

FINDLAY CITY COUNCIL MINUTES

SPECIAL SESSION

December 15, 2021

COUNCIL CHAMBERS

PRESENT: Council President Harrington. Councilmembers: Greeno, Hellmann, Niemeyer, Palmer (late arrival), Russel, Shindledecker, Slough, Warnecke, Wobser

Councilmembers (elect): Bauman, Wisener

Administration: Mayor Muryn, Law Director Rasmussen, Service-Safety Director Martin, City Auditor Staschiak

Judges: Bishop, Hackenberg

City Police Department: Chief Ring, Officer Schimmoeller, Probation Officer Claflin

Findlay Municipal Court: Beach, Eigel

City Prosecutor's Office: Feighner

ABSENT: Councilmembers: Haas

PURPOSE OF MEETING:

Mayor Muryn called a special session City Council meeting for December 15, 2021 at 3:00pm for the purpose of discussing the confining and support of City of Findlay overflow prisoners. Ordinance No. 2021-122 received its first reading during the December 15, 2021 Special Session City Council meeting.

President Harrington opened the meeting with the Pledge of Allegiance and a moment of silent prayer.

Unable to see and hear the beginning audio livestream of this to transcribe into the minutes.

DISCUSSION:

(verbatim)

Judge Hackenberg replied . . . versus sending them off to prison. So when that happened, *unable to hear the audio livestream of this to transcribe into the minutes.*

Councilman Wobser asked . . . some of the inmates are the County's, correct. *Unable to hear the audio livestream of this to transcribe into the minutes.* Judge Hackenberg replied correct. Our numbers that we currently have in the Justice Center are intentionally as they should be or what they needed to be because of the restrictions that are in place with just the numbers. The numbers we have are as of yesterday (*looking at and asking for confirmation from Findlay Municipal Court Eigel in the audience*). Findlay Municipal Court Eigel replied yes as of today. Judge Bishop added that it is up to nine (9).

Judge Hackenberg stated that is it up to fourteen (14) now. Councilman Wobser asked if the ninety-eight (98) quoted, we are now at fourteen (14). Judge Hackenberg replied correct. The percentage of misdemeanor versus felonies have flipped enough to go down a path that in 2018, the State gave money to counties as long as the counties would agree to keep their F4 and F5s, which is to send them off to prison. We usually house approximately seventy percent (70%) of misdemeanors in our jail and approximately thirty percent (30%) felonies. It has flipped completely since 2018 averaging anywhere from twenty-five percent to thirty percent (25-30%) misdemeanors versus those in on felonies. Findlay Municipal Court normally does not inform the Mayor's Office when we hit a bump in the road, but this in this case, it is very impactful to a County of a population of about seventy-six thousand (76,000) with a jail capacity of around ninety-eight (98) but is supposed to eventually go down to about forty-five (45). The Court has never had the mentality of being a jail-first community. We believe in treatment.

We believe in community service. We believe in using all the other options in the toolbox for these individuals who came before the Court, before jail. The sentencing philosophy of the Court has not changed at all to cause any need to incarcerate anyone. Officer Claflin will come to the podium to provide some examples and some of the frustrations we have and why this is such an important topic for Council's consideration.

Officer Claflin stated that a recent example was with an offender with multiple violations with their probation. The desire was to put them in jail, but after we were informed to reduce the jail population, he instead was put on an ankle monitor for house arrest in order to keep him contained, but he decided that on the weekends, he would not charge it, so we could monitor him to see where he was or what he was doing. We still can't put him in jail and were basically left with a situation where we have rules that have not been followed and cannot enforce them. We have another gentleman who we arrested for an alcohol violation. He is on probation for multiple DUIs (drinking and driving offenses). His wife is to the point where if she catches him drinking, she has to take his keys and her keys, and lock them in her car so that nobody can get to them until the next day when her father can come and unlock the car because he has the spare key. He has taken to drinking and driving in his car and does not go home. He is driving around the City and County drinking and driving. Due to the reduction that has been requested by us, we let him go and put him on an ankle monitor that has not always worked the best in the past. I have more examples I can give, but these two (2) examples give you a pretty good idea of what we're facing here. As of this morning, I put out the numbers for everybody that we had. There currently are a total of seventy-seven (77) people in the jail today, not ninety-eight (98). Of those, we only have three (3) individuals on probation at this point. We are doing everything we possibly can to try to reduce those numbers to accommodate the jail's request of trying to reduce the overpopulation.

Councilman Wobser asked if this is leaving some bad people out on the roads, quite literally, who shouldn't be out there. Officer Claflin replied yes. Whether they are out on the road or not, we did give some thought to making frequent trips to Columbus and back.

