

Minutes of the Justice Committee

The Justice Committee of the McLean County Board met on Tuesday, February 4, 2014 at 4:30 p.m. in Room 400 of the Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Caisley; Members Rankin, McIntyre, Schafer, Soeldner and Wollrab

Other County Board
Members Present: None

Staff Present: Mr. Bill Wasson, County Administrator; Ms. Hannah Eisner, Assistant County Administrator; Ms. Judith LaCasse, Assistant to the County Administrator; and Mr. Pablo Eves, First Assistant State's Attorney, Civil Division, State's Attorney's Office

Department Heads/
Elected Officials
Present: Ms. Judy Brucker, Director, Children's Advocacy Center; Mr. Jason Chambers, State's Attorney; Ms. Kim Campbell, Public Defender; Sheriff Mike Emery; Ms. Lori McCormick, Director, Court Services; Ms. Beth Kimmerling, Coroner; Mr. Curt Hawk, Director, EMA

Others Present: Ms. Cathy Waltz, Superintendent, Juvenile Detention Center; Mr. Rusty Thomas, Chief Deputy Sheriff; Mr. Mike Kimmerling, Fire Chief, City of Bloomington

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

Chairman Caisley presented the January 7, 2014 Justice Committee Minutes for Approval.

Motion by Soeldner/Rankin to Approve the Minutes of
the January 7, 2014 Meeting.
Motion carried.

Ms. Judy Brucker, Director, Children's Advocacy Center, reviewed the Children's Advocacy Center (CAC) Monthly Statistical Report and the CASA Report. She pointed out the CAC closed out with 261 children interviews which is on par with last year's numbers.

Ms. Brucker stated that at year-end, the CASA volunteers had served 141 children with almost 9,000 donated hours.

Ms. Brucker announced that the CASA Blue Kids benefit is February 22nd. She indicated that they have over 400 reservations.

Ms. Schafer asked how many Monopoly games were sold. Ms. Brucker replied that almost 1,300 of the 1,500 games were sold. She noted that it was a successful fundraiser.

Chairman Caisley asked if there were any additional questions or comments. Hearing none, he thanked Ms. Brucker.

Mr. Jason Chambers, State's Attorney, reviewed his Monthly Caseload Report and Asset Forfeiture Fund Report. He pointed out that under the "Juvenile" total on the report, the number is now zero for 2013 because dependency cases are now filed under Juvenile Abuse. That number will now always be zero.

Ms. Schafer asked about potential synthetic marijuana in the community. Mr. Chambers replied that the State of Illinois has a good law that any substance that is supposed to mimic illegal substances is also illegal.

There was a discussion on possible reasons that certain crimes go up and down, including economy and mental illness.

Ms. Wollrab asked why Abuse and Neglect cases went down. Mr. Chambers replied that Abuse and Neglect is not a charging decision by the State's Attorney's Office; rather, it is a DCFS charge.

Chairman Caisley asked if there were any additional questions or comments. Hearing none, he thanked Mr. Chambers.

Ms. Kim Campbell, Public Defender, presented her Monthly Report. She indicated that the PD's Office is very busy. Ms. Campbell advised that of most concern is the increase in post-conviction cases. She indicated that there are currently 12 post-conviction cases, and there is only one PD Attorney that handles those cases. Ms. Campbell stated that she is hopeful that the volume will slow down.

Chairman Caisley asked if there were any questions or comments. Hearing none, he thanked Ms. Campbell.

Chairman Caisley presented the Circuit Clerk's December 2013 Statistical Reports as submitted by Mr. Don Everhart, Circuit Clerk, who was unable to attend the meeting.

Sheriff Mike Emery reviewed the January 2014 Detention Facility Population report. He noted that the population has been high, but manageable through people bonding out, release time served, etc.

Chairman Caisley asked if there were any additional questions or comments. Hearing none, he thanked Sheriff Emery.

Ms. Lori McCormick, Director, Court Services, presented a request for approval of the application of an Illinois Juvenile Justice Commission Grant. She explained that it was necessary to apply for this grant in a very short amount of time, which she did with the approval of Mr. Wasson and Chief Judge Robb. Ms. McCormick noted that the grant has been approved and the contracts should be received soon.

