



**KANE COUNTY**  
**JUDICIAL/PUBLIC SAFETY COMMITTEE**  
**THURSDAY, APRIL 16, 2015**

County Board Room

Minutes

9:00 AM

Kane County Government Center, 719 S. Batavia Ave., Bldg. A, Geneva, IL 60134

**1. Call to Order**

Chairman Castro called the meeting to order at 9:00 AM.

Attendee Name	Title	Status	Arrived
Theresa Barreiro	Board Member	Present	
Mark Davoust	Board Member	Present	
Kurt R. Kojzarek	Board Member	Late	9:12 AM
John Martin	Board Member	Present	
Brian Pollock	Board Member	Present	
Monica Silva	Vice-Chair	Late	9:08 AM
Cristina Castro	Chairman	Present	

Also present: Co. Bd. Chairman Lauzen & staff Nagel; Co. Bd. member Starrett; Co. Bd. Atty. Kinnally; Operations Staff Exec. Biggs; Finance Exec. Dir. Onzick & staff Dobersztyn; Court Svcs. Dir. Aust & staff Jefko; JJC Supt. Anselme; Juvenile Custody staff Tsang; ITD Exec. Dir. Fahnestock & staff Peters, Enright; Sheriff's Office staff Gengler, Lewis; Chief Judge Brawka & staff Naughton, O'Brien; KaneComm Dir. Sauer & staff Guthrie; Coroner Russell & staff; Circuit Clk. staff Herwick; Public Defender Childress; State's Atty. McMahon; Auditor Hunt & staff Rich; Merit Commission staff Wennmacher; and members of the press & public.

**2. Approval of Minutes: March 12, 2015**

<b>RESULT:</b>	<b>APPROVED WITH VOICE VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Mark Davoust, Board Member
<b>SECONDER:</b>	Theresa Barreiro, Board Member
<b>AYES:</b>	Theresa Barreiro, Mark Davoust, Kurt R. Kojzarek, John Martin, Brian Pollock, Monica Silva

**3. Public Comment**

None

**4. Monthly Financial Reports**

Referencing written financial reports for the month of March, Finance Exec. Dir. Onzick reported that aside from long-term budget concerns in the Sheriff's Office, the only other area trending ahead of where average expenditures should be at this time of year is the Children's Waiting Room. He explained that this overage is due to prepayments made at the beginning of the year for rent and to the Bar Foundation.

Onzick reviewed an updated Budget Performance Report for the Sheriff's Office. He walked the committee through changes that were made to the monthly report to further fine tune it to provide a more accurate picture of revenue. He reported that as of April 15, revenues were \$392,000 below what was expected at this time; last week revenues were \$356,000 below budget. We are now an additional \$40,000 below budget. On the expenditure side, the Sheriff's Deputies have positive areas of \$185,000, and Adult Corrections is approximately \$58,000 below budget. Adult Prisoner/Board & Care is \$34,740 over budget, as the budget for that line item has been removed from the amended budget. Onzick said that given the Sheriff's Office is \$391,000 below budget in revenue and \$209,000 below in expenditures, the net result is a negative variance of \$183,000. There have not been any vehicle expenditures, so the

