ms. Larkin's opinion that investigators are transferring out of McLean County within DCFS and no one was transferring back as replacements. The vacant investigator positions have been posted. Applicants must meet certain standards, and there aren't enough interested people for these positions.

Mr. Jim Wahls, Director, ESDA, reported on the Status of the Distribution of Weather Alert Radios. The \$6,560.00 grant was awarded to purchase 193 Tone Alert Midland Radios and batteries. Mr. Wahls explained that the radios were distributed as follows: 58 to the Public Schools; 3 to Non-Public/Private Schools; 55 to Day Care Centers; 15 to Adult Day Care Centers; 2 to area Hospitals; 20 to Nursing Homes; 4 to the County Parks; 28 to Governmental agencies such as ESDA, the Sheriff, and other County owned facilities. Mr. Wahls noted that 32 of these radios are reserved for the Manufactured/Mobile Home Communities. At the present time, there is a delay in distributing because there does not seem to be an official or responsible person in the mobile home communities who would take responsibility for these radios.

Mr. Wahls discussed the Status of Filing the Tier II Forms on Hazardous Materials Facilities. Mr. Wahls explained that there are 108 Hazardous Facilities in McLean County, plus 4 Pipelines. Mr. Wahls noted that gasoline stations were deleted from the list since last year because gasoline was not considered extremely hazardous material. Mr. Wahls informed the Committee that an extensive list of the facilities, which would include addresses and names, could be found in the Administrator's Office.

Mr. Wahls informed the Committee about the National Oceanic and Atmospheric Administration (NOAA) Weather Radios for the Deaf and Hard of Hearing. Mr. Wahls explained that the Special-Needs First Alert NOAA Weather Radio provides visual or vibrating alarms and simple text readouts. Three warning lights indicate the levels of alert such as announcement, a watch or a warning. The Special-Needs radios have a LCD readout that flashes at specific warning such as: tornado, thunderstorms, etc. These radios are programmable to the State or County. When an alert is broadcast on the NOAA Weather Radio, it sends signals to the Special Needs First Alert radios. Mr. Wahls explained that there is a group in McLean County that can provide ESDA with a list of citizens that are hearing impaired. Once the list has been provided, Mr. Wahls will approach these people and offer the radios to them.

Ms. Amy Davis, Public Defender, was not present to discuss the Monthly Caseload/Disposition Report.

Ms. Roxanne Castleman, Director, Court Services Department, requested approval of the Juvenile Detention Center Re-Accreditation Contract. Ms. Castleman stated that the McLean County Juvenile Detention Center received initial accreditation from the American Correctional Association (ACA) in 1996, and was re-accredited in 1999. The present three (3) year accreditation will end in January 2003. Ms. Castleman noted that McLean County was one of two Juvenile Detention Centers in the State of Illinois that was accredited by ACA. There are many advantages to being an accredited facility. Aside from improving the quality of life for the juveniles and staff, it also decreases the County's liability insurance cost and allows McLean County to have a stronger defense against litigation.

Motion by Kinzinger/Pokorney to recommend approval of a Juvenile Detention Center Re-Accreditation Contract.
Motion carried.

Ms. Castleman presented the Court Services Monthly Statistical Reports. Ms. Castleman noted that there were 20 Juveniles in the Detention Center, eleven from McLean County and nine from out of county.

Sheriff Dave Owens, Sheriff's Department, requested approval of an Intergovernmental Agreement between the City of Bloomington and McLean County for use of the Police Shooting Range Facility. Sheriff Owens would like to enter into a three-year agreement with the City of Bloomington for use of their shooting range facility. The current agreement expires on June 30, 2002. This agreement represents no change in fees from our current agreement of \$7,5000.00 for two years. Sheriff Owens noted that effective July 1, 2004, there will be a \$25.00 increase in range fees.

Motion by Kinzinger/Pokorney to recommend approval of an Intergovernmental Agreement between the City of Bloomington and McLean County for the use of the Police Shooting Range Facility. Motion carried.

