

JUSTICE COMMITTEE MEETING
February 25, 2016
3:00 P.M.

MEMBERS PRESENT

Greg Mattingley, Chairman
Jon Baxter
Jay Dunn
Bill Oliver

MEMBERS ABSENT

Grant Noland
Matt Brown
Dave Drobisch

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
Sheri Wallace, HR
Jeannie Durham, County Board Office
Laura Lents, County Board Office

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

APPROVAL OF MINUTES OF PRIOR MEETING

Bill Oliver made a motion to approve the minutes from the January 28, 2016 meeting, seconded by Jon Baxter and the motion carried 4-0.

CLAIMS

Jay Dunn made a motion to approve the report of the claims as submitted, seconded by Jon Baxter and the motion carried 4-0.

REPORTS

Circuit Clerk –

Chair Mattingley asked about collections. Ms. Durbin said it is still coming in and reported that on the 23rd the company had collected \$53,164.07. The week before was \$50,471.89 making a total for the two weeks approximately \$100,000.

Circuit Court –

Judge Webber reported that last week he had a meeting with a representative from the Administrative Office of Illinois Courts and also Community Preservation Clinic of Uof I Law School regarding the Mortgage Mediation Program and made a lot of progress. Judge Webber went on, stating he was not able to give a specific date, but he thought the last item to be decided upon is the fee to be charged to lenders when they file a foreclosure action. He thought it would be in the range of \$50 to \$75 and once it has been decided upon, they would be in position to begin training mediators. He said he had also had a meeting with Chairman Dunn who has said that the County still stands ready to provide space in the County Office Building for the mediations to take place. He said he was happy to say that the process is moving forward.

Coroner – No report

Court Services / Probation –

Mr. Berter had no report.

EMA- no report

Public Building Commission –

Mr. Lord had no report

Public Defender –

Mr. Forbes reported that he had had one attorney leave the office and that he was looking to replace him. The interview process should end by next week. The attorney had worked in the office for about 2 or 3 years and now has left to go into private practice. He came in to traffic, went to misdemeanors, then felonies and the big stress cases. He did a great job, but has now gone off to private practice. That is not unusual. It will mean some movement within the office once it is determined what the skill level of the person hired is.

Jail population for today was at 331. It is still high.

Sheriff –

Macon County Board Resolution Approving Needed Single Purpose K9 Units to Each Patrol Shift of the Macon County Sheriff's Office Patrol Division

Lt. Butts pulled this resolution from the agenda because he said the numbers for the equipment appear to exceed what the grant has dedicated to the project. He said he would review and put it back on the agenda for next month.

Macon County Board Resolution Approving a Contract between the Macon County Sheriff's Department and the Decatur Public Building Commission

Lt. Butts said that this is a yearly contract to provide a 50/50 split for an officer for this building. The new agreement would start on 4/6/16 and run through 4/5/17. The DPBC would pay \$19,411.98 for their part of the salary and benefits for that officer.

Motion to approve forwarding to the Finance Committee with recommendation for approval made by Jay Dunn, seconded by Bill Oliver and motion carried 4-0.

Macon County Board Resolution Recognizing April 2016 as "National Donate Life Month"

Lt. Butts said this is a yearly resolution to recognize that there are approximately 5,000 people waiting in Illinois for organs, tissue, bone marrow and other life sustaining organs that this program provides. This is a very beneficial program with a lot of good feedback from the public and recognition from the Secretary of State's Office.

Motion to approve forwarding to the full board with recommendation for approval made by Bill Oliver, seconded by Jon Baxter and motion carried 4-0.

Macon County Board Resolution Approving Increase in the Sheriff's Court Security Fees to Commence April 1st, 2016

Lt. Butts reported that Bellweather Consulting had been contracted by the county to do a fee study that would give feedback to the Board, the Courts and the Sheriff's office on the fees collected by the Circuit Clerk and earmarked for Court Security. The last fee increase for Court Security was in 1996. This resolution would increase fees for criminal cases, civil cases, traffic cases & petty traffic cases to the amount of \$25 for all those types of cases being filed. Potentially, this could generate an additional \$99,950 to offset the operational expenses for the court security program.

