

## **Minutes of the Justice Committee**

The Justice Committee of the McLean County Board met on Tuesday, March 1, 2011 at 4:30 p.m. in Room 400 of the Government Center, 115 E. Washington Street, Bloomington, Illinois.

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

Members Absent: Member Rankin

Other County Board  
Members Present: None

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

Department Heads/  
Elected Officials  
Present: Mr. Bill Yoder, State's Attorney; Ms. Lori McCormick, Director, Court Services; Ms. Cathy Waltz, Superintendent, Juvenile Detention Center; Ms. Judy Brucker, Director, Children's Advocacy Center; Ms. Kim Campbell, Public Defender; Sheriff Mike Emery; and Ms. Beth Kimmerling, Coroner

Others Present: None

Chairman Rackauskas called the meeting to order at 4:35 p.m.

Chairman Rackauskas advised that the Justice Committee did not meet in February due to the weather; therefore, there are no minutes to be approved.

Mr. Bill Yoder, State's Attorney, distributed his Year-end Statistical Report.

Mr. Yoder reviewed the Monthly Caseload Report and Asset Forfeiture Fund Report. He indicated that there is nothing unusual in the reports. Mr. Yoder noted that it is too early in the year to make any statistical predictions.

Mr. Yoder reviewed the Year-end Statistical Report, which he has prepared and has kept current every year since taking office. He stated that the front page of the report shows the number of felony cases filed, which is provided by the Circuit Clerk's Office based on the last number they file. There were 1,216 felonies filed last year.

Mr. Yoder advised that one of his goals when he took office was to reduce the number of felonies that are actually charged each year. He noted that prior to his tenure as State's Attorney, there were an extraordinary number of felonies that were reduced to misdemeanors. When that happens, felony attorney time, court time, Circuit Clerk time and Public Defender time is being wasted. Mr. Yoder indicated one of his primary objectives is to identify those types of cases when they are filed. By determining which cases will likely be changed to misdemeanor, reduces the number of felonies that area actually filed.

Mr. Yoder stated that the second page is a felony efficiency rate report. He indicated that this chart shows that in 2010 there were 1,266 felony cases disposed of. Mr. Yoder added that, of those, 161 were dismissed, 44 were reduced to misdemeanors and 1,061 ended up with felony convictions, which resulted in an 84% conviction rate. He advised that this is a good percentage. Mr. Yoder noted that he does not want that number to be a lot higher because if every case is won, it shows that not enough charges are being made or not enough cases being tried.

Mr. Yoder indicated that the total conviction rate in the right hand column of the chart shows the combination of felony and misdemeanor convictions. He pointed out how dramatically the change was after he took office in December of 2002. He noted that prior to 2002 the conviction rates were 64%, 64%, 61%, and 61%.

Mr. Yoder stated that the next page of the report shows every case that is tried whether it is a jury trial or a felony bench trial. He indicated that in 2010 there were 40 jury trials, 30 of which were felony guilty verdicts. Mr. Yoder reported that three out of four jury trials were found guilty and two out of three bench trials were found guilty.

Mr. Yoder reviewed the Classifications of Felonies chart. The columns represent the different classes of felonies, such as "M" for murder. Mr. Yoder stated that the chart reflects the number of convictions in each category.

There was some discussion about the different categories. Mr. Yoder noted the following:

- Class X is a non-probational offense with a penalty of six years to 30 years;
- Class 1 offense ranges from four to 15 years.

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

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Ms. Lori McCormick, Director, Court Services reviewed the 2010 Court Services Annual Statistical Report and the Juvenile Detention Facility, presented the 2010 Juvenile Detention Annual Report.

Chairman Rackauskas asked if the format has changed from past years. Ms. McCormick replied that it is a different format. Chairman Rackauskas commented that the reports were very interesting and much more informative. She complimented Ms. McCormick on the format.

Ms. McCormick repeated her invitation for Committee members to drop by or make an appointment to tour the different Court Services facilities.

Chairman Rackauskas expressed concern that in 2010 seven adult probation officers had an average caseload per month of 151 cases each. Ms. McCormick responded that the Probation Officer does not meet with all 151 individuals every month; rather it depends upon the assessment level of each person. The Probation Officers meet with high risk clients on a more regular basis. Low risk clients may be seen only once every six weeks or so.

Chairman Rackauskas asked if the high Probation Officer caseload puts the County in jeopardy of receiving grants. Ms. McCormick responded that most Probation Offices have an intern from Illinois State University to assist them. It does not put grants in jeopardy.

Ms. Wollrab asked how many clients have graduated from Recovery Court. Ms. McCormick replied that there are currently seven individuals in Recovery Court and there have been no graduates to date.

Mr. Lindberg advised that the County received \$313,000 from the State of Illinois this afternoon, which represents the July and August, 2010 Probation Officer reimbursement.

