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INDIANA CRIMINAL CODE REFORM

ANNUAL EVALUATION

PREPARED BY THE INDIANA CRIMINAL JUSTICE INSTITUTE AND THE JUSTICE REINVESTMENT ADVISORY COUNCIL



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Guided by a Board of Trustees representing all components of Indiana's criminal and juvenile justice systems, the Indiana Criminal Justice Institute (ICJI) serves as the state's planning agency for criminal justice, juvenile justice, traffic safety, and victim services. The ICJI develops long-range strategies for the effective administration of Indiana's criminal and juvenile justice systems and administers federal and state funds to carry out these strategies. The ICJI also serves as Indiana's Statistical Analysis Center (SAC). The SAC's primary mission is compiling, analyzing, and disseminating data on a variety of criminal justice and public safety-related topics. The information produced by the SAC serves a vital role in effectively managing, planning, and creating policy for Indiana's many public service endeavors.

The purpose of the Justice Reinvestment Advisory Council ([JRAC](#)) is to review policies, promote state and local collaboration, assist local or regional advisory [councils](#), and provide assistance for use of evidence-based practices in community-based, and a variety of other, alternatives and recidivism reduction programs.

The 2021 Annual Evaluation of the Criminal Code Reform report was prepared for Governor Eric J. Holcomb, Chief Justice Loretta H. Rush, and the Indiana General Assembly Legislative Council, and submitted on December 1, 2021.

Acknowledgements:

This report would not have been possible without the contributions of the executive teams and boards of the Indiana Criminal Justice Institute and the Justice Reinvestment Advisory Council, in collaboration with Indiana Court Technology, Indiana Office of Court Services, the Indiana Department of Correction, the Indiana Family and Social Services Administration, the Indiana Sheriffs' Association, the Indiana Supreme Court, and the Indiana Prosecuting Attorneys Council to obtain data and information for this report.





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Letter from the Director



It is with great pleasure that the Indiana Criminal Justice Institute, in collaboration with the Justice Reinvestment Advisory Council, submit the 2021 Annual Criminal Code Reform Evaluation pursuant to IC 5-2-6-24.

This is the seventh Annual Criminal Code Reform Evaluation, and the fourth completed in conjunction with the Justice Reinvestment Advisory Council. The report, which focuses on data and information that covers state fiscal year 2021, represents the culmination of countless hours of quantitative and qualitative data collection and analysis and collaboration with state and local partners.

This report, like the previous, discusses an array of topics ranging from jail overcrowding and the development of specialty courts to behavioral and mental health services needed by today's criminogenic population, as well as Indiana's attempt to continue to address the impact of COVID-19 on the criminal justice system. The challenges and issues created by COVID-19 continue to be some of the most challenging issues facing the criminal justice system. This report intends to address many of these areas in a way that allows Indiana's policymakers and stakeholders to develop public safety policies based on sound data and meaningful analysis.

The issues highlighted over the last year have no easy solution and will require significant investment by Indiana's policy makers and criminal justice system. Our hope is that these reports, combined with the diligent efforts of Indiana's criminal justice community, will lead to progress, as Indiana remains committed to enhancing and developing the best criminal justice system in the nation.

I would like to commend all of the individuals and organizations that contributed to this report, as well as the professionals who work in, or are involved with, taking our justice system to the next level. Their passion, dedication and hard work truly sets Indiana apart.

If you have questions about this report, please don't hesitate to contact ICJI at 317-232-1233.

Respectfully,

Devon McDonald
ICJI Executive Director

Letter from the Chair



Since its creation, the State Justice Reinvestment Advisory Council (State JRAC) has completed significant work to ensure public safety and community well-being throughout Indiana's Community-Based Supervision System. This work includes, but is certainly not limited to: conducting statewide mapping of Indiana's criminal justice system; completing a comprehensive report on bail reform throughout the state; overseeing millions of dollars in grants to counties seeking to improve their community supervision systems; and, most recently, reviewing our community corrections statutes and developing comprehensive technical assistance for our newly created Local JRACs. All this work has been a continuous collaborative effort among and between Indiana's state-level criminal justice stakeholders. It has not been easy, but it has allowed State JRAC and its constituent members to better understand how our criminal justice system, and each of its component parts, functions. It has fostered a common understanding of evidence-based and best practices and how those practices can be implemented in every Indiana county, even allowing for reasonable deviations among local practices.

The Indiana General Assembly's unanimous passage of the Local JRAC statute demonstrates Indiana's renewed commitment to the principles of Justice Reinvestment. It also institutionalizes a critical state-local partnership that will help reinvest criminal justice resources where they are most needed. Local JRACs will provide an effective forum for community leaders to understand how and why they came to have a stake in Indiana's community supervision system. State JRAC has already started the important work of assisting Local JRACs in assessing their practices and in implementing evidence-based best practices to achieve better outcomes. On November 1, State JRAC began a series of webinars designed to explain the Local JRAC concept, to provide instruction and assistance in meeting statutory requirements, and to aid in using the JRAC model to increase public safety and community well-being. In the coming months, the Local JRAC website will become a one-stop shop for community criminal justice needs. It will offer access to grant applications, templates for conducting local system reviews, a portal for communication between Local JRAC points of contact and State JRAC, training videos, and answers to frequently asked questions. This technical assistance will allow Indiana and its communities to accomplish what the Justice Reinvestment Initiative intended.

State JRAC looks forward to being more responsive to the needs of individual communities as they implement and maintain effective community supervision programs and as they seek to improve community well-being.

Respectfully,

Christopher M. Goff, JRAC Chair
Justice, Indiana Supreme Court



EXECUTIVE SUMMARY

In 2013, the Indiana General Assembly introduced House Enrolled Act 1006, an act to amend the Indiana Code concerning criminal law and procedure. The provisions were officially set and codified as Public Law 158 on July 1, 2014. The Indiana Criminal Justice Institute (ICJI) and the Justice Reinvestment Advisory Council (JRAC) were tasked to annually evaluate the effects of the criminal code reform on the criminal justice system. This report represents the seventh annual evaluation of House Enrolled Act 1006. It is important to note that, due to the ongoing novel coronavirus (COVID-19) global pandemic, data presented in this report may not accurately reflect previously identified trends.

To determine the effects of the criminal code reform on courts, prisons, jails, and other community-based alternatives to incarceration, data was obtained from Indiana Court Technology and the Indiana Department of Correction (IDOC). Data gathered from Court Technology demonstrates new filings, abstracts of judgment (originals, revocations, sentence modifications, and appeals), and sentence placements (jail, probation, IDOC, community corrections, or some combination thereof), as well as information about probation and problem-solving courts. Data gathered from the IDOC outlines admissions and releases (including parole, probation, and the community transition program), facilities capacity, and recidivism, as well as information about jail populations, and programs. Finally, information about the availability and effectiveness of mental health and substance use programs was provided by the above entities, as well as the Indiana Family and Social Services Administration's (FSSA) Division of Mental Health and Addiction (DMHA) and the Indiana Office of Court Services.

There were 73,630 new criminal felony filings in state fiscal year 2021 (SFY21), where Level 6 felony filings comprised nearly three-quarters of the total. While the total number of original abstract of judgments fell slightly from the previous year (7.8%), the percentage of those abstracts that represented F6 offenses held steady. These data clearly demonstrate that the Indiana criminal justice system is disproportionately inundated with low-level felons. This has had a significant impact on jails because, in large part, individuals convicted of low-level felony offenses were placed in jail as opposed to an IDOC facility. Eighty percent of all sentences did not include placement in an IDOC facility, and only 7% of F6s are being placed in the IDOC, which reduced the amount of low-level, non-violent felons in prison. There were only 297 (0.4%) new criminal felony filings under the legacy criminal code, demonstrating successful assimilation to the new felony classification system. There were an additional 3,786 motions filed to suspend,

reduce, or modify a felony sentence. Of those, about a quarter were granted, 31% were denied, and the remaining 43% are still pending.

HEA 1006 envisioned the increased usage of community-based programming to promote rehabilitation of offenders within their communities as well as decrease the usage of state and local facilities. Comparing the first and last months of SFY21, there have been decreases in probation supervisions (reported by both the courts and the IDOC) and releases to parole, while community transition program (CTP) utilization has increased slightly. CTP utilization has begun to return to pre-pandemic levels, but still lags slightly behind the monthly average for SFY20. In calendar year 2020 jails were at 71% capacity, statewide. When looking at jails individually, 20 (22%) are operating at a capacity rate between 80% and 99%. Jails are considered overcrowded if they exceed 80%, and 14 (16%) are operating at a capacity rate of 100% or more. Male and female prison capacity rates for medium- and maximum-security prisons remained consistent over the course of SFY21, while minimum-security and reentry/work release programs saw fluctuations. This is likely attributable to the COVID-19 pandemic. While many prisons consistently operated at a capacity rate of 90% or more throughout SFY21, the total number of IDOC inmates has declined throughout the year.

An important aspect of the criminal code reform was to redistribute funds to the local level for the rehabilitation of offenders to decrease recidivism and enhance public safety. This was operationalized by funding mental health and substance use programs both within facilities and in the local community. There have been a wide variety of resources made available to the general population and the criminal-justice involved population alike who need mental health and/or substance use programming. For the criminal justice population, involvement in, and especially completion of, programs which address mental health and substance use seem to reduce recidivism. According to the National Association of Drug Court Professionals (NADCP), “treatment courts are the single most successful intervention in our nation’s history for leading people living with substance use and mental health disorders out of the justice system and into lives of recovery and stability.” Indiana has taken a similar approach using problem-solving courts. However, at present, there is no system in place to capture the effectiveness of mental health or substance use programming in jails, nor is there a system in place to capture the effectiveness of mental health programming in the IDOC.

Additionally, the FSSA’s DMHA Recovery Works program provides vouchers to DMHA certified mental health and addiction treatment providers in the community to treat criminal justice-involved individuals without insurance or Medicaid in an effort to reduce recidivism and encourage recovery. DMHA

reported that from July 1, 2017, through July of 2021, the program has had 61,473 total enrollees and \$81,137,894 in total expenditures.

The perspective of those working within the criminal justice system is an important part of understanding the overall impact of the criminal code reform. A survey of criminal justice professionals reveals that more individuals are flowing through the criminal justice system that need mental health and substance use services which then puts a strain on personnel and resources. Moreover, COVID-19 has transformed the way many organizations operate and work with justice-involved individuals. Many agencies instituted new policies or procedures to address COVID-19 related issues, and several agencies intend to keep those changes in place moving forward.

Based on findings in this report and prior reports, the ICJI and JRAC outline that enhancing the criminal justice data ecosystem; investing in forensic mental health and substance use programs, as well as other programming which may mitigate risk factors to recidivating; and helping offenders successfully reassimilate into their communities will ensure that the provisions of House Enrolled Act 1006 are not just met, but advanced.

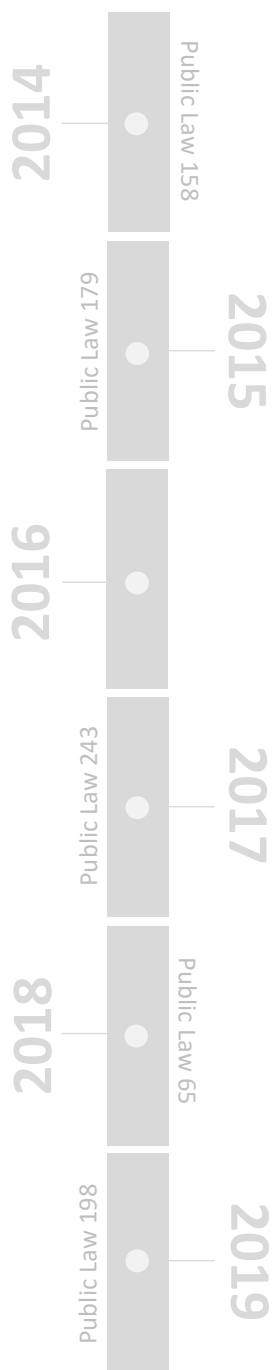


INTRODUCTION

In 2013, the Indiana General Assembly introduced House Enrolled Act 1006, an act to amend the Indiana Code concerning criminal law and procedure. The provisions were officially set on July 1, 2014, and solidified as Public Law 158. House Enrolled Act 1006 may be referred to as any of the following throughout this report: the criminal code reform, 1006, and HEA 1006.

In short, HEA 1006 aimed to:

- » reduce crime and enhance public safety by locally rehabilitating offenders;
- » reserve scarce prison space for dangerous offenders, and redistribute realized savings to county-level services;
- » restructure the felony system, revise sentencing schemes, and operationalize offenses to maintain proportionality in penalties;
- » ensure judges have maximum discretion, removing mandatory minimums and expanding suspendible sentences; and,
- » provide victims of crime certainty in the length of their offender's sentence through capped credit time.



Legislative action has been taken in the years after the passing of 1006 amending parts of these original attributes: Public Law 168 (2014), Public Law 179 (2015), Public Law 243 (2017), Public Law 65 (2018), and Public Law 198 (2019). The Indiana Criminal Justice Institute (ICJI) was tasked to annually evaluate the effects of the criminal code reform on the criminal justice system in accordance with IC 5-2-6-24. Annual reports were outsourced to the Sagamore Institute in years 2015 and 2016. In 2017, the ICJI conducted its first evaluation. Since 2018, the ICJI has prepared the annual report in conjunction with the Justice Reinvestment Advisory Council (JRAC) in accordance with IC 33-38-9.5-2¹. The findings of this report are identified below.

The new felony code created by HEA 1006 assigns offenses with levels of classification ranging from a Felony Level 1 through 6. The legacy code utilized fewer classifications (4 as opposed to 6) and designated them as classes A – D. A Felony Level 1 is considered the most severe, whereas a Felony Level 6 (also referred to as Level 6, F6 or low-level felony) is considered the least severe. The new felony code changes are contributing, in part, to an increase in the average number of prison days offenders are required to serve. However, felons, and particularly low-level F6 felons, are less prevalent in the prison system. There has been an increased usage of jails and community-based alternatives, particularly by those low-level felons who have been redirected from the prison system. While alternatives to incarceration programs have been invested in at higher proportions than pre-1006, stakeholders say it’s still not enough to address the need created by HEA 1006. Jail overcrowding has become concerning as F6s are continuously being diverted to the jails. Professionals have also reported an overall increase in the number of individuals who come in contact with the criminal justice system and are in need of substance use and/or mental health services. Prior reports, as well as a longitudinal analysis of data since the enactment of HEA 1006, are available on the ICJI’s [website](#).

This report represents the seventh annual evaluation of the criminal code reform. The purpose of this report is to present recent revisions to legislation pertaining to the criminal code reform and evaluate the original provisions’ effects on the Indiana criminal justice system. Data and information that support the demonstrated effects in this report derive from a variety of local and state entities and will cover the most recent year of data – the state fiscal year 2021 (SFY21, July 1, 2020 – June 30, 2021). It is important to note that, due to the ongoing novel coronavirus (COVID-19) global pandemic, data presented in this report may not accurately reflect previously identified trends.

