

JUSTICE COMMITTEE MEETING
January 23, 2020 @ 3:00 P.M.

MEMBERS PRESENT

Greg Mattingley – Chair
Debra Kraft – Vice Chair
Jim Gresham
Lloyd Holman
Verzell Taylor (arrived @ 3:05 p.m.)

MEMBERS ABSENT

Dave Drobisch
Bill Oliver

COUNTY PERSONNEL PRESENT

Sherri Doty, Circuit Clerk’s Office
Dave Ellison, Public Defender
Jerry Lord, PBC
Sheriff Tony Brown, Sheriff’s Dept
Pat Berter, Probation
Mike Baggett, State’s Attorney’s Office
Adam Walter, Sheriff’s Dept
Judge Bollinger
Carol Reed, Auditor
Jeannie Durham, County Board Office

APPROVAL OF MINUTES OF PRIOR MEETING

Ms. Kraft made a motion to approve the minutes from the 12/19/19 Macon County Board Justice Committee meeting, seconded by Mr. Holman and the motion carried 4-0.

CLAIMS

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

REPORTS

Circuit Clerk – No Report

Circuit Courts – No Report

Coroner – No Report

Court Services / Probation –

Mr. Berter reported that he had gotten some good news yesterday. He explained that he had met with Dan Hunt, the new Assistant Director for the AOIC. He used to be the Director in Peoria County. The meeting was to talk about funding. He is aware of our situation. They had experienced a little of it in Peoria County. It may get changed. What happens is if a position is lost, the funding is lost. There are some positions in the office that they pay only \$12,000 a year salary subsidy. Mr. Berter said he has requested for several years now for those positions to be transferred from salary subsidy to grants and aids so more money would be received. It is probably going to happen. So if anyone is lost through attrition, those positions should be transferrable from salary subsidy to grants and aid. There is also an upcoming meeting with his box, Marcia Mize in the next couple of weeks. He has spoken with her about our situation and she really wants to know what is going on. Since 2002, the staff of 72 has gone down to 30 including the Director. That did include the detention center, but it’s important that everyone from the state level know what is going on. Mr. Hunt sent a follow up email today saying he would circle back next week to let Mr. Berter know what is going on.

Mr. Gresham asked about the salary subsidy. Mr. Berter explained that there are three different classifications for funding that the state gives through AOIC. Pre Trial is full funding, Grants & Aid is full funding. There are two positions there where they will pay up to \$58,000 - \$59,000. The third is Salary Subsidy where they will only pay up to \$12,000. There are 6 individuals in the department that are salary subsidy. So, with their salaries and only getting \$72,000, the county has to come up with \$353,000 to cover the gap. Mr. Hunt is very smart and very forward thinking and it should help us out.

The conversion go live date for the Tyler Technology is being moved up to 2/3 from 2/10. That will give 2 weeks to get clean information into the system.

Emergency Management Agency – No Report

Public Building Commission – No Report

Public Defender's Office –

Mr. Ellison reported that the office has lost another attorney. She left to become the head Public Defender in Christian County. The position has already been filled. The new person will start this coming Monday. The office will still be totally at full strength as of Monday. The last two positions that were lost were due to the employees going to accept head Public Defender positions in other counties. That shows how our office works. He said he is happy for the good opportunity for them, but sorry to see them go.

Mr. Gresham asked about what happens when someone leaves. Mr. Ellison explained that when that happens, one person comes in and takes the caseload. With the other person, someone was promoted from within and someone new was hired in the starting out position.

