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2022



 EIGHT EDITION

ANNUAL EVALUATION
INDIANA CRIMINAL CODE REFORM

Prepared by
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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 2022 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, 2022.

ACKNOWLEDGMENTS

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 ICJI DIRECTOR

On behalf of the Indiana Criminal Justice Institute, I'm pleased to present the 2022 Annual Criminal Code Reform Evaluation Report, pursuant to IC 5-2-6-24. This is the eighth edition of our evaluation of the reforms passed through HEA 1006 — *the fourth completed in conjunction with the Justice Reinvestment Advisory Council* — and encompasses data and information for the 2022 state fiscal year.

Within our examination of incarceration and court data, the report focuses on an array of topics ranging from recidivism to overcrowding to problem-solving courts. It also includes updates on programs like Recovery Works and the development of behavioral and mental health services, which are critical to today's criminogenic population. In addition, we continue to evaluate the impact that COVID-19 has on the justice system, as persistent outbreaks continue to cause disruption and delays throughout the state.

Of particular note, to help the public better visualize trends, we've created a series of online dashboards to supplement the report. Those visualizations are interactive and very easy to use, and I encourage you to check them out.

Ultimately, our goal is to shed light on the fluctuations that have occurred within the criminal justice landscape, in relationship to the reforms enacted through HEA 1006, to help guide decision makers and stakeholders as they evaluate the law's effectiveness and discuss legislation moving forward.

I would like to commend all the individuals and organizations that contributed to this report. It represents countless hours of quantitative and qualitative data collection and analysis and would not be possible without the efforts and collaboration of our state and local partners.

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

DEVON MCDONALD

INDIANA CRIMINAL JUSTICE INSTITUTE

LETTER FROM THE JRAC CHAIR

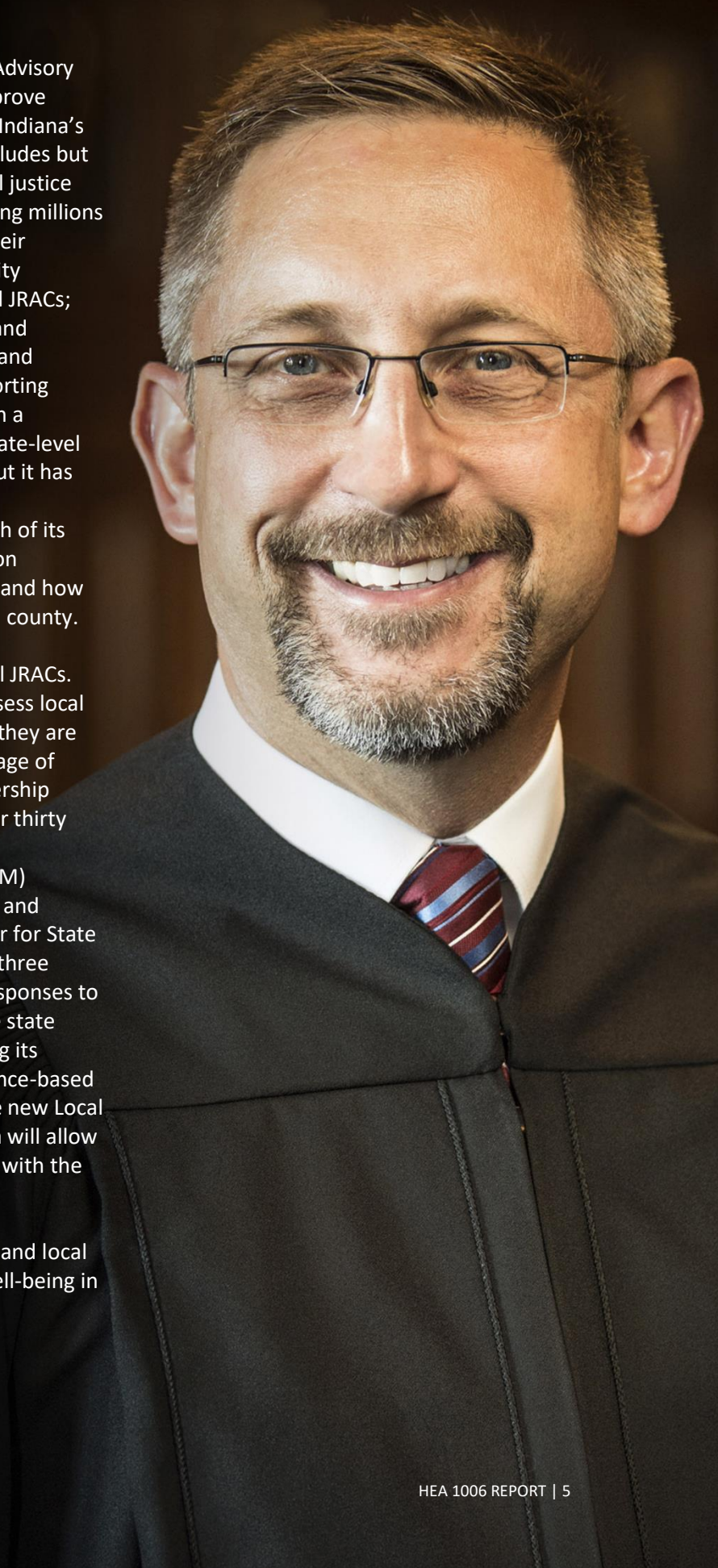
Since its creation in 2015, the Justice Reinvestment Advisory Council (JRAC) has completed significant work to improve public safety and community well-being throughout Indiana's Community-Based Supervision System. This work includes but is certainly not limited to: mapping Indiana's criminal justice system; reporting on statewide bail reform; overseeing millions of dollars in grants to counties seeking to improve their community supervision systems; reviewing community corrections; developing technical assistance for Local JRACs; and most recently, reviewing electronic monitoring and community corrections advisory board membership and developing new electronic monitoring quarterly reporting requirements. All this work has been accomplished in a collaborative effort among and between Indiana's state-level criminal justice stakeholders. It has not been easy, but it has allowed 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.