Aside from tracking the evolution of the criminal justice system post-HEA 1006, this report serves as a tribute to the hardworking individuals who are part of

¹ The JRAC has contributed to further the understanding of the effects of the 2014 criminal code reform by co-authoring a report titled Bail Reform and Pretrial Issues found here: www.in.gov/justice/files/jrac-2019-bail-pretrial-report.pdf.

both public and private entities that work within and intersect with the criminal justice system. These individuals have tenaciously carried out the provisions of HEA 1006.




COVID-19 IMPACT ON PRISON & JAIL POPULATIONS

State fiscal year 2021 marks the first full year that prison and jail operations were impacted by the COVID-19 pandemic. Following a national decrease in prison and jail populations during the spring months of 2020, Indiana prison and jail populations varied in their return to pre-pandemic levels. In March of 2021, the Public Policy Institute at Indiana University Purdue University Indianapolis (IUPUI) published a [report](#) analyzing changes in jail population in 19 counties. By June of 2020, after the first COVID-19 peak, 11 of the jails had begun increasing their populations again, while the remaining 8 counties continued to see decreases.²

Total increases in population for Indiana counties lagged slightly behind the national average. Population numbers were reduced intentionally, due to concerns about the ability of prisons and jails to adequately prevent the spread of COVID-19 throughout their facilities. JRAC's final [report](#) on the impact of the COVID-19 pandemic on jail populations was published December 11, 2020. The final report discussed findings in two main categories: (1) practices resulting from pandemic conditions that are not likely to continue or have already been discontinued, and (2) evidence-based practices adopted during the pandemic which will continue and/or further develop over time. The report gave the Council a better understanding of jail populations across the state as it related to the pandemic and indicated no one factor or condition was solely responsible for the trend in increases or decreases in local jail populations. To address short- and long-term jail population issues, JRAC recommended continued support for the recommendations outlined in the Jail Overcrowding Task Force Report and the JRAC Pretrial and Bail Reform Report. In particular, the group recommended providing support for local efforts around collaboration and evidence-based pretrial services.

² Public Policy Institute. (2021, March). Effect of COVID-19 on Indiana jail populations & operations.



According to the Equal Justice Initiative, by April 2021 nationwide over 661,000 incarcerated individuals and staff members had tested [positive](#) for COVID-19, of which more than 2,990 had died. In Indiana Department of Correction facilities, as of October 7, 2021, 5,888 offenders and staff had tested positive for COVID-19. Of these 5,888 individuals, 44 died as a result of COVID-19 and an additional 12 were thought to have COVID-19 as their cause of death.

A variety of changes were implemented across Indiana that led to population reductions at many facilities. At the beginning of the pandemic, the Indiana Supreme Court issued [Administrative Rule 17](#) for trial courts statewide that allowed for reasonable tolling and expanded the use of virtual court hearings. The courts, while maintaining essential functions during this period, were allowed to review placements of nonviolent inmates and juveniles, modify sentences, or order temporary releases from jail. During this period, there was ultimately a reduction in the number of new individuals being sentenced to prison or jail in Indiana.

The courts within the state have since resumed operations and continue conducting hearings via video conferences. In-person jury trials were allowed to resume after March 1, 2021.³ Although most courts have resumed normal operations, many are still working through a backlog of cases that accumulated during reduced operations and cases are still proceeding at a slower pace than pre-pandemic.



NEW LEGISLATION

There have been several new laws enacted that impact criminal code reform, changing how HEA 1006 impacts the criminal justice system in Indiana. New legislation listed below was passed during the 2021 session.

[SEA 63](#): *Mental health treatment for inmates*: Allows the IDOC to permit a person who is incarcerated to remain within a treatment facility operated by IDOC for up to 14 days past the inmate's release day to expand access to services for those with a mental disorder, disability, or substance use disorder.

³ COVID-19 responses and resources. Retrieved from www.in.gov/courts/covid.

[SEA 79](#): *Protection orders and domestic battery*: Makes changes to the classification of certain domestic violence crimes.

[SEA 133](#): *Sentencing*: Updates the sentencing guidance for Level 2 and 3 felonies so that the court may suspend only that part of a sentence that is in excess of the minimum sentence.

[SEA 201](#): *Operating while intoxicated*: Establishes a defense for operating while under the influence of marijuana if the driver was not intoxicated and did not cause an accident.

[SEA 368](#): *Juvenile justice*: Provides updated guidance on juvenile expungement and housing juveniles in adult facilities and establishes an evaluation process for juveniles identified as dual system youth (youth involved with the juvenile justice system and the child welfare system).

[HEA 1127](#): *Mental health and addiction forensic treatments*: Adds competency restoration services to the list of treatment and wraparound recovery services made available to certain persons in the criminal justice system.

[HEA 1068](#): *Local or regional justice reinvestment advisory councils*: Updates JRAC's purpose and duties to include - assist local or regional advisory councils, review community corrections code provisions and make recommendations to improve operations with evidence-based practices.

[HEA 1225](#): *Opioid treatment programs*: Creates a requirement for an opioid treatment program to obtain prior authorization from the Division of Mental Health and Addiction for patients receiving more than 14 days of opioid treatment medication.

[HEA 1256](#): *Juvenile court jurisdiction*: Adds indecent display and dangerous possession of a firearm as delinquent acts subject to the jurisdiction of a juvenile court.

[HEA 1558](#): *Indiana crime guns task force*: Establishes the Indiana Crime Guns Task Force to reduce crime and creates a requirement for the ICJI to administer the Task Force fund to provide operational support.





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ONLINE DASHBOARDS

Click [here](#) or visit our website for past reports and a longitudinal analysis of data since the enactment of HEA 1006.

COURT DATA

NEW FILINGS

A criminal charge brought by the prosecutor's office is commonly referred to as a new filing. Table 1 below shows the number of new felony-level filings for SFY21. A total of 73,630 new criminal felony cases were filed. F6 filings made up most felony filings at just under 73% and F5s were the second highest at 15%.

Table 1. New Criminal Filings, SFY21

Felony-Level	New Filings	Percent
Murder	329	0.4%
F1	637	0.9%
F2	2,130	2.9%
F3	2,229	3.0%
F4	3,466	4.7%
F5	11,107	15.1%
F6	53,435	72.6%
FA-FD	297	0.4%
Total	73,630	100.0%

The number of total felony filings decreased from 2019 to 2020, likely as a result of the pandemic. Filings in 2021 are on track to return to levels similar to pre-pandemic. In 2020, four of the top ten felony filings were substance-related (possession of methamphetamine, syringe possession, possession of a narcotic drug, operating while intoxicated).

Similarly, as of August 2021, four of the top ten felony filings for 2021 are substance-related (possession of methamphetamine, syringe possession, possession of a narcotic drug, operating while intoxicated). Additionally, domestic battery and strangulation, crimes that often involve substance use issues, are also in the top ten.⁴ This data stresses the importance of having substance use programs and resources available for felony offenders.

⁴ As found in ICJI's Domestic Violence in Indiana – 2017 Offender Overview report found here: www.in.gov/cji/grant-opportunities/files/Domestic-Violence-in-Indiana-2017-Offender-Overview_March-2020.pdf.



Table 2. Top 10 Felony Offenses, 2020-2021

	2020	2021 (Jan-Aug)
1	Possession of Methamphetamine	Possession of Methamphetamine
2	Syringe Possession	Syringe Possession
3	Domestic Battery	Possession of a Narcotic Drug
4	Theft with Prior	Domestic Battery
5	Possession of a Narcotic Drug	Theft with Prior
6	Theft	Strangulation
7	Strangulation	Operating While Intoxicated
8	Auto Theft	Resisting Law Enforcement
9	Operating While Intoxicated	Auto Theft
10	Residential Entry	Theft \$750-\$50k

Source: IPAC

ABSTRACT OF JUDGMENT COUNTS

An abstract of judgment is completed for offenders convicted of a felony that involves a sentence to the IDOC; this also includes F6s sentenced to jail. Figure 1 below shows the total number of abstracts monthly in SFY21. Total abstracts fluctuated slightly from month to month, with a slight decrease between the months of November 2020 and February 2021. The largest single month decline was between October and November, with a decrease of 17%. The largest monthly increase was between February and March, with an increase of 29%. Original abstracts account for 72.5% of all abstracts, revocations make up 24.5%, and sentence modifications make up the remaining 3%.



Figure 1. Monthly Abstract of Judgment

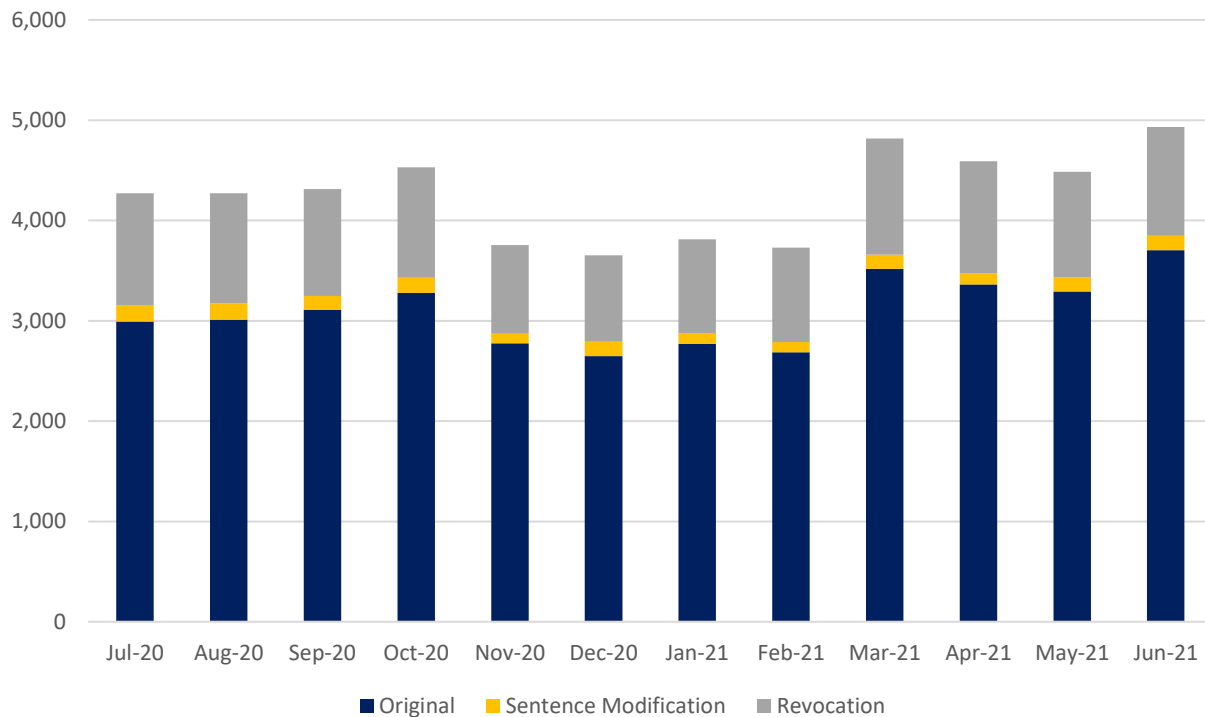


Table 3 shows the total number of original abstracts for SFY21. F6s constitute just over 76% of all abstracts or convictions. F5s are the second most common felony level at 14%.



Table 3. Original Abstracts by Felony-Level, SFY21

Felony-Level	Count	Percent
MR	69	0.2%
F1	121	0.3%
F2	536	1.4%
F3	961	2.6%
F4	1,697	4.6%
F5	5,185	14.0%
F6	28,366	76.4%
FA*	11	0.0%
FB*	28	0.1%
FC*	34	0.1%
FD*	125	0.3%
NC	19	0.1%
Total	37,152	100.0%

**Only offenses occurring prior to July 1, 2014, can be charged with a Class A – D felony*

A sentence modification motion is a request to the court to suspend or reduce the sentence of a felony conviction. Offenders may request a sentence modification at any point while serving their sentence. IC 35-38-1-17 specifies the eligibility and requirements to request a sentence modification. During SFY21, 3,786 sentence modification motions were filed. Of those, 31.2% were denied, 25.6% were granted, and the remaining 43.2% are still pending. While requests for sentence modification have increased 86% since the enactment of HEA 1006, total requests decreased 15% from SFY20. The percentage of motions granted has increased slightly from SFY20, when it was 23.5%.

PLACEMENT

Placement refers to the type of sentence (jail, probation, IDOC, or community corrections) an offender received following conviction. Table 4 below shows that the combination of jail and probation is the most frequent sentence at 22%, followed by jail only at 21% and probation only at 16%. Overall, 80.4% of the sentences did not include placement in an IDOC facility. This is a slight increase over the previous year and is in line with HEA 1006’s goal of reducing the number of offenders sentenced to prison. Total placements across all categories increased 15% from July 2020 to June 2021 but were still 7% below the yearly total from SFY20.

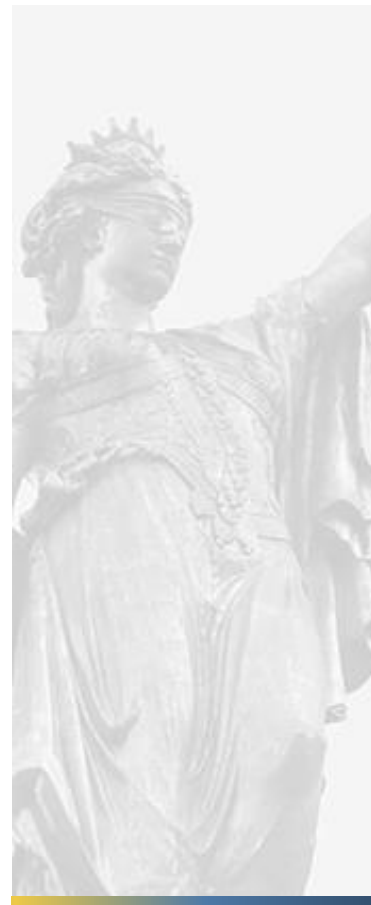




Table 4. Placement Type Monthly, SFY21

Month	Jail and Prob	Jail	Prob	DOC	CC only	CC and Prob	DOC and Prob	Jail, CC, and Prob	Jail and CC	DOC, CC, and Prob	DOC and CC	No Placement	Total
Jul-20	919	1,005	599	573	416	325	210	83	68	40	28	9	4,275
Aug-20	887	971	694	481	474	303	207	93	80	40	30	15	4,275
Sep-20	973	919	679	547	435	307	234	82	69	42	21	7	4,315
Oct-20	997	947	692	519	501	367	220	110	81	53	34	11	4,532
Nov-20	876	771	537	512	385	275	183	79	50	46	28	13	3,755
Dec-20	830	769	555	471	363	293	203	69	47	29	18	10	3,657
Jan-21	847	801	600	482	417	279	187	76	54	44	20	12	3,819
Feb-21	811	792	574	495	379	278	192	83	63	34	21	13	3,735
Mar-21	1,093	995	803	604	478	311	262	97	67	55	34	19	4,818
Apr-21	951	978	771	588	475	346	233	71	77	62	27	15	4,594
May-21	985	975	711	614	414	314	227	74	73	54	31	15	4,487
Jun-21	1,059	1,038	849	653	478	377	240	72	66	59	40	6	4,937
Total	11,228	10,961	8,064	6,539	5,215	3,775	2,598	989	795	558	332	145	51,199

Before the enactment of HEA 1006, FDs (the equivalent of F6 under the new code) were commonly sentenced to IDOC. Now, F6s are only sentenced to IDOC in limited circumstances. FDs and F6s make up 74% of the placements and are most often sentenced to jail only, jail and probation, or probation only. Out of all the placements for SFY21, FDs and F6s constitute 93% of the jail only placements. Table 5 below shows where FDs and F6s were placed during SFY21. These data demonstrate that 27% of FDs and F6s were placed in jail only, 26% in jail and probation, 18% in probation only, and 10% in community corrections only. Only 7% of these offenders received a placement that included an IDOC facility, a slight decrease over the previous year.



