

Minutes of the Justice Committee

The Justice Committee of the McLean County Board met on Tuesday, July 5, 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, Rankin and McKibbin

Members Absent: None

Other County Board
Members Present: None

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

Department Heads/
Elected Officials
Present: Ms. Lori McCormick, Director, Court Services;
Mr. Craig Nelson, Director, Information Technologies;
Ms. Kim Campbell, Public Defender; Mr. Curt Hawk,
Director, EMA; Sheriff Mike Emery; Mr. Bill Yoder,
State's Attorney; Judy Brucker, Director, Children's
Advocacy Center

Others Present: Ms. Cathy Waltz, Superintendent, Juvenile Detention
Center

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

Chairman Rackauskas presented the Minutes from the Tuesday, June 7, 2011 meeting.

Motion by Wollrab/McIntyre to Approve the Minutes of
the June 7, 2011 Meeting.
Motion carried.

Chairman Rackauskas advised that Mr. Curt Hawk, Director, EMA, volunteered to be moved to the end of the agenda. The Committee concurred with that move.

Ms. Lori McCormick, Director, Court Services, presented a request for approval of an Agreement with RSM McGladrey, Inc. to convert Drug Court Access Database to SQL Server Database. She noted that Mr. Craig Nelson, Director, Information Technologies, was also available if there are any questions.

Ms. McCormick stated that the conversion will be done through grant funding and is an enhancement of the Drug Court Database and, hopefully, for future special courts. She explained that this database will allow Court Services to search Drug Court clients' records as well as provide information about the clients such as drug of choice, offenses, who is working with them, etc.

Ms. Schafer asked if this database is connected to the EJS system. Ms. McCormick replied that it is possible that in the future the database and EJS will work together, but, currently, it is a stand-alone database. Mr. Nelson added that the unit has some identifiers that are part of the EJS system and changes could be made in the future to make the systems compatible. He noted that it would be cost prohibitive to integrate into EJS at this time.

Mr. McKibbin asked how the grant funding works. Ms. McCormick responded that the grant is a congressionally mandated fund that was received in 2008. She indicated that the grant was to end in August of this year, but it was extended because almost half of the \$333,002 grant funds remain. Mr. McKibbin asked if the database would be an on-going expense. Mr. Nelson responded that once the conversion is completed there will be no on-going expense to the system. He noted that there may be some state mandated changes in the future, which would be addressed at that time.

Mr. McIntyre asked what precipitated the change to this new system. Mr. Nelson replied that there are specific fields and new requirements that the state is asking for that are not included in the original system, which is an Access database. He indicated that the IT Department was unable to develop a new database internally. Mr. Nelson also noted that the original database allows only one person to update information. The new database allows multiple Drug Court personnel to use the database, perhaps including Chestnut Health Systems.

Motion by Rankin/Wollrab to Recommend Approval of
an Agreement with RSM McGladrey, Inc. to convert
Drug Court Access Database to SQL Server Database.
Motion carried.

Ms. McCormick reviewed the status of the Adult Redeploy Grant. She advised that Court Services received a letter from the Adult Redeploy Illinois Oversight Board (ARIOB) that McLean County has been chosen as one of five new Illinois sites to implement Adult Redeploy. The letter indicates that upon execution of an interagency agreement, funds in the amount of \$138,123.00 will be available. Ms. McCormick anticipates having an interagency agreement for the Committee's

consideration in August. She stated that she wanted the Committee to be aware that the County has been chosen to receive funding which includes a probation officer, and various services to assist in monitoring/supervising non-violent felony offenders that have been placed on probation and have been assessed at high risk to violate probation orders.

Ms. McCormick advised that funds are available for performance measurement appraisals and evaluation. She indicated that, as the head of Court Services, she will know what is expected from Court Services and what we can expect from the state. Ms. McCormick noted that there are nine pilot sites that have been chosen, with five of the programs already up and running. She stated that if the County decides to accept the award, McLean County will be one of four new sites.

Chairman Rackauskas asked how many counties received this award. Ms. McCormick responded that other sites include Madison County, Fulton County, Winnebago County, and Peoria County. Ms. McCormick added that Cook County has also expressed an interest.

Mr. McIntyre asked how the standards for performance measurement will be determined. Ms. McCormick replied that she is working with ARIOB to determine the performance appraisals.

