

AMENDED

JUDICIARY COMMITTEE

Friday, January 8, 2021

PRESENT: M. Walters, G. Glasper, J. Goggin, L. Dalton, H. Mueller-Jones

ABSENT: None

OTHERS: J. Connor, J. Volkmar, M. Copeland, J. Wiesehan, C. Cohan, T. McRae, M. Davis,
Chief Judge Mudge

PUBLIC COMMENT:

The following (2) public comments was received by Robert Dorman and read by Mr. Walters:

Dear Detective Captain Vucich:

The Public Access Bureau has received the attached Request for Review of the response by the Madison County Sheriff's Office to a Freedom of Information request submitted by Rob Dorman. We have determined that further action is warranted.

On July 2, 2020, Mr. Dorman submitted a FOIA request to the Sheriff's Office seeking digital copies of: (1) "any documents shown to Madison County Board Members by any Sheriff's employee, deputy or members of a task force"; (2) "any recording played for Madison County members April 10th through April 16th 2020 concerning Doug Hulme or Rob Dorman"; (3) "the affidavits for the overhear by Chris Slusser and for the ocularis server search warrant"; (4) "the visitors log for the dates April 10 through April 14 2020; and (5) "Dave Vucich and Eric Deckers sheriff furnished cell phone and desk phone records including texts and calls to 618-792-9203 from July 1 2017 through June 29 2020."

On July 13, 2020, the Sheriff's Office responded to Mr. Dorman and provided him with copies of call logs showing the calls made from the two Sheriff's Office staff members' landlines to the requested telephone number, but stated that it did not possess a breakdown of calls on their cellular phones. Additionally, the Sheriff's Office stated that it possessed no records responsive to parts one and two of the request, as enumerated above, and that it was prohibited from making digital copies of an overhear that was publicly available under an unspecified State law. Further, the Sheriff's Office asserted that the part of the request seeking a visitor's log was vague and stated that Mr. Dorman would need to identify the particular log he was seeking.

On July 14, 2020, Mr. Dorman submitted the above-captioned Request for Review disputing the Sheriff's Office's response. Specifically, Mr. Dorman contests the reasonableness of the Sheriff's Office's search for the requested records and alleges that it did not adequately identify or explain the applicability of a relevant FOIA exemptions.

As required under section 9.5(c) of FOIA (5 ILCS 140/9.5(c) (West 2018)), please provide this office with a detailed explanation of how the Sheriff's Office searched for the records requested by Mr. Dorman, including which personnel were consulted, which recordkeeping systems were searched, and how they were searched. To the extent that the Sheriff's Office argues that any responsive records in its possession are exempt from disclosure pursuant to FOIA, please identify the applicable exemption(s) and explain how they apply.

This information must be submitted to our office within seven (7) business days after receipt of this letter. Under FOIA, "[t]he Public Access Counselor shall forward a copy of the answer to the person submitting

the request for review, with any alleged confidential information to which the request pertains redacted from the copy. The requester may, but is not required to, respond in writing[.]” 5ILCS 140/9.5(d) (West 2018). If you claim that any portion of your written response is confidential, please send two versions of your response letter: a complete copy for this office’s confidential review and a redacted version suitable for this office to forward to the requester.

Please contact me at (312) 814-4461 or jsternecky@atg.state.il.us if you have questions or would like to discuss this matter. Thank you.

Jane Sternecky

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Dear Detective Captain Vucich:

On August 19, 2020, the Public Access Bureau sent you the attached letter requesting records and a response to the above-referenced Request for Review. As of the date of this letter, this office has not received your response. Please forward the materials and information request as soon as possible. Under section 1.2 of FOIA (5 ILCS 140/1.2 (West 2018)), a public body asserting that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt. Further, section 9.5(c) of FOIA (5 ILCS 140/9.5(c) (West 2018)) provides: “Within 7 business days after receipt of the request for review, the public body shall provide copies of records requested and shall otherwise fully cooperate with the Public Access Counselor.” If we do not receive your response, this office may be compelled to conclude that you have not met your burden of proving the records are exempt from disclosure.

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The minutes from the December, 2020 meeting were approved by all members present.

DETENTION HOME:

J. Volkmar presented the Detention Home population numbers:

In County Average	23
Out of County Average	0
Average Daily Female	3
Average Daily Population	23
Highest Daily Population	23

PROBATION:

J. Wiesehan reported there are 3,213 adults on probation and 187 juveniles. Ms. Wiesehan said the Probation staff continues to experience covid issues and over half of them are interested in receiving the covid vaccine once available.

PUBLIC DEFENDER:

M. Copeland expressed gratitude to Chief Judge Mudge for extending the cancellation of all nonessential court through January. She said they have had 2 staff members test positive several weeks ago and have had no positive cases since. Ms. Copeland said they continue to concentrate on their clients in the jail and stated

one benefit of covid is being able to contact their clients quicker since they are meeting virtually. Ms. Copeland said she is working on a way of tracking meeting numbers and her goal is to develop an office that works productively and efficiently while still advocating for her clients.

CIRCUIT CLERK:

T. McRae reported a busy first month and thanked Chief Judge Mudge along with the other judges for the help they have provided in getting his footing as Circuit Clerk. Mr. McRae stated he is still working on getting to know the 80 person staff of the Circuit Clerk's Office.

CIRCUIT COURT:

Chief Judge Mudge reported that IL has surpassed the mark for 1 million positive covid cases and is awaiting the covid vaccine.

SHERIFF/JAIL POPULATION:

Major Connor highlighted the monthly report for the jail population. He said that due to covid, there was a reduction of 3,715 inmates that were processed through the jail compared to last year. The average population was 279 and today's population is 314; of those 314 inmates, 27 inmates are being held due to covid issues at the DoC but are first on the list for male inmates to be transferred; there are 10 inmates being held by DHS.

Mr. Walters commented on the job well done with the covid measures implemented in the jail. Out of 168 employees, 25 employees tested positive for covid at one time; there have been around 50 employees that have had to quarantine.

Major Connor presented the purchase resolutions for the Sheriff's Office.

STATE'S ATTORNEY

None.

CHILD ADVOCACY CENTER:

C. Cohan reported the number of CAC interviews increased in December and that they had a successful holiday season. Ms. Cohan briefly spoke about a purchase for an iRecord upgrade which will be presented to the County Institutions and Finance Committees; the purchase will be covered with a covid grant.

PURCHASE RESOLUTIONS:

The following purchase resolutions were presented and discussed:

1. **Sheriff/Jail:** Resolution to Award Purchase Two (2) Commercial Washers and Two (2) Commercial Dryers for the Madison County Jail. The cost is \$33,579.00.
2. **Sheriff/Jail:** Resolution to Renew Annual Professional Services for Medical Care Agreement for the Madison County Jail. The cost is \$422,302.64.

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

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

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

None.

Ms. Mueller-Jones moved, seconded by Ms. Dalton to adjourn the meeting. **MOTION CARRIED.**

/mds