

## JUDICIAL AND PUBLIC SAFETY COMMITTEE

December 29, 2008

The Judicial and Public Safety Committee met on December 29, 2008, at the Kane County Government Center, County Board Room, 719 S. Batavia Avenue, Geneva, Illinois.

Present: Chairman Kenyon, Allan, Ford, Shoemaker, and Tredup. Absent: Davoust, Fahy. Also present: Sheriff Perez and staff Keaty; Drug Rehab Court staff Daly; Court Services Admin. staff Hyatt, Brown, and Anselme; Merit Commission staff; Deputy Auditor Sanders; Finance staff Waggoner and Rossman; Circuit Clerk Seyller; Coroner West; State's Atty. Barsanti; Asst. State's Atty. Shepro; Chief Judge Brown; and members of the press and public.

Chairman Kenyon called the meeting to order at 10:08 a.m.

Minutes of October 23, 2008 - were approved on motion by Tredup, seconded by Shoemaker. Motion carried.

Public Comment – None

Monthly Financial Report – Waggoner explained the report was in draft form as there was still the potential for additional expenses for FY08. There were some overages in some line items, but those would be discussed next month.

### SHERIFF

Monthly Report – Perez reported that a new deputy had been sworn in this morning, who was a replacement for someone who left several months ago. In response to a question, Perez said they have a total of 92 deputies on the Public Safety side, and are at 118 for Corrections. They will be at 128 when they are at full staffing in Corrections. He noted that administrative staff is included in that count as they are sworn officers. Perez said it was his understanding that he could replace sworn deputies or correction officers who retire or are terminated, but if any civilians leave, he would not be able to replace them this year.

### DRUG REHABILITATION COURT

Monthly Report – A written report was provided. For the benefit of new committee members, Daly provided background on the Drug Court. He noted that to date more than 550 people have completed this program. This is the largest adult drug court in the state, with over 200 people currently in the program.

### JUVENILE CUSTODY

Monthly Report – Dr. Brown provided background on the program, reporting there were currently 22 youth in placement. In an effort to ensure that the fit between the child and placement is a good one, twice a year staff makes placement visits to review the file and interview the child and the staff at the placement to determine whether continued care is necessary. They average approximately four youth per year that they pull from placement because they are not compliant or not progressing. Brown said they traditionally go over budget; estimating last year they were \$400,000 over. These youth are not typically ones who could be treated in a community based setting or in the Challenge Program. Per a question, Brown responded that funds are available for children and adolescents only - there is no money available for adults. The movement for the past 10-15 years is to reduce reliance upon residential placement for adults.

### PUBLIC DEFENDER

Monthly Report – A written report was provided.

### CIRCUIT CLERK

Monthly Report - None

### STATE'S ATTORNEY'S OFFICE

Monthly Report – Atty. Barsanti reported that with one week left in 2008, 3,593 felonies were charged this year, which is a 5% drop in felony filings from last year. He noted that in 2005 the law changed, allowing them to contract with collection agencies to collect debts owed the county. Since September of this year Alliance One has collected approximately \$200,000 in delinquent fees and fines. This costs the county nothing as they take their fee out of what they collect. Barsanti envisioned this to be a good revenue stream for the county, and acknowledged that the bulk of this work is done by the Circuit Clerk's office. They also have a bad check service where merchants can send bounced checks to a company who does collections. As of November 30, they collected restitution on bad checks to 369 area merchants totaling more than \$453,000.

Barsanti provided background on the two Second Chance programs, noting that one deals mostly with property crimes, the other with low level drug and alcohol offenses. As of the end of November, they did \$525,000 out of one program, and \$241,000 out of the other. Almost 800 felony cases were diverted out of the court system and into their division programs.

Collected revenues totaled \$322,000, which more than pays for the three people who work in this unit. He provided an update on forfeitures, noting they are currently on a hiatus. Barsanti said they have stopped forfeitures until the Federal

court decides what the forfeiture statute should look like. Forfeitures in November totaled \$11,000, which is a little low. Forfeiture judgments were at \$52,000 in November.

#### JUDICIARY & COURTS

Monthly Report – Naughton reported they were \$53,000 over budget (3%), noting that a detailed report would be provided next month. He introduced new Chief Judge Brown.

#### CORONER

Monthly Report – West highlighted information from his written report noting that the numbers had not changed much from 2006 to 2008.