I am especially proud of JRAC's work to support Local JRACs. This critical state-local partnership allows JRAC to assess local needs and reinvest criminal justice resources where they are needed most. JRAC's website features a dedicated page of "one-stop shop" resources for Local JRACs: a membership directory, on-demand training videos; a menu of over thirty written, in-person, and off-site technical assistance opportunities; Evidence-based decision making (EBDM) resources from the National Institute of Corrections; and behavioral health resources from the National Center for State Courts. JRAC conducted first-ever focus groups with three counties to better understand their communities' responses to the mental health crisis and learn their ideas to drive state policy forward. Through this process, JRAC is fulfilling its statutory duty of assisting communities to use evidence-based best practices and reduce recidivism. In addition, the new Local JRAC quarterly reports on electronic monitoring data will allow JRAC to provide technical assistance and collaborate with the General Assembly on broad system improvements.

JRAC looks forward to continuing its work with state and local partners to improve public safety and community well-being in Indiana.

CHRISTOPHER M. GOFF

INDIANA SUPREME COURT JUSTICE





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 eighth annual evaluation of House Enrolled Act 1006.

To determine the effects of the criminal code reform on courts, prisons, jails, and other community-based alternatives to incarceration, the data was obtained from Indiana Court Technology and the Indiana Department of Correction (IDOC). Data gathered from Court Technology demonstrates new filings, abstract of judgments (summary of a court's judgment for convicted felony offenders), 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.

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. In 2015, the Indiana General Assembly established the Forensic Treatment Grant Program through the Division of Mental Health and Addiction (DMHA). This program is commonly referred to as Recovery Works. The 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 to reduce recidivism and encourage recovery. Since 2015, DMHA has continued to provide various resources to the general and criminal justice-involved populations who need mental health and/or substance use programming. DMHA provided information about the availability and effectiveness of mental health and substance use programs for this report.

KEY FINDINGS

The key findings of the report are outlined below.

COURTS

NEW FILINGS	<ul style="list-style-type: none">• The total number of new criminal filings in SFY22 was 67, 695, which was an 8% decrease from the 73,630 new filings in SFY21.• F6 filings make up the largest percentage of felony filings at 72.5%.
ABSTRACTS OF JUDGMENT	<ul style="list-style-type: none">• The total number of original abstracts of judgment increased by 17% from the previous year, but there was a 1.3% decrease in abstracts for F6s.• Although there was a slight decrease in abstracts for F6s, they still make up the largest percentage of original abstracts at 75.1%.
SENTENCE MODIFICATIONS	<ul style="list-style-type: none">• The total number of sentence modifications requested continued to decrease since the pandemic, decreasing approximately 5% from SFY21, but the percentage of sentence modifications <i>granted</i> increased by 1.9%.
PLACEMENTS	<ul style="list-style-type: none">• The most common sentence was jail (21.2%), followed closely by a combination of jail and probation (21.1%).• Over 93% of the jail only sentences and almost 90% of the jail and probation sentences were F6s and FDs.
PROBATION	<ul style="list-style-type: none">• The number of adult offenders on probation for substance use offenses made up 47.6% of total new felony supervisions, marking an 11.5% increase from last year.• The most common reason for probationers' release from probation was through the successful completion of their probation sentence (47.5%).

