

**JUSTICE COMMITTEE MEETING
Macon County Office Building Room #514
141 S. Main Street, Decatur, IL 62523**

July 27, 2023 @ 3:00 P.M.

MEMBERS PRESENT

Chair Greg Mattingley (3:04)
Debra Kraft
Kevin Greenfield

COUNTY PERSONNEL PRESENT

Judge Griffith, Circuit Court
Sherry Doty, Circuit Clerk
Pat Berter, Probation
Jon Perona- Public Building Commission
Michelle Sanders, Public Defender
Sgt. Root, Sheriff
Sgt. Jedlicka, Sheriff
Scott Reuter, State's Attorney
Michael Baggett, State's Attorney
Tamara Wilcox, County Administrator
Crystal Hugger, County Board

MEMBERS ABSENT

Grant Noland
Bill Oliver
Andrew Hogan

Vice Chair Kraft called the meeting to order at the Macon County Office Building.

APPROVAL OF MINUTES OF PRIOR MEETING

Mr. Mattingley made a motion to approve the minutes from (06/22/2023), seconded by Mr. Greenfield. Motion carried 3-0.

CLAIMS

Mr. Greenfield made a motion to approve the claims, seconded by Mr. Mattingley. Motion carried 3-0.

REPORTS

Circuit Clerk- Ms. Doty reported that she has what was collected and bonds of 2022. We are not done with 2023. In 2022 we had \$964,000 collected and forfeited towards fine and cost. I broke it down by CF, CM's, and DT's. CF is a felony and CM is a misdemeanor and DTs are DUI. That is what they take bonds on and still are until September 18th. The fines alone were \$21,000 and so entities will lose that money and they figure 80% will be gone. My clerks fee \$235,000 almost \$236,000 taking a percent of that it is a small number. Clerk's office the same I got everybody individual and then automation fee is also mine and the judges and that will go down. The document storage what I use to scan things and then we go to State's Attorney office. The collection is what is going to hit you guys the hardest.

We collected over \$30,000 dollars CCP and that will go down also because they are under the same obligation, we are plus a little bit more on juveniles now. Forfeitures is another one when they post those bonds, and they don't show up the Judges also takes those bonds but that was a total of almost \$ 78,000 dollars. Automation that is just to me a dollar in your pocket but still it is \$1300 dollars. Sheriff will get hit we collected \$35,000 dollars and that is warrant fees, subpoena fees and that will go down. Your medical fees were almost \$7800 that was collected to the bonds.

The Court Security \$25,000 dollars was collected to the bonds. Probation will get hit hard. We collected \$116,000 through the bonds and their mandatory drug fee is not much but was only \$243.00 dollars that is because the Judge must order that. Court Services has changed its name so that \$4000 dollars we added will be \$120,000 that Pat will lose 80% of it. We can pray that they pay. Court fees \$17,000 and Public Defender is only \$2376.00 but the Probation Ops is \$190.00 which is not much compared to everybody else. Our Specialty Courts will be hit that will include teen court, drug court, mental health, and our CASA. Restitution I feel sorry for the victims we collected \$22,000 for these people through bonds and that is our victims. Our defendants have a tendency they are mad because they got convicted so they are not going to pay for the victims. I just wanted to let you know that we are going to get hit every County in the State is going to get hit hard. I don't know what we are going to do. There is no way to have income for our government agencies.

Judge Griffith said it is about \$800,000 dollars that you are going to be short.

Ms. Doty replied yes, 80% of that. The year before we collected \$1.17 million dollars of bonds that got forfeited. We still got the old bonds sitting there still and they can't touch those but there are not very many pending bonds left. You guys have been pushing these cases through which is good, but September 18th is where I am going to.....

Mr. Baggett said he had a question. The numbers are associated with only the bonds and not the people that pay their actual fines.

Ms. Doty said yes, correct these are just the bonds. CMS did it for us and all of us was panicking soon as he signed that bill and that passed through the Supreme Courts, she started running these figures for us because everybody has got budgets coming up. I will say we are not hit as hard as Kankakee and the bigger ones, but we are going to get hit hard. Better enforce them paying but that is like taking money from a turnip.

Mr. Greenfield said, Sherry what is the actual number you estimate we will be short.

Ms. Doty replied 80% of that \$964,291.00.