Table 5. Placement Type for F6s and FDs, SFY21

Placement Type	Count
Jail	10,224
Jail and Probation	10,090
Probation	6,980
Community Corrections	3,934
IDOC	2,454
Community Corrections and Probation	2,271
Jail and Community Corrections	675
Jail, Community Corrections, and Probation	817
IDOC and Probation	274
No Placement	124
IDOC and Community Corrections	35
IDOC, Community Corrections, and Probation	21
Total	37,899

PROBATION

Probation is a court-imposed sentence that releases a convicted person into the community, subject to certain conditions. The total number of adult offenders on probation has steadily declined since the first quarter of SFY21, with an overall decrease of 9% for the fiscal year. The number of new felony supervisions received also saw a decrease of 9% during SFY21. For new felony supervisions, substance use offenses made up 43% of offenders on probation, marking an increase of 8% over SFY20.

Table 6. Adult Felony Supervisions, Quarterly SFY21

	Quarter Supervision Received			
	2020 Q3	2020 Q4	2021 Q1	2021 Q2
Total Current Supervisions	57,068	56,977	54,967	51,845
Total Felony Supervisions Received	9,388	8,460	8,795	8,498
Felony Supervisions Received, Substance Use	3,689	3,598	3,968	3,871

The methods of disposition of probation include discharged (completed probation), revoked for a new offense, revoked for a technical violation (e.g., repeated refusal to engage in treatment), absconded (whereabouts are currently unknown), and other. As shown in Table 7 below, 50% of offenders released from probation during SFY21 completed their probation sentence. Twelve percent of probationers had their probation revoked due to committing a new offense prior to completing their probation sentence, and 11% were revoked for a technical violation. Fifteen percent of offenders were discharged for other reasons and 12% absconded prior to probation completion.⁵

Table 7. Adult Felony Offenders Released from Probation by Type, Quarterly SFY21

	Quarter Released from Probation				
	2020 Q3	2020 Q4	2021 Q1	2021 Q2	Total
Completed	5,136	4,664	5,757	4,984	20,541
Revoked New Offense	1,259	1,148	1,198	1,366	4,971
Revoked Technical	1,192	1,009	1,178	1,112	4,491
Absconded	1,269	1,084	1,372	1,158	4,883
Other	1,506	1,767	1,639	1,364	6,276
Total	10,362	9,672	11,144	9,984	41,162

PROBLEM-SOLVING COURTS

Problem-solving courts promote outcomes that will benefit not only the justice-involved individual, but the victim and society as well. These courts were developed as an innovative response to deal with an offender's specific needs, including drug abuse and mental illness. Problem-solving courts address specific offenses or needs and often, upon successful completion, the offender will have the conviction reduced to a misdemeanor or dismissed. Research conducted by the National Institute of Justice (NIJ) has shown offenders who complete a problem-solving court program often have a lower rate of recidivism, a reduction in drug relapses, and report less criminal activity. Additionally, NIJ's [research](#)

⁵ To learn more, visit www.in.gov/courts/iocs/statistics/trial-probation.

found that drug courts are most effective when serving offenders who are assessed as high-risk to re-offend and in high need of services.⁶

Many Indiana counties decided to implement problem-solving courts to not only help with increased caseloads and resolution of cases, but to provide alternative sentencing options to offenders. While most problem-solving court models in Indiana are drug courts, other models have proliferated throughout the state based on community needs. In 2020, Indiana problem-solving courts reported serving 3,890 participants with over 51% of those being F6 offenders. As of August 2021, there were 118 certified problem-solving courts in 53 counties and 18 in planning stages in 14 counties. The table below displays the total number of each type of problem-solving court. The first juvenile mental health court is on track for certification in late 2021.⁷



Table 8. Total Problem-Solving Courts

Type of Problem-Solving Court	Total	Planning Stages
Adult Drug Court	44	7
Veterans Court	28	1
Family Recovery Court	19	2
Reentry Court	11	0
Mental Health Court	9	3
Juvenile Drug Court	1	1
Juvenile Problem-Solving Court	2	0
Domestic Violence Court	1	2
Adult Problem-Solving Court	1	0
Truancy Court	1	0
Operating While Intoxicated Court	1	1
Juvenile Mental Health Court	0	1
Total	118	18

⁶ Haskins, Paul A. (2019, September). Problem-Solving Court: Fighting Crime by Treating the Offender. National Institute of Justice.

⁷ Learn more about problem-solving courts and certification at www.in.gov/courts/iocs/pscourts/



DEPARTMENT OF CORRECTION & COMMUNITY CORRECTIONS DATA

HEA 1006 impacted the IDOC offender population by changing the statute to state that a person convicted of an F6 may not be committed to the IDOC unless:

- » the offender has been committed due to violating a condition of probation, parole, or community corrections by committing a new offense;
- » the offender is convicted of a F6 and that sentence is ordered to be served consecutively to the sentence for another felony;
- » the offender is convicted of a F6 that is enhanced by an additional fixed term or has received an enhanced sentence;
- » the offender's earliest release date is greater than 365 days; or
- » the commitment is due to an agreement made between the sheriff and the IDOC.

Generally, F6 offenders will serve 50% of their sentence, when accounting for the possibility of education/program credits and likely will serve that time in jail. F1 – F5 offenders will serve at least 75% of their sentence and will most likely be placed in prison to serve time. During the 2020 legislative year HEA 1120 expanded the types of programs that are available to offenders in the IDOC to earn good time credit.⁸ Programs are completed for educational credit time and good behavior is awarded by good time credit. This expansion helps reduce recidivism and decrease the prison population.

Because many F6s are no longer eligible for placement in an IDOC facility, the Indiana General Assembly appropriated an additional \$25 million to the Community Corrections Division of IDOC for grant funding. Grants are now available to additional local criminal justice entities like probation departments, court recidivism reduction programs, prosecutor's office diversion programs, and jail treatment programs in order to address the influx of Level 6 felons. In addition to this grant funding, the entities use other

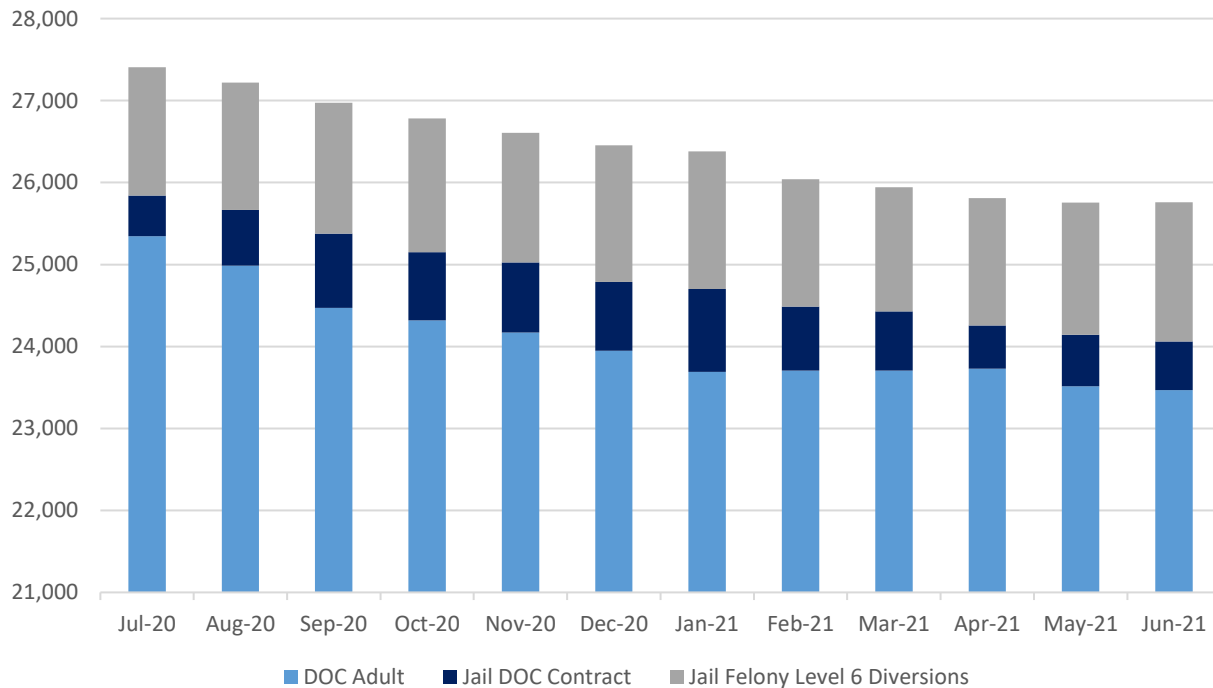
⁸ Good time credit means a reduction in a person's term of imprisonment or confinement awarded for the person's good behavior while imprisoned or confined.

state, federal, and local funds to support their operations. For CY22, and with the guidance of JRAC, \$72.9 million was awarded to 262 programs.⁹

TOTAL ADULT OFFENDER POPULATION

The total adult offender population is the average number of adult offenders under any commitment to the IDOC, which includes the IDOC facilities, jail DOC contracts (offenders committed to IDOC that are awaiting transfer), and F6 jail diversions. The monthly average IDOC population for SFY21 is 26,428 offenders. Prior 1006 reports published by the ICJI show that after 1006 was enacted in 2014, the facility offender population continually decreased until the first half of 2017. Since the second half of 2017, offender populations have continued to rise into 2020. Since COVID there has been a reduction in the total IDOC offender population due to less admissions and the same number of releases as in previous years. The monthly average for total population saw a 10.3% decrease from last year’s monthly average total of 29,451. From the monthly average total of 26,428 offenders, 91% or 24,088 are in the IDOC facilities, which represents the same proportion as last year but a decrease of 2,703 offenders. 739 offenders comprising 2.8% of the monthly average total were committed to IDOC but were being housed at a jail or work release facility under contract of a third-party provider, which represents a significant increase of 134% or 423 offenders. 1,601 offenders making up 6% of the monthly average total offender population were in jails as F6 diversions, reflecting a 2% decrease compared to last year’s count of 2,344 offenders. Figure 2 below shows a month-by-month total for IDOC offender populations. From July 2020 - June 2021 there was an overall decrease of 6.2% or 1,701 total offenders in the IDOC population.

Figure 2. Total IDOC Offender Population, SFY21



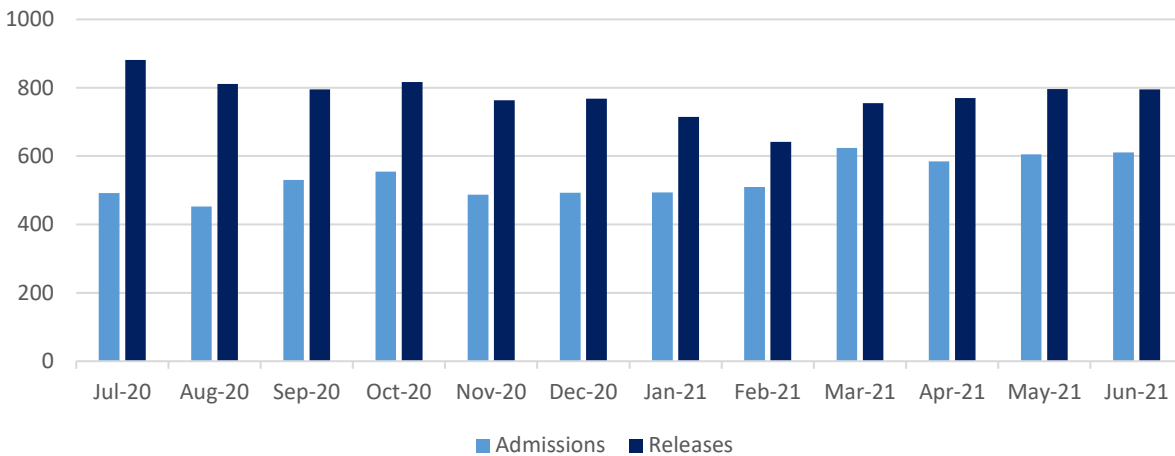
⁹ Learn more about Community Corrections and Justice Reinvestment Grants: www.in.gov/idoc/community-corrections/community-corrections-and-justice-reinvestment-grants

ADMISSIONS AND RELEASES

Figure 3 below illustrates monthly admission and release rates for adult offenders in prisons and IDOC contracted facilities. An admission is when an offender enters the custody or jurisdiction of the IDOC. A release is when an offender leaves the custody or jurisdiction of the IDOC. The monthly average rate for admissions is 537 offenders, a decrease of 208 or 27.9% in monthly admissions relative to last year's rates. The monthly average rate for releases is 776 offenders, a decrease of 121 or 13.5% in monthly releases compared to last year's rates. The prison population decreased by an average monthly rate of 240 offenders, which is a 56.8% increase compared to last year's monthly decrease rate of 153 offenders.



Figure 3. Monthly Admissions & Releases, SFY21



The figure to the right shows admissions by type of commitment. New commitments are offenders who are being committed to the IDOC on a new sentence. Violation-new commitments are those offenders who were under community supervision including probation, parole, and the community transition program (CTP) and violated the terms of their community supervision by committing a new offense. These individuals are returning to the IDOC to serve a new sentence and may also have concurrent and/or consecutive sentences to serve. Technical violations show offenders who were returned to the IDOC for violating the terms of community supervision, including probation, parole, or CTP. New commitments were the most common type of admission and made up 49% of all admissions for a total of 3,109 offenders, a slight increase of just over 1% compared to last year. Technical violations comprise 36% or 2,335 offenders and saw a slight decrease by 1% in admissions. Violation – new commitments remained at 15% on the year equaling 967 offenders. Each of the commitment types combined for a total of 6,411 individual admissions, which is 2,470 less than last year, indicating a decrease in admissions by 27.8%.

