

**JUSTICE COMMITTEE MEETING  
AUGUST 30, 2012  
3:00 P.M.**

**MEMBERS PRESENT**

Chair Mark Wicklund  
Keith Ashby  
Jon Baxter  
Dave Drobisch  
Jay Dunn  
Bill Oliver

**MEMBERS ABSENT**

Merv Jacobs

**COUNTY PERSONNEL PRESENT**

Jack Ahola, State's Attorney  
Randy Waks, Asst. State's Attorney  
Sheriff Tom Schneider  
Max Austin, Sheriff's Office  
Rodney Forbes, Public Defender  
Mike Day, Coroner  
Jim Root, EMA  
Judge A. G. Webber, IV, Circuit Court  
Lori Long, Probation  
Amy Stockwell, Auditor  
Jerry Lord, PBC  
Linda Koger, County Board Office

This meeting was called to order by Chair Wicklund at the Macon County Office Building.

**APPROVAL OF MINUTES**

Motion to approve the minutes of prior meetings (7-18-12 & 7-26-12) made by Jay Dunn, seconded by Bill Oliver, and motion carried 5-0.

**CLAIMS**

Motion to approve and pay the claims made by Bill Oliver, seconded by Jon Baxter, and motion carried 5-0.

**REPORTS**

***Circuit Court***

***Resolution Approving Increase in Appropriations in Circuit Court's Budget for Attorney's Fees in Certain Appeals***

Judge Webber distributed copies of resolution, and it has to do with two types of appeals that come under the Court's appropriation; number one their juvenile appeals, those are cases in cases of juvenile abuse or neglect where the parents' parental rights have been terminated, and the statute then provides the parents have a right to an appeal of that termination and moreover have that appeal paid for by the county. (Keith Ashby came into the meeting.)

In the past, they have attempted to tender these appeals to the Appellate Defender, they rejected them because they are a civil and not a criminal matter; they sent one as far as the, it got to the Appellate Court, and the Appellate Court vacated the appointment of the Public Defender and reversed it with directions to appoint private counsel. In the past he budgeted for seven of those appeals, they have them on a contract basis with Attorney Monica Hawkins for \$2000 each plus her expenses which run about \$150 per case. He just signed the order for the seventh appeal this year, so his appropriation is exhausted for that line.

He is asking for an additional \$6000 to fund three additional appeals in juvenile abuse/neglect cases, and he did budget for 8 in his FY13 budget. There is no way to anticipate how many of these they are going to have, this is based on history, at the special Finance meeting on Monday, the Executor Director of CASA Bert Gray said their number of cases involving abused/neglect children is going up, so he suspects their number of these appeals ultimately will be going up.

He has an additional appeal, information is attached to the resolution, for a sexually dangerous person's case; it is a civil type matter, we have known this was coming down the pike since he sent a letter to Chairman Dunn, Mr. Dudley, and Mr. Ashby about this back in May, it has been filed, and these are cases where a person has completed a criminal sentence and can be discharged from the DOC. Then there is a civil proceeding to have them declared a sexually dangerous/sexually violent person, that is a trial, if that happens a declaration is made, the person then goes to a secured Department of Mental Health facility until they have been determined to be no longer a danger, obviously could be a life sentence, they have a right to an appeal in those cases similar to the juvenile cases, these are civil proceedings and not criminal proceedings, State Appellate Defender will not take them, and the county is obligated to pay for it.

He is asking for total additional appropriations on his appeals line of \$8,071.16 representing money for three additional juvenile appeals in abuse/neglect cases involving termination of parental rights plus to pay for this one sexually dangerous person case, Bingham, which Ms. Hawkins has completed her appeal work on.

Chair Wicklund asked if most of these cases revolve around a criminal act that gets them into that position. Judge Webber replied often, most but not all usually start off with a DCFS intervention, usually the termination is at the end of a long road, DCFS will remove the children from the home, there may be criminal charges involved but not always, there is usually some period of foster care, by statute DCFS is obligated to attempt every possible way to reunite the family, they create a safety plan which he described, if that is not successful and the children still deemed to be in danger, petition is brought to terminate parental rights, and if that happens it is as if the natural parents were total strangers to the children; often there is criminal conduct involved on the part of the adults, not always, not necessarily, and it is at the end of a long process.

Keith Ashby asked if these appeals are in process, and is he certain they are going to occur between now and the end of our fiscal year. Judge Webber replied he could not be certain, there may be something happening today which results in a petition to terminate parental rights, most of them are not from the outset, it would take an egregious set of circumstances for the state's attorney to file a petition immediately to terminate their rights, it's usually the end of a long process, is hard to anticipate when that might happen, it might happen today, it might not happen again, and as of today he has no more money on that budget line because 7 appeals have been paid for this year with September, October, November left to go; he has been getting about one per month and one-third, not every case does a hearing result in termination, and based on historical experience budgeting for 7 is not proving to be adequate.

Jay Dunn asked if this request is for a bill received since the couple bills in there do not add up to \$8000 or is he putting extra in there anticipating a couple more cases. Judge Webber said the bill he did include is for the sexually dangerous person, in discussions over the past we don't even have a line item for it, we decided to handle those on an ad hoc basis since they come up rarely, every year we can anticipate there will be a number of appeals in juvenile abuse/neglect cases where termination of parental rights has occurred, budgeting for 7 per year has proved to be inadequate, and as discussed previously he is estimating another 3 through the end of the year.