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

Chairman Rackauskas presented the January 2011 Statistical Reports as submitted by Mr. Don Everhart, Circuit Clerk. There were no questions on the reports.

Ms. Judy Brucker, Director, CAC, presented the Children's Advocacy Center (CAC) Monthly Statistical Report and the CASA Report.

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Ms. Brucker reminded the Committee that the 14<sup>th</sup> TIP A VIP is Saturday, March 5<sup>th</sup> at the Marriott Hotel in Uptown Normal. Tickets will be sold through 10:00 a.m. tomorrow, March 3<sup>rd</sup>. Chairman Rackauskas encouraged Committee members to attend the function.

Ms. Brucker advised that the CAC report is running on par with last year. She stated that CASA is currently advocating for 116 children.

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

Ms. Kim Campbell, Public Defender, reviewed the Public Defender Caseload Report for January 2011. She indicated that there is nothing significant to report.

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

Ms. Beth Kimmerling, Coroner, presented the Monthly Reports for December 2010 and January 2011. She pointed out that there is a format change from the 2010 report to the 2011 report. Ms. Kimmerling noted that her Year-end Report will be available soon.

Ms. Kimmerling reviewed the December 2010 report. She indicated that the number of deaths reported to the Coroner's Office in 2010 was up compared to 2009. Ms. Kimmerling stated that autopsies were down, but out of County autopsies were significantly up, which affected the revenue. She reported that there was 45% more revenue than she anticipated.

Ms. Kimmerling explained the new format for the January 2011 report. She indicated that this report captures more information than the previous report and provides a better picture of what is done in the Coroner's Office.

Ms. Kimmerling pointed out that the amount of dollars and the number of cases in January has already had as many cases as we expect to have by March or April. She stated that over 100 deaths were investigated in January, which is significantly more than the expected amount of 75-80 cases.

Ms. Kimmerling noted that one of the changes on the January report is the breakdown of the investigations that either required an autopsy or required some type of follow-up. She indicated that every attempt is made to make a determination without requiring an autopsy. Ms. Kimmerling pointed out that the

report shows more than 15 January Death Investigations, which is more than the 15 autopsies reported in the previous section. She explained that there were cases where she was able to determine cause of death without an autopsy.

Ms. Kimmerling reported that she has included information that reflects traffic deaths that involved alcohol or drugs. She stated that drugs and alcohol overdoses are on the rise, and are surpassing motor vehicle deaths and intentional deaths.

Ms. Kimmerling reviewed the *Open/Ongoing Death Investigations* section of the report.

Ms. Schafer asked if "open investigation" means that the families of the deceased have not received a death certificate. Ms. Kimmerling replied that the Coroner's Office is averaging, from date of death, between 30-45 days to issue the death certificate on deaths that require an investigation. She added that death certificates are processed within two weeks for deaths that are a result of natural causes.

There was a brief discussion on the use of illegal drugs. Ms. Kimmerling advised that there is a rise in the use of heroin as well as a rise in illegal use of prescription drugs. Mr. McIntyre asked if there are statistics on the age range of drug users. Ms. Kimmerling responded that she can provide the age range in the future. Chairman Rackauskas advised that this information will be helpful to the criminal system when they consider various drug programs.

Ms. Kimmerling advised that there has been a lot of discussion recently about coroner systems versus medical examiner systems and which system is better. She noted that there are very few doctors available to be medical examiners.

Chairman Rackauskas stated that McLean County is very fortunate that its Coroner has a medical background.

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

Sheriff Mike Emery introduced Mr. Will Scanlon, Circuit Court Administrator, who will assist him in presenting the next action item.

Chairman Rackauskas advised that the Emergency Appropriation Ordinance has been changed, as follows:

- From: a Request for Approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2011 Combined Annual Appropriation and Budget Ordinance, General Fund 0001, Sheriff's Department 0029,
- To: a Request for Approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2011 Combined Annual Appropriation and Budget Ordinance, General Fund 0001, Circuit Court 0016.

Mr. Lindberg explained that this Emergency Appropriation Ordinance is for the funds to be used to make payment to the Stevenson Center at Illinois State University. He stated that the Sheriff's Department has used their SCAAP grant funds to engage the Stevenson Center of Illinois State University (the Center) to provide data analysis assistance to the Criminal Justice Coordinating Committee (CJCC). He indicated that currently the SCAAP grand funds have been exhausted. The CJCC participants recognize the value of the Center's efforts and believe it is necessary to continue the data analysis project at a cost of \$22,500 for the remainder of Fiscal Year 2011.

Mr. Lindberg advised that the CJCC would also benefit from a one-half time intern, also available through the Stevenson Center, at a cost of \$5,000 for the remainder of Fiscal Year 2011.

Mr. Lindberg stated that the Emergency Appropriation directs the County Auditor to add the appropriated budget of the General Fund 0001, Circuit Court Department 0016 the following revenue.