Mr. Wasson stated that the general procedure is to come before the Committee for approval to apply for the grant, but this was a situation where there wasn't time to follow that procedure. He advised that if the contracts are received in time, there will be a Stand-up Meeting prior to the Board Meeting to approve the contracts.

Ms. McCormick indicated that Dr. Sesha Kethenini will be contracted to lead the research and write the final report with assistance from Juvenile Justice Council member agencies. She stated that Dr. Kethenini has done planning grants with Court Services in the past in regards to Redeploy, knows how to gather data, and has previously worked with the Juvenile Justice Council. Ms. McCormick noted that the research is similar to that done by the CJCC.

Motion by Soeldner/McIntyre to Recommend Approval
of the Application of an Illinois Juvenile Justice
Commission Grant.

Motion carried, with Mr. Rankin voting "Present."

Ms. McCormick presented her Monthly reports.

Chairman Caisley asked if there were any questions or comments. Hearing none, he thanked Ms. McCormick.

Ms. Beth Kimmerling, Coroner, presented her December 2013 Report. She noted that the McLean County Coroner's Office continues to service Sangamon County. She added that LaSalle County is also utilizing the County Coroner's services.

Ms. Kimmerling indicated that when Sangamon County does make the move to its own pathologist, and if LaSalle County remains with McLean County, they will be a good replacement.

Ms. Kimmerling advised that she will have a more detailed review of 2013 in the next few months. She noted that, as of this report, the Coroner's Office has brought in about \$100,000 additional dollars in revenue than was predicted, and she expects a good portion of those funds will remain after budget adjustments are made. Ms. Kimmerling stated that there will need to be an adjustment for expenses, but expects that the adjustment will only need about half of the excess revenue.

Ms. Schafer asked if the addition of the "Scene Response" section of the report has been helpful. Ms. Kimmerling replied that it helps define "busy" and provides good statistics.

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

Mr. Curt Hawk reviewed a report on the Weather Warning Siren activations. He introduced Mr. Mike Kimmerling, Fire Chief, City of Bloomington, who was available to also answer any questions. Mr. Hawk noted that following a meeting with the Bloomington and Normal Fire Chief's, the outdoor warning alarm system policy was adjusted for better clarification.

Mr. Hawk advised that the sirens will be sounded for the following conditions:

- Tornado Warning issued by the National Weather Service or tornado or funnel cloud indicated on radar and reported by a trained spotter;
- Severe Thunderstorm Warning issued by the National Weather Service and winds 70 mph or greater forecast or occurring.

After a discussion, the following points were made:

- The siren is designed as a warning to alert people who are outdoors to take cover and seek further information through media or any message system,
- The siren will be set off when the National Weather Service first issues the tornado or severe thunderstorm warning, not during a watch;
- The Normal Fire Department, Bloomington Fire Department and EMA will continue to educate the public;
- The siren is used only for imminent weather threats;

- This procedure is for the metro-area, with one siren at Crestwick and Evergreen Lake as well;
- Individual communities and their local EMA director or fire chief would be responsible to sound their local sirens, such as Lexington, LeRoy, etc.
- The warning signal will be heard more frequently with this new outdoor Warning Alarm System policy;
- Media warnings, smart-phone warnings, etc. are valuable tools to use to determine when to seek cover as sirens cannot always be heard indoors, and are intended to warn those people who are outdoors;
- Cell phones are GIS-smart and provide a warning wherever you are for that particular area;
- NOAA Weather radios are provided to schools, churches, day cares, nursing homes, etc. and are maintained or replaced when necessary (grant-funded);
- There is never an “all clear” siren; any sound of the siren should be considered a warning.

Ms. Wollrab asked what communities do where tornadoes are more prevalent. Mr. Kimmerling replied that this new Warning Alarm System policy was based on the policy used by Polk County, Iowa and Omaha, Nebraska where tornadoes are most frequent.

Mr. Wasson asked for clarification on the section “Activation Duration” that stated that the alarm will be re-sounded every 10-15 minutes for the duration of a threat. He noted that he talked with Mr. Hawk about this earlier. Mr. Kimmerling replied that if Mr. Hawk feels that the recurrence every 15 minutes is not appropriate, he supports that decision. Mr. Hawk advised that that section is being removed from the Warning Alarm System policy. He stated that if the warning siren goes off too often people become complacent and may ignore the warning.

