

**JUSTICE COMMITTEE MEETING**  
**January 28, 2016**  
**3:00 P.M.**

**MEMBERS PRESENT**

Jon Baxter  
Jay Dunn  
Bill Oliver  
Matt Brown  
Grant Noland

**MEMBERS ABSENT**

Dave Drobisch  
Greg Mattingley

**COUNTY PERSONNEL PRESENT**

Lt. Jon Butts, Sheriff's Dept  
Lois Durbin Circuit Clerk  
Judge Webber, Courts  
Mike Baggett, State's Attorney's Office  
Carol Reed, Auditor  
Pat Berter, Probation  
Rodney Forbes, Public Defender  
Jerry Lord, DPBC  
Jeannie Durham, County Board Office

The meeting was called to order by Vice Chair Jon Baxter at the Macon County Office Building.

**APPROVAL OF MINUTES OF PRIOR MEETING**

Mr. Oliver made a motion to approve the minutes from the December 23, 2015 meeting, seconded by Mr. Brown, and the motion carried 5-0.

**CLAIMS**

Mr. Dunn made a motion to approve the report of the claims as submitted, seconded by Mr. Brown and the motion carried 5-0.

**REPORTS**

***Circuit Clerk –***

Ms. Durbin reported that they had had the kickoff meeting for the e-citations a couple of weeks ago. There are five steps to it. Right now, they are on step 2 which is to collect the information that is needed to feed into the system so they will be ready. Step 3 is testing. Step 4 is conducting train and Step 5 is going live. She said that hopefully by spring they will be up and using e-citations with digi-tickets. It is moving along well.

On Friday, the Supreme Court sent down an order regarding mandatory electronic filing in civil cases and the timeline for that is to file e-appeals electronically is July 1, 2017. For filing civil cases electronically, the deadline is January 1, 2018. They are moving this along by mandate. The good news is that we've already started down this road with the e-plea, e-guilty, e-pay and soon e-citation. E-appeals, which is a matter of getting a hold of our Appellate Court and getting their OK and the e-filing which is civil, but civil and criminal cases can be done at the same time. Hopefully, by the end of this year or middle of next year, all of that should be in place. Vice-Chair Baxter asked what the cost is. Ms. Durbin said they haven't gotten to that yet, but they are using the e-appeal tool now. They just can't electronically file it. It is still mailed. It is just one step from being done. The e-filing of the cases will be a little bit more until she can decide which vender to use. Mr. Baxter asked if it would be faster and easier, etc... Ms. Durbin confirmed. Mr. Oliver asked the difference between e-file and mail. Ms. Durbin explained it will all be done electronically. Mr. Oliver asked where it goes. Ms. Durbin explained it will come into her office

and the girls will be able import them into the system, be given a number, and it's all heading toward paperless.

***Circuit Court –***

Judge Webber echoed Ms. Durbin's comments. He said they have been expecting e-filing for some time, but the order itself was somewhat a surprise with the deadlines it set. It will be the biggest change in the law practice that has been seen for quite some time. It is going toward a paperless courthouse which is something that not only the courts, but also the lawyers who are going to be doing the e-filing and who have never dealt with anything like this before especially in the state system. It exists in the federal system, but not in the state. There are 102 counties and it is going to be a daunting prospect to get it all done on time. The work is cut out for the Circuit Clerk and her staff over the next year to year and a half.

***Coroner – No report***

***Court Services / Probation –***

***Macon County Board Resolution Amending the Probation FY15 Budget***

Mr. Berter explained that towards the end of the year there had been more minors housed in detention and it caused the budget to go over. This is a bucket transfer for those line items.

Mr. Brown made a motion to approve forwarding to the Finance Committee with recommendation to approve, seconded by Mr. Oliver, and the motion carried 5-0.

Mr. Berter went on to say that he had been going through the FY16 budget and they have not been receiving any grant money from the state. However, there have been a couple of retirements in the office and he said he would be able to look at the situation and move a little money around and save the couple of people in the positions he thought he was going to have to layoff at the end of February. He was asked who was retiring and he said it was Dan Taylor and Anita Bridge.

Judge Webber added that he wanted to compliment Mr. Berter for the work that he had done to his budget because they had been worried that the specialty courts might be in jeopardy with no probation officers available to work on them. Probation is a vital part of what we do. He said he had just heard today that he had been able to save the positions in his office. He thanked him for the work that he had done on that.

