

JUSTICE COMMITTEE MEETING
January 23, 2014
3:00 P.M.

MEMBERS PRESENT

Greg Mattingley, Chair
Gary Minich
David Williams
Jay Dunn
Dave Drobisch
Bill Oliver (came at 3:05 p.m.)
Merv Jacobs
Jon Baxter

COUNTY PERSONNEL PRESENT

Lt. Jon Butts, Sheriff Dept
Judge A. G. Webber
Lt. Jim Root, EMA
Mike Baggett, State's Attorney's Office
Rodney Forbes, Public Defender
Pat Berter, Probation
Amy Stockwell, Auditor
Sheri Wallace, HR
Lois Durbin, Circuit Clerk
Michael Day, Coroner
Jeannie Durham, County Board Office

MEMBERS ABSENT

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

APPROVAL OF MINUTES OF PRIOR MEETING

Motion to approve the minutes of prior meeting (December 19, 2013) made by David Williams, seconded by Merv Jacobs, and motion carried 7-0.

CLAIMS

Motion to approve the claims as presented made by David Williams, seconded by Gary Minich, motion carried 7-0.

REPORTS

Circuit Clerk

Lois Durbin had no report

Circuit Court

Pat Berter updated the committee stating that Lori Long announced her retirement from the Macon County Probation Department a couple of weeks ago. The effective date is sometime in May. The court will decide the process for both internal and external candidates. Judge Webber added that the vacancy will be posted in the near future. It will be a process of submission of resume's and letters of interest. Interviews will be conducted. The ultimate decision will be up to Chief Judge Flannel who will be consulting with the other judges in Macon County. He said they hope to have someone on board by the end of April so that the new person can work with her for about a month for a seamless transition to a new director. David Williams asked about whether the salary would be the same or lower. Judge Webber said that determination has not yet been made. He said they would have to see what the market holds.

Coroner

Michael Day had no report.

Court Services / Probation

Macon County Board Resolution Approving Increase in Appropriations in the Probation Grant Fund for Drug Court

Pat Berter presented the resolution. This is a grant timing issue to align the county and federal budgets. It is for \$9,526.45.

Motion to approve was made by Jay Dunn, seconded by David Drobisch, and motion carried 7-0.

EMA

Jim Root updated the committee saying that the Hazard Mitigation Plan is complete and he is waiting on several adoption documents from the various jurisdictions that have not submitted those or adopted our plan. The grant will then be closed out. Copies will be made for participating municipalities. The Business Continuity Plan will then get more time dedicated to it.

Public Building Commission

No report.

Public Defender

Rodney Forbes had no report

(Bill Oliver arrived @ 3:05p.m.)

Sheriff

Macon County Board Resolution Approving Increase in Appropriations in FY 2014 Sheriff Budget for Motorcycle Program

Lt. Butts explained that the office has received a generous donation in the amount of \$40,971.97 for the purchase of a third motorcycle and will include equipment for all three motorcycles.

Chair Mattingley asked if officers would be re-tasked from squad cars to motorcycle units. Lt. Butts explained that they are asking officers interested in becoming a motor officer to sign up. There is an 80 hour course that Lt. Butts said he found in Evansville, IN that is put on by their local police department that is \$300 per officer for a 2 week course which is very reasonable. Motorcycles were in high demand last year and with only one a lot of organizations and events had to be declined. With the addition of the 2nd and 3rd motorcycles, this time of the year is perfect for upcoming school which is at the end of March into the beginning of April so we will be ready for the riding season in the spring.

Motion to approve made by David Williams, seconded by Gary Minich and motion carried 8-0.

State's Attorney

Mike Baggett extended the apologies of the State's Attorney for his absence today due to being in trial. He said there was no report other than the two resolutions he would be presenting.

Macon County Board Resolution Approving the Designation of the Office of the State's Attorney's Appellate Prosecutor to Act on Behalf of Macon County

Mike Baggett explained that this is the annual resolution that designates the office of the State's Attorney's Appellate Prosecutor to act on behalf of Macon County in those situations where criminal cases are appealed to the Appellate Court as well as situations where the State's Attorney's Office has a conflict of interest and a special prosecutor would need to be appointed. This resolution does call for the appropriation of \$20,000 to pay for the services of the Appellate Prosecutor. That sum was budgeted for in the FY14 budget.

David Drobisch made a motion to approve, seconded by Bill Oliver and motion carried 8-0.

Macon County Board Resolution Approving Increase in Appropriations in the State's Attorney's Budget for Forensic Mental Examination Expenses

Mike Baggett explained that this is a situation similar to when the Circuit Court and the Public Defender come in with periodically. The Board has made a policy determination in the past to address these expenses on an ad hoc basis. This resolution is requesting the bill for \$1,750 be paid.

