

Hancock County Board of Commissioners
Emergency Meeting
May 12, 2020

Commissioners met for an Emergency Session. Those present were Board of Commissioners President John Jessup, Vice President Brad Armstrong, Commissioner Marc Huber, County Attorney Scott Benkie, Auditor Debra Carnes and Trish George, Secretary to Board of Commissioners and County Council. Commissioner Jessup called to order the May 12, 2020 Hancock County Commissioners Board meeting at 9:04 AM.

Moment of Silence

Commissioner Jessup asked for a moment of silence for Barbara Kingery a county employee who passed away May 11th. Commissioner Jessup thanked everyone for the moment of silence.

Community Corrections Discussion

- Commissioner Jessup said we are here to discuss Community Corrections and the work release program. The Commissioners would like to understand and help the process.
- Jeff Rasche, President of the Advisory Board for Community Corrections appeared first before the BOC. Jeff explained there was meetings a few weeks ago to discuss the Community Corrections operations, personnel issues and issues to be corrected. So, we began that process, COVID-19 stepped in and it became more complicated. The finances of Community Corrections moving forward were a concern. Work release was not sending people out and fees were not being collected. This is monitored monthly; it appears this will drag on and be a concern for the continuation of the work release program and for the jail. Greg Guerrettaz (Financial Consultant for Hancock County) projected a \$600,000 deficit for Community Corrections by the end of the year. This is devastating, and the Board must look at a temporary or permanent resolution to fix this. Last week the situation turned with the Sheriff's opinions about following CDC guidelines, as well as the Department of Corrections with regards to work release facilities across the state and within his facility. The courts were given notice from the State Supreme Court that they will open May 18th, which means they will put people back in jail. The Sheriff can explain what this creates for his facility. We considered home-based monitoring and suspend the work release program. This would allow the Sheriff to have the space to house inmates and allow for proper quarantine in order to keep people safe. The Advisory Board convened last May 7th, unfortunately it was not advertised, so technically the meeting did not happen. It has been rescheduled and advertised for May 14th at 5PM. Jeff said he talked to all three Commissioners on the phone and is open to any new ideas. Jeff expressed he hated the fact we must lay-off or displace 10-12 employees, it's a horrible thing to do.
- Commissioner Huber asked Pat Powers (Director Community Corrections) when this program was started. Pat said 1989. Commissioner Armstrong asked how many are currently in Community Corrections. Pat replied 24 at the end of today. March 26th the facility was locked down with no new inmates being received in. Home detention went from 92 to 56. Community Corrections fees overall have gone down. Fees were down 75%. Pat said currently Community Corrections is \$60,000 in deficit as of today and he predicts it to grow to a \$350,000 deficit. Commissioner Huber asked if there was any grants or assistance

available to help. Pat said the DOC is not currently offering any assistance at this time, just with PPE. Commissioner Huber said this program has been around 30 years, is the program worth having, is it beneficial? Pat said yes, he thinks it should be revisited. He feels the program should pay for itself and be self-sufficient. Pat feels the time to revisit will be after the current jail moves into the new jail.

