

**GRANT COUNTY COUNCIL  
REGULAR SESSION  
February 17, 2016**

The Grant County Council met in regular session on Wednesday, February 17, 2016 at 6:00 p.m. in the Council Chambers.

**1. Call to order**

President McWhirt called the meeting to order at 6:02 p.m.

**2. Prayer**

Councilman Conner led in prayer.

**3. Pledge of Allegiance**

Councilman Middlesworth led the pledge of allegiance.

**4. Roll Call**

In attendance were Council members Jim McWhirt, Mike Scott, Tresa Baker. Shane Middlesworth, Michael Conner. Also present were Council Attorney Phil Stephenson, Auditor Roger Bainbridge, Chief Deputy Tammy Miller, Assistant Chief Deputy Chris Hancock, and Financials Deputy Stacey Stevens. Councilman Leming and Councilman Hix arrived at 6:04p.m.

**5. Approval of Minutes**

Councilman Middlesworth moved to approve regular session minutes of January 20, 2016 as presented. Second by Councilman Conner; motion carried 4-0.

**6. Auditor's Report**

Auditor Roger Bainbridge reported from the General Fund Balance Report that at the end of January the county was in the red a little, but is 95,000 better than last year. We had more in disbursements and less in receipts. Auditor Bainbridge stated he didn't think it was of real concern at this point.

Auditor Bainbridge also reported from the Insurance Balance Fund Report, Auditor Bainbridge turned it over to Chief Deputy Tammy Miller to report. Chief Deputy Miller reported the balance being 83,914.16, and that the transfer has not yet been done. This year we are going to do transfers quarterly. In February the balance will rise with the transfer. The transfer will be in an excess of one million dollars. President McWhirt asked why we are doing transfers quarterly. Chief Deputy Miller stated that it saves time. President McWhirt would prefer that the transfer be done monthly, especially if the balance will be low. Auditor Bainbridge stated that there are still changes being made in the Auditor's office with moving responsibilities around. Auditor Bainbridge will see if we can work it out to do the transfers monthly. President McWhirt asked if a transfer was made in January. Chief Deputy Miller stated "no". President McWhirt "so we are 2 months behind" Chief Deputy Miller "yes". President McWhirt "each transfer is approximately how much" Chief Deputy Miller "I don't know". Discussion ensued between Auditor Bainbridge and President McWhirt concerning whom does insurance transfers in the Auditor's office and when.

Auditor Bainbridge reported he had received the final budget order. President McWhirt asked if there is anything that Auditor Bainbridge wanted to say about it. Auditor Bainbridge turned the answer over to Chief Deputy Miller. Chief Deputy Miller had no comment about the final budget order. President McWhirt made a couple brief comments about the budget order. General Fund, Reassessment Fund, Cum Bridge, and Health, these totals have been approved by the DLGF. Debt Services, Highway, and CCD have also been approved. One fund was reduced that fund being Local Road and Street. Local Road and Street was \$580,000 it has been reduced by \$20,347, leaving a total of \$559,653. President McWhirt stated that it comes down to revenue projects being able to support that budget. President McWhirt has not looked at AV numbers to see how they compare to last year, they have gone up slightly, and he will look at them more closely. In taking a quick look at operating balances in DLGF balances compare to what we had there is a reduction. Four (4) funds combined, General, Health, Reassessment, and Cum Bridge is how the levy works. DLGF totals are now General \$732 plus, Health just under \$1000, Reassessment \$37,400, and Cum Bridge just under \$142,000 for a total of \$912,600 which is the operating balance for those four (4) funds combine. That does not include losses for the circuit breaker; they don't reduce the total for circuit breaker losses. In considering a million dollars in losses that will make us have an operating balance of \$-87,400. The balance we had was \$1,634,000 combined. That makes a \$720,000 reduction in DLGF operating balance then what

we had at budget time. President McWhirt has not looked at it in detail yet as to why the differences happened. The state did give us more in Misc. General Fund than we showed at budget time. The difference is the numbers we used as December 2015 tax collections, were higher than they approved. So they have the actual collection amount. When we did the budget process back in the fall they were projected collections. We didn't collect as much as the balance that was left to be collected, there is uncollected taxes there. That appears to be the difference in what the DLGF's operating balances are compared to what ours are. We will need to watch our spending, just because it was budgeted, does not mean it is to be spent. Last year there were monies that were budgeted that were not spent. It was around 400,000, if we do the same in 2016 it will be enough to keep us in the black. We need to be aware; revenues are a problem for us. We need to also be aware of what the amount we bill the tax payer as compared to the levy we are approved to get. Throughout the year we need to be aware of any changes.