***EMA- no report***

***Public Building Commission – no report***

***Public Defender –***

Mr. Forbes distributed the monthly report for December and explained that it shows an increase in cases with 302 opened. 266 were closed. He said they have been opening more cases than closing and it has been a trend and he thinks it will carry on through January. There has been no slow down as is typical for this time of the year. Normally December and January are a little slower and then the retail theft cases from the Christmas season come around the end of February and March.

This year, however, there has not been a slowdown in the felony filings. There have typically been 50 to 60 felony prelims each week. The cases that were closed in December were mostly probation violations, abuse & neglect, mental health proceedings. 70 more felonies were opened than were closed. He said they are very busy and are going through a trial setting currently. They have been busy trying cases this and last week. There are still trials going on and both the State's Attorney and Public Defender sides of things are very busy even though the issues with funding continue.

There was a recent graduation held in Mental Health Court recently. New clients are still being accepted at this time.

The ARI, special probation program, has been shelved until the budget crisis is resolved and more funding is received. We are starting to see that in the jail population. The jail population has been up over the last month or so. Almost the entire year it has been under 300, but this last month it got as high as 340 -344. Yesterday it was about 320. That might be partly due to the loss of the ARI probation program which was an alternative to prison that helped keep some of the jail & DOC commitments down.

Mr. Oliver asked if the people Mr. Forbes was talking about were to be sentenced locally or sent on to the DOC. Mr. Forbes explained that the increase in population are people who are waiting for a trial or for their cases to be resolved in some way. Those are not people who are serving sentences for the most part. Most of them are people that have been charged with a crime and are waiting for it to be resolved in some manner. If they are found not guilty, they go home, but if they are found guilty, they would be sentenced to jail or prison. Mr. Oliver asked what the timeline is as far as how long they are in there on average. Mr. Forbes said misdemeanor cases move very quickly. Judge Geisler does an excellent job of making sure they are brought to his attention and are dealt with swiftly. The felony cases are a bit longer. The holiday and vacation schedule may have added to the increase that has been seen. The pre-trials and court appearances in between trial settings that would normally occur didn't happen like they normally do. Typically between court appearances, it is about 60 days. From the time someone is arrested, the earliest trial date they could get would be about 60 to 90 days if they are requesting a jury trial. That is just prelim, assignment of attorneys, attorneys meeting with clients, filing motions, negotiations, trial set-up, etc.... It takes about 60 to 90 days.

Mr. Oliver asked what impact this had on the sheriff's budget. Lt. Butts said they have to feed, house and provide medical, so they do see some increase in cost, but it is something that is dealt with on a daily basis. He said the population today is at 314, but 14 of them are federal inmates that they get reimbursement for. There are inmates there that have been sentenced to the County Jail that are awaiting sentencing or trial. It is pretty full, but it has been worse. Mr. Oliver said he was just wondering if they were going to be asking for an increase in their budget because of it. Lt. Butts said they try to budget appropriately based on the past and negotiate prices for food & dietary and medical, but when people are there, you have to expect the unexpected when thinking about what the population is going to be, what special needs they might have, whether they have to be transported, etc... He said he thought they'd been doing a really good job of being conscientious of what is spent and how it is spent so they can provide good care for the inmates while they are there.

Mr. Forbes went on to say that they make an effort to resolve the cases as quickly as possible. State's Attorney Jay Scott sends the offers before the preliminary hearing. He said he gets the discovery and the police reports before the preliminary hearing. He said he is not entitled to receive those. The State's Attorney does not have to provide that until 30 days or more after the preliminary hearing, but his office is very good at giving all of that information up front so it can be reviewed and gone over with the defendant and they can be advised as to the strengths and weaknesses of the case. He said he is able to inform them of possible sentences they may face based on their criminal history and the likelihood of the finding of guilt. The State's Attorney also makes an offer to resolve the case in some way. He said he explains the offer to the defendant. So, they try to resolve the cases that can be resolved as quickly as possible. If someone wants to jump on the state's offer at prelim, when they go into the hearing, Mr. Forbes said he can tell the Judge that a deal has been worked out and the case can be set for immediate disposition and there is not a need to set it for further pre-trials, etc... Mr. Forbes said that on the report under his name, it can be seen that there were 20 cases in December. That means there were 20 plea agreements that were worked out right off of the prelim. He said there are probably many more cases than that that were worked almost immediately following the prelim, but those 20 were cases that were worked out before the case went to the preliminary hearing. He stressed that they are trying to work out the cases as quickly as they can, but he is the first one that would meet with them if it is a felony case. He said he goes over the entire case with them going through the reports, the sworn statement, the charges, the possible sentences, etc... They are given all of that information before they step into court for the first time. When they go into court for the preliminary hearing, the case is generally assigned to an assistant in the office, but a lot of times the path has already been set. The defendant is looking at working out some sort of a deal, maybe a counter offer or the defendant says he is taking the case to trial and it just needs to be followed through with by the assistant public defender. He said that most of what is done in the Public Defender's Office is done at the very beginning. All the reports and information is shared up front. Mr. Baxter commented that other places don't do that. Mr. Forbes said no, and since all the information is received, there is not a need for preliminary hearings very often. Maybe one out of 3 or 4 defendants will actually have a hearing where the police officer will come in and testify. Mr. Forbes said that if he has all the reports, there is no need to have that hearing. Sometimes a defendant will want one, so it is held, but it saves the county a lot of money if you don't have deputies coming in to court to testify at preliminary hearings because that exchange of information already took place.

