

**GRANT COUNTY COUNCIL
REGULAR SESSION
February 15, 2017**

The Grant County Council met in regular session on Wednesday, February 15, 2017 at 6:00 p.m. in the Council Chambers.

1. Call to order

President McWhirt called the meeting to order at 6:01 p.m.

2. Prayer

Councilman Roorbach led prayer.

3. Pledge of Allegiance

Councilman Hix led the pledge of allegiance.

4. Roll Call

In attendance were Council members Jim McWhirt, Frank Hix, Shane Middlesworth, Mike Scott, Mike Roorbach and Mike Conner. Also present were Council Attorney Phil Stevenson, Auditor Roger A. Bainbridge, Chief Deputy Auditor Tammy Miller and Financials Deputy Stacey Stevens. Councilman Mark Leming was absent.

5. Approval of Minutes

Councilman Scott moved to approve the minutes from the regular session minutes from January 18, 2017. Second by Councilman Middlesworth; motion carried 6-0.

6. Auditor's Report

Auditor Roger Bainbridge reported from the general fund balance comparison report that shows the balance at the end of January is better than it has been in 3 years. It shows an almost 600,000 in the black, whereas in the last few years we have run in the red.

Auditor Bainbridge also reported from the insurance fund report, the ending balance at the end of January is roughly 1.3 million. "Everything looks good in this area".

Auditor Bainbridge expressed we have received the final 2017 budget order and tax rates. "We are going to be putting those in our computer system and advertising them. We are on schedule for doing our abstract which is what follows after the approval of our rates". Discussion ensued concerning President McWhirt's concerns over the DLGF and the general fund differences.

New Business

A. Superior Court I-Judge Todd

Judge Todd is not present this evening. Judge Spitzer expressed he spoke with Judge Todd and he wishes to withdraw his request.

B. County Highway Department-David White

Superintendent David White is asking for a transfer of appropriations in the cumulative bridge fund. Superintendent White explained why he is requesting the transfer. Superintendent White expressed the transfer had to do with bridge #10 work and paying the invoices. Superintendent White communicated he would like to withdraw his request for additional appropriation for now, and will come back at another time with this request. Councilman Conner made a motion to approve the transfer of appropriation for the Highway department as requested. Second by Councilman Scott; motion carried 6-0.

C. County Sheriff-Reggie Nevels

Sheriff Reggie Nevels is asking for approval to fill 3 vacancies in the Sheriff's department, due to retirements. Sheriff Nevels is asking that Dedra Albertsons position be filled on May 5, 2017, Lisa Himelicks position be filled on March 31, 2017 and Danny Jones position filled as soon as possible. Councilman Roorbach made a motion to approve the request to fill the 3 vacancies in the Sheriff's department as presented. Second by Councilman Conner; motion carried 6-0.

D. County Health Department-Dr. Kennedy

Health Officer John Kennedy is asking for approval to fill a vacancy, due to the resignation of Kathy Glickfield, Environmental Health Specialist/Public Health Coordinator. Tara Street, Health department office manager, presented the request. The starting salary for this position will be 33,100 and Dr. Kennedy is asking for a start date of April 3, 2017. Councilman Middlesworth made a motion to approve the filling of the vacancy in the Health department and to amend the salary ordinance. Second by Councilman Conner; motion carried 6-0.

E. Marion Public Library

Ed Breen is asking Council to appoint him to the Board of Trustees of the Marion Public Library to fill an unexpired term. The unexpired term extends through December 31, 2017. Councilman Roorbach made a motion to appoint Ed Breen to fill an unexpired term to the Board of Trustees of the Marion Public Library through December 31, 2017. Second by Councilman Middlesworth; motion carried 6-0.

F. Swayzee Public Library

Dana Melton, Director of the Swayzee Public Library is asking Council to appoint Alma Caldwell as president of the Swayzee Public Library Board, for a term of March 1, 2017 to March 1, 2021. Councilman Middlesworth made a motion to approve the request as presented. Second by Councilman Scott; motion carried 6-0.

G. State of the Judiciary-Judge Spitzer

Grant Circuit Court Judge Mark Spitzer presented the State of the Judiciary address. This is the 10th year Judge Spitzer has presented the address to Council.