Motion to approve forwarding to the Finance Committee with recommendation for approval made by Jay Dunn, seconded by Jon Baxter.

Chair Mattingley asked if there are code provisions outside of Section 10 that allow for probation without the entry of judgment. He said when we take Section 10, that is 1410 & 710 probation and asked if there are not others beside that allow for dispositions without a judgement or conviction being entered. Mr. Forbes said that 1410 or 710, first offender probation, and there is also task probation which could be cases in which the defendant has pled guilty and the case is continued over and no convictions entered. He said he guessed those would be cases where there would be no fee or fine that could be imposed. Mr. Mattingley asked if Section 10 includes anything other than the 1410 & 710. Mr. Forbes said that Section 10 is the provision for the Task Probation. There is a separate first offender probation for First Offender Cannabis, First Offender Controlled Substance and a First Offender Meth Statutory Provision for each of those three as well. Mr. Mattingley asked if they are under Section 10 as well. Mr. Forbes said he did not think so. He thought they are each in their own section. For example, there is one for the controlled substance that is listed specifically in the Controlled Substance section; one in the Cannabis and one in the Methamphetamine Control Act. Mr. Mattingley said he thought they were separate too and asked if it was the intent to limit the fee solely to the Section 10's or is it to include sentences of probation without entry of judgment because he thought there are others besides those found in Section 10. Lt. Butts read from the Statute, 55ILCS5/5-1103. Mr. Mattingley looked the information over saying he did not want to short the County on the fee and he felt that the language might limit it. Mr. Mattingley said, in reading the Statutorial language, you will have sentences without convictions that could be subject to Probation under Section 70 of the Meth Control Act and a couple of others. He asked if they wanted to exclude those. If you don't, the pursuant to Section 10 language could be struck or the other language from the Statute could be added so it is clear as to what the fees would be assessed on. Lt. Butts said he did not want to limit the resolution so they could not collect the fees that are appropriate. Mr. Baggett said that he understands that they do not want the language of the resolution (Act of the County Board) to limit the application of the fee which is allowed by Section 5-1103. He said he thought they could amend the language of the resolution prior to its consideration by Finance basically by taking the quotation and pertinent part of 5-1103 and instead just reference 5-1103. We can just say it is applicable as far as the Statute allows it to be applicable. Chair Mattingley said that would satisfy his concerns. Lt. Butts will work with Mr. Baggett in amending the resolution prior to Monday's Finance Committee meeting.

Mr. Oliver asked about the raises in fees. Ms. Durbin explained some of the changes and said this would raise the fee to \$25 across the board no matter where it is currently. There had been three different court security amounts. Mr. Oliver said he thought this was quite a jump in some of the fees. Mr. Dunn said the reason for this is to recover some of the costs on court security fees. Bellweather gave a layout on the fees that could be charged. They highlighted \$50, but after discussion between himself, the Sheriff, the Judge, the Circuit Clerk and the Board Chairman, it was decided to keep it to \$25 for a year to see what happens, but security costs are about \$800,000 and currently we are only bringing in about \$100,000. We are basically losing \$700,000 every year for court security. This is just something to try to recover some costs to help pay for Court Security. Mr. Mattingley added that it would, also apparently bring costs more in line with other counties our size. Mr. Dunn said that he thought that most of those counties, in the coming year, would also be raising theirs. This law just went into effect this year. Judge Webber said the raise to \$25 for Court Security did and he thought that when that happened, probably every other county immediately raised theirs up to the Statutory limit.

Chair Mattingley called for a vote, with the understanding that they are going to clean the language up a bit by referencing the Statute. The motion carried 4-0.