Mr. Baggett said it would be approximately \$800,000 dollars based off last year's number. The year before that we brought in a little bit more. It is going to be close to a million dollars across the County. The fines are generally small particularly in felony cases and they are going to be the statutory minimum generally those numbers are \$75 dollars. They get paid but that is why that number is dramatically different than what the fees are they get paid out of the bond money. That is not a huge lose in the grand scheme of things, but it is the fee. This is just the County there are outside partners in the Criminal Justice System that are going to be dramatically affected by this as well.

Mr. Greenfield said if the Judge dings that someone qualifies to be held over in jail is there a bond set on them.

Judge Griffith said no Kevin. It will no longer exist.

Ms. Sander said if you are being held on a murder case and you have a \$3 million dollar cash bond you don't want the court to decide at that point whether or not you should be held or release because we know the court is going to hold you. Those individual can hold on that \$3 million dollar bond and maybe a family member would pass away and they will be able to afford it now because they got something in the will. They can pay this bond now. Your people who are in for something minor for something that under the statute can't be held they can also ask the court to reconsider. If they ask the court to reconsider they would be released or could be released depending on the situation.

Vice Chair Kraft said but is that at your discretion for the release.

Ms. Reuter said it would be up to the Judge based on the evidence presented by Ms. Sanders or myself.

Ms. Sander said there are some situation where a person can't be held.

Circuit Court- Judge Griffith said just a little explanation regarding the Safety- Act to take effect on September the 18th. The basic premise is that everybody who gets arrested is to be released on conditions without posting any type of money unless the State files a petition to detain. The petition must be filed within 48 hours it only goes to what they deemed to be serious offenses which is about what you would expect murder, rape, and crimes of violence, serious drug offenses, and gun offenses and so on. Again, the here when the State files a petition to detain the hearing must be held within 48 hours which could create problems. Charges must be on file at the hearing each side has subpoena power can present evidence can really have a full-blown trial early as part of the bail process.

The Judge must release the individual unless the Judge finds the individual is a danger to the community or some other individual or essentially is a risk of flight. It is also noteworthy that whatever decision the Judge makes it immediately appealable meaning right then and there it goes up to the Appellate Court. There is an issue as to retroactivity does this apply to everybody sitting in the County jail and how is this all going to be worked through. With the Judges findings that someone is a danger to an individual or the community we may well have a lot more people in our county jail without the ability to post any type of bond and they are all entitled to a jury trial within 90 days which creates all sorts of problem because they never get stuff from the crime lab back and so on and so forth. Long story from a Judges standpoint we can make it work it is just going to take a lot of time and effort from particles and monetary standpoints it is not a very good thing.

Coroner- No Report

Court Services / Probation – Mr. Berter reported that they received funding from the State for two pre-trial officers. With the Safety-Act I know that the State has an Office Statewide Pre-Trial Services that county that do not have pre-trial they are coming in and they are providing them with services we respectfully request that we keep those services. I would hate to lose \$148,000 dollars and lay off any staff. I have talked to the Judge about it, and I have a good staff that do the positions and do a good bond report and supervise the GPS clients. Hopefully, we can keep that.

What we will have to do is come to some sort of certification with the State kind of like our drug court, or mental health court program.

We will do whatever we need to do to create policies and procedures and we already have them in place, but we will have to do something different. Currently right now we have ten individuals that are on GPS and those are the Cindy Bischoff cases and we have one that is just a different case. I can tell you that talking to KAM Systems that those individuals are about \$11,000 dollars behind on paying for those services. When I am saying paying for those services anyone placed on GPS it is their responsibility to pay. KAM Systems has been good with working with us and still monitoring those individuals. There are eleven in jail pending to be placed on GPS if they can pay. On those cases I don't know what the courts would like to do, and I don't know if the September 18th date hits and they are automatically placed on GPS and if that is the case....

Judge Griffith said basically it will be up to Michelle to file, if they are required to file to apply the new law to them as well because until that is done the old law applies so they will sit in jail until they can post money and under the new law if they can't afford to....if I recall correctly Michelle and obviously chime in if I get it wrong... but if they can't afford to pay for the GPS at some point then it has got to go back to court for consideration if the court is going to still require GPS and I think that is all it says isn't it.

Ms. Sanders said yes... but the only reason they are being held is financial inability to pay for something.

Mr. Reuter said that it does not give a solution does not say that the court must release it just you got to get back and reconsider. It is one of those areas that are not completely covered by our deemed Legislatures and giving us good instructions and what the hell we are supposed to do with all this.

