

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
February 26, 2018**

The Law and Justice Committee of the DeKalb County Board met on Monday, February 26, 2018 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 Melissa Sims, Roger Scott, Tom McCulloch, Margi Gilmour, Rick Amato, and the media.

APPROVAL OF MINUTES

Mr. Whelan moved to approve the minutes of the January 22, 2018 Committee Meeting. Mr. Plote seconded the motion and it was carried unanimously.

APPROVAL OF THE AGENDA

It was moved by Mr. Luebke, seconded by Mr. Frieders and it was carried unanimously by voice vote to approve the agenda as presented.

PUBLIC COMMENTS

There were no public comments.

OPIOID DIVERSION LITIGATION PRESENTATION

DeKalb County State's Attorney Rick Amato introduced and the Law & Justice Committee welcomed Attorney Melissa K. Sims to the table. Ms. Sims shared that she maintains her own practice in Illinois, with offices in Chicago and downstate, Illinois. She represents communities nationally, helping them seek redress for public nuisance, suing her vast experience as a municipal trial lawyer. She now advises and represents municipalities and counties to seek redress against pharmaceutical corporations in the opioid crisis with Sanders, Phillips, Grossman, LLC out of New York.

Ms. Sims provided a general overview of a presentation outlining the current Opioid Government Public Nuisance Litigation. There are two types of lawsuits that are currently pending, Fraud Marketing and Unlawful Diversion.

The fraud marketing lawsuits are based on the tactics used by Purdue in 1996 claiming that the pulls were not addictive and the pills had a time released component. Purdue used methods to convince doctors to prescribe the pulls in violation of rules.

Unlawful Diversion lawsuits are filed by a few states (Ohio, West Virginia), municipalities (Everett, Wash., Ohio Counties) and the Cherokee Nation which have used wholesale distributors for the unlawful diversion of controlled substances to the black market. In sum, these complaints focus on the failure of the distributors to identify and halt suspicious shipments and inform the DEA.

Ms. Sims and two of her colleagues that spoke to the Committee via phone explained more details about the current lawsuits that are being pursued throughout the County and how the inactions of the manufacturers and distributors are a nuisance per se.

Ms. Sims also detailed that units of local government are overburdened by the opioid epidemic. Police officers now need to be trained to treat overdose cases. The opioid epidemic or opioid crisis is the rapid increase in the use of prescription and non-prescription opioid drugs in the United State and Canada in the 2010s. Opioids are a diverse class of very strong painkiller, including oxycodone (commonly sole under the trade names OxyContin and Percocet), hydrocodone (Vicodin), and fentanyl, which are synthesized to resemble opiates such as opium-derived morphine and heroin. The potency and availability of these substances, despite their high risk of addiction and overdose, have made them popular both as formal medical treatments and as recreational drugs. Due to their sedative effects on the part of the brain which regulates breathing, opioids in high does present the potential for respiratory depression, and may cause respiratory failure and death. According to the U.S. Drug Enforcement Administration, “overdose deaths, particularly from prescription drugs and heroin, have reached epidemic levels.” Nearly half of all opioid overdose deaths in 2016 involve prescriptions. From 1999 to 2008, overdose death rates, sales, and substance abuse treatment admissions related to opioid pain relievers all increased substantially. By 2015, annual overdose death surpassed deaths from both car accidents and guns.

Ms. Sims provided that from information she gained through FOIA from 2011 to 2016 in DeKalb County only, there have been 20,351,561 prescription doses prescribed of opioids that were described above. That number does not include pills that were obtain through the “black market” or heroin.

It was explained that the attorneys on these cases would cover the fees. Ms. Sims said they would work on a contingency fee basis, only earning money from the case if the County won. She also said that even if they receive zero dollars, they’ve brought this issue to light and there are power in numbers.

The Committee thanked Ms. Sims for coming to speak with them. They did not discuss any action plan after the presentation, but Committee Members voiced their concerns with the cost of providing law enforcement offices with drugs such as Narcan to reverse the effects of opioid overdoses.

PUBLIC DEFENDER’S REPORT

DeKalb County Public Defender Tom McCulloch joined the Committee to place of file is monthly report. He added that he didn’t look back at last year like he normally does but it would be fair to assume there are more cases this year opened and closed than last.

The Committee also resumed their conversations with Mr. McCulloch that they started last month regarding his employee’s Paid Hours Off (PHO) balances. Chairman Leifheit asked if the two individuals have been able to take some time off to start using some of their PHO’s before they lose them due to already having the maximum amount allowed. Mr. McCulloch shared that the individuals have been able to take some time off and he has been telling them to take time off but that will only go so far he stated.

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Mr. McCulloch recalled that during the last budget process it was said that a Committee/Commission would be created to look at pay and equities among the Public Defenders and State's Attorney's Offices. He added that he hopes that has been done or is still planning to be done.

Other topics besides the inequity study that Mr. McCulloch wanted to address with the Committee this year included costs that he incurs for experts and evaluations for trials as well as other unintended consequences his office faces.

