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TOP STORY

## Gilliam talks about office assessment

Mark Marberry  
Jul 19, 2020



Gilliam  
file photo

Mark Marberry

**T**he St. Francois County Prosecutor's Office recently went through an assessment from the Prosecutor's Center for Excellence (PCE).

From their website, "the mission of PCE is to create a better justice system by identifying, evaluating and implementing best practices for modern prosecutors."

Representatives from the center came to Farmington for two visits and thoroughly reviewed all aspects of the office and interviewed various local officials to help the office with efficiency and best practices. The center identified several improvements to be implemented in a 49 page final report.

Prosecuting Attorney Melissa Gilliam reviewed the report and discussed how her office will make the recommended changes.

"PCE came for two days in November, two days in March, They talked to the judges, police chiefs, the commissioners, the public defender's office, all my employees," she said. "They really did a deep dive into St. Francois County and came out with all kinds of recommendations for us to become a better prosecutor's office.

"They gave me their initial recommendations in November, we implemented several of them between November and March. They came back in March and talked to a few more people, saw the changes that we made, wrote a report and gave that to us. It runs the gamut of recommendations from the backlog, to improving office morale and engagement with the community."

The most significant concern is the caseload backlog. The report identified multiple reasons for the problem, including a large caseload leftover from the previous prosecutor, turnover in attorneys in the office and a record number of referrals from local law enforcement in 2019.

Gilliam just hired a new attorney and is looking at a recommendation to temporarily hire senior attorneys with prosecutorial experience to help with the workload. She is looking to have the PCE help in this area of concern.

"Based on the recommendations of PCE, Gilliam has found two individuals who will serve as special prosecuting attorneys to come in and work on a part-time basis; no benefits, no insurance, it's just an hourly wage," she said. "One has over 30 years trial experience with St. Louis County, and the other has 20 years of experience with St.

Louis City. They can help us with reviewing these old cases, maybe there's some evidence we hadn't thought of, or some expert we could have come in that would improve the case, or when we are preparing the trials they can be charging new cases, or training the three attorneys I have ... that are pretty new.

"We have about a 3,000 case load right now and I have six attorneys," she said. "If you do the math, it's overwhelming."

One of Gilliam's bigger problems with the backlog is prosecuting the most serious crimes in the county, requiring the more experienced attorneys.

"I have six attorneys right now in my office, but only three can try those kinds of cases," she said. "Some of them date back to 2014. I have one homicide from 2013. A lot of it is continuances that are requested by the defense bar. A lot of it is — I can't speak to what happened in the office prior to me — but I would say 75% of them were charged prior to me starting in office."

According to Gilliam, changes in the prosecutor's office and Missouri Supreme Court rulings have contributed to the backlog.

"I think it was both, I think it was a product of we have a lot of serious cases that involve very serious felony charges," she said. "Child molestation, statutory sodomy, homicides.

"At the time the coronavirus hit, the courts suspended in-person proceedings, I believe we had 68 cases set for jury trial. Less than five of them were anything less than an 'A' or 'B' felony. I think five of them are forgeries, the rest of them involve child pornography, sexual offenses against children, homicide, sexual offenses against adults; these are serious cases."

Of course, the fallout from the suspension of many court proceedings due to the COVID outbreak has only exacerbated the workload.

“COVID didn’t help, any of those cases scheduled for trial in March through June were continued,” Gilliam said. “Any that we had scheduled in August or September have not been re-scheduled, but we are trying to find a way to do jury trials.

“The Supreme Court put out guidelines that involve social distancing, masks, etc. We have to find a venue to bring people to court in smaller numbers and talk to them for jury selection. They may have a few that were scheduled in July in other counties that will be the testing ground.

“But then, since we didn’t have in-person court appearances, we charged 400 more cases this year than we did last year. That contributes to the backlog too.”

Another problem with the backlog was the incomplete information that was being entered into the Karpel case management system under the previous administration. In the report, it was noted that Gilliam has been requiring more complete use of the system, however the employees still needed training.

Outlined in the report was a concern about the management structure in the office by not clearly defining roles in the office.

“They noted that a lot of people really didn’t know who their boss was,” Gilliam said. “Everyone considered me their direct boss, so everyone came to me with questions, which was overwhelming. They said that you need to set up more of a management structure. That has helped immensely.”

Per the report, Gilliam is planning more community outreach by visiting schools and charitable organizations to educate the public on the role of the prosecuting attorney and answer questions.

Gilliam is also working on redefining the relationship between the prosecutor and the local law enforcement agencies. She is working on instituting liaisons with local law enforcement and improving the communications between the two groups. She pointed out a problem the PCE found when talking to the various police departments.

“In interviewing the police chiefs, they talked to them about how there is the tension between our offices and the police when we don’t charge their cases,” she said. “The difference now is, we tell them if we do not charge a case, where previously when a report is received, and if they didn’t charge it, they put it on a shelf.

“When we started, we had a shelf with red files. I asked, ‘what are these?’ They said these are cases that hadn’t been charged. ‘Why haven’t they been charged?’ We don’t know, there’s no documentation, no system for it.

“On every case, we started letting officers know what we did with the reports they submitted, so that caused tension, they felt like previous prosecutors filed many more cases than us. In running the numbers in our system, we actually charged 3% more last year than the previous years. Of course, they didn’t know. The other thing they didn’t know, if it got charged, it might get dismissed. They may not have correctly charged it and realized it later; that happens in a lot of cases. I’m not casting stones for that. Evidence falls through or witnesses disappear, etc.”

There were many small recommendations that Gilliam said make a lot of difference, including changing the filing system and updating the website.

“We took a Sunday, four or five girls volunteered, we spent all day rearranging the filing system the way they recommended,” she said. “It made such a big difference in the amount of time spent looking for files by doing that.

“There was zero information on the website for the office. We spent a lot of time going through and updating that information for people so if they want to just go on there and get information about bad checks or restitution, or if they’re a victim of a crime who they contact such as, victim advocate information. It’s the little things that have really made a big difference.”

Gilliam said that all of these changes are going to take time.

“You have all these ideas coming into office, all of them are good to change and implement, but you have to prioritize because you can’t do it all at once. The better we are, the better we coordinate with the community, the police, the safer this community

is going to become. I was so happy to get this, it gave me guidance I needed at a time when I needed it. It was a good thing.”

Mark Marberry is a reporter for the Farmington Press and Daily Journal. He can be reached at 573-518-3629, or at [mmarberry@farmingtonpressonline.com](mailto:mmarberry@farmingtonpressonline.com)

**Mark Marberry**

Reporter