Judge Griffith said Pat let me ask you this question so the money that you are receiving versus hiring these pre-trial officers from the state you are just going to use the money and your own people are going to implement the program correct...

Mr. Berter said that is correct. But otherwise, we will continue to do what we need to do as far as cutting our probation fees currently right now our balance is okay. There is some ruling coming down from the administrative office of specifically what we can and cannot use our fees for. Chief Judge Rosenbaum sent an email out to the directors in our circuit I believe it was Tuesday with his opinion or what the committee that he is on to review this opinion, so we are just waiting to see what we are about to do with probation. Which means that unfortunately probably right now when I go to present my budget there are going to be things that I have taken care of in the past that we will probably have to discuss. Otherwise, we will put extra money we need to but we are going to put extra money in the budget for 2024 for electronic monitoring and things like that I know for a fact that our probation fees can be used for those services so whatever we need to help alleviate any sort of issues with the court we will.

Emergency Management Agency- Ms. Wilcox said that Tammy is on vacation. Did you guys see that Macon County qualified for Disaster Relief funds? I think that FEMA and IEMA are coming

her in August 1st. I know the Highway department already turned in their time and now they can even turn in straight time.

Vice Chair Kraft said yes, exactly they can turn in straight time which is why we went back to the villages because it makes a difference.

Public Building Commission- No Report

Public Defender- Ms. Sanders said before I forget about anything Pat is talking about trying to keep a couple pre-trial services officers and I think we must. I know he is going to ask for it in his budget as we are going through these new bond hearings part of probation job is going to be creating substantial report for the courts to consider and probation everyday turns those around so fast for us for bond court and I think trying to send it to a State entity to take care of it, it is just going to slow down the process so much and we will never get anything done. I am hopeful that he is be able to keep his people.

I think as we go through this new process everybody at the courthouse is going to have a problem with their budget. Bond court every week for example I am usually the bond court person and I usually spend an hour every day in bond court so that is 5 hours every week and that is we are going through these things quickly and that gives me time to talk to the clients very briefly in custody. This new system we are talking about almost half a day everyday doing this so finding the personnel to be able to cover these things and have time to talk to everyone at length that is going to be one of those stressors on budget and things that go along with that and then we will have to do these bond hearings on all the people in custody there are going to be time restraints on the people in custody on getting them their discovery and getting things set for trial it is going to be a problem for the entire court house to try and manage that financially without more people or more access to resources.

I wanted to make the Board aware of if you are not already aware there is a new Supreme Court rule I think it is 404 I didn't bring the paper with me it is an amendment to Supreme Court 404 talking about finances and we have always had that fee waiver were we have been dealing with the last couple of years if you have a felony case or a misdemeanor you can submit a fee waiver for a portion or all of certain fines and fees to be waived. Those get overlooked a lot they do not get filed in every case. However, starting on September 1st if a person is a public defender client, they are entitled to that waiver without submitting that form. It is something that as we do a plea or close a case, we will have some kind of certificate in each courtroom that we need to sign off on for the judge we certify that they are a public defender client, and it automatically happens to the extent we are still able to get fines and fees this is going to cut down on that. I wanted you to be aware of that. Positive news we have a new person starting Monday I am extremely excited we have been waiting for that and now we are short one to one in a half people. I feel a lot better about that.

Sheriff- Sheriff Root reported that right now they have 326 inmates, 43 of them are Federal, and 23 of them are Champaign and 4 in FITs. It is average for this time of year we are usually running about that same throughout the summer. As for the Safety-Act I can assume that eventually that these people will not show up for court and will end up in my jail anyway so at some point I might

have to not take in as many outside inmates from other counties which will affect my revenue there will be a threshold that we will probably end up setting that we can't go above. Once we start filling up it gets extremely uncomfortable in the jail and movement and classification becomes even harder. We don't necessarily have COVID restrictions right now so we will have to manage all of that together but at some point, if the jail start filling up because people don't show up for court and become detained then we will have to adjust the way we do business.

Mr. Reuter said out of curiosity are we in charge of transport to Champaign or do they come get them.

Sheriff Root said they do most their transport or we charge them. The Feds are the ones that we charge them directly we have two correctional officers for every transport we do for them in court. Champaign has been picking their own people up and taking them to and from court or they are doing it remotely.