COURT SERVICES REPORT

Court Services Director Margi Gilmour reviewed and placed on file her Adult, Juvenile, and Monthly Pretrial Reports with the Committee. She shared that there were four juveniles detained in the month of January and three were released. The juvenile numbers for January are far better than they were at this time last year Ms. Gilmour reported and as far as the her detention budget, she is currently at \$4,000 and this time last year she had already hit \$29,000.

Ms. Gilmour also reported that her staff is currently in union negotiations. They are still in the early stages of negotiations but the process is going well.

Last item that Ms. Gilmour mentioned to the Committee was that Weekend Bond Call reports began as of the first weekend in January. Pretrial is now doing 100% of the bond reports for inmates that are taken into custody. Feedback from the courts has been positive and they are currently collecting data to be able to bring back to the Committee for another Pretrial Report soon. She also thanked the Committee and expressed how grateful they are to have been able to keep their third Pretrial position because that individual has worked every Saturday.

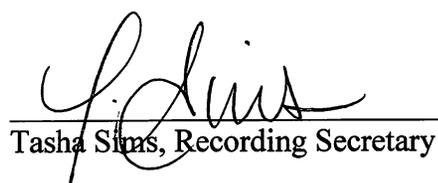
After brief discussion with the Committee, Chairman Leifheit reports that the Committee will take a tour of the Jail Expansion for their next meeting, March 26th, and they will meet at 6:00 p.m.

ADJOURNMENT

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

Respectfully submitted,


Chairman Dianne Leifheit


Tasha Sims, Recording Secretary

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Monthly Pretrial Services Report

01-01-18 through 01-31-18

Circuit: 23rd Judicial Circuit

Department: Dekalb County Court Services

By Tracker: 07:38AM 02-05-18

I. Investigation Eligibility		<u>Felony</u> <u>Other</u>	
A.	Number eligible for Pretrial Interview	58	46
B.	Number released prior to interview or initial bond hearing	Unknown	
C.	Number investigated		
1.	Number investigated by a record check only	0	0
2.	Number investigated with interview, record check and bond report submitted	58	46

II. Pretrial Release		<u>Felony</u> <u>Other</u>	
A.	Number released with no supervision on all bond types	13	30
B.	Number released with Pretrial Services Agency supervision on all bond types	16	5

III. Demographics of New Pretrial Supervision Cases			
A. Sex			
	<u>Felony</u>	<u>Other</u>	
1.	13	4	
2.	3	1	
Total	16	5	

B. Age			
	<u>Felony</u>	<u>Other</u>	
1.	0	0	
2.	1	2	
3.	7	0	
4.	6	2	
5.	1	1	
6.	1	0	
Total	16	5	

C. Race & Ethnicity			
	<u>Felony</u>	<u>Other</u>	
1.	0	0	
2.	0	1	
3.	8	0	
4.	0	2	
5.	8	2	
6.	0	0	
Total	16	5	

D. Background			
	<u>Felony</u>	<u>Other</u>	
1.	9	4	
2.	12	4	

IV. Programs ordered for new cases

- A. Substance Abuse Treatment
- B. Mental Health
- C. Sex Offender Treatment
- D. Drug Testing
- E. Curfew
 - 1. Electronically Monitored
 - 2. Non-electronically Monitored
- F. Other

0
0
0
0
4
2 - Alcohol monitor

V. Caseload Summary

	<u>Felony</u>	<u>Other</u>
A.	295	67
B.	16	5
C.		
1.	21	7
2.		
a.	1	0
b.	0	0
c.	0	0
D.	289	65

VI. Violations

	<u>Reported</u>	<u>Revoked</u>
A.		
1.	0	1
2.	0	0
B.	12	0

DEKALB COUNTY SHERIFF'S OFFICE JAIL POPULATION REPORT

JANUARY 2018

AVERAGE DAILY POPULATION

143

Average Number Housed Out

50

<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>
299	73	135	237	56	316	1	4

MONTHLY TRANSPORTS

	Number of Transports	Total Man Hours
<i>General</i>	32	100
<i>Medical – Mental</i>	26 / 0	89 / 0
<i>Jail Overcrowding</i>	68	129
<i>Juvenile</i>	3	10
<i>Totals</i>	129	328

DOC

	Male	Female
<i>Sentenced</i>	8	0
<i>Parole</i>	0	0
<i>Totals</i>	8	0

MONTHLY INMATE POPULATION STATISTICS

	NON-SENTENCED		REGULAR SENTENCED		WEEK-ENDERS		WORK RELEASE		EHM (ADULTS)	
	Number of Bookings	Total Days Held	Average For Month	Total Days Held						
<i>Male</i>	152	3585	35	348	1	5	4	74	-	-
<i>Female</i>	57	410	6	25	0	0	0	0	-	-
<i>Totals</i>	209	3995	41	373	1	5	4	74	71	2279

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.