final total remains unchanged. He said that the main line item that is creating an issue is in Overtime/ Salaries. Referencing a report prepared by the Auditor's Office showing cumulative overtime, Onzick reported that FY15 year-to-date total overtime in terms of dollars is running ahead of the prior two years. In terms of hours, overtime hours have significantly increased compared to the prior year for the last two pay periods. (Silva arrives @ 9:08 a.m.) Onzick reminded the committee that when this report was last presented, the Sheriff responded that he felt 12 out of the 20 revenue line items were "grossly over-projected." (Kojzarek arrives @ 9:12 a.m.) Onzick said he did an analysis of 11 of the 12 line items the Sheriff referred to (not including the US Marshals revenue). Recalling that User Fee increases approved by the Board were included in the 2015 budget, Onzick said he eliminated those to get a more accurate comparison to the prior year actual revenues. He compared the 2015 budget with the actual revenue collected in years 2010 through 2014, the original budget (with user fees removed), the 5-year average, and the 5-year trend. He found that the budget compared to the 2013 revenue collected is actually \$447,000 below what was collected in 2013. Compared to the 5-year average, it is \$315,000 below what was collected, and \$307,000 below when compared to the trend. Compared to 2014 actual revenue collected, the budget for 2015 is \$225,000 over what was collected in 2014. Onzick added that the Chancery Foreclosure Fees line item appears to be driving that. In looking at all of the line items (except for Chancery Foreclosure Fees), the 2015 budget is \$26,000 below what was collected in 2013, \$22,000 below the 5-year average, \$36,000 above the 5-year trend, and \$14,000 above what was actually collected in 2014. He reminded the committee that the budget is actually prepared in June and July so at that time they don't know what the actual revenue will be for the fiscal year as they are only half way through. Given that, Onzick said he felt that \$14,000 above what was brought in was a very reasonable and close budget in comparison to prior years. In looking at Chancery Foreclosure Fees, what was budgeted for 2015 was reasonable at the time it was budgeted. Foreclosure Fees for 2014 did not come in as high as what was originally anticipated and that trend has continued into 2015. Foreclosures are down 49% year-to-date compared to 2014. He thought that if any line item were to be pulled out and addressed separately, it should be that one; all of the other budgeted line items are reasonable. They were based on reasonable expectations, and are reasonable in comparison to prior years.

Castro thanked Onzick for his very thorough analysis. Discussion followed. In response to questions from members Martin and Kojzarek, Onzick confirmed that the Sheriff has a statutory right to make changes to the amended budget that the Board proposed in the Ordinance that was passed, but since the Sheriff did not come forth with any alternatives, the amended budget stands. The Sheriff has not addressed the additional \$500,000 revenue loss either. Castro said she had asked the Sheriff for some history as to why overtime seemed to be trending. She was told by the Sheriff that operational capacity was 547, which surprised her as he had said previously that he was closing a block and by eliminating the Marshals program that should address the issue. The Sheriff told her he expected the jail population to increase in the summer. Castro said she was disappointed that the Sheriff was not in attendance today, and others echoed that. Several committee members expressed frustration over the Sheriff's lack of response, lack of attendance at meetings, and unwillingness to communicate with them. Castro said she wanted feedback from the Sheriff as to what is going on as he is the one who runs the facility. Silva pointed out that the Sheriff is on record promising to be more responsive, but he still isn't here and there is no conversation taking place.

Co. Bd. Chairman Lauzen commented that the jail has a capacity of 650, and the 547 number the Sheriff has come up with after closing a portion of the jail is an artificial one. He reiterated that they now have fewer prisoners and more overtime. They have less work, less productivity, and less revenue than in the past. Lauzen said that the idea that we're expecting more than was ever expected from an office head isn't so. Finally, Lauzen said it will be up to the committee outside of this meeting this morning to determine what the options are as to what can be done.

A change in the order of the agenda followed.

## 5. Judiciary & Courts (Chief Judge Brawka/D. Naughton)

Chief Judge Brawka reported that an update on the Foreclosure Mediation Program will be provided at next month's Committee of the Whole meeting. She invited Board members to hear a presentation on a pilot program concerning pretrial assessments at Noon, May 2, at the AJC. She said they are hoping that pretrial assessments will be a better informational tool to evaluate release of people on bail. This has been in place at the Cook County Jail and it has substantially reduced their population. The state is looking for two other pilot counties. Brawka said she has not yet committed to participate in this program, choosing to wait until their stakeholders have a chance to listen to this information. She said they would need to be able to meet the program's data requirements to be a good fit for the program.

The Chief Judge reported that HB3620 is out of committee and is on its second reading in the house. This bill provides for interpreters in all cases, including civil, for any party or witness who cannot communicate in English. She noted that there appears to be a lot of support for this unfunded mandate. Brawka said that because it includes all languages, they estimate another \$150,000-\$200,000 would be added to the budget. Information on this will be provided to the Legislative Committee.

