

1 **COMMUNITY JUSTICE TASK FORCE MINUTES**

2 **Monday, August 6, 2012**

3 **Shields Meeting Room**

4 **Brookens Administrative Center**

5 **1776 E. Washington St., Urbana**

6
7 **MEMBERS PRESENT:** Scott Bennett, Lynn Branham, Mark Driscoll, James
8 Kilgore, Julian Rappaport, Michael Richards (Chair),
9 Benita Rollins-Gay, William Sullivan

10
11 **MEMBERS ABSENT:** Sheila Ferguson

12
13 **OTHERS PRESENT:** Deb Busey (County Administrator), Roger Holland (Courts
14 Administrator), Patsi Petrie (County Board Member), Julia
15 Rietz (State's Attorney), Randy Rosenbaum (Public
16 Defender), Kay Rhodes (Administrative Assistant)

17 **Call to Order**

18
19 Richards called the meeting to order at 6:04 p.m.

20
21 **Roll Call**

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23 Rhodes called the roll. Bennett, Branham, Driscoll, Kilgore, Rappaport, Richards,
24 Rollins-Gay, and Sullivan were present establishing a quorum. Richards noted that Sullivan and
25 Ferguson was absent.

26
27 **Approval of Agenda**

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29 **Motion** by Rollins-Gay to approve the agenda; seconded by Rappaport. **Motion carried**
30 **with unanimous support.**

31
32 Sullivan entered the meeting at 6:08 p.m.

33
34 **Public Participation**

35
36 Barbara Kessel said the Public Defender's budget should be increased to accommodate
37 more attorneys to assist clients and shorten their time spent in the County jail. 400 case load/per
38 defender/year and recommended case load by bar is 150. Says can see how it affects the number
39 of people in jail because she is there. Kessel said funds were in the original budget for a
40 detective and a translator. She said the detective hours had been reduced and this would
41 negatively affect the outcome of some cases due to lack of investigation.

42 Patsi Petrie presented a recent article in the National Association of Counties newsletter
43 on the topic of what other communities were doing to address DUI's. She felt it was information
44 that could be added to Task Force report to the County Board. She also encouraged Task Force
45 to consider making a request to County Board for an extension to proposed deadline for Task
46 Force report. **Motion** by Sullivan to suspend rules to engage Petrie, seconded by Rappaport.
47 **Motion carried.** Petrie said recently at democratic caucus, there was discussion related to
48 putting off timeline of having consulting firm come on board until the next budget year which
49 starts with new board. Comment made during caucus meeting would be very helpful for
50 whatever consultant firm is chosen for the committee to have good window of time to complete

51 work. Question asked when that item would be put before the entire County board. Petrie
52 answered it's on the September agenda, but that could change. Her sense from caucus was there
53 was feeling of unanimity that was not a bad plan. Richards noted that it could get pushed back
54 again. Mention discussion at democratic caucus that some members thought would make sense
55 to do resolution pushing for an extension of this body passed its chartered deadline. Richards
56 stated it hasn't been put on agenda let alone passed and even if board moved toward end of
57 September on this RFP the needs analysis won't be done by end of this body's current chartered
58 term.

59 Chris Evans started by saying that when questions are asked why nearly 100% of
60 prosecutions in Champaign County are against poor people or why majority of people
61 prosecuted and those in the County jail are African American, excuses are given to explain
62 outcomes of criminal justice system. He went on to say that the outcomes happen because law
63 handed down by State make no other outcome possible; police go where calls for service are,
64 law enforcement doesn't choose race of perpetrator, or an ugly evolution of social thought has
65 resurfaced. Evans went on to say criminal justice system outcomes are based entirely on how
66 members of law enforcement choose to respond to behavior of citizenry and the decision of
67 whether to arrest or prosecute someone rests solely with the police and prosecutors. He stated it
68 is up to prosecutors to decide how to act on information provided by police and prosecutors who
69 decide how severe the accusation will be. He gave list of discretions that have been abused in
70 this county ending with Andre Davis where prosecutors in this county have ignored DNA
71 evidence since 2004 that cleared Mr. Davis of a murder in 1980 in Rantoul and argued for eight
72 years to keep him in prison despite DNA evidence exonerating him. Evans stated if we have a
73 racial disparity issue, it's because police and prosecutors have chosen to make it that way. He
74 went on to point out the State's Attorney deflected criticism about prosecuting the mentally ill by
75 suggesting that the mentally ill are dangerous and psychotic. He stated a mental health nurse
76 said vast majority of people on meds and under psych care in our jail are there for misdemeanor
77 and small infractions. Evans stated that the reputation of the Champaign County justice system
78 is so bad that Aaron Ammons, radio talk show host, recently told audience that negro slavery has
79 never been outlawed in the US, it just got shifted to the criminal justice system. He had two
80 requests of committee. First is he hopes committee continues past November and studies system
81 well into next year to get statistics and raw data necessary to prove once and for all whether or
82 not there is a bias in how police react to or how prosecutions are affected by being poor or a
83 minority. Second is that look into statistics and FOIA this criminal justice system for the
84 numbers needed to prove whether we have a racial bias.

