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To: County Board Members
From: Bob McEllin, Director of Probation
Re: Kane County Detention IGA
Date: February 6, 2024

In 2012, a decision was made by the DuPage County Board to close the DuPage County Youth Home and enter into an agreement with Kane County to house court-ordered detained juveniles at the Kane County Juvenile Justice Center. This decision was made due to the rising costs of operating a detention center and the reduction in the number of juveniles ordered into detention in DuPage County. This decision has saved the County at least \$2 million per year since the closure of our youth home. Since 2012, we have had several contracts with Kane County to house juveniles in Kane County.

The most recent contract with Kane County had a termination date of February 1, 2024. In November of 2023, DuPage County Probation ("Probation") initiated contract renewal conversations with Kane County. On November 15, 2023, we received a proposed Intergovernmental Agreement (IGA) from Kane County. Upon review of the proposed IGA, we discovered 31 changes to previously agreed upon IGAs. These changes were not acceptable to DuPage County and several of them changed the way we have been operating with Kane County since 2012. On November 30, 2023, a discussion took place with Kane County regarding the 31 changes where it was relayed that DuPage County would not agree to these changes and we proposed language similar to previous contracts. Between December 8, 2023, and January 11, 2024, several discussions occurred between our department, Kane County, and the DuPage County State's Attorney to finalize the contract.

As of January 11, 2024, one issue was unresolved that pertained to the venue for legal proceedings regarding the contract. Kane County wanted venue to rest in Kane while DuPage wanted venue to continue to rest in DuPage for any legal conflicts. Previous contracts had the 18th Judicial Circuit (DuPage) as the venue. On January 11, 2024, an Assistant State's Attorney reviewed the IGA, suggested resolutions to the venue issue but advised Probation that even with the venue change, the Agreement was legally sufficient and could be executed. Probation informed Kane County of its continued objection to the venue issue. On January 19, 2024, Kane County indicated that Chief Judge Villa of Kane County would be contacting Chief Judge Wheaton to discuss the outstanding venue issue of the contract. The Agreement expired at midnight February 2, 2024. The Chief Judges reached an agreement on February 2, 2024, which required approval through the emergency procurement provision.

The new IGA has the same per diem rate of \$175 as the previous IGA. The only substantive change to the Agreement is a \$79.50 charge for emergency transportation and staffing of detained juveniles to a hospital.

This is an increase from the \$56 charged in the last contract. The Chief Judges agreed to alternate venue if and when conflicts arise.