Brawka reported that on the weekend of March 20th, the Judicial Center was host to the American Mock Trial Association, with over 300 people attending. She said the event was very successful, and they received a very nice letter of appreciation from the event sponsor. She thanked everyone who worked on the event, noting that these types of events draw people from all over, resulting in an economic benefit for the entire community.

Referencing a handout, Brawka discussed the Illinois Court Questionnaire Survey that will be used to improve the functioning of the administrative side of the courts. From April 13th through May 2nd, bailiffs will be passing out the survey to those exiting the court. Volunteers from the Fox Valley Court Watch group will help distribute/collect the survey. They are hoping to collect 500 surveys. Survey information will be evaluated and sent back to the Supreme Court.

She thanked KaneComm and the Sheriff's Office for working with Court Services in collaborating to resolve a decades-long issue relating to juvenile warrants.

### A. **Resolution:** Amending Salary of Public Defender

Chief Judge Brawka explained that this is intended to resolve some administrative issues and prevent future confusion on setting the compensation for the Public Defender position. For many years, by custom and practice, the circuit judges have been responsible for determining the salary of the Public Defender. She explained that this resolution is meant to set the compensation for the Public Defender position at no less than 90% of the State's Attorney's salary as required by statute, and has no particular financial implications. She noted that if the Board chose to set the Public Defender's salary higher than that, or provide a lump sum increase, that would need to be done by resolution. Brawka said her office retains responsibility for the paperwork, but only to follow up on the resolution by the County Board. Davoust asked how the 90% compared to other counties. Brawka responded that most of the others were at 90%; however, some counties have negotiated additional benefit packages in terms of vacation.

<b>RESULT:</b>	<b>MOVED FORWARD WITH VOICE VOTE [UNANIMOUS]</b>	<b>Next: 5/6/2015 9:00 AM</b>
<b>TO:</b>	Executive Committee	
<b>MOVER:</b>	Brian Pollock, Board Member	
<b>SECONDER:</b>	Theresa Barreiro, Board Member	
<b>AYES:</b>	Theresa Barreiro, Mark Davoust, Kurt R. Kojzarek, John Martin, Brian Pollock, Monica Silva	

Unrelated to this resolution, Board member Starrett asked if a medical doctor is involved in assessing people coming through the system. State's Atty. McMahon responded that it would depend on the nature of the offense, but criminal cases are definitely going in that direction. McMahon said that when they have to retain an outside service, it is incredibly expensive. Dr. Tsang and her staff at the Diagnostic Center will provide recommendations on bond conditions, electronic monitoring, GPS, risk assessments, conditions of probation, etc. McMahon said they do hire a medical doctor on occasion, but that is always a retained expert. In response to her question on whether or not they are finding that insurance companies are paying for services that are set forth in plea agreements, McMahon said insurance companies are resisting payment of court ordered counseling and treatment. They are taking the position that if it is not medically necessary, they are not willing to pay. He pointed out that neither he nor a judge is in a position to determine what is medically necessary. The Chief Judge said that this has been the topic of some lively discussion, and they are working to become better educated about what they must do, if anything, to account for the concerns of the state as they discharge their statutory duty. Court Svcs. Admin. Aust added that they are discovering that insurance coverage is unevenly distributed throughout the range of products out there.

#### 6. State's Attorney (J. McMahon)

State's Attorney McMahon reported they are seeing a slight increase in felony filings over last year. Misdemeanors are flat, and DUI's are slightly down compared to last year. They are seeing a significant increase in the juvenile area, both in delinquency petitions and abuse/neglect petitions. He reported on internal and community based training that is taking place between now and early June. McMahon reported they will be losing a \$17,000 grant used to prosecute cases that come in through the Auto Theft Task Force. He anticipated being able to absorb the loss through cuts in other parts of his budget.

#### 7. Sheriff/Adult Corrections (D. Kramer)

In response to questions, Lieutenants Gengler & Lewis acknowledged that while they were present on behalf of the Sheriff they were unable to discuss budgetary issues. Martin said he stood by what he said earlier and the Sheriff needs to be here to talk about the budget. Chairman Castro echoed that saying she is very frustrated as there are lot of issues out there that need to be resolved. Lt. Gengler said he would share the committee's comments with the Sheriff.

