

**JUSTICE COMMITTEE MEETING**  
**March 27, 2014**  
**3:00 P.M.**

**MEMBERS PRESENT**

Greg Mattingley, Chair  
Jay Dunn, Vice Chair  
Gary Minich  
Dave Drobisch  
Bill Oliver

**MEMBERS ABSENT**

Merv Jacobs  
Jon Baxter

**COUNTY PERSONNEL PRESENT**

Lois Durbin, Circuit Clerk  
Lt. Jon Butts, Sheriff's Dept  
Judge Kitty McCarthy  
Jay Scott, State's Attorney  
Mike Baggett, State's Attorney's Office  
Rodney Forbes, Public Defender  
Pat Berter, Probation  
Amy Stockwell, Auditor  
Jerry Lord, DPBC  
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 27, 2014) made by Bill Oliver, seconded by Gary Minich, and motion carried 5-0.

**CLAIMS**

Motion to approve the claims as presented made by Dave Drobisch, seconded by Jay Dunn, motion carried 5-0.

**REPORTS**

***Circuit Clerk***

Lois Durbin reported that she had met with her computer supplier today because the disaster recovery backup is going on 8 years old, so it has seen its life. She said she was looking at upgrading. They should have a number for her next week, but when she bought the new one when she came in 5 years ago, it was close to \$200,000. The estimate given today is less than ½ of that for an upgrade. She said she would be taking the main one and moving it to the disaster recovery backup and using the new one. Greg Mattingley asked how she was on funding and she said it was going to be tight.

***Circuit Court***

Judge McCarthy reported that interviews are being done for the new Director of Probation April 2<sup>nd</sup> and they should have someone new in place soon thereafter. Greg Mattingley asked if the packet they had received contained all of the applicants at this point. Judge McCarthy was not sure if there was a deadline and if there would be any more or not.

***Coroner*** - No report.

***Court Services / Probation*** - No report

*EMA*- No report

*Public Building Commission* - No report.

***Public Defender***

Rodney Forbes presented his monthly report for February that has been filed with the County Clerk on March 18, 2014.

Mr. Forbes explained that the Hybrid Court consists of 2 programs, the Drug Court & the DUI Court, merged into one. This court was created for offenders who are at the point of going to prison. This is a last ditch effort to try to keep them out of prison, put them into a special probation type of program and pummel them with intensive services such as drug testing, counseling, treatment services, probation monitoring and try to get them to remain alcohol and drug free for at least one year, not commit any new crimes and successfully participate and complete the treatment. If they do so, the charge pending against them is dismissed and they graduate from the Hybrid Court program. The first Hybrid Court Graduation is scheduled for tomorrow, Friday, March 28 @ 2:30 p.m. in Courtroom 5A. Judge Little has sent out an invitation to all board members and everyone is welcome to attend. The judge will be giving a short presentation explaining the cost savings to the county and give more detail about the program. Mr. Forbes encouraged everyone to attend the graduation.

There were 28 participants in the Mental Health Court. Judge McCarthy handles the Mental Health Court. He explained that this is also a thriving program similar to the Hybrid Court concept where the court provides intensive treatment and monitoring of persons that have been diagnosed with mental health illness and there has been some nexus determined between their mental health illness and the reason they've had some criminal law involvement. If they successfully complete the program, those charges are dismissed. They have to comply with all treatment, receive medication and not commit any new crimes while in the program.

A jail snap shot showing a random day, 2/24/14, was presented. Mr. Forbes explained that it showed what was going on in the jail as far as how many inmates they were, what they were being held for, and who the attorneys handling the cases were. He explained that he uses the report to try to figure out what they can do to help alleviate the jail population number. A more detailed breakdown of the information is also available.

Jay Dunn asked about the prior month's total cases versus this month's total cases, with Finney's being 702 prior and 697 this month and if that was the number of cases he was handling in a month's time. Mr. Forbes said yes, his case load was lower by 5 cases and explained that Finney is the Guardian Ad Litem in abuse and neglect proceedings. If there is a minor who is the subject of an abuse or neglect petition, Finney is the one who represents that minor in court. There is a large number of those cases and they drag on taking a long time to resolve. Sometimes they go on for many years. This is not the type of number that moves quickly as the cases do not move through the system quickly.

Jay asked about once a prisoner goes through and is sentenced to the DOC, how they get to the DOC. He asked if we take them or the DOC comes to get them and how long they sit and wait for

the transaction. Mr. Forbes said his understanding is that the jail tries to get them to DOC as quickly as they possibly can. They usually want to get a small group together. So, if they have one person, they don't call for transport, but if there are 2, 3, or 4, they would call for transport. Greg Mattingley added that he thought that "as fast as they can" is usually within a week. Lt. Butts said it sometimes depends on when the people are available. If there are 3 or 4 people ready, but a possibility some more inmates might be sent, they might wait for them to be sentenced and then ship 10 to 12 in the van at once.

