

*Note: These minutes are not official until approved by the Law and Justice Committee at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.*

DeKalb County Government  
Sycamore, Illinois

**Law & Justice Committee Minutes  
September 25, 2017**

The Law and Justice Committee of the DeKalb County Board met on Monday, September 25, 2017 at 6:30 p.m. in the Administration Building's Conference Room East in Sycamore, Illinois. Chairman Leifheit called the meeting to order. Those present were Ms. Askins, Mr. Frieders, Mr. Luebke, Mr. Pietrowski, Mr. Plote, Mr. Whelan, and Chairman Leifheit. A quorum was established with all seven Members present.

Others that were present included Tom McCulloch, Margi Gilmour, Rick Amato, Sheriff Roger Scott, Chief Joyce Klein, Maureen Josh, Michael Venditti, Tracy Jones, Chief Judge Robbin Stuckert, and Dan Cribben.

**APPROVAL OF MINUTES**

**Mr. Plote moved to approve the minutes of the August 28, 2017 Committee Meeting. Mr. Whelan seconded the motion and it was carried unanimously.**

**APPROVAL OF THE AGENDA**

**It was moved by Mr. Pietrowski, seconded by Ms. Askins and it was carried unanimously by voice vote to approve the agenda as presented.**

**PUBLIC COMMENTS**

No public comments were presented to the Committee.

**PUBLIC DEFENDER'S REPORT**

DeKalb County Public Defender Tom McCulloch joined the Committee to present and place on file his Monthly Public Defender's Report. Mr. McCulloch also shared that long-time employee Ms. McGuire resigned at the beginning on the month. Her cases have been covered for the past 10 week due to unforeseen circumstances and it has been manageable but barely, Mr. McCulloch explained. He additionally shared that he has hired a replacement and the individual will begin next week. They are a local resident and comes highly experienced (15+ years).

Mr. McCulloch referred back to his monthly report and noted what the report didn't show was what the numbers were from last year at this time. The numbers have changed and have done nothing but grow.

The Committee and Mr. McCulloch additionally briefly discussed the potential of needing a Public Defender present for Saturday and holiday bond calls per the new Bail Reform Act requirements. Mr. Pietrowski asked Mr. McCulloch if he was in support of the Bail Reform Act and the direction bail reform is headed in general. He shared that he was and that the net result of pretrial services and the bail reform movement is something that works financially to the County's advantage.

Chief Judge Stuckert shared with the Committee that tomorrow there is an ad hoc group meeting she is a part of that is meeting with Representative Sims that was the author of the Bail Reform

Act Legislation. There has been some unattended consequences (unfunded mandate) of the Legislation. Judge Stuckert added that they have implored upon them for funding although she doubts any funding will be granted, her group was invited to meet with the Representative in order to address a list of issues. One item that she hopes will be addressed is delaying the Public Defender to attending the Saturday and holiday bond calls. The Judge noted that she whole heartedly agreed that when they are addressing someone's liberty interests the individuals should have representation but when you think of DeKalb County and other communities throughout the State of Illinois, who is going to fund the additional resources she asked. She added that even if the ad hoc group is successful with delaying the Public Defender appearing on Saturday and holidays, it is coming.

### **CIRCUIT CLERK'S OFFICE UPDATE**

The Committee welcomed DeKalb County Circuit Clerk Maureen Josh to the table to update them on the office. Ms. Josh shared that courts have been evolving and change in many drastic ways and the Circuit Clerk job is completely different than it was two years ago. The Supreme Court of Illinois mandated electronic filing of all civil cases. Ms. Josh shared that there were 8 Counties out of the 102 in Illinois that had been e-filing for some time and DeKalb County was one of those. Unfortunately the new mandates for e-filing are assigning Tyler Technologies out of Texas to be the third party vendor that has to be gone through for the filings which will add additional costs and programing for the Circuit Clerk's Office.

Ms. Josh continued to share information regarding successful initiatives her Office has been a part of as well as the large amount of help she receives from the County's Information Management Office, Sheriff's Department, and other court-related departments. Ms. Josh added that she really appreciates the cooperation and the skills within DeKalb County Government and that it gives a great advantage in accomplishing a lot of things.

Ms. Josh additionally spoke briefly on her practices of flex hiring and explained the advantages of utilizing many former employees as now part-time help. She additionally takes advantage of school programs and hiring interns for a couple of hours a day to come in and help with projects.

