

Minutes of the Justice Committee

The Justice Committee of the McLean County Board met on Tuesday March 6, 2012 at 4:30 p.m. in Room 400 of the Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Rackauskas; Members McIntyre, Schafer, Rankin, Wollrab and McKibbin

Members Absent: None

Other County Board
Members Present: Member Wendt

Staff Present: Mr. Bill Wasson, County Administrator; and Ms. Judith LaCasse, Assistant to the County Administrator

Department Heads/
Elected Officials
Present: Ms. Judy Brucker, Director, Children's Advocacy Center; Ms. Kim Campbell, Public Defender; Sheriff Mike Emery; Mr. Ron Dozier, State's Attorney; Ms. Beth Kimmerling, Coroner, Mr. Don Everhart, Circuit Clerk; Ms. Lori McCormick, Director, Court Services; Mr. Will Scanlon, Trial Court Administrator - Eleventh Circuit Court

Others Present: Mr. Rusty Thomas, Chief Deputy Sheriff

Chairman Rackauskas called the meeting to order at 4:30 p.m.

Chairman Rackauskas announced that two items are being pulled from the agenda. The first is a request from Ms. Joan Naour, Director, Health Services, for an amendment to the contract for Mental Health Services with Real Change Clinical Services; and the second is a request from Mr. Will Scanlon, Administrator, Circuit Court, for an agreement between the Eleventh Judicial Circuit Court, the County of McLean and the Children's Home and Aid.

Chairman Rackauskas presented the minutes from the February 7, 2012 Committee meeting and the January 17, 2012 Stand-up meeting for approval.

Motion by McIntyre/Wollrab to Approve the Minutes of the February 7, 2012 Meeting and the January 17, 2012 Stand-up Meeting.
Motion carried.

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Ms. Judy Brucker, Director, Children's Advocacy Center, reviewed the Children's Advocacy Center (CAC) Monthly Statistical Report and the CASA Report. She stated that last year at this time 24 child victim interviews were conducted, while this year 52 interviews have been conducted.

Ms. Brucker stated that the CASA statistics are always a month behind in reporting the advocate hours.

Ms. Brucker reported that April is Child Abuse Awareness Month. She noted that yard signs are available to be picked up or delivered. Chairman Rackauskas asked that signs be made available to distribute to Board members at the March 20th County Board meeting.

Ms. Brucker stated that this is the fifth year CAC will be involved with the Champion for Children Walk, which is Saturday, May 12, 2012. She indicated that this year CAC is partnering with Evergreen Cemetery. Ms. Brucker noted that interested parties can register on line or give them a call. Check-in is at 8:00 a.m. for this 3.1 mile walk, which is on the premises of Evergreen Cemetery.

Ms. Brucker announced that Friday, June 22nd is Child Protection Night at the Cornbelters. She explained that CAC bought a block of tickets and will sell them for a portion of the profit.

Ms. Brucker advised that the Blue Kid Benefit was very successful with a net profit of \$106,000.

Chairman Rackauskas asked if there were any questions or comments. Hearing none, she thanked Ms. Brucker.

Ms. Kim Campbell, Public Defender, stated that all of the numbers except traffic are up for the month of January. She added that Juvenile delinquent petitions are high for the month.

Ms. Campbell indicated that the Public Defender's Office will be holding a CLE in-house training on April 2nd. The training will encompass recovery court issues and how to deal with the mentally ill client with some of the adult redeploy and drug court alternatives. Ms. Campbell noted that the training class will be held in the Public Defender's Office.

Mr. McKibbin stated that he feels that this in-house training is a great benefit for the attorneys in the Public Defender's office because the attorneys are required to acquire so many hours of training every year.

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Chairman Rackauskas asked if there were any additional questions or comments. Hearing none, she thanked Ms. Campbell.

Sheriff Mike Emery reviewed the McLean County Detention Facility Population Report for February 2012. He stated that the population is maintaining a manageable level. The average for the first two months of the year has been 223 inmates per day.

Chairman Rackauskas asked if there were any questions or comments. Hearing none, she thanked Sheriff Emery.

Mr. Ron Dozier, State's Attorney, reviewed the State's Attorney's Office Case Load Report and Asset Forfeiture Fund Report.

Mr. Dozier advised that the State's Attorney's Office has been very interested in and closely monitoring the synthetic drug problem in the Community. These are drugs that are made mostly in China. Mr. Dozier stated that once the legislators get wise to drugs such as "bath salts" and pass a law making those illegal, the distributors slightly change the molecular structure and come out with something similar, but not on the list of illegal substances. He noted that the State's Attorney's office has been watching those places that sell these drugs hoping to put pressure on them to stop selling the drugs.

Mr. Dozier noted that this past weekend, the Normal Police raided a meth lab. He stated that we have not had a serious meth problem in McLean County; rather, there has been more cocaine use. The rural counties in the state have had much more problems with meth, which is a particularly virulent drug in how quickly it will destroy a person.

There was a brief discussion on the different methods that meth is made, how it has changed over the years and how addictive it is to individuals.

