

## **Justice Committee Meeting Minutes**

The Justice Committee of the McLean County Board met on Monday, April 1, 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, Board Chairman Sweeney, Kinzinger, Emmett and Renner

Members Absent: Members Johnson and Pokorney

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: Ms. Jane Engblom, Jury Commission; Sheriff David Owens, McLean County Sheriff's Department; Chief Deputy Derick Love, McLean County Sheriff's Department; Mr. Charles Reynard, State's Attorney; Ms. Beth Kimmerling, Coroner; Ms. Roxanne Castleman, Director, Court Services; Mr. Dave Goldberg, Superintendent, Juvenile Detention Center; Mr. Bill Gamblin, E-911; Ms. Shawn Walker, Director, Metcom

Members of the  
Public Present:

Dr. Thomas Ellsworth, Chairman, Department of Criminal Justice, Illinois State University; Ms. Barbara Stuart, League of Women Voters

Chairman Sommer called the meeting to order at 5:31 p.m. Chairman Sommer noted that Board Chairman Sweeney would sit in and participate in this Justice Committee meeting.

Chairman Sommer approved and placed on file the minutes of the March 4, 2002 meeting.

Chairman Sommer presented the transfers and bills as reviewed and recommended by the County Auditor, for the approval of the Committee.

Motion by Kinzinger/Emmett to recommend payment of Transfers and Bills for February 2002, as presented by the County Auditor. Motion carried.

Ms. Jane Engblom, Jury Commission, presented a Juror Payment Summary Report. Committee members did not have any questions for Ms. Engblom.

Mr. Charles Reynard, States Attorney's Office, presented a request for Approval of an Intergovernmental Agreement with the Illinois Attorney General's Office – Crime Victim and Witness Notification. Mr. Reynard stated that through a contract with a Third Party vendor, the Attorney General has established a computer-based system which allows crime victims and witnesses to learn the status of accused and convicted persons and their cases, known as the Victim Information and Notification Everyday System (VINE). Under the Crime Victims and Witness Act, crime victims and witnesses have the right to information about court proceedings, convictions, sentencing, imprisonment and release of the accused. The State's Attorney and local law enforcement have an obligation to

notify and inform crime victims and witnesses of numerous items of information regarding pending cases. The provision of information to crime victims and witnesses through the Attorney General's notification through VINE satisfies the State's Attorney's and local law enforcement's obligation under the Crime Victims and Witnesses Act. This Intergovernmental Agreement involves no expense to the County. Input for the agreement was obtained from the State's Attorney's Office, the Sheriff's Office, the Circuit Clerk's Office and Information Services. The technical details have been worked out with the Information Services Department. The agreement was drafted with the intent to comply with the law, limit the County's liability and protect the IJIS System. Legislation is pending to limit the Circuit Clerk's liability. Until that legislation becomes effective, the Circuit Clerk will not be asked to sign the agreement.

Motion by Emmett/Kinzinger to recommend approval of an Intergovernmental Agreement with Illinois Attorney General's Office regarding – Crime Victim and Witness Notification. Motion carried.

Chairman Sommer commented that McLean County does not have any responsibility for any liability or cost and McLean County does not have any responsibility for maintenance or operational cost either.

Mr. Reynard presented the Monthly Asset Forfeiture Fund. Committee members had no questions regarding the Asset Forfeiture Fund.

Sheriff Dave Owens, Sheriff's Department, presented a request for approval for funding the acquisition of a 400 MHz Radio System. Sheriff Owens stated that in 1997, the McLean County Sheriff's Office moved from a Motorola 400 MHz Radio system with in-car repeaters to an E. F. Johnson 800 MHz Simulcast, trunked system. Sheriff Owens noted that from the very first day there have been reception and transmissions problems with the new 800 MHz from different locations within McLean County. The majority of the concerns were centered on portable radio operations, but even the mobile application of the system has had questionable performance.

Sheriff Owens noted that in the fall of 2001, E.F. Johnson recommended that the County proceed with their recommendations to install "Receivers Only Sites" in nine locations within McLean County. The combined cost, excluding the installation of BDA's, was \$1,887,311.00, with no guarantee that this action would fix the system's problems. If the

system still failed to function satisfactorily, E.F. Johnson's fourth recommendation was to add an addition of up to four "full transmit and receive site" towers with a total cost of up to \$3,999,324.00. The combined cost of these recommendations would be \$5,886,635.00, with no guarantee that the system would work properly. The original system cost ETSB \$2.5 million to install.