#### MERIT COMMISSION

Monthly Report – None

#### ADULT CORRECTIONS

Monthly Report - Keaty reported the jail count was at 558 today, with 10 inmates in other jails for various reasons. This month they have been able to maintain 90% capacity at the jail, which is right on target. Perez reported that in going over the budget report, the Sheriff came in at 99%, E-911 at 87%, Corrections at 97%, and Court Security at 94%. Corrections Board and Care put them over for the year; however, they have no control over that. Allan said she'd like to explore how the electronic monitoring system helps, wondering how comfortable the judges were with this option.

Keaty noted that medical expenses for inmates were very high this year. He explained that they have a \$2 million medical contract that covers the medical staff that is on site 24/7. A pool of money is set aside (capped at \$275,000) in the contract to pay for inmate hospitalization if required. Keaty said they are looking into the possibility of the Department of Health and Human Services reimbursing some of these costs. He suggested the Board revisit passing an ordinance to assess a \$10 fee on all convictions or orders of supervision to help offset these expenses. Discussion followed. Allan recalled previous discussions on this indicating she thought there were some issues on how the legislation was written. Keaty distributed a copy of the statute noting some revisions had been made. Atty. Shepro discussed the statute, noting the issues he saw. Allan asked for a breakdown of all costs that would be assessed for particular offenses. Shepro offered to work with the Circuit Clerk to see what fees are added. Keaty said they were working on coming up with a dollar number that these fees could bring in. Committee members expressed concern that people who were never jailed would end up paying for these costs. Shepro thought the county could limit who would pay the fees, but he would have to look further at the statute.

Circuit Clerk Seyller pointed out they already do collect something for medical for the inmates. She explained that many fees are charged, but because of the way the county charges them, we only get a percentage of the money. Chief Judge Brown pointed out that if the fees were charged as assigned by state law, the cost of a court case would go up significantly. Seyller asked if the county would be interested in changing the method of distribution that it uses right now for traffic. She explained the current process noting that right now the court enters an order and they have to split that amount among all the individual fees. Shepro suggested looking at the fees that are already charged, how they are charged, and how the system could be improved. The Chief Judge added that he was working with Seyller to come up with a list of what should be charged.

Shepro mentioned that the legislature has authorized the County Board to increase the children's waiting room fee at the court house. The Chief Judge commented that civil attorneys were not happy about this because the waiting room is usually used for criminal and traffic cases, and these fees get tacked on to civil cases. Civil attorneys are concerned that people who have no contact with the system are being asked to pay for something they aren't using. Brown felt we should consider where this money is coming from before another fee is tacked on.

Coroner West briefly discussed the DUI Task Force noting it received \$100 per DUI, which amounts to approximately \$5,000 a month. He described how the funds were spent.

#### COURT SERVICES ADMINISTRATION

Monthly Report – A written report was provided.

SB2275 Update - Hyatt explained that SB2275 is the legislation that would move 17 year olds into juvenile court. The bill is now on the Governor's desk. She asked that everyone contact the governor's office and ask that it not be signed. This is one of the unfunded mandates that is going to cost a significant amount of money for Probation because of the difference in the cost of serving juvenile probationers versus adults.

**Resolution: Food Service Provider for Juvenile Justice Center** – Anselme provide a procurement synopsis noting that bids were solicited for food providers for breads, milk, and bulk foods. The dollar amount is based on an estimated quantity for bidding purposes, not an actual cost or amount budgeted for this contract. These are one-year contracts with two one-year options to extend. Adequate funds have been budgeted for these purchases. - **Motion was made by Shoemaker, seconded by Allan to move to the Executive Committee. Motion carried.**

**Resolution: Bischof Law/GPS Bid**- Hyatt indicated the resolution was not yet ready and would be brought back to committee next month. She explained they have bid the GPS contract to implement the Bischof Law. Eight bids have come in, and they have narrowed it down to two companies. They need to determine how this equipment will be used. Hyatt said this is an unfunded mandate. They do not have 24/7 staff in the Probation Department so they are hoping for some help from the local police departments and dispatch centers. Hyatt said that hopefully the vendor will be communicating directly with the police departments if there is a violation.

Motion was made by Ford, seconded by Tredup to replace all reports on file. Motion carried.

The meeting was adjourned at 11:16 a.m. on motion by Tredup, seconded by Shoemaker. Motion carried.

Ellyn M. McGrath  
Recording Secretary