

JUSTICE COMMITTEE MEETING

April 25, 2013

3:00 P.M.

MEMBERS PRESENT

Chair Greg Mattingley
Jay Dunn
Gary Minich
Jon Baxter
David Williams
Merv Jacobs

MEMBERS ABSENT

David Drobisch
Bill Oliver

COUNTY PERSONNEL PRESENT

Jay Scott, State's Attorney
Mike Baggett, State's Attorney's Office
Judge Kitty McCarthy
Amy Stockwell, Auditor
Jerry Lord, DPBC
Lori Long, Probation
Lois Durbin, Circuit Clerk
Rodney Forbes, Public Defender
Lt. Jon Butts, Sheriff's Office
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 (March 28, 2013) made by David Williams, seconded by Jay Dunn, and motion carried 6 -0.

CLAIMS

Motion to approve the claims made by Jay Dunn, seconded by Merv Jacobs, motion carried 6 -0.

REPORTS

Circuit Clerk

Lois Durbin reported that she had received her intergovernmental agreement from the Department of Human Healthcare and Human Services yesterday. She is being cut \$19,380.

Greg Mattingley questioned whether the amount is more than she had anticipated.

Lois stated that it was just about exactly what she had anticipated. Their year goes from July 1 to June 30, so this will not kick in until July 1. That leaves us 5 months for this year, so it shouldn't be anything drastic for this year, but next year, it will make a big difference. That can change beginning next July because we have to keep track of every file we deal with that is 4D whether it is someone coming in and asking for a child support record or if we're setting a case that is 4D, we have to keep track of all of that now and send it in monthly. So, that could very well go up next year, but for right now, until next June 30. For this next FY, we are losing \$19,380.

Greg Mattingley questioned whether that would be one staff position.

Lois stated that she uses that money to pay salaries in the child support record keeping department. She said that she will have some employees retiring out of that office and they are on the higher salary pay scale, so that will help some too.

Jay Dunn questioned why the money is being lost.

Lois explained that everything is being gone through. There were some counties that were not getting any money, so they are restructuring. Every 4D case we deal with under this new agreement, we are going to get \$36 every time we handle a case. They are just trying to guess. They don't know the exact figures and this is what they came up with that Macon County gets for the next FY.

Jay Dunn asked if we were processing any less than normal.

Lois said no. They just needed someplace to start.

David Williams commented that it seems odd that they wouldn't have experience from previous years to go by. They don't track that?

Lois explained that the federal government came in and audited, but they didn't have enough information to go on. They are trying to estimate.

Greg Mattingley questioned whether, if at the end of the grant period, some people are overpaid and others are underpaid, will they adjust it or is it simply a year figure that you're down and end up getting paid \$30 instead of \$36 every time you touch it?

Lois said that in the agreement, it says \$36 per case. So, if we pull it and someone wants a child support record, we mark it down and the other party comes in a couple of months later and wants a copy of it, we mark it down again. We have forms that we have to fill out and turn in. There were also some counties that were taking this money and not using it, so they took it away from those counties.

Circuit Court

Judge McCarthy reported that they have run out of money for juvenile court appeals so we are going to have to ask for some additional appropriations. We don't have the figures yet. We will present that at the May meeting.

Coroner

No Report

Probation

Macon County Board resolution approving increase in appropriations in the FY2013 probation grant fund for Juvenile Redeploy Illinois grant

Lori Long reported that this is a juvenile grant that I've been talking about for many years. We are in our 8 ½ year of receiving money from the Illinois Department of Human Services. A letter dated 4-8-13 was received that indicated that the proposal that had been submitted for supplemental grant funds had been approved and we are going to be getting an additional \$12,410 that has to be spent before June 30, which will be done without difficulty. This is the 5th year, not necessarily sequentially, but we got supplemental funding because of the good job that we are doing with that program. When I say we, I mean the community, the State's Attorney's Office, the Public Defender's Office, the Courts, the Community Service Providers – everyone is doing a really great job in that program. So, the resolution before you reflects the additional revenue and the expenditures.

