

JUSTICE COMMITTEE MEETING

March 26, 2015

3:00 P.M.

MEMBERS PRESENT

Greg Mattingley
Jon Baxter
Merv Jacobs
Dave Drobisch
Jay Dunn
Bill Oliver

COUNTY PERSONNEL PRESENT

Jerry Lord, DPBC
Mike Baggett, State's Attorney's Office
Rodney Forbes, Public Defender
Jay Scott, State's Attorney
Sherry Doty, Circuit Clerk's Office
Carol Reed, Auditor
Pat Berter, Probation Director
Lt. Jeff Scheibly – Sheriff's Dept
Amy Smith, Probation Department
Judge Webber – Courts
Sheri Wallace, HR
Laura Lents – County Board Office
Jeannie Durham, County Board Office

MEMBERS ABSENT

Matt Brown

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

APPROVAL OF MINUTES OF PRIOR MEETING

Bill Oliver made a motion to approve the minutes from the February 26, 2015 meeting, seconded by Dave Drobisch and motion carried 6-0.

CLAIMS

Bill Oliver made a motion to approve the report of the claims as submitted, seconded by Jay Dunn, and the motion carried 6-0.

REPORTS

Circuit Clerk -

Sherry Doty had no report

Circuit Court –

Judge Webber reported that HB317 passed early this afternoon. The Governor has committed to sign it. That will secure funding for our court reporters through the end of the fiscal year. This is part of a very large bill that covers a lot of other things. He said he should bring to the committee's attention that the state fiscal year 2016 will start on July 1st and there is no idea of what that may hold for not only the reporters, but all of the state funded parts of the court system. Once the outlines of the FY16 budget for the State of Illinois are known, Judge Webber said he may be back before the committee again with warnings and requests. He explained that his purpose for today would have been to explore supplemental funding for the reporters. This is no longer necessary, but if the Senate had not acted today, it would have reduced the number of reporters by 50% effective April 1st, another 50% as of April 15th and as of June 1st they would have been eliminated entirely. At that point, we would be relying on unmonitored electronic recording and its value is not always the best. Champaign, Piatt, DeWitt & Moultrie Counties had

all committed to fund their reporters from local funds. We did not have to reach that point. He added that the Court Reporter Supervisor, Kelly Geisler had to work very hard over the last several weeks to pull together an emergency plan, but it was completed. She is to be applauded for all the work she did on that. It was very difficult, not only just technically, but also in dealing with people's livelihoods. A number of our reporters had committed to working without pay after this so we could particularly finish the felony trials as they would come up. Just a note to the committee, that all of our reporters would have made sure that the serious trials did get done even if they did not receive a paycheck.

The next crisis will be juror pay, which is yet unresolved. Judge Webber provided committee members with information on SB59 which is the revised bill. That bill would maintain the reduction of jurors and civil cases from 12 to 6, but would permit a local option on juror pay and roll back the \$50 per day and \$25 per day stipend to which the bill, as it is now enacted, would provide. It permits the local County Board to determine if that would be contrary to the county's finances. The bill was on the 2nd reading in the Senate on Wednesday and is working its way through. A chief co-sponsor is Senator Andy Manar and Judge Webber said he felt that we should let Senator Manar know that this board supports SB59 and it should be referred to Mrs. Little and the Legislative Committee for comment.

Bill Oliver asked what level county Macon is. Judge Webber said we are in the 3rd class paying out \$10 per day.

Coroner – No Report

Court Services / Probation – Macon County Board Resolution Approving Amendment to the FY15 Budget for the Probation Department

Pat Berter reported that they had received additional money from the State of Illinois through the Administrative Office of Illinois Courts.

Dave Drobisch made a motion to approve forwarding the resolution on to the finance committee with recommendation for approval, seconded by Jay Dunn and motion carried 6-0.

EMA- No Report

Public Building Commission – Jerry Lord had no report

Public Defender –

Rodney Forbes presented the monthly report for February calling out that 333 cases were closed while only 258 were opened showing that a significantly larger amount of cases were closed than were opened. 99 felonies were opened and 125 were closed so those are very good numbers. The jail population has been down to around 250 to 260 and has been maintaining that level for the last couple of months. These are very manageable numbers compared to numbers that have been dealt with in the past. It is hopeful they will continue.

The Public Defender's Office is down one attorney and they are looking to hire someone. The position is open until April 1st and it is hoped they will have someone in the position immediately thereafter. That person will probably be doing juvenile delinquencies and maybe some felony work depending on their level of experience.