Figure 4. Average Admission by Commitment Type, SFY21

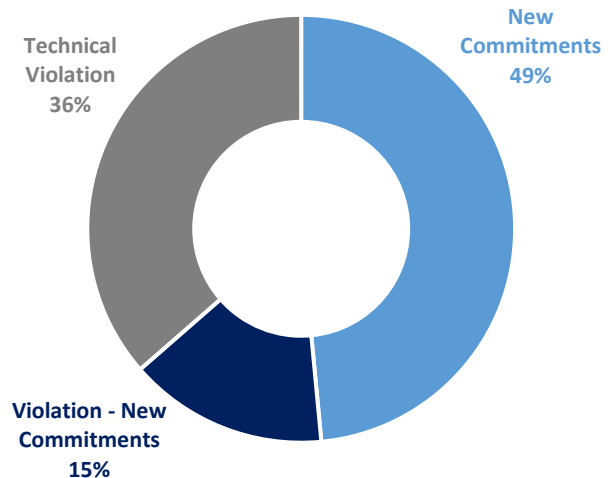
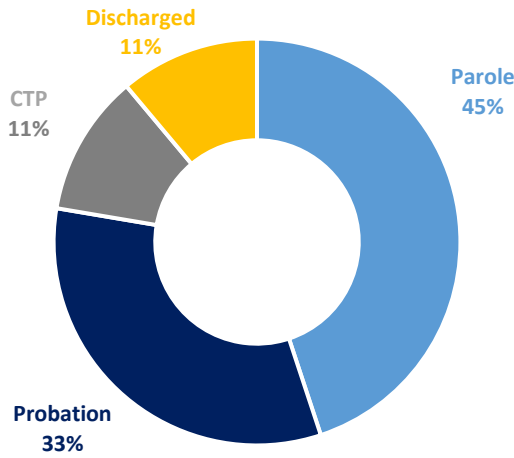




Figure 5. Release by Type, SFY21



Releases by type are shown in the figure to the left. The discharged category represents offenders released from the IDOC without any further commitment or supervision on any sentence. The parole, probation, and CTP categories represent offenders who are being released from an IDOC facility to community supervision as part of their release agreement. The total number of released offenders decreased compared to last year by 13.6% from 10,623 to 9,181.

The number of offenders released on parole decreased by 17% from 4,996 offenders last year to 4,124 parole releases this year. The number of offenders released on probation

decreased by 6.6% from 3,219 offenders last year to 3,006 offenders this year. The number of offenders discharged dropped by 22.4% from 1,313 offenders last year to 1,019 offenders this year. The number of offenders released on a community transition program (CTP) saw the only increase from 10 to 11%, but still saw the overall number of CTP releases drop from 1,095 offenders last year to 1,032 CTP releases this year.

RECIDIVISM

The IDOC defines recidivism as any offender who returns to IDOC custody within three years of release. Table 9 shows recidivism for offenders released in 2017 that were reincarcerated by 2020. While misdemeanants had a 100% recidivism rate, this figure relates to only four individuals, which represents an extremely small group of people. The number of felony B recidivists saw a drop from 1,963 to 1,617 recidivists which is a 17.6% decrease from the previous year.

Half of individuals with a Felony 1 offense recidivated; however, as this only reflects two individuals, this should not be considered a measure to predict future recidivism. Aside from those with a Murder conviction (12%), Felony 2 offenders had the lowest recidivism rate at 22%. Just over 36% of Felony 3 offenders recidivated. Nearly 37% of individuals with a Felony 4 or Felony 5 offense recidivated and 32% recidivated with a Felony 6 offense. The total number of recidivists compared to last year decreased by 617 individuals; however, the total recidivism rate increased by 3.4% compared to last year.





Table 9. Recidivism by Offense Level, SFY21

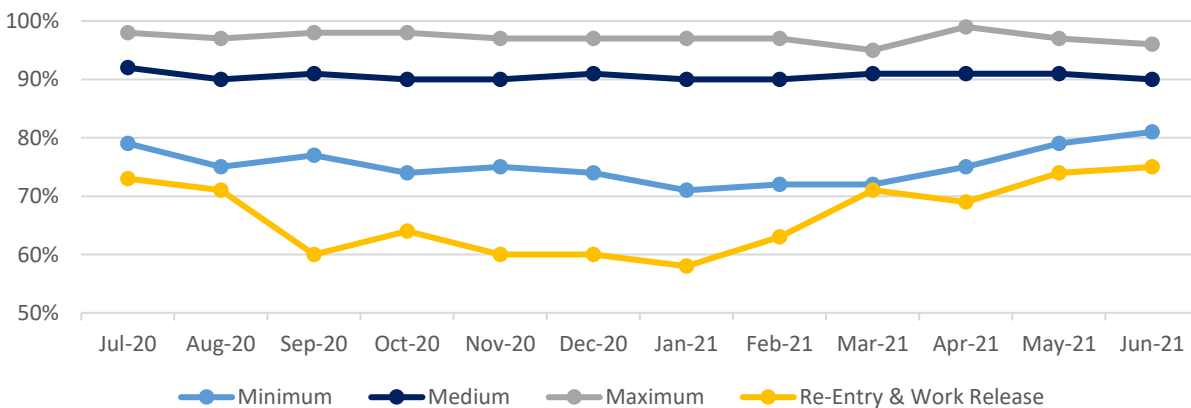
Offense level	Number Released	Number of Recidivists	Recidivism Rate
Murder	42	5	11.9%
Felony A	520	145	27.9%
Felony B	3,701	1,617	43.7%
Felony C	2,017	847	42.0%
Felony D	1,120	310	27.7%
Felony 1	2	1	50.0%
Felony 2	58	13	22.4%
Felony 3	230	83	36.1%
Felony 4	554	203	36.6%
Felony 5	2,042	751	36.8%
Felony 6	821	262	31.9%
Habitual	3	0	0.0%
Misdemeanor	4	4	100.0%
Total	11,114	4,241	38.2%

FACILITY CAPACITY

Male medium-security facilities operated between 90- 92% capacity from July 2020 to June 2021. The monthly average capacity rate in medium-security facilities held at just above 90%, similar to last year. Male maximum-security facilities operated just below full capacity from July 2020 to June 2021, fluctuating between 95- 99%. The monthly average capacity rate for maximum-security facilities jumped up from 89.4% SFY20 to 97% in SFY21. Male minimum-security facilities saw a decrease in capacity from 79% to 71% between July 2020 and January 2021, but then increased to 81% by June 2021. The monthly average capacity rate for minimum-security facilities dramatically decreased from 95% last year to 75% this year. Reentry/work release displayed the same fluctuation patterns as minimum-security facility capacity. From July 2020 to January 2021, reentry/work release decreased from 73% to 58%. By June 2021, reentry/work release capacity had increased to 75%. The monthly average capacity rate for reentry and work release had a slight increase from 64.7% last year to 66.5% this year.



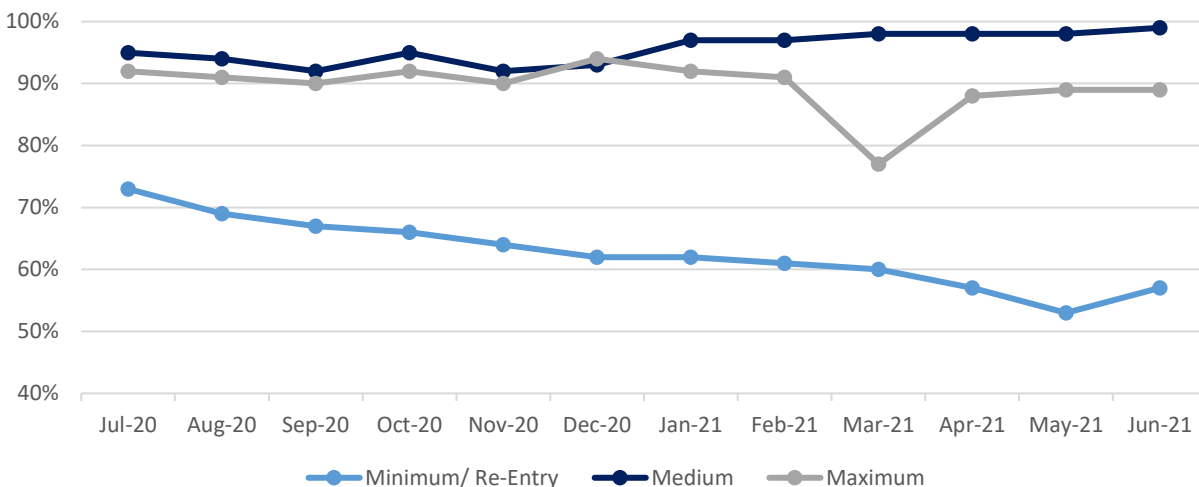
Figure 6. IDOC Adult Male Facility Operational Capacity by Month and Security Level, SFY21



The figure below shows the operational capacity for adult female IDOC facilities by month from July 2020 to June 2021. Medium-security facilities consistently remained over 90% capacity, with a high of 99% in June and a low of 92% in November. The monthly average capacity rate for medium-security facilities is 96%, which is 24 percentage points higher than last year's monthly average capacity rate of 72%. Minimum-security and reentry facilities' operational capacity decreased a total of 20% during the year, starting at 73% in July 2020, and reaching the lowest capacity of 53% in May. Minimum-security and work release capacity began trending upward from May to June 2021, reaching 57% capacity. The monthly average capacity rate for minimum-security facilities and work release was 63%, 18 percentage points lower than last year's monthly rate of 81%. Maximum-security capacity decreased between July 2020 and March 2021 from 92% to 77%, then significantly increased to 89% in June. The monthly average capacity rate for maximum-security facilities is 90%, which is a slight decrease from last year's monthly average capacity rate of 93%. During the year of July 2020-June 2021, maximum-security and minimum/reentry both saw decreases in capacity, while medium-security facilities saw an increase in capacity.



Figure 7. IDOC Adult Female Facility Operational Capacity by Month and Security Level, SFY21



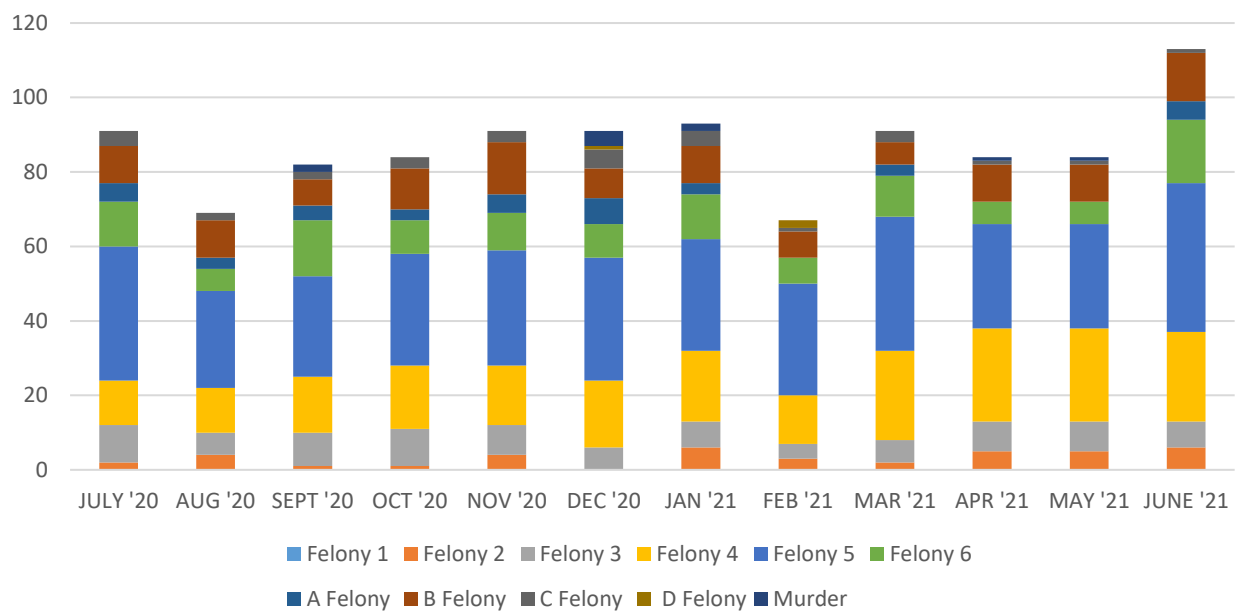
COMMUNITY CORRECTIONS

Community Corrections is a unit under the Indiana Department of Correction that aims to divert felons from the IDOC and reduce the number of low- to medium-risk offenders as a front-end diversion that would be subsidized, at least in part, by the state. Community Corrections' mission is to establish and operate programming that prevents crime or delinquency, diverts offenders from incarceration, and provides programs for offenders ordered to participate in community corrections as a condition of probation. Each county's established advisory boards approve a Community Corrections Plan to prioritize the needs and services applicable to their communities. Community Corrections operates, in some capacity, in every Indiana county except for Benton, Franklin, and Newton counties.

The Community Corrections Division administers the Community Transition Program. CTP allows offenders committed to the IDOC to be alternatively assigned to their county's community corrections program, probation, or court program. Eligibility for CTP is determined by statute, and whether an offender is released to CTP is determined by the court in the offender's county of conviction. The figure

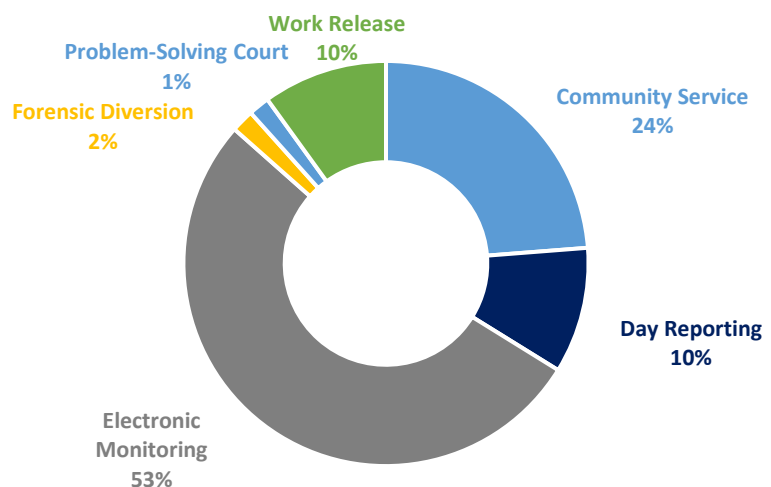
below shows CTP utilization by offense level for the months of July 2020 to June 2021. The top four offense types that utilize CTPs remained the same as the previous year, but in a different order. From highest to lowest, level five offenders made up 36% (375 out of 1,040) of the total CTP utilizations, level four offenders comprised 21.2% (220 out of 1,040), level six offenders made up 11.5% (120 out of 1,040), and felony B offenders comprised 11.2% (116 out of 1,040) of total CTP utilizations. The two lowest offender types to utilize CTPs were D felony offenders (3 out of 1,040), and those convicted of murder (10 out of 1,040) for a total of 13 CTP utilizations between the two offender categories. Monthly CTP utilization levels are returning to pre-COVID-19 levels, having stayed above 80 CTP utilizations since March 2021. The monthly average of CTP utilization is 87 monthly programs, which is a slight decrease of 4% from last year's monthly average.