Bill Oliver asked if any of this had been approved in the budget for the year. Chair Mattingley said no, and explained that these have been done on an ad hoc basis for probably the last 6 years. They are expenses that have to be incurred and carry unfunded mandates from the State. He said we have to have these provided to these people when these cases arise. Mr. Oliver said he realized that these things would occur and he was just wondering if there was any money set aside for that. Mike Baggett stated that the County Board has indicated that as a policy preference in the past to not make the appropriation for these expenses because we don't know how much we will need when we draft the budget each year. As the Chairman indicated, State law does require the County pay these expenses.

Jay Dunn requested Chairman Mattingley obtain a record from the Auditor's office showing how much has been paid out on these unfunded mandates over the last 5 years. Mr. Mattingley clarified that Mr. Dunn was asking for all the ad hoc, but mandated and unfunded by the State. Mr. Dunn said he'd like to turn it over to Linda Little to talk to the Legislators about possibly getting a remedy for that. Mr. Mattingley asked the Judge, Mr. Forbes and Mr. Baggett if they could think of any other unfunded mandates that are encountered besides these where the county is required to pay for them. Rodney Forbes explained that the Public Defender's Office has a contract with the 708 Board for payments for fitness exams and other psychiatric services. If somebody appears that they have some mental disability that they cannot understand the nature of the proceedings against them or cannot assist themselves in their own defense, we have them evaluated to see if they are mentally fit to stand trial. If they are, we go ahead and if they are not, there is another process involved. We have money set aside for that purpose. That money is also set aside for the insanity defense or for people who plead not guilty by reason of insanity. We have not had that in quite some time, but we do have some money set aside for that if it should occur. The unfunded mandates that pop up from time to time are the sexually dangerous petitions. Those are petitions that the State files where the State thinks that a person is sexually dangerous. They have committed sex acts in the past and they suffer from a mental disability that predisposes them to

commit future sex acts or sex crimes and so the State chooses to lock them up indefinitely while they receive treatment for their mental illness and their propensity to commit sex crimes. In those cases, it is required by law that at least 2 experts be appointed – one that the State would appoint and one that the defense attorney would ask to be appointed. After review of the reports, a lot of times the cases are resolved. Occasionally, you might have a tryable issue where the case might go to trial. Those are the unfunded mandates – the sexually dangerous petitions. All of the other psychiatry evaluations are budgeted for. Chair Mattingley asked about the termination of parental rights appeals. Judge Webber said that they do actually budget for those, but he has had to come back every year and increase the amount because of the number of appeals. Those are considered civil cases and are not cases which the Public Defender will take on. Interpreters are a small item in the budget that the State requires that the county pay for both in criminal and in civil matters. Judge Webber said that if they were to put their heads together, they would probably find a number of other mandates. The Statute says the County Board will fund the operation of the Circuit Court, but there is a lot of discretion in that. Specific direction to pay various fees and expenses without discretion is what we've been talking about here. Jay asked if some of them, if not all of them, were at one time paid by the state. Chair Mattingley thought that at one point there was a fund established that paid some portion of the sexually violent or sexually dangerous that they initiated. Rodney Forbes said that there was some money that would pay for experts in sexually violent person cases. Those are slightly different from sexually dangerous person cases. Sexually dangerous cases are filed by the County States Attorney's Office and Sexually violent persons cases are filed by the Attorney General's Office when somebody is about to be released from prison. There were some cases and lawsuits in which defendants were attempting to make the state pay for experts in those sexually violent person petitions. There was a fund set up for that purpose which dried up long ago. Mr. Forbes said he was not sure of the current status with the courts on whether the State is required to pay those or not. He said that that is different than what is before the board this afternoon and what the county board is normally asked to amend the budget to include. David Williams asked if there were people in prison that were convicted and when their appeal comes up, if that falls upon the Public Defender's Office to defend those folks and is that an unfunded mandate. Mr. Forbes said that the petitions that are being talked about are civil and not criminal. The Public Defender's Office and the Appellate Office will not represent the appeal in those cases. If a conviction is overturned on an appeal, that case does come back to the Public Defender's Office and the county does pay for those services. Mr. Williams said he was thinking of a specific case where the individual has been in prison for a number of years on a sexually related case involving children. He said he was thinking that every time he filed for parole, we had to pay. Mr. Forbes said they had nothing to do with parole, but the way the general process works is that if someone were convicted at a trial of a crime and all their appeal rights are exhausted, the Appellate Court upholds the verdict or denies the herein issue, the defendant still has the right to file a post-conviction petition and this is a last ditch effort to get back in front of the court and readdress some wrong that had been committed. The Public Defender's Office is appointed in those cases as well.

Jay Dunn made a motion to approve the resolution, seconded by Gary Minich and motion carried 8-0.

CITIZEN REMARKS – PUBLIC COMMENT

None

OLD BUSINESS

None

NEW BUSINESS

None

CLOSED SESSION – none needed

NEXT MEETING

Thursday, February 27, 2014

ADJOURNMENT

Motion to adjourn made by Merv Jacobs, seconded by David Williams, motion carried 8-0, and meeting adjourned at 3:22p.m.

Minutes submitted by Jeannie Durham, County Board Office.