85 Bobbi Trist pleaded with committee that among the alternatives to incarceration to
86 consider more release on personal recognizance. Many poor people are locked up because don't
87 have money to pay bail which is set oftentimes unreasonably high. People often lose jobs
88 because they are locked up but not convicted, lose dwelling, and often children go into foster
89 care which is an additional expense for community and additional societal cost. She said children
90 available for adoption between the ages of 10-13 suffer unduly being through the foster care
91 system and various substitute group homes. She continued by stating these things have costs to
92 both fabric of society and actual money, not only to people but to society. Someone who does
93 not have security of loving home as a child (can't assume home is not loving just because they
94 are poor) or even because someone is accused of crime, pay for that all of their lives. She asked
95 to consider lower bail and more people to be released on own recognizance.

96

97 **Approval of Minutes – July 2, 2012**

98 Driscoll motioned to approve minutes, seconded by Branham. Discussion regarding

99 correction to the listing of “Others Present” was noted by members – the listing in the minutes
100 reflected those at the June 4th meeting, not the July 2nd meeting. Clerk will make the appropriate
101 corrections. **Motion to approve the minutes, as corrected, was approved.**

102
103 **Committee Discussion with State’s Attorney, Public Defender and Director of Court**
104 **Services**

105 Branham provided guidance to speakers to state what they do now and what they
106 recommend. Reitz stated that there are 48 hours to have bail set. Champaign County has
107 hearings everyday and most have bail set within 24 hours. Reports are received every morning
108 and reviewed, and charging decisions are made by looking at the facts, history and evidence.
109 Arraignment court can have bond set. The State’s Attorney looks at history and failure to appear
110 and if they have poor history then bond argument is made to ask for money bond. She noted that
111 attorneys are assigned to certain courtrooms and these courtrooms handle certain cases. Order for
112 discovery required by the judge within 10 days. Attorney reads the case and makes an offer, then
113 plea negotiations begin. She said the vast majority of cases are resolved by plea negotiations; it’s
114 up to the defendant. Each case is set for a pretrial hearing within 30-60 days. They receive a list
115 of those in custody waiting for their pretrial hearing. A person in custody has a right to a speedy
116 trial of 120 days. If it goes beyond 120 days, it is because either they have asked for a
117 continuance or some evidence may need to come back from the lab. She stated that all attorneys
118 have full caseloads. Aside from court cases they also review items where arrests were not made.
119 An attorney is assigned to drug court and Reitz handles mental health herself.

120 Kilgore asked for a copy of the daily reports. Reitz agreed to supply. Sullivan asked for
121 specific average case load for attorneys. Answered that they file about 2000 felonies,
122 misdemeanors, DUI’s, which is about 400 cases a year per 21 assistant attorneys. Rollins-Gay
123 asked if the DUI rate has gone up. Circuit clerk website says there is no bond? Reitz said that
124 would be incorrect. Reitz says the number of DUI’s and traffic tickets have declined over the
125 years. Kilgore said Evans raised the issue of racial profiling and wanted to know what measures
126 are taken to monitor if there is racial profiling. Reitz stated does not care about the race, it’s not
127 based on race but the vast majority of victims in the case are Afro-American. Reitz stated she
128 does not have funding to perform this type of research. She makes decisions on the reports and
129 cases that come into her office. Driscoll asked if racial disparity part of the task force focus. He
130 did not believe it was. Richards answered not specifically. Kilgore noted that if you want to look
131 for alternatives you have to look at who is getting charged.

132 Rosenbaum outlined the office function: set up with a chief, staff attorneys and support
133 staff that work for the judge. America’s bar associations a number of years ago said 150 felonies
134 per year per attorney to adequately represent clients; Champaign County attorneys have about
135 400 per attorney. The public defender meets people in the jail (they are not appointed yet) and
136 have about 5 minutes with each. In court the judge says what the charges are and then if bond is
137 recommended. The public defender recommends bond amounts but the judge makes the
138 decision. He said sometimes the state makes and offer the client does not accept. The public
139 defender can only make recommendations, but the courts and the sheriff make the decisions.
140 Arraignment court is when someone gets out of jail to wait for court or not. Rosenbaum would
141 have clients go to substance abuse classes or other programs, then they can say they are trying
142 when they go to court for sentencing. Individuals can get credit for days served for work on self
143 while in county jail before sentencing.