Mr. Pietrowski asked Ms. Josh what may be some trends that she would like to have the Circuit Clerk's Office prepared for in the next 5 to 10 years. Ms. Josh explained that the theme for many Circuit Clerk's Office's is the electronic filing initiatives and ultimately resulting one day in a paperless court system.

Lastly, Ms. Josh addressed how in-house adjudication has had an incredibly significant impact on the County court fees. Some local municipalities are now trying their own cases and are collecting their own judgements. The traffic ticket has been the highest steady income for the courts for many years and everyone else tapped onto that. Meaning, one single ticket judgement would break down and go to 25 different agencies, Ms. Josh explained. In the end, the municipalities were receiving such a small amount of "the pie" that they decided to lobby to pass legislation that gives them the authority to write traffic-related tickets and collect all of the money and not have to report it to Springfield so it doesn't go on an individual's record. Because of this though, the traffic tickets for DeKalb County (which funds most of the court system) has plummeted dramatically. Ms. Josh added that this is state-wide as well. She added that civil filings have decreased as well and the reason for that is not well known.

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### **STATE'S ATTORNEY'S OFFICE UPDATE**

DeKalb County State's Attorney Rick Amato updated the Committee on what has been happening in his office over the past couple of months. He has that he brought in two Criminal Attorney with 20 year and 15 year experience levels. Mr. Amato shared when he came in there were 14 on staff and now there are 13. Three individuals were let go that had a combined experience of 12-13 years and he brought in the two with a combined experience of about 35 years. He added that it was a necessary move to mirror the types of cases that the Office is doing. In addition, he interviewed and worked with the 9 support staff and redeployed everyone in order to be more efficient and help the flow of the office in general. Mr. Amato also described how he gave up his larger office in order to have an office conference room where they could all meet and shared how he has been recycling many files that are no longer needed to be saved.

Mr. Amato handed out and proudly recited to the Committee the DeKalb County State's Attorney's Mission Statement that he created. He additionally developed a new logo for the office staff to represent their team and to show their pride in what they do. The State's Attorney's Office is on duty 24/7 365 days a year. There is an on-call Attorney every night and that also includes himself and he described that he has gone out on search warrants and has been on crime scenes in the middle of the night working with the local law enforcements which he says is a great privilege of the job that they do.

Mr. Amato additionally shared that he brought in a new Civil State's Attorney who the Board has met after the previous Attorney left for private practice but he reiterated that they are committed to working with the Board to open some transparency between pending litigation issues as well as making sure everyone is staying in compliance with FIOA and OMA standards.

Lastly, Mr. Amato went through what the Office is currently working on. He explained a huge number of their criminal cases are drug-related and they now have a Narcotics Prosecutor and the number one type of cases are domestic battery which they are working closely with Safe Passage and in-house to come up with better ways to handle domestic violence and those types of cases. They are also about to go paperless with the City of DeKalb police reports. They receive a large volume of reports from them and by the end of the years everything with them should be paperless. Jury Trials are held twice a month and Mr. Amato shared that they have been doing more trials while emphasizing their firm and fair practices. Mr. Amato ended this update sharing that in the future he is focusing strongly on pre-arrest diversion programs and felony diversion programs to ultimately reach their goal of reducing recidivism.

### **KANE COUNTY JUVENILE JUSTICE CENTER IGA**

Court Services Director Margi Gilmour briefly reviewed that since 1997 the Counties of Kane and DeKalb have, through intergovernmental agreements, shared juvenile detention facilities to their mutual benefit and to the benefit of their citizens and taxpayers. Ms. Gilmour requested that another resolution be passed to enter into an IGA with Kane County for the guarantee housing for seven DeKalb County juveniles in need of secure detention at the Juvenile Justice Center with a per diem charge of \$120.00 per day, per juvenile effective for three years December 1 2017 through December 1, 2020.

**It was moved by Mr. Pietrowski, seconded by Mr. Luebke and it was approved unanimously to forward the resolution to the full County Board recommending its approval.**

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**QUARTERLY PRETRIAL REPORT**

Michael Venditti, Supervisor of the Pretrial Services Department joined the Committee to provide his latest Quarterly Pretrial Report. He began by explaining that bond reports completed by pretrial services provide the budget information to help determine appropriate conditions of bond. An objective risk assessment provides guidance on which defendants can potentially be safely released pending trial verses those that pose a substantial risk to community safety. From a community safety standpoint, identifying those who pose a genuine risk is self-evident.