State's Attorney's Office-

Macon County Board Resolution Amending the State's Attorney's FY16 Budget for Sexually Dangerous Sexually Violent Examination Costs

Mr. Baggett explained that this is an unfunded mandate under Section 4.02 of the Sexually Dangerous Persons Act. This was a 2010 felony, sexual assault case. Dr. Killian was appointed by the Court to examine the defendant. Dr. Jekyl was also appointed, but his invoice has been paid. This one to Dr. Killian has an outstanding invoice due of \$4,464.17.

Motion to approve forwarding to the Finance Committee with recommendation for approval made by Mr. Oliver, seconded by Mr. Baxter. Mr. Dunn asked if this was for one defendant. Mr. Baggett confirmed one defendant, one examination. There was another examination because under the Statute, the defendant has to be examined by 2 doctors or licensed examiners. This is an older case. Dr. Killian let it slip for a while, but we still have to pay. Mr. Dunn asked if it was kind of high. Mr. Baggett said yes. This happened under the old Sexually Dangerous Persons Act. There has been a recent change in the law in the past 1 ½ to 2 years where they now have to be certified through the State. Dr. Killian and Dr. Jekyl may not be under that regime, but it also does not require an MD or PHD so the costs are probably less now. He said he thought this would be the last under that old regime that is still sitting out there. The motion carried 4-0.

Mr. Oliver asked if Mr. Baggett was seeing any new cases coming through. Mr. Baggett said they have a new prosecutor that has been with the office for almost 2 years now that has taken over the sex crimes unit. She has a different strategy in regard to these types of offenses. She pursues the Sexually Dangerous Persons Act designations a little less quickly than before. The goal now is more broadly based on prosecution as opposed to the civil commitment under the Sexually Dangerous Persons Act. We have seen substantially fewer of these come along since she has taken over that unit. That is the anticipation for the future as well. Mr. Oliver asked if Mr. Baggett was not looking for an increase. Mr. Baggett said they never look for it which is why this is an ad hoc

expense that is not budgeted for annually. It cannot be predicted as to how many cases these would be necessary in. The focus of the prosecutions at this time is more geared toward the criminal prosecution as opposed to the Sexually Dangerous Persons Act which is more of a civil commitment. In other words, we're going for prison as opposed to hospitalization.

The motion carried 4-0.

Macon County Board Resolution Amending the State's Attorney's FY16 Budget for the Child Advocacy Center

Mr. Baggett explained that this reflects an increase in one of the grant awards. Last year, the original grant was cut by 10% from the FY15 amount. He said they were recently notified that the State would give the 10% back and increase the FY16 award. This reflects the new grant amount of \$13,048. Also, the Friends of the Macon County CAC, a not-for-profit organization for the benefit of the County entity is donating \$8,100 for various services including mental health services for victims and families plus another \$3,000 for equipment, leases and other program operations. He said that they have seen a decrease in utilities as a result in moving from the Water St. location into the DOVE Building on East Clay.

Chair Mattingley asked if the funds are actually being paid with the State's dilemma, or if it is something they are awarding and the money is not following. Mr. Baggett said he had had a discussion earlier in the day with the Auditor's Office and with this particular grant, no funds have been received from DCFS since the Fall or Summer. We have a piece of paper saying they are giving additional money, but no check has been received.

Motion to approve forwarding to the Finance Committee with recommendation for approval made by Jay Dunn, seconded by Jon Baxter and motion carried 4-0.

CITIZEN REMARKS – PUBLIC COMMENT –None

OLD BUSINESS - None

NEW BUSINESS – None

CLOSED SESSION – None

NEXT MEETING – Thursday, March 24, 2016

ADJOURNMENT

Motion to adjourn made by Mr. Oliver, seconded by Mr. Dunn, the motion carried 4-0, and meeting adjourned at 3:30 p.m.

Minutes submitted by Jeannie Durham, Macon County Board Office