

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
January 25, 2021**

The Law and Justice Committee of the DeKalb County Board met virtually via Zoom on Monday, January 25, 2021. Madam Chair Dianne Leifheit called the meeting to order at 6:30 p.m. Those members present via Zoom were Ms. Mary Cozad, Mrs. Karen Cribben, Mrs. Kathy Lampkins, Mr. Neill Mohammad, Ms. Linda Slabon, Mr. Larry West, and Chair Dianne Leifheit. A quorum was established with all seven Members present.

Others that were present included Michael Venditti, Peggy Carey, Steve Sells, Pete Stefan, and Roy Plote.

APPROVAL OF THE AGENDA

It was moved by Chair Leifheit and seconded by Ms. Slabon to approve the agenda as presented. Those Members voting yea were Ms. Cozad, Mrs. Cribben, Mrs. Lampkins, Mr. Mohammad, Ms. Slabon, Mr. West, and Chair Leifheit. The motion carried unanimously by roll call vote.

APPROVAL OF MINUTES

Ms. Slabon moved to approve the minutes of the October 26, 2020 Committee Meeting and Mr. West seconded the motion. Those Members voting yea were Ms. Cozad, Mrs. Cribben, Mrs. Lampkins, Mr. Mohammad, Ms. Slabon, Mr. West, and Chair Leifheit. The motion carried unanimously by roll call vote.

PUBLIC COMMENTS

There were no public comments.

PUBLIC DEFENDER'S REPORT

The December 2020 Public Defender's Report was placed on file.

COURT SERVICES REPORT

DeKalb County Court Services Director Michael Venditti placed his monthly Adult, Juvenile, and Pretrial Reports on file with the Committee.

The Chair questioned as to why the monthly juvenile detention expenditures were up so high. Mr. Venditti explained that there are two juveniles who are at the Juvenile Justice Center in St. Charles that have been there for quite some time due to them both incurring very serious charges. Another reason they are being held for so long is because they are DCFS minors and currently have no homes to be released to. The State is looking for placement options (i.e. long-term care facilities) but until then, the County will continue to pay for their detention stay.

The Pretrial Program has remained steady, Mr. Venditti reported. Unfortunately, they are seeing much more serious cases come their way and much more domestic violence charges.

The Committee and Mr. Venditti additionally spent some time discussing the recently State of Illinois approved massive Criminal Justice Reform Bill. Mr. Venditti descried that DeKalb County has seen the writing on the wall for awhile now and is in the forefront of many of the changes that may be coming. DeKalb County has a nationally accredited Pretrial Program and one that many other surrounding Counties are looking to as examples they will have to put into place. A large concern and one that many still do not have a good concept of what the actual effects will be, is the implementation of a cashless bail system. Committee Members questioned how the court system will be funded and what their future County Budgets may look like because of this change.

SWIFT CERTAIN FAIR PRESENTATION

Mr. Steve Sells and Ms. Peggy Carey of DeKalb County Court Services joined the Committee to provide them with a presentation on one of their programs, Swift, Certain and Fair Probation (SCF).

Swift, Certain, and Fair Probation is an intensive probation program that was developed as an alternative to jail or prison. Clients sentenced to SCF are those who are assessed as being at a moderate/high risk of committing new crimes and/or continuing use of illegal substances or alcohol. Persons referred to SCF may be individuals who have failed on standard probation or clients who may succeed in the community if given a very high level of supervision. The ultimate goal is to help people make positive behavioral change while keeping the community safe.

When a someone violates the terms of their standard probation multiple times (i.e. has positive drug tests), they would generally get a warning, intermediate sanction(s), violation, status hearings, and a final disposition. This would take an average of 120 before first seeing a judge and an average of 300 days before receiving a consequence for repeatedly using drugs.

This level of probation is called Swift, Certain, and Fair because 1) consequences for breaking rules are implemented very quickly (generally within 24 hours), 2) they are always implemented with no exceptions, and 3) the clients know before being sentenced to SCF what the consequences will be and the same consequences are utilized for all persons in SCF.

DeKalb County was first awarded (1 of 5 in the nation) a Bureau of Justice Assistance (BJA) Grant in 2016 for \$600,000 for the program and was just again awarded another \$750,000, four-year, grant in FY 2020 to continue the SCF Program. The grant covers salary for the Program Coordinator, as well as costs from use of jail space for sanctions, a part-time drug testing technician and all associated costs such as drug tests and office supplies.