Sheriff Owens presented several options to the Committee, such as: 1) a Motorola 800 MHz trunked system built primarily for the Illinois State Police which has not been built as of yet. The System would remain the property of Motorola. 2) The stand alone Motorola 800 MHz system belonging to local government would need to add more tower infrastructure to support itself due to the large size of McLean County. The 800 MHz radio band is a short-range radio wave that requires a large number of tower sites to support the system. Sheriff Owens stated that Tazewell County, which has an 800 MHz Ericson Radio system and is half the size of McLean County, has five tower sites. McLean County only has three tower sites for the 800 MHz system. 3) McLean County can purchase a 400 MHz Radio System from Motorola, under the State's Equipment Bid, and build a system with two primary repeater sites at Watterson Towers in Normal and a site in the center east portion of rural McLean County. Based on the Propagation Study of the 400 MHz radio system, Motorola and NLECTC show better coverage than the Propagation Study provided by E.F. Johnson. The 400 MHz frequency band works better in rural areas and would penetrate buildings better than the 800 MHz system. The in-car repeater system would allow excellent building penetration anywhere within McLean County. The estimated cost for the complete system would be \$400,000.00 to \$450,000.00. Sheriff Owens stated that this is proven technology with improvements from the old 400 MHz system that was in use prior to going to the 800 MHz E.F. Johnson system. 4) Continue with the E. F. Johnson System and take a chance that the proposed costly upgrades would fix the system.

Chairman Sommer stated that one of the concerns he has regarding this issue was that the County not be responsible for covering-up the mistakes made by the ETSB Board and having to spend upwards of \$350,000.00 to correct that mistake. The final analysis demonstrates that this action would only be a Band-Aid approach.

Mr. Emmett commented that he understands the need for a working radio system. It infuriates him that millions of dollars were spent on this radio system and there is no guarantee that, after more money is spent, the system will work properly.

Mr. Emmett asked if each law enforcement agency has to purchase their own base station. Sheriff Owens answered that the base station itself was not very expensive, probably about \$2,000.00. The base station has to be integrated with the existing equipment. Ms. Shawn Walker, Director, Metcom, clarified that the console at Metcom can be programmed to accommodate UHF, VHF and 800 MHz, all at the same time. Some additional hardware may need to be purchased in order to accommodate the 400 MHz system. Ms. Walker commented on the hesitation to continue services with E.F. Johnson because they can't guarantee their fixes. Ms. Walker stated that the Committee needs to understand that no radio vendor can guarantee their system and E.F. Johnson stated this in their maintenance statement. The radio manufacturers complete their studies using computer models that show that the system should work. Until the system is set-up, problems like geological situations or buildings that may affect the frequency can not be

Mr. Kinzinger felt that some form of guarantee should be available, after all, this vendor has been successful in other counties. Ms. Walker noted that the nature of radio technology is not a definitive science. There are a lot of variables that can miscue a system. Ms. Walker knows that there are no vendors that would guarantee their system. E.F Johnson cannot guarantee 100% that the present recommendations are going to solve the problems with the radio system.

Mr. Emmett commented that McLean County has worked with E.F. Johnson for a number of years on the present system and should have history as to what should work and what does not work. E.F. Johnson should be able to provide a better determination today, than if they were starting the study fresh. E.F. Johnson should have some financial responsibility for the effectiveness of their system. Ms. Walker noted that there are a number of things the County can do to insure E.F. Johnson carries some of the responsibility. Ms. Walker noted that E.F. Johnson can install part of their proposed upgrades, at no cost, pending approval that it performs as expected. If the system works properly, they get paid. If it does not work properly, E.F. Johnson removes their equipment. The County can require a performance/acceptance test. An acceptance test has to be done in a layman's terms. The test has to be done with a group of users and engineers, in different locations throughout McLean County, and in order to make sure that it meets the users' needs.

Mr. Kinzinger asked for a guarantee percentage. Ms. Walker answered that there was no guarantee percentage. E.F. Johnson did not intend to convey the message that it was a high-risk situation. Ms. Walker noted that McLean County got what McLean County paid for. There is a need for more infrastructure in order to make this systems work properly. Mr. Sweeney commented that when E.F. Johnson put the original proposal together, eight or ten years ago, they made a request for seven or eight towers. ETSB provided only three towers. ETSB has not been held accountable for the lack of tower sites thus causing the present problem. Mr. Emmett stated that it is up to the County Board not to make the same mistake by supporting something that may not be the best result for the problem. Mr. Sweeney suggested that the system be returned to the 400 MHz Radio system.

