

## **Minutes of the Justice Committee**

The Justice Committee of the McLean County Board met on Tuesday November 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, Rankin, Wollrab, Schafer 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. Beth Kimmerling, Coroner; Mr. Don Everhart, Circuit Clerk; Ms. Lori McCormick, Director, Court Services; Ms. Judy Brucker, Director, Children's Advocacy Center; Ms. Kim Campbell, Public Defender; Sheriff Mike Emery; Mr. Bill Yoder, State's Attorney

Others Present: Ms. Cathy Waltz, Superintendent, Juvenile Detention Center; Mr. Rusty Thomas, Chief Deputy Sheriff, Sheriff's Department, Ms. Jane Foster, First Assistant State's Attorney

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

Chairman Rackauskas presented the minutes from the October 4, 2011 Committee meeting.

Motion by McIntyre/Wollrab to Approve the Minutes of the October 4, 2011 Meeting.  
Motion carried.

Ms. Beth Kimmerling, Coroner, presented the Coroner's Monthly Report for September. She noted that there was nothing significant to note on the report.

Ms. Kimmerling advised that in September, the state funds available for public aid burials are no longer available. She noted that there is a concern that the County will now be responsible for the cost of indigent burials. Ms. Kimmerling pointed out that in her 12 years with the County she has only experienced two indigent burials.

Ms. Kimmerling noted that since those funds no longer exist, she has worked with five or six families, which is very time-consuming due to the efforts it takes to determine whether a family is truly indigent, and working with the families and funeral homes for solutions. She stated that she has been able to find arrangements for those six families without coming to the County Board. Ms. Kimmerling added that within the past 48 hours, there are now three more families who claim to be indigent.

Ms. Kimmerling indicated that if a family is unconcerned with the burial of their family member, the County can donate the body to science at no cost to the County.

Chairman Rackauskas asked what the cost is of a burial. Ms. Kimmerling replied that the least expensive burial is \$1,600.

Ms. Schafer asked if the estate of the person who died is responsible for the cost of the burial or is the family responsible. Ms. Kimmerling replied that when a person dies, the next of kin or an executor of the estate is responsible for the arrangements. If that person is not interested in taking care of that family member and have signed off on the body, and no other family member takes responsibility, the County can donate the body to science. However, if it is proven that the family is indigent and wishes to have the family member buried, the County would be responsible for the cost.

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

Mr. Don Everhart, Circuit Clerk, reviewed his September 2011 Statistical Reports and the Third Quarter Statistical Reports. He noted that there was nothing significant in the reports.

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

Ms. Lori McCormick, Director, Court Services, presented a request for approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2011 Combined Annual Appropriation and Budget Ordinance, Fund 0001 General Fund, Court Services Department 0022. She advised that this Emergency Appropriation Ordinance is for the remainder of 2011 and is based upon the SAMHSA Award for a yearly federal total of \$394,288. This is a three-year grant that will enhance services to both Drug and Recovery Court, as well as allow for a

project grants manager that will assist in ensuring that all grant procedures and requirements are followed.

Motion by Schafer/Wollrab to Recommend Approval of an Emergency Appropriation Ordinance and Budget Ordinance, Fund 0001 General Fund, Court Services Department 0022.

Motion carried.

Ms. McCormick presented a request for approval of a Resolution Amending the Funded Full-Time Equivalent Positions Resolution for 2011. She indicated that this grant allowed them to shift some responsibilities around from another grant to allow for a new position of Criminal Justice Special Project Manager. This person will essentially become the grants manager for all of the grants.

Mr. Wasson advised that concern has been expressed over the last couple of years that it had become necessary to designate a grants manager to oversee grants. This grant allows for this position to be created.

Motion by Schafer/Wollrab to Recommend Approval of a Resolution Amending the Funded Full-Time Equivalent Positions Resolution for 2011.

Motion carried.

Ms. McCormick reviewed the Court Services Adult/Juvenile Division Statistics for September 2011, as well as the Juvenile Detention Center statistics.

Ms. Schafer asked what Dispositional Detention is. Ms. Waltz responded that Dispositional Detention means that a juvenile has been sentenced to so many days in the Juvenile Detention Center.

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

Ms. Judy Brucker, Director, CAC, reviewed the Children's Advocacy Center (CAC) Monthly Statistical Report and the CASA Report. She stated that the CAC statistics are on par with last year at this time. Ms. Brucker noted that the CASA program is going very well. She indicated that through the end of September, CASA has the equivalent of three FTE positions in volunteer hours. Ms. Brucker commented that CASA has a dedicated group of volunteers.

Chairman Rackauskas asked when the CASA Volunteer graduation is. Ms. Brucker replied that the graduation is Monday, November 7<sup>th</sup> at 4:30 in Judge Fitzgerald's Courtroom. She added that Mr. Bob Farley, a nationally known speaker on child abuse investigation, will speak on November 8<sup>th</sup> at an all-day seminar at Heartland College.

