

Minutes of the Justice Committee

The Justice Committee of the McLean County Board met on Tuesday, April 7, 2009 at 4:30 p.m. in Room 400 of the Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Renner; Members Rackauskas, Wendt, Hoselton, McIntyre and Rankin

Members Absent: None

Other County Board
Members Present: Member Nuckolls

Staff Present: Mr. John Zeunik, County Administrator; Mr. Terry Lindberg, Assistant County Administrator; Mr. Bill Wasson, Director, Administrative Services; and Ms. Judith LaCasse, Assistant to the County Administrator

Department Heads/
Elected Officials
Present: Ms. Judy Renner, Director, Children's Advocacy Center; Mr. Don Everhart, Circuit Clerk; Ms. Lori McCormick, Director, Court Services; Ms. Cathy Waltz, Superintendent, Juvenile Detention Center; Sheriff Mike Emery; Ms. Beth Kimmerling, Coroner; Mr. Bill Yoder, State's Attorney

Others Present: Mr. Rusty Thomas, Chief Deputy Sheriff

Chairman Renner called the meeting to order at 4:30 p.m.

Chairman Renner presented the minutes from the March 3, 2009 Committee meeting and the February 17, 2009 Stand-up meeting to the Committee for approval.

Motion by Rackauskas/Rankin to approve the Minutes of the March 3, 2009 Committee meeting and the February 17, 2009 Stand-up Committee Meeting.
Motion carried.

Ms. Judy Renner, Director, Children's Advocacy Center, announced that April is Child Abuse Awareness Month.

Ms. Renner reviewed the Children's Advocacy Center (the "CAC") Monthly Statistical Report and the CASA Report. She indicated that the statistics for the CAC are down from what they were last year. Ms. Renner reminded the Committee that last year the County was in the middle of the sex abuse case involving Mr. John White, a former Unit 5 teacher, which accounted for the higher numbers last year.

Ms. Renner noted that the CAC statistics are always a month behind because they must wait for the community volunteers to turn in their hours. She stated that she advised the Juvenile Court Judge that there are now 20 CASA volunteers available to take cases.

Ms. Rackauskas, in light of the situation with the two children in LeRoy, requested that the Court and Judicial system address the general procedures of issuing Amber Alerts to the Board. Ms. Renner replied that she would be happy to work with the Sheriff to present a brief report to the Board. Ms. Rackauskas indicated that this would help the Board answer some of the questions they have received from their constituents. She added that it is better to have correct information than to have misguided information and rumors.

Mr. Wendt asked if the Supervised Child Exchange Program, funded by the County and operated by the Children's Foundation, was being used in the case of the Connolly children. Sheriff Emery responded that the Neutral Site Custody Exchange Program is run by Ms. Lisa Pieper, Regional Vice President, Children's Foundation, and the County is not involved in the exchange. He indicated that Ms. Pieper stated that, due to the lack of grant funding, the supervised exchange was cut from the program.

Mr. Wendt asked if Mr. Connolly's psychological evaluation was court ordered and, if so, did the County pay for the evaluation through some of its various programs. Sheriff Emery replied that he did not know. Mr. Wendt stated that he believes the Committee should know who the psychiatrist is that the Judge relied upon, particularly if the County paid for the services.

Chairman Renner pointed out that Ms. Rackauskas and Mr. Wendt are asking for two different types of information. Ms. Rackauskas requested general procedural information regarding issuing an Amber Alert, while Mr. Wendt is asking for details on a specific case.

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Chairman Renner asked Ms. Renner if the Connolly case is public information. Ms. Renner replied that the information is probably not public as it would be part of the Child Custody case. She added that the Connolly case was probably part of a divorce case and she did not know if it was open to the public. Ms. Rackauskas indicated that she is only looking for the procedure to be followed when issuing an Amber Alert, not specifics of any one case. Mr. Wendt stated that even if the information is in a sealed divorce case, it should be unsealed so that the Justice Committee can review the case. He questioned how a judge and a psychiatrist could allow someone with Mr. Connolly's background to take his children on an unsupervised visit. Mr. Wendt declared that it is part of the Justice Committee's job to review all of the procedures in all of the different areas to determine what happened.