Chairman Caisley asked if there were any questions or comments. Hearing none, he thanked Mr. Hawk and Mr. Kimmerling.

Mr. Wasson reviewed the draft Contracts and Rate Changes report that was requested by the Committee last month. Ms. Wollrab thanked the Administrator’s Office for providing the report.

Mr. Wasson reviewed the Proposal for Jail Counseling Services and Continuity of Care from the Center for Human Services (CHS), as included in the Packet. He indicated that the CHS proposal offers to take over the counseling contract for the jail and, as part of that contract, the Center will guarantee that inmates who are on

psychiatric medications will be seen by a psychiatrist within two weeks of their release from jail.

Mr. Wasson stated that he appreciates CHS's willingness to provide the County with their ideas, and hopes that that interaction continues.

Mr. Wasson stated that the Sheriff's Department, Health Department and CHS are engaged in discussions on ways to improve referral processes between the Jail and CHS relating to high risk releases. He noted that positive outcomes are being seen for those high risk individuals.

Mr. Wasson advised that the County is satisfied with the services of Real Change Clinical Services which provides counseling and consultations services, and with Correctional Healthcare Company that provides psychiatric care for inmates. He stated that Administration will hold the CHS proposal for consideration when the above contracts are up for renewal in December 2014.

Mr. Wasson reviewed the process to eliminate the Office of Coroner. He stated that the current status of Coroner offices in Illinois is as follows:

- 94 of 101 counties have elected coroners;
- Seven of 101 counties have appointed coroners. The Sheriff is the appointed Coroner in 3 or 4 of the counties that have appointed Coroners;
- Cook County eliminated the office of the Coroner by referendum in 1972 and established a county office of medical examiner, with the medical examiner appointed by the Cook County Board;
- Sangamon County commissioned a cost study to evaluate alternatives to the Office of Coroner in 2010. That study found it was most cost effective to retain an Office of Coroner.

Mr. Wasson noted that the seven counties with an appointed Coroner were smaller counties.

Mr. Rankin asked what options Sangamon County looked at. Mr. Wasson replied that they looked at three options, namely a medical examiner, transfer the duties to the Sheriff's Department or evaluate the possibility of a regional facility.

Mr. Wasson stated that the statutory Duties of the Coroner are included in the Packet.

Ms. Eisner advised that the Coroner's provisions in the County Code have some specific provisions addressing the Coroner, which is not found in any of the other elected officials' provisions, such as the Auditor and Recorder. She stated that in one section it provides that if, by referendum, the Office of Coroner is eliminated, it allows, by statute, that the duties of the Coroner be taken over by another county officer. Ms. Eisner indicated that there is another section that addresses the abolition of the office and says if you do not provide, by referendum, that another office perform the duties of the Coroner, this statute requires the appointment of someone to serve in that function within 60 days of the passage of the referendum and it further states that if that person is the Sheriff then the Sheriff is entitled to additional compensation.

Ms. Eisner stated that it is her understanding that there needs to be a Coroner in some fashion as opposed to the complete elimination of the office.

Mr. Wasson reviewed the action required of the County Board as follows: "A resolution of the County Board which initiates the submission of public questions pursuant to law must be adopted not less than 79 days before a regularly scheduled election to be eligible for submission on the ballot at such election. Therefore, the County Board action would be required to precede August 17th appear on the November 4, 2014 ballot, of which the July County Board meeting is the last regularly scheduled Board meeting preceding this date."

Mr. Wasson stated that the options available to the County Board are:

- Continue to have an elected County Coroner;
- Place a referendum question on the ballot to eliminate the office of the coroner and provide that the duties of the coroner be taken over by another named county officer;
- Place on the ballot a referendum to eliminate the office of Coroner without providing for the performance of the duties of the coroner by another person and 60 days after approval of the referendum appoint a person to perform the duties previously performed by the coroner.

Mr. Rankin indicated that there are a lot of offices in the State of Illinois that are elected that should not be elected. He stated that he is not comfortable that the Office of Coroner has anything to do with politics. Mr. Rankin noted that it is a partisan office, not that it is treated as a partisan office.