Ms. Schafer asked if funds from the Sheriff's Asset Forfeiture Fund could be transferred to the Children's Advocacy Center. Mr. Wasson replied that this question should be asked of Sheriff Emery since they are his funds.

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

Ms. Kim Campbell, Public Defender, advised that there was nothing unusual to point out on her Monthly Caseload Report.

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

Sheriff Mike Emery presented a request for approval of an Intergovernmental Agreement between the City of Bloomington and the County of McLean regulating the use by the County of McLean of the Police Shooting Range Facility of the City of Bloomington. He pointed out that this contract is for a 12 month period with no fee increase.

Sheriff Emery noted that this is a 12-month contract rather than the usual three-year contract because Bloomington may not continue to maintain the facility as a shooting range beyond one more year. He added that there is an alternative range west of town that can be used should this range no longer be available.

Motion by Rankin/McIntyre to Recommend Approval of an Intergovernmental Agreement between the City of Bloomington and the County of McLean Regulating the use by the County of McLean of the Police Shooting Range Facility of the City of Bloomington.  
Motion carried.

Sheriff Emery reviewed the McLean County Detention Facility Population Report for October 2011. He reported that the Jail population is maintaining an average of approximately 232 inmates daily.

Sheriff Emery pointed out that there are three Bills being considered in Legislative Veto that would negatively affect the Sheriff's Department. At this time, the following bills have not yet been called for this Veto Session due to lack of support:

- A bill that would prohibit using any restraints on pregnant female prisoners. Currently, an ankle bracelet is attached to the bed so that a minimum amount of control can be maintained. If this bill were to go through, it would mean that two guards would have to be posted at the hospital rather than just one.
- A bill that would require the Sheriff's Department to list all of their security cameras on the Attorney General's Website.
- A bill that would take the Sheriff's foreclosure sales out of the Sheriff's jurisdiction and giving them to private practicing attorneys.

Mr. Wasson cautioned that there are three more days of the Veto Session next week. He noted that the Sheriff continues to work with the Sheriff's Association and the Administrator's Office continues to work through the County lobbyists to defeat these bills, particularly the Sheriff's Foreclosures.

Sheriff Emery stated that with the exception of one senator, all of the County area representatives have voted no on these bills.

Ms. Schafer asked if funds in the Sheriff's Asset Forfeiture Fund accounts can be transferred to the Children's Advocacy Center. Sheriff Emery replied that the funds are restricted.

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

Mr. Bill Yoder, State's Attorney, distributed statistical reports that show the changes and enhancements that have taken place in the State's Attorney's Office since he became the State's Attorney approximately ten years ago. He announced that this would be his last Justice Committee meeting as the State's Attorney as he has been appointed Judge of the Eleventh Circuit Court.

Mr. Yoder stated that when he filed his Letter of Interest in becoming the McLean County State's Attorney with the County Board, he made several promises to the Board on goals he wished to achieve during his tenure as State's Attorney.

Mr. Yoder reviewed the statistical reports that reflect the goals he promised to reach as State's Attorney, as follows:

### Felony Cases Filed (1988-2011)

Mr. Yoder advised that when he became State's Attorney he promised to reduce felony filings within McLean County. Previous to his taking office, when a felony was filed in McLean County, the probability that the person would be convicted of that felony was 60%. Four out of ten cases were either not guilty or the felony got reduced to a misdemeanor. Felony cases require months of work by the felony attorneys, the felony public defender, the felony judge and the felony court. Mr. Yoder stated that most State's Attorneys and defense attorneys know within five minutes whether a case would be a misdemeanor disposition or a felony disposition.

Mr. Yoder indicated that, when he became State's Attorney, he determined to screen the cases up front, charge them appropriately and prosecute them appropriately. He pointed out that when he came into office in 2002 there were 1,539 felony cases, which he cut by over 200 felony cases his first year and another hundred the second year. There were as many cases being filed each year, but they were filed appropriately, such as misdemeanor versus all felony filings.

### Felony Conviction Rates – 2001-2011

Mr. Yoder stated that felony conviction rates increased each year since he became State's Attorney. He reiterated that these statistics are the numbers that come from the Circuit Clerk's Office and are reported to the Administrative Office of the Illinois Court.

Mr. Yoder advised that the model he put in place was to screen cases more appropriately up front and charge them more appropriately. He cautioned that any time you charge a case as a felony there is always the possibility that it could be reduced to a misdemeanor due to unreliable witnesses, new evidence, etc. The total Conviction rate on the report is the total felony and misdemeanor convictions.