## **7. New Business**

### **A. County Recorder Pam Harris-Additional Appropriation:**

Recorder Harris presented Council with three (3) quotes, one(1) for the Microfilm ScanPro 3000, USB with power scan 3000 software, Installation, and set up of the scanner, training, shipping. Maintenance and a 2 year warranty for a total of \$10,159.00. A second quote was presented for a PC and Monitor to complete the unit, at a cost of \$499.00 for the pc and \$201.00 for the monitor for a total of \$700.00. The county IT department was able to get Recorder Harris the pc and monitor for a cheaper price. The total amount Recorder Harris is asking for is \$10,859.00. Because of the ability to redact Recorder Harris is allowed by state statute to pay for this purchase through the Recorders CISP (County Identification Security Protection Fund). There is enough money in this fund to pay for this request. The ScanPro 3000 will replace a microfilm machine that no longer works. Recorder Harris expects this ProScan 3000 to last for a long time.

Councilman Conner moved to approve the purchase of the ScanPro 3000 for the Recorder's office in the amount of \$10,159.00. Second by Councilman Scott; motion was carried 7-0.

### **B. Grant-Blackford Mental Health, Inc.-Paul Kuczora:**

President and CEO Paul Kuczora sent a letter in January asking Council to consider naming one of his board members as a liaison to the Grant County Council. This person would come to council meetings to inform members of any need information. Mr. Kuczora is asking Council to consider naming Art Faulkner as said liaison. The board is made up of 8 people, 6 from Grant County residents and 2 Blackford County residents.

Councilman Conner moved to name Art Faulkner as a liaison for Grant County Council from Grant Blackford Mental Health Inc. board of directors. Second by Councilman Scott; motion carried 7-0. President Mcwhirt will inform Paul Kuczora of Councils motion, as he was not present.

### **C. State Of The Judiciary-Judge Spitzer:**

Judge Spitzer presented the Council with a copy of his State of The Judiciary address. This is the 9<sup>th</sup> year Judge Spitzer has come before the Council. Criminal codes have been rewritten; there are now limitations on where felons serve their time. This has become a burden on the Indiana jails. The issue is not money but space. We are looking at criminal activity to help maximize public safety. Walnut Creek has been looked at in the past for low level felons; Judge Spitzer has mentioned this to the Commissioners and Sheriff in passing. Felony filings are down in 2006 we were at 900, 2011 mid 800's, and 2015 we were at 760. CHINS cases are up; Judge Spitzer feels this is due to drug use. There is an increase in Heroin use; the drug is cheap, and available. There are many members of the heroin task force which is led by Marion General Hospital. Technology updates have been installed at the courthouse, this will help with court hearings and e-filing. Judge Spitzer is looking for grants to help with replacing 13-15 computers; this will help keep cost low for the county. Hip 2.0 is a big help with treatment for substance abuse and courts are trying to get people signed up for it to get mental and substance abuse help paid for in full.

**State of the Judiciary  
Grant County, Indiana  
By Judge Mark E. Spitzer  
Grant Circuit Court  
February 17, 2016**

Thank you for allowing me the opportunity to offer the ninth annual State of the Judiciary to the Council. I appreciate the ability to share information about the operation of the Courts with the Council and the public at a council meeting. Last year was quite eventful for the Courts, and this year may be even more so. My comments will hopefully hit the highlights.

**State Law Changes Put Pressure on Jail Census**

Every year since I started as Circuit Court Judge, one of the most significant hurdles that we have faced as a criminal justice system has been that of managing the jail population. As you will recall, for a time we were under a federal consent decree which arose from a federal jail overcrowding lawsuit. That case has run its course, but the challenge remains. The last couple years, I have warned the Council that changes in the law might affect our ability to maintain our jail numbers under the recommended capacity of 274 inmates in the future.

Sadly, that prediction came to pass sooner than we expected. For periods of time over the last couple of years, we have peaked over 274. This happened sooner than we anticipated, as the full impact of the changes in the criminal code did not become effective until last month.

