

**LAW AND JUSTICE COMMITTEE
MINUTES
January 22, 2007**

The Law and Justice Committee of the DeKalb County Board met on Monday, January 22, 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, Ken Andersen and Ruth Anne Tobias. Mr. Howard Lyle was absent. Others present were Margi Gilmour, Ken Johnson, Marilyn Stromborg and Presiding Judge Kurt Klein.

APPROVAL OF THE MINUTES

Moved by Ms. DeFauw, seconded by Mr. Hulseberg, and it was carried unanimously to approve the minutes for December 2006.

APPROVAL OF THE AGENDA

Chairman Osborne said that he would like to add the Judiciary Update to the agenda and to add it as 4A. right after the Drug Court Report.

Moved by Ms. Allen, seconded by Ms. Tobias, and it was carried unanimously to approve the amended agenda.

DRUG COURT REPORT

Ms. Marilyn Stromborg, Special Court Administrator, said about one year ago (December 2006) Judge Klein asked her to help create a drug court planning committee to set up a drug court in DeKalb County. A few of the people that were on the planning committee were Margi Gilmour, Court Services Director, Ken Johnson, Public Defender, Judge Stuckert, the Mental Health 708 Board Chairman, a representative from Ben Gordon, Ron Matekaitis, Sgt. Kathy Christiansen and a Dr. Webster. They met every week for an hour and a half and over a year's span planned it. The key people were sent to Reno, Nevada for training for one week. They started drug court on October 20, 2006. Drug Court is a felony court for non-violent addicted felons who have to plead guilty to their charges and in open court admit that they are addicts. They then enter into a highly structured, highly supervised plan that at the minimum lasts 14 months. They went from the planning committee to the actual team where everyone has one vote and the judge has one and a half votes. They meet every Friday at 9:30a.m. to 11:00a.m. and then drug court opens from 11:00a.m. to 12:00noon. The staffing period is when they make decisions about the defendants. They have two deputies from the Sheriff's Department monitoring their electronic home monitoring which they put each defendant on at the beginning of the program. They hired Greg Renaud who is their part-time case manager. Greg is a retiree of the Aurora police department and worked there for 30 years in undercover narcotics and vice.

When they met as a team their maximum number that they thought they could accept would be 100 defendants. They decided that they were only going to allow 15 defendants for the first year. They currently have 8 participants, who include, 3 women and 5 men (please see her report attached to these minutes.)

The substance abuse treatment providers that have contracts with the DeKalb County Drug Court are: Gateway Treatment in Lake Villa, Renz Addiction Counseling in Elgin, Roscrance in Rockford, Cornell Interventions in Woodridge, Gateway Treatment in Aurora, Ben Gordon Center, Braden Counseling Center and Acupuncture Health Center in DeKalb.

The budget for the drug court was blessed by the State of Illinois when they passed two statutes. Ms. Stromborg said that one of those allows us to tack on \$5.00 on a guilty plea on traffic violations and the second one allows us to tack on \$10.00 on a guilty felony case. To date she has been running about \$10,000 to \$11,000 a month, which is an absolute blessing.

The Drug Court pays for the first “x” number of days of treatment, and then the defendant goes on DASA (Department of Alcohol and Substance Abuse) funding. The same thing, with all the assessments, and with IOP (Intensive Outpatient) they do the same thing. The County Drug Court pays for so many days and then they go on DASA funding.

Ms. Tobias asked if anyone pays for his or her own insurance? Marilyn said that she believes that one woman does have her husband’s insurance pay for her treatment. She said that they do expect that once these 8 people get jobs that they need to pay for these things.

Ms. Stromborg said that there is criteria that these people need to meet before they are considered for the drug court. She said that she does the screening along with the Public Defender. Then the case goes to the State’s Attorney for right of first refusal. She has interviewed 19 people and only 8 people have been accepted because we are very selective.

Finally, Ms. Stromborg said that she would be submitting a grant for a Drug Court Implementation Grant due March 6th. She will continue to collect funds from guilty pleas on felony and traffic cases.

The committee thanked Ms. Stromborg for her report and stated that it sounds like the court is very successful.

JUDICIARY INTRODUCTION

Presiding Judge Kurt Klein introduced himself to the committee. He explained the 16th Judicial Circuit makeup to the members. He said that the 16th Judicial Circuit is composed of three counties, Kane, Kendall and DeKalb. He said that currently we have one other judge assigned to us for court. That associate judge is split between our county and Kendall County. He reports here about one or two days a week.

We may be able to get another associate judge assigned to the circuit and they are working with Justice Thomas to try and get that passed. Should that come to pass he hopes that the judge will be able to report to our County for three days a week.

The felony, misdemeanor, and serious civil caseload is not expanding greatly. The cases that are exploding on them right now are the traffic caseload and the divorce caseload. The judges that we have right now are getting further and further behind trying to handle those two calls, said Judge Klein.

Ms. Tobias asked the Judge to explain the Children's Waiting Room to the committee members.

