

**JUSTICE COMMITTEE MEETING
OCTOBER 25, 2012
3:00 P.M.**

MEMBERS PRESENT

Chair Mark Wicklund
Keith Ashby
Jon Baxter
Bill Oliver
Jay Dunn

MEMBERS ABSENT

Dave Drobisch

COUNTY PERSONNEL PRESENT

Jack Ahola, State's Attorney
Randy Waks, Asst. State's Attorney
Sheriff Tom Schneider
Lt. Jon Butts, Sheriff's Office
Rodney Forbes, Public Defender
Gary Glosser, Circuit Clerk Deputy
Lori Long, Probation
Judge A. G. Webber, IV, Circuit Court
Jerry Lord, PBC
Jeannie Durham, County Board Office

This meeting was called to order by Chair Wicklund at the Macon County Office Building.

APPROVAL OF MINUTES

Motion to approve the minutes of prior meeting (9-27-12) made by Keith Ashby, seconded by Bill Oliver, and motion carried 5-0.

CLAIMS

Motion to approve and pay the claims made by Jay Dunn, seconded by Keith Ashby, and motion carried 5-0.

REPORTS

Circuit Court

Gary Glosser had no report.

Coroner

No report.

Court Services/Probation

Lori Long had two items to report.

First, many of you already know that we received formal notification about 1 ½ weeks ago that our Smart Probation grant application was not selected to receive funding this year. You may recall that this grant was our attempt to obtain funding to resurrect the Domestic Violence program, personnel and services that were lost earlier this year when the State's Attorney's Office lost their Domestic Violence Prevention Program (DVPP) grant. As a result, our Dept. lost 2 grant-funded probation officers and absorbed 400 DV cases into existing caseloads, which has significantly increased adult probation officers' supervision caseloads. We plan to reapply next year, if the opportunity presents itself. In the interim, we continue to seek out other funding opportunities.

Second, the Detention Center contract with Sangamon County is set to end at the end of November. We had issued a request for proposals to seven different detention centers located geographically closest to us and yesterday was the deadline to submit proposals to us. We received two: One from St. Clair County and one from Peoria County. I have provided copies of each of those proposals to Mr. Wicklund, Mr. Dunn, Mr. Ashby, Judge Webber and Judge Bollinger and that group of folks is set to sit down, review and discuss the proposals next Monday.

EMA

No report.

Public Building Commission

Jerry Lord had no report.

Public Defender

Rodney Forbes reported that recently, in an effort to reduce the jail population, he has instituted a policy in their office in which the individual attorneys go through their caseloads and identify non-violent offenders who have been in jail for awhile and are unable to post bond. Once that list is provided to Mr. Forbes, he speaks with the States Attorney's Office. In a lot of instances, they have been able to come up with agreements to reduce or lower bonds. Those are presented to Judge Griffith on a regularly scheduled basis. By agreement, those bonds are being reduced. They started doing this last week and again this week. This is something they hope to continue doing over the next couple of weeks to see how things work. After that, depending on who the new State's Attorney is and what their policy is, it is certainly something that Mr. Forbes wants to continue doing. Mr. Forbes thinks it has been successful and that it is, at least, helping the jail population. It is certainly successful for our clients in getting them out of jail and making sure that they don't have to be in jail any longer than they need to be. So, that process is in place and Mr. Forbes thought that it was something the committee should be aware of.

Also, with this new ARI Grant and the extension of that grant, there is some money available for the Public Defender's Office. It would be \$10,000 for a contractual part time employee to attend what is called the MDT meetings, or the meetings where people are screened and their compliance is reviewed. This would be an extra position outside of the office and we would ask that the Board approve the acceptance of this \$10,000 for the hiring of a part time non-contractual employee. This money would not be comingled in any way with the existing salaries for duties of the existing attorneys in the office. It would just be something completely new and different and if the money would end, the position would end as well. So, I would ask that the Board review that and agree to that. I think it is a much needed, added component to the ARI program.

In addition to that, I filed a written report as I do every month.

Questions:

Jay Dunn: Where is the \$10,000 coming from?

Rodney Forbes: It is an award from . . . I think Lori Long could speak more correctly on that.

Lori Long: At the present time, the Adult Redploy Illinois Grant is. Actually, the State's Attorney is the fiscal agent for that grant. It is through Second Chance Act and it is in the process of moving from Second Chance to the state.

Jay Dunn: Isn't someone's budget going to have to be amended?