Figure 8. CTP Utilization by Offense Level, SFY21



Community Corrections uses many methods to supervise offenders. The figure to the right shows the average percentage of participants enrolled in each program type for the SFY21. The most common form of supervision used by Community Corrections is electronic monitoring (53%). On average, 24% of all participants are involved in community service supervision, 10% are in work release and 10% are supervised through day reporting, as seen to the right.

Figure 9. Community Corrections by Supervision Type





JAIL DATA

Jails in Indiana use over 20 different jail management systems. A centralized statewide system to collect jail data does not yet exist; thus, it is not possible to extract real-time data from the jails¹⁰. To analyze jail capacity and inmate populations, it is necessary to use other means of data collection.

To assess the capacity of county jails and the effect of HEA 1006, the ICJI received jail summary data from jail inspections occurring in 2020. There are 92 jails in 91 counties; Ohio County does not have a jail and Marion County has two jails. The IDOC County Jail Operations Division conducts annual jail inspections for each jail. The inspection includes the number of operational beds, the inmate population count on the day of the inspection, the number of inmates being held and/or transferred to IDOC, the number of inmates being held for the federal government, demographic information, adequate staffing levels, and services provided such as GED and substance use counseling.

From the summary data, the ICJI was able to determine the rate of capacity for each jail. It should be noted that jail inspection reports capture the number of incarcerated individuals on the day of the inspection only; they do not give an average daily population nor a range. The number of people admitted to jail and the length of stay may cause the jail population to fluctuate from being over capacity to under capacity multiple times throughout the year.

Jails were labeled as overcrowded if they exceeded 80% of their available bed capacity. In the Sheriff's Guide to Effective Jail Operations, The National Institute of Corrections defines crowding as "when the jail population consistently exceeds design, or *rated*, capacity. However, symptoms of crowding may be apparent much earlier once the jail reaches approximately 80% of rated capacity. At that level, properly housing and managing the diverse jail population begins to become much more difficult because compromises in the jail's classification system occur. Compromising the jail's classification capabilities is likely to lead to increases in violence, tension, and the availability of contraband...these conditions increase the jail's liability exposure and jeopardize the safety and well-being of both inmates and staff."¹¹

¹⁰It should be noted that IDOC and the ICJI are partnering to enhance the statewide victim notification system to allow for real-time jail population data to be extracted via various interfaces.

¹¹ Martin, M., & Katsampes, P. (2007, January). *Sheriff's guide to effective jail operations* (NIC Accession Number 021925), p.23. Washington, DC: U.S. Department of Justice, National Institute of Corrections. Retrieved from s3.amazonaws.com/static.nicic.gov/Library/021925.pdf.

The IDOC County Jail Operations Division has established that a jail should not exceed 80% of its available bed capacity to effectively allow for changes in inmate demographics and characteristics. Jails that exceed 80% of rated capacity could face liability issues and may be classified as non-compliant with Indiana jail standards. Jails that exceed 100% of their available bed capacity are considered overcapacity.

The table below provides a summary profile of the county jails for 2020 based on data from the jail inspection reports. The total state jail population was 16,153 for an equivalent of 71.2% capacity. The jail inspection reports show that several jails have experienced overcrowding. A total of 34 jails exceeded 80% of capacity on the day of jail inspection, with 14 being over 100% capacity. The capacity rate ranged from a low of 17% to a high of 125%.¹²



Table 10: Summary Profile of County Jails based on Jail Inspection Reports

	2020	
	Number	Percent
Overcrowded (80% -99.9%)	20	21.8%
Over 100% capacity	14	15.5%
Total over 80% capacity	34	37.0%
Total Inmate Population and Capacity Rate	16,153	71.2%
	Low	High
Capacity Rate Lowest to Highest	17%	125%

While the jail inspection report shows the number of inmates sentenced to jail and the number being held for the IDOC and the Federal government, it does not identify the number of level 6 inmates or pretrial detainees. These factors can help account for the jail population. In January 2021, the Indiana Sheriffs' Association (ISA) distributed a survey to all sheriffs in the state. The survey included questions about total bed capacity, number of inmates, number of Level 6 inmates, percentage of pretrial detainees, and plans to expand or build a new jail. These numbers represent a snapshot of one day, and while all counties responded to the survey, not all the counties provided all the requested data.

The table below provides a summary profile of the county jails based on data from the ISA survey. The total jail capacity rate and the percentage of overcrowded jails was similar to data collected from the 2020 jail inspection reports. The total state jail population was 16,570 for an equivalent of 72.5% capacity. A total of 32 jails exceeded 80% of capacity, with 13 being over 100% capacity. The capacity rate ranged from a low of 26% to a high of 197%.

Statewide, F6 inmates made up 17% of the total jail population. However, in 14 jails the F6 population made up over 40% of the jail population. Pre-trial detainees generally made up the bulk of the jail population. In 25 jails, pre-trial detainees contributed to 80% or more of the inmate population, and more than 50% of the population in 66 jails. 41% of jails are planning to either expand the current jail or build a new one. Of those jails, 63% were at or over 80% capacity based on the survey results.

¹² To review previous years' capacity rates, refer to www.in.gov/cji/grant-opportunities/reports/evaluation-of-indianas-criminal-code-reform/.



Table 11. Indiana Sheriffs' Association Jail Survey Summary, 2021

	2021	
	Number	Percent
Overcrowded (80% -99.9%)	19	20.6%
Over 100% capacity	13	14.1%
Total	32	34.8%
Total F6 Population and Percent of Total Jail Population	2,803	17.0%
Total Inmate Population and Capacity Rate	16,570	72.5%
	Low	High
Capacity Rate Lowest to Highest	26%	197%
Plans to expand or build a new jail	38	41%
Precent pre-trial detainees	9%	98%

Data from the IDOC shows that the total jail IDOC contract and jail F6 diversions fluctuated throughout the year. IDOC contract and F6 diversions were at the lowest in July 2020 with 2,063 inmates and peaked in January 2021 at 2,689 inmates, a 30% increase. The largest monthly decline occurred from January to February 2021, at 13%. The largest monthly increase occurred from August to September 2020 at 12%. From July 2020 to July 2021, the total IDOC contract and jail F6 diversions increased 12.5%. See Table 12 for the monthly numbers. Without data on the other jail inmate populations, it is difficult to determine if the jail population will continue to rise.



Table 12. Jail IDOC Contract and Felony-Level 6 Diversions Population, SFY21

Date	Jail DOC Contract	Level 6 Diversions	Total
Jul-20	499	1,564	2,063
Aug-20	681	1,554	2,235
Sep-20	904	1,598	2,502
Oct-20	832	1,632	2,464
Nov-20	855	1,579	2,434
Dec-20	837	1,668	2,505
Jan-21	1008	1,681	2,689
Feb-21	780	1,555	2,335
Mar-21	723	1,512	2,235
Apr-21	527	1,556	2,083
May-21	629	1,611	2,240
Jun-21	593	1,700	2,293
Jul-21	622	1,699	2,321



MENTAL HEALTH AND SUBSTANCE USE PROGRAM AVAILABILITY & EFFECTIVENESS

This section of the report discusses information relevant to the availability and effectiveness of forensic mental health and substance use programs.¹³ The jail and prison subsection will reflect information concerning availability only, while the Indiana Family and Social Services Administration's (FSSA) Division of Mental Health and Addiction's (DMHA) Recovery Works program subsections will reflect both availability and effectiveness information.

JAIL

According to the 2020 jail inspection reports, 83 (90%) county jails offer substance use services, an increase from the 2019 count in which 79 (87%) reported offering services. According to the Indiana Sheriffs' Association, 27 (29%) jails participate in the State Opioid Grant program. The grant program is a contract with FSSA that works with jails to expand treatment for substance use disorders, including Medication Assisted Treatment (MAT). Expanding treatment to jail inmates will help address the opioid epidemic, reduce recidivism and overdose rates. Sheriffs oversee the treatment options through their choice of community or medical provider.

FSSA's DMHA announced on November 6, 2020, that a series of pilot programs designed to increase access to mental health care for inmates in Indiana county jails is now underway. The first pilot program was launched using funds provided by the Mental Health Block Grant and focuses on jail-based competency restoration services. Since September 2020, 13 individuals have received services with 6 being fully restored to competency. According to DMHA, the average amount of time it took for restoration in a jail setting was 74 days, with a range of 51 to 88 days. After restoration, the average time for resolution of the criminal case was 28 days. Additionally, 2 of the restored participants are receiving after-care services with funding through Indiana's Forensic Treatment Program - Recovery Works.

¹³ Forensic programming refers to programs that target criminal justice-involved clients.

For those that participated in the jail restoration program while waiting for placement at the State Psychiatric Hospital (due to more intensive needs), the average time for restoration was 80 days, which is about half the time spent compared to those who start their treatment at the State Psychiatric Hospital.

A second program, an inpatient pilot program called Project CREATE (COVID-Related Emergency Access to Therapeutic Environments) launched in August 2021. The goal of the project is to provide more timely inpatient care to those deemed incompetent to stand trial. So far the program has had two participants who were accepted at Wellstone Regional Hospital where one participant has been restored and the other is currently being treated.

PRISON

The majority of individuals committed to the IDOC have some significant history of addictive behaviors, according to Indiana's Management and Performance Hub. IDOC reports that 42.5% of the adult offender population has one or more drug offenses. This is an increase from 2020 in which 29.3% were reported to have one or more drug offenses. Upon entry into the IDOC, an offender is given an accountability plan that lays out which programs would aid in that individual's successful reentry into the community. There are a variety of substance use, mental health, cognitive, and social programs (among others) that may be encouraged. Moreover, the "Recovery While Incarcerated" (RWI) program continues to help offenders develop a continuum of care throughout their incarceration and provides a recovery-based environment and individualized treatment curriculums for those committed to the IDOC with a history of substance use. Additionally, mental health treatment is made available to all offenders as part of the IDOC's medical contract and can be requested by the offender or a staff member if they notice aberrant behavior.

RECOVERY WORKS

The FSSA's DMHA Recovery Works program provides vouchers to DMHA certified mental health and addiction treatment providers in the community to treat criminal justice-involved individuals without insurance or Medicaid in an effort to reduce recidivism and encourage recovery. Individuals must be at least 18 years old, be a resident of Indiana, have a total household income equal to or less than 200% of the federal income poverty line, and have entered the criminal justice system with a current or prior felony conviction.

DMHA reported that through July of 2021, there have been 61,473 total enrollees and \$81,137,894 total expenditures since July 1, 2017. There were 5,359 more clients enrolled in SFY21 than SFY20. However, there were also about 4.8 million fewer dollars spent in SFY21 compared to SFY20.

In SFY21, the top 5 services funded were recovery residency, intensive outpatient treatment, reentry services, individual skills training, and individual mental health treatment. Almost 40% of clients enrolled are from Marion, Vanderburgh, Allen, Vigo, and Elkhart counties, where the top 5 agencies enrolling clients are N.O.W. Counseling, Counseling for Change, Inc., Lifespring, St. Peter's Lutheran Church, and Hamilton Center.

In December 2020, Recovery Works announced a misdemeanor pilot program which will allow individuals with misdemeanor charges to use Recovery Works funds for treatment at qualifying, approved facilities. Under the Misdemeanor Pilot Program 1, qualified defendants will have access to \$1,500 for community-based treatment and \$2,500 for recovery-based housing for the designated misdemeanor pilot program agencies. Under the Misdemeanor Pilot Program 2, sentenced misdemeanor participants are provided monetary support to complete substance use education courses. The pilots will follow the same referral process as the existing Recovery Works program.

To qualify for the program, participants must not have used previous Recovery Works services, must be active in the criminal justice system with misdemeanor charge(s), must be at least 18 years of age, must be a resident of Indiana, must have an income that does not exceed 200% of the federal poverty level, must not have a current or previous felony conviction, and must have a substance use and/or mental health need. Designated counties served include Allen, Blackford, Clay, Clinton, Crawford, Clark, Dubois, Dekalb, Floyd, Grant, Gibson, Howard, Hancock, Harrison, Huntington, Jefferson, Lake, LaGrange, Marion, Noble, Orange, Perry, Parke, Porter, Posey, Sullivan, Scott, Spencer, Steuben, Tippecanoe, Tipton, Vermillion, Vigo, Vanderburg, Washington, Whitley, and Warrick.



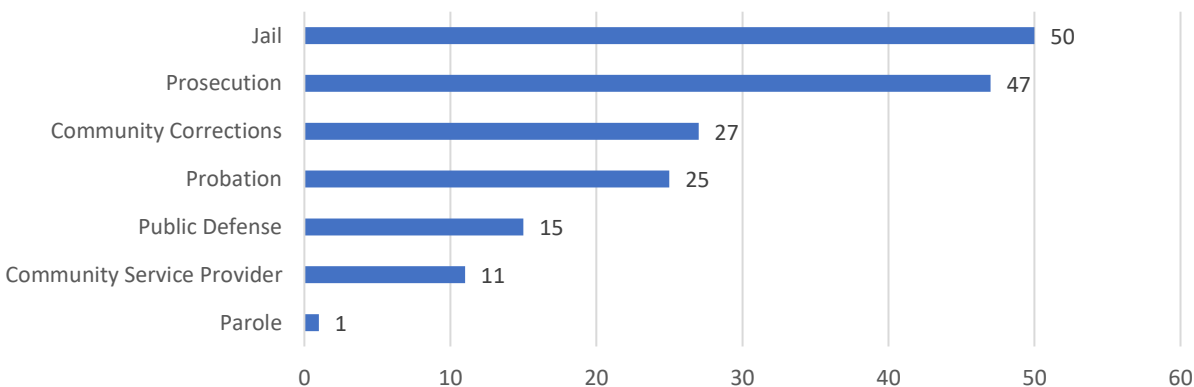


SURVEY RESULTS, 2021

SURVEY

The ICJI distributed an online survey to assess the perceptions of the effect HEA 1006 has had at the county level for jails, probation, community corrections, parole, courts, prosecution, public defense, and community service providers. The Indiana Sheriffs' Association and Indiana Prosecuting Attorneys Council assisted the ICJI in distributing the survey link via email to representatives of their agency. There were 176 responses collected and analyzed. Due to the methods used to distribute the survey, it is not possible to determine an overall response rate. However, 84% (77) of the counties were represented in the responses from at least one type of agency. The highest number of responses came from jails (28%), prosecution (27%) community corrections (15%) and probation (14%), followed by public defense (9%) and community service providers (6%). One response was received from a parole agency. A count of the responses received from each agency type is below.