Chairman Rackauskas asked if the meth lab that was raided was run by local individuals or someone from out of town. Mr. Dozier replied that it was run by local individuals.

Ms. Schafer asked if meth labs are found in other communities as well. Mr. Dozier replied that they are a problem everywhere.

Chairman Rackauskas asked if there were any additional questions or comments. Hearing none, she thanked Mr. Dozier.

Ms. Beth Kimmerling, Coroner, reviewed the Coroner's Monthly Report for February 2012, as well as the Annual Financial Report for Fiscal Year 2011. She pointed out that the total amount of revenue for Fiscal Year 2011 was \$118,613.84.

Ms. Kimmerling stated that January was a typical month in terms of in-County and out-of-County caseloads, which continue to come in at a decent pace. She noted that Sangamon County is continuing to come to McLean County. Most recently, services were provided to Rock Island County and Adams County. Ms. Kimmerling added that Vermillion County also continues to come to the County.

Ms. Kimmerling indicated that progress is being made on ordering a new removal vehicle and the order should be placed this week.

Chairman Rackauskas asked if there were any questions or comments. Hearing none, she thanked Ms. Kimmerling.

Mr. Don Everhart, Circuit Clerk, reviewed his Statistical Reports for January 2012. He stated that there was nothing unusual to point out in the report.

Chairman Rackauskas asked if there were any questions or comments. Hearing none, she thanked Mr. Everhart.

Ms. Lori McCormick, Director, Court Services, presented two requests that can be acted upon together. The requests are for approval of a Sub-Contract Agreement with the Center for Human Services as part of the Adult Treatment Court Collaborative Grant provided through SAMHSA, and approval of a Sub-Contract Agreement with Chestnut Health Systems as part of the Adult Treatment Court Collaborative Grant provided through SAMHSA.

Motion by Schafer/Rankin to Recommend Approval of a Sub-Contract Agreement with the Center for Human Services as part of the Adult Treatment Court Collaborative Grant Provided through SAMHSA, and Approval of a Sub-Contract Agreement with Chestnut Health Systems as part of the Adult Treatment Court Collaborative Grant Provided through SAMHSA.
Motion carried.

Ms. McCormick presented a request for approval of renewal of an Agreement between CAM Systems and McLean County Court Services for Monitoring Service. This agreement is for the use of electronic/GPS monitoring equipment services for both Adult and Juvenile Court Services. Ms. McCormick stated that this is paid out of multiple grants and probation fees, when needed. It is for clients that are specific to those certain grants, such as Adult Redeploy, Juvenile Redeploy, Drug Court and Recovery Court.

Ms. Wollrab asked if the individual being monitored pays the fee for the monitoring. Ms. McCormick replied that it is "offender pay," but it is written into the grants that there is the ability to pay for electronic monitoring for individuals involved in those programs.

Motion by McIntyre/Wollrab to Recommend Approval of
Renewal of an Agreement between CAM Systems and
McLean County Court Services for Monitoring Service.
Motion carried.

Ms. McCormick reviewed the Court Services Adult/Juvenile Division Statistics for January 2012, the Juvenile Detention Center statistics and the Fiscal Year 2011 Court Services Statistical Report.

Ms. McCormick announced that the next Drug Court graduation is April 12th, at 4:30 on the fifth floor of the Law and Justice Center in the Jury Assembly Room. She noted that there are currently 11 graduates, which is a large graduating class.

Chairman Rackauskas asked if there were any additional questions or comments. Hearing none, she thanked Ms. McCormick.

Mr. Will Scanlon, Administrator, Circuit Court, reviewed the State of Illinois Administrative Order 2012-03, which is the Residential Mortgage Foreclosure Mandatory Mediation Program. He explained that this is a voluntary program created under the authority of the Illinois Supreme Court Mortgage Foreclosure Committee, and given approval by the Administrative Office of Illinois Courts on January 12, 2012. Mr. Scanlon stated that the Supreme Court has a long-standing committee on mediation and in 2011 they expanded that to include a formal group on foreclosure mediation. He pointed out that several counties who were experiencing problems since 2006 began investigating ways to alleviate the pressures in the courtroom on how to determine foreclosures. He noted that these are residential mortgage foreclosures and not commercial property.

Mr. Scanlon advised that this process was designed to try to have a third party conduct an evaluation and begin mediation between the financial entity and the homeowner.

Mr. Scanlon indicated that this mediation may include the following results:

- That the homeowner agrees to certain conditions and a timeframe to move out of the house,
- A readjustment of the mortgage,
- An immediate short-sale of the property.

Mr. Scanlon stated that there is a variety of outcomes and it is not guaranteed that the homeowner is going to stay on the property long-term or have remediation of delinquent mortgage. It is a process that is best designed to help the bank come to terms with the property owner about how to deal with a piece of property.