OVERALL IDOC POPULATIONS

- From July 2021- June 2022 there was an overall decrease (-8.4%) in total offenders under any commitment to IDOC (IDOC facilities, jail contracts¹, and F6 jail diversions).
- The monthly average for the total offender population for SFY22 was 25,641, a 2.9% decrease from last year’s monthly average total of 26,428 offenders.
- On average, 93% of offenders are housed in a state facility or with a third-party contract.

IDOC FACILITIES

- In SFY22, there was a 31% increase in the average offender population in third-party DOC contract facilities.

ADMISSIONS AND RELEASES

- New commitments to IDOC made up 50% of all admissions for SFY22.
- The monthly average rate for admissions rose 16% compared to 2021.
- The monthly average rate for releases decreased by 3.9% compared to last year’s rates.

JUVENILE ADMISSIONS AND RELEASES

- The monthly average rate for admissions overall is 35 juvenile offenders. The monthly average rate for releases is 32 offenders.
- The monthly admission rate for male juvenile offenders is 30 offenders and the release rate is 28 males.
- The female monthly admission rate is 4.9 versus the 4.6 release rate.

IDOC ADULT FACILITY CAPACITY²

- Male*
- Maximum-security monthly average capacity rate was 96%.
 - The monthly average capacity rate for medium-security facilities is 90%.
- Female*
- Maximum-security monthly average capacity rate was 87%.
 - The monthly average capacity rate for medium-security facilities is 95%.

¹ Jail contracts or third-party contracts consists of offenders who are sentenced to IDOC but are housed in a county jail or work release facility under contract with IDOC.

² Operational facility capacity calculates capacity based on the following IDOC facilities or programs: minimum security, re-entry/work release, medium security, and maximum security.

JUVENILE FACILITY
CAPACITY

Male

- The average operational capacity per month is 46%.

Female

- The average operational capacity per month is 62%.

IDOC RECIDIVISM

- In 2022, the average rate of recidivism for adults was 33.8%
- Overall, recidivism rates of most offense levels decreased from the previous year. Murder was the only category that increased.

COMMUNITY
CORRECTIONS

- The number of felony offenders in Community Corrections increased by 17% from July 2021 to June 2022.
- The pretrial population decreased by 22% during the reporting period.
- The most common form of supervision used by Community Correction programs is electronic monitoring.

JAIL

GENERAL

- In 2021, 37% of county jails were at or exceeded 80% capacity. This is based on annual jail inspection reports, representing a snapshot of one day when the inspection occurred.
- Thirteen jails were over 100% capacity.
- In 2021, the jail capacity rate was 71%, Statewide.
- The F6 population made up 12.3% of the total jail population. In 7 jails, the F6 population made up over 40% of the jail's population.

JUSTICE REINVESTMENT ADVISORY COUNCIL (JRAC)

\$580k

7 prosecutor's diversion programs

\$2.0M

22 jail treatment programs

\$2.4M

18 pretrial services programs

\$3.7M

33 probation departments

\$6.1M

52 problem-solving courts/court
recidivism reduction programs



59.6M

78 community
corrections agencies

RECOVERY WORKS

As of August 2022, DMHA reports there are 5,159 new enrollments to Recovery Works, which brings the total enrollees to 59,591 and the total expenditures to \$88,421,162 since the program began. Additionally, \$128,616 has been spent so far on two Misdemeanor Pilot Programs in association with Recovery Works that offer funds for community-based treatment, recovery-based housing, and substance use education for qualifying misdemeanor offenders.

5,159
ENROLLMENTS

JUSTICE SYSTEMS-RELATED MENTAL HEALTH & SUBSTANCE USE PROGRAMS

4,199

The IDOC reported that 4,199 offenders were enrolled in mental health and addiction re-entry programs across Indiana.

