



KANE COUNTY
JUDICIAL/PUBLIC SAFETY COMMITTEE
TUESDAY, FEBRUARY 24, 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

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

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

Also present: Co. Bd. Chairman Lauzen & staff Nagel, Bredlau; Co. Bd. Atty. Kinnally; Co. Bd. members Gillam, Lenert, Allan, Frasz, Ishmael, Haimann, Smith, Kenyon, Wojnicki; Finance Dir. Onzick & staff Waggoner; Operations Staff Exec. Biggs; Court Svcs. Dir. Aust; JJC Supt. Anselme; Public Defender Childress; Juvenile Custody staff Tsang; ITD Exec. Dir. Fahnestock & staff Peters; Sheriff Kramer & staff Bumgarner, Strike, Lewis; Chief Judge Brawka & staff Naughton; KaneComm Dir. Sauer & staff Chidester, Guthrie; Coroner Russell & staff; Circuit Clk. Hartwell; State's Atty. McMahon; Merit Commission staff Wennmacher; Asst. State's Atty. Niermann; Auditor Hunt; and members of the press & public.

2. Approval of Minutes: January 15, 2015

RESULT:	APPROVED WITH VOICE VOTE [UNANIMOUS]
MOVER:	Kurt R. Kojzarek, Board Member
SECONDER:	Theresa Barreiro, Board Member
AYES:	Theresa Barreiro, Kurt R. Kojzarek, John Martin, Brian Pollock
ABSENT:	Cristina Castro, Mark Davoust

3. Public Comment

None

4. Monthly Financial Reports

Finance staff Waggoner reported that for FY15, current budget overages have been reviewed and represent no unresolved areas of concern. Any overages are due to transfers out at the beginning of the year or encumbrances or items that will be reclassified. There is a resolution on the agenda this morning to address the Coroner's FY14 budget overage.

Referencing a PowerPoint presentation, Finance Dir. Onzick provided an update on the US Marshals revenue situation. He explained that FY15 began with \$2.5 million in revenue from the US Marshals Service included in the Sheriff's Office budget. In December, \$183,971 was earned/collected, and an additional \$47,516 was earned in January but has not yet been collected. As a result of the contract termination notice sent on December 15th, the US Marshals began removing federal detainees from the jail. The Sheriff reported to the Executive Committee earlier this month that all but one or two detainees had been removed. On February 10, the County Board took the first step in addressing the issue by balancing the revenue cuts made by the Sheriff by \$225,000 in expenditures, which leaves a remaining

anticipated revenue shortfall of \$2,043,513 that has yet to be addressed. Onzick pointed out that the Sheriff will no longer have the direct expense related to housing these federal detainees, which is estimated to be \$344,000 for the remainder of this year. The next step will be for the Board to recommend balancing the budget for those line items by that amount. That leaves the remaining shortfall of \$1,699,000. Onzick said an invitation had been extended to the Sheriff in mid-February to meet to address this issue in advance of this meeting, but there was no response. At this time, he said they do need to hear the Sheriff's plan as to how he'll either restore the revenue or where he will make the necessary cuts to the expenditure side of his budget to balance the revenue that he forfeited from his budget with the US Marshals Program termination.

5. State's Attorney (J. McMahon)

State's Atty. McMahon reported their annual report had been finalized and is available to on-line. He provided various statistics noting that in the current calendar year they are slightly lower on felony and misdemeanor filings than they were at this same time last year. However, he felt it was too early in the year to determine whether or not that would be a trend going forward. He reported on upcoming training in the next few months. McMahon also noted they have a high profile case out of the city of Aurora coming up that will be argued before the Illinois Supreme Court in March.

6. Sheriff/Adult Corrections (D. Kramer)

Written reports were included in the packet.