He posed the question why there is a need to try and identify those who can be released. Even short term pretrial incarceration has a toxic effect. Defendant lose jobs, homes, pro-social relationships, and put their family in hardship. An overwhelming majority are immediately released back into the community as soon as their case is resolved, but then find themselves in more desperate circumstances than prior to their arrest. Mr. Venditti noted that an individual that is incarcerated for up to 2-3 days is 17% more likely to commit another crime within two years. Individuals serving 4-7 days are 35% more likely and those serving 8-14 days are 51% more likely to commit additional crimes.

To date, data has been collected on 1653 defendants after reaching disposition. Most defendants are immediately released into the community upon disposition of their case. Which is also reflected in the disparity of pretrial defendants in the jail versus sentenced offenders. Defendants released at bond call are less likely to be incarcerated as part of the sentencing, Mr. Venditti explained. Out of the 1653 defendants, 76% were released post disposition with no additional time and 24% were released post disposition incarceration. Breaking down the 1653 further, 86% were released pending trial and within 24 hours of their initial arrest and only 14% were ever sentenced to any time whatsoever. Those who were denied release at their initial bond call they found that 59% were immediately released on disposition of their case and 41% were required to spend additional time as part of their sentencing.

Mr. Venditti continued to share that in 2017, the average daily population in the DeKalb County Jail has increased from its prior decline over the last two years. Analyses in 2014 using data from over the 20 years prior to pretrial, predicted an average population over 154 defendants by 2017. Based on monthly jail reports from January to September 2017, annual average is approximately 141 defendants. Several factors have been examined surrounding the recent growth. Further looking at DeKalb County statistics, the following information was shared:

2016 <i>January 1<sup>st</sup> – August 31<sup>st</sup></i>	2017 <i>January 1<sup>st</sup> – August 31<sup>st</sup></i>
69% of defendants were released at first appearance.	75% of defendants were released at first appearance.
765 Defendants appeared on bond call <ul style="list-style-type: none"> <li>• 399 Misdemeanor</li> <li>• 366 Felonies</li> </ul>	871 Defendants appeared on bond call <b>14% increase</b> <ul style="list-style-type: none"> <li>• 400 Misdemeanor &lt;1% increase</li> <li>• 471 Felonies 29% increase</li> </ul>
111 domestic violence risk assessments completed	142 domestic violence risk assessments completed <b>28% increase</b>
651 Bond Reports completed	786 Bond Reports completed <b>21% increase</b>

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Mr. Venditti additionally provided that nearly 90% of defendants in the jail are pretrial defendants. Therefore length of pretrial detention impacts average jail population as people can enter in the jail at a faster rate than are released. Comparing the number of defendants detained in to inmate days reported by the jail, yields a rough average of how long they are detained. In two years, the average length of detention has increased 32%.

Some pretrial solutions that were presented for January 1<sup>st</sup> through August 31, 2017 included: 167 defendants has their first appearance at weekend/holiday bond call (19% of all defendants appearing in custody). 82 defendants, (49% of weekend bond call) were held an average of 2 additional days for a re-hearing with representation and a bond report. Approximately 75% were then released. Public Act 100-1 (effective January 1), the Public Defender will now be required to be present to represent them. With the additional pretrial position funded by the County, Pretrial intends to complete bond reports at those initial hearings as well. This would eliminate extra detention time of about 123 days. Another solutions shared was increasing the number of defendants identified for release (new widening). National experts claim 80-90% of defendants in most jurisdictions could be safely released with various levels of supervision. In 2017, Pretrial advocated release of 85% of all defendants on bond call. 75% were released at first appearance. The potential risk that going above this is that additional defendants that could be identified for release would be those identified as a higher community safety risk.

Pretrial Services completed 142 domestic violence risk assessments between January 1<sup>st</sup> and August 31, 2017. These are required by statute in domestic violence cases prior to the setting of bond. If these were completed by a private agency, this would cost \$150.00 per assessment or \$21,300 in 2017 along so far. Additionally, the timeframe of a private agency completing these reports would require all these defendants to be detained for an average of 4 additional days prior to a setting of bond. Mr. Venditti also shared that the DeKalb County Pretrial Services is currently in the process of National Accreditation. If captured, they would be the first Pretrial Department to receive this distinction in Illinois. Lastly, 1059 defendants were released from custody between June 2014 and August 2017 and have reached disposition. In that time: 89% appeared for all their court dates, 88% had no violent arrests while out on bond, and 4% were re-arrested for a violent offence.