Chairman Sommer referred to a remark made by E.F. Johnson found on page 14 of the agenda packet. Chairman Sommer read, " At the time of the design, E.F. Johnson and Motorola both expressed belief that the design limitations contained within the RFP would create a system that would fail to satisfy the users of the system. Letters to that effect should still be on file from both vendors. The coverage design criteria provided for weak coverage throughout the County." Chairman Sommer noted that all the data transmissions would still be done by the 800 MHz system. Sheriff Owens noted that the County took the position of taking the cheapest recommendations as a way to solve the problems. Tower sites need to be moved to a better location, away from the congestion.

Chairman Sommer concluded that the liability rests with McLean County. Some of the attorneys on staff could research this issue. The fact of the matter was that the County should continue to maintain an 800 MHz system, seriously consider the implementation of a 400 MHz system and try to find the funding to meet the cost over the next five years.

Sheriff Owens discussed a request for Approval of Domestic Violence Protocol Grant Agreement. Sheriff Owens noted that this was an interagency agreement between the Sheriff's Department and the Illinois Criminal Justice Information Authority. The period of performance under this agreement was from April 24, 2002 through April 23, 2003. The maximum amount of federal funds payable under this agreement would be \$85,296.00 for the salary and benefits of two deputies assigned to domestic violence investigations. The Sheriff's Office would provide non-federal funding of 33%, which would be \$28,432.00. Sheriff Owens noted that this was the fifth year that McLean County had participated in this grant, and as in the past, a soft match will be used for the County's local match, including overtime for court appearances, replacement uniforms, telephone bills, gas, etc. Sheriff Owens does not anticipate any changes and does not expect to pay out any cash as part of the County's match.

Motion by Kinzinger/Sweeney to recommend approval of a Domestic Violence Protocol Grant Agreement for \$85,296.00. Motion carried.

Member Renner entered the Justice Committee meeting at 5:59 p.m.

Sheriff Owens referred to a request for Approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2002 Combined Annual Appropriation and Budget Ordinance, Sheriff's Department 0029 – Purchase of One Automated External Defibrillator (AED). Sheriff Owens stated that the McLean County Sheriff's Office submitted a Grant to the Illinois Department of Public Health for an Automated External Defibrillator. The grant was approved with the stipulation that the Sheriff's Department purchase a specific AED from the Phillips Company at a cost of \$1,497.00. At this time, Sheriff Owens is requesting permission from the Justice Committee to accept the \$1,497.00 provided by the grant to purchase an AED for the Sheriff's Office.

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, Sheriff's Department 0029 – Purchase of One Automated External Defibrillator (AED), for the amount of \$1,497.00. Motion carried.

Board Chairman Sweeney exited the Justice Committee meeting at 6:03 p.m.

Sheriff Owens commented on a report on Equipment Grant Request to the Illinois Criminal Justice Information Authority. Sheriff Owens stated that he submitted an application for a grant to the Illinois Criminal Justice Information Authority on March 26<sup>th</sup> that would provide funds to law enforcement agencies for procuring equipment, technology and other materials directly related to law enforcement functions. The primary purpose of the grant would be to make funds available to local Government for equipment that would not otherwise be purchased and would aid in the reduction of crime and improvement of public safety. The federal funds provided under this program cover 90% of the cost of the equipment. The remaining portion of the equipment cost must be met through a 10% match contribution. Sheriff Owens noted that he has requested \$19,668.00 through the grant and that McLean County's matching fund would be \$1,966.00.

Motion by Renner/Emmett to recommend approval of an Equipment Grant Request to the Illinois Criminal Justice Information Authority for \$19,668.00. Motion carried.

Ms. Beth C. Kimmerling, Coroner, presented the Monthly Report for February 2002. Ms. Kimmerling noted that autopsies for the month of February have increased by nearly two times over the 2001 year. Year 2001 was considered that busiest year on record, this year is keeping track with 2001.

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

Ms. Roxanne Castleman, Director, Court Services Department, discussed a request for Approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2002 Combined Annual Appropriation and Budget Ordinance, Court Services Department 0022.