Judge Klein said that the Children's Waiting Room was created to accommodate the children that defendants bring to the courthouse. It helps to keep the children out of the courtrooms that they do not belong in. It is a secured room, he further stated. He said that they receive a stipend through legislation, about \$5.00 collected from each civil filing only.

Mr. Hulseberg asked Judge Klein if the CASA numbers are growing? Judge Klein said yes, it is always growing.

COURT SERVICES REPORT

Ms. Margi Gilmour, Director of DeKalb County Court Services, explained her reports to the committee members. She said that they handled 700 cases in the month of December 2006 in her Adult Report. Each adult officer handled between 100 to 125 cases each, she further explained.

In her Juvenile Report, Ms. Gilmour, said that they had 4 kids in residential placement.

They had 7 kids that were detained in the month of December with 5 kids detained for the first time, 1 for the second and 1 for the 14th time.

PUBLIC DEFENDER'S REPORT

Mr. Ken Johnson, DeKalb County Public Defender, said that his department is under budget. As far as the caseload goes, there was no big rise in numbers or lowering of numbers for the month of December.

Mr. Johnson then informed the committee that his office is having a very tough time dealing with what is happening with his position currently. He stated that a bill was recently passed that the State reimburse the counties for the salaries of the public defenders at 66 and 2/3rds and somewhat mirrors the State's Attorney's Office. After that passed it was never funded. He and a group of other public defenders in the State helped to personally fund their own assistance and the counties in getting this legislation funded. They were successful in doing that in 2006 and therefore July 1, 2006 the Public

Defender's salary was getting reimbursed 66 2/3rds mirrored to what the State's Attorney's salary does.

When the funding came about the County passed a resolution, which increased his salary and requested a reimbursement from the State of Illinois. A memo went out from the Presiding Judge indicating that his position was a new position and therefore he would interview candidates for it. Absent the opinions from numerous people in this room that it was not a new position. He was told that he would need to re-interview for his job.

Regarding his position, he was told that his original appointment order from 2000 could not be found and therefore he was never our public defender. So since 2000 he has not been the County's public defender. He is now considered the Ad Hoc Public Defender and they entered an order appointing him as the County's Interim Public Defender. Last Thursday he received a letter stating that his salary was reverted back since funding has run out. The position that he originally held, he was told it was a new position and that he had to interview for it and has now reverted back to his original position. He now has to interview for the public defender's position because he was told that he was never our public defender to begin with.

If you people only knew what it does to the morale of my office, said Mr. Johnson, it is devastating. "I have secretaries wanting to know if I will be coming back, he has attorneys who want to know if they should be looking for new jobs," said Mr. Johnson. "I have put together an office with the Public Defender's Office of some of the best individuals that are part of my family. They are not just my employees. We spend weekends together, we go to dinner together and we go out on a regular basis together. Our spouses are friends, our kids play together. We have put together one of the best offices in this County. It runs efficiently and very, very well for what you pay my attorneys." Mr. Johnson further stated. For the past few months I have attorneys jumping ship because they don't know what's going to happen to them. I have myself wondered why I continue to put up with things that I have to put up with on a regular basis, and it's become a very difficult situation.

I have never once complained or asked for something that I did not need from this committee, but I just want you all to be aware about what is going on - it is just not right. That is all that I have to say about that.

Mr. Andersen asked, when did all of this start?

Mr. Johnson said over the last 3 maybe 4 months. I received notice to vacate from position of office, when I was on my honeymoon.

Ms. Allen asked when he applies for this position will you be able to have an interview?

Ms. Tobias said that she spoke with Judge Hudson who is the Chief Judge and manages the circuit. He said that the issue was that even if he worked full time he was only being paid part time. That if it became a full time

position that the funding would be reversed. When all of this happened she called Judge Hudson to complain and he said that they would have a committee of judges. He didn't think that he could do anything about the situation as it was but that he would make sure that the hiring and interview process would be above board. She has not heard anything else about it. Now that the money has run out for the reimbursement then it goes back to the original situation.

Mr. Johnson said that when he was hired back in 2000 he was told that he was the part time public defender because they could not pay him the mandated 90% of the State's Attorney's salary. The County made that determination. Which allows for the private practice outside of the office. Due to the constraints and number of cases and number of people that you have to manage in that office it is an impossibility. I did attempt to do that in the beginning, but came to realize that there are just not enough hours in the day. When you are spending 40 to 60 hours a week managing one office, you can't start a business and go outside somewhere else, it's just an impossibility.

Never once did he complain about his salary when he was part time because it paid very well, it was very decent. He never came before this committee and complained that he was not being paid enough because across the board knowing the public defender system, he knew that coming in here. He would not have taken the job for that salary if he had thought that it was such a terrible salary. He continued to do that then and now. They finally went supplemental and because of the reimbursement and increase of his salary for some odd reason a determination was made that it was a new position, and his responsibilities have not changed. He has always done it, so now he is appointed as the Interim full time Public Defender and he received the notice that he was never the public defender, so now he is appointed as the Interim Public Defender and he was told he was the Interim full time public defender so that he could receive full time benefits. Now he is being told that he reverts back to his part time position and that he can practice law outside the office.