9-8-8

The 988 Suicide and Crisis Lifeline launched nationwide in July 2022, and FSSA's DMHA has outlined plans to expand services through the Community Catalyst Grants, which are used to improve mental health and substance use disorders. In coordination with 988, FSSA's DMHA has chosen four organizations to contract with to provide services for a Mobile Crisis Services pilot program that would provide emergency services to people experiencing mental health or substance use crises throughout the state.



The Indiana Behavioral Health Commission offered actionable recommendations in their September 2022 report on how to improve Indiana's behavioral health systems to align with similar states.

INTRODUCTION

In 2013, the Indiana General Assembly introduced House Enrolled Act 1006, an act to amend the Indiana Code concerning criminal law and procedure that had been in place since 1976. The provisions were officially set on July 1, 2014, and solidified as Public Law 158.

The legislation identified ten general purposes as listed in IC 35-32-1-1.

1

Secure simplicity in procedure

6

Keep dangerous offenders in prison by avoiding the use of scarce prison space for nonviolent offenders

2

Ensure fairness of administration including the elimination of unjustifiable delay

7

Give judges maximum discretion to impose sentences based on a consideration of all the circumstances related to the offense

3

Ensure the effective apprehension and trial of persons accused of offenses

8

Maintain proportionality of penalties across the criminal code, with like sentences for like crimes

4

Provide for the just determination of every criminal proceeding by a fair and impartial trial and adequate review

9

Make the lengths of sentences served by offenders more certain for victims

5

Reduce crime by promoting the use of evidence based best practices for rehabilitation of offenders in a community setting

10

Preserve the public welfare and secure the fundamental rights of individuals



One of the most notable changes of HEA 1006 was moving from a four-tier felony system (classes A-D) to six levels. Murder became a separate classification and did not change as a result of the legislation.

See the tables below for class level and sentencing range.

TABLE 1. PRE-1006 (ENACTED IN 1976)

Level of Offense	Sentencing Range	Advisory Sentence ³
Murder*	45 to 65 years	55 years
Class A Felony	20 to 50 years	30 years
Class B Felony	6 to 20 years	10 years
Class C Felony	2 to 8 years	4 years
Class D Felony	6 months to 3 years	1.5 years

*May include the death penalty or life without parole.

TABLE 2. POST-1006

Level of Offense	Sentencing Range	Advisory Sentence
Murder*	45 to 65 years	55 years
Level 1 Felony	20 to 40 years	30 years
Level 2 Felony	10 to 30 years	17.5 years
Level 3 Felony	3 to 16 years	9 years
Level 4 Felony	2 to 12 years	6 years
Level 5 Felony	1 to 6 years	3 years
Level 6 Felony	6 months to 2.5 years	1 year

*May include the death penalty or life without parole.

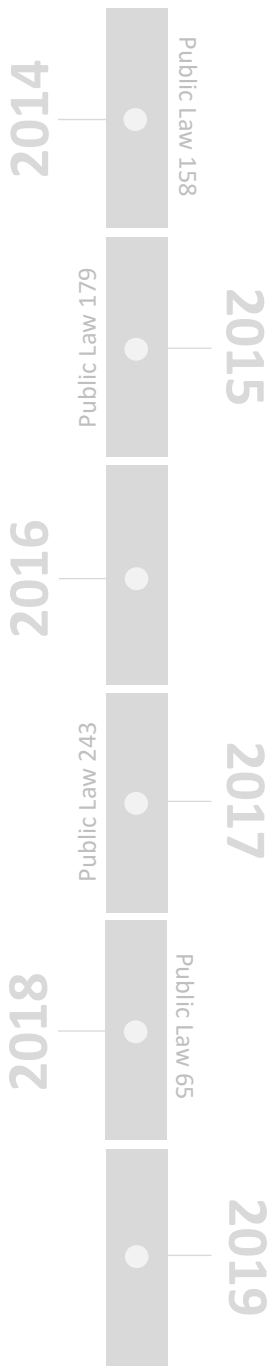
A Felony Level 1 is considered the most severe, aside from Murder, whereas a Felony Level 6 is considered the least severe. The new felony code changes are contributing, in part, to an increase in the average number of prison days offenders are required to serve, as the advisory length of sentence has increased for some felony classifications. Offenders also must generally serve a longer percentage of their sentence than before code reform changes.



House Enrolled Act 1006 may be referred to as any of the following throughout this report: the criminal code reform, 1006, and HEA 1006.

