

**JUSTICE COMMITTEE MEETING  
December 21, 2019 @ 3:00 P.M.**

**MEMBERS PRESENT**

Debra Kraft – Vice Chair  
Jim Gresham

Bill Oliver  
Lloyd Holman

**MEMBERS ABSENT**

Greg Mattingley – Chair  
Verzell Taylor  
Dave Drobisch

**COUNTY PERSONNEL PRESENT**

Robert Bellah, IT  
Dave Ellison, Public Defender  
Jon Perona, PBC  
Sheriff Tony Brown, Sheriff's Dept  
Pat Berter, Probation  
Judge Webber  
Carol Reed, Auditor  
Jeannie Durham, County Board Office

**APPROVAL OF MINUTES OF PRIOR MEETING**

Mr. Gresham made a motion to approve the minutes from the 11/21/19 Macon County Board Justice Committee meeting, seconded by Mr. Holman and the motion carried 4-0.

**CLAIMS**

Mr. Gresham made a motion to approve the claims as presented, seconded by Mr. Oliver and the motion carried 4-0.

**REPORTS**

***Circuit Clerk – No Report***

***Circuit Courts –***

Judge Webber reported that they had just finished a very busy jury week. As a result of this and the last couple of months, they are studying whether they need to add some additional weeks next year. He explained that they had gone from 24 weeks to 16 weeks to 12 weeks and thought that maybe they had gone down too far. He thought they may have to add another week in the late winter / early spring and maybe some others through the year, but they are still studying and haven't made any decisions yet.

Mr. Oliver asked about how the jury weeks are decided upon.

Judge Webber explained that right now, they have 1 jury week per month. So, 12 jury terms in a year. In 2010, there were 24 weeks per year. They were not being utilized. Jurors were being brought in, being paid and being inconvenienced. Fewer weeks were experimented with and it went from 24 to 18. They still found that the County's money paying jurors was being wasted as well as the juror's time being wasted. They went down to 12 weeks a couple of years ago. It has been there for 2 to 3 years now. Now, they are seeing an upkick in the number of trials. This week is becoming more common. At one point, there were 4 trials going on at once. That is as many as can physically be done with judges, courtrooms and jurors. He said they want to make sure that they are always ready to try the cases when they go to trial. He said that they do not say there can't be a trial because of a lack of judges, jurors or courtrooms. That is why a look is going

to be taken at the number to see if they need to be increased. Both the State's Attorney's and Public Defender's offices will be affected so they will be consulted before final decisions are made. Plus, the way jurors are summoned now, there is a lag time of several months. It used to be done locally, but now it has to be done through Springfield and the vendor in Texas that sends out the summonses. This is just to give the committee information.

Mr. Oliver asked about the Springfield and Texas situations and commented that he has been noticing that the time between someone being charged and the time they go to trial seems pretty long, like weeks and months. Judge Webber explained that those locations have nothing to do with it. It has more to do with when the lawyers announce that they are ready to take the case to trial. That is a function of the State's Attorney and Public Defender or private counsel if they are involved in the case. For various reasons, sometimes cases are ready to go to trial quickly and sometimes it takes longer than most people would like. A lot of times it has to do with witness or evidence problems. The state crime labs are backed up months & months. Both sides wait for scientific evidence to come back from the certified crime labs. The wait is due to one side or the other not being prepared for trial. He said their position is that as soon as both sides say they are ready for a trial, they will give them a trial. He emphasized that the Courts will not postpone a trial because the Courts were not ready for a trial.

#### ***Coroner – No Report***

#### ***Court Services / Probation –***

Mr. Berter reported that they started the conversion of the case management system from Tracker to the new Tyler Technology System. There were 144,000 criminal cases that have been converted. A plan has been put into place with the department. There should be no gaps in services. Some of the staff have already been through the training. 7 computers have just been purchased for the interview rooms. Mr. Bellah will be assisting with that. Some scanners have also been purchased. He said they should be in good shape with the automation. Now it is a waiting game to get all the cases processed. Actual case files are not being converted. The officers will be responsible for that. There are about 2200 adult individuals that will be put in the system as far as adult probation cases. There are about 200 juvenile cases that will be input. There are about 700 community service cases as well. It is going to take probably a month to put all of these cases in, but a good plan is in place and the office should be in good shape.

Mr. Oliver asked how the marijuana stuff will be handled.

Mr. Berter said that with probation cases, he has already met with Judge Webber and the conditions of probation have been changed to reflect the new cannabis law that is going into effect. If someone is placed on probation for any sort of substance abuse issues, they will have to refrain from using cannabis just like they would from alcohol. Otherwise, if it is not a part of their probationary charge and it doesn't interfere with their thinking, then they would be able to use it while on probation.