Sheriff Owens requested an Appropriation Transfer for Software and Hardware Purchases. Sheriff Owens requested that \$9,085.00 be transferred. Sheriff Owens explained that this transfer would pay for software and hardware purchases for upgrades necessary for the on-going operation of the Mobile Data Terminals (the MDT's) to access the new State Police Illinois Wireless Information Network (IWIN) System. Without these upgrades, the Sheriff's Department will have no mobile data link.

Motion by Renner/Kinzinger to recommend the Appropriation Transfer for Software and Hardware Purchases for the Sheriff's Department. Motion carried.

Sheriff Owens requested Approval of an Agreement with Evercom Systems, Inc. to provide inmate telephone service. Sheriff Owens recommended that the McLean County Board enter into a three-year agreement with the Evercom Systems, Inc. to provide inmate phone service. Evercom has been the Jail's inmate phone provider for nine years. During this time, their service, maintenance and system integrity has been excellent. Sheriff Owens stated that with a new agreement, Evercom would provide McLean County with 50% of the gross billed revenue. Currently, that percentage rate is 47%. Evercom would also update the phone system in order to make it user friendly. Sheriff Owens noted that the Sheriff's Department contacted two other inmate phone vendors. Cincinnati Bell proposed a rate of commission of 38%, with a \$30,000.00 signing bonus. Global Tel Link has yet to provide a commission rate.

Motion by Renner/Pokorney to recommend approval of an Agreement with Evercom Systems, Inc. to provide inmate telephone services. Motion carried.

Sheriff Owens updated the Justice Committee on the Sheriff's Department Radio Request. Sheriff Owens stated that last month he had requested permission to prepare a Request for Competitive Bids to purchase a 400 MHz UHF Radio System as a temporary replacement to the existing 800 MHz E.F. Johnson System. Shortly after receiving approval from the Justice Committee, and prior to having this request considered by the full County Board, Sheriff Owens stated that he found another system that warranted evaluation. At this time, Sheriff Owens would like to request that his original request to bid be deferred in order to have adequate time to research and evaluate the alternative system. Sheriff Owens noted that the current system being tested was called "Clear Talk." The system is owned and operated by a number of electrical co-ops, which are located in Central Illinois. One of the companies is Corn Belt Electric of McLean County. These co-ops own and maintain a \$20 million infrastructure receive and transmit network, which meets the communications needs of these electrical co-ops. They presently have thirteen tower sites in Central Illinois. The Clear Talk System is an 800 MHz Trunking System, which uses the "Smart Zone" technology. "Clear Talk" has five tower sites, which influence communications within McLean County. Sheriff Owens stated that he intends to do extensive testing with this system to determine if it will meet the future communication needs of the Sheriff's Office as well as rural law enforcement agencies within McLean County. Sheriff Owens stated that if the Sheriff's Department determines that this would be a direction to, he would bring a proposal to the Justice Committee in July. Sheriff Owens explained that this would mean that the existing radio equipment would have to be replaced, either by leasing or purchasing. The communications network would be operated and maintained by "Clear Talk." There would be a monthly charge per radio for access to the system. Sheriff Owens noted that this could be a possible replacement to the existing E. F. Johnson System.

Ms. Sandra Parker, Circuit Clerk, requested approval to increase the Circuit Clerk's Operating Bank. Ms. Parker explained that the Circuit Clerk's Office currently operates the Associate Division with a change drawer opening bank of \$300.00. Ms. Parker noted that an additional \$200.00 was held in reserve in the fourth floor Accounting Vault for the purpose of providing change. After reviewing a 30-day summary kept for the period of March 22nd through April 22nd, Ms. Parker proposed that a change be made in the dollar value of the opening bank. For the 22 workdays during the course of the study, 51 trips were made to the fourth floor Accounting Vault to change large bills for the purpose of making change. In addition, Ms. Parker stated that one trip was made to the sixth floor to obtain quarters from the change machine in the employee lounge. Staff is averaging one trip per week to Commerce Bank to obtain smaller bills after the deposit of the previous day's proceeds has been made. Ms. Parker noted that after speaking to both the Internal Auditor and the County Auditor, they have no problem with this proposal.