Felonies may also be referred to in several ways. For example, a Felony Level 6 may be referred to as Level 6, F6, or low-level felony.

³ Advisory sentence is a guideline that the court may voluntarily consider when imposing a sentence.



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), and Public Law 65 (2018). The Indiana Criminal Justice Institute (ICJI) was tasked with annually evaluating the effects of the criminal code reform on the criminal justice system per IC 5-2-6-24. Annual reports were outsourced to the Sagamore Institute in the 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) as specified at in IC 33-38-9.5-2⁴.

This report represents the eighth annual evaluation of the criminal code reform. The purpose of this report is to present recent revisions to legislation about 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 2022 (SFY22, July 1, 2021 – June 30, 2022). Prior reports, as well as dashboards displaying longitudinal analysis of data since the enactment of HEA 1006, are available on the ICJI’s [website](#).

The ICJI and JRAC, based on findings in this report and prior reports, outline the effects of criminal code reform and make several recommendations for continued improvements to advance the purposes of the legislation. Recommendations include 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.

IMPACT OF COVID-19 ON THE CRIMINAL JUSTICE SYSTEM

During SFY22, prison and jail operations were still impacted by COVID-19 due to continued outbreaks in late 2021 and early 2022, as well as lags in court proceedings due to backlogs, slower proceedings, and COVID-related delays. A recent report at the national level from the Vera Institute for the winter of 2021-2022 found that both correctional staff and incarcerated individuals still experienced high levels of COVID-19 nationwide due to delays in vaccinations and high prison populations⁵.

⁴ 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: <https://www.in.gov/justice/files/jrac-2019-bail-pretrial-report.pdf>.

⁵ Vera Institute of Justice. (2022). *People in prison in winter 2021-22*. Brooklyn, New York: Jacob Kang-Brown. Retrieved from <https://www.vera.org/publications/people-in-prison-in-winter-2021-22>.

There was a spike in COVID cases in IDOC facilities in January 2022 that led to 571 cases among incarcerated people and 391 cases in IDOC staff⁶. The IDOC reported weekly updates on the number of incarcerated individuals and staff members in their facilities that tested positive for and died from COVID. As of the last reported update in April 2022, 5,119 incarcerated individuals had tested positive, 43 had died from COVID, and 12 were thought to have died due to COVID-19⁷. Additionally, 3,169 staff in total tested positive for and 7 died from COVID-19.

According to the Vera Institute, even though there was a decrease in the prison population nationwide throughout the pandemic, the decrease nationwide from 2020 through 2021 was only about 1%, and some states, and the federal government, increased their prison populations. Indiana saw a slightly higher decrease (-3.4%) in the total statewide prison population than the national average from 2020 to 2021. The IDOC had a 2.9% decrease in total adult offender population monthly averages for SFY22 from SFY21. However, the Vera Institute suggests that these decreases are less likely due to policy changes and more likely due to delays in court processing, a viewpoint corroborated by court data within this report.

New filings decreased in SFY22 to 67,695 from 73,630 in SFY21 and 73,614 in SFY20. The number of sentence modifications filed also decreased. Meanwhile, abstracts of judgment and placements increased over the fiscal year. This may be the result of the courts working through the backlog that has been building over the course of the pandemic because the cases that were pending are now reaching dispositions and placements. However, many more cases are still pending. For example, in the spring of 2022, about 37,000 cases were pending in Marion County, which is 5,000-10,000 cases higher than normal⁸. The backlog of cases, as well as the continued presence of COVID, caused delays in court proceedings, especially jury trials and plea deals.

Although there is a significant backlog of pending cases in Marion County, trials are "clicking along at a pretty good rate" according to one Marion Superior Court judge.⁹ There have also been efforts to reduce the turnover of public defenders and prosecutors by increasing salaries and benefits, as well as hiring more prosecutors, paralegals, advocates, and more contracted lawyers for the public defender's office using funds from the American Rescue Plan. The Indiana Supreme Court decision on [Administrative Rule 17](#) in May of 2020 extended the Court Order allowing the courts to continue using remote hearings through videoconferencing, teleconferencing, and live streaming. This allows the courts to continue to hold hearings, even in the event of COVID spikes, and helps with the court backlogs.

⁶ Bavis, L. (2022, January 19). Current COVID surge also affecting Indiana prisons. *WFYI Indianapolis*. Retrieved from <https://www.wfyi.org/news/articles/covid-cases-indiana-prisons>.