*Sheriff – no report*

*State's Attorney's Office-*

*Macon County Board Resolution Approving Amendment to State's Attorney's Fy2016 Budget*

Mr. Baggett explained that this is to reflect new revenue from the sale of 2 cell phones.

Motion to approve forwarding to the Finance Committee with recommendation for approval made by Mr. Dunn, seconded by Mr. Brown and motion carried 5-0.

***Macon County Board Resolution Approving Amendment to State's Attorney's Fy2016 Budget for the Teen Court Program***

Mr. Baggett explained that the ARI program has been suspended due to no revenue coming in from the state. The Special Projects Coordinator, Keyria Rogers, was paid substantially out of that fund. She has made arrangements with the Community Foundation and they have awarded the State's Attorney's Office a grant donation toward the Teen Court salaries in the amount of \$27,033.02.

Vice Chair Baxter commented that this is a good deal. Mr. Baggett said it is an extraordinarily nice thing. The Community Foundation has made repeated awards and grants to the State's Attorney's Office to the Teen Court Program in particular over the past two years. They have a very strong desire to see the program succeed. He said they hope that they are keeping them pleased.

Motion to approve forwarding to the Finance Committee with recommendation for approval made by Mr. Dunn, seconded by Mr. Oliver and motion carried 5-0.

Mr. Dunn said he had read in the paper where a couple of counties had taken the state to court to get their money for the missed payments for the State's Attorney and Public Defender's salaries. He asked if we are looking into that. Mr. Baggett said they had reviewed the outcome of some of those suits and he thought they had had some success. He said they have not taken any steps toward that at this point. Some of the thinking has been that if we hit a point where the cash flow is impacted at the county level and we need to take the state to court in order to turn the taps back on, that would be worth it, but ultimately the state has a statutory obligation to pay the money whether it is now or when the budget stalemate is resolved. He said the thinking has been that as long as there is not a cash flow situation at the county level, it may not be something that we want to pursue as far as litigation at this time. Mr. Dunn said he thought we were going to have to make an inter-fund loan for the next pay period. Mr. Baggett said he would coordinate with Ms. Reed and if we have reached that point, this is a tactic that has been used in multiple counties. The State's Attorney Appellate Prosecutor has been involved with representing counties on this. It's not going to be that difficult to begin that challenge. Mr. Dunn said he would like to know how much they are behind because they are also behind on the S of A too. He said he would like to know the process, the cost to do it, etc... Mr. Baggett said he thought the trail has been blazed, but couldn't speak about how quickly it would all come down and wasn't sure if it would go through the Court of Claims or the Circuit Court. Mr. Dunn said he would hate to let it go too long because he knows they owe it. Mr. Forbes added that while it is a Statutory obligation, it is his understanding that the State has to pay this and other counties have filed suits, the Illinois Public Defender's Association has also been involved and is circulating materials in conjunction or in cooperation with the State's Attorneys. One of fears is that they don't want all the counties to file individual suits because they might get different rulings. Right now there have been very positive rulings and the State has been ordered to pay the salary reimbursement, but they are afraid of obtaining contrary rulings. There is some hesitancy by some counties to file suit just because they don't know the outcome.

**CITIZEN REMARKS – PUBLIC COMMENT** –None

**OLD BUSINESS** - None

**NEW BUSINESS** – None

**CLOSED SESSION** – None

**NEXT MEETING** – Thursday, February 25, 2016

Mr. Oliver wanted to address the Court System. He said he had been a part of a conversation earlier in the day concerning what is happening with the court system and the sentences that have been given to those people who are found guilty. A lot of them are repeats. Something has to be done. It's a revolving system. People are being hurt by this. He said he thought they should convene some sort of a group out of this Justice Committee or whatever the Judge sees fit as our Chief Administrator of the Court to get something done about this. He said he is making a plea today that this might happen. Some of these guys are habitual criminals and we've got to do something.

