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DeKalb County Government  
Sycamore, Illinois

**Law & Justice Committee Minutes  
October 25, 2021**

The Law and Justice Committee of the DeKalb County Board met on Monday, October 25, 2021 in the Legislative Center's Gathertorium in Sycamore, Illinois. Madam Chair Dianne Leifheit called the meeting to order at 6:30 p.m. Those members present were Ms. Mary Cozad, Mrs. Karen Cribben, Mrs. Kathy Lampkins, Ms. Linda Slabon, Mr. Ellingsworth Webb, and Chair Dianne Leifheit. Mr. Larry West was absent. A quorum was established with six Members present and one absent.

Others that were present included Brian Gregory, Sheriff Sullivan, Chief Deputy Burgh, Tom McCulloch, and Greg Millburg.

**APPROVAL OF THE AGENDA**

**It was moved by Mr. Webb, seconded by Mrs. Lampkins and it was carried unanimously by voice vote to approve the agenda as presented.**

**APPROVAL OF MINUTES**

**Ms. Slabon moved to approve the minutes of the September 27, 2021 Committee Meeting. Ms. Cozad seconded the motion and it was carried unanimously.**

**PUBLIC COMMENTS**

There were no Public Comments.

**PUBLIC DEFENDER'S REPORT**

Mr. McCulloch placed his September 2021, Public Defender's Report on file with the Committee. The report illustrated that there were 2,351 cases opened and 2,265 cases closed. Mr. McCulloch described the report and the office right now as normal even though it is anything but normal.

**COURT SERVICES REPORT**

Mr. Venditti was unable to attend the meeting but the Committee was provided with and placed on file Court Service's monthly Adult, Juvenile, and Pretrial Reports.

**FY2022 BUDGET**

**a. FY2022 Budget Appeal**

In the FY2022 Budget Preliminary Assumptions & Recommendation, the Public Defender requested three personnel changes. One was to increase the current Investigator's salary by \$3,000 (costing \$3,600 with benefits), the second was to add a second Investigator position to his office for a cost of \$72,000 (including benefits), and the third request was to add an attorney to his staff at a cost of \$87,295 (including benefits). The request for the increase in salary for the

investigator was included in the preliminary budget. The requests for new positions were denied as the County's General Fund wrestles with a loss of certain revenues (sales tax sharing) and addressing current positions being absorbed into the General Fund.

DeKalb County Public Defender Tom McCulloch noted that he has heard and understands the desire for a balanced General Fund budget that is not reliant on reserves. As much as he supports the County's goals in that regard, he wishes to supplement the Board's stated positions with a few additional facts and viewpoints from the Public Defenders point of view.

The Public Defender's Office, appointed by the Judiciary, and responsible to an indigent client base, is constitutionally tasked with providing adequate representation to everyone. As such, they are at the forefront of many of the social justice issues present in society today. No issue is easily addressed in the context of a balanced budget. A recent Supreme Court-commissioned study of the Public Defender System in Illinois, found many problems, but foremost among the contributing causes was found to be "crushing caseloads leaving the lawyers with little or no time to prepare their cases". With that in mind, The Public Defender has proposed three personnel actions to address some of the problem: acknowledging a long-overdue inadequate pay for the only current investigator; adding a second investigator, and adding an additional entry-level attorney. This is not to say that the Office could not do with additional senior attorneys, clerical staff, and a social worker. But he leaves those for another day.

The system is just starting to address issues raised by Criminal Justice and Bail reform legislation, and the data is not yet in on the impact on defense services. What is clear is the huge caseload of the newest attorneys. Entry level social justice issues begin with the consequences of traffic and misdemeanor cases – and they impact a greater number of citizens. The addition of another attorney and investigator will help address the problem and be cost-effective for the County. Mr. McCulloch appreciated the acknowledgement that the COVID-19 pandemic will/has presented challenges in terms of predicting the future in light of the peculiarity of the past. This past year has introduced COVID-based obstacles that he has not seen in practicing Public Defense work for the past 45 years. DeKalb County has had one jury trial in the past 16 months, and we will feel the effects of this pandemic for a substantial period of time in the future, Mr. McCulloch explained.