⁷ Indiana Department of Correction. (2022, April 4). *IDOC Facility COVID-19 Data*. Retrieved from <https://www.in.gov/idoc/home/idoc-facility-covid-19-statistics/>

⁸ Magdaleno, J. (2022, May 12). 'Tell me we're really done': How a Marion County judge is handling massive case backlog. *Indianapolis Star*. Retrieved from <https://www.indystar.com/story/news/local/marion-county/2022/05/12/marion-county-court-judge-grant-hawkins-huge-case-backlog-indianapolis-indiana/7157769001/>



NEW LEGISLATION

Every year, legislation is passed that impacts the criminal justice system and, subsequently, the reforms enacted through HEA 1006. This report attempts to capture some of those fluctuations through trend data; however, any impacts felt from legislation passed this year will be addressed in future reports. The legislation listed below was passed during the 2022 session.

SEA 7 MARION COUNTY CRIME REDUCTION PILOT: Establishes the Marion County Crime Reduction Pilot Project which is intended to establish a grant program to provide funding to law enforcement in Marion County to permit additional law enforcement services within specified violent crime reduction districts, with the overall goal of reducing violent crime.

SEA 9 ELECTRONIC MONITORING STANDARDS: Requires the justice reinvestment advisory council to conduct a review of statutes concerning electronic monitoring and home detention and provide a recommendation regarding electronic monitoring standards to the legislative council. Additionally, updates language on what makes “escape” by a juvenile status offender a status offense under certain circumstances and provides immunity for acts or omissions performed in connection with implementing monitoring standards.

SEA 19 SENTENCE ENHANCEMENT FOR USE OF A FIREARM: Adds an investigator for the inspector general to the definition of "police officer" for purposes of the statute providing a sentence enhancement for individuals who point or discharge a firearm at a police officer while committing certain crimes.

SEA 70 OBSTRUCTION OF JUSTICE: Updates language on what constitutes obstruction of justice and provides that a person commits obstruction of justice, as a Level 5 felony, if the person induces a witness to give a false or materially misleading statement during the investigation or pendency of a domestic violence or child abuse case. Establishes a uniform definition of "communicates" for the criminal code.

SEA 155 HUMAN TRAFFICKING: Modifies the definition of "protected person," updates language on what constitutes human trafficking, updates sentencing guidelines, and specifies that consent by the human trafficking victim is not a defense to a prosecution.

SB 182 COURT PROCEDURES: Updates court procedures related to expungements, authorizes a person participating in a pretrial diversion program to file a petition for expungement with the authorization of the prosecuting attorney and requires a court to automatically issue an expungement order under certain circumstances.

SEA 336 RACKETEERING AND FRAUD: Specifies that "racketeering activity", for purposes of the crime of corrupt business influence, includes certain forgery, fraud, and deception offenses.

SEA 347 TRIBAL LAW ENFORCEMENT: Authorizes police officers appointed by a tribe to exercise police powers in Indiana if the tribal police officer meets the standards of the Indiana law enforcement academy and provides that a tribe may authorize a tribal police officer to exercise police powers in the entire state, or in any part of the state if certain conditions are met.

HEA 1004 DEPARTMENT OF CORRECTION: Amends and updates certain terms involving direct placement in a community corrections program, specifies that a court may suspend any portion of a sentence and order a person to be placed in a community corrections program for the part of the sentence which must be executed, and provides that a court may commit a person convicted of a Level 6 felony for an offense committed after June 30, 2022, to the Department of Correction. Additionally establishes certain conditions of parole for a person on lifetime parole and makes the violation of parole conditions and commission of specified other acts by a person on lifetime parole a Level 6 felony, with an enhancement to a Level 5 felony for a second or subsequent offense.

HEA 1075 COMMISSIONS AND COMMITTEES: Requires the Justice Reinvestment Advisory Council to report to the legislative council regarding how to reduce the membership of an advisory board, with recommendations regarding membership of a community corrections advisory board.

HEA 1079 ELEMENTS OF RAPE: Provides that a person commits rape if the person engages in sexual activity with another person and the person disregards the other person's attempts to refuse the person's acts.