#### ***Emergency Management Agency –***

***Macon County Board Resolution Approving an In-Kind Donation from the Howard G. Buffett Foundation of Atmos Weather Station, Data Logger and one (1) Year Cloud Data Subscription***

Sheriff Brown explained that the benefits of the weather station are situational awareness and change in conditions in real time for Macon County. It is a cloud based system. The information can be accessed remotely. This will be a valuable tool for monitoring during various events that occur when the EMA Office is not staffed. Data Sharing with Partners allows perimeters to be set as to what they can access. There is no limit on how many can be allowed to access this information. It will provide the responders with the wind speed and direction during various events to include, but not limited to hazardous materials incidents or nuclear facility emergency. Further application to the National Weather Service for certification as a storm ready county. One question on the application is if the weather monitoring equipment is on site at both the primary warning point which is the CIRDC (Central Illinois Regional Dispatch Center) which has this capability and the EMA office.

Mr. Gresham made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Mr. Oliver and the motion carried 4-0.

***Public Building Commission – No Report***

***Public Defender's Office –***

***Macon County Board Resolution Amending the Public Defender's FY2020 Budget for the Payment of an Expert Witness Testimony***

Mr. Ellison explained that there is, again, a situation where they have had to get a psychological report done on a case. The request is for \$1,600 to cover the cost for the evaluator to review and travel here for testimony. In this case, the court has reduced the bond on this person by about \$2,080. That has already been spent on this case. This is necessary for defense. The cost situation and expenses we have are kept in mind and it is appreciated that the court was gracious enough to reduce the bond so some of that bond money could be used to help in getting this done. There will be a trial and the evaluator will have to testify.

Mr. Holman made a motion to forward the resolution on to the Finance Committee with recommendation to approve, seconded by Mr. Gresham and the motion carried 4-0.

Mr. Ellison went on to report that his assistants are working at twice the capacity they are supposed to be working at. He said they have reached the point where they are saturated. There are 13 – 14 murder trials that will have to be done sometime in the next year. These are much more time intensive cases. On one of the murder cases, the office has nobody that can be appointed to it due to the ethical rules that have to be followed. There are conflicts in those cases of impropriety where no one that is there is qualified to handle the murder case. If someone ends up being a victim in a murder, any attorney that has ever represented that victim at any time can now not be appointed to the person accused of that crime. If you have witnesses in that murder trial, you cannot have contemporaneous representation. So, the people that are representing that witness in one case cannot be appointed on the perpetrator in that murder case. There are six people that would be qualified to represent someone in a murder case, but nobody can be appointed to this particular case. Mr. Ellison said he would have to go to the Court and ask them to appoint a private attorney who would be paid an hourly rate on this because we have to represent them. Mr. Ellison said he has a call in to the State Office of Appellate Public Defender's Office to see if there is any way or

if they have any resources to help out with this. If that is not the case, Mr. Ellison said he would have to have someone appointed. Because the office has reached such a saturation point with cases now, he said he would probably be having to come to the board and ask to hire another contract attorney or two that can handle these types of cases. With the explosion of gun violence there has been on Decatur's city streets, it is now catching up to the office. He said he was not asking for that at this point and would attempt to exhaust every resource he can, but it is getting to the point where some additional help is going to be needed. That is also part of the answer for Mr. Oliver when he asked earlier about the backlog for the people who are arrested and how long it takes to get to trial. Mr. Ellison said they have to be ready to give somebody a fair trial and they are ethically bound to not announce unless they are ready for a trial. Sometimes, with the current caseload, it is hard to get all of these cases done. People, including himself, are coming in working weekends and evenings. It is not from a lack of effort. It just seems that with the caseload and the way the cases are being handled through the State's Attorney's Office, they are jam packed and it is no fault of the court. The Court is always there and if there is a trial that needs to go or somebody announces ready for, they will have a judge there. This past week showed that. There is only so much everyone can do. Macon County can only afford so much for the criminal justice system. That money has to be spent wisely, but if that money cannot take care of it, we are going to be forced to come back and ask the County Board for more. That is the situation.