Chairman Renner asked if a report could be presented to the Committee on why the system did not work in the case of the Connolly children, without pointing blame at any one person and to ensure that this does not happen again. Chairman Renner added that clarifying the process may be helpful information for the Committee.

Mr. Wendt reiterated that he believes the Board should know who paid for the psychiatrist for Mr. Connolly. He added that the Committee should be prepared to go to Court, if necessary, to get the details of the case.

Mr. McIntyre asked if the information we are requesting is to be provided to the Committee or to the Board. Chairman Renner replied that he understands that Mr. Wendt's request is to obtain information for the Committee. Ms. Rackauskas repeated that she is asking for a general overview of the process used in issuing an Amber Alert to be presented to the full Board.

Chairman Renner clarified that Ms. Rackauskas requested that a general procedural overview be presented to the Board, and Mr. Wendt is asking that specific information on the Connolly case be provided to the Justice Committee to see how the judicial process may have failed the Connolly children.

Mr. Rankin advised that these investigations are on-going. He added that the investigation is a judicial function, and the Justice Committee is a legislative function. Therefore, we need to wait until the judicial system has run its course and then the justice Committee can determine if there is a legislative solution to the issue.

After continued discussion, the Committee asked Sheriff Emery to prepare a memorandum to be included in the Board packet as an informational item on the procedures of issuing an Amber Alert. This information will assist the Board members when they are asked questions by their constituents.

Chairman Renner asked if there were any further questions or comments. Hearing none, he thanked Ms. Renner.

Chairman Renner presented the Jury Commission Quarterly Report as submitted by Ms. Cindy Brand. There were no questions regarding the report.

Mr. Don Everhart, Circuit Clerk, presented his February 2009 Statistical Report. He indicated that there was nothing out of the ordinary in the report.

Chairman Renner asked if there were any questions or comments. Hearing none, he thanked Mr. Everhart.

Ms. Lori McCormick, Director, Court Services, presented proposed contractual agreements with Illinois State University, Chestnut Health Systems and Catholic Charities that will allow the Court Services Department to work with these social service entities to provide needed services in accordance with the Redeploy Illinois Grant.

Ms. McCormick advised that the first item is a request for approval of an Agreement between McLean County and the Board of Trustees of Illinois State University. She indicated that Dr. Kethineni, Illinois State University, will provide the following services:

- Training in the use of the Statistical Package for Social Sciences analytical software;
- Develop templates for data entry;
- Attend meetings of the collaborative team and provide analysis and quarterly reports to the Illinois Department of Human Services.

Ms. McCormick stated that the second item is a request for approval of a Subcontract Agreement between McLean County, Chestnut Health Systems, the City of Bloomington, and the State of Illinois for services related to the Redeploy Illinois Program. She explained that Chestnut Health Systems will be doing an evidence-based program for use in the home of youth who are participating in the Redeploy program.

Ms. McCormick advised that the final request is for approval of an Agreement between McLean County and the Catholic Charities of the Diocese of Peoria. She stated that Catholic Charities will provide the following:

- Outreach, in-home family therapy to Redeploy youth and their families as referred by the Juvenile Probation Office, serving 1-2 clients/families at any given time;
- Crisis services to Redeploy youth and families that do not qualify for other crisis services available to help stabilize the family at times of crisis.
- Tele-psychiatry services to Redeploy youth for psychiatric evaluation (one hour appointment);
- A minimum of two and a maximum of four Cognitive Behavioral group sessions throughout a calendar year.

Ms. McCormick explained that there are very few child psychiatrists in the Bloomington-Normal area; therefore, tele-psychiatry is provided by child psychiatrists in the Chicago area via television.