Mr. McKibbin asked for an update on the County's efforts to manage grant funds. Mr. Wasson responded that the continuing goal is to utilize part of the SAMPSA Grant applied for by Court Services to address the issue of grant management.

Ms. McCormick reviewed her monthly reports noting that there is nothing outstanding to point out on the reports.

Ms. Schafer asked when the next CJCC meeting will be held. Ms. McCormick replied that the CJCC will meet on Thursday, July 7 at 1:00 p.m. in the County Board Room, Rm. 400.

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

Mr. Craig Nelson, Director, Information Technologies, presented a request for approval of an EJS Work Order for removal of personal identifiers. He noted that Mr. Will Scanlon, Circuit Court Administrator is also available to answer any questions.

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Mr. Nelson stated that this request represents several departments, including the State's Attorney, Public Defender, Circuit Clerk and Circuit Court.

Mr. Nelson informed the Committee that EJustice Solutions (EJS) is the licensor of the County's integrated justice software. Mr. Nelson noted that the proposal will allow the County to configure the system so as to control whether or not personal identifiers such as social security numbers and driver's license information appear on particular documents.

Mr. Scanlon stated that we are reaching a point where more and more of the information that is created in the criminal courts is going to end up on-line whether we stay with EJS or, in the future, move to a new case management system. He indicated that the primary identifiers for criminals are date of birth, social security numbers, driver's license numbers and fingerprints. Mr. Scanlon noted that the true identifier is fingerprints. He stated that it will become necessary to mask the information when it is available to the public.

Mr. Scanlon advised that the Supreme Court has proposed a new rule that is not yet in place that will prohibit including social security numbers on all documents filed with the court. He noted that social security numbers are valuable in many cases, including family support cases, tax filings, or employment situations. Mr. Scanlon stated that the proposed reconfiguration is the first step in masking social security numbers and driver's license numbers from documents that can be viewed by the public.

Mr. Scanlon indicated that the cost of \$2,400 for the request has been agreed to be handled through the Court's Automation Fee.

Ms. Schafer asked if this EJS System change is part of the future enhancements that Mr. Everhart, Circuit Clerk, discussed last month. Mr. Nelson responded that this request is a separate issue from Mr. Everhart's potential EJS program enhancements.

Motion by Rankin/McCormick to Recommend Approval
of an EJS Work Order for Removal of Personal
Identifiers.
Motion carried.

Mr. Nelson offered to prepare a 15-minute presentation about the EJS Program that he will present at a future meeting.

Ms. Kim Campbell, Public Defender presented her May 2011 Monthly Caseload Report. She indicated that there is nothing specific to point out in the report.

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

Chairman Rackauskas presented the Jury Commission Six-month Report as submitted by Ms. Cindy Brand, Jury Commission. There were no questions on the report.

Sheriff Emery submitted his June 2011 Detention Facility Report and his 2010 Annual Report. Sheriff Emery also distributed a report comparing the Out-of-County Inmate Housing Expenses from 2006 to 2011 year to date, as follows:

➤	2006:	\$138,814.32
➤	2007:	\$290,370.00
➤	2008:	\$761,280.00
➤	2009:	\$ 94,128.78
➤	2010:	\$ 62,965.00
➤	2011:	\$ 00.00 (YTD)

Sheriff Emery attributed the decrease in Out-of-County Housing to the efforts of the Criminal Justice Coordinating Council ("CJCC"). He credited the CJCC on the progress that has been made in the Criminal Justice system in McLean County.

Sheriff Emery noted that there is still \$71,000 budgeted for Out-of-County Housing for 2011.

Chairman Rackauskas asked why the Patrol Training Hours decreased in 2010. Sheriff Emery responded that training days fluctuate with the shift staffing and the availability of staff to take the time off for training. He assured the Committee that all of the training requirements through the Illinois Law Enforcement Training Standards Board have been met and even exceeded.

Ms. Wollrab asked what is attributed to the decrease in DUI arrests. Sheriff Emery replied that it could be a number of factors, including officer availability. He noted that the Sheriff's Department is running at minimum staff on the midnight shift. Sheriff Emery advised that the Sheriff's Department continues to focus on DUI's.

Ms. Schafer asked about the state instituting the conceal carry law county by county. Sheriff Emery noted that Illinois is the only state without some form of a conceal carry law. He indicated that he doesn't know how a law would be enforced county by county, and suggested that it will be very confusing for the McLean County citizens.

