

**DRAFT**  
**LAW AND JUSTICE COMMITTEE**  
**May 21, 2012**

The Law and Justice Committee of the DeKalb County Board met on Monday, May 21, 2012 at 6:30p.m. in the DeKalb County Legislative Center's Gathertorium. Chairman Marlene Allen called the meeting to order. Members present were Ken Andersen, Riley Oncken, Stephen Reid, Anita Turner and Derek Tyson. Others present were Larry Anderson, Marilyn Stromborg, Judge Robin Stuckert, Judge Brady, Judge Matekaitis, Judge Katherine Kauffman, Justice Ann Jorgensen, Regina Harris, Margi Gilmour, John Hulseberg, Don Adams, Greg Martin and Rick Schmack.

**APPROVAL OF THE MINUTES**

**Moved by Mr. Oncken, seconded by Mr. Tyson, and it was carried unanimously to approve the minutes from April 16, 2012.**

**APPROVAL OF THE AGENDA**

Chairman Allen asked to add item #7b. to the agenda for a statement to be read by her from State's Attorney, Clay Campbell.

Mr. Ken Andersen asked to add an item to the agenda also regarding emails that have been hijacked.

Chairman Allen said that she would include that as item #7c.

**Moved by Mr. Oncken, seconded by Ms. Turner, and it was carried unanimously to approve the amended agenda.**

**PUBLIC DEFENDER'S REPORT**

Ms. Regina Harris, DeKalb County's Public Defender, said that she did not have anything new to report to the committee but that she was here this evening to answer any questions.

**COURT SERVICES REPORT**

Ms. Gilmour, Court Services Director, said that the committee had her reports on file and that if they had any questions, please feel free to give her a phone call at her office.

**JAIL REPORT**

Chairman Allen said that the Jail Report reflects that the average daily population for the county jail has gone down from month of March 2012. She also mentioned that the Sheriff had handed out his Annual Report to the committee. Sheriff Scott will be coming to the July 2012 Law and Justice Committee meeting to answer any questions that the committee may have regarding the report.

## **DRUG COURT DISCUSSION AND PRESENTATION – MS. MARILYN STROMBORG AND JUDGE ROBIN STUCKERT**

Chairman Allen said that the Drug Court will have several speakers and that she asks that they please each talk between three to five minutes. We are trying to give everyone a chance to speak, she said. Chairman Allen asks that the committee members to refrain from questions until the end of the presentations.

Dr. Marilyn Stromborg thanked the committee and Chairman Allen for giving them forty minutes to speak this evening. The first person she would like to introduce is DeKalb County's Presiding Judge Robin Stuckert who is also the Presiding Judge for Drug Court.

Judge Stuckert thanked the committee for giving them an opportunity to answer any concerns that the committee may have since April. She also said that she wished that the State's Attorney could have been in attendance this evening, but that per the press release that went out today about new information that he received in the last few days, the State's Attorney felt it was best not to participate in this evening's committee meeting. She wished that he would have come though on the preliminary concerns that he brought to their attention.

Last week Thursday, assistant state's attorney, John Farrell, convened the Drug Court team for a meeting and he had indicated that State's Attorney Campbell had given him some preliminary concerns regarding Drug Court. They did not know about the new investigation that Mr. Farrell told them about last Thursday or that it would curtail a preliminary report that the State's Attorney has had some issues about. She was now ready to let the committee know about some of those concerns.

Judge Stuckert said that they are once again accepting applications into Drug Court. They have new applications that they are reviewing now.

Judge Stuckert explained that one of the concerns that Mr. Campbell had was of the financial obligations of the program, she continued. He indicated that he has concerns that our Drug Court team attends the annual conference of the National Association of Drug Court Professionals each year, which they are slated to attend again this year during the first week of June in Nashville, TN. They believe that continuing education of the Drug Court team is necessary so that they can better their program and serve the needs of the participants as well as this community. Drug Court is ever changing and continuing education is so important for the staff so that we can effectively meet the needs of each and every participant. At the conference there are experts that can teach us by the disciplines that we each have, she further stated.

Additionally, one of the terms of the Federal Grants that they receive is that the Drug Court team continues their education. This is a practice they abide by and they enjoy because it makes them better. Their Drug Court funding account is at \$259,000 as of today. As this committee knows they have never come to the County Board as asked for money for their training. They have applied for grants to fund this so that they are not a burden to the County.