Lt. Gengler reported that last year deputies started carrying Narcan (heroin overdose medication) in their squad cars, and had their first "save" last weekend. Public Health Committee Chair Silva recognized the Public Health Dept. for making Narcan available, noting there have been a total of six lives saved as a result. Gengler added that the Health Department has a top notch Narcan program that has gotten some statewide attention. Gengler also reported that they are working with others on the Peer Jury Program, with the goal of keeping kids out of the system. They think there may be some additional funding through Court Services to turn this into a good program throughout the county.

Again, Castro reiterated that she expects the Sheriff to attend future meetings, emphasizing that the Sheriff has a fiduciary responsibility to answer the questions that are being asked. She said she appreciated the update from Gengler, but from this point forward she expects the Sheriff to be here.

**8. Court Services Administration (L. Aust)**

Court Services Administrator Aust said they will be using the Sheriff's shooting range for training for their officers. She introduced their new program director who wrote the grant for the Juvenile Justice Council. Funds will be used to expand juvenile programming, like the Peer Jury Program mentioned earlier. Aust reported that the Chief Judge has written a couple of general orders that have a very strict statutory interpretation of the Bishof law, which expanded the use of GPS for domestic violence incidents. Because of her strict interpretation, their case load has only gone up 30%, which is significantly less than surrounding jurisdictions who are not interpreting the law as strictly as they are. The AOIC is issuing new rules on electronic monitoring and GPS. Aust said they still have capacity left in the program to continue through the third quarter of the year.

**9. Juvenile Justice Center (R. Anselme)**

Written reports were included in the packet. Supt. Anselme had nothing to add.

**10. Juvenile Custody (A. Tsang)**

Referencing a written report, Dr. Tsang reported that numbers have been steady, with no major changes from the last few months. They have 11 youth residing at home with their parents undergoing the MST Program; 2 are getting ready to successfully complete next month. There are a total of 13 youth in residential placements - 5 are in Illinois and 8 are out-of-state. Dr. Tsang reported that plans are moving along to relocate the Diagnostic Center to the Circuit Clerk's building on Randall Road.

**11. KaneComm (B. Sauer)**

Written reports were provided. KaneComm Dir. Sauer discussed the following resolution:

**A. *Resolution:* Recognition of Maple Park Police Department**

A certificate of recognition will be presented at next month's County Board meeting to Chief Acosta and the Maple Park Police Department. For the second year in a row the Maple Park Police Department has been the #1 fundraiser at the Torch Run for the Special Olympics, raising more than \$87,000. Since the race started in 1997, they are the first department ever to place first two years in a row. Their goal is to raise \$100,000 next year and be the #1 fundraiser three years in a row.

<b>RESULT:</b>	<b>MOVED FORWARD WITH VOICE VOTE [UNANIMOUS]</b>	<b>Next: 5/12/2015 9:45 AM</b>
<b>TO:</b>	County Board	
<b>MOVER:</b>	Theresa Barreiro, Board Member	
<b>SECONDER:</b>	Kurt R. Kojzarek, Board Member	
<b>AYES:</b>	Theresa Barreiro, Mark Davoust, Kurt R. Kojzarek, John Martin, Brian Pollock, Monica Silva	

**12. Merit Commission ( S. Wennmacher)**

The Merit Commission is in the process of testing for deputies and have collected \$7,500 in application fees.

**13. Circuit Clerk (T. Hartwell)**

A written report was included in the agenda packet. Circuit Clerk staff Herwick had nothing more to add.

**14. Public Defender (K. Childress)**

Public Defender Childress reported there is a significant problem with people not receiving services because they can't afford them, which has an effect on the jail population. Childress said a lot of their clients are mentally ill and are not medicated or are improperly medicated, and many are homeless. She said Medicaid is good coverage for most of their clients, but many do not know how to go about getting it. Childress said she is trying to identify sources of grant funding and is looking into the possibility of working with other departments in getting someone who can be dedicated to helping these people.