Judge Webber said that his experience is that we have police & sheriff's departments that are very diligent in crimes and a prosecutor who is very diligent in filing. Every year we have about 1,500 felonies and a1000 misdemeanors filed. It is not for want of the police arresting people or the State's Attorney prosecuting them or the person being convicted in Circuit Court. All we can do at that point, if there is a conviction, is to sentence the person to the DOC. Once we do that, it is in the department's hands, not ours. As you probably know, the DOC is designed to hold about 32,000 inmates. It currently has just short of 50,000. Particularly, we have a lot of persons in there who are serving sentences of either life or many, many years without parole. So, those who have lesser sentences can be very rapidly paroled back after a relatively short period of time and there is nothing we can do at the local level about that. He assured Mr. Oliver that it is not for want of criminal charges being file, persons being arrested, persons going to trial or pleading, but yes, when someone is back here when they've been sentenced to 5 years and we see them back here in 9 or 10 months, he said he was sure it was a matter of frustration for everyone involved, but it is something we cannot control until or unless the state decides to open prisons as opposed to closing them and keeping persons in custody as opposed to releasing them. If there was something that could be done at the local level, we would be doing it.

Mr. Berter said that one of the things they've been doing within the Probation department over the last 10 years has been to look at what is called Evidence Based Practices which means that we need to change the individual's thinking patterns. If you change their thoughts, you'll change their behavior. In order to do that, we have to be able to assess them and then have some sort of programming to work with the client. He said that in the adult arena, there is nothing out in the community as far as domestic violence. With the state money drying up, those services are leaving. In substance abuse there are two providers. One was going to close but were lucky enough to get some extra money so they can stay open. There are just not a lot of services so we try to do things internally to address those behaviors. With Adult Redeploy, as you go through the process you have different components that you have to attend to help change that behavior.

Obviously, it costs money. That is how probation should run for every case. Currently, there are over 2,200 individuals that are on Probation in Macon County.

Mr. Berter said that one of the great things about Adult Redeploy is that there is a community engagement piece which are community restorative boards. When you have individuals that are ready to change behavior, the community accepts them back in. But, in order to be accepted back into the community, there are certain things they need to do to repair that harm. The more and more we can get the community involved in that, the better it is. It's better a lot of times for the community member to talk to the client than it is for that probation officer or police officer or even the judge. That is an unmet resource. The community is very powerful in Macon County and the more that they can be included in the process, the better off we will be.

Mr. Berter said Dr. Janelle Norman, the Restorative Board Coordinator, goes out within the communities and into some of the local churches and recruits volunteers. The volunteers we have are excellent. It is just another component to help change that behavior. Mr. Oliver asked how long the program had been in existence. Mr. Berter said 2011 – about 4 years. Mr. Oliver asked about the success rate. Mr. Berter said it has been pretty successful as far as adult redeploy. The very first year it was started with 93 individuals that had to be deferred from the DOC. Every year, that number has gone down. Adult Redeploy focuses mostly on Class III & Class IV felons that would go to the DOC. We know that those individuals are going to go in, as you say, for a short period and come right back out. With the Adult Redeploy Program, we work with them to change that behavior or thinking pattern. Mr. Forbes added that those are mostly non-violent offenses like retail theft or disorderly conduct. They are generally not someone that has caused harm or is a danger to the community. We are just trying to figure out a different way of dealing with this rather than pay the high cost of incarceration. Mr. Berter added that by doing this, the people that need the DOC have a bed there for them. Mr. Forbes said that when someone commits an offense such as aggravated battery, there is a sentencing scheme in place. The judge would have to decide whether to give probation or 2 to 5 years in the DOC. If they have a history of committing other felony crimes, class III crimes, then possibly the sentence could be doubled from 5 to up to 10 years, but there is a limit as to what the court can sentence a person to. It is set by our legislature. Once they go to the DOC, they are entitled to receive certain good behavior credits. If someone commits the offense of aggravated battery, got the maximum sentence of 5 years and then got their good conduct credits, they would be out in about 2 years. Lt. Butts said they credit here for the time already served.

These kinds of things need explaining and Mr. Oliver said he did not know if that has been done in the community. It would help a whole bunch to get some of this turned around.

### **ADJOURNMENT**

Motion to adjourn made by Mr. Oliver, seconded by Mr. Brown, the motion carried 5-0, and meeting adjourned at 3:25 p.m.

Minutes submitted by Jeannie Durham, Macon County Board Office