

JUSTICE COMMITTEE MEETING
March 28, 2013
3:00 P.M.

MEMBERS PRESENT

Chair Greg Mattingley
Jay Dunn
Dave Drobisch
Gary Minich
Jon Baxter
Bill Oliver

MEMBERS ABSENT

David Williams
Merv Jacobs

COUNTY PERSONNEL PRESENT

Jay Scott, State's Attorney
Mike Baggett, State's Attorney's Office
Michael Day, Coroner
Judge A. G. Webber, IV
Amy Stockwell, Auditor
Sheri Oleson, HR Specialist
Jerry Lord, DPBC
Lois Durbin, Circuit Clerk
Rodney Forbes, Public Defender
Lt. Jon Butts, Sheriff's Office
Jim Root, EMA
Jeannie Durham, County Board Office

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

APPROVAL OF MINUTES OF PRIOR MEETING

Motion to approve the minutes of prior meeting (February 28, 2013) made by Dave Drobisch, seconded by Jay Dunn, and motion carried 5-0.

CLAIMS

Motion to approve the claims made by Dave Drobisch, seconded by Jon Baxter, motion carried 5-0.

REPORTS

Circuit Clerk

Lois Durbin reported that she had been to a meeting in Springfield with the Illinois Department of Human Services and was informed that her grant is being cut for the 4D cases. Some counties are being cut and some are being increased – all because some of the northern counties, such as Cook and Dupage want to be a part of the federal money. In order to let them have some, we are getting cut approximately 27.2% which is about \$17,000 off my grant. An exact figure will be known by the end of April. Greg Mattingley questioned what the effect the cut will have on Ms. Durbin's department. Lois replied that the money is currently being used for salaries in the child support area. That is the only grant in my office.

Circuit Court

Judge Webber reported that they have a new contract with West Subscriptions which is the principal vendor for the Law Library materials. It is called West Law Next which is the next generation of electronic research. It is slightly more expensive, but our increases for the first two years would be about 1%, 3% the last year of the contract. We get a 50% discount on our print subscriptions. Because of the extensive library in the West Law Next system, we are discontinuing a large number of our federal law services. Most of the attorneys who practice federal law in

Decatur, and there are not that many of them, have their own libraries. Our librarian reports that these are volumes that are very rarely consulted. The net result is a savings over the life of the contract of about \$13,300. There will be a training session for public users of the Law Library and West Law Next, including Bar Members in early April. Refreshments will be served. There will be one hour of CLE credit. To get these discounts, we had to get our contract signed by the end of this month. Thanks to Chairman Dunn for fast-tracking it and getting approval prior to the next Board Meeting and preserving our discounts.

From time to time, I have had to come before the Board and ask for increases in appropriations for Juvenile Appeals. These are the cases where there has been a termination of parental rights and there is an appeal which must be paid for by the County. Monica Hawkins is the contract attorney for that. In the past, we had budgeted for 6 per year. I increased that to 8 this past year. As of now, we are already up to 5 or 6. I have no control over that, but wanted to warn the committee, I anticipate coming before the committee and asking for an increase in that appropriation money.

Coroner

Michael Day had no report.

Court Services/Probation

Rodney Forbes presented for Lori Long in her absence at meetings in Springfield. One of the things that Lori had been asked to do was to put together a small group of people to present a criminal justice system mapping. This came about because Chairman Dunn had received an anonymous letter on Nov 28, 2012 asking about why “wrongdoers” are not making payments toward court costs, fines, and fees, how these fines and fees are collected and if there is a way we could do things differently in an attempt to collect more money and increase the County’s revenue. Chairman Dunn sent a letter to the officeholders asking us to prepare a presentation on how a criminal case moves through the system, how fees, fines and costs are assigned and collected and what types of remedies are available and applied when a defendant does not fulfill his obligation. Lori put together a meeting with Judge Webber, Jay Scott, Rodney Forbes, Sheriff Schneider, Lois Durbin and herself. We had several meetings and compiled a packet of information to explain how a criminal case proceeds through the criminal justice system. There is a section on the fines and fees that are collected throughout the process. There is included the probation violation process and how those fines and fees are collected.

We have a petty traffic map, a DUI misdemeanor map, a criminal misdemeanor map and a criminal felony map. These are the four main types of cases that would work their way through the criminal justice system. All four maps are about the same. Rodney went through the criminal felony process as an indication of what happens in the other 3 areas as well.

He discussed fees that are collected through the Sheriff’s office such as the bond fees and warrant fees and the Public Defender reimbursement which is assessed. State Statute sets the fees and the fee does not go to the Public Defender or his office. It goes to the County and the courts explain that to the defendant. Fees are set by Statute, Supreme Court Rule, and Administrative Order. Fines that can be imposed in cases were explained. These include court costs. Felony cases require a DNA indexing fee. If a person is put on Probation, there is a monthly probation services

fee. If damage was done, restitution amounts are assigned. Jail time counts for \$5 per day toward fines and fees.

Domestic battery, violation of Order of Protection, and DUI fees were explained. Fees that must be imposed in every drug case, such as for drug treatment assessment, MUST be imposed and are required by law. Other imposed fees include lab fees and street value fines.

Priority in payment process was explained. First the Clerk, County, local Probation get paid then local fines, restitutions are third, etc... State fines, fees, costs and assessments are last. The DUI process and an explanation of how expensive it is was explained.