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

Chairman Rackauskas presented the Coroner's Report as submitted by Ms. Beth Kimmerling, County Coroner. There were no questions on the report.

Mr. Bill Yoder, State's Attorney, reviewed his Monthly Caseload Report and Asset Forfeiture Fund Report. He introduced Ms. Jane Foster, First Assistant State's Attorney who will provide a brief report on the questions that were asked at last month's meeting regarding the decrease in felony cases.

Mr. Yoder stated that the numbers for this month continue to trend lower than in years past. He indicated that over the next six months, the statistics will provide a better idea of the comparison to last year. Mr. Yoder noted that there have been a couple items that have been identified that may clarify some of the discrepancies. He noted that felony and misdemeanor cases are electronically referred to the State's Attorney's Office when an arrest is made. Traffic cases come over with tickets already issued. Mr. Yoder asked Ms. Foster to discuss the statistics.

Ms. Foster compared the number of referrals from law enforcement agencies in 2010 as compared to 2011. There has been a noticeable decrease in both felonies and misdemeanors being referred to the State's Attorneys' office through arrest referrals and non-custody referrals, which is when the police take a report but do not arrest anyone at the scene. Ms. Foster indicated that she went a step further and broke those down to felony and misdemeanor referrals. The most significant decrease has been in misdemeanors. Ms. Foster stated that there are several reasons for that decrease. She noted that one reason may be an increase of ordinance violations being issued by Bloomington and Normal Police Departments. Ms. Foster indicated that the police agencies are issuing a large number of ordinance violations that would ordinarily be considered misdemeanors. Another factor that has decreased the number of referrals is the new law sending 17 year olds involved in misdemeanors to Juvenile Court.

Ms. Foster noted that felony arrests are down this year as are the non-custody referrals. Through the end of May there were 166 cases that had been sent over for referral and they have been sent back to the police departments asking them to

do further follow-up and investigations. She informed the Committee that she will continue to dig deeper to find other causes for the decrease in felony cases.

Ms. Foster stated that, based on her day to day experience, she believes the numbers will trend back up. She has been seeing an increase in numbers that she has been screening daily. Mr. Yoder added that even though the number of felony cases may be down, the number of court appearances and the complex nature of the cases is extremely high.

Mr. Rankin expressed his appreciation for the information. However, he continues to believe that it is often dangerous to compare the statistics from 2010 to 2011 as the year is not yet complete. Mr. Rankin added that he believes that statistics should be looked at over multiple years to get a better balance of the figures. He indicated that statistics don't show that police aren't doing their job or the State's Attorneys' Office isn't prosecuting as hard. Mr. Rankin believes that the statistics are being taken too seriously at this point. He feels that if played out to the end of the year and compared back five years, we would find similar trends.

Ms. Schafer asked if the Bloomington and Normal Police Departments are writing more ordinance violations as a means to build revenue. Mr. Yoder responded that there could be a number of reasons including increased revenue. He pointed out that municipalities are legally able to write ordinance violations for most misdemeanors, which he does not particularly agree with. Mr. Yoder stated that from a legal standpoint, criminal cases should be referred to the State's Attorney's Office for a decision. He explained that with an ordinance violation, the offender is able to satisfy that ticket by paying a fine. With the non-criminal disposition, it is not an admission of guilt or any criminal wrong-doing, but just a civil settlement of the case and a way to generate revenue. Mr. Yoder advised that he is going to continue to look at these trends.

Mr. McIntyre stressed the importance of paying attention to these statistics. He recognized that there are trends that come and go, but the statistics are important at determining the trends and the changes that are taking place.

Mr. Yoder expressed concern that some of the ordinance violations may actually be serious enough to be considered a misdemeanor or a felony misdemeanor. Further, he felt that the State's Attorney's Office should make the determination of whether an offense is an ordinance violation or a misdemeanor, which also provides that office with better statistical information for the future.

Mr. Yoder stated that the State's Attorney's Office wants to be very careful that the cases are given the appropriate disposition. He indicated that the State's Attorney's Office has a diversionary plan on misdemeanors, such as illegal consumption or other non-violent misdemeanors, which he put into place to keep from clogging up the judicial system with those types of cases.

Chairman Rackauskas suggested that good communication with the municipalities may be valuable in determining mutual disposition of these cases.

Mr. Yoder stated that he will continue to evaluate the changes in felony and misdemeanor cases.

