

**JUSTICE COMMITTEE MEETING**  
**January 26, 2017 @ 3:00 P.M.**

**MEMBERS PRESENT**

Jon Baxter  
Jerry Potts  
Greg Mattingley  
Jay Dunn  
Dave Drobisch  
Bill Oliver  
Grant Noland

**COUNTY PERSONNEL PRESENT**

Mike Baggett, State's Attorney's Office  
Rodney Forbes, Public Defender  
Lt. Jon Butts, Sheriff's Dept  
Pat Berter, Probation  
Lt. Jim Root, EMA  
Lois Durbin, Circuit Clerk  
Jerry Lord, DPBC  
Judge Webber  
Jay Scott, State's Attorney  
Carol Reed, Auditor  
Lisa Wallace, Deputy Auditor  
Jessie Smalley, HR  
Jeannie Durham, County Board Office

**MEMBERS ABSENT**

The meeting was called to order by Chairman Dunn at the Macon County Office Building.

**APPROVAL OF MINUTES OF PRIOR MEETING**

Mr. Oliver made a motion to approve the minutes from the December 22, 2016 meeting, seconded by Mr. Drobisch and the motion carried 7-0.

**CLAIMS**

Mr. Drobisch made a motion to approve the report of the claims as submitted, seconded by Mr. Potts and the motion carried 7-0.

Chair Dunn asked Ms. Reed to introduce the new HR person, Jessie Smalley.

**REPORTS**

***Circuit Clerk – No report***

***Circuit Court –***

Judge Webber reported that they have a new judge, Judge Erik Hubbard who started 2 weeks ago tomorrow. He is at new judge school in Chicago this week. He is doing a very good job and for the first time since Judge Tim Steadman was assigned over to Piatt County most of the time not quite a year ago, we are finally back to full strength.

There is a new Chief Judge for the 6<sup>th</sup> Circuit, Judge Richard Broch of Tuscola who started on the same day as Judge Hubbard after the retirement of Judge Dan Flannel.

Last summer, the legislature enacted a law which is going to require all circuits to establish a veteran's court by 1/1/18. It will be the 4<sup>th</sup> specialty court along with Drug, Mental Health, & Hybrid courts. There are no details at this time about it, but it will be discussed at the quarterly circuit meeting next week. Hybrid & specialty courts are very labor intensive and in a large

degree, grant funded, however, there is no identified funding stream for veteran's court. It is an unfunded mandate as far as is known. There are similar courts operating out of Cook and Madison Counties that get some support for treatment from the VA. Otherwise, details are still being gathered, but this will be another specialty court which are very labor and capital intensive for us. The legislature has determined that that is what we need to do so that is what we will be doing in the coming months. Judge Webber will provide further details as they develop.

***Coroner – No report***

***Court Services / Probation –***

***Macon County Board Resolution Entering into an Agreement with Peoria County for the Sale of Juvenile Detention Bed Space***

Mr. Berter explained that this annual contract with Peoria County for 5 guaranteed bed spaces. Mr. Berter said it is a little late because he has been trying to work with Dan Hunt to increase the number. Currently, Peoria County is full, so they will not be accepting any more of our kids at this time. Hopefully, no more will be arrested over the next couple of days. When that does happen, they go to a different county. The contract goes up 3% each year. For this year, it will be \$126.81 a day to house our kids in Peoria County. This is a pretty good deal because Peoria County takes care of the transportation. When someone is picked up by the Decatur Police Department or Macon County Sheriff's Department, Peoria comes down and picks them up and then bring them back and forth to court. If housing outside of the county is necessary, there is an agreement with the Sheriff's department that they do hire backs that take them to the detention facilities and during the court proceedings, the Probation Department is responsible for transportation.

Chair Dunn asked if Peoria County would not give us the chance to take on 6 or 7 beds. Mr. Berter explained that Dan Hunt is currently looking at that. Last year, 9 was the average. He explained that guaranteed bed space means that even if they are full, they have to take our kids up to the number that is guaranteed. With the transportation issues and their good facility and good staff, we have a pretty good contract with them.