### Results of Felony Trials

Mr. Yoder indicated that in terms of percentages, you don't want 100% convictions on felony trials because if you have 100% it means you are not trying enough cases. He believes the appropriate percentage of convictions should be between 65%-85%. Mr. Yoder explained that cases that go to trial should include cases that don't have rock solid evidence. He noted that the State has the burden of proof in a case, and that burden is proof without a reasonable doubt. The

threshold for charging a case is that there is admissible evidence available. There are prosecutors who handle nothing but confession cases, and some cases are reduced to misdemeanor cases because there is a possibility that the case may be lost at trial. Mr. Yoder indicated that the objective is to hold a person accountable for the crime that they committed. He stated that even though sometimes the evidence is not strong enough, that person should be tried on the crime. Mr. Yoder noted that some prosecutors will not try a case if there is any possibility that they might lose it, which is not justice for the victim. His goal is to obtain justice for the victim by taking the felony case to trial and making every effort to get a conviction. Mr. Yoder added that it would be nice to get 100% conviction because when a case is prosecuted it is on the 100% belief that the person is guilty, but he recognizes that the evidence and the jury that hear the case have a large impact in the results of the trial.

Mr. Yoder advised that the difference between a Jury Trial and a Bench Trial is that a defense attorney can request that the case go before the judge instead of a jury. This is a strategy decision by the defense attorney; the State's Attorney's Office has no say in whether a case goes to a jury to a judge.

#### Classification of Felony Convictions and Number Sentenced to IDOC

Mr. Yoder stated that this chart shows the dispositions of every class of felony that the State's Attorney's Office has prosecuted and the number of convictions. He pointed out that murders are an aberration and are handled when they come up. Most serious felony convictions (Class X, Class 1, and Class 2) are drug cases, sexual assault cases and fire arms cases.

Mr. Yoder pointed out that Class 3 and 4 felonies are mostly driving offenses, aggravated batteries and non-violent cases. He advised that programs are available now that offer treatment to repeat offenders.

Mr. Yoder referred back to the "Felony Conviction Rates" chart. He stated that, while the number of felony cases filed was reduced, the actual rate of convictions increased, which shows that we are doing more with less.

#### 2011 Drug Caseload Update Report, January 1 to September 30, 2011 and Search Warrants Issued

Mr. Yoder indicated that just before he took office there had recently been a serious gang shooting in town. He noted that one of the reasons he wanted to be State's Attorney was to deal with the gangs and the drugs. Mr. Yoder pointed out that, in 2002, there were 289 new felony drug cases filed that were handled by one

attorney; there were 117 "Overhear Orders" handled by one attorney, and 42 Search Warrants were prepared and handled by one attorney.

Ms. Schafer asked what an Overhear Order is. Mr. Yoder replied that it is an eavesdropping order where someone allows their telephone conversation to be heard or wears a wire during a drug deal. These orders require a judicial order.

Mr. Yoder advised that the first thing he did when he took office was to add a second attorney to drug cases. Currently there are three attorneys in that division.

Mr. Yoder indicated that when he came into office there was a \$50,000 deficit in the Asset Forfeiture Fund account because of transfers that had been made into the County General Fund. Currently, there is \$116,000 in the Asset Forfeiture Fund account. Mr. Yoder stated that Asset Forfeiture Funds are funds seized from drug deals, which has the biggest impact on the drug dealer. Mr. Yoder noted that these funds are restricted to drug related expenditures such as develop creating a conference room that is used by the drug unit, video equipment to be used by the drug unit in trials, and for materials used by the drug unit in their prosecution of their cases.

Mr. Yoder advised that one of the promises he made was to more effectively deal with minor misdemeanor offenders when they entered the system. He noted that when he took office, a first-time offender was placed in a Diversionary Program, but the case would still be pending and the State's Attorney's Office, the Public Defender, the Circuit Clerk and the Court would all be working on the case. The case could linger on for as much as a year in the court system. Mr. Yoder indicated that he created a Diversionary Program that is a pre-charge program. In other words, an offender of a non-violent misdemeanor who has no prior record can be placed in the Diversionary Program and if they successfully go through the program, no charges will be filed.

Mr. Yoder mentioned that the one thing he is most proud of as State's Attorney is the positive working relationship he has had with the Justice Committee, the County Board, and the other departments within the Justice community, including the Public Defender's Office and Circuit Clerk's Office. Mr. Yoder pointed out how the cooperation of these groups resulted in the very successful Drug Court, Mental Health Court and the development of the Criminal Justice Coordinating Council, which has been a huge success in McLean County.

Mr. Yoder noted that he has been "under budget" every year he has been the State's Attorney except perhaps last year, which was the result of legal fees that the County had to pay that could have been better placed in another budget.



Mr. Yoder advised that the State's Attorney's Office is blessed with great people, particularly his two First Assistant State's Attorneys, namely Ms. Kim Campbell, who went on to be the Public Defender, and Ms. Jane Foster who is the current First Assistant State's Attorney.