The Probation Violation Process explained what the probation office will do before the case is filed as a probation violation. Non-compliance could result in a violation being filed. The whole time someone is on probation, they have fines and fees that are to be paid. They have a Probation Officer who makes sure they are making progress towards paying and tells them that if they don't a violation will be paid and they could be sentenced to prison. They have prison sentence hanging over their head the whole time, but time and time again, we have situations where they have not paid. A lot of times, it is because they have other bills trying to provide for their families, or they don't have skills and can't find a job, and sometimes they just ignore the costs and spend the money on other criminal activities. During a hearing on a violation of failure to pay, the court has to find that not only did the person not pay, but the failure to pay was willful. In other words, they were able, but chose not to pay. It is often very hard to prove. However, the defendants are scared of going to prison or jail and are usually willing to work out a plea agreement. I still have some cases from 2003. Many of the fines add up to very large amounts. We know they will never get paid. It looks like we are entitled to a lot more money than we will ever receive.

Jay Dunn question: When someone has completed Probation and still owes fines / fees, the State's Attorney makes a decision on whether they feel like they can prosecute them, and if they can, then is it still up to the judge too?

Rodney: We used to have a court liaison officer who would prepare the violations and present them to the State who would review and file. It is not up to the court to dismiss or file a violation. All the court can do is preside over and hear the issue of a violation. It is entirely up to the State whether to proceed. That process has changed, because we no longer have the court liaison officer. That just happened about two weeks ago.

Chair Mattingley pointed out that some of the fees/fines, etc... are imposed regardless of ability to pay. Rodney Forbes agreed that many of the fines are mandatory and MUST be imposed. Sometimes the restitution fees amount to \$200,000. We know the person will not be able to pay, but it must be imposed.

EMA

Macon County Board Resolution to approve contractual agreement between Macon County Emergency Management Agency and the University of Illinois for training

Jim Root reported that this is one of the requirements under the NIMS training which has been adopted by the County Board as a way to deal with large scale incidents. This is a 48 hour course of free training.

Motion to approve moving the resolution on to the Finance Committee for approval made by Jay Dunn, seconded by Dave Drobisch, and motion carried 5-0.

Public Building Commission

Macon County Board Resolution Increasing Appropriations in the DPBC Lease Fund FY2013 Budget for Energy Savings Grant

Jerry Lord explained that they are in the process of starting the 3rd phase of the chiller renovation project at the Law Enforcement Center. In the first phase, we changed out the chillers at the building. The second phase was to recoup the waste heat we were losing from those chillers to reuse throughout the building. The third one is to address the rooftop units where we are actually capturing the heat or Cooling that is actually released into the atmosphere from the building through all the many exhaust fans. We have completed the first two phases of that work. In doing this, we requested grant money from the Department of Commerce and Economic Opportunity Commission. They have given us the first portion of that grant. It is approximately \$15,000. The second portion is roughly \$90,000 that we are in process of requesting. To receive this money, we used Macon County as a conduit because they are set up to receive grants and process that money. This allows that money to come into the County. Amy Stockwell clarified that this resolution is authorizing her to pass the money on to the DPBC.

Motion to approve moving the resolution on to the Finance Committee for Approval made by Bill Oliver, seconded by Jon Baxter, and motion carried 5-0.

Public Defender

Rodney Forbes reported that they have one vehicle for the Public Defender's Office and the instrumentation panel has given out. The investigator cannot tell how fast he is going or how much fuel he is using. There is an effort to get another vehicle. We have had the vehicle for 5 years. It was used for several years by the Sheriff's Office prior to that. It has approximately 120,000 miles on it. It is rusting and squeaking and has wear on it.

Sheriff

Macon County Board Resolution Recognizing April 2013 as "National Donate Life Month"

Lt. Jon Butts stated that for the past several years the County has recognized April as National Donate Life Month and requested the committee approve pass it on to the Board for approval at the April meeting because of the need to donate tissue, corneas and bone marrow. There are approximately 5,000 people in Illinois on the transplant waiting list. This is important.

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

State's Attorney

Jay Scott reported that the Tahoe that had been recently donated to the office was put to good use on Sunday at the request of the Sheriff. Ed Culp, one of the investigators, spent several hours rescuing over 20 stranded motorists during the snow storm.

We have a new website - www.sa-macon-il.us It was free with our email service and the work of our Chief Investigator and IT man. It has a lot of information. We also have a Facebook page that is updated regularly. Check it out and hit LIKE to get all the updates.

We are distinctly privileged to have Kristina Sonnenfeld of Olpe, Germany, a law student at the University of Muenster, Germany, join our staff for a three week internship with the office. She is an absolute pleasure. She is working on a homicide investigation. She was an exchange student here in Decatur, so she has a host family she is staying with. It has worked out well and it has been great having her.

CITIZEN REMARKS – PUBLIC COMMENT

Linda Kehart expressed sympathy to Dave Drobisch over the loss of his mother. Her purpose for coming was to make the committee aware that this is the last week that David Kidd will be in charge of the Team Court Program. About a decade ago, Cindy Laegler and Linda went to Washington DC under a Pella Grant and learned of the potential of having Team Court. David, who was retiring at the time, took hold of it and he has done an excellent job. David and Louise are moving to Grand Rapids, MI. It is a tremendous loss to the community. I wanted to publicly acknowledge that he has done an extremely good job.

OLD BUSINESS

None

NEW BUSINESS

None

NEXT MEETING

April 25, 2013

ADJOURNMENT

Motion to adjourn made by Dave Drobisch, seconded by Jay Dunn, motion carried 5 -0, and meeting adjourned at 4:15 p.m.

Minutes submitted by Jeannie Durham
Macon County Board Office