State of the Judiciary

Grant County, Indiana

By Judge Mark E. Spitzer

Grant Circuit Court

February 15, 2017

Thank you for allowing me the opportunity to offer the tenth 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. The year 2017 arrives with several challenges for our Courts, both locally and across the State. Those of you who are Cubs fans, fresh off a dramatic victory in the 2016 World Series, are no doubt looking forward to spring training and a new baseball season. As our courts enter this new season, we too seek to hit the curveballs which are coming our way in 2017.

Strike One -- Jail Census

The first pitch is one we have seen before. You are familiar with our local efforts to manage 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 few years, I have notified the Council that changes in the law might affect our ability to maintain our jail numbers under the jail capacity of 274 for the future.

You will recall that this issue arises at least in part because of 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, are the limitations on the ability of counties to commit certain felons to the Indiana Department of Correction (“DOC”).

These limitations mean that criminals who previously would have been housed at the DOC to serve their sentence will now be required to serve their sentence in the county where the offense was committed. This limitation relates to Level 6 felons, which is the lowest level of felony, but also the most common level of felony. After January of 2016, 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 to serve any part of their sentence, with the exception of 1) those who violated probation after being convicted of a new crime; or 2) those who are serving an enhanced sentence or consecutive (“stacked”) sentences.

In 2016, the full effect of the law was 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 have estimated 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, the more pressing issue for Grant County, like many counties, is space. We typically run close to our capacity of 274. Even in the winter, which is typically a “down period” for jail census, we run close to capacity. Yesterday, our jail census was 285. For comparison purposes, on February 17, 2016, the day of last year’s State of the Judiciary, our jail census was 244. 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.

Strike Two – The Opiate Crisis

The second pitch is a changeup. Adding insult to injury, the change in the law referenced above comes at a time of substance abuse crisis in our community, our state, and our nation. As the chart to the left indicates, in the early 2000’s, health care providers began significantly increasing the incidence of prescription of opioid pain pills such as Hydrocodone and Oxycodone. Opioids can be extremely addictive, and by the beginning of the current decade, we began to see an increase in criminal activity associated with people attempting to get these drugs, or funds to buy these drugs, to feed their habit. This manifested itself in not only drug possession cases, but also in burglaries, thefts, forgery of prescription pads, pharmacy robberies, and similar crimes. This criminal activity, and the underlying addiction, was widespread, and didn’t discriminate as to gender, race or socioeconomic background.

As a result of the widespread misuse of pain pills, the medical profession, both locally and nationally, began to adopt stricter prescribing policies. Law enforcement also began to crack down on “pill mills” and irresponsible prescribers. While these policies no doubt have been very successful at curbing new addiction, those who were already addicted sought new avenues to feed their addiction.

This led to a rise of an old criminal justice nemesis – heroin. Heroin is also an opiate and is currently plentiful and inexpensive in the United States. It has become readily available in Indiana and most other states to replace prescription pain medications for illicit opiate users. In our local drug court, before 2014 heroin was almost never identified as a drug of choice for Grant County residents suffering from addiction. Now most of our Drug Court participants count heroin as their drug of choice.

Opioid addiction is most concerning due to its dangerousness. Overdose from opioids happens all too often, and sadly, in 2015, more people in the U.S. died from heroin-related causes than from gun homicides. The chart on the previous page illustrates the surge in opioid overdose deaths since 1999. Using heroin increases the potential lethality of opioids, because it is difficult for the user to regulate the amount of opiates ingested, and heroin is often laced with powerful drugs such as fentanyl.

This latest chapter of the opioid crisis appears to have had an immediate and deleterious effect on our justice system. As the chart to the left shows, after 2011 Grant County had enjoyed a fairly significant drop in felony filings for the last four years. However, in 2016, felony filings jumped from 760 to 819, an increase in 59 felonies or nearly 8%. This would appear to be in significant part related to the opioid crisis. The jail notes in their annual report that there has been a 65% increase in the number of bookings for possession of a syringe (which is a Level 6

felony) from 2015 to 2016. Further, at 609 bookings in 2016, drug charges were the largest category of bookings for new charges. This is particularly significant because HEA 1006 substantially reduced the penalties for most drug crimes, which most expected would result in a marked decrease in charging and incarceration for drug offenses.

In the calendar year 2016, the average daily population for the jail increased to 271 from 249 in 2015, an increase of nearly 9%. In fact, most days last year the jail exceeded its 274 inmate capacity.