Figure 10. Response Rate by Agency Type



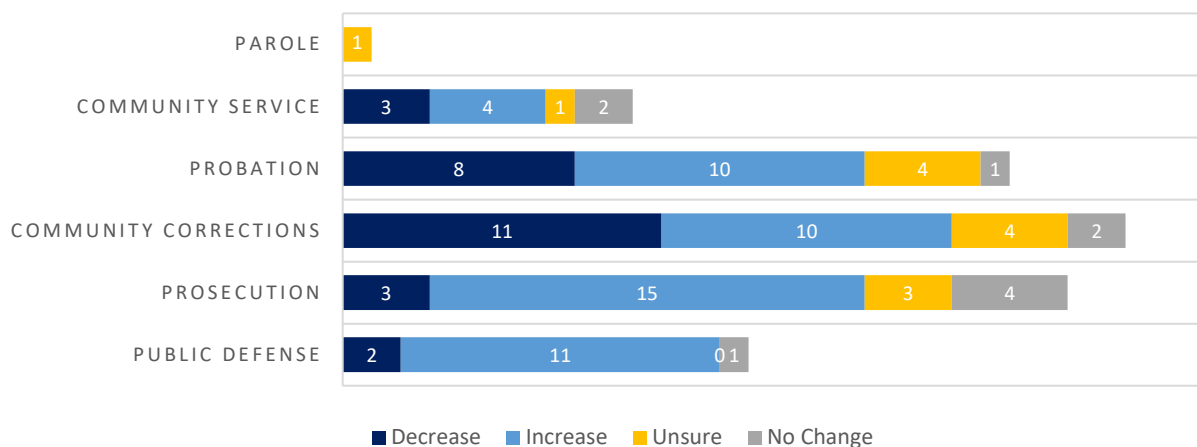
Each agency had a unique set of questions; therefore, they cannot all be directly compared to one another. However, there were several questions that applied to multiple agencies so analysis will be primarily focused on these questions and topics.

NUMBER OF INDIVIDUALS BEING SERVED/WORKLOAD

Across the board, organizations are reporting an increase in the number of individuals their agencies serve. Eighty-three percent (34) of jail respondents indicated an increase in average daily population since July 1, 2020. Forty-three percent (10) of probation, 79% (11) of public defense, and 60% (15) of

prosecution respondents also indicated that their average caseload has increased. Sixty-one percent (14) of prosecutors and 36% (5) of public defenders also reported an increase in the number of requests for sentence modifications. In terms of plea agreements, (44%) prosecutors did not notice a change. Sixty-four percent (9) of public defenders also did not notice a change in the number of plea agreements since July 1, 2020. Only 37% (10) of community corrections reported an increase in average caseload, while 41% (11) reported a decrease in average caseload. Finally, 40% (4) of community service providers reported an increase in the number of referrals from criminal justice agencies requesting services for justice-involved clients. It should be noted that most agencies attributed the changes in caseload to COVID-19.

Figure 11. Change in Average Caseload by Agency Type



Note: Community Service Providers were asked if since July 1, 2020, there been a change in the number of referrals from criminal justice agencies requesting that the agency provide services for criminal justice-involved clients.

IMPACT OF PRETRIAL DEFENDANTS

Research shows that low-risk defendants who are detained pretrial are more likely to commit new crimes, not only while their cases are pending, but also years later. The impact of pretrial detention is also reflected in the surge in jail populations and the accompanying expenses of providing health care, meals, and other costs of incarceration.¹⁴ To better understand the impact in Indiana, jails were asked to report the number of pretrial detainees in their facilities. Twenty-eight (30%) jails responded to the question. A summary of their answers is below.

Table 13. Number of Pretrial Detainees

Number of Pretrial Detainees	Count
Total	3,975
Average	141.96
Minimum	23
Maximum	547
Median	78.5

¹⁴ Pilnik, L. (2017, February). *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*. National Institute of Corrections. s3.amazonaws.com/static.nicic.gov/Library/032831.pdf.

Probation agencies were asked if their office offers pretrial release services. Of the 23 that responded, 83% (19) said they do, while the remainder said they do not offer services. When asked if pretrial release services have an impact on a probation officer's caseload, 56% (10) said it has no effect and 28% (5) said it increases their caseload. Several studies have found that sending a court reminder to the cell phone via call or text to individuals released on pretrial increases their likelihood of appearing for court.¹⁵ Probation agencies were asked to report what percentage of arrestees released pretrial received court reminder calls/texts only. There were 9 responses to the question with all but one respondent reporting that between 80-100% receive court reminder calls/texts. The one outlier reported only 25% of the arrestees received a reminder via call/text only.

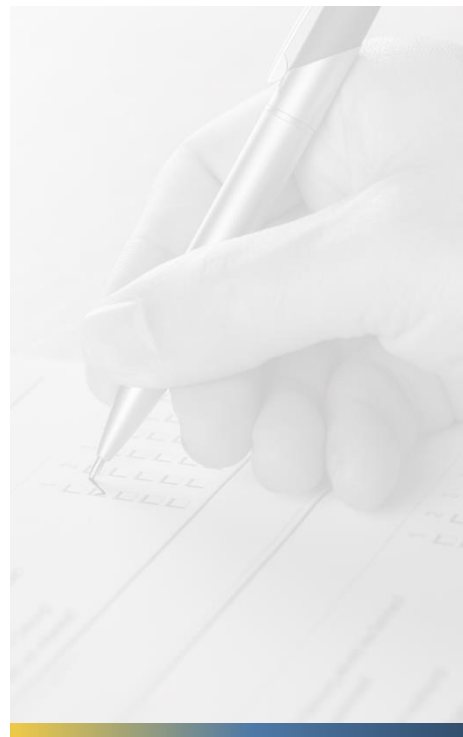
Almost 46% of respondents have noticed an increase in probation violations since July 1, 2020, whereas 14% noticed a decrease in violations. Respondents were also asked to choose the most common reason for probation revocations in the past year. Fifty-six percent reported new offenses as the most common reason for revocation and 41% said technical violations. The most common technical violations reported were related to drugs (100%).

IMPACT OF LEVEL 6 FELONS ON JUSTICE SYSTEM

To better understand the impact of the criminal code reform, agencies were asked about individuals with level 6 felonies and their effect on work caseloads. Jails reported the total number of individuals convicted of level 6 felonies. Of the 30 jails that responded, the average number of individuals convicted of level 6 felonies housed in county jails was 23. The total number reported was 677 individuals.

Prosecutors were asked if they have seen a change overall in the number of level 6 felons handled by their office. Fifty-two percent (12) said there has been an increase, 31% (7) said they were unsure, 13% (3) reported no change and 1 prosecutor reported a decrease.

Probation, prosecution, and community corrections agencies were asked how much or little of their caseloads can be attributed to level 6 felony offenders. Overall, each group indicated that F6 offenders did have a moderate to great deal of impact on their caseloads. Nearly 35% of probation respondents reported that felony 6 offenders had a moderate impact on their caseloads. Fifty-nine percent of community corrections respondents reported that F6 offenders effected their caseload either a lot or a great deal. For prosecution respondents, 56.5% of level 6 offenders effected their caseload either a lot or a great deal. Their responses are reported on the table below. (*Scale: A great deal, A lot, A moderate amount, A little, None at all, Do not know*).



¹⁵ Cooke, B., Diop, Z., Fishbane, A., Hayes, J. (2018). *Using Behavioral Science to Improve Criminal Justice*. University of Chicago Crime Lab & Ideas.



Table 14. Effect of Level 6 Felony Offenders on Caseload

Response	Probation		Community Corrections		Prosecution	
	Count	Rate	Count	Rate	Count	Rate
A great deal	4	17.4%	8	29.6%	6	26.1%
A lot	5	21.7%	8	29.6%	7	30.4%
A moderate amount	8	34.8%	7	25.9%	4	17.4%
A little	2	8.7%	3	11.1%	2	8.7%
None at all	2	8.7%	1	3.7%	0	0.0%
Do not know	2	8.7%	0	0.0%	4	17.4%
Total	23	100%	27	100%	23	100%

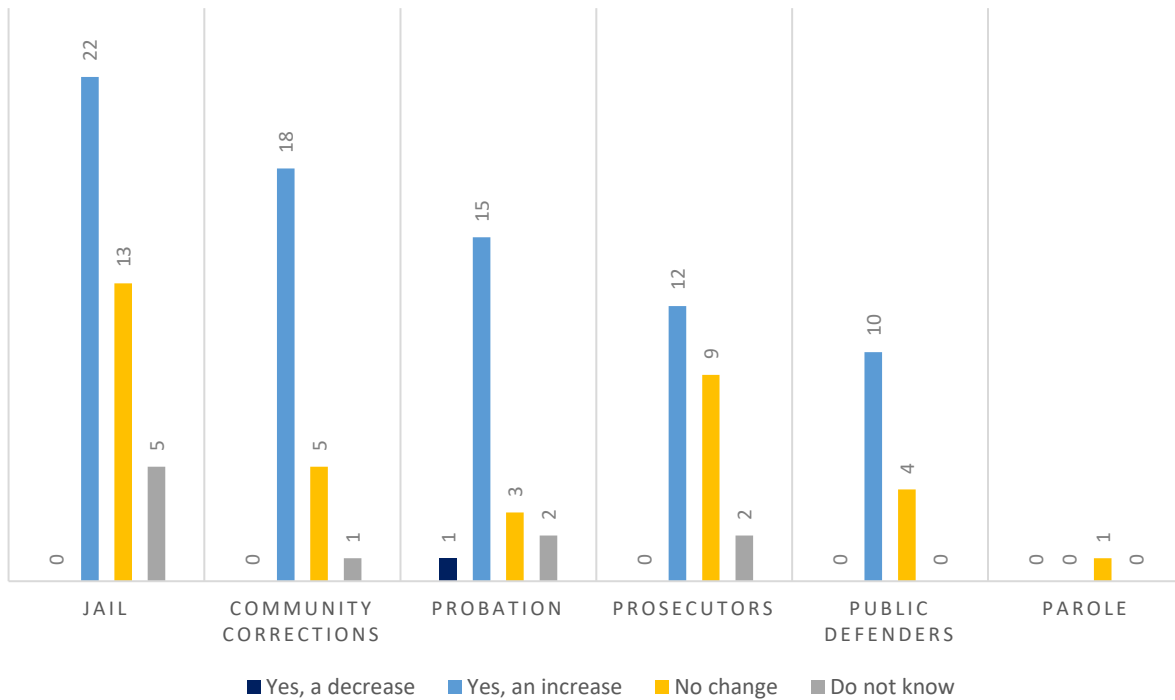
SUBSTANCE USE AND MENTAL HEALTH SERVICES

All organizations were asked if there has been a change in the number of defendants who require services, such as substance use and/or mental health treatment. Across the board, organizations reported an increase in the number of individuals who require services. Just over 71% (10) of public defenders, 71% (15) of probation, 55% (22) of jails and 42% (18) of community corrections respondents indicated an increase in individuals that need services. Only one respondent reported noticing a decrease in the number of defendants in need of services.



Figure 12. Change in number of Individuals who require services

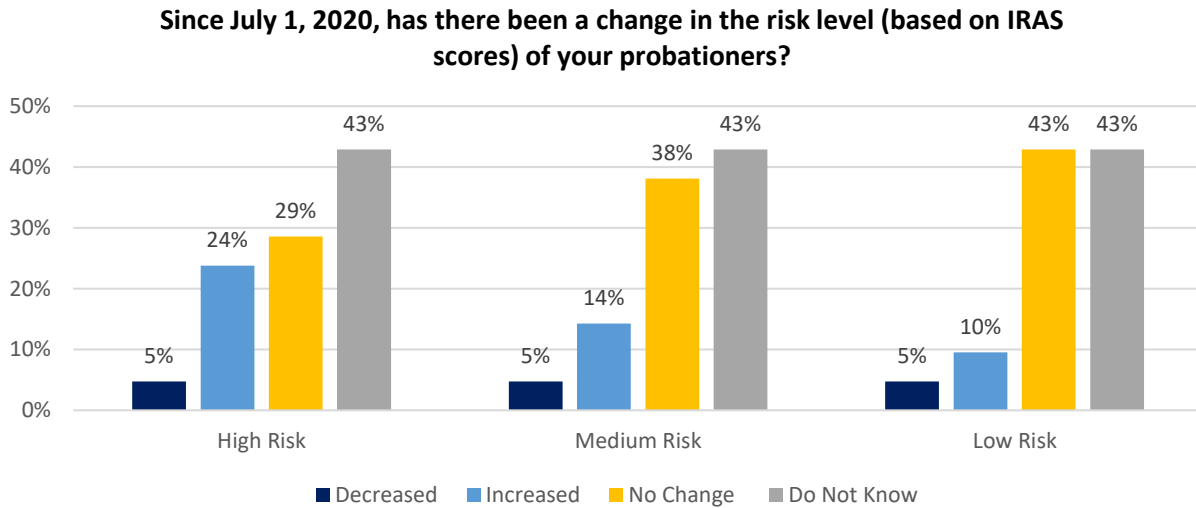
Since July 1, 2020, has there been A change in number of defendants who require services, such as substance use and/or mental health treatment?



INDIANA RISK ASSESSMENT SYSTEM (IRAS)

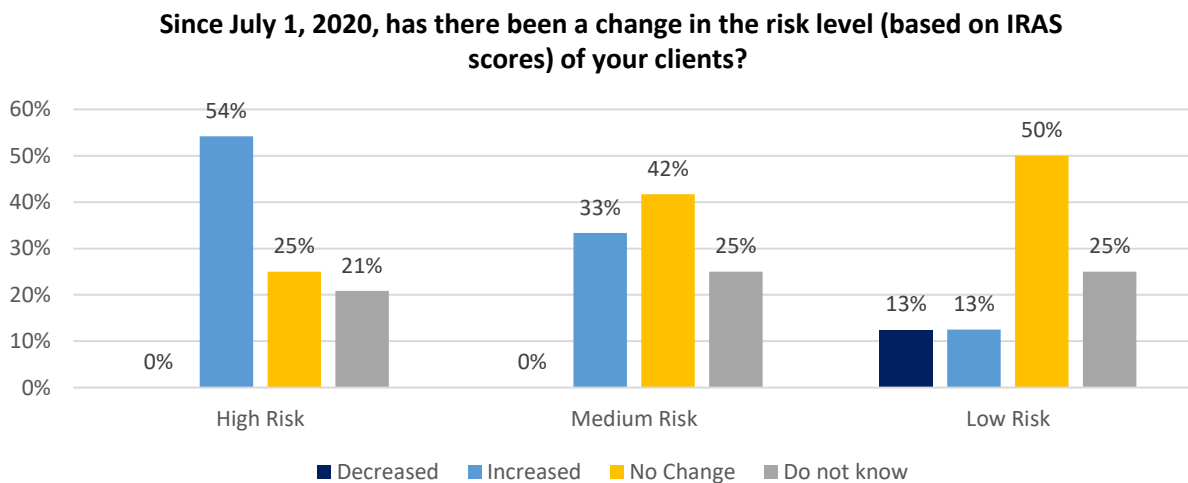
Probation and Community Corrections respondents were asked about their client’s risk level and whether there has been any change based on IRAS scores. Overall, probation mostly reported no change, or they were unsure of any change. However, respondents saw the highest increase in risk level of probationers for those deemed high risk. See figure 13 to view the responses. Responses were based on respondent’s perception of change to risk levels and not necessarily based on analysis of actual IRAS data.