Ms. Parker explained that she would like to obtain an increase of \$600.00 for the Associate Division Operating Bank and that a second cash drawer be established on the third floor that would be designated for the Criminal Division with its own \$300.00 opening bank. This would allow each division to start the day with a \$300.00 change bank and would allow the fourth floor Accounting Vault to place the additional \$300.00 with the existing \$200.00 to have a total of \$500.00 available for changing large bills during the course of the business day. Ms. Parker noted that the Maintenance Staff would need to install an extra cash drawer on the Criminal side of the counter, however, there will not be a need to purchase a new drawer because an existing drawer that can be used for this purpose.

Motion by Pokorney/Kinzinger to recommend approval to increase the Circuit Clerk's Operating Bank. Motion carried.

Ms. Parker presented the Statistical Reports for the Month of April 2002. No questions were asked regarding the Circuit Clerk's Statistical Reports.

Mr. Bill Gamblin, Director, E-911, informed the Justice Committee that the AdHoc Committee of MetCom and the ETSB Board met in reference to the County Board Resolution and in reference to the determination on how to proceed with the issue of the malfunctioning radios for the law enforcement agencies.

Mr. Bill Gamblin discussed the Status Report for the E-911 System. Mr. Gamblin made reference to the Call Statistic Table and Chart Sheet included in the agenda packet. Mr. Gamblin noted that the monthly error report shows that at the beginning of April there were 792 errors and by the end of April that total had been reduced to 654. The May report will indicate that the 654 has been reduced to around 500. These errors are the ones left from the original 145,000 data records that reside in the 911 database. Mr. Gamblin noted that Chairman Sommer had asked that data/faxes be separated from other telephones for the purpose of clarifying this report. MetCom was still working on

making this distinction happen, but MetCom was able to distinguish errors between businesses and residences.

Mr. Gamblin referred to the Automatic Number Identifier/Automatic Location Identifier (ANI/ALI) Report. Mr. Gamblin explained that as the above report provides errors involving the database, the ANI/ALI provides errors due to operational issues. An error may occur when new streets and/or houses are built within town limits. Since ETSB is not allowed to address within corporate limits, when the town does not notify 911, data entry errors occur during conversion.

Mr. Gamblin stated that also enclosed is the Monthly Error Report and the ANI/ALI Errors. These reports will be provided to the Board each month. The monthly Error Report lists all of the errors that are still open after the addressing was completed. These errors must total less than 1% in order for the database to be considered within the Illinois Commerce Commission requirements. Based on the current number of total records in the system, the percentage is down to 0.49%. Work continues with Verizon and the other Telcos to clear as many of the remaining errors as possible. Work also continues to work with communities to locate and/or correct errors within the city corporate limits.

Mr. Gamblin explained that the second ALI/ANI Report in the packet was used to track errors that are encountered by the TCs. Issues still come to light regarding PBXs, CLECs and other clerical errors that result at the time of the call for service. Each of these are reviewed, logged in, resolved and tested to make sure they are cleared. This report also documents new addresses and roads placed in the MSAG and database.

Mr. John Zeunik, County Administrator, discussed the Projected Budget for the Pre-Trial Release, Electronic Monitoring and Victim Offender Reconciliation Programs. Mr. Zeunik reported on the Committee's request for a project budget for staffing a Pre-Trial Release Program and an Electronic Monitoring Program. Mr. Zeunik noted that for each of the new program, he included a projected budget for the period of August 1st through December 31, 2002 and for Fiscal Year 2003.