The Committee asked a few questions and Judge Stuckert provided some additional information on what the State of Illinois and Supreme Court and doing in the future to form a statewide three batch Commission focused on Pretrial Practices. This is being done because there are great concerns they are moving too fast with law without looking at the unattended consequences. The Committee thanked Mr. Venditti and all their guests for the evening.

#### **ADJOURNMENT**

**It was moved by Ms. Askins, seconded by Mr. Pietrowski, and it was carried unanimously to adjourn the meeting.**

Respectfully submitted,

  
Chairman Dianne Leifheit

  
Tasha Sims, Recording Secretary

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## Office of the DeKalb County State's Attorney

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Sycamore, Illinois 60178



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Tel: (815) 895-7164  
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**RICK AMATO**

State's Attorney

### DEKALB COUNTY STATE'S ATTORNEY'S MISSION

To ensure justice for all, the DeKalb County State's Attorney's Office declares that the following Mission will govern our conduct.

1. We will *Faithfully* uphold, protect and defend the Laws and the Constitution of the United States as well as the constitution and laws of Illinois.
2. We *Recognize* and apply the highest ethical, legal and moral standards when reviewing allegations of criminal conduct, only bringing criminal charges where there is a reasonable likelihood of conviction based on constitutionally admissible evidence.
3. We will *Require* that all crimes be thoroughly, objectively and timely investigated by qualified law enforcement personnel.
4. We will *Ensure* that all criminal investigations receive a reasonable and consistent charging decision independent of a suspect's standing within the community.
5. Lastly, We will *Seek* the just, public disposition of all charged offenses, in light of all relevant facts and circumstances, with due regard for the degree of harm caused to the victim, and the community, mindful of the need to maintain public safety and reduce the risks of recidivism.

**DEKALB COUNTY ADULT COURT SERVICES  
MONTHLY REPORT  
FISCAL YEAR 2017**

**PROBATION**

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	Total
PSI's Ordered	5	2	6	5	9	2	4	5					
PSI's Completed	0	1	6	4	5	5	6	3					
New Active Cases	24	19	25	23	20	19	18	30					
Felony	349	353	355	351	349	343	340	345					
Misdemeanor	132	134	126	123	116	112	111	113					
DUI	0	0	0	0	0	0	0	0					
Traffic	0	0	0	0	0	0	0	0					
Active Caseload	481	487	481	474	465	455	451	458					
Pending Intakes	77	83	63	76	85	93	85	89					
Total Active Caseload	558	570	544	550	550	548	536	547					
Administrative Cases	972	966	948	959	954	957	963	951					
Transfer In Cases	20	9	17	7	10	4	9	13					
Transfer Out Cases	6	1	4	12	10	6	7	5					
Tech Viol. Reported	40	32	34	17	30	28	20	28					
Crim. Viol. Reported	20	17	22	10	23	17	15	19					
Tech. - No Violation	0	0	1	0	0	1	0	0					
Tech. - Finding Viol.	2	0	5	4	3	4	0	4					
Crim. - No Violation	0	0	0	0	0	1	0	0					
Crim. - Finding Viol.	2	0	2	1	1	6	3	3					
Successful Terminations	19	13	34	16	15	23	20	4					

**COMMUNITY RESTITUTION SERVICE**

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL
# Adults Referred	54	72	77	55	77	71	57	49					
# Hours Ordered	6,155	6,858	8,143	5,910	8,998	7,169	5,965	5,950					
# Hours Completed	4,359	5,088	4,693	3,295	3,837	3,002	4,145	4,334					

# Juveniles Referred	3	3	16	8	5	6	5	4					
# Hours Ordered	110	90	1,025	500	260	235	170	140					
# Hours Completed	56	27	152	35	99	43	162	103					



**FY 2017**

**JUVENILE PLACEMENT/DETENTION REPORT**

**PLACEMENT**

	Jan	Feb	Mar	Apr	May	June	July	Aug.	Sept	Oct	Nov	Dec
Residential placements at beginning of mo.	1	1	1	0	0	0	0	0				
Minors placed during the month	0	0	0	0	0	1	0	0				
Minors released during the month	0	0	1	0	0	1	0	0				
Minors in residential placement at end of mo.	1	1	0	0	0	0	0	0				