**15. Coroner (R. Russell)**

Coroner Russell reported his office is functional and doing things the way they should be done. He is looking forward to working with the Board on mid-term and long-range needs. Related to the discussion earlier on Narcan, Russell reported he and Health Dept. Dir. Jeffers recently attended a conference in Maryland where they discovered that only about half of the county's first responders actually had access to Narcan. The county has had a total of six saves, but more could be saved if all officers had access to Narcan. Russell said he was in the process of talking with Senator Kirk's office to get Narcan to all the officers in the county, and with Congressman Hultgren on a five-county initiative.

**16. Executive Session (IF NEEDED)**

None

**17. Place Written Reports on File**

Chairman Castro invited Auditor Hunt to report on the Sheriff's Office transition audit. (Silva leaves @ 10:24 a.m.) Auditor Hunt outlined the scope of the audit, noting it needs to be completed within six months of the elected official leaving office and is performed on the office, not the individual. Hunt noted that recommendations have been made based on a combination of theory and practicality. The most important finding was the weaknesses in banking procedures. The first priority is to centralize the banking as the Sheriff's Office currently has 14 off balance sheet bank accounts, which is more than any other office. He noted there were multiple benefits to centralizing the balance sheet accounts wherever possible. Centralization eliminates all problems with segregation of duties and inaccurate accounting. While the Sheriff would have full management of the fund, he would not be responsible for the accounting. Hunt noted that the audit also brought to light reduced revenue from the elimination of the US Marshals program, but that finding is just a matter of record as it is already being addressed. Some discussion followed with Hunt responding to several questions, noting that it was not uncommon for a Sheriff's Office to have so many accounts. In response to a question, he was not aware of what the Sheriff's new Finance Director was being paid.

Co. Bd. Chairman Lauzen emphasized the need to generate action items to address issues. He noted that foreclosures have gone down and that should be celebrated, but if it's because we aren't processing our work, that's another kind of problem that needs to be addressed. He hoped the committee would support centralization and the internal controls Auditor Hunt recommended. Lauzen said he's had questions on how the Drug Enforcement Fund works, and was looking for a full accounting. He suggested a proposal for implementing these recommendations be brought to the next meeting, in order to capture the benefit of the Auditor's good work. The Auditor appreciated the support, but pointed out that he is not able to impose recommendations on an elected official – these recommendations are only put forward for consideration, but hoped everyone would work together towards that end. Hunt said the Sheriff may have a different approach. Lauzen said he would have the Board's support in managing money that belongs to taxpayers, and that the county's assets need to be protected and everything needs to be transparent.

Auditor Hunt confirmed that an elected official needs to determine the balance in the accounts and move them to the County Treasurer. The Treasurer would do the auditing, but the elected official still has control. State's Atty. McMahon cautioned that there may be a federal requirement that some of these funds be physically separated. Chairman Castro asked that the Auditor keep the committee up to date. Again, committee members emphasized the need to be able to communicate with the Sheriff, noting the lack of his presence at meetings and sending staff to represent him who are unable to answer the questions being asked was a real problem.

<b>RESULT:</b>	<b>PLACE WRITTEN REPORTS ON FILE [UNANIMOUS]</b>
<b>MOVER:</b>	Theresa Barreiro, Board Member
<b>SECONDER:</b>	Mark Davoust, Board Member
<b>AYES:</b>	Theresa Barreiro, Mark Davoust, Kurt R. Kojzarek, John Martin, Brian Pollock
<b>ABSENT:</b>	Monica Silva

## 18. Adjournment

<b>RESULT:</b>	<b>ADJOURNED BY VOICE VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Kurt R. Kojzarek, Board Member
<b>AYES:</b>	Theresa Barreiro, Mark Davoust, Kurt R. Kojzarek, John Martin, Brian Pollock
<b>ABSENT:</b>	Monica Silva

This meeting was adjourned at 10:58 AM.

Ellyn McGrath  
Recording Secretary