Judge Stuckert also said that State's Attorney Campbell was concerned about the fact that some of the participants who graduated from the program owed outstanding restitution and/or their finalized dispositions are being entered without financial obligations being satisfied. When they first started Drug Court they said that they could not allow graduation until all restitutions were satisfied. Because of that many individuals that came to our Drug Court program and wanted to be accepted into our program had very high amounts of restitution. An example is, many of the crimes that bring the participants to the Drug Court allow for higher amounts of restitution. At

their training they were asked why did you adopt this policy - because we were closing the doors to many individuals and so what was the alternative? Those other individuals that did not meet the requirements for Drug Court would either go to the Department of Corrections, leave the Department of Corrections without any treatment and they would still owe a huge amount of restitution and would not benefit from the program. So, one of the criteria, through the State's Attorney's Office before any individual is accepted into Drug Court, the victim is contacted and they are told what the restitution will be. It is up to them because the State's Attorney is our gatekeeper, they can make that determination and then they could tell those individuals we are giving them the opportunity and we get payback in full, because we are going to require that they are clean and sober, they are going back to school to get job skills. So who is going to most likely pay back the restitution, the individual who goes to the Department of Corrections, who does not go through the program, and still owes a huge amount of money, or the individual who goes to the Department of Corrections, goes through the program and becomes a member of society, with a job and pays back those amounts of restitution. So they have had to look at this a little differently.

Another concern that the State's Attorney had was that sometimes an individual would reach their finalized disposition. What she means by that is that some individuals who come into Drug Court and they graduate, their sentence is not enforced. So they may not go to prison and in some circumstances their case may be dismissed. So, he was concerned that these people owe fines and costs of restitution and they are getting their final deal, as you could say. That is not the case, they have one individual that slipped through, they were all aware of it, and they are making every effort that they can to rectify the situation. Of course the rules should be adhered to at all time, she said. They as a team have addressed this case and are making every effort to not let this happen again.

His other concern is that there was one participant in the DUI Court that was in it much too long before he was discharged unsatisfactorily. This participant entered into the program in August 2009 and was discharged unsatisfactory to serve his sentence until March 2012. At no time was the participant charged with any other offenses, but what happened is the following. He was in their DUI Treatment Court and came into the program and went into rehabilitation for three months. He came out and was involved in the intensive outpatient program. He maintained his sobriety for a very long time. Then he relapsed. Again, with the full team, including the Assistant State's Attorney assigned to Drug Court, they were determined not to give up on him and that they would send him back to treatment. Through their education, they have found out that addicts and alcoholics take maybe one, two, three, four, or five times in an inpatient treatment program before they have the ability to become clean and sober for five years or more. He had been clean and sober for such a long time, we thought that this was an opportunity where we would not give up, she said. In the education sessions that she had attended they were told that this should be the last resort to remove a person out of the program. That's what we did and that is one person that Mr. Campbell may feel that we had in the program too long.

Another concern that he had was that Drug Court personnel were participating in a sentencing hearing. One of their graduates reoffended and was charged with a criminal offense. She excused herself from the hearing because of the information that she knew and the case was assigned to another judge. That individual plead guilty and entered into a "cold plea", not a plea agreement, leaving it up to the Judge to do the sentencing. Ms. Harris, our County's Public Defender, represented the defendant, and she asked Dr. Stromborg to appear in the sentencing hearing so that she could ask information about testing ability, through her office, so that the Judge in this particular case, could make a reasoned and educated decision regarding the resentencing. She was asked to participate much like the probation department is always asked to

participate at a sentencing hearing. Mr. Campbell felt that no one in the Drug Court staff should be able to do that.

One of the other things that Mr. Campbell said that they need to do is tighten up their program. They do a retreat every three months and they do review and update their handbook since the program started.

The committee then heard briefly from other judges that attended the committee meeting regarding the positive outcomes of having a Drug Court. They heard from Appellate Judge Ann Jorgenson who ran the Drug Court Program in DuPage County, who spoke about how graduates of the program there gave back to the program by helping someone else through their sobriety. She explained that it is a lot of hard work to run a Drug Court. She said that you need to educate the program people, State's Attorney's Office, Drug Court Staff and Probation staff. You need to make sure that the treatment provider is the very best and that accountability is important.

