

**LAW AND JUSTICE COMMITTEE
MINUTES
October 18, 2010**

The Law and Justice Committee of the DeKalb County Board met on Monday, October 18, 2010 @ 6:30p.m. in the Legislative Center's Freedom Room. Chairman Marlene Allen called the meeting to order. Members present included: Riley Oncken, Stephen Reid and Anita Turner. Michael Stuckert and Derek Tyson were absent. A quorum was present. Others present were: John Farrell, Sheriff Roger Scott, Dennis Miller, Gary Dumdie, Jolene Dodsens, Margi Gilmour and all attorneys and some staff from the DeKalb County State's Attorney's Office.

Mr. Tyson arrived at 7:04p.m.

APPROVAL OF THE MINUTES

Moved by Mr. Oncken, seconded by Ms. Turner, and it was carried unanimously to approve the minutes from September 2010.

APPROVAL OF THE AGENDA

Moved by Ms. Turner, seconded by Mr. Oncken, and it was carried unanimously to approve the agenda

FY2011 BUDGET DISCUSSION

The committee discussed the five appeals that are relative to their committee regarding the FY2011 Budget.

Item #17: Require the State's Attorney's Office to meet the 5% budget reduction target which would further reduce their budget by \$45,200.

The committee heard from State's Attorney, John Farrell, regarding this appeal. Mr. Farrell said that when he became State's Attorney he decided to remain Chief Civil Attorney and handle the child support caseload himself instead of hiring a separate attorney to handle it. By doing so, they decided to create a contract position and they were going to have an assistant on staff to handle the child support cases. He said that this has always been an issue in this County since everyone has said that we really need a civil assistant and separate the child support out. He held on to all of the duties of the Chief Civil Assistant and created a contract position to handle the child support caseload. The first attorney hired, at the time, was hired on at a full-time status. Another attorney was hired with a salary that did not include benefits and a contract through December 1st of this year. As a result of this action it saved the County \$90,000 in the last 18 months and that includes the benefits.

When he became State's attorney he and his staff sat down and looked at every possible way to cut costs in their budget through the education, travel expenses, and expert witnesses fee line items, etc. They submitted their budget proposal to the Board through Mr. Bockman and Mr. Hanson showing a cut of \$42,500.00 out of their budget. Mr. Farrell said that his office can't afford to lose an assistant state's attorney position. The situation is, if this appeal is approved, they will lose a misdemeanor attorney. They have cut everything to bare bones and now its personnel. This isn't all - because the county board has come back now saying that the alternate budget that does not include a property tax increase - has one suggestion, which is that we lose an assistant state's attorney position which is a misdemeanor attorney. This means that if this appeal is recommended by you tonight, said Mr. Farrell, and we lose the other spot, his office will be out two misdemeanor positions, which is 17% of his entire State's Attorney's staff as assistants. If you look at statistics you will see the statistical increase in traffic prosecutions from 2004 to 2009 that we have had. In the misdemeanor caseload it is an increase of approximately 12.4%. They have the same size staff now as they did when he arrived in the office in 2005. He also said that each felony attorney now handles 150 cases a day. He mentioned that he has the child support attorney, who was hired to work 3 to 4 days a work, now filling in 5 days a week, volunteering 1 day a week to the County to fill in where she can and help them out. They will not be able to handle the misdemeanor caseload if they lose two attorneys.

Attorney Bill Engerman then explained 4 or 5 misdemeanor cases and domestic violence cases to the committee. He explained how they have to fly in witnesses, house witnesses, feed them, etc. that are needed for some of their cases. One of the things that they cut from their budget next year is transcripts., even in DUI cases, which are very heavily litigated. When you have a hearing and ask for a transcript of what the officer's testimony was, and if the officer says something a little different then what he said at a trial, the defense attorney is ready to pounce. The officer looks at the assistant state's attorney and asks why he didn't show it to him. The assistant then says that it wasn't in the budget, I couldn't get the transcript. Mr. Engerman said to come on a Tuesday morning or a Thursday morning in courtroom 100 where you have a judge at the bench, a packed courtroom, a clerk in the back of the courtroom with an assistant state's attorney helping with an overflow there, clerks checking in people up front, in judge's chambers behind the courtroom, and when the judge is done, from room 305, he comes down and joins another state's attorney, which then becomes basically another courtroom in that judge's chambers. We do all this so that we can get done with the morning call by noon. If we don't have a number of assistant state's attorney's to do that - how long will it take to get through the calls.

Mr. Farrell thanked the committee for listening to their statements and presentations.

Ms. Regina Harris, DeKalb County Public Defender, said that if the two attorneys are cut from the State's Attorney's Office, their office cannot talk to her staff, which could bottleneck the courtrooms, and the County could pay for it for years. The vast majority

of cases get done through plea bargaining. You think that you have continuances now, cases will go on forever if this happens.

Mr. Hulseberg said that he made his appeal because the County has budget issues and because of the process that the board members go through to make appeals to save money. Out of 24 board members, 3 made appeals. This is how this started. The state's attorney was the only department that did not make the 5% cut to their budget as requested by the administrative recommendations. As for the alternative budget, Mr. Hulseberg said that he went on record saying that he would not support that one because of the significant amount of staff cuts. At the Executive Committee, they tried to go from 10 meetings to 12 meetings, they were to come up with a funding mechanism and that was the initial purpose of his appeal to take this money and fund those two meetings. We could reduce the appeal from 2.5% to 1.25%, which would equal about \$22,000. He doesn't know what that would do to staff and he wanted to share that with the committee.

