

JUSTICE COMMITTEE MEETING
June 27, 2013
3:00 P.M.

MEMBERS PRESENT

Chair Greg Mattingley
Jay Dunn
Gary Minich
Jon Baxter
Bill Oliver

MEMBERS ABSENT

David Drobisch
David Williams
Merv Jacobs

COUNTY PERSONNEL PRESENT

Jay Scott, State's Attorney
Mike Baggett, State's Attorney's Office
Judge A. G. Webber
Amy Stockwell, Auditor
Jerry Lord, DPBC
Max Austin, Sheriff's Office
Jim Root, EMA
Lois Durbin, Circuit Clerk
Rodney Forbes, Public Defender
Sheriff Schneider
Jeannie Durham, County Board Office

This meeting was called to order by Chair Greg Mattingley at the Macon County Office Building.

APPROVAL OF MINUTES OF PRIOR MEETING

Motion to approve the minutes of prior meeting (May 23, 2013) made by Gary Minich, seconded by Bill Oliver, and motion carried 5 -0.

CLAIMS

Motion to approve the claims made by Bill Oliver, seconded by Jay Dunn, motion carried 5-0.

REPORTS

Circuit Clerk

Lois Durbin reported that she has an employee who is retiring. Tomorrow is her last day after 49 ½ years plus 1 year as a High School Office Occupational student. There will be cake tomorrow if anyone wants to come and wish her well between 11:30 a.m. & 2 p.m.

The jury system has been upgraded. Questionnaires will no longer be sent out. Instead a post card will be sent out and questionnaires will be filled out online or by calling into an automated system. We will save on paper, envelopes & postage. We normally send out about 5,000 questionnaires a year so the savings will be quite a lot.

Circuit Court

Judge Webber had no report

Coroner

No report

EMA

Jim Root reported that the Hazard Mitigation Plan has been submitted to IEMA. Next month, the adoption process will be started. Jim questioned what committee the Plan needed to go through

for adoption. Greg Mattingley thought it should go through the Justice Committee. Mike Baggett stated that since it is being done by EMA, and the Justice Committee is the oversight committee for EMA, it should probably go through Justice at least first. Jay Dunn agreed.

Public Building Commission

Jerry Lord had no report.

Public Defender

Rodney Forbes reported that Steve Langhoff went into private practice and so is no longer working with the Public Defender's Office. He was one of the assistant Felony Public Defenders and was doing a lot of the heavy work in the office. We moved a newer hire, Christopher Marrow, into that position and we are now looking to fill his position. Interviews are being conducted currently and the hope is to find someone quickly as the office is shorthanded. Mr. Marrow is currently handling the traffic, the juvenile abuse and neglect call as well as the felony call. We need to fill that position right away and we are trying to do that.

A decision came back from the Appellate Court 4th District, the Elliott Murphy decision. He was one of the defendants in the "Point em out, Knock em out" case and was convicted and sentenced to prison. The Appellate Court has overturned that conviction and remanded that case back to the trial court for a new trial finding that there was ineffective assistance of counsel in that case because the Public Defender that represented him had, at one time, previously represented one of the witnesses in the case. The State has filed a petition for leave to appeal and so we'll see what happens with that. The case has not come back to us yet. That has raised a lot of issues in our office as to when a conflict occurs and when it does not. We are trying to do a better job of determining who all the witnesses are in a given case early on before a lawyer is assigned in a case to make sure that the defendant attains conflict free representation. It is a very difficult job to do that. Sometimes, we don't have all the names. The investigation continues and we won't get all the names until sometime down the road. There are times when there are upwards of 50 names that could be witnesses in certain cases. A lot of times the defendant is charged with other co-defendants and there may be related witnesses or defendants and there may be related witnesses or defendants representation in those cases as well. It has become a very difficult thing for us to sort through and try to find an attorney who is completely conflict free given the holding of this latest Appellate Court decision. For instance, the "point out, knock out" case I am talking about originally had 10 to 12 co-defendants, so we needed 10 to 12 different attorneys for each defendant and then we had to find attorneys that did not represent any of the alleged witnesses or victims in the cases. We were at our wit's end looking for attorneys and if that case comes back, I'll be in the exact same situation that we were in at that time. Just want to put County Board on notice that we are dealing with this and trying to do the best we can to find conflict free representation, but as you know if nobody in the office can represent these defendants, we will have to look outside of the office for an attorney in private practice to take over that representation. That could be a very costly endeavor. We are trying to do everything we can to keep that from happening. Greg Mattingley questioned how the attorney had the conflict. Mr. Forbes said that the attorney had been appointed to represent Elliott Murphy in the case and then in a short period of time later, he was also appointed to represent another person. It was a quick plea right off of preliminary hearing. The Elliott Murphy case went to trial almost a year later and it was that brief showing up in court and representation for that plea agreement from over a year before that created the

conflict. The holding of the Elliott Murphy case was that the conflict free representation does not occur just at trial, but also at the pre-trial phase as well. Jay Dunn stated that that seems like a huge, huge problem down the road. Is the State's Attorney or the Attorney General appealing that? Jay Scott stated that the Appellate Prosecutor has asked for a petition for leave to appeal to the Supreme Court. We just have to wait and see what they do.