A. Presentation: Sheriff's PowerPoint

Sheriff Kramer said he felt it was important for the Board to have all the facts. He explained that his decision to terminate the US Marshals contract in December was not an option, but a necessity. Referencing a PowerPoint presentation, Sheriff Kramer provided historical background noting he came into the office with a lot of outstanding litigation, they were severely understaffed, and they were over operational capacity as evidenced by the need to send detainees to other locations. He outlined his goals to increase operational efficiency, reduce liability/grievances, finalize the Collective Bargaining Agreement with Corrections Officers, and reduce lockdowns. Referencing a chart, Kramer said that to take care of the 95 detainees, they would need 13 officers and would need to outsource a number of county inmates to Kendall County. He estimated the actual cost to take care of the 95 detainees to be approximately \$2 million. In order to bring in \$2.5 million in revenue through this program, they would have to continuously adjust their numbers by sending county inmates to Kendall County.

Referencing a chart, Kramer said there were a number of factors that do not enable him to take on US Marshals inmates. He outlined the problems they are addressing with regards to staffing; i.e., down five officers due to resignations, ten officers are on intermittent FMLA, four who will be taking extended leaves (3-4 weeks), and five are on work restrictions and unable to work in the pods. He said he was also dealing with pending litigation and labor relations matters. They can no longer mandate officers to work more than four hours of overtime beyond their normal 8-hour shift. He said that the arbitrator saw about 200 violations of the collective bargaining agreement. Kramer said he was, however, most concerned about the 44 employer/employee grievances. He noted that most jails have adequate personnel to do the job. When the jail was opened it was determined that they should have at least 128 officers to fill all the posts, but are currently authorized for only 122. He discussed the ratio of officers to inmates noting that Lake County with a similar inmate population has 100 more officers than Kane County does - one officer to every three inmates, compared to Kane which has five inmates per officer. Kramer reiterated that they are grossly understaffed, which is the reason why he shut down one work post until they have adequate staffing. He felt conflict issues were high because they were over capacity.

Sheriff Kramer acknowledged that he did terminate the US Marshals agreement, but later learned he didn't have authority to terminate the Intergovernmental Agreement. He pointed out that he does, however, have the right to ask the US Marshals to draw down or take back their inmates. He said he did talk to them in early January about reducing the number of inmates, and thought they had an agreement. Kramer said they understood his point of view as he is the Sheriff and has decision-making power over the facility. Kramer said he had two options - immediately hire eight additional officers, or reduce the number of inmates. He felt the latter was his only option at the time. He said he never deemed the jail to be unsafe, that he was only trying to make it safer and was trying to match numbers with other jails in the surrounding counties.

Kramer urged committee members to take home the binders he provided as a handout as it contained all the information they needed. He reminded them that he had given them all his personal contact information at the last meeting and indicated they were welcome to call him. He said no one had taken him up on his offer to tour the jail.

Considerable discussion followed. In response to numerous questions on what he was going to do to fix the budget problem specifically, Kramer said he was willing to meet the Board half way, but was not going to give up \$2 million of his operational budget. He said correctional expenses were tight to begin with, he is still understaffed, and the job still needs to get done. Kramer said he was willing to talk if the Board is willing to meet him half way. Vice-Chair Silva commented that decisions of this magnitude should be made with all the decision-makers, and stressed the importance of balancing the budget without overwhelming the rest of the departments/offices or property taxpayers. She felt it would have been helpful to have all the information ahead of this meeting to review.

Board member Martin questioned why there wasn't money in the Sheriff's budget to cover the \$1.7 million revenue shortage given that he said it costs \$2 million to run the Federal Marshals program and he now no longer has that expense. Kramer responded he couldn't afford to have those 95 inmates at the jail as they don't have the capacity. Martin reiterated that he didn't understand the accrual of a \$2 million expense. Martin stated he didn't feel the Board should have to meet the Sheriff "half way" as it was his issue; that Kramer made a value judgment and a professional judgment, and other elected officials should not have to share the pain of his decision.