Mr. Hanson said that the only thing that could be done is to amend it if you want to. The bigger issue is if you want to approve this appeal at any level.

Sheriff Scott said that he agrees with State's Attorney Farrell that the county should not cut the two attorney positions because it will have a long term affect to all law enforcement agencies.

Chairman Allen said that she will not vote for this appeal because we are not thinking about the people or the circumstances after looking at the numbers.

After a brief discussion, Mr. Hulseberg withdrew his appeal.

Item #25a: Eliminate purchase of all vehicles except for the Sheriff. This would include the Coroner (\$40,000) and Planning \$24,000).

Mr. Hanson said that the appeal is just on the Coroner's portion. This just delays the purchase and does not put any money back in the General Fund. We have the vehicles on a 7-year rotation. It is in a special fund, we are just not going to spend the money, even though it is in there. It is in the Asset Replacement Fund.

Mr. Miller, DeKalb County Coroner, said that he wanted to point out to the committee that the stretcher that he uses in transport will need to be replaced in 2 to 3 years because people have grown larger. It will cost about \$1300 to replace. The vehicle that he uses now has 112,000 miles on it. Currently he transports the people now and it saves the County money because of it. He has saved the County about \$17,000 as an average, he said.

Moved by Mr. Oncken, seconded by Ms. Turner, and it was carried unanimously to deny the appeal since there is no savings realized for the County and it throws off the rotation.

Item #25b: Reduce the appropriation for purchasing Sheriff's vehicles from \$533,000 to \$451,000.

Mr. Hanson said that this appeal is similar to take the \$533,000 down to \$433,000. There is good news because since the Sheriff will not hire four people next year, 2 of those patrol cars actually had 2 cars on the rotation. So we can reduce the expenditure by \$82,000 which represents 2 squad cars and all of the equipment and you can reduce the amount to \$451,000.

Moved by Mr. Oncken, seconded by Ms. Turner, and it was carried unanimously to modify the appeal on purchasing the Sheriff's vehicles from \$533,000 to \$451,000 and to forward this recommendation to the Finance Committee.

Item #28b: Amend funding for the Court Appointed Special Advocates (CASA), which was \$35,000 in 2010 and recommended to be \$33,200 in 2011 to (a) \$30,000, or b.) \$35,000.

Mr. Hanson explained to the committee that in 2010 the County funded CASA @ \$35,000 for 2011 we have recommended to lower it to \$33,200, which is a 5% reduction. There's been 2 appeals, one being to lower it to \$30,000 and another one to bring it back up to \$35,000.

Ms. Jill Olsen, Executive Director of DeKalb County CASA, told the committee that their agency is very grateful to the DeKalb County Board for their funding, since they know it is discretionary funding. They feel that they serve an important role in the court process here. Each year they would have to find 100% funding if the County did not help them. Illinois is one of nine states that do not fund this program. They are currently providing \$300,000 worth of services in the County. If the court system was to have to pay local attorneys it would be significantly more than the \$35,000. She wants to hire a second case manager. However, because of the economy, she has hired a person @ \$10.00 an hour for 6 hours a week to help with clerical work to free Jill up to do case management work along with her other duties. The bulk of their work is done by the volunteers, but they still need staff too and they run a very tight ship. Ms. Olson wanted to point out to the committee that their caseload has increased by 18% for the last 3 years. Last year they helped 176 children and they have already met that number by September 1st of this year.

Ms. Turner said that she is a huge advocate of this agency and she said this is for the kids.

Moved by Ms. Turner, seconded by Mr. Tyson, and it was carried unanimously to keep the funding level for CASA at \$35,000 and to forward this recommendation to the Finance Committee.

Item #33: Delay the Courthouse Expansion until FY2013.

Mr. Hanson explained to the committee that we have already sold the bonds and we need to spend the money in 3 years. If we don't we could run the risk of penalties.

Moved by Ms. Turner, seconded by Mr. Tyson, and it was carried unanimously to deny this appeal.

PUBLIC DEFENDER'S REPORT

Ms. Regina Harris, the DeKalb County Public Defender, said that her office has returned to the courthouse. They have been very busy and on her report she realized that some of the caseload for the attorneys was out of balance. She has currently balanced the caseload for them.

COURT SERVICES REPORTS – MS. MARGI GILMOUR

Ms. Gilmour, Director of the DeKalb County Court Services Department, said that there is nothing new in the Adult Report and that the CRS hours went down a little this past month. They had 7 detention admissions with 4 for the 1st time and 3 for the 2nd time. They have 4 youths in the Safehouse now.

JAIL REPORT – SHERIFF ROGER SCOTT

Sheriff Scott reported that they had an average daily population of 140 inmates for September.

ADJOURNMENT

Moved by Ms. Turner, seconded by Mr. Tyson, and it was carried unanimously to adjourn the meeting.

Respectfully submitted,

Marlene Allen, Chairman

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