Keith Ashby asked if this bill for \$2,071 is a valid bill that has to be paid now. Judge Webber replied yes for the sexually dangerous person appeal where the board has decided not wanting to create a line item budget for but simply take them as they come along, he is anticipating this will be the only one this year, and yes it is for work that has been done by Ms. Hawkins. Chair Wicklund asked if this includes the psychological profile on the sexual criminal. Judge Webber said it is not part of this bill, this is only for the appeal, if there have been instances of psychological evaluations those would be witnesses called by the state or usually by the Public Defender, and those would be part of their budgets. Motion to approve made by Dave Drobisch, seconded by Jon Baxter, and motion carried 6-0.

#### ***Coroner***

Mike Day had no report.

#### ***Court Services/Probation***

Lori Long had no report.

#### ***EMA***

Jim Root reported on the progress of the Hazard Mitigation Plan, he had the second meeting August 17, is moving into the risk assessment portion, and starting the project planning stage of the plan; after being done with the risk assessments, they will start developing the possibilities of mitigation projects and at that time will get with Highway and P&Z to come up with some projects for unincorporated area of the plan. Jay Dunn wants it on record that he has asked Jim to check into any, with the people that were professionals working on this, to research any mitigation plans that has been done anywhere over the country involving droughts.

#### ***Public Building Commission***

Jerry Lord had no report.

#### ***Public Defender***

Rodney Forbes reported he has filed the required monthly report for the month of July ending July 31, and that is in front of committee along with their annual report from last year for review.

#### ***Sheriff***

Sheriff Tom Schneider distributed copies of three resolutions.

*Resolution Approving Increase in Appropriations in FY12 Budget*

*Resolution Approving Increase in Appropriations in FY12 Budget*

*Resolution Approving Increase in Appropriations in FY12 Budget*

First resolution is regarding an increase in budget for the lieutenant and sergeant lines, this is per contractual agreement that was approved by the County Board on February 9, total amount is \$40,000 divided with \$18,000 for lieutenant line and \$22,000 for sergeant line. Motion to approve made by Dave Drobisch, seconded by Keith Ashby, and motion carried 6-0.

Second resolution is regarding a budget increase which is also contractual obligation for the correctional officer line for \$73,804.67 and correctional officer corporal line for \$14,343.90 for a total amount of \$80,148.57 approved by the County Board on February 9, 2012. Chair Wicklund asked how many employees this covers, and Sheriff Schneider replied approximately 71 – 72 employees with one or two vacancies not filled yet. Jay Dunn asked if this is all for back pay. Sheriff Schneider said it includes back pay, this is arbitrator's binding agreement that they filed on this which includes back pay, or actually it was not, should not have included back pay, it includes all the percentage increase which would be encompassed; he asked Amy Stockwell if it includes back pay on this one (her response not audible on recording). Sheriff Schneider believes that would include back pay because it is for the fiscal year so would include that, but it is not actually being paid, it was already paid out. Jay Dunn asked if it is back pay and increases to the end of this fiscal year, and Sheriff Schneider replied correct. Motion to approve made by Dave Drobisch, seconded by Jay Dunn, and motion carried 6-0.

Third resolution is increasing appropriation in FY12 budget for motorcycle; it is a Sheriff's Department type or police type motorcycle which is fully equipped everything being paid for in reference to motorcycle by anonymous donation to the department, and he has to show this coming in as a donation. Bill Oliver asked if it is a three wheel, and if it will increase insurance costs. Sheriff Schneider said two wheels, will be utilized for patrol purposes or other means outside of the regular duties, but will be used when there is availability for an officer that has been trained; they can get officer training free, will be used on limited basis due to atmospheric conditions, and availability of those qualified to ride; off the bat they will train 4 of them, he put out a memo on who would be interested and who already has motorcycle license, will have to put them through two weeks training, and probably in the spring will look at getting 4 officers through the training in Evansville, IN through Northwestern University. Keith Ashby asked if they are not capable at Richland, and Sheriff Schneider said he wouldn't say they aren't capable at Richland for general motorcycle classes but to be certified as a police officer motorcycle officer requires going through Northwestern University for two weeks. Chair Wicklund asked if this will fully cover the cost of the bike, and Sheriff Schneider said fully covers and no expenses with the bike that will be coming out of our budget since it fully takes care of the bike, equipment, etc. and has actually been completed as he speaks. Bill Oliver asked again if it will do anything to insurance rates. Amy Stockwell replied it is insured as of the date it was given five weeks ago, there is no immediate adjustment, but will be considered when she does the renewal process which she is starting tomorrow. Limited time of use for motorcycle along with officers using it were discussed regarding liability insurance rates. Motion to adopt resolution made by Bill Oliver, seconded by Dave Drobisch, and motion carried 6-0.

***State's Attorney***

Jack Ahola had no report.

**NEXT MEETING**

September 27, 2012

**ADJOURNMENT**

Motion to adjourn made by Bill Oliver, seconded by Dave Drobisch, motion carried 6-0, and meeting adjourned at 3:22 p.m.

Minutes submitted by Linda Koger  
Macon County Board Office