Chairman Renner asked Ms. McCormick to review the Redeploy Illinois Program. Ms. McCormick replied that Redeploy Illinois is a program that has taken funds from the Department of Corrections and reprogrammed them into certain communities in Illinois. She noted that there are nine sites in Illinois and McLean County is one of the sites. Ms. McCormick stated that the goal is to use the Corrections money in the community to keep youth who might be sent to Corrections in the community with as many services as possible. She informed the Committee that Redeploy Illinois grant was approved in January 2009.

Ms. Rackauskas referred to the contracts, noting that two of the contracts indicated that they would be renewed for one more year and one contract was for one year only. Ms. McCormick responded that the contracts will be renewed based upon the availability of the money. She added that the Chestnut Health System contract is a little different than the other two contracts.

Ms. McCormick advised that Mr. Eric Ruud, First Assistant Civil State's Attorney, worked with the Court Services Department and the agencies to develop the details contained in the agreements.

Mr. McIntyre pointed out that the contracts absolve the County of any liability. He asked how can the County be absolved from liability. Ms. McCormick replied that these contracts took approximately four weeks to complete, with Mr. Ruud and the agencies meticulously reviewing them.

Ms. Rackauskas asked who designed the contracts. Ms. McCormick replied that the contracts were developed by Mr. Ruud and the agencies working together.

Mr. McIntyre asked why is there such an exorbitant rate on crisis services. Ms. McCormick replied that the crisis service is high because most crises occur at night or on the weekends. She advised that the Catholic Charities, which provides this service, is operated by individuals with Master's degrees in counseling, education and social work. Mr. McIntyre expressed concern with the high rates.

Mr. McIntyre asked that the three agreements be voted on separately.

Motion by Hoselton/Rackauskas to Recommend Approval of an Agreement between McLean County and the Board of Trustees of Illinois State University for the Redeploy Illinois Program.

Motion carried with Mr. Rankin voting "Present."

Mr. Wendt asked where does the money come from for the Redeploy Illinois Program. Ms. McCormick replied that the money comes from the Illinois Department of Correction's budget.

Motion by Rankin/Rackauskas to Recommend Approval of a Subcontract Agreement between McLean County, Chestnut Health Systems, the City of Bloomington, and the State of Illinois for services related to the Redeploy Illinois Program.

Motion carried.

Motion by Rackauskas/Rankin to Recommend Approval of an Agreement between McLean County and the Catholic Charities of the Diocese of Peoria for the Redeploy Illinois Program.

Motion carried.

Ms. McCormick thanked the members of the Committee who attended the Drug Court graduation. She noted that six individuals graduated from Drug Court. Ms. McCormick stated that it was a very emotional event and was very well received. Mr. McIntyre commended Ms. McCormick and Court Services for the Drug Court Program. He agreed that it was an emotional event.

Chairman Renner asked if there were any additional questions or comments. Hearing none, he thanked Ms. McCormick.

Sheriff Mike Emery presented the McLean County Sheriff's Office 2008 Annual Report. He advised that the Sheriff's Department had a good 2008. He noted that there were some variances in each of the crime statistics. Sheriff Emery indicated that the significant statistic was that there were zero traffic fatalities in the County in 2008. He stated that the Sheriff's Department's efforts in conducting alcohol compliance checks at liquor establishments in the County, progress made in finding underage drinking parties, and continued DUI enforcement contributed to the positive results. Sheriff Emery advised that these programs will be continued in 2009. He noted that funding for the programs comes from the Illinois Department of Transportation.

Ms. Rackauskas asked if the people in the County are obtaining their liquor and drinking out in the County or are they obtaining their liquor in the City limits and going out to the rural areas. Sheriff Emery replied that it would be difficult to determine the statistics without questioning each DUI offender.

Mr. Wendt asked how long will the investigation take on the death of the Connolly children. Sheriff Emery replied that the divorce and child custody issues are a civil matter. He indicated that, on the criminal side, as Sheriff, he must protect the integrity of the case and he cannot release details of that case. Sheriff Emery added that they are also working with the Putnam County Coroner and Sheriff's Department, which has jurisdiction in this case. He noted that the Sheriff in Putnam County has agreed to turn over that part of the investigation to the McLean County Sheriff's Office to be able to keep the case together.

