

ORDINANCE NO. 2017 - 03

**AN ORDINANCE OF THE COUNTY COUNCIL OF WARRICK COUNTY,
INDIANA PROVIDING FOR USE OF FUNDS COLLECTED BY THE
PROSECUTOR'S DEFERRAL OR PRETRIAL DIVERSION PROGRAMS**

WHEREAS, the Office of the Prosecuting Attorney of Warrick County (the "Prosecutor's Office") has the authority to establish pretrial deferral and diversion programs, which would allow the withholding of prosecution in certain cases;

WHEREAS, I.C. § 33-37-8-6 provides that funds derived from a deferral program or pretrial diversion program may only be disbursed by the adoption of an ordinance appropriating the funds for one (1) or more statutory purposes; and

WHEREAS, the Prosecutor's Office administers pretrial deferral and diversion programs, pursuant to I.C. § 33-39-1-8(d) ("Deferral and Diversion Programs") and collects funds derived therefrom.

NOW, THEREFORE, BE IT RESOLVED by the Council as follows:

Section 1. Funds derived from the Prosecutor's Office's administration of the Deferral and Diversion Programs ("Deferral and Diversion Program Funds") may be disbursed in accordance with guidelines adopted by the prosecuting attorneys council pursuant to I.C. § 33-39-8-5 and for one (1) or more of the following purposes:

- (1) Personnel expenses related to the operation of the program.
- (2) Special training for:
 - a. A prosecuting attorney;
 - b. A deputy prosecuting attorney;
 - c. Support staff for a prosecuting attorney or deputy prosecuting attorney; or
 - d. A law enforcement officer.
- (3) Employment of a deputy prosecutor or prosecutorial support staff.
- (4) Victim assistance.
- (5) Electronic legal research.
- (6) Office equipment, including computers, computer software, communication devices, office machinery, furnishings, and office supplies.
- (7) Expenses of a criminal investigation and prosecution.
- (8) An activity or program operated by the prosecuting attorney that is intended to reduce or prevent criminal activity, including:
 - a. Substance abuse;

- b. Child abuse;
 - c. Domestic violence;
 - d. Operating while intoxicated; and
 - e. Juvenile delinquency.
- (9) The provision of evidence based mental health and addiction, intellectual disability, developmental disability, autism, and co-occurring autism and mental illness forensic treatment services to reduce the risk of recidivism in a program administered or coordinated by a provider certified or licensed by the division of mental health and addiction or the division of disability and rehabilitative services with expertise in providing evidence based forensic treatment services.
- (10) Any other purpose that benefits the office of the prosecuting attorney or law enforcement and that is agreed upon by the Council and the prosecuting attorney.

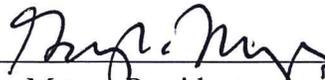
Section 2. The Deferral and Diversion Program Funds may be used by the Prosecutor's Office, at its discretion, upon certification by the duly elected prosecutor of Warrick County that the Deferral and Diversion Program Funds will be used only in accordance with Section 1, above.

Section 3. Any Deferral and Diversion Program Funds remaining at the end of the year do not revert to any other fund but shall remain in the specific funds for the Deferral and Diversion Program Funds.

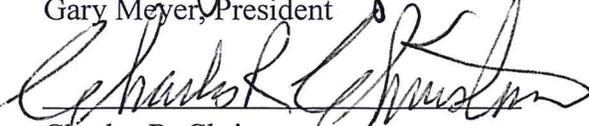
Section 4. This Ordinance shall be in full force and effect upon passage

Adopted this 5 day of October, 2017.

WARRICK COUNTY COUNCIL



Gary Meyer, President



Charles R. Christmas



Paul Rudolph

Ted Metzger



Greg Richmond, Vice President

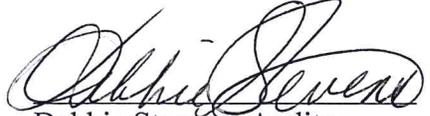


David Hachmeister



Brad Overton

ATTEST: this 5 day of October, 2017.



Debbie Stevens, Auditor