Rodney Forbes: I have contacted Auditor Amy Stockwell and asked for suggestions on how that was to be done and I provided that information to her. This happened between the time that I could have tried to ask that this be put on the Justice Committee Agenda and the time that the meeting was held, but I have contacted the Auditor and she has suggested that we add it as a line of revenue in the Public Defender's budget for \$10,000 as an additional expenditure under the contractual line of \$10,000. We don't have an official award letter yet, but I did provide a copy of the email confirmation that we have received the award. So, we are trying to make this happen as quickly as we can and get the information to Amy and the Board just as soon as we get it, but the timing of it has made it hard to get it on the agenda and have the actual award letter attached.

Jay Dunn: Well, we have the Display Budget meeting coming up Monday night and then we have the Special Board Meeting to approve the budget on November 20 so, at some point, I would think the budget would be amended. Is this money going to be spent in FY13 or FY12 & 13?

Rodney Forbes: It is, by hope, in FY13. We don't want to do anything before that. Obviously, we don't even have the award letter as of this time. I think that Amy was trying to put those numbers together to present to the Finance Committee for the Display Budget.

Judge Webber: A follow-up comment on what Mr. Forbes was talking about in the program to review bonds, the whole point of that is to reduce the jail population and this is extra work which is being done both by the Public Defender and the State's Attorney and a little bit by Judge Griffiths too. It is of no direct benefit to any of those offices, but it is a program that I did see has been executed in Cook County and so it would not work without the cooperation particularly of the Public Defender and the State's Attorney. They have been doing that and it is something that they really do not have to do, but they have been cooperating and it benefits most directly the County's budget through reduced jail population. So, I think that both of our offices deserve credit for doing that. Particularly, since it is work that they are doing which is principally helping out the Sheriff's office as opposed to their offices.

Bill Oliver: Do you have a number on the first week's number of inmates that have gone through this system that you are looking to release?

Rodney Forbes: I don't have the list here, but I think approximately 7 or 8 who had bonds reduced. We reviewed more than that, but those are the ones that we came up with an agreement on. Then we just did 3 more this week and several more today. I don't anticipate these will be exceptionally large numbers because many of the people that are being held in custody are being held on violent crimes. That is why they are being held in custody. We are specifically trying to identify those people who are charged with non-violent crimes who have been unable to post bond and are staying in jail for long periods of time.

Jay Dunn: Commended the State's Attorney, Public Defender and Judicial System for working together in trying to make this work.

Sheriff

Sheriff Tom Schneider took the opportunity to thank all of them also because we have seen a steady decrease in our jail population. He verified just before the meeting that there are 304 inmates currently. That is a very good number for the jail population at this time. We have seen it all the way up to 350 – 355. The lieutenant in charge of the jail has been keeping the sheriff apprised of the situation and the sheriff reported that he was surprised to hear what it was today. So, what they are doing is working and he commended all the people that are involved in that process.

Chair Mark Wicklund questioned whether the committee wanted the \$10,000 issue – back to Justice next month or in favor of moving on to Finance? Jay Dunn indicated that it was fine to move it on to Finance.

Sheriff Schneider presented Macon County Board Resolution Approving an Increase in Appropriations in the FY2012 Sheriff's Budget for Vehicle Purchase. This is two seized vehicles and one vehicle that is not in use that we are getting rid of to get a vehicle that can be used. These funds are acquired from the seizures are not general funds. No general funding is used in this purchase and I ask that this resolution be passed. Keith Ashby questioned whether it was the sheriff's intention to auction off in the future the vehicles no longer being used? Sheriff Schneider replied that what they are doing is following through with the auditor's recommendation to use the auction. They go out and get a 3rd market value from a local vender and use that as one of the prices that they have to meet. If they don't meet that price at the auction, then we get rid of it to the appropriate one to get the most out of the vehicle. But, yes, it is my intention to use the auction for these in the future. The question was asked whether the \$9,292 on the resolution was the fair market value. The answer was that one of the vehicles listed on the resolution was above and one was below, we met it through both of them. Motion to approve was made by Keith Ashby, Seconded by Mervil Jacobs, and the motion carried 5-0.

State's Attorney

Jack Ahola stated that there are budget resolutions for the CAC that Randy will be presenting, but before he gets to that, he commented that the \$10,000 that the Public Defender got is part of a \$233,000 grant that they awarded for 6 months. We already have a line for Adult Redeploy estimated at \$197,000 so we are kind of conservative. We will have to amend that for the Display Budget, but it is just a matter of plugging the numbers in. Again, that is good news for the county because that is money that will come straight into the county through salaries and other things, mostly through private agencies and court services.