Mr. Dunn thanked Mr. Forbes for the reports saying he thought they were very informational and that it is nice to know what each office is doing. He encouraged everyone to go to Judge Little's graduation ceremony. He said he had been meeting with the group on the Hybrid Court sustainability and he said that at some point, he would be requesting Chair Mattingley to have a special Justice Committee meeting just to discuss the sustainability of the Hybrid Court.

Juvenile Justice is also having a meeting tomorrow and even though they've been meeting for 10 years, he just recently realized that someone from the County Board should be attending those meetings. He said he plans on going, but if anyone is interested in attending the meetings, they should let him know.

Greg Mattingley asked if some of the jail numbers might be attributed to the fact that they are down a judge right now. Mr. Forbes said he was hesitant to speculate on that, but that he knew of one case that had only been to one pre-trial. It went from preliminary hearing to pre-trial and the case was immediately set for jury trial and the defendant had been in custody for nearly 100 days. There was a significant delay between the preliminary hearing and the pre-trial. That is just one continuance and it is a 100 day sitting. He said he wasn't sure if there's anything that they can do to fix that or not. Jay Scott added that the jail population had been skyrocketing for a long time and they brought it back down. It has been creeping up a little over the last week or so, but it was down to a pretty good number in the last couple of weeks. Mr. Forbes said that Terri Tate has kept a comprehensive list over the last 4 to 5 years. She finds out what the jail population is every day and separates them by Federal inmates and Macon County inmates. Four years ago, it was down to about 270 and in March, 2010, it went up to about 300 and has never come down. The same level has been maintained for several years. Judge McCarthy stated that Chief Judge Flannel has assigned judges from out of county two full days a week, so she didn't think the shortage of judges was an impact. Mr. Forbes agreed that that has been a huge help and said they are thankful for any help they get. Judge McCarthy added that the number of days for transport is also affected by treatment and people waiting for beds with DHS and that length of time can be 30 or 60 days or longer. She said that she felt the number of people who are in the jail is more attributable to that. DHS is trying to address the problem and open up more beds. Mr. Forbes said he went to a conference about 2 weeks ago where DHS presented on the topic saying they hope to open new beds within the next couple of months and make more treatment available

Jay Dunn said he would like to see Terri Tate's report on the jail population. He also requested updated documentation showing the Public Defender's Office caseloads versus the national standards like the report that was presented at the budget hearings. Mr. Forbes said that has been done repeatedly and he would keep doing that on an annual basis and he would provide those numbers.

At the last Macon County Justice Council meeting, Rodney was able to compile data as to how many people are being sentenced to DOC per capita compared to other counties. He said they are keeping an eye on all of that.

***Sheriff***

***Macon County Board Resolution Approving Donation of Bullet Proof Vests***

Lt. Butts explained that the Sheriff's Department has received 12 bullet proof vests to be issued to the 12 auxiliary deputies. The cost of the vest is \$851.74 for a total of \$10,220.89. This donation was made by the Howard Buffett Foundation.

Auditor Stockwell added that some technical corrections were needed in putting the account numbers on the resolution. She said they would show revenue of the \$10,000+ figure and expenses of the same amount. From a financial standpoint, it does not matter whether it is a thing or money, it has to be written down.

Motion to approve sending the amended resolution to the Finance Committee for consideration made by Gary Minich, seconded by Dave Drobisch and the motion carried 5-0.

***State's Attorney***

Jay Scott pointed out that, as the Public Defender report showed, they are extremely busy. Last year, about 200 fewer felony cases were filed versus the previous year. The crime rates in the city have been steadily decreasing in both violent crime and property crime, so some good progress is being made there.

**CITIZEN REMARKS – PUBLIC COMMENT** - None

**OLD BUSINESS**

Chair Mattingley reported that he had been asked by Jay Dunn to look into the cost of the sexually violent and sexually dangerous persons to the county. He said he completed the list and submitted it to the Auditor's office who completed it, but it has been misplaced so he would pull it again and should have a report in the next month or so.

**NEW BUSINESS** - None

**CLOSED SESSION** – None needed

**NEXT MEETING** - Thursday, April 24, 2014

**ADJOURNMENT**

Motion to adjourn made by Bill Oliver, seconded by Dave Drobisch, motion carried 5-0, and meeting adjourned at 3:22p.m.

Minutes submitted by Jeannie Durham, County Board Office.