Mr. McCulloch additionally provided monthly reports for periods ending in September dating back to 2012. This is the approximate date of Mr. McCulloch's hire. He also included the report of September 2001 for some further context. This is the raw data upon which he made his request for an additional, entry-level attorney.

He also provided a report from the Clerk showing the pending jury trials set between October 4<sup>th</sup> and April 4<sup>th</sup>. As it currently exists, there are 122 jury trials set in the next six months. To be fair, this included both the private bar and the Public Defender's Office, but it's a fair guess to assume that other cases will be set as time goes by. This is particularly true given the resumption of the Speedy Trial Rules, Mr. McCulloch explained. He also provided a report from the County Jail, which shows that there are 31 individuals currently in the Jail for more than one year.

There was quite a bit of discussion around the fact that in the recent past there have been three resignations from people serving as Conflict Counsel. This is the system that is administered by

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the Court to provide counsel to indigents when the Public Defender cannot represent them. Mr. McCulloch shared that this means that there are about 120 cases/clients about to be returned to the Public Defender's Office. Whether it's ethical or appropriate to represent them is apparently going to be decided on a case-by-case basis, according to an email from the Chief Judge.

As for the additional Investigator position, Mr. McCulloch explained that their current person has been there through the growth of the Office staff and caseload and to continue on the present track is manifestly unfair. In addition, if they are going to have to face the possibility of dealing with conflict cases, one of the difficulties – and there will be many – is the problem created by the use of a single investigator, he explained.

The Committee had many questions for Mr. McCulloch and discussed in length the added cases the Public Defender's Office is being tasked with. The Committee also expressed that they recognized Mr. McCulloch's needs and were very sympathetic to his requests. A consensus was made that, due to the uncertainty and the potential volatility that the DeKalb County Rehab & Nursing Center could have on the County's overall Budget, they were unable to approve Mr. McCulloch's appeals at this time.

Mr. Gregory reminded everyone that the County's Budget is a "living document" that needs to be adaptable to changing conditions and goals outlined by the County Board. The preliminary budget is a starting point with recommendations that are aimed at supporting County services at a level that provides the best value to our residents. Modifications and adjustments will likely be made to this document based on additional feedback generated throughout the process. Mr. Gregory noted that if the Public Defender's Office finds themselves in a real bind mid-year, he can assist the Committee in finding a way to provide the Office with some temporary help.

#### **b. Committee's Questions & Review of Departments' FY2022 Budget Requests**

There were no other budget-related questions for any other Departments that report to the Law & Justice Committee.

#### **SHERIFF'S OFFICE UPDATES**

Sheriff Sullivan briefly review the Overtime Report with the Committee that showed the Correction's Division overtime is on target.

He shared that they are short six Corrections Officers. There are four individuals who are in the pipeline and are going through background checks and polygraph/psychological testing. There is a fifth person who is beginning background testing now. Unfortunately, he received word that two more are leaving in January. The Sheriff shared that they are still currently down three individuals in the Communications Division as well.

The Police/Social Worker will be starting at the County Sheriff's Office in the next would of week. This Part-Time (20hrs/week) position is being funded by the Community Mental Health Board. The Sheriff noted that he and all of the Deputies are very happy to have this addition to the Sheriff's Office and that it will be a great benefit to the citizens and the deputies.

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Sheriff Sullivan invited County Board Members to participate in the upcoming 27<sup>th</sup> Sheriff's Citizens Academy that begins January 13, 2022, and concludes with graduation night at the Farm Bureau on March 24<sup>th</sup>, 2022. The Citizens Police Academy was instituted in 1996. The purpose of the Academy is to give interested citizens of DeKalb County a realistic view of the criminal justice system. The individuals instructing the classes are involved daily with the criminal justice system here in DeKalb County. Topics for the classes include criminal law, arrest procedures, traffic stops, judicial perspective, corrections, telecommunications, drug enforcement, active shooter response, investigations, and more.

There is still a Digital Radio System issue in the DeKalb area. They know what the problem is but E.F. Johnson has yet to provide a remedy to fix it, which is very frustrating, the Sheriff added.

#### **ADJOURNMENT**

**It was moved by Ms. Slabon, seconded by Mrs. Lampkins, and it was carried unanimously to adjourn the meeting at 7:54 p.m.**

Respectfully submitted,

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Chairman Dianne Leifheit

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Tasha Sims, Recording Secretary