144 Sullivan asked if the public defender had more attorneys would there be less people in
145 the county jail. The answer was he doubted it. Then it was asked if they had an investigator to
146 get more information would there be less people in jail. The answer was maybe, because then

147 they could make a better case to the judge. Sullivan asked how to stop people from getting
148 arrested in the first place. Rosenbaum answered thru education, substance abuse programs, not
149 one single answer. Bennett asked how can reduce recidivism in the county? Rosenbaum says
150 research has shown that if give people opportunities at probation and the services they need they
151 are less likely to re-offend. Some people don't have money and choose not to utilize services.
152 Rollins Gay stated summit of hope had an excellent program and need more of those.

153 The question was asked how much are fees in Champaign County? Are they charged for
154 use of a public defender? Rosenbaum says there are so many fees that can't name them all, and
155 some have specific purposes. For the public defender there is a statute that says judge can order
156 someone to reimburse the County, but the funds go into general corporate, not the department.
157 Roughly \$100,000 is brought in for the public defender fee, which can range from \$150-300 for
158 felonies and \$75 to \$200 for misdemeanor, taking into account the person's ability to pay.

159 Richards turned floor over to Joe Gordon, director of Probation and Court Services
160 department. Gordon explained there are three divisions within department, juvenile, adult and
161 the juvenile detention center. Gordon stated he will concentrate on adult side. He said there are
162 13 officers assigned to adult division. Last month the department had 1612 individuals under
163 court order for probation alone. Department's role is to complete pre-sentence investigations for
164 the court when ordered to do so and offer suggestions or conditions for possible alternatives. He
165 said that once sentenced to probation, there will be a meeting in the office for an initial interview
166 during which the case is assessed for level of supervision. Gordon stated the department uses an
167 assessment tool called LSIR where the level of score determines the level of supervision an
168 individual will be provided. Typically 7-8% will fall into the maximum care category and a
169 small group falls into the minimum category. Bulk of cases fall into the medium category.
170 Gordon said they focus most of their effort here because that is where they feel they can make
171 the most difference. Department will also make referrals for appropriate agencies during the
172 interview, e.g. substance abuse programs. Gordon said the case is then assigned to an officer.
173 The department only has 4 officers who do the bulk of assessments. Once case is assigned to an
174 officer, whose case load could be 175 individuals that include all ranges of supervision, the
175 officer's duty is to monitor individuals to make sure they comply with the court order, including
176 reporting, public service work, obtaining and maintaining employment, etc. If an individual is
177 not in compliance, they are sanctioned. Gordon said they are called into the office, told they
178 missed an appointment, that they need to prove they are attempting to comply, then they are
179 sanctioned to get them back on track, This is a technical violation, not a criminal act, that could
180 send them back to court, but court services has the discretion to decide. Once back on track
181 there are other conditions they have to comply with. If the individual meets those conditions in a
182 satisfactory amount of time their case will be closed. Gordon stated that if they don't meet the
183 conditions, the department will recommend the case be returned to court. Many individuals have
184 a difficult time meeting their fees and fines obligations which are statutorily set. The department
185 tries to help them find a job and make sure they get social services they need; money is a
186 secondary issue and no one gets probation revoked because they can't pay their fines. Reitz says
187 the exception is if there is restitution to a victim involved. Reitz stated the County has a
188 collection agency that follows up with these individuals and determine whether funds are
189 collectable or not. Gordon says after working with individuals they know whether it is willful
190 non-payment or not.

191 Reitz commented on how do you define recidivism. Is it getting arrested, getting
192 convicted, getting a certain sentence, in what time period, all of which make it difficult to define.
193 Gordon stated recidivism can be defined in drug court based on the number of offenders who
194 graduate. Rappaport asked do people have access to the services they need. Gordon said yes,

195 this county is lucky in the number of good services available. Sometimes juveniles don't have
196 support at home to make sure whole family goes where they are supposed to go. Adults just
197 sometimes make the choice not to attend.