Unappropriated Fund Balance	
0001-0016-0016-0400.0000	\$27,500.00

In addition, the County Auditor is directed to add to the appropriated budget of the General Fund 0001, Circuit Court Department 0016 the following expenditure:

Contract Services	
0001-0016-0016-0706-0001	\$5,000.00

Mr. Lindberg advised that the County's EJIS system collects large amounts of data when an individual is arrested and tried. When the CJCC was organized, they realized that there was a large amount of data in the EJIS system, but they had no method by which to analyze the data into productive information. The Stevenson Center at Illinois State University was hired to collect and analyze the data. Mr. Lindberg noted that the SCAAP funds were used because it relates to Corrections. At this time, the SCAAP funds have run out and it is necessary to use General Fund monies for this project.

Mr. Lindberg acknowledged that the original Emergency Appropriation Ordinance was listed under the Sheriff's Department. He stated that Sheriff Emery felt that the funds should go through the Circuit Court's budget as it most relates to the CJCC, which is why the Emergency Appropriation Ordinance was changed.

Mr. Lindberg indicated that when the U.S. Department of Justice recommended that the County institute the CJCC, they recommended that a staff person be hired. He noted that the Stevenson Center proposed the use of well trained graduate student as a half-time staff person for the CJCC. This position would begin in August of 2011. Mr. Lindberg stated that the General Fund expense would be \$22,500 for the data analysis project and \$5,000 for the one-half time staff person who would work from August 2011 to May 2012. Five months would be paid out of 2011 and the other five months would be paid out of 2012.

Sheriff Emery distributed information from the Stevenson Center on the work that they have done. He indicated that no one understood the capabilities of the \$2,000,000 EJIS Electronic Justice System. Sheriff Emery noted that he knew the functions that applied to the Sheriff's Department, the Circuit Court knew what functions applied to them, etc. The CJCC recognized that the data could be analyzed and provide information that would be helpful to the whole justice system. Sheriff Emery advised that the Stevenson Center took millions of cases in the EJIS system and started organizing it so that the justice system could use the EJIS system to a greater capacity.

Sheriff Emery advised that the SCAAP fund is received annually in August or September and it is usually \$13,000 to \$18,000. He stated that these funds are put into a separate account. Sheriff Emery expects to receive the same amount or more of the SCAAP funding this year. When that funding is received, it will be utilized again to pay for the contract with the Stevenson Center.

Chairman Rackauskas asked if the project with the Stevenson Center will be an on-going project or will the County take over the data processing at some point. Sheriff Emery responded that it will be a continuing project with the Stevenson Center, but eventually the expense will decrease when the bulk of the data has been processed and it becomes a monthly collection of data. Mr. Scanlon noted that the information provided through the data processing will enable the justice system to save expenses in other areas, such as the elimination of out-of-County prisoner housing.

Sheriff Emery acknowledged that he didn't envision the capabilities and amount of data collected by the EJIS system when the County went to EJIS in 1997.

Mr. Scanlon advised that the AOIC and the Illinois Criminal Justice Information Authority are interested in the progress made by the CJCC and the data project with the Stevenson Center. He noted that there are 101 other counties that would like to do the same thing, but they don't have the data set or the money or the willpower to do it.

Mr. Scanlon invited the Committee to attend the CJCC meeting on Thursday, April 7<sup>th</sup> at 1:00 p.m. in the County Board room.

Motion by McIntyre/Schafer to Recommend Approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2011 Combined Annual Appropriation and Budget Ordinance, General Fund 0001, Circuit Court 0016.

Ms. Schafer asked if a regular staff person would be added in the future rather than using a graduate student. Mr. Lindberg responded that it is not known at this time if a regular staff person will be needed in the future.

Ms. Schafer asked if the County has the opportunity to provide this service to other counties. Mr. Scanlon responded that most of the counties would likely not have the data available to analyze because most counties do not have an integrated system like McLean County.

Sheriff Emery spoke to the success of the CJCC and how it has already saved McLean County money in such ways as lowering the out-of-County jail expenses.

Chairman Rackauskas called for a vote on the motion.

Motion carried with Mr. McKibbin voting "Present."



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Sheriff Emery reviewed the McLean County Detention Facility Population Report. He noted that the January and February population average was 218 inmates.

Chairman Rackauskas asked if there were any questions. Hearing none, she thanked Sheriff Emery and Mr. Scanlon.

Chairman Rackauskas presented the February 28, 2011 Justice Committee bills for review and approval as transmitted by the County Auditor. The Justice Committee bills include a Prepaid Total of \$431,882.41 and a Fund Total that is the same.

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Motion by Wollrab/McKibbin to Recommend Approval  
of the Justice Committee Bills as of February 28, 2011,  
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 McIntyre/McKibbin to Recommend that the  
Justice Committee meeting be adjourned at 6:05 p.m.  
Motion carried.

Respectfully submitted,

Judith A. LaCasse  
Recording Secretary