It's an up and down rollercoaster and he has battled it and battled it well. However, in all honesty the way his office has been treated is like a slap to the head and an insult to the people that work for him.

Mr. Andersen asked, "and all this is coming about because of.....?"

Mr. Johnson said it's a good question. It makes no sense because it does make no sense. "If you want to come to my office, I will be happy to talk to you in a little greater detail," said Mr. Johnson. There are constraints here so I will bite my tongue.

Ms. Allen asked, "If you were hired illegally, how did you get on the payroll?"

Mr. Johnson said that's a good question. He said that for seven years he has been paid and the County has never missed a paycheck for him. For seven

years he has faithfully attended this committee meeting and he believes that he has missed one committee meeting.

Ms. Allen asked if there was any documentation?

Mr. Johnson said, I have a letter that hires me, but my appointment order, I guess, could not be found.

Ms. Allen said that she doesn't understand it and Mr. Johnson agreed that he doesn't either. The judicial process is supposed to be fair said Ms. Allen.

Mr. Johnson said that Judge Hudson has been forthright and have answered all the questions that he has asked him. Judge DiMarzio has always had an open door to him too. He believes that he is on the committee to search for a new candidate and is not allowed to talk on it now.

Ms. Allen asked if the State would ever fund the public defender's position?

Mr. Johnson said that he does not know and that it is up to Springfield.

Mr. Johnson said that in all fairness to the County, they told him that his position was going up to the full time position and that salary would go up, that he would have to sacrifice the hope of a private practice at that time. He totally knew that. They indicated to him, and they were honest with him, that if that funding runs out, then his position and his salary will revert back to his old salary. He never once questioned it and never said it was unfair. It was his understanding that it could happen and if it did happen he would have to revert back and he understood that. But it was not brought to his attention that when we did this that he would have to reapply for his position. Why would I pay for a lobbyist to raise my salary to lose my position, that is insanity.

He said that his position would not be funded as of the last payroll in February 2007. So as of March 1, 2007 he reverts back to his part time position, which is really a full time position, but they call it part time. If you look at the County's order, there is an order from about fifteen (15) years ago from the Circuit Judge of the 16th Judicial Circuit making the public defender's office a full time position.

His complaint is how this issue is being handled and how he and his office are being treated.

Ms. Allen said it is being advertised falsely then for a full time position. He also has made Judge Hudson aware of the letter that he has received and he is aware of the position as posted. He said that he is not saying whether it's right or wrong, he was just told that it is no longer a full time position as of March 1, 2007.

Mr. Hulseberg asked if the committee is made up of judges?

Ms. Tobias said yes, that is what Judge Hudson told her, it is for the circuit.

How many judges will be on there? Asked Ms. Allen.

Mr. Johnson said that he believes six will be on there. The process has not been revealed to him in great detail.

His position is already posted and the application process ends the first week of March 2007.

Mr. Johnson reiterated that Judge Hudson has been very helpful to me to try and straighten this all out. He is the person who actually called Mr. Johnson on his honeymoon to let him know that this was going because he wanted to know what was going on.

Just to make you aware that you had an office that ran, in his opinion, flawlessly with people who have had ten, twelve years of service who are wonderful people, who don't know if they will be here tomorrow. If you look at the turnover in my office, there is none. The only time people leave his office is to take bigger positions. He lost his first assistant to take the head position in Kendall County. He lost one of his girls to cancer and fortunately she beat that. The people who work for him are wonderful people. Within the last few months he is being listed for references for job applications because they don't know what will happen. "You had something that was functioning so well, that people from this community could be proud of," said Mr. Johnson. He doesn't pay his secretaries very much and they show up everyday and never complain. "they do overtime without complaining about it. They do whatever it takes. They are just wonderful people," he said. They call him on weekends to remind him of things that need to be done. "They are just wonderful people, he said. But they don't know where they are going to be tomorrow and that just isn't right. As far as the morale goes, it is an embarrassment as to what is being done," said Mr. Johnson.

Mr. Johnson said that he has an open door policy and he has always had one. If anyone has any questions they can come to his office, where he is located in the basement of the courthouse.

He understands the nature of politics and the business, and he is not one to say that certain things aren't done for certain reasons.

He has just thought long and hard about what is being done, thank you all, said Mr. Johnson.

JAIL REPORT

Sheriff Scott said that the Jail Report for the month of December shows that the average daily population in the jail was 92, which would explain why

we spent a little over \$23,000 for that month for inmates being housed outside of the county.

ADJOURNMENT

Moved by Ms. Tobias, seconded by Ms. Allen, and it was carried unanimously to adjourn the meeting.

Respectfully submitted,

Richard Osborne, Chairman