Research shows that 70% of high-risk clients fail probation. SCF show the fail rate at 50% for the high-risk population.

In DeKalb County, 37 total clients have been sentenced to SCF. There are 13 currently active, 12 successfully graduated – all but one graduated early, and 12 did not complete – only 6 of those went to prison.

There have been 2,628 drug tests administered – 166 (6%) were positive and sanctionable.

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There have been 9 clients with a history of substance use graduated successfully with no treatment required and 5 clients received inpatient treatment with outpatient follow up care paid for by the SCF Program.

DIGITAL RADIO PROJECT UPDATE

Chair Leifheit read an update from Chief Deputy Sullivan. He shared that the recently visit from the engineers did provide some success. All of the sites have been further optimized and many settings were changed and audio levels were further fine-tuned. The Sheriff's Office was informed this made some good and noticeable improvements in some areas. But now it has affected some other areas too that will require further adjustment. It all deals with the timing of RF Signals that will also be worked on to improve timing further where able. There is a software upgrade that will be happening in the dispatch consoles in early February that should help with the problematic issues in the past too. The Sheriff's Office will be working with the Fire Departments to compare pager settings as the engineer stated that Somonauk Fire has the best page template settings of any Fire Department. Their settings seem to work the best and requested recommended that the other agencies mirror Somonauk Fire's template, if their pagers allow it. They will be trying to coordinate with the other Fire Departments to accomplish this to see if this further improves the functionality of the overall system.

The Chair lastly shared that the Sheriff's Office was being vaccinated this week and the inmates would begin to be vaccinated the following week.

ADJOURNMENT

Mr. West moved to adjourn the meeting at 7:40 p.m. Mrs. Lampkins seconded the motion. Those voting yea were Ms. Cozad, Mrs. Cribben, Mrs. Lampkins, Mr. Mohammad, Ms. Slabon, Mr. West, and Chair Leifheit. The motion carried unanimously.

Respectfully submitted,

Madam Chair Dianne Leifheit

Tasha Sims, Recording Secretary

Swift, Certain, and Fair Probation (SCF)



(AN ALTERNATIVE TO STANDARD PROBATION, COURT, OR PRISON SENTENCES IN DEKALB COUNTY)

What happens when someone violates the terms of their standard probation multiple times?

Example: Client has positive drug tests



- Warning
- Intermediate sanction(s)
- Violation
- PTR?
- Status Hearings
- Final Disposition

Average of 120 days before 1st seeing a judge

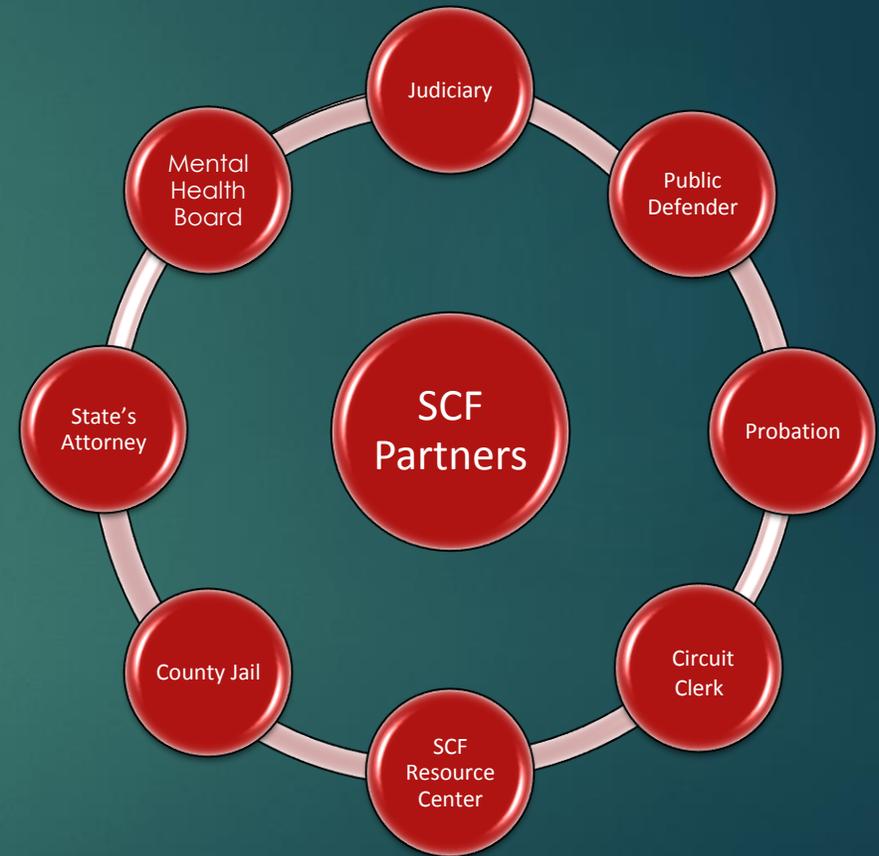
Average of 300 days before receiving a consequence for repeatedly using drugs