Mr. Holman asked about the money that is needed for an outside defense attorney and where it would come from. Mr. Ellison said the courts will determine how much that person gets paid on an hourly basis and it will come from the County Board's general fund. That is why Mr. Ellison said that if he has to ask the courts and the courts grant permission to have a private attorney appointed, the hourly rate for an attorney these days starts at \$200 an hour. To do a murder case, it will take 40, 50 or 60 hours of work depending on the complexity of the case. Generally, in these cases, there are a lot more witnesses, a lot more technical evidence, etc... There is a lot of preparation in presenting a solid defense, cross examine witnesses, meetings with the client, talking to witnesses. There was a murder case 10 to 15 years ago that was a three week trial. You're looking at a minimum of 30 – 40 hours of trial time. The reason for coming and asking for this, Mr. Ellison said is that it might be the lesser of two evils. It will be the least amount of money spent for more bang for the buck. By doing it this way, there would be no benefits involved. It would be a straight contractual amount. These contracts would be for people that can handle the more serious cases. Under the current contract, those contracted employees are paid \$18,000 a year. There are two of them. He said he could not ask them to take a Class X Felony or a murder trial because those are the types of cases that take up so much time. One of the Assistants under contract now, just handled a case that he was not required to do under his contract. He did it as a favor to our office because he is very loyal to the office. That just got completed this week and he got a good result. He said they have people that are dedicated, but there is only so much they can do.

Mr. Oliver asked what Mr. Ellison had done with his FY20 budget in trying to get some money set aside for this. Mr. Ellison said there is nothing in the budget. It has been cut to the bone. The vast majority of the budget is for salary. This year, probably 1,900 felony cases will be filed. That is high for this county. Along with that are the misdemeanors. There is just not enough budget to hire or have anyone else. There is no money in the budget to do that. Mr. Oliver suggested he speak with the Finance Committee and try to set up an anticipation fund to be set aside and used

during this fiscal year. Mr. Ellison said it is his understanding that the Finance Committee wanted him to cut his budget down to the absolute minimum with nothing padded in. That is why there is not a budget line for expert witnesses. He said he comes to the board only when they are needed. Mr. Gresham commented that the only line item that might have money in it was the miscellaneous line with about \$42,000. Mr. Ellison explained that a lot of that covers the Westlaw Contract. He said they have to have legal research available for them to do their job. There is nothing there. Mr. Oliver suggested that maybe it needs to be changed. He said that the Public Defender's Office should not be under so much strain to do their job. It has to be done by law. You are obligated to do that. Mr. Ellison agreed and said that if he had seen how this was going to play out when he submitted the budget last July, he would have probably have done that, but at that point in time, it had not reached the situation where they now find themselves. It is getting to the point where they don't have anything else to fall back on. Mr. Oliver suggested Mr. Ellison make another appeal to the Finance Committee and tell them what he has told this committee today and ask them to change the budget to accommodate the necessities of the office. Mr. Ellison said he would explore any and all other options before he would go to the board and ask for more money to try to hire a couple more contract people. No stone will be left unturned.

Mr. Oliver asked if there were guidelines from the state giving how much had to be done during a certain amount of time. Mr. Ellison explained that there was not that, but they have AVA Standards and that standard for felony cases is at 150 per year. The Felony Assistants in Macon County are closing out at 275 to 300 cases a year. That is what is happening. It has been happening for a while. He said they've been able to handle it until about the last 3, 4, or 5 months. Then things started backing up.

#### ***State's Attorney's Office – No Report***

#### ***Sheriff's Department –***

#### ***Macon County Board Resolution for the Transference of Funds from At Risk Services Fund to Purchase Ballistic Vests***

Sheriff Brown explained that the amount to be transferred is \$64,000 for the purchase of 37 ballistic vests for the deputies. It will be coming from the At Risk Services grant which is 9300 and going into the 060 account equipment line 9040.

#### ***Macon County Board Resolution for the Transference of Funds from At Risk Services Fund to Purchase Motorola Radios***

Sheriff Brown explained that this money also comes from the 9300 account and will go into the 060 account to purchase 54 Motorola radios at the cost of \$252,000.

Vice Chair Kraft asked if Animal Control would be getting the used radios. Sheriff Brown said that Animal Control would actually use some of the current used radios.

This has to be done because of the timeframe because of the \$500,000 from the property – obviously it has not sold as of yet. The At Risk Services Fund will no longer be needed because

the treatment center is here in town. So, instead of returning those funds, they are being transferred in order to purchase the needed equipment.

Mr. Gresham made a motion to forward both of these resolutions on to the Finance Committee with recommendation to approve, seconded by Mr. Holman and the motion carried 4-0.

**CITIZEN REMARKS – PUBLIC COMMENT** – None

**Old Business** None

**New Business** - None

**Closed Session** – None needed.

**NEXT MEETING** January 23, 2020

Mr. Oliver made a motion to adjourn, seconded by Mr. Gresham, the motion carried 4-0 and the meeting was adjourned at 3:27 p.m.

Minutes submitted by Jeannie Durham , Macon County Board Office