Mr. Dave Goldberg, Superintendent, Juvenile Detention Center, explained that this request was to approve the transfer of \$15,798.00 received from the Juvenile Accountability Grant that was awarded to McLean County last December.

Motion by Kinzinger/Emmett to recommend approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2002 Combined Annual Appropriation and Budget Ordinance, Court Services Department 0022. Motion carried.

Ms. Castleman resubmitted a Summary regarding the Study of Pretrial Practices in McLean County, Illinois.

Ms. Barbara Stuart, League of Women Voters, addressed the Justice Committee regarding the Pre-Trial Electronic Monitoring Program. Ms. Stuart distributed a copy of a study done on the Tazewell County Pre-Trial Electronic Monitoring Program. Ms. Stuart briefly discussed points in the document.

Dr. Thomas Ellsworth, Chairman, Department of Criminal Justice, Illinois State University, presented the Justice Committee with a revised Executive Summary of the Pre-Trial Practices in McLean County. The brief document summarizes two reports prepared in February 2002 by the Department of Criminal Justice in response to the request the Criminal Justice Advisory Council to study pre-trial practices in McLean County. An instrument developed and used in Tazewell County for the purposes of pre-trial screening and bond setting was reviewed by a subcommittee of the Council and was recommended as a possible screening tool. The subcommittee adjusted the scoring by increasing the points available for certain variables, most notably "legal" factors including "felony convictions and delinquent adjudications" and "violent/assaultive convictions." In so doing, offenders having legal involvement of a serious nature were most likely considered a high-risk level.

Dr. Ellsworth noted some of the variables found on the Pre-trial Supervision Services Screening Instrument. He noted that 1) One of two in the June and January groups lived at their present residence for one year or longer; 2) Offenders in the June cohort were found to have lived in the County longer than were January offenders; 3) 66% of the January cohort and 81% of the June cohort reported living with a relative including spouse or significant other; 4) 50% of the June and 60% of the January reported members of their family living in McLean County; 5) 80% of the offenders in both groups had no prior convictions; 6) 70% of the offenders in both groups had no prior misdemeanor or petty traffic convictions.

Chairman Sommer explained that the Pre-Trial Practices Summary would be included with the rest of the reports expected from the Criminal Justice Advisory Council in the May Justice Committee meeting.

Ms. Castleman referred to the Court Services Monthly Statistical Reports. Ms. Castleman informed the Committee that there were 22 juveniles in the Detention Center at this time, 17 from McLean County and 5 from other Counties.

Ms. Amy Davis, Public Defender, was not present to discuss the Monthly Caseload/Disposition Report due to a scheduled doctor's appointment.

Ms. Billie Larkin, Children's Advocacy Center, was not present to discuss the Monthly Statistical Report due to a previous engagement.



Mr. Bill Gamblin, Administrator, E-911, discussed the Status Report for the E-911 System. Mr. Gamblin stated that since the initiation of the system on February 11, 2002, there has been no down time. The collection of statistical data has created a small problem. The discrepancies in the system have been worked out regarding the usage of this statistical data so the system and Mr. Gamblin should be able to provide a statistical report to the Justice Committee at the May meeting.

Mr. Gamblin informed the Justice Committee that there are some issues being discussed regarding 7-25. He hopes to have some more information regarding this issue in the May Justice meeting. Mr. Gamblin noted that security issue for MetCom at was being reviewed by the Illinois Commerce Commission and they will notify Metcom of the new safety requirements.

Mr. Gamblin noted that there are some initiatives by the phone companies regarding Tariffs. The phone companies are looking into charging 36¢ for each call from anyone using wireless 911. This would be an expense funded by the E-911 system. The cell phone owners pay a surcharge of 75¢, 25¢ of which go to the wireless companies for their infrastructure. The other 50¢ goes to the E-911 system for upgrades on equipment. Any other charge would have to be born by the wireless carrier or the E-911 system. Of the 50¢ that E-911 receives, the State of Illinois receives 2¢ for collection purposes. About 20% of the calls received by E-911 are wireless calls.

Mr. Gamblin commented that one of the concerns with the 36¢ surcharge was that a lot of the cell phones have the automatic 9 Feature. By depressing the number 9, it automatically dials 911, thus a lot of the dispatch centers are seeing inadvertent dialings of 911. ETSB's concern is that every time an inadvertent 911 dialing does go through, 36¢ would be charged to E-911. On the other side of the coin, while the County is paying \$175,000.00 to Verizon per year to operate the E-911 network, the last surcharge implemented increased E-911 surcharge fund by \$350,000.00.

