

**LAW AND JUSTICE COMMITTEE
MINUTES
February 26, 2007**

The Law and Justice Committee of the DeKalb County Board met on Monday, February 26, 2007 @ 6:30p.m. in the DeKalb County Administration Building's Conference Room East. Chairman Richard Osborne called the meeting to order. Members present were Sally DeFauw, Marlene Allen, John Hulseberg, Howard Lyle, Mr. Ken Andersen and Ms. Ruth Anne Tobias. Others present were Margi Gilmour, Ken Johnson, Ray Bockman and Judge Klein.

APPROVAL OF THE MINUTES

Moved by Mr. Hulseberg, seconded by Ms. Tobias, and it was carried unanimously to approve the minutes for January 2007.

APPROVAL OF THE AGENDA

Chairman Osborne asked to amend the agenda to add the Coroner's Annual Report and ESDA's Annual Report.

Moved by Mr. Hulseberg, seconded by Mr. Andersen, and it was carried unanimously to approve the amended agenda.

PUBLIC DEFENDER'S SALARY DISCUSSION

Mr. Bockman, DeKalb County Administrator, explained a letter that he sent to the committee in advance of the meeting. In the letter he recommends that the committee officially recognize the Public Defender's Office as a full-time position and to permanently set the compensation level at 90% of the State's Attorney's salary.

The State Department of Revenue's position is that they will reimburse the position, whether it is part-time or full-time. He thinks that the position is full-time and to entertain a notion that it is not is a continuation of a legal fiction.

Ms. Tobias asked if the County is responsible, if we pass this, for the salary if the State does not reimburse it?

Mr. Bockman said yes. What we are talking about is that the State reimbursement is really a separate item as to whether or not this position is full-time. The State reimbursement is not tied to it being full-time. The compensation policy here is designed to attract and retain qualified people. If we are going to have a full-time Public Defender and we are going to comply with the state law then we will pay the 90%.

It was moved by Ms. Tobias, seconded by Mr. Andersen, to approve the request from Mr. Bockman to recommend the Public Defender's position as a full-time position and to be paid 90% of the State's Attorney's salary, and to forward this recommendation to the full board for approval. Discussion followed.

Mr. Andersen asked what the term of office is for this position?

Mr. Bockman said that it is not a term, the position is appointed by the Judiciary. The person chosen serves until removed or resigns.

Mr. Bockman said that the other choice that the County has is to continue paying the Public Defender at a part-time position. If you pay less than 90% of the State's Attorney's salary then you also have to adopt a position that it is part-time. Part-time under the statute says that the public defender may have a private practice, in addition to serving as the public defender. Mr. Bockman further stated that the problem that he has with this statement is that he doesn't believe that there's time to have a meaningful private practice and carry these duties out.

Mr. Andersen asked how many hours do they work?

Mr. Bockman said that there are no specified hours.

Mr. Hulseberg asked how often does the Judiciary review the Public Defender's position?

Judge Klein said that it is hardly ever reviewed unless a problem is in the office. He said they have pending discussions he thinks that this will be adopted and it will be put on a formal review status. He continued by stating that the issue is if we spend \$139,000.00, then you should get the best person possible to fill the position.

Ms. Allen asked if all circuit judges vote in the hiring of the Public Defender?

Judge Klein said yes. Judge Klein said that it will take a month for the applications to come in, then review them and then hold interviews. In May he feels they will hold a meeting and an appointment for a Public Defender will be made.

Mr. Andersen asked Mr. Bockman if we have money in the budget for this amount?

Mr. Bockman said yes, this is what we budgeted for going into this year.

The resolution was passed with a unanimous vote.

ESDA 2006 ANNUAL REPORT AND THE CORONER'S 2006 ANNUAL REPORT

Mr. Dennis Miller, DeKalb Count's ESDA Director and Coroner presented his ESDA Annual 2006 Report for the committee (see report attached to these minutes).

He said that Homeland Security and terrorism is still a buzzword for the nation. We are in compliance with the NIMS System.

They are in the process of developing a Hazard Mitigation Plan for the County. This will enable the County to require federal funds for mitigation projects.

Last year they held a full scale exercise that took place at NIU's Convocation Center. It was a worthwhile program and many board members took part in the exercise.

Coroner's Annual 2006 Report

Mr. Miller then covered the Coroner's Annual 2007 Report for the committee (see report attached to these minutes).

He stated that the numbers went down by 40 last year, which is good news (see page 4). Suicides went up last year by almost double. They included all ages, said Mr. Miller, from 16 years of age to 75-80 years old. Cremations have gone down a little bit.

The committee thanked Mr. Miller for both of the reports.

PUBLIC DEFENDER'S REPORT

Mr. Ken Johnson, DeKalb County Public Defender, said his office closed 20% more cases last month than they opened. He said that the felony numbers in January 2007 were consistent with last year's numbers. The juvenile numbers were bumped up just a bit.

His office is running very well and he wished to inform the committee that he will not be reapplying for the public defender's position. He will stay on as the Interim Public Defender until a replacement is hired.

COURT SERVICES REPORT

Ms. Margi Gilmour, Director of DeKalb County Court Services, reviewed her Adult Report, which shows 30 new active cases were opened for January. They have 460 active adult cases now, she further stated.

In her Juvenile Report, Ms. Gilmour, said that they had 4 kids in placement and 2 of them have already been released and sent back home. There were 4 kids that were detained in the month of January with 3 kids detained once and one kid detained for the 2nd time.

Court Services Annual 2006 Report

Ms. Gilmour then reviewed her Annual 2006 Report (on file in the Court Services Department). She stated that on page 8 it describes the juvenile unit. Pages 10, 14, 15 are statistical information for the committee's review. Page 17 is the Intergovernmental Agreement information. Ms. Gilmour reviewed the background information on the Intergovernmental Agreement with Kane County. That money lasted us until 2006. A new Intergovernmental Agreement

that was agreed to, guarantees DeKalb County 7 detention beds for a rate of \$80 a day, she further explained.

Ms. Gilmour continued by stating that in 2006 their service days increased by 24% and their detention admissions increased about 30%. Their average daily population there was 5.3 minors.

Ms. Allen asked who determines electronic home monitoring?

Ms. Gilmour said that the judicial does and sometimes probation officers may suggest it.

On pages 24 – 27 her report covers various programs that they run. The Summer Camp is one of them and they are trying to get that up and running again for this year.

Ms. Tobias asked if there was an age limit for Juveniles in the Drug Court?

Ms. Gilmour said that our Drug Court is for Adults.

Ms. Tobias asked if we need one for juveniles?

Ms. Gilmour said that there are some kids here that could use it.

On Page 40 it shows that under the Community Restitution Services Program in FY2006 a total of 247 worksite visits were conducted. This amounts to 28,000 hours times the minimum wage totaling \$156,000 in savings to these businesses.

The committee thanked Ms. Gilmour for her very informative report.

JAIL REPORT

Chairman Osborne said that the Jail Report for the month of January shows that the average daily population in the jail was 106. He also mentioned that the County spent \$35,000 last month.

ADJOURNMENT

Moved by Mr. Andersen, seconded by Mr. Lyle, and it was carried unanimously to adjourn the meeting.

Respectfully submitted,

Richard Osborne, Chairman

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