Board member Kojzarek said he wasn't comfortable with how the Sheriff was framing this today. He felt there was no point in visiting the jail at this point after it was changed, since it didn't allow anyone to understand what the conditions were like before. He noted that the first time the Sheriff reported to this committee last December 12th there was no mention that the jail was unsafe nor that there was a need to make it safer. However, three days later the Sheriff contacted the US Marshals and asked for a draw down. Kojzarek wondered what had changed in three days, and why the Sheriff had not shared his safety concerns in December. Kramer said they have been over capacity for seven years, and claimed he did talk about operational capacity and liability at that meeting. Kramer said the decision was made with the advice of his command staff, and he did not consult with the Board. Kojzarek reminded the Sheriff that he stated earlier that the jail was not unsafe, that he was only looking to make it safer. If that was the case, Kojzarek questioned why then a decision like this would be urgent or an emergency. He also questioned why the Sheriff contacted the US Marshals on January 7 saying he wanted to rescind his previous request to terminate the agreement and reinstate it in "full force." He asked if the earlier safety concern was no longer a concern at that point. Kramer explained that the email was sent after he found out he didn't have the authority to terminate the agreement. Kojzarek reminded the Sheriff that he had indicated at that first meeting that he would be contacting each committee member individually, but that never happened. Kojzarek said it was not fair that other offices/departments take on the burden of the Sheriff's decision.

Board member Pollock questioned how the Sheriff was going to address the revenue side of the budget. Pollock commented that from what he'd read in the papers, other sheriffs seem to understand their fiduciary responsibility to meet their share of the revenue side of the budget. Kramer argued that other counties have available capacity, while Kane County does not. He said that as Sheriff, he needs to make sure that the jail is safe for the officers and safe for the inmates, and they need adequate staff to do that. Again, Kramer said he was willing to meet the Board half way by reducing his budget by approximately \$1 million, adding that the county had adequate reserves to take care of this problem.

Dr. Silva asked the Sheriff why he hadn't come to the Board about hiring more personnel as opposed to cutting \$2.5 million in revenue. Kramer responded that a decision had to be made because he was severely understaffed, and he didn't think the Board was likely to approve the hiring of eight more officers. He said he would know soon if that assumption was correct, as he plans to come to the Board to ask for additional employees. Silva asked if the Sheriff understood that there was a difference between coming to the Board for more employees now after the fact as opposed to prior to. Kramer responded that the argument still remains the same; he said that he is severely understaffed and a decision had to be made. He said he was confident that he made the right decision.

Co. Bd. Chairman Lauzen said he wanted to clarify a few things the Sheriff had said earlier. He noted that within two weeks of taking office the Sheriff directed Commander Lewis to send an e-mail to the US Marshals confirming a conversation he'd had with them regarding terminating the agreement. Lauzen said he had heard rumors about the Sheriff's attempt to terminate the contract, so he called the US Marshals Office on January 7 just to say he appreciated the relationship we had with them. He was told, however, that they would be transferring 43 prisoners out that Thursday. Lauzen said he was surprised that no one on the Board knew about this and asked the Marshals Office for a copy of the notification and the contract. Lauzen said he later called the Sheriff who led him to believe he was in favor of keeping the federal prisoners. The Sheriff later tried to rescind the termination, but at that point it was too late. Concerning the Sheriff's liability issues/concerns, Lauzen said HR Dir. McCraven went back 12 years to determine how many liability cases we had over \$5,000 and found there were 7 claims over \$5,000 in 12 years of operating the jail. There were 8 workers comp claims of more than \$2,100 over the past 4 years. Lauzen felt it was important to keep those numbers in context.

Lauzen said he felt this was not right that, and if the Sheriff won't solve the problem he created by his decision, then someone else will have to (other departments/officers, taxpayers, etc.). Lauzen felt the Sheriff needs to take responsibility for his action. Now that the Sheriff has cut his budget by \$2.5 million, Lauzen asked the Sheriff how he would balance that decision with cuts to the expense line items. He asked what general ideas or specifics the Sheriff had to make these cuts. In response, the Sheriff asked if there was a willingness on Lauzen's part to meet him in the middle. Lauzen pointed out that as every day goes by the Sheriff has less time to make up \$2.5 million in lost revenue. Kramer said he would meet with the chairman if there was a willingness on his part to meet him half way. Vice-Chair Silva reinforced the need to know where specific cuts will be made in the very near future as there is a time constraint.