Mr. Rankin stressed that his comments are not derogatory towards the current Coroner. He stated that he holds Coroner Kimmerling in the highest regard.

Mr. Rankin asked why we attach a Coroner's Office, whose job and duty is the determination and manner and the cause of death of certain individuals, is part of a political process.

Mr. Rankin stated that he believes the voters are interested in quality and professional services. He indicated that he believes that people want accountability that people who are appointed to offices are held to a certain standard and that they perform those duties. Mr. Rankin suggested that this issue deserves a conversation as to whether or not this needs to be an elected office.

Mr. Rankin pointed out that if the Office of Coroner were an appointed position or shifted to another department, the role of the Office would remain the same.

Mr. Rankin advised that he would be most comfortable with the option to place on the ballot a referendum to eliminate the Office of Coroner without providing for the performance of the duties of the Coroner by another person and 60 days after approval of the referendum appoint a person to perform the duties previously performed by the coroner. In addition, he believes the best choice of an appointed person would be Ms. Kimmerling. Mr. Rankin believes that this would unshackle Ms. Kimmerling from having to run for public office every four years.

Mr. Rankin stated that there are very unique qualifications and duties of a Coroner. He expressed concern that an individual running for Coroner could potentially win an election without having the necessary qualifications.

Mr. Rankin asked how other Committee members feel about this issue.

Mr. Soeldner pointed out that 94 out of 101 counties disagree with Mr. Rankin. Mr. Soeldner indicated that he believes that the statistics are striking and he intends to do more research. He also noted that Sangamon County conducted a study and determined it was more economical to keep the Office of Coroner an elected position.

Mr. Rankin responded that the Sangamon County study was a cost-study. He believes the Coroner could be an appointed position without changing the cost. Mr. Rankin added that the statistics do not necessarily mean it is the most intelligent thing to do; it may mean they have other pressing issues. He indicated that he does not believe McLean County would suffer if we don't have an elected Coroner.

There was a discussion on the history of a Coroner.

Mr. Rankin advised that Illinois is number one in units of elected offices. He stated that you could almost add number two and three together and still barely have as many elected offices as Illinois.

Mr. Rankin stressed that a person who determines the manner of an individual's death should not have anything to do with elected partisan politics.

Ms. Schafer noted that there was an obvious cost savings when the Recorder's Office was eliminated, but she does not see any cost savings with eliminating the Office of Coroner. She believes that it could, in the future, be more costly if someone is appointed because it may be necessary to pay more to get someone with the right qualifications. Mr. Rankin responded that, in the long-run, it might be possible to save more money because you don't have to raise the rate on appointed positions as you do on elected positions.

Ms. Schafer stated that individuals running for this office will promote their qualifications during the race. She added that the voters are smart enough to determine the best qualified. Ms. Schafer concluded that she does not see any advantage to doing this at this time.

Ms. Wollrab indicated that she believes most voters are aware of what a Coroner's Office does.

Mr. McIntyre stated that when you have an elected official in this position you run the risk of that person being elected without having the qualifications and without having the passion and dedication for the position. He noted that with an appointed position that risk is still possible. Mr. McIntyre added that an appointed position may be of benefit to Ms. Kimmerling. He also noted that an appointed position puts more responsibility upon the County Board and Administration, which it should. Mr. McIntyre cautioned that we do not want to hire a medical examiner because it would cost the County a lot more money than an elected Coroner.

Chairman Caisley advised that he is opposed to eliminating the Office of Coroner. He pointed out that the Coroner is the only person who can arrest the Sheriff.

Mr. Rankin asked that this informational item be shared with the County Board.

Chairman Caisley presented the January 31, 2014 Justice Committee bills for review and approval as transmitted by the County Auditor. The Justice Committee bills include a Prepaid Total of \$754,761.58 and a Fund Total that is the same.

Justice Committee
February 4, 2014
Page Ten

Motion by McIntyre/Rankin to Recommend Approval of the Justice Committee Bills and transfers as of January 31, 2014 as transmitted by the County Auditor.
Motion carried.

Justice Committee
February 4, 2014
Page Eleven

Chairman Caisley asked if there was any other business or communication for the Justice Committee. Hearing none, he adjourned the meeting at 6:07 p.m.

Respectfully submitted,

Judith A. LaCasse
Recording Secretary