

JUSTICE COMMITTEE MEETING
NO QUORUM / NO MEETING / NO VOTES

February 28, 2019 @ 3:00 P.M.

MEMBERS PRESENT

Kevin Greenfield
Jim Gresham
Debra Kraft

MEMBERS ABSENT

Verzell Taylor
Greg Mattingley
Bill Oliver
Dave Drobisch

COUNTY PERSONNEL PRESENT

David Ellison, Public Defender
Mike Baggett, State's Attorney' Office
Pat Berter, Probation
Lois Durbin, Circuit Clerk's Office
Robert Bellah, IT
Judge Webber
Sheriff Antonio Brown
Jerry Lord, DPBC
Jeannie Durham, County Board Office

Chairman Greenfield announced that a quorum was not present. The committee members that were present would hear reports.

APPROVAL OF MINUTES OF PRIOR MEETING

Quorum not present / minutes not approved

CLAIMS

Quorum not present /claims not approved

REPORTS

Circuit Clerk –

Ms. Durbin reported that the new office hours start on March 1st. They will be from 8:30 a.m. to 4:30 p.m.

Schedules for the July 1st dates are being worked on. For Civil, the appearance fees are being worked on. It looks like there will be more of a loss on them than on the filing fees. We will actually come out ahead on some of the filing fees, but will lose about \$15 per case on the appearance fees. She said she is still working and will have more information as she goes on. Right now, a comparison of the old filing fee to the new along with what the office is getting as well as document storage, automation and Clerk's Op. With those three, only \$5 is being lost. That is good news. Chairman Greenfield asked if the fees were at the discrepancy of the judge. Ms. Durbin said they are set by resolution. The Appearance fees will be less to file an answer; probably about \$15 less. The Supreme Court has given the definite case types and the schedule they fit into. She said she could get the civil part done by the end of next week and then would start on the criminal. However, she said she has not received the definite on what types of cases would fit under the generic felony, such as this is what is going to be under schedule DUI felonies. There is more of a breakdown that Ms. Durbin said she has not seen because they have not been

released yet. On the schedules, for example, on civil, they say we can collect \$316. That \$316 includes \$45 for the Clerk Op, Automation, Document Storage, \$21 goes to the State Treasurer which is broken down as \$10 to the mandatory arbitration, which we don't have, so now it's down to \$306, \$2 goes to Access to Justice and the Supreme Court renamed the e-filing fee to Supreme Court Special Process Funds for which we get \$9. That leaves \$250 which will come to the County Treasurer and will be put into that special fund called the Court Operations Fund. They did not repeal the Law Library fee, so that is added on top. That is \$21. For Foreclosures, there are a couple of fees that were also not repealed. That gets added back in as well. Security, the Courts, and the Clerk's Fee have been crossed out of the lump sum. For example, if we put \$250 into the special fund at the county, the Clerk's fee was \$160 and \$75 was for Security, and \$5 for the Court.; That is \$240, so we are \$10 ahead in that fund. That is just one example of Schedule 1 and there are 4 different schedules. The fourth schedule is 000 and is for things that are currently not being charged for. Nothing changes there. She said she would be speaking with the judges in May to explain everything once its all done.

Ms. Durbin said she had received an email on Tuesday about two Supreme Court rules where they are requiring that a financial order and a sentencing order be issued on every single traffic, criminal, ordinance violation, conservation violation case. They gave 3 days notice to do it. Ms. Durbin said she does have a program that was purchased about 3 years ago called Gavel and they are working on it. Chairman Greenfield asked if there would be any financial effects. Ms. Durbin said none. These are just orders for the judges to sign. The Supreme Court is wanting for a defendant, when they walk out of the courtroom, to have a piece of paper in their hand that tells them what they owe.

Mr. Baggett commented that that is not what they will be getting. He said that he had received a copy of the email on Tuesday and that has been his priority since then. It really does not have any affect on what is currently being done. He said they've been using Financial Sentencing Orders in Felony cases since last year. The program Ms. Durbin mentioned is what has been used. He said they can key in the classification of an offense and it populates all the mandatory fines, fees & assessments that the General Assembly has created through Statute. Bear in mind that none of these will be effective after July 1 of this year when the new Criminal and Traffic Assessment Act goes into effect and the schedules Ms. Durbin was talking about take over. For now, these Financial Sentencing Orders have been done on felony cases. The new rules require that they be done on all misdemeanor and traffic cases as well. It will affect traffic more than anything else. DUI's and misdemeanors, for example, are generally not cases where the defendant will plead at the first appearance date. They can, but the States Attorneys office, before they get there, will have drafted the charges, will have an offer that will be the only offer made, so it can be anticipated what the defendant will be pleading guilty to and draft a financial sentencing order consistent with that plea agreement. Traffic cases are different because they show up 5 days a week @ 8:30 a.m. and when they walk in the door, they may have 7 traffic tickets. You don't which, if any, they will plead to and which, if any, will have to be dismissed because they may be mandatory dismissals if they have proof of insurance or a valid license, etc. So, the state is not in position where it can be anticipated and prepared for. Mr. Baggett said he has been working with Judge Hubbard who is in traffic court on drafting a form order that will account for all of the different assessments that are under the Statutes. There are a lot of fines and assessments that are based on a pro-rated portion of other assessments. For example, there is a lump sum surcharge