A summary of 2014 cases showing the number of cases the Public Defender was appointed to, how many private counsel was appointed to, and a breakdown by gender, race & ethnicity, types of cases that were filed was also provided. There were 1,711 defendants in 2014. That is down some compared to years past. 1,321 of those were males and 390 were females. This year, cases were filed differently. It used to be that there might be one case with 4 or 5 defendants, starting this year one case per defendant is being filed. If you compare that number with previous years, there may be a difference. There may be more cases but fewer defendants. If you look at the total 1,711 filings, the Public Defender was appointed on 1,325 of those felony cases. That comes out to be about 77%. The breakdown on race shows 701 black males and 601 white males. There is a discrepancy in gender that does not match the community makeup. There were 220 white women who were charged with felony cases and 166 black women. This is just the opposite with their gender ethnicity demographics. Types of cases showed 150 Aggregated Battery which is up from 113 last year. Aggregated DUIs were at 145 which is up from 104 last year. Burglaries went down from 156 last year to 124. In years past burglaries have always been the #1 charge filed. That may be, in part, due to the charges in retail theft. There were 105 Retail Thefts with a prior retail theft conviction this year while last year it was only 57. There are more retail thefts with priors being filed rather than burglary charges being filed. There were 97 Unlawful Possession of Controlled Substance cases last year. It went down this year to 76. Domestic Battery with a prior and Aggregated Domestic Battery cases remained almost identical to last year.

Jay Dunn asked for an explanation of the breakdowns in race as far as Asian Black, Asian Pacific, Latino, Latino T & Latino W. Mr. Forbes said he was not really certain either, but he said he would follow up and get the answers.

Chair Mattingley asked if it was more difficult to identify conflicts with the new way cases are being filed versus the old way. Mr. Forbes said that with the new way the cases are being filed has presented them with a number of challenges they are trying to work through. It is much better for the Clerk as it complies with Best Clerk Practices, but it is much more difficult to determine if there are co-defendants or defendants who arise out of the same series of facts or the same occurrence. The defendants don't always come in at the same time. There might be 2 one week, another one the following week. Rodney said he was having to look through the reports more carefully and having to review them to identify potential co-defendants. People that we think might be charged with the case have to be looked at along with the witnesses that might be involved in the case to make sure the case is not assigned to an attorney who represents one of the witnesses who might be a co-defender in the case. It is just harder to capture that initially. There is no longer a file that lists the co-defendants in a case. The reports have to be read through and we have to try to identify people we think may be co-defendants as they come through. The way things work in Macon County is that at the preliminary hearing, the case will be assigned to either Judge Steadman or Judge Griffith depending on whether it is an odd or even numbered case. But, if a defendant is on probation, they have the right to have the judge who sentenced them to probation to decide any further violation and / or resentencing. We always have to look to be sure

that one of the defendants does not have a previous case or a case pending or is on probation. We have to figure out which courtroom those cases have been assigned to because we want the new ones to track. That becomes exceptionally complicated when you have 5 co-defendants with some who are on probation or have other pending cases and we're trying to bundle them together. This is just a constant challenge that we are dealing with and something that Rodney looks at by reading all of the reports. Mr. Mattingley stated that it also looks like about 77% of total defendants go to the Public Defender and asked if that was up, down or roughly the same. Mr. Forbes said it was pretty close or maybe slightly down. At the preliminary hearing stage, that number is much higher, but sometimes after the preliminary hearing when it is assigned to Judge Steadman's or Judge Griffith's courtroom then they might be able to get up the money to hire a private attorney. A private attorney might become involved in it. So, that number changes throughout the course of a case. In the beginning, we might be on the case initially, but ultimately a private attorney might appear on the case.