The jail statistics do not reflect the impact on our welfare system of this crisis. In Superior Court 2, child in need of services (“CHINS”) cases have historically numbered in the 70’s during the early 2000’s, but in 2015 there were 128 CHINS cases filed in Judge Kenworthy’s court and in 2016 that number jumped to 134. Many of these cases result from one or both parents suffering from addiction.

Potential answers

We cannot expect relief from the General Assembly. While the General Assembly is reviewing potential amendments to the DOC commitment statute, even if all of the proposed changes are enacted they will have a minimal effect on the number of individuals which we can send to the DOC.

However, we have not been sitting idle as we have been confronted with these challenges. As you know from my prior presentations to the Council, we were expecting a significant impact from the law changes, although I don’t think anyone foresaw the double whammy of the heroin epidemic. We are implementing a multi-pronged approach, which include the following initiatives.

1.

Enhancements to Problem Solving Courts

Through the hard work of Judge Dana Kenworthy and Coordinator Arielle Yentes, our Family Dependency Treatment Court received a three-year grant totaling \$399,151 to increase court capacity, improve evidence-based practices, provide for an additional CASA for the Court, start a Recovery Support Specialists Program, and prepare the Court to become a model FDTC site in the U.S. Judge Kenworthy’s court was one of only 6 courts in the country to receive one of these enhancement grants, and the only court in Indiana who received one of these grants, which were awarded through the Department of Justice.

We are in the second year of an enhancement grant to our Drug Court which totaled nearly \$138,000. Among other enhancements, this grant has allowed us to modernize our treatment curriculum, incorporate medication assisted therapy (“MAT”) into our program, and obtain training for our Drug Court Team to address the unique challenges that opiate addiction poses for a Drug Court Program.

New Community Corrections Initiatives

Our Community Corrections program received an increase in DOC grant funds in the amount of \$175,500 to implement three new interventions in our county which will help target those impacted by addiction:

a) Prosecutor’s Diversion- Grant County Correctional Services in cooperation with the Prosecutor’s Office will implement a local diversion program for level 6 felons (and some other felons with prosecutor approval). A probation officer will supervise conditions and consult with a deputy prosecutor on these diversions. Grant County is one of only three counties in the State piloting this type of program.

b) Jail Treatment- Grant County Community Corrections will oversee a contract for jail treatment services between the Grant County Sheriff and Grant Blackford Mental Health, Inc./Milestone. Two groups for males and two groups for females are funded. The groups will utilize evidence-based curricula to allow inmates in the jail to receive appropriate treatment.

c) Jail Reentry Officer-Grant County Corrections Services in in cooperation with the Grant County Sheriff’s Office will implement reentry services for inmates leaving the grant county jail. Housing, substance abuse/mental health treatment, etc. will be arranged or facilitated by this officer prior to release to smooth transition into the community and/or supervision.

3.

Expansion of State Treatment Funding Access to Jail Inmates

The State has provided funding called “Recovery Works” for justice-involved individuals whose treatment needs are not covered by insurance. Previously, that funding was not available for those who were incarcerated. However, the State has recently selected the Grant County Jail as one of 12 pilot sites in Indiana to extend that funding to inmates who are within 90 days of their release from incarceration. This will allow these individuals to be assessed and to receive treatment or programming as they transition into the community.

Continued grant funding is a necessity to allow us to address our needs. The General Assembly has recognized this by designating funds to assist local government. The Council can help by sharing those same concerns with legislators as the opportunity presents itself. If we are unable to secure grant funding for these issues, two things are a virtual certainty: 1) there will be additional costs to Grant County to address these problems, and 2) those costs will be borne by local taxpayers.

4.

Technology

One other approach to address our challenges is to utilize technology. In late 2016, we brought online the results of a unique partnership between Grant County and the Indiana Office of Trial and Appellate Court Technology. This provides us with a new tool called the “County Dashboard”, which collects information from various data systems to allow us to access information about those in our criminal justice system in both a statistical and case specific format so that we can make informed decisions about who is in our jail, how we are doing with moving cases through the system and through probation, and the characteristics of those who are in the system. This allows us to make more informed decisions about, for example, who to release from jail on their own recognizance without posting bond.

Out? Or Safe on Base?

The third pitch is on its way in 2017, and whether these strategies yield a home run, a single, or just a foul tip to get us to the next pitch remains to be seen. Like a good Cubs fan, hope springs eternal and with every new season comes a future with promise. Success doesn't come without hard work and innovation, however, and those are the tasks at hand for our justice system when we tackle jail overcrowding and the opiate crisis.