Figure 13. Probationer Change in Risk Level



Similarly, Community Corrections respondents reported the greatest change in high-risk clients with 54% reporting an increase in risk level. Most (50%) community corrections respondents did not see a change in low-risk level offenders, and 33% saw an increase among the medium-risk offenders. See figure 14 below for more information.

Figure 14. Community Corrections Offender Change in Risk Level



COMMUNITY SERVICE PROVIDERS

Community Service providers were asked a series of questions about their organization’s ability to meet the needs of clients. Seven (70%) said their organization has forensic programming that specifically addresses the needs of criminal justice-involved clients. Three (30%) said they do not have specific forensic programming. When asked how the organization funds its forensic programs, 6 (86%) said using client's public or private insurance, 4 (57%) said Recovery Works, 3 (43%) said local funds, 2 (29%) said client out-of-pocket fees, 2 (29%) said the Department of Child Services funding and 1 (14%) said other FSSA-administered funding. Five (71%) said funding has not been sufficient to carry out the mission of their organizations’ forensic programming since July 1, 2020, and when asked if the organization has enough staff to meet the needs of the criminal justice-involved clients, 7 (70%) said no and 3 (30%) said yes.

In terms of the intensity of services, 5 (50%) reported an increase in the overall intensity (e.g., the level of need, frequency of contact, and number of services required to meet the needs of the client) of services for criminal justice-involved clients. Four (40%) said there has been no change.

Community service providers offer a wide range of substance use, mental health, and social services. The chart below reports the types of services directly offered with the most common being substance use treatment (80%) followed by life skills curriculum (70%). Education, food and clothing assistance, and medical services were the least reported with only one provider indicating they offer these services.



Table 15. Services Directly Provided by Community Services Providers

Service	Count	Percent
Substance Use Treatment	8	80%
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	7	70%
Linkages to Community Resources (Non-Agency)	6	60%
Mental Health Treatment	5	50%
Employment Assistance/Job Skills Training	3	30%
Reentry Services	2	20%
Transportation Assistance	2	20%
Housing/Homelessness Services	2	20%
Education	1	10%
Food and Clothing Assistance	1	10%
Medical services	1	10%
None	0	0%
Other (please specify)	0	0%

When asked which services justice-involved clients have difficulty obtaining due to lack of availability or affordability, 7 (70%) respondents said housing services; 5 (50%) indicated substance use treatment, reentry services, food and clothing services, and medical services; four (40%) said mental health treatment, employment assistance, and transportation assistance; and one (10%) respondent said vital document replacement and childcare.



Table 16. Services Difficult for clients to Obtain

Services	Count	Percent
Housing/Homelessness Services	7	70%
Food and Clothing Assistance	5	50%
Medical services	5	50%
Reentry Services	5	50%
Substance Use Treatment	5	50%
Employment Assistance/Job Skills Training	4	40%
Mental Health Treatment	4	40%
Transportation Assistance	4	40%
Linkages to Community Resources (Non-Agency)	3	30%
Education	2	20%
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	2	20%
Do not know	1	10%
Other (please specify)	1	10%
None	0	0%

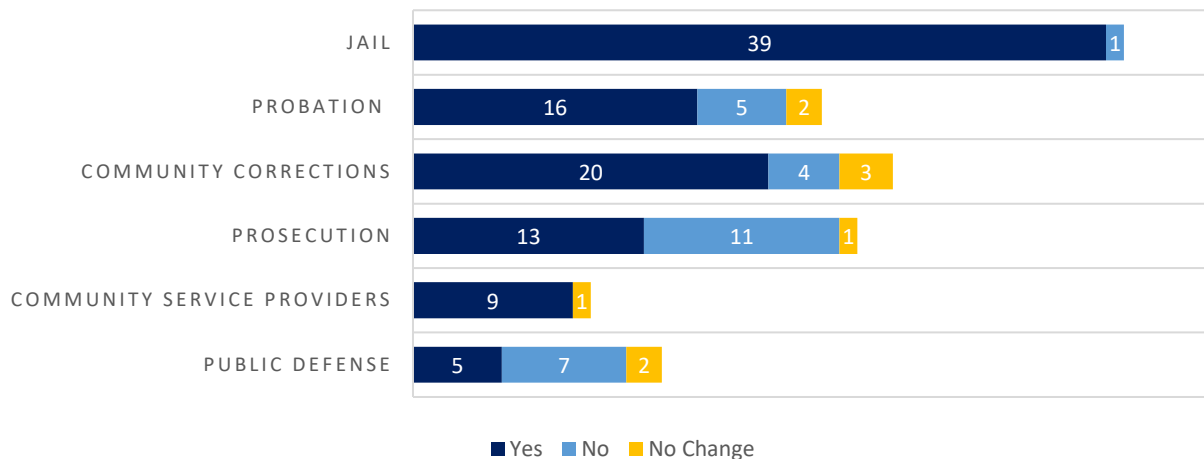
IMPACT OF COVID-19

To help assess the impact of COVID-19 on agency policy and procedure, organizations were asked if there were any changes implemented because of the pandemic that will remain in place. The majority of organizations reported that the changes implemented will remain in place (Jail 97%, Probation 70%, Public Defense 50%, Prosecution 52%, Community Corrections 74%, Community Service Providers 90%). Jails were asked if they experienced any positive COVID-19 cases, 83% (33) said yes, and of those, 56% (22) reported a COVID-19 outbreak (which is defined as a situation where two or more incarcerated individuals with COVID-19 are discovered to be linked, such as found in the same area of the jail).



Figure 15. Changes to Policy due to COVID-19 that will Remain in Place

Were there any changes to policies or procedures implemented due to COVID-19 that your agency has chosen to keep in place?



All respondents were also given the opportunity to share additional insight about how COVID-19 impacted their operations via an open-ended response. There were 45 responses to the survey question. Most (18) respondents elaborated on the general impact COVID had on the effectiveness and efficiency of their organizations and what changes were implemented to accommodate it. Several (9) commented on the backlog of unresolved cases the pandemic caused and the toll that has taken on agencies. Some (8) described the impact of acquiring personal protective equipment and increasing the use of technology. Others (5) shared the impact of the pandemic on staff morale and retaining personnel. Click [here](#) for a full list of responses.

OVERALL IMPACT OF CRIMINAL CODE REFORM

Finally, respondents were given the opportunity to elaborate on the impact of HEA 1006 on their agency in an open-ended format. There were 47 responses to the question. Common themes from the responses include the expression that HEA 1006 has created funding issues for county jails and/or has put a strain on resources (8). Others commented on how it has contributed to jail overcrowding and has caused an increase in repeat offenders (5). Some individuals commented on the impact it has had on justice-involved individuals in terms of sentencing (4). To see a full list of responses, click [here](#).





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Visit our website for prior reports and a longitudinal analysis of data since the enactment of HEA 1006.

CONCLUSION

Due to the efforts of those who work within and intersect with the Indiana criminal justice system, the provisions of House Enrolled Act 1006 are continuously met. It is evident that strides have been made to decrease the number of offenders who reside in state and local facilities. This has been accomplished by investing in and utilizing a wide array of community-based alternatives to incarceration, as well as making mental health, substance use, and other restorative justice programs a priority for offenders. However, efforts to enhance accessibility of treatment programs to the entire criminal justice population are needed. There is also a need to continue improving and collecting data from every aspect of the criminal justice system. Methods to reduce jail overcrowding should be explored and continued to be practiced. There should also be an increased focus on reentry services. By helping offenders successfully reenter their communities, recidivism reduction will be actualized, and ultimately, public safety will be secured.

RECOMMENDATIONS

The ICJI and JRAC make the following recommendations:

Improve the Criminal Justice Data Ecosystem

As mentioned throughout this and previous reports, there is still a need to continue improving and collecting data from every aspect of the criminal justice system. The ICJI has continuously had to work with multiple organizations to obtain the available data needed to draft this and other reports. Both in requesting and receiving the data needed to complete this report, it was apparent the methods by which Indiana tracks criminal justice-related information are fragmented and often duplicative. Primary focus needs to be placed on enhancing, gathering, and defining jail data; developing a cohesive criminal justice data repository; scaling back the number of data systems utilized such as jail management systems and court data systems; enhancing the sharing of data across agencies; and improving evaluation of the available data produced by each system stakeholder.

1

2

Implement Unified Victim Notification System to Increase Understanding of Jail Overcrowding, Utilization of Programs & Measure Recidivism

Implementing a unified statewide victim notification system to extract jail data will improve knowledge of the jail population, allowing for the ability to identify trends and problems that contribute to overcrowding. Additionally, jail data could be used to evaluate jail-based programs and measure recidivism. Specifically, jails could model the Indiana Department of Correction's program tracking model which measures completion and successful completion of programs and identifies whether involvement in, completion of, or successful completion of a program impacts recidivism.

3

Reduce Jail Overcrowding

Jail populations are beginning to increase following declines due to the COVID-19 pandemic. Changes to local policies and implementation of evidence-based practices led to decreases in some jails during the pandemic. Those practices included: increased use of citations in lieu of arrest, reduced bond amounts, increased use of summons to appear versus arrest warrants, new or expanded use of pretrial risk assessments, and remote/virtual court proceedings and community supervision meetings resulting in fewer warrants issued for failure to appear and community supervision violations. These practices should continue to be supported and implemented statewide. JRAC recommends continued support for the recommendations outlined in the Jail Overcrowding Task Force Report and the JRAC Pretrial and Bail Reform Report. Additionally, research on bail reform and pretrial release strategies should continue in order to determine best practices for types of supervision and release that are most effective for varying types of risk for reoffending.

4

Continue to Support Forensic Mental Health and Substance Use Programs During and Post-Incarceration

The ICJI and the JRAC recommend continuing efforts to enhance the accessibility of community-based mental health and substance use treatment programs that support the full range of needs for the criminal justice population, including recovery residences, medication-assisted treatment, and psychiatric services. It is recommended that these services be offered during and after incarceration, as both impact recidivism. Many entities have a hard time providing these services due to a lack of financial and social resources. Therefore, the State of Indiana and its counties will need to work with service providers and practitioners to address these needs at the local level. Evaluating the time needed to complete mental health and addiction programs could prove valuable when looking at both pretrial release programs and programs offered post-conviction in jails, the IDOC, or through Recovery Works.

5

Increase Focus on Reentry Services for Restorative Justice

With the progress of programs like Recovery Works, reentry of offenders back into society is improving. However, reentry continues to be an area needing enhancement in Indiana. Additional and/or improved reentry programs are needed in areas such as employment, housing, transportation, and life skills training after incarceration and reintegration. The IDOC has implemented job and life skills training for some offenders, but more work is needed, especially at the local level. Steady and gainful employment combined with secure housing and transportation are key factors that will impact Indiana’s recidivism rates.



APPENDIX A

ALL RESPONDENTS

1. What type of agency do you work for?
2. Is there anything else you would like for us to know regarding how COVID-19 impacted your agency's operation?
3. Is there anything we did not address in this survey that you would like for us to know about the impact of HEA 1006 on your community?

JAIL

4. What county does your agency serve?
5. What is the number of jail beds in your facility?
6. What is your current jail population?
7. What is the current number of pretrial detainees (those who have not been convicted)? If you are unsure, please leave the textbox blank.
8. What is the current number of individuals convicted of level 6 felonies? If you are unsure, please leave the textbox blank.
9. What was your average daily population for calendar year 2020? If you are unsure, please leave the textbox blank.
10. Has your jail experienced a change in average daily population since July 1, 2020?
11. Was your decrease in ADP mostly due to COVID-19?
12. Is your jail population back to pre-COVID levels?
13. Did your jail experience any positive COVID-19 cases?
14. If yes, did your jail experience a COVID-19 outbreak (two or more inmates with COVID are discovered to be linked; such as found in the same area of the jail, program room, housing area, recreation, etc.)?
15. Were there any changes to your jail's policies or procedures implemented due to COVID-19 that will be kept in place?
16. Does your county offer pretrial release services (program to determine eligibility for release without bail prior to trial)?
17. Since July 1, 2020, how many inmates were enrolled in substance use programs offered in the jail? If you are unsure, please leave the textbox blank.
18. Since July 1, 2020, has there been a change in number of defendants who require services, such as substance use and/or mental health treatment?

PROBATION

19. What county does your department serve?
20. What is the average caseload across all probation officers in your department? If you are unsure, please leave the textbox blank.
21. What is your current caseload? If you are unsure, please leave the textbox blank.
22. How much or little of your caseload is attributed to level 6 felony offenders?
23. Have probation officers' average caseloads changed since July 1, 2020?
24. If caseloads changed, how much or little of this change is attributed to COVID-19?
25. Were there any changes to policies or procedures implemented due to COVID-19, that your organization has chosen to keep in place?

26. Does your county offer pretrial release services?
27. Has pretrial release affected your caseload?
28. In the past year, what percent of arrestees released pretrial received court reminder calls/text only? If you are unsure, please leave the textbox blank.
29. Of those who received court reminder calls/text only, what percent made all pretrial scheduled court appearances? If you are unsure, please leave the textbox blank.
30. Since July 1, 2020, what percent of supervised pretrial defendants failed to appear for scheduled court appearances? If you are unsure, please leave the textbox blank.
31. Since July 1, 2020, what percent of pretrial defendants were charged with a new offense? If you are unsure, please leave the textbox blank.
32. Since July 1, 2020 has the number of probation violations changed?
33. Which method of discharge accounts for most probation revocations in the past year?
34. Please list the most common technical violations you have seen in the past year. If you are unsure, please leave the textbox blank.
35. Since July 1, 2020, has there been a change in the risk level (based on IRAS scores) of your probationers?
36. What percent of your probationers fall within each risk level (based on IRAS scores)?
37. Since July 1, 2020, has there been a change in number of defendants who require services, such as substance use and/or mental health treatment?

COMMUNITY CORRECTIONS

38. Which county or counties does your office serve?
39. What is the average caseload across all case managers in your office? If you are unsure, please leave the textbox blank.
40. What is your current caseload? If you are unsure, please leave the textbox blank.
41. How much or little of your caseload can be attributed to level 6 felony offenders?
42. Have case managers' average caseloads changed since July 1, 2020?
43. If caseload changed, how much or little of this change is attributed to COVID-19?
44. Were any changes to policies or procedures implemented due to COVID-19 that your organization has chosen to keep in place?
45. What is the average length of supervision for your clients? If you are unsure, please leave the textbox blank.
46. Since July 1, 2020, has the average length of supervision for your clients changed?
47. Since July 1, 2020, has there been a change in the risk level (based on IRAS scores) of your clients?
48. What percent of your probationers fall within each risk level (based on IRAS scores)?
49. Since July 1, 2020, has there been a change in number of defendants who require services, such as substance use and/or mental health treatment?