Chairman Greenfield asked Mr. Ellison about his discussion with him about the need for more funding and what the minimum amount he could live with. Mr. Ellison explained that he would like to have \$60,000 more so he could get two conflict attorneys, but if that would be too much, then \$30,000. Mr. Greenfield asked about the 12-14 pending murder cases that take up a tremendous amount of time, effort and resources. Mr. Ellison explained that that is what a new conflict attorney would be for. It wouldn't be for lower level items, but for the more labor intensive, time consuming cases. If the attorneys could be freed up from having to do those cases, it opens up so they can handle more of the regular cases, which is what the office normally handles. It is very unusual for the office to have to handle so many murder cases at one time. That is based upon what has occurred out in the community. There was a time about 25 years ago when there were that many cases in a year, but now a new peak has been reached with the gun violence and the things that are occurring out on the streets. Chairman Greenfield asked if \$60,000 would be sufficient. Mr. Ellison explained that that would get two conflict attorneys that could be used on the more time consuming, Class X and Class 1 type cases. It has gotten to be where it is very difficult to get cases resolved for numerous reasons. The time the attorneys are spending on the individual cases is getting to be more and more. Mr. Greenfield asked if they meet with the judges to get an idea of what the judge would give. Mr. Ellison said that 402D Conferences are held where the attorney from the Public Defender's Office and the attorney from the State's Attorney's side meet with the judge. Both attorneys give the judge their opinion about the case, facts in the

case that the judge would only find out about if there was a trial or a recent report. Then an idea is gotten from the judge of what a potential sentence might be. Sometimes an agreement with the State's Attorney's Office is arrived at and sometimes not. Sometimes, even though the judge might say he thinks three years, maybe the State's Attorney's Office is not willing to do that or maybe the client is not willing to accept it. Those are utilized as much as possible. It is very important to try to get cases resolved before going to trial because it saves the County money. It gets people out of the jail system quicker, expenses for jurors are not incurred, but it just seems that everything gets jammed up into the trial calls. People are waiting in jail. We need to get them done before that to be more cost effective.

Chair Mattingley commented that he and Jack Ahola used to spend a lot of time meeting and discussing cases before they even got to pre-trials and probably resolved about 33% of the cases before the first time they seriously walked into a courtroom. He asked if that is still being done. Mr. Ellison said no. The way it works now is that he receives an email with offers that he has to give to his clients. They are generally 3 to 5 days before a hearing. He then can email back a counter offer, but they are not talking before they get to the preliminary hearing. It is just through emails. He explained that when he gets an offer, he has to give it to his client and they can either accept or reject it. Over the last 6 months or so, he said he is pleading very few cases at the preliminary hearing stage. He said if he can do that, it is going to be more effective because they are getting people out of jail quicker and not having to set things for trial which then requires a judge to bring in more jurors and the cost associated with that. Chairman Greenfield asked if that was due to the judges or the State's Attorney or where is the communication breaking down and where can it be worked on. Mr. Ellison said that if they could meet before the offers are made and they could talk about the offers and see what could be come up with and presented to the client, he said he thought it might increase the probability of getting cases resolved quicker.

Mr. Holman asked what types of cases this applies to. Mr. Ellison explained that he deals mostly with felony cases, knows that in misdemeanor cases the office is getting offers quicker. He said he had just met with Judge Hubbard, the Traffic judge and they are thinking about instituting a system in traffic court where the offers will come faster so they can be gotten to the clients at the very beginning of the case and try to get them resolved. He said they are trying to work on things to get things to move quicker through the system. Most of the time, things are resolved. It's just a matter of the timing of getting them resolved that is so important costwise. The more people there are sitting in jail because of waiting to go to trial, the more costly it is. Getting them resolved so they can either go to the Department of Corrections if that is ultimately the way the case is decided or they can get into Probation quicker. That saves a lot of money for the County because there are three basic players in the system; the judges, the State's Attorney's office and the Public Defender's Office. He said he is worker harder to try to get it more efficient and two more people would help do that.

***Sheriff's Department –
Macon County Board Resolution for the Transference of Funds from At Risk Services Fund to
Purchase Ballistic Vests***

Chief Deputy Adam Walter explained that this is in addition to the previous resolution because the number of vests needed was not as accurate as it needed to be. It is for \$5,000 to be transferred in order to make the purchase.