198 Kilgore asked where the fees come from. Reitz said there are a number of statutorily
199 required fees depending on the case. Credit is given against these fines for time spent in
200 custody. Every offense has a range of fines available to come to an agreement in plea
201 negotiations. Reitz stated when doing plea negotiations will look at someone's financial
202 circumstances when talking about discretionary fines. All convicted felons are required to
203 provide a DNA sample to State Police which has mandatory fee to process. Drug cases have
204 street value fines. Question was asked are there fees the county imposes that are not mandatory.
205 Reitz says County Board decides what fees to impose and what the amount is which have a
206 range as well.

207 Question of unsuccessfully closing cases was asked. Gordon answered it means the
208 case was closed without satisfying the conditions. Could be that conditions were met but
209 couldn't pay fees. Question was asked if electronic monitoring was used. Gordon answered that
210 have the capability but don't do much electronic monitoring as it's not often a condition of
211 probation. Used sometimes for drug court cases but mainly for alcohol use as it will detect
212 alcohol.

213 Gordon stated would review records, see what happened, and try to link to same agencies
214 upon release. Costs for services are borne by offender, but if offenders aren't able to pay, they
215 work closely with agencies to make sure they are paid. Do not want individual to not get paid so
216 department will guarantee payment for services if the offender doesn't pay for them. Want to
217 keep people on point and most service agencies want their money up front from offenders.

218 Question was asked if pre-trial services were responsibility of Court Services office.
219 Gordon says thinks typically associated with Court Services, but Champaign County works
220 different because of speed of individuals going to court. To have pre-trial way presently set up
221 would have to have individual on point; someone arrested tonight, would have to go to jail early
222 in morning, have access to records and meet with offender to get information and try to have it
223 verified very early in the morning and supply information to court. One person can't do because
224 arraignment court is every day and have to account for illness and vacation. Reitz gave example
225 of having 16 people in custody on top of everything everyone else had to do, saying it's
226 reasonable for 1 attorney to adequately review 3 cases well.

227 Question was asked about diversion programs. Reitz said that victim offender
228 reconciliation is used on juvenile side through Regional Planning but it's difficult to get crime
229 victim to sit across the table with the offender. Others in the community represent victims, e.g. a
230 merchant will sit down and explain to juvenile how shoplifting affects merchants in general. She
231 didn't think it had ever been done on adult side. For adult diversion, currently have Second
232 Chance Program for first offender adults being charged with felony. If willing to be monitored
233 before case resolved and come to agreement with defense attorney where they will do public
234 service work monitored thru Court Services, there's restitution or can do online education
235 program. If complete terms in designated time frame State's Attorney will agree to reduce from
236 felony to misdemeanor. Reitz says have put 30 people into this process in last month and a half.
237 Day reporting has been looked into, but it is a financial issue. Reitz stated definition of felony is
238 17 & older is an adult, misdemeanor is 18 and older. There are specific types of offenses where a
239 juvenile (person under 17) would be charged as an adult, homicide, aggravated criminal sexual
240 assault, serious crimes, persons who have a history. There are very few, less than 10, of those
241 cases in CC. Reitz said doesn't feel enough veterans in the system to have a veteran's court.
242 They work closely with the VA to see that veterans get the services they need.

243

244 **Discussion – Next Steps**

245 Richards stated County Board will not looking at applications for RFP until next month
246 at earliest. October would be earliest that contractor will be working with committee, which is
247 why there is discussion of reappointment of task force with new board starting in December. It's
248 not a motion that's been passed. Richards asked if everyone was still willing to be part and all
249 may have to be re-appointed. It was suggested the committee should say how want to be
250 structured. There was also discussion on subcommittees.

251 Next month's meeting schedule calls for committee talking about discussing community
252 agencies, social services that are being and could be utilized. Kilgore stated that at some point a
253 report has to be generated and it hasn't been talked about how that will be done. Felt should talk
254 about how to process information received, areas want to investigate further, what's the process
255 for writing plan. Richards agreed there should be a discussion. have eight people with eight dif
256 expertises, how much is integrated, how much a group report, do want minority report, questions
257 need to have discussion on so know the best way to go forward and the best way to get
258 committee knowledge out there. Said next month is committee members turn to talk about your
259 experiences, what you are doing and what challenges are out there.

260

261 **Other Business**

262 None

263

264 **Next Meeting Date**

265 Two meeting dates were set for September. The first is September 10, 2012 at 6:00 p.m.
266 and the second is September 24, 2012 at 6:00 pm, both in the Lyle Shields Meeting Room.

267

268 The meeting adjourned at 8:02 p.m.

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270

271 Respectfully Submitted,

272

273 Kay Rhodes,

274 Administrative Assistant