Randy Waks stated that there are two resolutions instead of one. The first one is a Resolution Amending the Child Advocacy Center Budget of the State's Attorney's Office for FY2012. This, we present to you generally every year because of the fact that all of their grants come from the state and operate on the state's fiscal year. So, we have to adjust between our years and their years. So, page 2 shows the differences between the old and new budgets. There is a \$21,747.22 change. There is sufficient money there. We are really allocating between the 2 years. Our old budget that we are amending had almost \$30,000 worth of revenue over expenses. So, there is plenty of money there. We are just reallocating to this year instead of next year.

Jay Dunn questioned why it was being done in 2 resolutions. Randy Waks replied that Amy suggested we do it in 2 because she has them in 2 budgets. One is 092-050 and the 2nd one is 092-059.

Motion to approve was made by Jay Dunn, seconded by Bill Oliver and motion carried 5-0.

The second resolution is the Child Advocacy Center's Safe from the Start Budget. There is an additional \$2,964.19 that is going to be coming out of this year's and we are transferring the revenue on the Circuit Clerk's fees from the Child Advocacy Center's budget to the Safe From The Start budget to cover that \$2,964.19. There was \$144,000+ budgeted in the Child Advocacy's main budget. As I said, there was some \$30,000 in revenue over expenses. We used up all but about \$8,000 of it with the previous budget that we just talked about. So, there is still ample money on that \$2,964.19. There is no extra money necessary. We are just moving the expenses around. Jay Dunn stated that since this resolution is not on the agenda, we should just move it on to Finance.

Bill Oliver questioned the building & lease line and whether it was an expense to the Building Commission. Jay Dunn explained that they lease a separate building – not under the Building Commission. Jack Ahola stated that they are in a new building and that the open house is today from 2 to 6 p.m. It is now at 1990 N. Water St (corner of N. Water & Garfield where the old Verizon store was) which is a little further north from here. They moved there very recently and that is where the rent is for now. The new building is much nicer with more square footage and less mold. Their old office was at the corner of Prairie and Edward. He also thanked Jay Dunn for getting some Union donations to help with the remodeling costs.

Old Business

Bill Oliver questioned about repeat offenders being charged more than once with same crimes and their probation, time served, etc... seems to be very short – especially after 3 or 4 convictions and it seems like they never leave the county. We keep prosecuting over and over and we can't seem to get rid of them. Jack Ahola stated that Decatur is not on the 100 most violent cities list like Springfield, Rockford, Chicago & East St. Louis. So, there are some good things going on. Secondly, we are number 1 in sending people to prison which is probably one good reason why we are not on the most violent crime list. Thirdly, the new ARI program is designed specifically toward what you are talking about – turning people's lives around. We have retail thefts, DUI's, Domestic Violence which is ¼ of our 1800 felonies we file every year. You really have to dig deep to see who is doing what crime, what kind of crime it is, how hard or easy it is to prosecute. It's very busy and that is why we work so hard and why they have all these programs and why we have 304 people in jail. Bill replied that he has been clipping newspaper articles and keeping track and is finding that there are quite a few same individuals doing the same thing. When they have 3 or 4 convictions and all the probation time is served at the same time and this concerns me. I'd like to know what we are doing about these things. Mr. Ahola stated that with an increase in budget to hire more attorneys, another judge and build a bigger jail. We are doing everything we can with the budget we have. They are citizens too and they are innocent until proven guilty. Sometimes victims drop charges. There is a logical method the professionals use to determine these things. We can't sentence to prison – we sentence to the Department of Corrections who make the end decision as to what happens, how much time they spend in custody and how much time on parole. The DOC has so many multiple violent offenders, so persons who are convicted of many drug offenses and non-violent offenses are often the first ones out the back door. So, it is not