Mr. Wendt asked how much of the information becomes public when the case is completed. Sheriff Emery replied that there will be a release that provides information to the public. Mr. Wendt asked if there is a timeframe for the release of information. Sheriff Emery responded that there is no timeframe available.

Ms. Rackauskas offered her condolences to the Coroner's Office, Sheriff's Department and the State's Attorneys Office. She pointed out that this case has been extremely emotional and trying for everyone involved. Ms. Rackauskas expressed her appreciation for the work all three of the departments have done.

Mr. Hoselton asked what is the status of the on-site police services at Lake Bloomington since the retirement of "Ranger Rick." Sheriff Emery replied that it is the responsibility of the City of Bloomington to provide police services at Lake Bloomington. He indicated that he had a conversation with Mr. David Hales, City Manager, making him aware that Lake Bloomington is City property. Sheriff Emery stated that he advised Mr. Hale that the City needs to develop a law enforcement program or an intergovernmental agreement between the City of

Bloomington and the Sheriff's Department for the Sheriff's Department to provide on-site police services at Lake Bloomington.

Mr. Hoselton indicated that it is his understanding that the Sheriff's Department responds to Green Gables and the Lake Road Inn as they are County property. Sheriff Emery responded that he is correct.

Sheriff Emery advised that the Sheriff's Department has always provided law enforcement services at Lake Bloomington when the City's ranger was not available. He stated that the Sheriff's Department will continue to work with the City, but eventually they must make a decision on what they are going to do with their law enforcement program at Lake Bloomington. Sheriff Emery noted that he has not heard back from the City on their plans for Lake Bloomington.

Mr. Wendt asked for clarification on who patrolled Lake Bloomington in the past and who is Ranger Rick. Sheriff Emery responded that Ranger Rick, who retired last December 26th, patrolled Lake Bloomington for 30 years. Chairman Renner added that Ranger Rick was a City employee. Mr. Wendt asked if there has been no protection at Lake Bloomington since the retirement. Sheriff Emery responded that the Sheriff's Deputies provide regular routine patrols and will respond to calls when necessary.

Mr. McIntyre asked if the Sheriff's Department was willing to take over patrolling Lake Bloomington should the City provide the funding. Sheriff Emery replied that if the City of Bloomington would fund a program through an intergovernmental agreement, the Sheriff's Department would be able to prepare a program. He added that it is the City's responsibility to take the initiative to either assign someone to patrol Lake Bloomington or to work with the County to develop an intergovernmental agreement.

Sheriff Emery advised that the ranger position at Lake Bloomington falls under the supervision of the Water Director rather than the Police Chief. Sheriff Emery noted that he had a conversation with the new Police Chief who indicated that the ranger position should be transferred to his budget so that the officer would receive law enforcement supervision to run an effective program.

Sheriff Emery stated that the Sheriff's Department will continue to provide emergency response to Lake Bloomington, as well as non-emergency response when possible. He noted that, with spring and summer coming, the City needs to make a decision on this issue.

Mr. McIntyre asked Mr. Bill Wasson, Director, Administrative Services and former Director of Parks and Recreation, to provide input on the Sheriff's Department providing law enforcement at Lake Bloomington. Mr. Wasson responded he concurs with the Sheriff's evaluation. He pointed out that Lake Bloomington and Lake Evergreen are very different situations. Lake Bloomington has far more activities, including power boating, homes on the lake, etc., which creates a different set of issues in respect to law enforcement on the lake itself. Mr. Wasson also agreed with the Sheriff that, if the City is willing to work with the Sheriff's Department to put together and fund a program, it would be a reasonable approach to providing law enforcement to the area. He stressed that it is the City's responsibility and it is up to the City to decide what they wish to do at that site.

Chairman Renner reminded the Committee that the Sheriff's Department has been picking up the slack due to the City's financial problems.