Mr. Potts made a motion to approve forwarding on to the Finance Committee with recommendation to approve, seconded by Mr. Mattingley and the motion carried 7-0.

Mr. Berter went on to explain that he had provided a yearly review of the department for 2016 breaking down the numbers. Reports for the past year have gone up, but the actual caseloads for the officers have gone down. The reason for that is that they were not accepting anyone into the Adult Redeploy program. He said they are current with the Mental Health Court graduation, down a little with DUI and Drug Court graduations. The juvenile caseloads are about the same. 105 kids were detained. That is up by 10 compared to previous year.

The Food Donation Program through Community Service had \$44,000 in food come through compared to last year when they had about \$32,000.

***EMA –***

Lt. Root reported that he is in the process of revising the Emergency Operations Plan. It has to be submitted to IEMA by March 19.

The new address for the EMA office within about 2 weeks will be 333 S. Franklin St. as the office is being vacated for some renovations.

***Public Building Commission – No report***

***Public Defender –***

Mr. Forbes passed out and reviewed the monthly report for December. 41 more cases were opened than were closed. Over the course of time, the office has been able to keep their heads above water. Mr. Forbes also distributed a report showing cumulative numbers for 2015. It shows that 165 more cases were closed than opened. Total cases opened in 2015 were 2,632 and total closed was 2,797. The report is broken down by attorney to show how many cases each attorney opened and closed. This shows that Mr. Forbes opened 387 and closed 387. Mr. Forbes reviewed some of the felony attorneys numbers saying that Mr. Tighe had 333 cases that he opened and closed 321; Mr. Rueter had 294 opened & 298 closed. ABA standards say 150 is the max, so the office is working at about double capacity on the felony cases.

Mr. Forbes also presented a 2016 summary as requested of him at the last meeting. A total of 1,729 felony cases were filed in 2016. That was up by 56 cases from 2015. 2015 was up 55 cases from the previous year. These numbers are holding pretty close. In the prior years, the cases were charged differently. There used to be more than one defendant in a case, so the number of cases did not reflect how many defendants were charged. You have to be careful what you read into the numbers beyond the last two years. In the last two years, the number of cases filed equals the number of defendants that were charged with felonies.

Demographics show that of those charged with felonies, about 51% (886) were African / American and 48% (824) were Caucasian. A total of 1,330 males and 399 females were charged with felonies. About 77% of the total felony cases were males. Of those males, 55% were African American and 44% were Caucasian. For females, 399 were charged with felony cases. That was 157 African American females and 238 Caucasian females. The numbers flipped by race there.

A comparison of how many cases the Public Defender does versus private practice attorneys. The Public Defender is involved in 78% of the felony cases that are filed. Private Counsel represented 381 cases or 22%.

Detention and Shelter Care Hearings for 2016, Juvenile Detention Hearings, came to 97 in 2016. There were 88 in 2015. That was an increase of 9 more hearings or a 10% increase. The Shelter Care hearings, those involving DCFS, came to 139 which are counted by child in 2016. That was a significant increase from 2015 when there were only 81 hearings, but again that was counted somewhat differently. That involved the services of 336 attorneys. That is very work intensive and demanding for the office.

Public Defender reimbursements show \$23,308 received. That was up by 33% from previous years.

Average days in jail for defendants charged with felony crimes:

The State's Attorney's office makes the offer and then provides the police report so the Public Defender can meet with the defendants in the jail. They try to make quick plea agreements. A lot of times that saves the county money because they are able to get people out of jail quicker. There were 214 defendants in 2016 where quick deals at prelim were able to be worked out. They stayed in jail a total of about 23 days from the time of their arrest and the time of their release. That was 22% of the total jail releases over the year of 2016. Of those persons where quick agreements cannot be worked out or where something else needs to happen in the case, they go to a pretrial and are assigned to different attorneys. Those persons averaged 83 days in jail. So, it takes about 3 months for a person's case to cycle through the criminal justice system in Macon County if they are charged with a crime.