The criminal code revisions are contained in 2014's House Enrolled Act 1006. HEA 1006 was the first comprehensive rewrite of Indiana's Criminal Code since 1977, and it has broad impact on crime definitions, penalties, and procedures whose impact on the local justice system has so far been a moving target. The most pressing issue for our purposes, however, is the limitations on the ability of counties to commit certain felons to the Indiana Department of Correction.

These limitations mean that criminals who previously would have been housed at the DOC to serve their sentence will now is required to serve their sentence in their county of origin. This limitation relates to Level 6 felons, which is the lowest level of felony, but also the most common level of felony. Statewide, about 70% of all felonies filed in 2014 were the lowest level of felonies. In Grant County in 2015, about 66% of all felonies filed were the lowest level of felonies. Thus, this change could potentially be significant for a huge percentage of Grant County's annual felony filings.

The limitation began to become effective for a small subset of Level 6 felons on July 1, 2014. The larger change, however, was not originally scheduled to be effective until July of 2015. After July 1, 2015, 1006 provided that a court could not commit any Level 6 felon to the Department of Correction if the earliest possible release date is less than 366 days from the date of sentencing. A Level 6 felon has a maximum sentence of two and one-half years, but generally will be entitled to "good time credit" which will result in a sentence of one-half of that time. Further, many Level 6 felons earn credit time for jail time spent prior to sentencing. This meant that, as a practical matter, counties would no longer be able to send any Level 6 felons to the Department of Correction after July 1, 2015 to serve any part of their sentence, with the exception of 1) those who violated probation by committing a new crime; or 2) those who are serving an enhanced sentence or consecutive ("stacked") sentences.

Indiana counties soon realized what a devastating burden this may place on Indiana jails, by transferring the burden of housing the most common felons to county jails. As a result, last year the General Assembly delayed the implementation of this part of 1006 until January 1, 2016. However, the full effect of the law is now being felt in Grant County and across Indiana. Under the new law, we will have to either house those felons in our county jail, or find another disposition for them. In Grant County's case, we estimate that will be about 100 additional felons in the jail every year for an extended period of time. While there is some provision in the law which allows the Sheriff to recoup the costs of housing Level 6 felons,<sup>1</sup> the more pressing issue for Grant County, like many counties, is space. We typically run close to our capacity of 274. Today, our jail census was 264, although we were over 274 at times last week, and over the last few months. I've included below a chart from Sheriff Nevels' staff which details historical data regarding the jail census.

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<sup>1</sup> The Sheriff's Annual Jail Report for 2015 notes that once an inmate is sentenced to Department of Corrections after five (5) days, the jail may bill IDOC \$35.00 per diem. A total of **\$118,860.00** was paid by Department of Corrections and placed in the General Fund for 2015.

The bottom line is that we simply don't have the ability to house 100 more long-term offenders without making some significant changes. Nor do we have the ability to absorb those offenders into probation or community corrections without additional resources.

	2009	2010	2011	2012	2013	2014
Total Inmates	96,216	93,377 <2,839	87,587 <5,790/8,629	83,778 <3,809/12,438	82,986 <792/13,230	94,052 >11,066/ <2,164
Lowest Day	Jan 31 (221)	Dec 24 (208)	June 22 (193)	April 27 (189)	Feb 27 (192)	March 13 (204)
Highest Day	July 12 (288)	August 9 (288)	October 11 (286)	Feb 12 (271)	Nov 24 (265)	Nov 9/16 (291)
Lowest Mo. Ave.	January (235)	December (218.5)	April (215.6)	December (203)	June (211)	Feb (224)
Highest Mo. Ave.	May/Aug (274)	August (269.9)	September (270.5)	January (253)	November (249)	Sept (280)
To DOC	211 M/39 F (250)	218 M/24 F (242)	184 M/35 F (219)	175 M/30 F (205)	180 M/44 F (224)	183 M/30 F (213)
Year Average	264	255.8	240	229	227	258
Sat Work Crew	NA	137 (21 Sat)	290	202	224	269
	2015					
Total Inmates	90,729 <3,323/<5,487			<b>Total Inmates</b> 1st number is total 2nd is diff from prior yr. 3rd is diff from 2009		
Lowest Day	July 2 (209)					
Highest Day	Oct 18 (281)					
Lowest Mo. Ave.	July (229)					
Highest Mo. Ave.	Sept. (269)					
To DOC	184 M/26 F (210)					
Year Average	249					
Sat Work Crew	229					

**Looking for Answers**

We have already implemented some changes that might yield some relief. This year, we received a grant in the amount of \$171,500 from the State's new Justice Reinvestment Advisory

Council to enhance alternatives to incarceration. These funds allow us to improve addictions treatment, hire a home detention field officer, screen offenders coming into the jail to see if they are suitable for incarceration alternatives, enhance supervision of high risk offenders, and fund transportation of offenders by the sheriff to out of county inpatient treatment facilities. We have also applied for and received a two-year grant from the Department of Justice in the amount of \$137,813 to enhance our Drug Court to provide better treatment and counseling and to further educate our Drug Court Team in using best practices. As you know, Drug Court is an alternative to incarceration for high-risk offenders. These efforts will help, but won't be the entire answer to our jail issues.