- Commissioner Jessup would like to assess the Community Correction program. Is it a worthwhile program? Are we shutting down on the merits of the program itself and the funding? Is that solely why we are shutting it down. Are we shutting down a program we have had for 30 years that's been effective just to create quarantine space? Pat said the financial impact and what the Sheriff is looking at in taking in new inmates; he feels it is the best option for the county.
- Commissioner Armstrong said 12 years ago it was busting at the seams; has the clientele changed; what if Community Corrections only did home detention? Pat said home detention more than paid for itself and had a cash surplus, but over time with added cost of work release it left us with where we are now. Commissioner Armstrong said closing Community Corrections was not on our radar when we talked previously. Commissioner Jessup said this is the reason for the meeting, we are trying to understand how closing Community Corrections was determined. Commissioner Jessup thanked Sheriff Burkhart for letting the Commissioners know Community Corrections was closing.
- Judge Marshall said the Judges are reviewing all cases currently in Community Corrections. All cases are looked at separately, there is no one size fits all. The Judges received an order from the Chief Justice of the Indiana Supreme Court that said "Judges should review cases to determine who can be released from incarceration, work release or any type of monitoring due to COVID-19". Judge Marshall said the Advisory Board voted appropriately that Work Release be closed for a period. He does anticipate reviewing this decision and having a work release program again. With the decision to close, the Board voted to lay off appropriate staff. Based on facts, this was the Advisory Board's recommendation. Commissioner Jessup asked Judge Marshall if he foresaw the Community Corrections opening after the new jail is up and running. Judge Marshall said yes. Commissioner Jessup said the new jail is 1½ years from completion and the Commissioners are tasked with the best use for the building. Things change and we must look at employees' livelihoods, health insurance for themselves and their families. If there is a potential to re-open, this affects employees. Pat said he has been working with Mary McCoy on layoffs or furloughs.
- Mary McCoy said if they are laid off, employees will lose insurance. If laid off and called back within 61 days, they can pick up their insurance immediately. But beyond 61 days there is a waiting period. Furlough is for a set amount of time. There are options for Cobra Insurance.
- Sheriff Burkhart discussed how Community Corrections has rapidly been decreasing since March 26th when work release stopped. Safety of staff and inmates is a concern. Inmates coming and going was a major concern. Closing Community Corrections was a rapidly evolving situation. At the Budget Committee meeting, some details were discussed. Counties are getting sued for not following CDC rules and regulations on how to quarantine or isolate. If you don't follow guidelines, then you open yourself up to litigation.
- Commissioner Armstrong said the point of the process is for the public to get factual information to make decisions and not hearsay. The process is to appear before the Board of Commissioners, then everyone has public record and factual information. Once it is stated in the Commissioners Court it is in the minutes. Commissioner Jessup clarified if you

have things in the future, please call a Commissioner. Sheriff Burkhardt thought this mostly involved inmates and was his area. Commissioner Armstrong said regardless of how we got here, he senses the Sheriff has a plan for the building for which the Commissioners are in charge of and asked if the Sheriff would like to present what he proposed to do with the building.

- Sheriff Burkhardt said he would like to utilize Community Corrections to open additional space for isolation and quarantine areas. He anticipates needing 6 staff for this area. Commissioner Armstrong said the goal is to make the State Jail Inspector happy with the jail space. Commissioner Jessup will discuss with RQAW repurposing Community Corrections for the Sheriff's Department.
- Commissioner Armstrong made a motion that the BOC recommends to County Council that we pay for COBRA Insurance for 10 full-time employees that are laid-off from Community Corrections for four pay periods. Also recommend we authorize 6 of the 7 jailers that were to be hired in August to be hired in June. Also recommend allowing up to an estimated \$100,000 (to be determined) for design and remodeling of Community Corrections to be used as jail space until 30 days after a Certificate of Occupancy for a new jail. Commissioner Huber seconded the motion. **Motion carried 3-0.**

Accept Performance Bond

- Commissioner Huber made a motion to accept performance bond for Lennar Homes of Indiana Inc. for McCord Pointe Sec 2 monuments in the amount of \$4,812.50. Commissioner Armstrong seconded the motion. **Motion carried 3-0.**
- Commissioner Huber made a motion to accept performance bond for Lennar Homes of Indiana Inc. Bond for McCord Pointe Sec 3 monuments in the amount of \$5,968.75. Commissioner Armstrong seconded the motion. **Motion carried 3-0.**

The Hancock County Board of Commissioners meeting adjourned at 11:45 AM.

Hancock County Commissioners

Commissioner John Jessup, President

Commissioner Brad Armstrong, Vice-President

Commissioner Marc Huber

Attest: _____
Debra Carnes, Hancock County Auditor