where \$4 for every \$40 or fraction thereof of fine imposed. No State's Attorney can sit in the courtroom and figure out what that multiplication is. The draft order Mr. Baggett said he is preparing basically imposes the fine per Statute and directs the Circuit Clerk to calculate it as the Clerk has been doing for decades. In Traffic Cases, they are not going to leave the courtroom with a piece of paper telling them what their total is because there is no way of knowing what their total is and if an effort was made to do it in the courtroom, the 8:30 a.m. traffic call which can have up to 90 cases set and has to be gotten through in an hour and a half before the 10:00 a.m. traffic call, you'd be there all day and the 10:00 a.m. call would never happen and the 1:30 p.m. call would never happen. It is unworkable. The rule does not state that the Court has to impose a dollar figure. It does not state that the defendant must know a total or be presented with a total before agreeing to plead guilty. It just says that the State has to prepare a Financial Sentencing Order and it has to be shown to the defendant. It does not say anything with respect to specific dollar amounts.

Chairman Greenfield asked how the Circuit Clerk's Office is coming along with the new Tyler software. Ms. Durbin said they were here last week and gave a demonstration in Probation because they now have a newer version of the Probation Department. She they are being given opportunity to go with the newer version. Everybody liked it, so they will go with the newer product. They had told them it would be 12 months before they would be up and running. Ms. Durbin said she and couple of her supervisors would be going to a conference next month. They have done one day of conversion and it went well.

Circuit Court –

Judge Webber added to the previous conversation saying that it all goes back to a movement, not only in Illinois, but across the country, that it is wrong for local governments to finance their operations through the imposition of fees and costs. That is what has led to the reform of the Criminal Traffic Assessment Act. That is what this is all about – that we should not be charging these charges, even though it is what the legislature has done, but now, there is a reform movement that this is not the way local government should finance some of their operations. As a practical thing, when someone goes into traffic court, pleads to a certain offense and the fine is \$150 plus costs. That is what has been done for decades. Then the person goes down thinking they are going to pay \$150, but find out it is actually \$150 plus \$300. This latest Supreme Court rule change was so that when they say they will plead the \$150, they also know they will pay another \$300 in court costs and it will be handed to them right in the courtroom and it will say for review and approval prior to the judge signing it. That is absolutely unworkable. Judge Webber said he has told his judges to be flexible on that and we will attempt to comply with the spirit of the law as best we can. Also, there is the experience that the Supreme Court will give rules on very short notice and then come back and amend them and then sometimes postpone the effective date. He said they've heard nothing on either of the two current ones, but there is a lot of the same momentum as this whole idea of reform. He said that we are a little ahead of the game because we have been using the Gavel System. There are some jurisdictions that have nothing in place and are just going crazy right now. Otherwise, Ms. Durbin has been working through the Criminal Traffic Assessment Act and the real concern now is that the judges will have to find out. In the past, there was quite a bright line on waiver of filing fees, in particular civil cases, basically if you received public assistance, or your income was less than 25% of the federal poverty guidelines, you were exempted from fees. Now there is a sliding scale on this exemption and it goes up to 200% of

federal poverty guidelines. It is unknown how much discretion the judges have or if it is simply a mathematical calculation. Can household income be counted? There will be some revenue diminish as a result of all of this, but it may not be as bad as previously thought. It will depend on the sliding scale of exemptions. If it is simply a bright line like in the past, it could be hard on us. If the judges have some discretion, it may not be that bad. It is still a work in progress.

The Public Building Commission is working on a project to revise and improve the PA system in the courtrooms. Ex Chairman Dunn initiated this after visiting court and finding that he could not hear what was going on. The system is over 20 years old, does not work in some courtrooms, and produces huge feedback if turned up in other courtrooms. They are also working on the lights in three of the courtrooms as well.

Coroner – no report

Court Services / Probation –

Mr. Berter distributed the yearly stats report. Bond Reports are individuals that are booked in the county jail to let the courts know some demographic information. A Virginia Assessment is being done to see if it is a high probability if they should bond out or not. A Pre-Disposition Report is like a mini history that is provided to the court. The Intakes are the individuals that have been sentenced to probation. As of Monday, there were 2,269 adult individuals on probation.

In the Specialty Courts, number fluctuate, but the numbers are just a little above last years in Hybrid Court. The Mental Health Court number of participants is down by 10. Juvenile Probation is down almost 20 cases. Fewer kids were remanded into juvenile detention than the year before.