Ms. Wollrab asked Mr. Yoder how he felt about decriminalizing certain drugs in an effort to alleviate the gang and drug violence. Mr. Yoder replied that he is against decriminalizing any drugs.

Chairman Rackauskas and members of the Committee offered their congratulations to Mr. Yoder on his appointment.

Mr. Bill Wasson, County Administrator, reminded the Committee that two budgets under consideration are the result of the question asked last month about the DV grant budget in the State's Attorney's Office that was out of balance. He stated that he identified that the funding had been taken from the wrong program of the fund to balance the budget. Therefore, both of these budgets needed to be revised and brought to the Committee for approval. The two budgets are as follows:

**Sheriff's Department Multidisciplinary Domestic Violence Grant – 0160-0029** which can be found on pages 112-114 of the Budget Book and page 47 of the Summary, and the **State's Attorney's Office – Multidisciplinary Domestic Violence Grant – 0160-0020** which can be found on pages 81-83 of the FY'2012 Recommended Budget and page 48 of the Summary.

Motion by Schafer/McIntyre to recommend tentative approval of the Sheriff's Department Multidisciplinary DV Grant – (0160-0029) FY'2012 Recommended Budget as submitted and to Recommend tentative approval of the State's Attorney's Office – Multidisciplinary Domestic Violence Grant – (0160-0020) FY'2012 Recommended Budget as submitted..  
Motion carried.

Mr. Wasson distributed printouts, for discussion only, of the budget recommendations that were passed out at the County Board meeting that reflect budget adjustments that were made that the Chairman of the Justice Committee will take to the Executive Committee for a recommendation for approval. He stated that the Chairmen of the Committees will first recommend the budgets as recommended by the Committees and it is anticipated that the Chairmen will then recommend these modifications.

Chairman Rackauskas advised that, after the budgets were recommended for approval at last month's meeting, the County Board Chairman, Committee Chairmen, and the County Administrator met individually with all Department Heads to find budget adjustments. This printout reflects those additional budget adjustments.

Mr. Rankin asked if any budgets were cut in order to add funds to another budget. Mr. Wasson replied that there were no additions made in any Justice Committee budgets. He stated that there are a couple budgets where revenue changes were made and relative to those revenue changes there were some modifications to expenditures, but none in the Justice Committee's oversight.

Chairman Rackauskas commented on the cooperation of the Department Heads to work together to find these budget adjustments. Mr. Wasson concurred and noted that it was difficult for the Department Heads to return to the process to identify additional savings. He indicated that time was spent looking at five and six years back in expenditures and looking at detailed expenditure trends over the last two years to try to find where spending can be reduced. Mr. Wasson noted that the Trend Analysis was the most helpful in identifying changes from three years ago and now.

Ms. Schafer asked how this will affect the budget next year, and are we now at the very lowest that we can go without impacting services. Mr. Wasson responded that it will be necessary to find unique solutions in the future to do things. He indicated that he has informed several committees that we have begun the process of discussions with departments. Mr. Wasson advised that there are revisions in one department that are based upon the idea that the department would get help from another department during a seasonal period when they need assistance.

Mr. Wasson stated that County Government is departmentalized because of the way it is structured. He indicated that currently we have department heads and elected officials who are willing to look at those types of efforts and agree to consider alternative processes.

Ms. Wollrab asked if there may be the potential of privatization of certain duties. Mr. Wasson replied that that is always a possibility in the future.

The Committee reviewed the handout that Mr. Wasson distributed.

Ms. Wollrab asked what percentage the County pays for employee health insurance. Mr. Wasson responded that it depends upon the level of coverage taken. He stated that the employee currently pays approximately 18% of the cost of coverage and the County picks up the remainder of that for employee only coverage. In the other levels of coverage, the distribution is more in the area of 45% for employee and 55% for the County. Basically, the employer is picking up the employee portion of extended dependent coverage and the employee pays the remainder of that coverage.

After additional discussion, the Committee concurred to forward the recommended budget adjustments to the Executive Committee for recommendation to the Board for approval.

Chairman Rackauskas presented the October 31, 2011 Justice Committee bills for review and approval and an Appropriation Transfer in the Children's Advocacy Center in the amount of \$960.00 as transmitted by the County Auditor. The Justice Committee bills include a Prepaid Total of \$838,457.20 and a Fund Total that is the same.

Justice Committee  
November 1, 2011  
Page Twelve

Motion by McIntyre/Wollrab to Recommend Approval of the Justice Committee Bills as of October 31, 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 Schafer/Rankin to Recommend that the Justice Committee meeting be adjourned at 6:58 p.m.  
Motion carried.

Respectfully submitted,

Judith A. LaCasse  
Recording Secretary