Jay Dunn questioned whether the number for the additional funding had been going down every year. Lori replied that the overall award dropped by about only 4% this year. We've been very fortunate with this particular grant.

Motion to approve and send to Finance Committee made by David Williams, seconded by Jay Dunn, and motion carried 6-0.

EMA

No report

Public Building Commission

Jerry Lord had no report

Public Defender

Rodney Forbes had no report

Sheriff

Lt. Jon Butts reported that the jail population today was at 331 today.

David Williams stated that he wanted to give a pat on the back and say thank you to the Sheriff's Department for presenting the defensive driving course through Ameren that he was a part of this past week. Officer Pope, from the Sheriff's Department, taught the class and he wanted to thank the Sheriff's department for making that service available to the community.

State's Attorney

Jay Scott reported that an attorney that had been with their office, Brian Shaw, has turned in his resignation to take a position with the Cook County State's Attorney's Office. They have hired a new entry level attorney who is coming from Des Plaines. She is Indian heritage and will be starting May 13 in traffic. They will be promoting people already in place up.

This summer, there will be 3 or 4 interns in the office which will help out a lot with staff issues. Two of them will have 7-11 licenses and will be able to actually try cases under supervision of another attorney. We will be able to keep all 4 busy.

In our Child Support Division, they are cutting the money they are giving to us \$11,000 which takes effect July 1st. At this point, their funding is only paying salaries. We are paying all the supplies. We are going to have to make some decisions on how we are going to handle that. It is a big blow because our office consistently exceeds the goals set for them better than most of the other counties. Champaign County has had their entire contract taken away so they are without a Child Support Division at this point. It affects a lot of children in the community, so we are going to have to figure that out. Greg Mattingley asked about whether the 4D program is a voluntary program for each county and if each county's State's Attorney decides whether to participate with the state or not. Jay Scott said that yes, it is. If we didn't do it, the Attorney General does have a child support division that would come in. I think we do a better job locally with handling it ourselves. Over the last 5 years, the statistics are in excess of \$65 million that we have collected in child support. At any given time you have 10,000 open cases. Again, there are goals set for them on collection, and we are exceeding those consistently. I'd hate to see that area of the office

jeopardized, but we are going to have to make some hard decisions. Greg Mattingley questioned what types of costs are we going to be in a position that they are no longer going to fund or cover in types of supplies purchases. Jay Scott stated that we do all the supplies and they obviously have a lot of paperwork. All they are giving us are the salaries. We've got a full time attorney, a part time attorney, three full time staff, and one part time staff. All that money did nothing but cover their salaries in the last fiscal year. I'm going to have to let some go or come up with some other idea.

CITIZEN REMARKS – PUBLIC COMMENT

None

OLD BUSINESS

None

NEW BUSINESS

Jay Dunn stated that he had received a letter from Linda Kehart about the mapping that Rodney Forbes presented at the last meeting. They put a lot of time and effort into it and it was a fantastic mapping job they did. Linda is now talking about the next step. I think there is some merit to her letter and it would be prudent for us to look at some statistics in this mapping system to help give an idea in the justice system if we put the right resources in the right place. Lori Long will present it to the Justice Council which is a group of people in the judicial system along with people from different organizations. Looking forward to see what they think about it. I think we can bring some good knowledge to help us better understand the number of cases we have and where they are at and maybe put some kind of cost to it so we can get a gut feeling on it. I am just now sure how costly and time consuming it will be. She has offered to help. I'm going to let Lori present it to the Council and see where we go from there.

David Williams asked about a section in Mrs. Kehart's letter that talks about people who have been accused and proven innocent and have asked the county to delve more deeply into mapping. He asked for elaboration as to what their concerns were as far as getting fines and fees back.