A compilation was done of the types of charges that were charged in 2015. Each case was gone through and listed by the first count that was charged. So, when somebody is arrested, they might be charged with multiple counts such as aggravated DUI, Driving while license is revoked, fleeing and alluding, possession of a controlled substance, etc. Just count one was counted. Aggravated DUI's were the most filed and demanded the Public Defender services the most. There were 165 aggravated DUI's, 157 aggravated batteries, 113 drug possession were the top three.

Mr. Forbes provided a complete breakdown of the charges and how they were charged along with whether the Public Defender or public counsel was used.

The thing that really jumps out is the fact that the Public Defender's office represents defendants charged with violent crimes more than private practice attorneys. There were 4 murder cases last year. There were 2 private practice and 2 public defenders involved for an even split there. There were 15 armed robberies appointed to the Public Defender and one to private counsel. Private counsel get involved in cases like DUI, driving while revoked, traffic, domestic battery and theft. More of the violent cases go to the Public Defender's office.

Reports for 2012, 2013, 2014, 2015 & 2016 were provided. Chair Dunn expressed appreciation for all the work put into the reports saying he knew it took some time.

#### ***Sheriff –***

Lt. Butts reported that the administration has started moving into the new addition which can be accessed right across the hall from the records division. He thanked Mr. Lord and the DPBC staff for their work and making it a smooth transition.

Lt. Butts informed the committee that he would be providing statistic reports at the February meeting for the office for 2016 which will look at total calls for service, total arrests for both felonies & misdemeanors, total drug related charges, total citations issued, order of protection issued, civil process & domestic violence cases that were investigated, prisoner transports, total number of people booked in the jail, etc. for the past 10 years giving comparisons.

Chair Dunn asked if Lt. Butts thought the City kept those kinds of records. He said he was curious because if the City police make an arrest, we are the ones that have to take care of it and the cost burden is on us. Lt. Butts said that he thought about 85% to 90% of the people in the jail originate

from DPD charges / arrests. Maybe 3% to 4% from Mt. Zion, Warrensburg, State Police, Maroa and about 10% to 12% would be county. The large majority comes from Decatur police.

Lt. Butts reiterated that he wanted to prepare the numbers from our agency for the year for 2016 because they are important statistics on domestic violence arrests, DUI, felony arrests, drug related charges and total miles driven, what the deputies are doing and how they get around the county on all three shifts. He said he thought it would be important for the committee to have those numbers at the next meeting.

***State's Attorney's Office-***

***Macon County Board Resolution Establishing the Macon County Juvenile Justice Council***

Mr. Baggett explained that there has been a functioning Juvenile Justice Council for several years. In the process of reviewing an upcoming transition in the Teen Court Program, it became known that the Juvenile Justice Council was never formally organized by the County Board. This is an attempt to rectify that. The Council does not have any statutory responsibilities or duties other than to advise the State's Attorney and try to coordinate a plan between various stakeholders. There is nothing that has been done wrong by not having it formally sanctioned, but we want to do it now.

Mr. Potts made a motion to approve forwarding the resolution to the full board with recommendation for approval, seconded by Mr. Mattingley, and the motion carried 7-0.

***Macon County Board Resolution Amending State's Attorney's FY17 Budget for DUI Grant***

Mr. Baggett explained that during the budget cycle last year, preliminary confirmation that the DUI Grant would be extended effective October 1 had been received, but the final number was not received from the Department of Transportation until after the Display Budget was out. The first increase in the grant in the last 4 to 6 years was received. It has been steadily decreasing since 2011 – 2012. This was a fairly significant increase considering how they had been cutting it in half from year to year. This will allow the full salary of one assistant state's attorney to be paid in addition to all of that person's fringes.

Mr. Oliver made a motion to approve forwarding the resolution to the finance committee with recommendation for approval, seconded by Mr. Mattingley, and the motion carried 7-0.

**CITIZEN REMARKS – PUBLIC COMMENT** – none

**OLD BUSINESS** – none

**NEW BUSINESS** – none

**CLOSED SESSION** – none needed

**NEXT MEETING** – February 23, 2017

**ADJOURNMENT**

Motion to adjourn made by Mr. Potts, seconded by Mr. Oliver and Chair Dunn adjourned the meeting at 3:25 p.m. Minutes submitted by Jeannie Durham, Macon County Board Office