PAROLE

50. Which Parole District do you serve?
51. What is the average caseload across all parole officers in your office? If you are unsure, please leave the textbox blank.
52. What is your current caseload? If you are unsure, please leave the textbox blank.
53. Have parole officers' average caseloads changed in the past year?
54. Since July 1, 2020, has your office experienced a change in the number of offenders being granted parole?
55. If there has been a change in number of cases, how much or little of this change is attributed to

COVID-19?

56. Are there any changes to policy/procedure implemented due to COVID-19 that your organization has chosen to keep in place?
57. Since July 1, 2020, has the number of parole violations changed?
58. Which type of violation accounts for most parole violations in the past year?
59. Please list the most common technical violations you have seen in the past year. If you are unsure, please leave the textbox blank.
60. Since July 1, 2020, has there been a change in number of defendants who require services, such as substance use and/or mental health treatment?

JUDICIARY

61. What county does your agency serve?
62. Does your county have one or more problem-solving courts?
63. 1 To what extent are problem-solving courts meeting the needs of defendants in your county? Example: Selecting "all" means problem solving courts are meeting all the needs of defendants. Selecting "none" means problem solving courts are not meeting any needs of defendants.
64. Has the number of defendants served by problem-solving courts changed since July 1, 2020?
65. If the number of defendants has changed, how much or little of this change is attributed to COVID-19?
66. Since July 1, 2020, has there been a change in the number of requests for sentence modifications?
67. Since July 1, 2020, has there been a change in the number of plea agreements?
68. Since July 1, 2020, has there been a change in the number of felony level 6 cases?
69. Since July 1, 2020, has there been a change in number of defendants who require services, such as substance use and/or mental health treatment?
70. Were there any changes to policies or procedures implemented due to COVID-19 that your court has chosen to keep in place?

PROSECUTION

71. What county does your office serve?
72. What was the average number of felony cases for deputy prosecuting attorneys in your office for calendar year 2020? If you are unsure, please leave the textbox blank.
73. What is your current number of cases? If you are unsure, please leave the textbox blank.
74. Have deputy prosecuting attorneys' average caseloads changed since July 1, 2020?
75. Other than caseloads, has deputy prosecuting attorneys' workload (SART, advisory boards, etc.) changed since July 1, 2020?
76. If there was a change in caseloads, how much or little of this change is attributed to COVID-19?
77. Were there any changes to policies or procedures implemented due to COVID-19 that your office has chosen to keep in place?
78. In the past year, has there been a change in the number of felony level 6 cases handled by your office?
79. How much or little of your caseload is attributed to level 6 felony offenders?
80. Since July 1, 2020, has there been a change in the number of requests for sentence modifications?
81. Since July 1, 2020, has there been a change in the number of plea agreements?
82. Since July 1, 2020, has there been a change in number of defendants who require services, such as substance use and/or mental health treatment?

PUBLIC DEFENSE

83. Which county or counties does your office serve?
84. What was the average number of cases for a single public defender in your office for calendar year 2020? If you are unsure, please leave the textbox blank.
85. What is your current number of cases? If you are unsure, please leave the textbox blank.
86. Have public defenders' average caseloads changed in the past year?
87. If average caseloads have changed, how much or little of this change is attributed to COVID-19?
88. Were there any changes to policies or procedures implemented due to COVID-19 that your office has chosen to keep in place?
89. Since July 1, 2020, have you noticed a change in the number of requests for sentence modifications?
90. Since July 1, 2020, has there been a change in the number of plea agreements?
91. Since July 1, 2020, has there been a change in the number of defendants who require specific services such as substance use and/or mental health treatment?

COMMUNITY SERVICE PROVIDERS (SUBSTANCE USE TREATMENT/MENTAL HEALTH SERVICES)

92. What county or counties does your agency serve?
93. A criminal justice-involved client is any client who is under the supervision of probation, parole, community corrections, or other legal/court/diversion program(s). Since July 1, 2020, has there been a change in the number of referrals from criminal justice agencies requesting that your agency provide services for criminal justice involved clients?
94. If there was a change in the number of referrals, how much or little of this change is attributed to COVID-19?
95. Since July 1, 2020, has COVID-19 effected your normal business operations?
96. Were there any changes to policies or procedures implemented due to COVID-19 that your office has chosen to keep in place?
97. Forensic programming refers to programming that specifically targets your criminal justice-involved clients. Does your agency have forensic programming that specifically addresses the needs of your criminal justice involved clients?
98. How does your agency fund its forensic program(s)?
99. Since July 1, 2020, has funding been sufficient to carry out the mission of your forensic programming?
100. Since July 1, 2020, has your agency had enough staff to meet the needs of your criminal justice-involved clients?
101. Since July 1, 2020, has there been a change in the overall intensity of services (e.g., the level of need, frequency of contact, and number of services required to meet the needs of the client) for your criminal justice involved clients? Since July 1, 2020, which service or services, if any, does your agency directly provide to criminal justice-involved clients? (Please select all that apply).
102. Since July 1, 2020, which service or services, if any, does your agency directly provide to criminal justice-involved clients? (Please select all that apply)
103. Since July 1, 2020, which services or programs, if any, do your criminal justice involved clients have difficulty obtaining for reasons such as lack of availability or affordability? (Please select all that apply).

GLOSSARY

Abstract of Judgment: Also referred to as abstract in this report; a living electronic document, completed by the court, associated with an offender sentenced with a felony who has received a commitment to the Indiana Department of Correction (IDOC).

The document must include, but is not limited to:

- (1) each offense the person is convicted of;
- (2) the sentence, including whether the sentence includes a suspended sentence, probation, or direct commitment to community corrections;
- (3) whether the person is a credit restricted felon; and,
- (4) specific reasons for revocation resulting commitment to the IDOC if probation, parole, or a community corrections placement has been revoked, if applicable (IC 35-38-1-31).

Appeal: A review by an appellate court, initiated by or on behalf of an offender, of trial court or administrative agency proceedings to determine if errors occurred during the proceedings. The court may affirm or reverse findings in previous proceedings; if reversed, the offender will be awarded some type of relief.

Community Corrections: The programming aims to divert offenders from incarceration by providing offenders charged with a crime or act of delinquency with a number of different services. Program is typically administered at the county level and at least partially subsidized by the state (IC 11-12-1-1). Community corrections operates in every Indiana County in some capacity, except Benton, Franklin, and Newton counties.

Community Transition Program (CTP): This program is intended to give an incarcerated offender a head start to reentry. Offenders committed to the IDOC may be assigned to their county community corrections program, probation, or court program for a period of time prior to their release date; the period is determined by the offender’s offense level (IC 11-8-1-5.6).

Credit Time: The sum of a person’s accrued time, good time credit, and educational credit.

Criminal Convictions (post-1006)

Felony Level	Example	Sentencing	
		Range	Advisory
Murder	Murder	45-65 yrs.	55 yrs.
1	Sex crimes, attempted murder, voluntary and involuntary manslaughter, reckless homicide, aggravated battery, kidnapping, battery, burglary	20-40 yrs.	30 yrs.
2	Sex crimes, attempted murder, voluntary and involuntary manslaughter, reckless homicide, aggravated battery, kidnapping, battery, burglary, robbery	10-30 yrs.	17.5 yrs.
3	Sex crimes, attempted murder, voluntary and involuntary manslaughter, reckless homicide, aggravated battery,	3-16 yrs.	9 yrs.

	kidnapping, battery, burglary, robbery, carjacking, arson, drug dealing (large quantities)		
4	Battery, burglary, robbery, carjacking, arson, escape, drug dealings	2-12 yrs.	6 yrs.
5	Battery, burglary, robbery, carjacking, arson, assisting a criminal, escape, prostitution	1-6 yrs.	3 yrs.
6	Drug possession, false reporting, resisting arrest	6 mo-2.5 yrs.	1 yr.

Criminal Convictions (pre-1006)

Felony Class	Example	Sentencing	
		Range	Advisory
Murder	Murder	45-65 yrs.	55 yrs.
A	Kidnapping, voluntary manslaughter with a deadly weapon, arson involving bodily injury	20-50 yrs.	30 yrs.
B	Aggravated battery, rape, child molesting, carjacking, armed robbery	6-20 yrs.	10 yrs.
C	Involuntary manslaughter, robbery, burglary, reckless homicide	2-8 yrs.	4 yrs.
D	Theft, receiving stolen property, computer tampering and fraud	6 mo-3 yrs.	1.5 yrs.

Day Reporting: A form of supervision in which person is required to report to a supervising agency at a designated time. Other conditions may apply, including curfew and home confinement.

Deferred/Diverted: Type of case disposal when a prosecutor and defendant agree to defer prosecution or placement in a diversion program.

Discharge: Termination of commitment to the IDOC (IC 11-8-1-8).

Dismissed: Case disposal resulting in the discharge of a case; this result comes from the court on its own motion, upon the motion of a party, or upon an agreed entry as the result of settlement between the parties.

Disposition: When a case comes to a close through one of many possible methods.

Diversion or Forensic Diversion: Program designed to provide an adult an opportunity to receive community treatment instead of or in addition to incarceration (IC 11-12-3.7-4).

Education Credit: Reduction in the term of imprisonment or confinement awarded for participation in an educational, vocational, rehabilitative, or other program (IC 35-50-6-0.5).

Electronic Monitoring: Community supervision using an electronic monitoring device (IC 35-38-2.5-3).

Failure to Appear (FTA): Person fails to appear to court for summons (in lieu of an arrest warrant).

Guilty Plea/Admission: Cases in which the defendant pleads guilty to an offense or admits to the commission of an infraction or ordinance violation.

Habitual Offender (HO): Has three or more prior unrelated felony convictions and is alleged to have committed a prior unrelated level 5 or 6 felony or Class C or D felony; not more than ten years have elapsed since the person was released from prison, probation or parole for at least one of the prior unrelated felonies and the time the new offense was committed. (IC 35-50-2-8d).

HEA 1006: House Enrolled Act 1006, also known as Public Law 168, first took effect July 1, 2014. It is also referred to as HEA 1006 in this report.

Indiana Risk Assessment System (IRAS): The IRAS is a suite of tools used in Indiana to evaluate an offender's risk for reoffending and need for services that can reduce reoffending.¹⁶

Jail Inspection Report: The report produced following an on-site visit to a jail by an inspector serving as an agent of the commissioner of Sheriff and Jail Operations under the Operations division of the IDOC. The report contents are based on the statewide jail standards for county jails (210 IAC 3).

Jail: A place for confinement of people arrested or convicted of a crime. In Indiana, there are 92 county jails in 91 counties; Marion County has two jails and Ohio County has no jail. Indiana jails are used primarily to:

- » detain arrestees;
- » hold individuals who have not yet been sentenced;
- » house misdemeanants and felony level 6 diversion offenders who, per statute, may not go to the IDOC except under limited circumstances.

Misdemeanor: A violation of a statute for which a person may be imprisoned for no more than one year and is classified by levels A through D (IC 33-23-1-9).

New Commitment: A new criminal conviction resulting in a new sentence to be carried out at least in part with the IDOC.

Operational Capacity: The total bed capacity of a IDOC facility. The capacity of a facility is the number of beds authorized for safe and efficient operation of the facility.

Original Abstract: Contains details from the original sentencing.

Parole: The conditional release of a person convicted of a crime prior to the expiration of that person's term of imprisonment, subject to both the supervision of the correctional authorities during the remainder of the term and a resumption of the imprisonment upon violation of the conditions imposed.

Pretrial Release: An arrestee who has been released from jail prior to trial or sentencing. Release generally includes some type of pretrial supervision requirements.

Probation: The process by which a criminal sentence is suspended and the defendant is released into the community subject to conditions ordered by the court.

Problem-Solving Court: Started in 1990, these courts work with offenders that have specific needs and problems, which are not adequately addressed in traditional courts. They seek to benefit the offender,

¹⁶ For more information about the IRAS, please visit www.in.gov/judiciary/iocs/2762.htm.

as well as the victim and society. Each court is developed to meet the needs of the locality it will serve, and courts can focus on—but are not limited to—drug use, mental illness, domestic violence, and veterans.

Prosecution: Vested with the authority to institute legal proceedings against a person who has allegedly violated Indiana law within their respective jurisdictions; Prosecutors are elected by county. Dearborn and Ohio counties share a Prosecutor.

Public Defender: An attorney engaged in the legal defense of an indigent defendant.

Recidivism: In this report, recidivism data was only discussed in the section about the IDOC. The IDOC defines recidivism as an offender’s return to IDOC incarceration within three years of release from a state correctional institution.

Recovery Works: Provides vouchers to the DMHA program that certifies mental health and substance abuse providers in the community to treat individuals involved in the criminal justice system. The voucher program was designed to cover mental health and/or substance abuse treatment costs for participants without insurance or Medicaid. Participants must be over the age of 18, be a resident of Indiana, have a total household income equal to or less than 200% of the federal income poverty line, and have entered the criminal justice system with a current or prior felony conviction.

Release: For the purposes of this report, this is when an offender leaves a correctional facility, not including a temporary absence.

Revocation: Termination of probation supervision, community corrections supervision, or parole supervision as a result of a violation of the supervision conditions.

Sentence Modification: Process by which the court may reduce or suspend a defendant’s sentence and impose any sentence that the court could have given the defendant at the time of the original sentencing. Plea agreements cannot be modified without the consent of the prosecuting attorney. A defendant may only make one modification request per year and a total of two modification requests during the entire sentence (35-38-1-17).

Service Provider: A non-criminal justice agency that provides mental health and/or addictions services to justice-involved individuals.

Suspendible Sentence: The court may suspend any part of a sentence for felony levels 2-6, except under certain circumstances. The court may suspend the part of a sentence for a level 1 felony or murder if it is in excess of the minimum sentence for the respective conviction (IC 35-50-2-2.2).

Technical Violation: Misbehavior by an offender under some type of community supervision (e.g. probation, parole, community corrections) that is not by itself a criminal offense and generally does not result in arrest. Example: failing a urine drug screen.

Violation of Parole/Probation (VOP): Disobeying terms of parole or probation either by breaking a technical rule (see “Technical Violation”), such as abusing substances, or through the commission of a new crime.

Violation-New Commitment: Violating the terms of community supervision by obtaining a new criminal conviction resulting in a new sentence to be carried out at least in part with the IDOC.

Work Release: An offender placement where the individual lives in a facility, and is permitted to leave the facility to work, seek employment, attend school, and receive medical attention. The offender may also earn passes to visit with family or may be granted other passes for special circumstances. These facilities typically offer a number of programs in-house to aid in offender rehabilitation and reentry.



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