Mr. Rankin asked if the response time has increased at Lake Bloomington since the ranger's retirement. Sheriff Emery replied that the Lake is relatively quiet during the winter months, but warmer weather may create more problems.

Sheriff Emery advised that the City of Bloomington hired McLean County Deputies on their off-time to work as part-time rangers. He indicated that he has suspended all Deputies' secondary employment with the City of Bloomington on the authority of the Municipal Code that prohibits hiring part-time policemen to replace a full-time position. Sheriff Emery stated that this suspension is what precipitated the conversation with the City Manager. He noted that he cannot allow the Deputies to work at Lake Bloomington until the City makes some type of decision on what direction they are going to go. Once the full-time position is rectified, the part-time positions could be filled.

Sheriff Emery informed the Committee that the Jail currently has six people housed out-of-County.

Chairman Renner asked if there were any additional questions or comments. Hearing none, he thanked Sheriff Emery.

Ms. Beth Kimmerling, Coroner, presented the Coroner's Monthly Report for February 2009. She advised that the February report reflects that in-County and out-of-County business has been busy.

Ms. Kimmerling pointed out that the McLean County Coroner's share of the State of Illinois Death Certificate Surcharge Fund was deposited in February. The amount was \$4,415.00. Ms. Kimmerling explained that these are moneys that are collected over the course of the year from the Death Certificate Surcharge. Every time someone files a death certificate or asks for copies, some of that money goes into a large State depository and, at year end, a portion of that money is divided and sent to each local coroner as grant money to be used for various projects. Ms. Kimmerling indicated that she will be coming back to the Committee for permission to allocate the funds for specific projects. She noted that the County does not have to match the money.

Mr. Hoselton referred to the recent fatality at Evergreen Lake. He stated that the Transportation Committee is seeking a grant from the State of Illinois to make changes to White Oak Road at Evergreen Lake. Mr. Hoselton asked Ms. Kimmerling to supply a letter or autopsy report to add credence to their grant request. Ms. Kimmerling replied that the case is still pending. She noted that there was another fatality at that location within the last 12 years. Ms. Kimmerling offered to provide information on that fatality as well as to confirm that there has been a second fatality. Mr. Hoselton indicated that he will have Mr. Eric Schmitt, County Engineer, contact Ms. Kimmerling.

Chairman Renner asked if there were any additional questions or comments. Hearing none, he thanked Ms. Kimmerling.

Mr. Bill Yoder, State's Attorney, reviewed his Monthly Caseload Report and Asset Forfeiture Fund Report. He noted that there was nothing out of the ordinary in the reports.

Mr. Wendt asked Mr. Yoder if he had any part in the investigation of the Connolly case. Mr. Yoder responded that his office has been involved in the case since its inception. He advised that he is working closely with the Sheriff. He added that further information will be forthcoming that will be shared with the Committee. Mr. Yoder clarified that, not only is there a prior history in the criminal justice system, but there is a completely separate, unrelated civil matter of divorce, visitation, and custody issues. He indicated that a lot of what has been discussed, including the psychological evaluation, was involved with the civil matter of the divorce, visitation and custody issues.

Chairman Renner asked if there were any other questions. Hearing none, he thanked Mr. Yoder.

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Chairman Renner presented the Monthly Caseload Report as submitted by Ms. Amy Davis, Public Defender. There were no questions on the report.

Chairman Renner presented the March 31, 2009 Justice Committee bills for review and approval as transmitted by the County Auditor. The Justice Committee bills include a Prepaid Total of \$2,503,482.66 and a Fund Total that is the same.

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Motion by McIntyre/Rankin to Recommend Approval of the Justice Committee Bills as of March 31, 2009, as transmitted by the County Auditor.
Motion carried.

Chairman Renner asked if there was any other business or communication for the Justice Committee. Hearing none, the meeting was adjourned at 5:24 p.m.

Respectfully submitted,

Judith A. LaCasse
Recording Secretary