Councilman Wobser asked if the Sheriff has provided any timeline information beyond what had been provided last week. Judge Hackenberg replied no. We are operating under the operation that the east wing, at some point in time, is probably going to go offline because of the lack of staff there. We have not been told anything else. We've not been updated with any new numbers that they are going to be comfortable with, so this the latest information we have. Director of Court Services Beach added that the Sheriff's Office is in the process of attempting to recruit this for this now. *Unable to hear the audio livestream of this to transcribe into the minutes . . .* Councilman Wobser: asked if the way we are reacting to this situation is where we'll have outlay of money of some sort between people and equipment to get this done in a short amount of time and sounds like it's relatively necessary. Judge Hackenberg replied that is correct. Councilman Wobser noted that it sounds as if we do not have a choice. Judge Hackenberg replied that it has been difficult enough to live within the numbers the Justice Center has allowed to be present in the past two (2) years. They were allowing outside housing pre-COVID. We were probably averaging about one hundred thirty (130) between the courts and then COVID hit and we went back down to the initial ninety-eight (98) before it was requested to run in the sixties (60s) because of outbreaks and quarantines. It had bumped back up to averaging ninety-eight (98) which for Findlay, was always a problem, but lived within our means. It was not a long-term solution and was something that we could live with, with the understanding that there was issues, hopefully with solutions being worked on. When we are told it's forty-five (45), in my opinion, it's a crisis. I'm not crying wolf. It's an accountability crisis for us in the fairness to these individuals as well across the board. I stand here asking you to move as prudently possible as you can on this, with the understanding that there are possibly going to be some transportation issues, especially with the cases that we would be sending, which would be City code cases charged under City code that would be sent there. City code cases are currently being served at the Hancock County Justice Center, assuming that they can get in. Those are the kind of cases that we would be looking to send to perhaps Putnam County or whatever county would be willing to contract with us for those beds.

Councilman Russel asked if our average inmate population that the City is putting in across the street is between twenty-five to thirty (25-30). Judge Hackenberg replied that roughly based on ninety-eight (98), yes that would be correct on any given day. Councilman Russel asked what our capacity is and what amount Putnam County is making available to us. Director of Court Services Beach replied that during his discussions with the Putnam County Sheriff's Office, they indicated that they have a seventy-six (76) bed capacity. When I spoke with Jail Administrator Gerald, they only had fourteen (14) incarcerated at that time. They also contract with Wyandot County and some other entities to hold their prisoners, so I think they would have the adequate capabilities that are necessary for our overflow prisoners.

Councilman Russel asked if his calculations are correct in that inmates at three dollars (\$3.00) a day per week service equals a little over three thousand (\$3,000.00) and if we're at a six thousand plus (\$6,000.00+) possibly seven thousand dollars (\$7,000.00) a week savings if sending twenty-five (25) individuals to Putnam County which could pay for a lot of transportation costs. This potentially is a financial saver, but there may be some stress on those that do the transportation, but do not see a stressor from a financial standpoint. It sounds like a stop-gap solution. He is glad the Mayor mentioned that there will be some longer conversations, but wants to know what will happen if the Hancock Jail suddenly gets fully staffed and goes back to ninety-eight (98). He asked if the City will let Putnam County know and go back to their original model. We are at the beginning of making a significant break from this past relationship with the local jail facility. Judge Hackenberg replied that from the Municipal Court's perspective, more beds are needed than what currently are able to use at the Hancock County Justice Center even if they go back to ninety-eight (98). Officer Claflin just provided a few examples of individuals who we just can't get in when it was at ninety-eight (98). If we are truly going to carry out our mission, then yes I would foresee wanting to use those additional beds. Mayor Muryn added that additionally, there currently are over twenty-seven hundred (2,700) outstanding warrants. Law enforcement interacts with them, so we want to be able to hold them accountable. I would agree with Judge Hackenberg that this gives us an opportunity to re-evaluate how we approach inmate housing in Hancock County. It would be my desire that if the jail is able to get fully staffed and be able to house more individuals, that we start dealing with some of the individuals that have been turned away multiple times. While they may not be an immediate threat to the community or someone that is a high risk individual, they are individuals that we owe the responsibility of letting them serve their time and to move on with life. Councilman Russel asked if his high financial view of this is off-base. Mayor Muryn replied no. I would say that you are accurate.

Judge Hackenberg noted that Police Chief Ring is sitting in the audience listening. He had given a directive last week in regards to some policies and procedures on how Officers are responding to calls for service encounters with the public when there is criminal activity. PD has had to make a significant change on the number of jail beds available for the entire community. There has been a significant change in the law enforcement's perspective.