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

Chairman Rackauskas presented the Circuit Clerk's Monthly Report as submitted by Mr. Don Everhart, Circuit Clerk, who was unable to attend the meeting. There were no questions on the report.

Ms. Judy Brucker, Director, Children's Advocacy Center, presented the CAC and CASA Monthly Reports. She noted that CASA continues to advocate for as many children that they can based on National CASA Standard. Ms. Brucker stated that the only way this level can be increased is if additional funding is secured for a two year period to pay for an additional Case Manager. Ms. Brucker advised that CASA has wonderful community volunteers who, in May, devoted 436 hours to advocate for the kids.

Ms Brucker reported that the CAC activity is on par with this time last year. She stated that 104 children have been interviewed this year. At this time last year 120 children were interviewed.

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

Mr. Curt Hawk, Director, EMA, presented a request for approval of changes to the 2011 Emergency Operation Plan. He advised that every two years on the odd year McLean County updates and submits the McLean County Emergency Operations Plan (EOP) for review and approval. Mr. Hawk stated that he has reviewed the 2011 EOP and has made all corrections known as of June 15, 2011. He noted that copies have been updated and are on file in the EMA Office, and a copy will be provided to the Administrator's Office.

Mr. Hawk advised that after the County Board approves the Plan it will be sent to the state for their approval. He noted that the state will either send back a packet of suggested changes or approve the Plan.

Mr. Hawk pointed out the following changes in the Plan:

- **Initial** changes included the maintenance of the Operations Plan to include name and title changes of responders, agencies and locations (i.e. New Board Members, Agencies, phone numbers, addresses, Staff changes and/or responsibilities.
- **Standardization** of our core set of concepts, principles, and terminology to assist local agencies, responders and private entities at all levels so that we can work together to manage incidents, regardless of their cause, size, location, or complexity.
- **Mutual agreements and standardized organizational structures** – such as the Incident Command System (ICS) and Unified Command (UC) that have improved our interoperability among jurisdictions and disciplines including our improved training, resource management, communications and preparedness planning.
- **In the Basic Plan section:** Procedures detailing how the County will request outside assistance in a disaster, such as assistance from other EMA's the State IEMA or both.
- **Public Information Section:** Designated a facility as the Joint Public Information Center to coordinate emergency public information with responding agencies as well as the State EOC creating a single source of information released to the public.
- **Damage Assessment:** assigning specific tasks and responsibilities to a team to quickly coordinate damage assessment activities following a major disaster providing timely information to the public of shelters, damage to utilities, determining unsafe structures, and repair information.
- **Additional New Annexes:** from "Lessons Learned" we have reviewed our areas of planning in Evacuations and Human Services. Here we are adding an annex covering Special needs Populations and sheltering needs of those with pets that may not want to evacuate until the needs of their pets are met. This led us to develop the Cat and Dog Shelter Plan. This plan gives a base plan to build on in the event of needs to shelter small animals resulting from a disaster.

Ms. Wollrab asked if there was anything of particular substance to share with the Committee. Mr. Hawk responded that the largest substance of change has to do with the special needs population within the County. He stated that he is working with the IT Department to create a special needs planner. This database will be

comprised of information that will be requested from the churches, schools, and public around the County identifying people with special needs within their household or community. This will help EMA provide better response. Mr. Hawk stated that a lot of the response failures during Katrina were due to trying to find the right people and get them evacuated in a proper manner. He indicated that if this population can be identified and included in a GIS database, it will be possible to find and meet the needs of these individuals should there be an emergency. Mr. Hawk noted that special needs could even include someone who may not have a car in which to evacuate, or someone who spoke a different language.

Mr. Hawk advised that this change in the Plan is mandated by FEMA. He noted that McLean County is ahead of everyone else in the state in creating this special needs database. Mr. Hawk pointed out that a lot of other counties in the area copy our plan and adapts it to their plans. He indicated that as soon as the population planner is completed, he will offer it to other counties to copy and utilize for their needs. Mr. Hawk noted that other counties don't have the strong GIS and IT system that McLean County has. He stated that what is important is that we all work together during an emergency situation.

There was a brief discussion on the efforts that can or need to be made to identify homes with individuals with special needs.