Bill Oliver said that in looking at these cases, it seems like we've got a real swinging door with people who have committed some crime or another. They are in and out of here. It looks like some of them twice in a year and getting some pretty good sentences. He said he didn't understand that. Mr. Forbes said there are lots of opinions of that. Compared to other counties, our DOC commitments in Macon County are much higher than in other counties. That may be why we were earmarked to obtain certain funds to try to find alternative ways of dealing with these cases rather than sending them to prison. He said he didn't have the numbers in front of him, and thought that sometimes there's a particular case that pops out in front of you and makes you wonder what the guy is doing back here because he just committed this offense and was just resentenced, but there are a number of others that have been sentenced for long periods of time that we don't hear about. Maybe that's the other side of that coin. Bill Oliver said just yesterday he'd had a comment about some of these offenders that seem like they are tenants of the jail population rather than being sent away from here. They go away and stay a little while and then it's like taking a little vacation and then coming back and they've got pending felonies on them for things they've done. Some have probation, some have cases that haven't gone to court yet. The same people just keep getting tried over and over again. That is a strain on the budget for the Sheriff's Department, the jail, the Public Defender's Department, the judicial system and also the citizens are not getting a fair shake out of this. Our legislative committee or somebody needs to get this law changed if that's what's doing it and these people are not serving too much time. Bill said he's like to see more of them get more than 85% of what they're sentenced than what they're doing. One that leaped out at everybody today is a guy that served 11 months out of a 5 year term. That doesn't look good at all. Mr. Forbes said he did not know how that could happen - 11 months on a 5 year term. That just doesn't sound right. He said he thought that the most that a person is entitled to get is day to day credits which may cut their sentence in half plus maybe an additional 6 months good conduct credit if the department deems fit and they could be entitled to some other credits that are a very small amount depending on whether they participate in education or drug treatment programs while incarcerated. He said that it seems to be an awful big swing between - he said he'd say it would be closer to 50% or maybe 45% or 40% of his sentence may be about as good a deal as somebody could get and there are a number of offenses that require 75% sentencing and a number of the more violent offenses that require 85% sentencing. Bill said that most of those are counties where individuals have abused or beaten other people and are repetitive in this. That is one of the things that really sticks out. Mr. Forbes said that he could tell Mr. Oliver that

when the judge sees that someone has previous conviction for a violent offense and they are being sentenced for a violent offense, Mr. Forbes said he tells his clients to “watch out” because they are probably in a lot of trouble and the judge is going to send them away for a very long time. He said that in his experience, those defendants that he represents before the courts, if they have a violent history and they’re accused of a violent crime, the courts take that very seriously and they do a good job of imposing appropriate sentencing. Mr. Oliver said he’d like to ask Mr. Forbes’ opinion on whether he thought we should get involved in (?) Mr. Forbes said he did not want to say what his opinion might be, but he did not like anything that limits the court’s discretion. We have some very good judges and it would be limiting on the court’s discretion in choosing what an appropriate sentence would be. Bill asked if he was saying that the Judge’s discretion is not adequate enough to keep some of these people out of the court system. Mr. Forbes said, again, his opinion is that they do an excellent job in sentencing and he has nothing but high praise for what they do. Chair Mattingley addressed Mr. Oliver saying that he thought that what is being seen from the state and what we will continue to see from the state is probably likely to be a further push toward more utilization of programs like the Adult Redeploy situation to at least try to identify our non-violent offenders, our non-sex offenders to try to get them into programs where we try and stop the repetition by taking someone that may look high risk because he has had felonies and he has been a part of that revolving door of going in and out and trying to change the behaviors. Mr. Forbes added that there are a number of persons who are institutionalized who just don’t really care if they are in or out. It’s hard when you meet with these people with such a different mindset because they just don’t care if they’re convicted or not and they’re willing to take their chances. Mr. Oliver said he’s heard of individuals who have said they’re not going to get much time for this and it’s worth their time to do something to someone vitally because they’re not going to be gone that long. This is the kind of stuff that Mr. Oliver said he has been hearing quite a bit now. People are afraid of individuals who don’t stay incarcerated long enough to do them any good. They come right back to the same people and commit the same crime over again. That is what is so troubling. Mr. Forbes said he didn’t know what else to say. It seems to be a common complaint, but there is that other side of the coin where people think that people are being incarcerated too much for too long. Everyone has a different opinion about what happens in a court.

Sheriff –

Lt. Scheibly reported that the Sheriff was in Champaign for graduation where there are 3 new recruits graduating PTI and will be joining the force. No other report except that Lt. Scheibly had checked on the jail count which is at 248 this afternoon.

Chair Mattingley said the numbers actually look better when you take out the federals that we are getting paid to have and the city’s commitments which we didn’t used to have for their collection services.

State’s Attorney –

Macon County Board Resolution Amending the State’s Attorney’s FY2015 Grant Fund (Adult Redeploy Illinois)

Mike Baggett explained the State solicited requests for additional funding from ARI projects throughout the state. He said that they had submitted a request for an additional \$12,900 and the request was approved. The resolution is to appropriate the money.