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

Chief Judge Brawka reported that based on Friday's announcement by the Supreme Court, they anticipate a substantial increase in funding on reimbursements from the State of Illinois. Court Services expenses that are otherwise picked up by the county will be reduced for this budget year. She also reported that Kane has been selected as one of three counties for a pilot program on pretrial release. The objective of the program is to be able to use a new risk assessment to appropriately predict the likelihood of individuals held in custody committing new crimes and coming back to court. As part of the pilot, there will be an

analysis to determine their readiness to participate in the program and if they will get grant funding to make this possible. To make good use of our facilities and to do their part for continuing education in law related matters, Brawka reported that they are assisting the Illinois State Bar Association, which is sponsoring a high school moot court competition this Saturday at the Judicial Center - 16 teams from area high schools and 8 volunteer judges will spend the day going through mock trials. She invited everyone to attend. They have also agreed to sponsor the American Mock Trial Association Moot Court Competition, which is scheduled March 20-23, which is a national competition with 24 colleges from around the country participating. They expect over 300 college students to compete.

Staff Naughton reviewed the following resolutions:

A. **Resolution:** Authorizing Grant Expenditure for New Vehicles (Adult Drug Court)

This authorizes grant expenditures for two vehicles for Adult Drug Court at a cost of \$42,814 using the Suburban Purchasing Cooperative through the Northwest Municipal Conference.

RESULT:	MOVED FORWARD WITH VOICE VOTE [UNANIMOUS]	Next: 2/25/2015 9:00 AM
TO:	Executive Committee	
MOVER:	Theresa Barreiro, Board Member	
SECONDER:	Kurt R. Kojzarek, Board Member	
AYES:	Theresa Barreiro, Kurt R. Kojzarek, John Martin, Brian Pollock	
ABSENT:	Cristina Castro, Mark Davoust	

B. **Resolution:** Authorization of Joint Adult Drug Court Grant Funds to Enter into Contract Gateway & Lutheran Social Services Elgin

This authorizes a one-year contract in the amount of \$243,420 with Gateway Foundation-Aurora and Lutheran Social Services-Elgin upon receipt of the Authorization of Joint Adult Drug Court Grant Funds.

RESULT:	MOVED FORWARD WITH VOICE VOTE [UNANIMOUS]	Next: 2/25/2015 9:00 AM
TO:	Finance and Budget Committee	
MOVER:	Kurt R. Kojzarek, Board Member	
SECONDER:	Brian Pollock, Board Member	
AYES:	Theresa Barreiro, Kurt R. Kojzarek, John Martin, Brian Pollock	
ABSENT:	Cristina Castro, Mark Davoust	

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

Court Svcs. Dir. Aust reported on how they are spending grant money received, noting they have hired outside counsel to do a gaps analysis for needs for juveniles in the community. They are looking at things that support healthy families as well as juveniles. Upon completion of the analysis, they will be eligible to apply for more grant funding. Aust said that during the budget process they had pulled a request for one additional staff from the budget as they thought they would be able to get grant funding for the position. That no longer looks like it will happen, but she is, however, looking at two other options to fund the position. She shared a story of how the use of the active GPS program had resulted in the arrest of an abuser and a happy ending for a woman and her children.

Member Pollock mentioned several bills that would potentially impact the judiciary, noting that they would be the main bills discussed at the Legislative Breakfast on March 9.

9. Juvenile Justice Center (R. Anselme)

Written reports were included in the agenda packet. Supt. Anselme discussed the following resolution:

A. Resolution: Approving Medical Services (Juvenile Justice Center)

This authorizes a contract with current vendor, Advanced Correctional Healthcare of Peoria, Illinois, for ten months of the one-year contract extension for \$187,167.10.