Other Notable Developments

Jail overcrowding and the opiate crisis aren't the only things on our radar screen as the calendar flips to 2017. We have identified technology and the juvenile system as we look ahead toward priorities for our future.

E-Filing

Increasingly, technology is crucial to the efficient operation of our justice system. As you may know, we have been preparing to move to an electronic filing environment for several years since we converted to the statewide Odyssey case management system. In October of 2016, Grant County joined the group of Indiana counties which fully implemented electronic filing. As of today, 31 of Indiana's counties are now at some stage of the adoption of e-filing. In Grant County, cases may now be filed, litigated, and decided without a single piece of paper residing in our Clerk's office. Judges can review filings, work on cases, and sign orders in the evenings or on weekends without lugging files with them. (I'm not sure yet if that is a good thing!) Soon, lawyers and litigants will be able to access most documents freely through a web portal. Staff no longer have to find, pull, and carry stacks of files to the courtroom on busy court days.

The system is not perfect, and judges, staff, and lawyers are still in the midst of the learning curve, sorting out the pluses and minuses of an electronic environment that is very different from the court system that we have been used to for hundreds of years. Staff need to be much more technologically savvy, and require additional specialized training as each tweak and update is made to the system. Nonetheless, the benefits of not handling, sorting, and storing massive amounts of paper are becoming apparent. Change is difficult, and our staff and the Clerk's staff should be commended for their hard work over the last six months as we have made this monumental shift in the way that we do business. Certainly, there is more hard work still to come.

Changes in our Juvenile Justice System

We are also in the midst of a re-examination of our juvenile justice system. We have chosen to participate in the Juvenile Detention Alternative Initiative (“JDAI”), an evidence-based program that re-examines how a jurisdiction addresses juvenile delinquency. We know that placement in a locked detention center pending court can seriously damage their prospects for future success. Yet many detained youth pose little or no threat to public safety. JDAI involves the implementation of proven strategies that helps a jurisdiction tailor a program that meets local needs and safely reduces the detention population. 32 counties in Indiana and over 300 jurisdictions across the U.S. have adopted the JDAI approach, with significant success. We hope and expect to achieve similar success as we go through the process of adoption of the JDAI principles and policies.

Magistrate Brian McLane and Correctional Services Director Cindy McCoy have taken the lead on this initiative, which involves a reexamination of our juvenile system at all stages from charging to release from supervision. As you know from my visit late last year to the

Council to thank you for your support in our grant application for the process, the process requires collaboration from all stakeholders in the juvenile system to ensure success. Cindy and Judge McLane should be commended for their hard work to initiate the process, and supported in the future labors to come as the initiative runs its course. I look forward to sharing with you the results of the initiative in the future.

Conclusion

As you can see, 2017 has arrived with a full schedule of opponents. Like on the baseball field, wins come only if the team plays together well. We are blessed with the support and collaboration of all of the players on Grant County's justice system team, and all of them are All-Stars in our book. On behalf of myself, Judge Todd, Judge Kenworthy, Judge Haas, and Magistrate McLane, I can truly say that it is both an honor and a privilege to serve Grant County and to be a part of a local government that works for its citizens.

8. Old Business

None.

President Jim McWhirt presented the CFI form for Comforts of Home. President McWhirt will sign the form and give it to Auditor Roger Bainbridge. Councilman Middlesworth made a motion to accept the CFI form from Comforts of Home. Second by Councilman Conner; motion carried 6-0.

9. Reports, Resolutions, Communications and General Discussion

A. Committee Reports- None.

B. Committee Assignments

Technology Committee	Mark Leming
Grant County Economic Growth Council	Jim McWhirt
ECI Regional Planning District Board	Shane Middlesworth
Grant County EMA Advisory Board	Frank Hix
Plan Commission	Jim McWhirt
Legislative Liaison	Mike Roorbach
Juvenile Detention Alternative Initiative	Jim McWhirt
Community Corrections Board	Mike Conner
Salary and Wage Committee	Mike Conner
	Mike Scott
	Mark Leming

The next council meeting will be Wednesday March 15, 2017 at 6:00 p.m.

10. Adjournment

President McWhirt adjourned the meeting at 7:07 p.m.