Jay Dunn made a motion to approve forwarding the resolution on to the finance committee with recommendation for approval, seconded by Dave Drobisch and motion carried 6-0.

CITIZEN REMARKS – PUBLIC COMMENT – None

OLD BUSINESS - None

NEW BUSINESS –

Bill Oliver asked Judge Webber about the stenographers and said he had had a conversation with some people out at Richland that were saying that they may do away with their program because they don't have many people in it anymore because of technology coming along. He said he'd heard the Judge say that that is not the greatest thing for the court system. Judge Webber said there is still a need for live court reporters. 1. It is mandated by Statute in a number of cases, such as felonies, mental health cases, juvenile cases and so they are going to have to change the law before we can do away with them entirely. 2. We've had electronic recording in Macon County since 2002. We were one of the first counties to adopt it and it has its uses. We are able to make every court a court of record. We record everything that happens in every case all the time in Macon County. Having said that, the Judge said he has listened to some of the recordings from time to time and although, they are good, they are not a substitute yet for a live reporter because, for example, the courtrooms are microphoned pretty well, but if we get someone who steps away from it, we can't hear them. Then if they come back to it, you can hear them, but you get an inaudible. Or, as sometimes happens with lawyers, judges, witnesses, two or three or four people speak at once. When that happens, it makes for less than optimal recording. Even if you are close to a microphone, every courtroom has dead spaces. The effect is that if someone is walking or moving away from the microphone, you can't hear clearly what is being said. You get a record from electronic recording which is not as good as a live person and if you rely on that, you still have to have someone to transcribe it. That is not easy. You have to have someone monitor and tag the recording because if someone later on is listening to it, they don't know who is speaking. If you've ever listened to a recording and don't know who is there, you don't know if it is the judge, a witness or an attorney that is speaking and it is difficult to attribute the comment to the right person. That can sometimes be very critical. Was an attorney asking a question or was the witness answering which may not be clear because the transcriber would be listening to it blind. That is a long way of saying that electronic recording is not yet technically a substitute for a live reporter. Fewer people are going into stenography or becoming a certified court reporter and Judge Webber said he did not know why. It is not a profession that seems to be attracting younger people to it. Many of the Macon County reporters are past the time which they could have retired. There will be a shortage in years to come. Bill said he'd like to know if there should be some correspondence between the judge and the Legislative Committee as far as trying to do something in Springfield as far as lobbying for what you are looking for. Judge Webber said his opinion was that his hope was that the Board would be supportive of SB59 which is actually relating to juror pay. If the question is what to do about court reporters, we'll just have to wait to see what happens in the FY16 budget because the court reporters are paid by the State. The small counties have both state paid and

county paid reporters in our circuit. He said he wanted to bring to the committee's attention that he didn't know what would happen in the FY16 budget for court reporters, but if there is a shortfall, he may be back to discuss that situation with the committee. He said if Bill wanted to talk to Springfield, it would be up to him, but when the FY16 budget is under consideration, he would be looking carefully from the court's perspective as to whether or not the funding for all court operations, not only court reporters, but everything the state funds remains static or is decreased.

Jay Dunn asked the judge to provide the Board Office with a breakdown of how much the court reporters were paid last year. He said he thought the Finance Committee needs to be aware of how much money is involved. Judge Webber agreed and said that he knew that the portion that was going to be funded by HB317 that was passed today was going to be \$14 million for 3 months for the entire state. That would be like \$56 million for the entire state. Mr. Dunn said he was just interested in knowing, if for some reason the state did not fund any of it, how much liability is sitting there for this county. Judge Webber said he did not see the state completely eliminating court reporter funding, but they could possibly reduce it. He said that just prior to coming to the meeting, he had called the presiding judge in Champaign County to ask him what his county's commitment was going to be to fund their court reporters because they have the same number as Macon. He said he would gather information and provide it to the committee in the near future. Bill Oliver said that people have been brought in from Springfield, Champaign and other counties and cities to fulfill what they have to do at the college and he wondered if that was going to affect the Judge's jurisdiction at all. Judge Webber said he was not sure what that situation might be, but they have been able to adequately staff all of the courtrooms with the number of reporters that they've had for quite a few years.

CLOSED SESSION – None

NEXT MEETING – Thursday, April 23, 2015

ADJOURNMENT

Motion to adjourn made by Bill Oliver, seconded by Dave Drobisch motion carried 6-0, and meeting adjourned at 3:35 p.m.

Minutes submitted by Jeannie Durham, Macon County Board Office