Mr. Reuter said I wanted to comment on your stuff Sheriff and again Michelle pipe in please if I am off on this but it is not going to be so much people numbers increase because of warrants or failure to appear because most the people I think that are not going to show up are going to be low level felonies and they can't be detained on anyways so if they failed to appear the first time and we send them a nice letter that says hey look you know you might have forgotten this on your calendar and you need to come in or bad things are going to happen and then if they don't come in then the Judge could issue a warrant but that is not to hold them that is simply to get them in here and bring them in front of the Judge for the Judge to say to them hey now you missed court you have been bad now here is what we are going to do we are going to make your wear a bracelet or we are going to make you have a curfew some sanction but after that now you still can go free so it is not a matter they are going to stay there it is just a lot more people being picked up and brought in for 48 hours or something like that is that right Michelle...

Ms. Sanders said for what it is worth even if they are sanction with jail time it is no more than 30 days.

Mr. Baggett said it is basically going to be a 48-hour hold before they get before the court.

Mr. Reuter said right, unless the Judge sanctions them for some kind of basically contempt is what it amounts to for not showing up because once a person is determined to not be detained, they can never be detained on that charge they have to get a new charge. You can get a warrant and bring them in and tell them stop being bad okay we will let you go know.

Sheriff Root said that is what we refer to as the revolving door.

Mr. Greenfield said if we arrest someone and take them in, they are automatically let go okay and if they get arrested again for the same thing.

Mr. Reuter said a new charge, you committed the same thing it is still a new charge. A new charge subjects them to a new review for detention if it is a crime that they can be detained for.

Mr. Greenfield said but there is know how many times you get three times and now we hold you or ...

Judge Griffith said that is one of the problems and I don't want to say this the wrong way, but a lot of crimes committed are people with serious drug problems attends to be low-level petty like stealing stuff from Circle-K or whatever those people can do it over and over and over again and they will never be detained which is bad for everybody involved and bad for them too.

Mr. Reuter said they will never come to court and get their case resolved so our caseloads are going to shoot up with numbers of cases not resolved because we can't get the ...to come to court and stay there.

Vice-Chair Kraft said which will make the public more and unhappy.

Mr. Mattingley said find them in contempt and sentenced them for ninety days and you got them where you can get them to trial.

Ms. Sanders said you are limited under the statutes though. They removed that provision to thirty days.

State's Attorney- Macon County Board Resolution Setting the Salaries for Offices of State's Attorney, Public Defender, and Sheriff Effective July 1, 2023

Mr. Reuter said that every year the Legislatures determines if they are going to give State's Attorney a raise, they are doing so again based on cost of living attached there are Public Defender and Sheriff. The resolution before you are to comply with that a new Legislation which went into effect July 1st it is just because of timing you guys don't see it until now etc....I would ask that they adopt the resolution.

Mr. Mattingley made a motion to approve, seconded by Mr. Greenfield. Motion carried 3-0.

Mr. Reuter said mine is fully reimbursed by the State right...

Mr. Baggett said yes, that is correct. It is just a quirk in the law when they originally enacted it back in the 90's any new amount that the State adds on is fully reimbursed by the State but because of the way the Sheriff and Public Defenders is tied to the State's Attorney we still must cover a third of that.

Mr. Reuter said of the pre-trial there is one other thing I wanted to say and point out Michelle referred to it, but it is the idea of personnel staff to be able to handle what's coming because there is going to be some much more work involved especially for our office in preparation of material before even having a detention hearing to provide to the defense. The idea would be to add at least one person specifically to do that so that means budget would have to be increased to add the salary for that person, but the real deal is finding people the market for the number of attorneys graduating law school is down the number of people going to law school is down and the number of actually passing the bar is down. There are less attorneys out there for jobs so right now people seeking an attorney job are in the driver seat is like a sellers' market for houses. To attract somebody to

Decatur Illinois to be a Public Defender or State's Attorney office, Michelle's in the same boat it is going to cost more money just to get people that we now need to be able to do what the laws pushing us to do.

Old Business - None

New Business - None

Public Comment- Abeer Motan: Ms. Motan spoke to the committee regarding some of her concerns.

Closed Session – None needed.

Adjournment- Vice-Chair Kraft adjourned the meeting at 3:35 p.m.
Motion made by Mr. Greenfield, seconded by Mr. Mattingley. Motion carried 3-0.

Minutes submitted by Crystal Hugger, Executive Secretary, Macon County Board Office