

JUDICIARY COMMITTEE

Friday, October 2, 2020

PRESENT: M. Walters, C. Dutton-Wiley, G. Glasper, J. Goggin, L. Dalton
ABSENT: P. Chapman, M. Parkinson
OTHERS: E. Decker, S. Ridings, J. Volkmar, Chief Judge Mudge, M. Davis, T. Gibbons,
J. Wiesehan, B. Bechel, B. Cooper, L. McReynolds, J. Rekowski, R. Wesley, E. Harriss,
M. Madison

The minutes from the September meeting were approved by all members present.

PUBLIC COMMENT:

The following public comment was submitted:

I recently submitted a letter and attachments to the board regarding the egregious use of county email for political purposes. On November 25, 2019, State's Attorney Tom Gibbons made the following remarks regarding this prohibited political activity:

"Our county ethics ordinance is absolutely clear that the county and office emails and computers and systems are not to be used for political purposes and that's actually specifically identified as a prohibited political activity"

"It raises concerns when emails are asking people to use their work computers or work email to connect with a political campaign of any kind."

"It's such a no brainer that this is something you absolutely would not do."

Gibbons described prohibited political activity on county email as "shocking and amateurish" and "nefarious."

"This is just wrong. You just don't use public government resources to further your campaign."

According to an April 15, 2015 email, Barry Harris, the former Director of Administrative Services acknowledged that his communications violated "political regulations," nevertheless, he his colleagues continued to use county email for political purposes. On July 18, 2020 John Rekowski responded to my inquiry for records related to his use of county email for prohibited political activity stating "I can tell you that I do not do political fundraising on my county email," although his e-mail records suggest the contrary. In an email sent on October 14, 2016, Rekowski stated he was "working up a new piece for his precinct packet." State's Attorney Gibbons suggested this was such a "no brainer," yet an overwhelming amount of prohibited political emails were revealed as being sent or received from county email addresses. Whether county email was used for negotiating campaign fundraiser catering contracts, drafting precinct packet material, or forwarding invitations to campaign events and fundraisers, the taxpayers deserve an explanation and an apology. Emails with the subject "Rick Faccin Fundraiser" being sent at 2:00 p.m. on a Thursday regarding free tickets to Rick Faccin's campaign fundraiser hardly seem like official county business. Another campaign fundraiser invitation circulated around the State's Attorney's Office promised "free food and beer to show your support to our friend and former Madison County State's Attorney." While the information I have obtained was produced through Freedom of Information Act (FOIA) requests, some County departments have taken exhaustive measures to deny requests for public records and in one case even destroyed a public record in order to subvert a FOIA request. I again call on the board to request a full and thorough investigation by an outside and neutral party who can determine the extent of this prohibited activity, including more recent activity. There must be accountability for anyone, regardless of position,

found using Madison County email, computers, or property for political purposes, after all, nobody is above the law.

Sincerely,

Andrew Kane

DETENTION HOME:

J. Volkmar presented the Detention Home population numbers:

In County Average	27
Out of County Average	2
Average Female	5
Average Daily Population	29
Highest Daily Population	32

Mr. Volkmar said the boiler installation and inspection is complete. He also noted a \$7k rebate from Ameren that will be given and received for the installation of a high efficiency boiler.

PROBATION:

J. Wiesehan reported there are 3,464 individuals on probation with 197 of those being juveniles. She said they currently have 25% of their staff working in the office daily and will continue to monitor the covid positivity rate and increase the amount of staff on-site as the positivity rate goes down.

PUBLIC DEFENDER:

J. Rekowski reported they continue to operate on an A & B schedule. He also said they wrapped up a murder trial yesterday which was a bench trial and noted other cases are being moved with social distancing measures in place as well as video platforms. He then took a few moments to speak about the emails that were received through FOIA by Andrew Kane. Mr. Rekowski noted that the referenced email was not used for political purposes but rather for office humor. Mr. Rekowski also noted that his time as Public Defender will end either November 30th or the day his successor gets sworn in, whichever happens last. Mr. Rekowski concluded his report by sharing special moments and memories throughout his career.

CIRCUIT CLERK:

B. Bechel reported jury trials started back up at the Criminal Justice Center and briefly spoke about social distancing measures that have been put in place for jurors along with the courtroom setup. She also mentioned they continue to work on getting juvenile e-filing implemented.

CIRCUIT COURT:

Chief Judge Mudge stated that circuit judges have the authority to hire public defenders by statute and gave Mr. Rekowski a heartfelt farewell as he moves into the next chapter of his life in retirement. Chief Judge mentioned social distancing and other measures that are being taken into consideration for jury trials; he said that they were drafted by Judge Napp and noted another state asked for permission to use Madison County's guidelines. He presented the proposed purchase request for the Circuit Court and clarified the cart size for the TV is 82", not the TV itself.

SHERIFF/JAIL POPULATION:

E. Decker provided the jail population numbers to the committee and presented the (2) proposed purchase requests for the Sheriff's Department.

STATE'S ATTORNEY:

T. Gibbons spoke of the respect and gratitude he has for Mr. Rekowski and his career as well as a warm send off into retirement. Mr. Gibbons highlighted recent trials for Donald Nelson, guilty but mentally ill, and Roger Carroll, guilty and praised the Chief Judge and the Circuit Clerk on the guidelines in place for jury projection in the courthouse. Mr. Gibbons highlighted and briefly spoke about a referenced email brought forth by Andrew Kane's public comment that relates to a former State's Attorney that was soliciting support for a fundraiser in 2012.

CHILD ADVOCACY CENTER:

None.

PURCHASE REQUESTS:

The following purchase requests were presented and discussed:

1. **Sheriff:** 109 Holsters – 90 Right Hand/19 Left Hand. The cost is \$12,262.00.
2. **Sheriff:** Ten (10) 85700 Tasers with Hardware/Five-Year Agreement at \$4,770.00 per year. The cost is \$23,850.00.
3. **Circuit Court:** Jury 2020 Unlimited Technical Support and Free Software Upgrade (m Juror) Mobile System, November 1, 2020 through October 31, 2021. The cost is \$6,876.00.

Ms. Glasper moved, seconded by Ms. Dalton to approve the purchase requests as presented. The ayes and nays being called on the motion to approve resulted in a vote as follows: AYES: C. Dutton-Wiley, G. Glasper, J. Goggin, L. Dalton NAYS: None. **MOTION CARRIED.**

Ms. Dalton moved, seconded by Ms. Dutton-Wiley to approve the bills for month. The ayes and nays being called on the motion to approve resulted in a vote as follows: C. Dutton-Wiley, G. Glasper, J. Goggin, L. Dalton NAYS: None. **MOTION CARRIED.**

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Discussion was held between county board/committee members regarding the use of county email. Ms. Dutton-Wiley along with other members of the committee would like to go forward with an investigation to get an idea if county resources are being used for political reasons. The discussion was brought forth by numerous public comments submitted by Andrew Kane. Mr. Gibbons was asked to submit a letter to the Attorney General's Office to confirm if a consideration was made while they were reviewing materials that were recovered during the investigation into Mr. Hulme and Mr. Dorman.

Ms. Dalton moved, seconded by Mr. Goggin to adjourn the meeting. **MOTION CARRIED.**

/mds