Mr. Gamblin noted that the last time the Tariff issue was presented, it was turned down, not because of the amount being requested but it was turned down because of the technical issues regarding notification. It is expected that the new Tariff proposal would include the same increase request and because of the mandate from the Illinois Commerce Commission, it is expected that the Tariff request will go through next time. The increase could be between 50% and 100%. Mr. Gamblin informed the Justice Committee that there was legislation in Springfield that for every ten Centrex lines, E-911 collects one surcharge. Chairman Sommer wondered if there were any provisions that would allow for the surcharge to be increased due to the Tariff increase. Mr. Gamblin answered that surcharges would have to be decided on by referendum.

Mr. Craig Nelson, Integrated Justice Information System Project Team, presented an IJIS Status Report. Mr. Nelson was not present so Mr. Zeunik informed the Justice Committee

on the IJIS Status Report. Mr. Zeunik stated that the next major roll out of new codes and

Justice Committee Meeting Minutes  
April 1, 2002  
Page Ten

conversion of database for the Adult Court Services was scheduled for April 7, 2002.

Mr. Terry Lindberg, Assistant County Administrator, presented a request for Approval of a Lease Agreement and copy service agreement with IKON Office Solutions for copier procurement. Mr. Lindberg stated that in May of 1999, the County acquired ten copy machines. The original intent was to structure the procurement to include all costs, machine, routine maintenance, drums, toner, ect., under one cost per copy basis and the large machines on a fixed monthly cost plus a per copy maintenance charge basis. For the proposed 2002 copier procurement, the County relied on the State of Illinois Central Management Services (CMS) copier bid award. CMS requested bids from all vendors in all sizes and speed ranges. The CMS bid specification also contained service responses and performance guarantee language, which would be binding on the selected vendor.

Mr. Lindberg explained that the present proposal is for four copiers, including two high volume machines, one for the Public Defender and one for the MetCom/ETSB and two mid-size machines for the Coroner and County Clerk. Five vendors received portions of the CMS bid award. Only two of the vendors, Mid-Illinois (Savin) and Ikon (Sharp) offered machines in the size ranges proposed. Both of these companies were asked to convert the cash purchase price into a five year municipal lease cost with a per copy maintenance rate. Both vendor's cost proposals were reviewed and subjected to a complete cost analysis, including different monthly copy volume levels and different combinations of machines. Mr. Lindberg is recommending that approval be given for a lease agreement and copy service agreement with IKON Office Solutions to provide two (2) Ricoh Aficio 1035 Digital Copier and two (2) Ricoh Aficio 700 High-Speed Digital Copiers on a five year lease plus cost per copy basis. The total cost for the four proposed machines would be \$69,720.00 for the Ricoh machines and \$71,063.00 for the Savin machines.

Motion by Renner/Emmett to recommend approval to a Lease Agreement and Copy Service Agreement with IKON Office Solutions for Copier Procurement. Motion carried.

Mr. Lindberg informed the Justice Committee that on March 29, 2002, a representative from the Children's Foundation approached the Administrator's Office regarding the County's assistance in securing a Safe Havens: Supervised Visitation and Safe Exchange Grant Program. This program provides a neutral site for the exchange of children in split-family cases. A federal grant provides funding opportunities for neutral site visitations programs. The Children's Foundation is asking for McLean County to submit a non-binding letter of intent to seek an Implementation Grant. Reading the grant document provided to the Administrator's Office states an expectation of sustainability, after two years. After two years, the granting agency wants verification of how the entity proposes to sustain the program. The Children's Foundation or any other body cannot apply for this grant directly. The grant can only be sought by a government

entity. In anticipation of this issue the Children's Foundation would include language in their proposal that would sustain the program without asking the County Board for Justice Committee Meeting Minutes

April 1, 2002

Page Eleven

funding after the two-year period ends. If the Children's Foundation cannot satisfy this condition imposed by the County Board, the letter of intent would not be filed.

There being nothing further to come before the Committee at this time, Chairman Sommer adjourned the meeting at 6:44 p.m.

Respectfully submitted,

Carmen I. Zielinski  
Recording Secretary

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