Mr. Zeunik commented that with the continuing uncertainty over the State's Fiscal Year 2003 budget, it may be prudent for the Justice Committee to defer final decisions on which program(s) to recommend for implementation in the coming year. Mr. Zeunik explained that in discussions with Chief Judge Freese, Eleventh Judicial Circuit Court, Ms. Roxanne Castleman, Director, Court Services and Ms. Amy Davis, Public Defender, all three expressed concerns that the final Fiscal Year 2003 State Budget cuts in the Administrative Office of the Illinois Courts (AOIC) may significantly reduce salary reimbursement for the Probation Officers. Significant reductions in AOIC salary reimbursement may make it difficult for McLean County to maintain the current level of services being provided. Faced with the choice of adding new services and then having to reduce current services, Judge Freese, Ms. Davis and Ms. Castleman expressed their preference to maintain the current level of services provided by the Court Services

Department.

Mr. Zeunik reported on the Pre-Trial Release Program. Mr. Zeunik stated that in discussions with Ms. Davis and Ms. Castleman, it was suggested that the two existing Probation Officer I positions, currently budgeted in the Public Defender's Office, be considered as possible staff to handle the Pre-Trial Release Program. Presently, these two positions provide the Court with verified information on the ability of misdemeanor and felony offenders to retain private counsel. The information presented to the Court is prepared after the initial custody hearing when the Court sets bond. The two positions also assist the Public Defender's Office in seeing that the Public Defender Fees ordered by the Court are billed and collected on a monthly basis. To assume responsibility for the Pre-Trial Release Program, these two positions would need to gather data and information on the Pre-Trial Release screening instrument and then verify the accuracy of the information prior to the initial custody hearing. Completing this task prior to the initial custody hearing would necessitate a change in the work hours for these positions. In order to expedite the completion of the Pre-Trial Release screening instrument, one alternative to consider is utilizing the Integrated Justice Information System (IJIS) as a tool to complete the form and calculate an initial score. If the IJIS system can be used to prepare the initial screening instrument, this may provide the existing staff position with sufficient time to verify the information prior to the custody hearing. Mr. Zeunik stated that Judge Freese, Ms. Davis and Ms. Castleman agreed that the AOIC will not be funding new Pre-Trial Release Programs in the coming year. Therefore, if the County wishes to implement a Pre-Trial Release Program, then the Justice Committee and the County Board will need to look at modifying the job responsibilities of existing staff or funding 2.0 new Full-Time Probation Officer I positions to take on this responsibility.

Mr. Zeunik referred to the Electronic Monitoring Program. Mr. Zeunik stated that to implement an Electronic Monitoring Program to monitor up to 40 individuals would require the addition of 2.0 new a Full-Time Probation Officer I positions. The FY'2002 budgeted staffing level in the Court Services Department would not be sufficient to take on the additional responsibilities of following up to insure compliance with the conditions imposed by the County and to handle violations of the conditions.

Mr. Zeunik noted that the costs for implementing an Electronic Monitoring Program can be offset to some degree by assessing a daily fee to the offender, though it is unlikely that the daily fee will cover 100% of the costs to operate the Electronic Monitoring Program. Mr. Zeunik presented, for the Committee's information and review, two illustrations of the potential annual revenue to be derived from assessing a daily fee to the offender who may be on Electronic Monitoring:

- 1) 40 individuals X \$4.00/day x 365 days/year = \$58,400.00
- 2) 20 individuals X \$4.00/day x 365 days/year = \$29,200.00

Mr. Zeunik explained that the illustrations show that the revenue would cover the expense of the contract service with the monitoring company. The potential revenue would not cover the personnel expenses. The Committee needs to also consider that not all of the individuals assigned to the Electric Monitoring Program will be able to pay for the service and the County would be responsible for picking up this expense.

Ms. Castleman explained that if the Committee directs her to take action this year, it would probably take until September to set-up the program.