Mr. Gresham made a motion to forward both of these resolutions on to the Finance Committee with recommendation to approve, seconded by Ms. Kraft and the motion carried 5-0

Macon County Board Resolution Approving Donation from the Howard G. Buffett Foundation to the Overtime Fund

Chief Deputy Adam Walter explained that the Sheriff's Office has done a warrant detail program starting in March, 2018. The Sheriff's Office currently has approximately 3,800 active warrants on file. Since the program began in March, 2018, 576 warrants have been cleared out through this program. The Sheriff's Office requires additional funds to cover budget overtime expenses for the warrant apprehension program that involves locating and apprehending persons with warrants for their arrests including violent felonies to help make Macon County a safer place. The assistance to the Macon County Probation Department for unannounced high risk probation checks. The Howard G. Buffett Foundation has agreed to donate \$75,000 to the overtime fund. Approximately once a week a group of six deputies go out and attempt to serve warrants in Macon County which includes Decatur. It is usually about a 4 to 5 hour detail per week. This is overtime for the deputies which would be paid for by the donation.

Mr. Gresham inquired about overtime costs for the past year. Deputy Walter said it was under the \$75,000. This is usually done from March through the week before Thanksgiving in November. This is not done through the holidays sometimes it requires sitting outside of a house for a couple of hours, so it is not done through January & February when it is really cold.

Ms. Kraft made a motion to forward both of these resolutions on to the Finance Committee with recommendation to approve, seconded by Mr. Gresham and the motion carried 5-0.

***State's Attorney's Office –
Macon County Board Resolution Authorizing Disposal of Surplus Property by the State's Attorney's Office***

Mr. Baggett explained that they have several laptops, computer tower monitors, etc... that are all obsolete machines. Some of them are 11 – 12 years old. Some are a little newer, but broken. He said they would like to dispose of them because they are taking up quite a bit of space.

Ms. Kraft made a motion to forward both of these resolutions on to the Finance Committee with recommendation to approve, seconded by Ms. Taylor and the motion carried 5-0

Mr. Baggett went on to report that they are going to be down one attorney on Monday. Susan Moorehead is leaving the office to go to work for the Public Defender's Office. She has been the traffic attorney since 2014. She used to be with the Child Support Division before that. She has been with the office for quite sometime. He said they are sad to see her go. The position is being advertised, but have not found anyone yet. At the same time, in about 2 weeks, the office will be

losing two attorneys to parental leave. They will be gone for about 12 weeks. He said they would be scrambling to cover those two positions along with the covering the Traffic position until a replacement can be hired. Plus, there is one attorney that may have to go out on extended medical leave. He said they are trying to hold that off until after the parental leave, but circumstances may not permit. The office could, conceivably be down four attorneys for some period of time in the very near future. With a staff of only 17 attorneys, that is going to be putting quite a crimp in how the office can function. Only one of those positions can be replaced. He said they would be struggling for a bit.

Mr. Baggett explained that as far as the issues that were discussed earlier, he said he could not / would not speak as to exactly what the opportunities between the Public Defender and State's Attorney can be. That would be Mr. Scott's prerogative. He could not be here today because of a conflicting meeting. Mr. Baggett said he would let him address that in the future. He will read the minutes of this meeting and glean from it. Mr. Baggett said every effort they can is made to try cases as expeditiously as possible, to dispose of cases without the necessity of trial when possible, but at the same time, making sure that they are upholding their end of the bargain with respect to make sure justice is done in terms of the victims in some cases. There are offers that they make that cannot be lowered just based on the circumstances of the defense and based on what they feel is appropriate and proper. There are times when low offers are made and the Public Defender's Assistant's clients don't want to take. Sometimes there just cannot be a meeting of the minds and a person's liberty is at stake. He said they are conscious of the issues and do not disregard those, but there are factors at play that simply cannot be worked around sometimes.

CITIZEN REMARKS – PUBLIC COMMENT – None

Old Business None

New Business - None

Closed Session – None needed

NEXT MEETING February 27, 2020

Ms. Kraft made a motion to adjourn, seconded by Ms. Taylor, the motion carried 5-0 and the meeting was adjourned at 3:23 p.m.

Minutes submitted by Jeannie Durham , Macon County Board Office