RESULT:	MOVED FORWARD WITH VOICE VOTE [UNANIMOUS]	Next: 3/4/2015 9:00 AM
TO:	Executive Committee	
MOVER:	John Martin, Board Member	
SECONDER:	Kurt R. Kojzarek, Board Member	
AYES:	Theresa Barreiro, Kurt R. Kojzarek, John Martin, Brian Pollock	
ABSENT:	Cristina Castro, Mark Davoust	

10. Juvenile Custody (A. Tsang)

Referencing a written report, Dr. Tsang reported that they currently have 24 juveniles in placement - 14 are residing in residential treatment centers (6 in IL and 8 out of state). They have 10 juveniles undergoing MST family therapy who are residing in their homes. Dr. Tsang also noted that they are organizing a small team from Court Services to begin site visits this spring. She will update the committee on their findings at future meetings.

11. KaneComm (B. Sauer)

A written report was provided. KaneComm Dir. Sauer discussed the following resolution:

A. Resolution: Authorization for Tower License Agreement (Big Rock, Illinois)

This authorizes an agreement with Crown Castle for the Big Rock Tower Agreement in an amount not to exceed \$5,000.

RESULT:	MOVED FORWARD WITH VOICE VOTE [UNANIMOUS]	Next: 3/4/2015 9:00 AM
TO:	Executive Committee	
MOVER:	Kurt R. Kojzarek, Board Member	
SECONDER:	Theresa Barreiro, Board Member	
AYES:	Theresa Barreiro, Kurt R. Kojzarek, John Martin, Brian Pollock	
ABSENT:	Cristina Castro, Mark Davoust	

12. Merit Commission (S. Wennmacher)

Staff Wennmacher indicated they had nothing to report.

13. Circuit Clerk (T. Hartwell)

A written report was included in the agenda packet. Circuit Clerk Hartwell provided an update on the Case Management System, noting they are on schedule and are expecting to live 13 months from now.

14. Public Defender (K. Childress)

Written reports were provided. Public Defender Childress had nothing to add.

15. Coroner (R. Russell)

Coroner Russell reported that the morgue is up and running. Due to delays experienced, the department received a \$3,600 credit from the manufacturer of the refrigeration units for a couple of

extra weeks of rental of the DuPage County morgue. As of Friday, they had several deaths throughout the county, with 5 of the 6 under the age of 30. He reported that he and the Sheriff were partnering on an anti-heroin forum on March 10 at the Batavia VFW at 6:30 p.m. The event will be geared towards solutions - what parents and people in the community can do to be part of the solution. He discussed the following resolution:

A. **Resolution:** Amending the Kane County Coroner Budget FY2014

Motion was made by Barreiro, seconded by Kojzarek to amend the resolution removing \$17,712 from the budget adjustment of \$123,464. Russell said he was willing to do that as long as it doesn't come out of the 2015 budget, as they are on target this year to be on budget. To do this would put them over budget this year. **Motion to amend carried unanimously.**

RESULT:	MOVED FORWARD WITH VOICE VOTE AS AMENDED [UNANIMOUS] Next: 2/25/2015 9:00 AM
TO:	Finance and Budget Committee
MOVER:	Kurt R. Kojzarek, Board Member
SECONDER:	John Martin, Board Member
AYES:	Theresa Barreiro, Kurt R. Kojzarek, John Martin, Brian Pollock
ABSENT:	Cristina Castro, Mark Davoust

16. Reports Placed on File

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

Co. Bd. Chairman Lauzen asked for guidance from the committee for tomorrow's Finance Committee meeting as far as constructing an ordinance to deal with the challenge of balancing the revenue cuts that have been made by the Sheriff. He noted that time was of the essence. If no action is taken by the next Board meeting on March 10, it would then go to April, or possibly May if there is any glitch at all. That would be six months into the budget year. Dr. Silva said she would not support a solution that would overwhelm other departments/offices or the taxpayers. Martin agreed, and said he'd like the matter to move forward.

17. Executive Session (if needed)

None

18. Adjournment

RESULT:	ADJOURNED BY VOICE VOTE [UNANIMOUS]
MOVER:	John Martin, Board Member
SECONDER:	Kurt R. Kojzarek, Board Member
AYES:	Theresa Barreiro, Kurt R. Kojzarek, John Martin, Brian Pollock
ABSENT:	Cristina Castro, Mark Davoust

This meeting was adjourned at 10:44 AM.

Ellyn McGrath
Recording Secretary