A bigger part of the answer may be contained in the Evidence-Based Decision Making in Local Criminal Justice System Initiative ("EBDM") which I've reported on over the past few years. "Evidence-Based Practices" means the use of research and data to drive decision-making in the criminal justice system in order to reduce recidivism. Recidivism is that "revolving door" of repeat offenses that we often see as offenders continue to commit crimes.

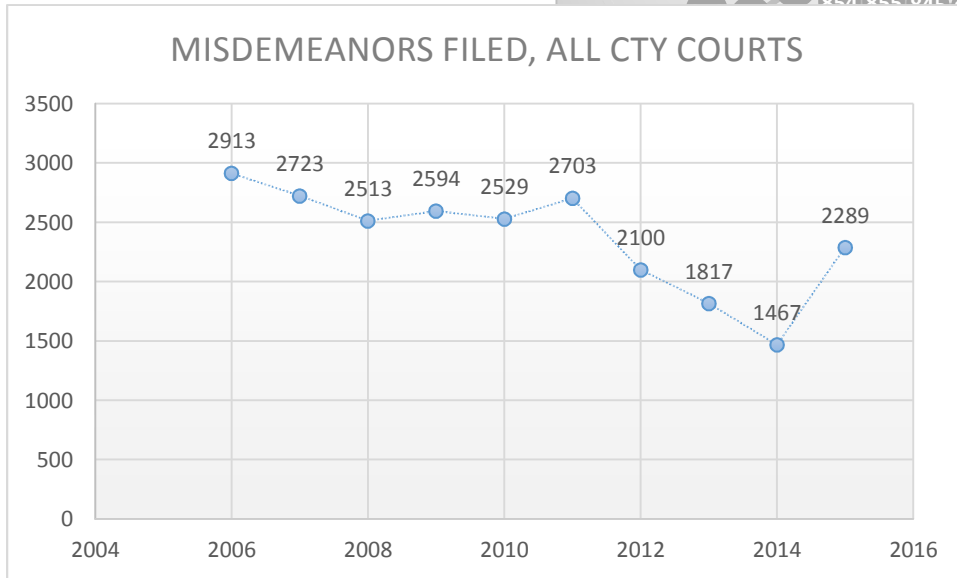
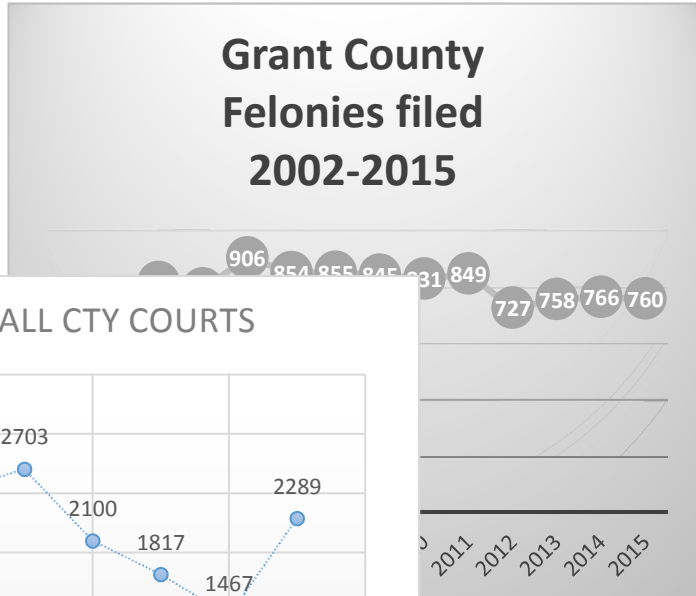
Throughout the last few years, we have been identifying and implementing new best practices which have been demonstrated by research to reduce recidivism. The stated goals of the EBDM initiative are "one less offender, one less crime, one less victim" and the best practices which we have identified have been targeted to reduce crimes, victims, and repeat offenders. We believe that our work in this area has helped us reverse the trend of increasing felony filings in Grant County since we started this work in 2011 and 2012. Our work in this area has not only been nationally recognized, but we have been asked to help expand those concepts on a statewide basis. Now, six other Indiana counties are engaged in the same process, and Cindy McCoy, Chris Cunningham and I serve on the Committee which is working to take EBDM statewide in Indiana. If you want more information, you can go to the National Institute for Correction's website at [ebdmoneless.org](http://ebdmoneless.org)