Swift, Certain, and Fair Probation

- ▶ **Swift:** Response is generally within 24 hours
- ▶ **Certain:** The response follows the 'matrix.'
- ▶ **Fair:** Clients earn incentives for following all rules. They know the rules and consequences for breaking the rules

Starting SCF in DeKalb County

- ▶ BJA Grant in 2016 and in 2020 (\$600,000 and \$750,000)
- ▶ Multi-Disciplinary Team Meetings
 - ▶ All departments affected by the grant invited to the table
 - ▶ Multiple perspectives
 - ▶ What clients? What response is legal and appropriate?
 - ▶ Mutually acceptable policies/procedures
 - ▶ Sanctioning Matrix
- ▶ Coordinator Develops Materials
 - ▶ Court Orders
 - ▶ Client Materials



Assessing Clients for SCF Probation

- ▶ Risk Assessment Ordered – decision in 30 days
- ▶ Evidenced Based Decision Making (EBDM)
- ▶ Target Population:
 - ▶ Moderate and High Risk Offenders
 - ▶ Felony cases (no Sex Offenders for the pilot grant)
 - ▶ Prior failures (of Probation or of First Offender/Second Chance)
 - ▶ New offense where a lesser sentence is not appropriate, but jail is not mandated



Making Recommendations

- ▶ Recommendation based on the specific Risks and Needs of the client:
 - ▶ Comprehensive Opioid Abuse Program (COAP)
 - ▶ Standard Probation
 - ▶ SCF
 - ▶ Treatment Court
 - ▶ No Community Based alternative (Jail)



If SCF...

Incentives – 1st Right Step



- ▶ Shortened sentence
- ▶ Reduced probation fees
- ▶ Periodic congratulation letters from the judges; cards from staff; time off certificates; gift cards

Sanctioning (Swift, Certain, and Fair Style)



	Level 1	Level 2	Level 3 – Warrant Issued
Positive drug test	If you admit to using drugs, you will receive a sanction of up to 48 hours confinement.	If you deny using drugs, the sample will be sent to lab. If it comes back negative, there is no sanction. However, if it comes back positive, you will receive a sanction of up to 96 hours confinement.	If you fail to report for your sanction hearing or sanction, a warrant will be issued and you will receive up to 168 hours (which equals 7 full days) confinement . 48 hours will be added for each day you do not report.
Missed Probation Appointment:	If you miss a probation appointment, you will meet with the SCF Coordinator to complete a written exercise. You may also be required to complete up to 5 hours of community service.	If you do not attend the Level 1 meeting or do not complete required community service from Level 1, you will be required to meet with the SCF Coordinator the next business day to complete a written exercise AND complete up to 10 hours of community service.	If you fail to complete a condition at Level 2, a Level 3 sanction hearing will be held and you will receive up to 168 hours (7 days) confinement. If you fail to report to a sanction hearing, a 'no bond' warrant will be immediately issued and will result in the original 168 hours plus an additional 48 hours for each day you are not in custody.

What happens when an SCF client violates the terms of their probation?



- ▶ Average of 1 day before seeing SCF Coordinator and, if drug related – the judge (as opposed to 120 days)
- ▶ Average of 2 days before receiving a consequence (as opposed to 300 days)



What's the next right step?

Research shows that 70% of high risk clients fail probation – SCF is 50%

- ▶ 37 total clients have been sentenced to SCF
 - ▶ 13 currently active
 - ▶ 12 successfully graduated – all but one graduated early
 - ▶ 12 did not complete – only 6 of those went to prison
- ▶ 2628 drug tests have been administered
 - ▶ 166 were positive and sanctionable – 6%
- ▶ Treatment stats
 - ▶ 9 clients with a history of substance use graduated successfully with no treatment required
 - ▶ 5 clients received inpatient treatment with outpatient follow up care paid for by SCF







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SwiftCertainFair
Resource Center 

www.scfcenter.org



www.bja.gov