Mr. Scanlon advised that this program was modeled after Peoria, Joliet, Will, and Cook counties. He added that Ms. Stacey Tutt, an instructor at the University of Illinois and formerly with Prairie State Legal Services, is being utilized, along with volunteers from the Law School who are doing the pre-mediation conferences. Mr. Scanlon stated that the bulk of the work is done during the pre-mediation conferences.

Mr. Scanlon indicated that the County has experienced approximately 500 foreclosure cases on residential properties over the last two years. He noted that he does not expect to see a spike in foreclosures.

Mr. Scanlon stated that this program was just initiated and there have not yet been any pre-mediation conferences or mediation conferences. Cases that were just filed this week will go into pre-mediation conferences towards the end of April and mediation in May or June.

Ms. Wollrab asked if people are made aware of this program when they receive their foreclosure notice. Mr. Scanlon replied that people are made aware of the program at that time.

Mr. Scanlon noted that this program should help a good percentage of those 500 cases that come through the County.

Ms. Schafer asked what is the main purpose of the program. Mr. Scanlon replied that the purpose of the program is to reduce the number of contested matters and reduce the number of cases where the bank has to forcibly evict someone from their property. He noted that there are some programs where homeowners can take advantage of certain loan modification programs or programs that help them transition out of their housing. This type of information would be provided to homeowners at the pre-mediation conference.

Chairman Rackauskas asked how this program differs from the normal foreclosure process. Mr. Scanlon replied that normally a bank will file a notice of foreclosure, a hearing is held to prove delinquency and an eviction date is set. When a property is abandoned, the same process takes place.

Mr. Wendt asked if the banks were surveyed to see if they are in favor of this program. Mr. Scanlon responded that the banks were not surveyed. Mr. Wendt suggested that the banks should have been surveyed before this program was put together. Mr. Scanlon commented that there may have been some informal conversations with bank representatives, but no formal survey was held.

Mr. Wendt asked if this program will be self-sustaining and who pays the \$25.00 fee. Mr. Scanlon replied that the program is self-sustaining and the bank pays the \$25.00 fee. Mr. Wendt noted that this is going to add additional cost to the banks. Mr. Scanlon stated that the filing fee will go from \$281.00 to \$306.00.

Mr. McKibbin commented that mediation is designed to cut court costs and arrive at more just resolutions. Mr. Scanlon concurred that the cases should be resolved more quickly overall.

Mr. Wendt indicated that he talked to a couple banks and they said that it will drive their cost up. Mr. Scanlon replied that if you factor in the time it takes to take possession of a piece of property, the condition of the property and the settlement that may be made in financial obligation, those cost factors would offset the increase in fees. Mr. Wendt stated that he is skeptical that the program will pay for itself.

Mr. Wendt asked what the success rate is with other Counties with this mediation program. Mr. Scanlon replied that Judge Robb was satisfied with the results experienced by Will County. Mr. Wendt indicated that he would like to know if the program has made it better or worse for these other communities. Mr. Scanlon responded that what may be better for the bank may not be better for the homeowner and what is better for homeowner may not be better for the bank, or it may be better for both. It is a difficult determination to make.

Chairman Rackauskas cautioned that this program is not an action item and does not need the approval of the County Board.

Ms. Wollrab stated that she is in favor of anything that ends up with a fair and equitable settlement to both parties and if it can reduce time in the court it is a win-win situation.

Mr. Scanlon advised that they will be in a position to do some evaluation. He noted that the evaluation document is not included in the packet, but he will e-mail it to the Committee members and Mr. Wendt tomorrow.

Mr. McKibbin agreed with Mr. Scanlon's earlier statement that we are trying to arrive at a just resolution. He noted that some individuals' properties will go into foreclosure, but this mediation program assist all parties to find the best way to serve the hands of justice for both parties.

Mr. Wendt asked if a bank can opt out of doing this. Mr. Scanlon replied that the banks cannot opt out unless the person is in bankruptcy.

Chairman Rackauskas noted that Judge Robb is very enthusiastic about this mediation program and believes it will help both the banks and the homeowners.

Mr. Wendt reiterated that he believes the banks should have been surveyed.

Mr. Scanlon assured the Committee that he will provide the information about the jurisdictions that exist and the evaluations that they have conducted. He added that he will forward the preliminary evaluation to the Committee tomorrow.

Chairman Rackauskas asked if there were any further questions or comments. Hearing none, she thanked Mr. Scanlon.

Chairman Rackauskas presented the February 29, 2012 Justice Committee bills for review and approval as transmitted by the County Auditor. The Justice Committee bills include a Prepaid Total of \$995,818.66 and a Fund Total that is the same.

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Motion by Rankin/Wollrab to Recommend Approval of the Justice Committee Bills as of February 29, 2012, as transmitted by the County Auditor.
Motion carried.

Chairman Rackauskas asked if there was any other business or communication for the Justice Committee. Hearing none, she called for a motion to adjourn.

Motion by Schafer/Rankin to Recommend that the Justice Committee meeting be adjourned at 5:15 p.m.
Motion carried.

Respectfully submitted,

Judith A. LaCasse
Recording Secretary