Judge Webber added that that might be something which might be referred to the Legislative Committee because even though it is an Appellate Court opinion, it might be something that the Legislature could assist the counties with by changing the Statute. Jay Dunn expressed his appreciation to the Judge and stated he would refer it to Linda Little so she can try to work with them.

Sheriff

Macon County Board Resolution Approving Increase in Appropriations in FY2013 Sheriff Budget for German Shepherd Dog

Sheriff Schneider stated that the dog would be utilized for court purposes and throughout Macon County regarding any type of response to a bomb threat or allegations to a possible bomb threat.

Jay Dunn asked if this brings the number of dogs to two. Sheriff Schneider explained that there are two actual K-9 dogs. The Bomb Dog will be a third dog to be utilized out of the court services. The reason why you have this dog separate from the other ones is that Bomb Dogs have to be trained differently and they cannot be cross trained along with that of a regular K-9 for drug detection. It has to be a completely separate dog.

Motion to send the resolution on to the Finance Committee with recommendation for approval was made by Bill Oliver, seconded by Gary Minich, and motion carried 5-0.

Sheriff Schneider also acknowledged Jerry Lord and the DPBC in reference to the work they have been doing in the jail in being able to assist the Sheriff Department in becoming more than compliant with the Illinois Department of Corrections. They have completed work in TROD 3D which included an increase in the amount of showers in that location and bath facilities. That is one area that we have had non-compliance since the jail has been built. With that and some other things we are doing, we are hoping to be fully compliant during our next inspection. Thank you very much!

State's Attorney

Jay Scott introduced one of their newest attorneys. Nrupa Patel is in the Traffic Division and from all reports, she is doing a great job. Our other new assistant is in training today and could not attend this meeting. As of today, we have 10 summer interns working in the office. We have them all busy and they are working very hard and helping us do a lot of things. It's a lot of fun having them around and we will miss them when they are gone.

Probation

No report

CITIZEN REMARKS – PUBLIC COMMENT

Jay Dunn presented an article from the Saturday edition of the Herald & Review entitled Macon County Adopts Concealed Carry. He said this almost indicates that this was a Board Resolution or Ordinance when it was not. For clarification, because most citizens still do not understand this action, he asked if anybody in the State of Illinois now carry concealed weapons. Is there something the County should be doing or not doing. What are the City and other municipalities going to do? Jay Scott explained that he is not aware of anything the County could do. It was the 7th Circuit Court of Appeals that found the Statute unconstitutional. The Governor has until July 9 and Madigan has until the 20th. If he does not sign this by July 9, we have no laws. That is one of the things that the Sheriff and States Attorney looked at. A lot of other people, other States Attorneys and Sheriffs have said that as long as they have an FOID Card, that is good enough, but we did not think that was good enough. We wanted there to be some sort of responsibilities and safety training. We felt that if we were going to make a public announcement, we needed to add that condition to it. Obviously, if the law passes, it is 16 hours of training and a lot more things than we set out, but we wanted to do the best we could. I talked to some citizens, a lot of citizens and police officers, who told me they thought it would be irresponsible not to have something that required some sort of fire arms training. Jay Dunn asked if for right now, it is an interim thing to see what the Governor or Attorney General is going to do. Jay Scott confirmed that it is, but unfortunately now we have a lot of different rules in a lot of different counties, so people don't know when they cross county lines, what the rules are. Of course if we have a State Law, everybody will know. If we are without any kind of a law by July 9, we are going to have to sit back and think hard about how we are going to handle this. Bill Oliver asked who would be giving the course for the 16 hours of training. Jay Scott explained that there will be guidelines that require 16 hours and a show of proficiency to a certain level and it will include classroom training also. It will have to be given by a certified instructor. Even when they pass it, it is going to be months before the first permit is issued. They are going to have to put all the mechanisms in place for issuing permits such as rules and employees devoted to it. The rule we came out with for Macon County will be off the books as soon as the Governor signs and people will have to comply with State Law. It was explained that it would probably be crafted through an NRA type of organization. There are a lot of people who are getting certified through the NRA to be instructors to be able to teach courses that are up to 16 hours. Bill questioned handicap accessibility to the training. Jay Scott said he did not know, but would assume it will be made available to anyone who wants it. Bill asked if the 16 hours was a part of the Bill that is waiting for the Governor's signature. Jay Scott said yes. The policy we put forth was that if you are a military veteran, you know how to use a gun correctly or if you've had any of these other training courses through the NRA or Department of Natural Resources, at least you know safe gun handling and that is what we thought was pretty important. Bill asked if once the Governor signs the bill, you are still not eligible to carry it. Jay Scott explained that if the Governor signs the Bill, the policy they (State's Attorney & Sheriff) came out with expires and then people will have to follow the State Law.

OLD BUSINESS

None

NEW BUSINESS

None

CLOSED SESSION

None

NEXT MEETING

July 25, 2013

ADJOURNMENT

Motion to adjourn made by Bill Oliver, seconded by Jay Dunn, motion carried 5-0, and meeting adjourned at 3:20 p.m.

Minutes submitted by Jeannie Durham
Macon County Board Office