One thing that we have learned from our EBDM experience is that collaboration can help solve local problems. As a result, we are currently in an active dialogue with the Sheriff about strategies for reducing the stress on the jail population. The Sheriff is in the process of upgrading the jail software so that we can better identify trends in the jail population, more easily identify inmates whose cases can be expedited or who for financial reasons aren't able to post small bonds, and provide the courts with other valuable information to allow us to make informed decisions about inmates in the jail. Our goal is to maximize public safety, and yet use our limited jail resources most efficiently to house those who need to be in jail.

The takeaway for the County Council here, however, is that we are fighting against strong headwinds in keeping the jail census within limits. Even now, just a month into the new Level 6 felony limitations, we are on the edge of consistently breaking through our capacity. We can commit to you that we will use our best efforts to minimize the impact. However, we can't guarantee our success. If you have already not done so, now is the time for the Council to make contingency plans if our efforts are not successful.

**Caseload Statistics From 2014**

Fortunately, not all of the news is discouraging. While media reports tended to give readers the impression that crime has increased in our county, the numbers show the opposite, at least in relation to felonies.



There were 760 felonies filed in 2015, a small decrease from 2014 and a continuation of the trend since 2012 of decreased

felony filings. Prior to 2012, we saw felony filings in the 800's and even 900's. For an illustration of historical felony filings, see the chart above. I believe this is in part due to our local comprehensive efforts to address offender's criminogenic characteristics and hold offenders accountable for their behavior. We do this by using programs and policies including Drug Court and Reentry Court, the Certified Court Program to address substance abuse and addiction, the use of behavioral response matrices in supervision, and other research-based strategies which have been shown to reduce recidivism. Misdemeanors, on the other hand, have resulted in a somewhat different story, as reflected in the chart above. There, where we had seen a dip in filings over the last two years, we have now bounced back to 2012 levels. I believe that the changes in the criminal code have been a factor in this statistical shift, but things such as filing patterns might also affect it. As you know, most misdemeanors are filed in the city courts, so interventions by the county courts and Correctional Services have a limited effect on those cases. We will continue to keep an eye on misdemeanor filings in the future, as misdemeanants also spend a significant time in our jail. These strategies will include reaching out to the city courts to collaborate to manage strategies for jail usage as we have done in the past.

I have included some other statistics for your review as well. The chart below provides historical statistics on new filings for selected case types in the Circuit and Superior Courts:

**8. Old Business**

President McWhirt stated there were request form Januarys meeting form the Health Department and the Clerk; s office that will be taken care of in the March meeting.

**9. Reports, Resolutions, Communications and General Discussion**

President McWhirt received no report to change any of the committees, so Council will just leave them as they stand. Technology Committiee;Leming, Criminal Justice Committee; Scott, Growth Council Committee; McWhirt, ECI Resource Planning

District Board; Middlesworth, Local Emergency Planning; Hix, Grant County Advisory Board; Hix, Planning Commission; McWhirt, Legislative Liaison; Scott, National Institute of Corrections; Conner and Baker, Salary & Wage Committee; Conner, Baker, and Leming.

The next regular meeting will be held on March 16, 2016 at 6:00 p.m.

**10. Reports**

Councilman Middlesworth reported the ECI Regional Planning District met Tuesday, there was a speaker from Ball State, he does have a print out if anyone is interested in seeing or reading it.

Councilman Scott asked about the LOIT meeting. President McWhirt and Auditor Bainbridge both thought that meeting would be in June or July. Councilman Scott suggested at that time we look into reviewing the Public Safety file.

President McWhirt suggested there be a public meeting held on Wednesday February 24<sup>th</sup> at 6:00 pm to inform and discuss the County budget.

**11. Adjournment**

President McWhirt adjourned the meeting at 7:29 p.m.