Ms. Schafer asked if the first response to an emergency would focus on finding and evacuating people with special needs. Mr. Hawk replied that in immediate response situations it would not be as helpful. Rather, it will be of more benefit to the planned responses on how do we shelter and take care of persons over the long run. Mr. Hawk advised that it is necessary for people to be prepared and plan for potential emergencies, rather than to totally rely on emergency personnel. Chairman Rackauskas added that there comes a point where the government cannot be relied on for everything, but it can help to educate the public to find resourcefulness within themselves.

Motion by Rankin/Schafer to Recommend Approval of
Changes to the 2011 Emergency Operations Plan.
Motion carried.

Mr. Hawk reported on one of the projects being developed with grant money. He advised that EMA was mandated by FEMA to build a tactical inter-operations communication plan. Mr. Hawk stated that communication can always be a problem when there is response. He noted that communications come together quickly and works well once there is a plan in place.

Mr. Hawk stated that EMA worked with all of the agencies within the County including Metcom, Bloomington Dispatch, the Health Department, etc. to put together a planning team to look into the protocols. He indicated that the tactical plan was based on the protocols. Mr. Hawk noted that the plan is completed and he is waiting for the state's approval. He stated that the state gave the County \$47,000 to build the Plan, practice the Plan and exercise it, which EMA has been doing with the Bloomington and Normal Police Departments and Fire Departments. Mr. Hawk noted that they have been practicing how they would communicate together during disasters.

Mr. Hawk advised that along with this large plan, small field operation guides have been created that will be handed out to the senior officers of each agency.

Mr. Hawk reviewed the process by which the agencies would communicate on various channels during an emergency, including support in different parts of the state.

Chairman Rackauskas asked how difficult it will be to update that information continually as people change. Mr. Hawk replied that it will be difficult, but once a good draft layout is developed, they will ask every county to build their own guide. If every county keeps track of their information and everyone shares their portion, it will be helpful. Mr. Hawk advised that, in the future with the appropriate software program, it will be possible to update the information and it will be available to everyone.

Mr. Hawk stated that another use of the \$47,000 was to exercise the group for emergency situations. He added that there is a potential that FEMA will mandate quarterly training. Mr. Hawk recognized that this would be a financial hardship on all of the agencies involved.

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

Chairman Rackauskas reiterated that the CJCC will meet on Thursday, July 7th at 1:00 p.m. in the County Board Room.

Ms. Wollrab announced that she attended the Jail Oversight Committee and found it very interesting. She noted that they are a very dedicated group. Chairman Rackauskas encouraged other Committee members to attend this meeting.

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Mr. McIntyre commented that statistics can be difficult sometimes, but he feels that it is important to study the statistics and ask questions.

Mr. McKibbin suggested that the police officers may be merely looking at each situation to determine if the violator deserved an arrest or an ordinance violation. As an example, he pointed out college students who may use poor judgment, but are not real criminals. Mr. McKibbin also suggested that the law enforcement agencies and the justice community get together to communicate their concerns.

Mr. McIntyre expressed his opinion that it is the responsibility of the Committee to be mindful of the judicial statistics and to question significant changes to the statistics.

Mr. Rankin agreed that it is the responsibility of the Committee to ask questions, when necessary, but he pointed out the danger of speculation. He advised that the Committee would be better served by examining the statistics over a period of time before jumping to conclusions and causing potential friction and problems with the law enforcement agencies.

Mr. Wasson stated that the City Police Chiefs and Police Departments have been active participants in CJCC. He suggested that the reason for the decrease in misdemeanors and felonies could relate to the communication of the CJCC process and the efforts of the CJCC to find alternative solutions to jailing every violator. He pointed out that Sheriff Emery and Mr. Yoder consistently credit the CJCC for the decrease in out-of-county prisoner housing and the vast improvements to the judicial system.

Chairman Rackauskas presented the June 30, 2011 Justice Committee bills for review and approval as transmitted by the County Auditor. The Justice Committee bills include a Prepaid Total of \$705,083.63 and a Fund Total that is the same. She also presented two Appropriation Transfers; one is a transfer in the Court Services-Juvenile Detention Fund 0001 for \$1,629.95, and one transfer is in the Children's Advocacy Center Fund 0129 for \$2,500.

Motion by Wollrab/McKibbin to Recommend Approval of the Justice Committee Bills as of June 30, 2011, as transmitted by the County Auditor, as well as two Appropriation Transfers.
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/Schafer to Recommend that the Justice Committee meeting be adjourned at 6:25 p.m.
Motion carried.

Respectfully submitted,

Judith A. LaCasse
Recording Secretary