

MEMO

TO: Members of the Joint Ways and Means Committee

FROM: Ulys J. Stapleton, Lake County District Attorney

DATE: March 11, 2015

RE: HB 3194 and M-11 Information

Pursuant to a request from your Chairs which was forwarded to all District Attorneys by the ODAA, I would like to provide you with our approach in Lake County which has been reviewed by our local LPSCC.

HB 3194. In coordination with the Circuit Court, the District Attorney's Office and Lake County Community Corrections, we are establishing an intensive supervision program for defendants who are placed on formal probation. The program will begin in April and requires successful participation for a minimum of 24 months. Although it is designed to address methamphetamine abuse which is the most serious issue facing the criminal justice system in Lake County, it is structured to also deal with defendants with mental health issues as well as the abuse of other types of intoxicants. I already have negotiation offers out to defendants who have presumptive prison sentences to participate in this enhanced supervision program.

The first phase of the four phase program involves meetings twice a month with the Court, urinalysis testing M-W-F, weekly reporting to a probation officer, weekly home visits by a probation officer, a minimum of 3 hours per week of group or individual therapy sessions, and at least one AA/NA meeting per week.

M-11. We have also been asked to respond to some of the implications of Measure 11. I always carefully consider the differing facts and circumstances surrounding a Measure 11 indictment. For sex offenses involving consensual sex where there is an age difference of 3+, I ask the defense attorneys to have a psycho-sexual evaluation of the defendant to determine the defendant's risk level. In most cases, a low risk defendant (with no other similarly situated victims) will receive probation.

JUSTICE RE-INVESTMENT. I would like to express my concern that the monetary savings which are being realized by the State in lower prison incarceration numbers apparently is not going to be dedicated to 're-investment' in probation programs and distributed State-wide. Instead, a large portion of the savings is planned to be syphoned off to other legislative and executive branch priorities.

I stress that I am only speaking for myself. When the legislature and the executive branch encouraged District Attorneys, Probation Offices, and Judges to seek alternative solutions to prison incarceration because of the State government's desire to avoid future costs, at that point the legislature and the executive branch have a responsibility to see that those savings are returned to the counties so they can continue to improve their local programs. A partnership is a two-way street. Once the local criminal justice system realizes the benefits are designed to flow mainly to the State and not to improving the funding for their local programs, the partnership will soon wither and die. I hope you will consider this in your budgeting process.