Police Chief Ring noted that on the Police Department side of things, the main thing that needs to take place on fresh arrests is when an individual comes into town and steals a couple hundred dollars from Walmart, when an Officer goes to arrest them, they need to be incarcerated with a guarantee that they can show up for court the next day. Being that they are someone outside of the county, we have to provide that kind of facility. The Sheriff's Office throughout this has said that they will take our violent offenses, will take our domestic arrests and protection order arrests, but will not take the non-violent offenses and minor misdemeanors (i.e. petty thefts) and low-level felony offenses (i.e. theft of over \$1,000), so we handle those calls and do so as a request for charges which is basically kicking the can down the road to where it will eventually go to a Prosecutor with charges being filed, and then will go to court, and then from there will be one of those deals where they will go to court, but do not know what to do you do when jail is not an option. The Police Department would continue to use Hancock County for fresh arrests, but because of the proximity, there would be some Officers having to be pulled off the road if we had to transport people to Putnam County direct from an arrest, and then with arraignments and things like that, there could be some additional issues on the Police Department side that this is geared towards. Those that went to court and have sentences to serve could be transferred over hopefully leaving space for us to deal with the fresh arrests so that we can process them into their initial appearances and go from there.

Councilman Wobser asked that when talking about logistics and when Councilman Russel talked about the savings on this on a per night basis, if we are not going to pull anybody off their current duties if that will mean all the transportation falls to overtime or additional staffing. Police Chief Ring replied that it would fall to the shifts that would be working at the time of the transportation need. When there is five (5) Officers working the road that night, if they made the arrest and have to be transported to Putnam County, it normally would be an arrest that takes an hour to an hour and a half to process, but if transported to another county, it would end up being three (3) hours by the time they are make the initial arrest, drive them to Ottawa and intake processing there, and then drive back. It essentially adds about an hour and a half to each arrest that involves incarceration. Councilman Wobser understands that would not be any additional costs, but that it would be taking an Officer off the street for twice the amount of time that it normally would take. Police Chief Ring replied that personnel in town would be decreased for certain amounts of time. Councilman Wobser asked if it is a long-term viable situation to do it this way. Police Chief Ring replied not to me. I'm hoping that we can open up enough beds in Hancock County that we can still use them for those types of incidents. Councilman Wobser replied understood. Chief Ring, thank you for that. Judge Hackenberg added that currently, Putnam County's restrictions on who they would accept would be sentenced individuals only, non-violent misdemeanors preferred, and obviously, those who do not have serious psychological issues. The fresh arrests, at least with Putnam County, would still be put into our local jail. They would be willing to take only sentenced individuals which are those who have been sentenced, have been put on probation, and have had problems with those who have been sentenced to owe a certain number of jail days. As it stands right now, Putnam County would not be hauling fresh arrests from Walmart, or wherever, over to Putnam County. So, it will not be a major issue at all and do not foresee it being a good use of anything, especially if we have room here in Hancock County. We will see what happens with that, but do not envision that happening, at least based on the restriction from Putnam County in that they will not take a fresh arrest that has not been sentenced. We always want to continue to work with the Sheriff and the Justice Center because whatever we do is always going to be with the jail even if we go down this path, which is the hope that Council will consider as we are excited about this. Our Community Alternative Sentencing Center (CASC) would always be in conjunction with the Justice Center, whatever that may look like, existing or in the future. We are not advocating that we abandon the Justice Center at all. It is still very convenient and still makes sense for a lot of things that are needed for certain individuals in order to be housed in that facility. This will get a lot of these non-violent, low risk offenders out of the jail and into facilities where they can be housed at. Councilman Wobser asked if there is a current obligation or contractual agreement with the County for use of their jail. Judge Hackenberg replied yes there is. Councilman Wobser asked if by us doing these contracts, if we are in violation of that agreement. Judge Hackenberg replied no if they are done right. If we use their facility, then that is the contract. It is not an exclusive contract with them. Councilman Wobser asked if it is at-will that we decide to use them and if a certain number of prisoners have to be taken there. He asked if there is any contractual or financial obligation to them. Law Director Rasmussen (*from the audience*) replied there is no obligation. Councilman Wobser asked if our agreement simply outlays the costs if we utilize their facility. Law Director Rasmussen (*from the audience*) replied correct.

President of Council Harrington noted that we have not talked about the female population and asked if that was affected. Judge Hackenberg replied that when meetings with the Sheriff took place last week, he noted that there currently are thirty (30) males and fifteen (15) females. President of Council Harrington noted that we talked a lot about Putnam County and asked if we are in negotiations with any other surrounding counties that have jail space or if we are just exclusively talking to them because they have some beds. Mayor Muryn replied that we are reaching out to surrounding counties as well. We believe it will be a benefit to the community to obtain contracts with any facility that is willing to enter into one as long as it makes financial sense and would be able to work out the logistics. President of Council Harrington added that the County does use VanWert for their female population.