Jay Dunn explained that he had gotten a letter from somebody from the public and they were concerned as to whether we were collecting the fees that we should be collecting. The mapping is just part of that to see how each type of case is handled whether it is a DUI, felony, domestic battery or whatever. We went through the whole mapping process. Rodney and the committee did a great job on it, but this takes it another step further where we take one case through the whole system.

Rodney Forbes stated that his understanding was that the committee was charged with looking at ways to recover costs that are assessed in cases I which defendants did not pay their fines, fees or costs in a timely manner and what that process was. The presentation didn't have anything to do with the effect of people who are charged and found not guilty or anything of that sort. I would feel very uncomfortable talking about specific cases even if they are old cases. I think we should limit our study to knowledge that is in the public sector and stick to general notions and issues rather than to delve into specific cases.

David Williams stated that he does not disagree, but that he knows that over the years, there has been some concern for folks that have been wrongfully accused and they still don't get back all their bond. They go through the system and they are still out financially as a result of that. I realize that they are utilizing our services and our services are not free, but I've always kind of wondered about why that was.

Rodney Forbes explained that there should not be any court costs assessed in a case where a person is found not guilty. All of the bond would be returned to them unless there was a warrant issued in the case for failure to appear or if there was some service or court cost.

Greg Mattingley stated that there is the Clerk's 10% fee for taking the bond.

Rodney Forbes stated that there would be a Public Defender reimbursement in some cases especially in those cases where somebody is acquitted. That is for the services that the lawyer provides for the county. That is proper that defendants pay for their own lawyer if they have the ability to do so.

Lois Durbin explained that if they are arrested and they are no charge, we do not get the 10% of the bond. They get their full money back from that.

Jay Dunn stated that before Jay Scott took over, through my dealings with the budget process and things, we didn't have a good amount of data on the number of specific cases in the system and the results. It seems like we've always had a pretty good report from the Public Defender side of it, but not the States Attorney side. I'm thinking this, not only will involve everybody and give us some better data, but will also help each department as we go through this. Even though they work together, there are a lot of different approaches to the judicial system whether you are in the State's Attorney's Office or the Circuit Clerk's office. I think sitting down and going through this process, from the feedback I got, most everybody thought it was worthwhile and they got something out of it. At least they understand what Lois is doing versus not understanding it. It gives everybody a better idea of how it works and I think this next step will just us more data to make sure we have the right resources in the right places. Maybe we need to spend more money somewhere else rather than where we are currently.

Jay Scott added that one of the things he is going to try to do with the free interns this summer – One of them is a college student not in law school so she won't be able to help with research or going to court, but we have a computer system in the office where we keep track of every case we file and the disposition. We can't run a program to print out reports, but you can do it manually. So I am hoping to pick out the first six months of the fiscal year and have her go through it and compile a list of the types of charges we are filing and the disposition of them. My staff does not have the time to do that and we certainly cannot hire someone to come in and do it, but if we have these free interns, maybe that will give us a pretty good snapshot of at least the first six months of this year of what we are filing and how quickly they are getting through. Hopefully that will give us some data that we can use.

Greg Mattingley said that he used to get a monthly report on the number of cases that were no charges. Jay Scott was not aware of the report but said it would be a part of the same database so that will be a part of the information we pull out of that.

Lori Long said that she suspects they will find, as they go through the process, is that everybody is collecting data on their portion, but it is difficult to “marry” the different sources. So, there is a lot to consider in undertaking what was suggested in Mrs. Kehart’s letter. The process would be a full time job a couple of years long. We can do pieces of it and that is what I wanted to go to the Justice Council with explaining that here is an opportunity where we are probably not going to be able to do everything they’d like us to do, but there are certainly pieces that we can do. These pieces would be meaningful to us and help us to close gaps and make processes more efficient and things of that nature.

CLOSED SESSION

None needed

NEXT MEETING

May 23, 2013

ADJOURNMENT

Motion to adjourn made by David Williams, seconded by Jay Dunn, motion carried 6-0, and meeting adjourned at 3:26 p.m.

Minutes submitted by Jeannie Durham
Macon County Board Office