Mr. Renner stated that since the positions are already accounted for, it would be a matter of re-arranging duties, and to expedite things the time to act would be now. Mr. Zeunik noted that the one piece that has not been developed as of yet was a protocol for the Pre-Trial Release Program. The protocol would include policies and procedures that all of the offices involved would have to sign off on. This protocol would clarify the types of defendants that qualify for screening and what options an individual may have such as: reduction of bond or possible use of electronic monitoring. A definite scoring instrument needs to be set and the meaning of the scores need to be established.

Mr. Renner wondered how soon this protocol and agreement could be established.

Ms. Castleman explained that it took the sub-committee from the Criminal Justice Advisory Council about 3 months to muddle through and decide what factors were proper for McLean County. Ms. Parker stated that assigning a weight value to the instrument may be one of the hardest decisions of the protocol. Mr. Pokorney expressed his concern that the instrument be validated. Validation needs to go further than stating what something "should" mean.

Chairman Sommer stated that the adoption of some type of protocol, without the actual implementation, could provide some of the information the Committee was looking for. The protocol would provide a list of people who would benefit from the electronic monitoring, pre-trial release or bonding. In order to implement any program, all the parties involved have to agree to participate and follow the protocol. The protocol should provide statistical information on the different categories. Ms. Castleman stated that when the sub-committee looked at the two pilot months of June 2001 and January of 2002, using the present instrument the Judges were releasing offenders appropriately.

Mr. Pokorney commented that someone should talk to the Judges and ask what are some of the things that affect how they set bail. Their response should become part of the instrument.

Mr. Renner wondered if there was any current and past information on the people who fail to appear. Ms. Castleman answered that this was an area that she does not have a lot of information on. Mr. Renner asked if it was possible to score Failure to Appear (FTAs). Ms. Castleman answered that she thinks that FTAs could be scored using the pilot program information for the month of January 2002. Mr. Pokorney stated that not only

should possible FTAs be scored, but anyone with the possibility of committing another crime against the community.

Mr. Zeunik suggested that two specific items should be documented: 1) Did the offenders fail to appear?, and 2) of those individuals released, were any arrested again prior to their scheduled court date for some other offense, and 3) the average score of those FTAs compared to the overall population. Ms. Castleman felt confident that some report could be furnished for the next Justice Committee meeting.

Mr. Zeunik discussed the Victim Offender Mediation Program. Mr. Zeunik stated that one way of implementing a Victim Offender Mediation Program would be through a contractual agreement with a community-based agency. The terms of the contract can limit the County's total expense and the number of cases to be referred for mediation.

Mr. Zeunik stated that the Criminal Justice Advisory Council approved a pilot program with the Institute for Collaborative Solutions for 15 cases. That pilot program was a flat contract amount. This pilot program provided information that there may be some individuals referred to the Mediation Program that could pay for the service as a way to be diverted from the court system, but others may not be able to afford the program.

Mr. Zeunik stated that if the Justice Committee was interested in pursuing this issue, he could return at a later time with a detailed contract regarding the Victim Offender Mediation Program.

Mr. Pokorney recalled that the survey conducted after the Victim Offender Mediation Program did not provide a lot of information. Ms. Carol Reitan, Institute of Collaborative Solutions, Inc., answered that the information was provided by the victims, the offenders and the people used as substitute victims who participated in the program. The down side to the survey was that it was not done in an anonymous matter.

Ms. Reitan offered to meet with Mr. Pokorney and Mr. Renner to set up some sort of documentation to present to the Justice Committee in the next month. Mr. Pokorney and Mr. Renner stated that they would gladly meet with Ms. Reitan.

Mr. Renner referred back to the Pre-Trail Release Program. Mr. Renner asked if a report on the January 2002 pilot regarding FTAs and those with additional criminal activities. Ms. Castleman answered that she would look into this.

Chairman Sommer presented a transfer and bills for consideration by the Justice Committee.

Motion by Kinzinger/Pokorney to recommend Payment of Bills and Transfers to County Board, 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 6:46 p.m.

Respectfully submitted,

Carmen I. Zielinski
Recording Secretary