President of Council Harrington asked if inmates will be transported in a transportation vehicle or a patrol vehicle. Police Chief Ring replied that it would be a patrol vehicle as we do not have a transport van.

Councilman Wobser asked Mayor Muryn what she specifically wants Council to do today. Mayor Muryn replied the request today is just to give the legislation a first reading authorizing the Mayor and/or Service-Safety Director to enter into an agreement with other counties related to inmate housing. It is her desire to give the legislation its first reading today and then during the December 21, 2021 Regular Session City Council meeting, Council would then take action, given that it would be a legislative session, be given its second and third readings and either approved or denied. She asked Council to let it be known as soon as possible if they are moving in the direction of denial.

Councilman Hellmann *Unable to hear the audio livestream of this to transcribe into the minutes . . .* Mayor Muryn replied that going back to Councilman Russel's point, there may be a benefit of utilizing other jails even when our jail is not up to its full capacity. She does not believe Hancock's jail will be up to its full capacity and expects it to be at least six to nine (6-9) months before we are back up to full capacity, but is just a guess.

Councilman Wobser asked Mayor Muryn if the CASC seems to be the next best alternative to help alleviate this problem going forward and if it would cut down the number of individuals that would use the Hancock County Justice Center and potentially send others to other counties. Mayor Muryn replied that is correct. Councilman Wobser asked what we need to do to get this jump started if this is our next best option. Mayor Muryn replied that Probation Officer Griffith whom was unable to be here tonight, has been exploring and pulling together information. Some of Municipal Court's staff have been on site visits to other CASCs, a couple in Ohio and a number of them in Indiana. At this point, we have not officially asked other facilities for their assistance. She anticipates bringing proposals to Council in about a month to obtain a firm to assist in the developing of a plan and strategy to build out a CASC. It will be a misdemeanor facility that would allow for treatment and additional rehab services. It will be a facility to address the needs of the population that are able to come and be less supervised. She is now asking Council to support this and is asking for a little more time for a full proposal. Judge Hackenberg *(from the audience)* added that he can provide additional information to anyone who has an interest on what a Community Alternative Sentencing Center is. As Mayor Muryn mentioned, Probation Officer Griffith has spent about a year researching this and has gone on some site visits. Mayor Muryn said it best that it is a detention facility for low level, low risk offenders. It is designed as a dorm-style facility without jail cells and without bars. Residents would come in for their treatment and then leave for work or community service projects, none of which have to be built to jail standard. Treatment discussions have taken place with Precia Stuby and the ADAMHS Board of Hancock County who are excited about this. They are more than happy to provide treatment for individuals who are dealing with substance abuse issues as well. It's a concept that is very different from a jail environment and is not a replacement for a jail as there still are individuals that will not be admittable or even able to be housed there. Anyone who would like to have additional information on it may contact the second (2nd) floor.

Councilman Wobser asked if this will be in conjunction with the County or not. Judge Hackenberg replied that he would love for this to be in conjunction with Hancock County and thinks it should be. Everything we do with our criminal justice system is not just for the City of Findlay, but is a County-wide system. Findlay is in the center of Hancock County, so this should be a joint effort that could be done with the County Commissioners because everyone benefits in the County and the City. Mayor Muryn asked that after the holidays, possibly early next year, if a COMMITTEE OF THE WHOLE meeting could be set up to dive into this a little bit deeper and provide a status update on what next steps would be. She echos Judge Hackenberg's sentiments in that this should be law and that crime does not stop at the community borders. We need to work together on this. We believe this is a large community benefit. We have been doing our initial research to move this forward and are happy to take the lead on furthering those conversations.

Councilman Niemeyer: Moved to vote on Ordinance No. 2021-122 for its first reading. President of Council Harrington replied that Council needs to get through the agenda and then move on to legislation. He asked if there are any additional questions or comments. Hearing not, we will move onto legislation.

LEGISLATION:

ORDINANCES

ORDINANCE NO. 2021-122 requires three (3) readings

first reading

(MOU - Wyandot County Sheriff & Sheriff of Putnam County (confining & support of City of Findlay overflow prisoners)

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR SERVICE-SAFETY DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR THE CONFINEMENT AND SUPPORT OF CITY OF FINDLAY OVERFLOW PRISONERS AS SET FORTH IN THE MEMORANDUM OF UNDERSTANDING HERETO ATTACHED AS EXHIBIT A, AND DECLARING AN EMERGENCY.

First reading of the Ordinance.

President of Council Harrington asked Council for any further business before Council. None given. He asked for a motion to adjourn. Councilman Russel moved to adjourn the meeting at 4:04pm, seconded by Councilman Palmer. All were in favor.

CLERK OF COUNCIL

PRESIDENT OF COUNCIL