that we are not doing what the law requires of us here, but that a lot of the burden to incarcerate and supervise convicted felons is on the state and as we know, the state is busy closing prisons at the present time. So, that is a large part of what you read about in the press. Rodney Forbes commented that he came into the meeting about 5 minutes late and the reason for that was because he was in court doing plea agreements. He just had 5 people he was in court with. They had multiple cases – 6 people. Five of which went to prison. One was on parole and committed an offense while he was on parole. He was sent to prison. Another was on probation and committed a new offense so he was sentenced to prison. That was actually the situation in 3 other cases. So, I would say in direct response that these people that have received community based sentences and are committing new offenses, at least this afternoon, they went to prison. So, I don't know if that is trend or anything else, but that is what happened this afternoon. Bill stated that the things he is concerned with are: Are they being sentenced according to the statutes? And when does the statutes ever be reviewed or looked at to determine whether or not these sentences are correct. I think these people are not spending enough time for they are charged with and what they are sent off to. We expect a lot more in favor of the people that are not criminal vs those who keep coming back and disrupting our communities. Mr. Ahola stated that not many people volunteer to go to prison and we have 9 prosecutors that do felonies. There were 1800 felony cases. When you have only 2 judges, there is no way. Bill replied that his question was not about the local law, but the dispensation of the law when it comes to getting these people out of here. Is the State law not tough enough on the criminals and the crimes they commit that they are back here that quick? Mr. Ahola stated that retail theft is 1 to 3 years unless you extend it out to 6. If you get 6 years on a retail theft, treated day for day minus how much time you are in jail, so very few people are volunteering to plead for the maximum per shoplifting with a prior, so they are probably getting 2 year sentences. That means they are doing less than a year in DOC, then they get brought back. Now, if they want to increase the prison population by building more prisons, they'll have to do that. But, that is kind of short sighted. We need to do something to build the economy so not so many crimes are committed. Bill replied that he is not concerned about the prison situation, but he is concerned about handling the same people over and over again and we can't seem to get rid of the same people committing the same crime. One of the basic things is in domestic violence. These people are repeat offenders time after time. When you read the cases in the paper and this is something that I think they should not get a chance to just keep repeating when within 4 years, they have 2 or 3 cases on the docket that they have been prosecuted at and haven't left the community. Another one, when I read the report that comes from your office, that people have 2 or 3 convictions of the same thing. Twice they have been convicted and they haven't left yet. Something is wrong. Mr. Ahola commented that Bill ought to see the pre-sentence report they look at. When you add up the amount of prison time they've got and it's older than they are. We do this on a weekly basis. Come on over and watch our negotiations sometime. I'm not asking you to increase my budget, but no one is going to voluntarily plead for the maximum sentence unless you force them to. That's called the trial and there are not enough judges or jurors or prosecutors or public defenders right now to handle that. It is kind of short sighted. We do the best we can.

Chair Wicklund stated that he was moving on.

New Business

Chair Wicklund had an issue concerning the city's violation court. Mr. Ahola stated that there is a city ordinance court where they take prostitution, loud music, lower level misdemeanors, some felonies into court and fine people. That has been going on for about 6 months. Now, the people, of course, are in pain. There are \$300, \$400, \$500 fines and the city has filed 60+ MR (misc remedy) cases to try to collect those judgments. We are closely monitoring it. He has a list of individuals, some of which were not even in court when the city convicted them. We will report next month as to the process of this as to how it should proceed. Again, it is the City of Decatur filing that. By law, they do not pay filing fees, so Lois estimated \$13,000 that it would have cost a private person to file this many cases. Chair Wicklund stated that his concern were the numbers she said that were going to follow up the first list. She's looking at another 58 possible down the road. Is there a reason these are going through the courts and just taking them to Midwest collection or whoever is collecting debts? Mr. Ahola said, "That's a good question. I don't know and it is not really a surprise to me that people don't pay their fines because they don't pay it when they go to county court either. But, that is the only reason they have a city court. They cannot put them in jail. Now, if they don't show up in county court, there is a chance that there will be warrants issued, but that is up to the city attorney to make those arrangements with the sheriff and judge. It would be a huge burden." Mark Wicklund stated that the numbers they are looking at are part of his concern. It's going to tie up the court system, the clerk's office. The fees that are not going to be there to offset all the hassle they've got coming through there. If there is another remedy for this instead of taking them through the court system, I just have a feeling that this is going to choke up the courts on issues that more than likely should come through the court the first time they were arrested, instead of playing out at the city office like it has. How much is this going to wind up costing us, the County taxpayers? Mr. Ahola stated that his was a good concern. He recommended keeping a close eye on it and maybe there is some political things that could be done.

NEXT MEETING

November 29, 2012

ADJOURNMENT

Motion to adjourn made by Bill Oliver, seconded by Jay Dunn, motion carried 5-0, and meeting adjourned at 3:35 p.m.

Minutes submitted by Jeannie Durham
Macon County Board Office