**DETENTION**

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Minors in detention at beginning of month	9	6	3	2	2	3	5	3				
Minors detained during the month	3	2	2	2	3	9	7	7				
Minors released during the month	6	5	3	2	2	7	9	9				
Minors in detention at end of month	6	3	2	2	3	5	3	1				
Average daily population for mo.admissions	1	<1	1	<1	<1	2	1	1.5				
Average length of stay for mo. admissions	11 days	8 days	18.5 days	3.5 days	8 days	6.5 days	4 days	7 days				

## 2017 Pretrial Stats

	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Bond Investigations Completed</b>												
Felony	58	38	58	37	68	37	58	60				
Misdemeanor	48	38	43	43	50	45	43	60				
<b>Released on Pre-Trial Supervision</b>												
Felony	32	4	25	17	21	21	21	27				
Misdemeanor	10	9	3	1	5	4	10	4				
<b>Released with no Pre-trial Supervision (Including those who posted)</b>												
Felony	30	30	15	9	17	12	19	9				
Misdemeanor	30	28	33	31	29	31	24	32				
<b>Active Pre-Trial Supervision Cases</b>												
Felony	284	280	293	288	283	271	280	286				
Misdemeanor	105	107	99	82	79	76	82	79				
<b>Violations Reported</b>												
Rules Violation	0	0	0	0	0	0	0	0				
Failure to Appear	0	0	0	0	0	0	0	0				
New Offense	12	19	19	18	23	14	14	21				
<b>Violations Revoked</b>												
Rules Violation	0	0	0	0	1	0	0	0				
Failure to Appear	0	0	0	0	0	0	0	0				
New Offense	1	0	0	0	1	1	0	1				
<b>Successful Terminations</b>	21	17	22	38	32	38	15	25				

# DEKALB COUNTY SHERIFF'S OFFICE JAIL POPULATION REPORT

AUGUST 2017

## AVERAGE DAILY POPULATION

152

Average Number Housed Out

61

<u>SEX</u>		<u>TYPE OF CRIME</u>		<u>COURT STATUS</u>		<u>PERIODIC IMPRISONMENT</u>	
<i>Male</i>	<i>Female</i>	<i>Felony</i>	<i>Misdemeanor</i>	<i>Sentenced</i>	<i>Pre-Sentenced</i>	<i>Week-ends</i>	<i>Work Release</i>
354	69	249	174	52	371	5	6

## MONTHLY TRANSPORTS

	Number of Transports	Total Man Hours
<i>General</i>	37	138
<i>Medical – Mental</i>	13 / 1	99 / 12
<i>Jail Overcrowding</i>	77	126
<i>Juvenile</i>	8	32
<b><i>Totals</i></b>	<b>136</b>	<b>407</b>

## DOC

	Male	Female
<i>Sentenced</i>	16	0
<i>Parole</i>	0	0
<b><i>Totals</i></b>	<b>16</b>	<b>0</b>

## MONTHLY INMATE POPULATION STATISTICS

	NON-SENTENCED		REGULAR SENTENCED		WEEK-ENDERS		WORK RELEASE		EHM (ADULTS)	
	Number of Bookings	Total Days Held	Number of Bookings	Total Days Held	Number of Bookings	Total Days Held	Number of Bookings	Total Days Held	Average For Month	Total Days Held
<i>Male</i>	210	3662	14	423	4	16	6	129	-	-
<i>Female</i>	53	430	3	48	1	16	0	0	-	-
<b><i>Totals</i></b>	<b>263</b>	<b>4092</b>	<b>17</b>	<b>471</b>	<b>5</b>	<b>32</b>	<b>6</b>	<b>129</b>	<b>65.6</b>	<b>2105</b>

**Average Daily Population:** The average number of inmates in the jail for the month. Counts each day a person was in the Jail and includes all people booked into the jail.

**Monthly Transports:** “Jail Overcrowding” represents transports related to jail overcrowding which would include the transport to and from the other facility, transports for court if they are a pre-sentenced inmate, and any other transport which may be necessary.

**DOC: 1) Sentenced:** Represents the number of inmates transported to the Department of Corrections because they were sentenced to prison for a period of time.

**2) Parole:** Represents the number of inmates transported to the Department of Corrections because they were arrested on a new charge, on parole and returned to DOC to face their parole violation.

**EHM:** The numbers reflect only adults on Electronic Home Monitoring for the month. Juveniles would not be housed in the County Jail.