The new, on site, drug testing procedures has been going well. 3,114 tests were performed and almost 1,500 were positive.

The officers are doing a really good job of managing case loads. There are new standards from AOIC for assessments and case management. Those are being implemented within the department.

Caseload Pro is the name of the software and Tyler Technology bought out the company and it is a very good system for Probation case management. The only downfall is that it will not be fully integrated when everyone else is fully integrated. It will be in pieces. Within a year, they might be integrated with the Circuit Clerk, etc. That is how they will do it. Chairman Greenfield asked if there is an extra fee for that. Both Mr. Berter and Ms. Durbin said no. Mr. Berter went on the explain that, depending on what happens with Tracker as far as the information and how much it is going to cost and if a full data conversion is not done, there will be a money savings on the whole package.

Emergency Management Agency – no report

Public Building Commission – Mr. Lord had no report

Public Defender's Office –

Mr. Ellison reported that the office is down another attorney so they are out searching. One thing of interest is that the last hire found out about the job through the County's website. She was a local attorney searching the county website for a job and she will work out fine.

On the implementation of the things Ms. Durbin, Mr. Baggett and Judge Webber were speaking about, Mr. Ellison said his office had also been made aware and fully agree with their view and assessment.

Sheriff's Department –

Macon County Board Resolution Recognizing April, 2019 as "National Donate Life Month" in Macon County

Chairman Greenfield advised Sheriff Brown to take this resolution straight to the County Board

State's Attorney's Office –

Mr. Baggett pointed out that the new Supreme Court, as Judge Webber had indicated, has been in the works for a while and is designed to achieve a laudable goal, but there are 4 months between tomorrow, March 1st and June 30th where it will be meaningful because as of July 1st, this new Act takes effect and the Court will be imposing fines per schedules at that time. All of this work that is going into this and the flexibility that the courts are going to show the state and defendants is for a very limited amount of time. The Act takes care of a lot of this come July. Mr. Baggett said he does not know why this was so urgent, but they will get there.

CITIZEN REMARKS – PUBLIC COMMENT –

Reed Sutman, 319 S. Woodale Ave, Decatur, IL 62522

Mr. Sutman explained that it recently came to his attention in researching the Recycling Center that is proposed, which is not the issue he is there to talk about now, that the Chairman is able to control the agenda and keep items off of the agenda for the board meetings. This does not seem to be a democratic process. There may be more information Mr. Sutman said he does not have, but wondered if it was something that could be addressed and if there is anyway to enable the County Board members to add items to the agenda even when the Chairman does not approve of it.

Chairman Greenfield said the Mr. Baggett could answer his questions, but he would not say that it will never be on the agenda. It won't be on the agenda for a while. There are still questions to be answered. There are some other issues that have to be acted on prior to this. To say that it will never be on there is probably not necessarily the case. Mr. Sutman said that was good to hear. Mr. Greenfield continued saying that they are in no hurry. They are currently in the middle of audit right now and are waiting to get that back to see exactly how much the county is in the red from last year. He said they would get a projection of how much they are in the red this year and then will weight the options. He said they still have the opportunity and luxury to do a study which may take place. Mr. Sutman said he had heard that there was a study that would be paid for by Buffett and that it was the Chairman's call to cancel that study. Mr. Greenfield said he may have heard that, and it is correct that Mr. Buffett has offered to pay for a study and when we get closer to this project, we may look into it, depending on where the finances are. As of right now, we are trying to fix the big problem. If that problem can be fixed, then this one can be dealt with. Right

now, we have a major debt problem and we have to get it under control. Mr. Sutman said he totally respects that and appreciates the time, but he still has a concern about the authority to dominate the agenda. Mr. Sutman said he felt that there should be some kind of a process where if the Board does feel that it needs to be on the agenda, or any other item, that they should be able to push that forward. Chairman Greenfield said there is a process and after the meeting, if he would like to talk to the State's Attorney, he would be more than welcome to. There are checks and balances. Mr. Sutman said that is what he was there for – to make sure there are checks and balances. Mr. Greenfield assured him that there are and when the time comes, there are a couple of other committees it has to go through before it can go to the full board, but we have to figure out the big problem right now. Once that is figured out, hopefully there will be means and resources to move forward with possibly this project.

Ms. Durbin added that the Expungement Summit had been held 2/2/19. There were 142 people and 533 cases dealt with. It went very well. Probation was there helping. It was a very smooth operation. Sherry Doty, the Criminal Supervisor in the Circuit Clerk's Office, has been working on it and sent out notices, and Judge Geisler has had to add dates for hearings. There were a lot of happy people and if they weren't able to be helped, they were able to talk to someone and get other options explained and that helped a lot too.

Chairman Greenfield apologized for not having a quorum and said he would work on that to make sure it doesn't happen again. He thanked everyone for coming.

NEXT MEETING Thursday, March 28, 2019

Notes submitted by Jeannie Durham, Macon County Board Office