Judge Ron Matekaitis stated that the rate of recidivism is lower if someone goes through a drug court program. Violent offenders are not allowed into the program. Along with the help of Judge Stuckert and others, they started the Drug Court Program here in DeKalb County. Drug Court is the better approach because it values the human life, he said.

Judge Katherine Kauffman, Presiding Judge of Ogle County and Mr. Greg Martin, Drug Court Coordinator and Probation Director of Ogle County both briefly spoke on support of Drug courts.

Mr. Martin said that Drug Court takes a lot of a person's time. Drug Court is the right thing to do, he feels, as he is looking at it from many years of working in Probation. They are continuing to look for more funding for the program. They look at grants and see if they can collaborate with other counties in the State of Illinois. There is a need for more local services, i.e., recovery homes and centers.

Dr. Stromborg gave some details to the committee about the Drug Court here. She said that of the 41 graduates of our program, we have saved over \$41 million in incarceration costs. We have a 36% acceptance rate, with 80% of the participants in the program graduating.

Other judges that were present were Chief Judge Bob Spense, Judge Daugherty and Judge Patty Goldman.

Chairman Allen thanked the speakers and said that they appreciated the presentations and support for the Drug Court Program. Chairman Allen then read the news release to those present from State's Attorney Campbell.

Ms. Turner voiced her huge support for the Drug Court Program and said that she will be disturbed if the program ends.

Mr. Riley Oncken said that he was insulted by the State's Attorney's statement and the fact that Mr. Campbell did not attend the committee meeting tonight.

Chairman Allen asked Judge Stuckert if it is was true that they now have 3 new applicants in the program?

Judge Stuckert said that Mr. Farrell announced at the last Drug Court staff meeting that they could now start accepting applications to the program and they have chosen three.

There were 2 different grants that we were working on with Ogle County. With any grant you need a letter of support from your State's Attorney. In light of what has happened, the deadline for those grants is the end of this month. So we understood that because of the state that we are in, we would not be able to get that support letter, so by letter she was notified that they could no longer pursue the grant. Certainly they will not give up and are looking at other grants for this proposed halfway house.

Ms. Turner asked how much that grant was for?

Judge Stuckert said \$300,000.00.

**Mr. Riley Oncken moved to have a resolution sent to the full county board supporting the operation of the Drug Court and admonishing Mr. Campbell to comply with State mandates to operate a drug court in DeKalb County.**

**It was seconded by Ms. Turner, and it was carried unanimously to forward this recommendation to the full board for approval.**

Mr. Oncken further stated that we can't control what Mr. Campbell does as he has the statutory authority to run his own office, but we can at least instruct him to give him direction that this is something that the County Board supports and encourage him in strong terms that this is something we want to see done.

Chairman Allen said that this will tell you that this committee is behind Drug Court. She continued by thanking everyone for coming and enlightening everyone present about the Drug Court Program and she encouraged everyone to go to the next Drug Court Graduation.

#### **EMAILS HIJACKED – MR. KEN ANDERSEN**

Mr. Ken Andersen approached the committee about the problems that have been happening lately with different county board members who have had their emails hijacked. He had a phone call this evening from a person that he had contacted at one time that was in his email addresses from the State's Attorney's Office in the State of New York. She just wanted to make sure that he was okay from the email that she had received about him. He asked her what could be done with this problem?

She just said to pay attention to it and take it to your local State's Attorney to see if they can put some trackers on it, to do something about it. She said to at least bring it to the attention of the investigative side so that there is something on record. He was wondering what we could do about this?

Mr. Larry Anderson, said that these people who are doing this hijacked all of the email addresses out of his personal contacts. That is a problem.

It was suggested that they should notify the IMO office so that they can put an alert out on the server to block it. Also, they should notify the IMO office because they can help them to try to alleviate the problem in most cases.

**ADJOURNMENT**

Moved by Mr. Oncken, seconded by Ms. Turner, and it was carried unanimously to adjourn the meeting.

Respectively submitted,

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Marlene Allen, Chairman

MA:mcs

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