HEA 1300 BAIL: Defines "charitable bail organization" and allows a charitable organization to pay bail on behalf of specified defendants if the organization meets certain criteria and is certified by the commissioner of the department of insurance, specifies the circumstances under which a certification may be revoked, provides exemptions from the certification requirement under certain circumstances, prohibits the state and a political subdivision from posting bail for a person directly or indirectly, and provides that a case management system developed and operated by the office of judicial administration must include a searchable field for certain information of the bail agent or a person authorized by the surety that pays bail for an individual. Additionally requires a person or organization paying cash bail to execute an agreement allowing the court to retain all or part of the bail to pay certain court costs and requires that bail be returned to the person who posted it.





ONLINE DASHBOARDS

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

[Learn more](#)



DATA REPORT, SFY2022

COURT DATA

This section outlines criminal felony filings, sentence modifications, shifts in where certain offenders are placed, and changes in the usage of alternative programs like probation and problem-solving courts, as it relates to the changes under 1006. It also outlines totals, subtotals, and observed patterns across these data, both within the fiscal year and across fiscal years. Indiana Court Technology provided the data about new filings, abstracts of judgment, sentence placements, and information regarding probation and problem-solving courts. The Justice Reinvestment Advisory Council also provided information for the current problem-solving courts operating in the state. The Indiana Prosecuting Attorneys Council provided information pertaining to the top ten felony filings for 2020-2022.

TABLE 3. NEW CRIMINAL FILINGS, SFY22



Felony-Level	New Filings	Percent
Murder	298	0.4%
F1	603	0.9%
F2	1,905	2.8%
F3	2,059	3.0%
F4	3,142	4.6%
F5	10,390	15.3%
F6	49,057	72.5%
FA-FD	241	0.4%
Total	67,695	100.0%

NEW FILINGS

A criminal case brought by the prosecutor's office is commonly referred to as a new filing. Table 3 to the left shows the number of new felony-level filings for SFY22. A total of 67,695 new, criminal felony cases were filed. F6 filings made up most felony filings at 72.5% and F5s were the second highest at 15.3%.

Most of the top ten felony filings have been F6s, with the exception of Resisting Law Enforcement and Theft (see Table 4 below). Both are Class A Misdemeanors with the potential to be a F6 or higher, depending on the circumstances. There are more than twice as many Possession of Methamphetamine filings as there are any other filings. In 2021 and 2022 so far, four of the top ten felony filings were substance-related (possession of methamphetamine, syringe possession, narcotics possession, operating while intoxicated). Additionally, domestic battery and strangulation are in the top ten filings. These crimes often involve substance-related issues. This data stresses the importance of having substance use programs and resources available for felony offenders.

	2020 (Annual)	2021 (Annual)	2022 (Jan.-Aug.)
1	Possession of Meth 11,681	Possession of Meth 13,115	Possession of Meth 8,284
2	Syringe Possession 8,296	Syringe Possession 7,349	Syringe Possession 3,721
3	Domestic Battery 4,538	Domestic Battery 4,516	Domestic Battery 3,116
4	Theft with Prior 4,397	Possession of a Narcotic Drug 4,259	Possession of a Narcotic Drug 2,543
5	Possession of a Narcotic Drug 4,328	Theft with Prior 3,385	Theft 2,234
6	Theft 3,282	Strangulation 2,936	Theft with Prior 2,032
7	Strangulation 3,005	Operating While Intoxicated 2,785	Strangulation 1,915
8	Auto Theft 2,663	Theft 2,752	Operating While Intoxicated 1,743
9	Operating While Intoxicated 2,567	Auto Theft 2,700	Resisting Law Enforcement 1,608
10	Residential Entry 2,290	Resisting Law Enforcement 2,657	Auto Theft 1,454

TABLE 4. TOP 10 FELONY OFFENSES, 2020-2022

ABSTRACT OF JUDGMENT

An abstract of judgment is a document completed for offenders convicted of a felony that involves a sentence to the IDOC; this also includes F6s sentenced to jail. The abstract of judgment includes the offense the offender is convicted of, and the sentence received. Figure 1 below shows the total number of abstracts by month for SFY22. Total abstracts fluctuated slightly from month to month, with the lowest number of abstracts between the months of

December to February and the highest number of abstracts occurring in March 2022 and August 2021, respectively. The largest single month decline was between March and April, with a decrease of 17%. The largest monthly increase was between February and March, with an increase of 26%. Original abstracts account for 73.9% of all abstracts, revocations account for 23.3%, and sentence modifications account for the remaining 2.8%.

FIGURE 1. MONTHLY ABSTRACT OF JUDGMENT, SFY22

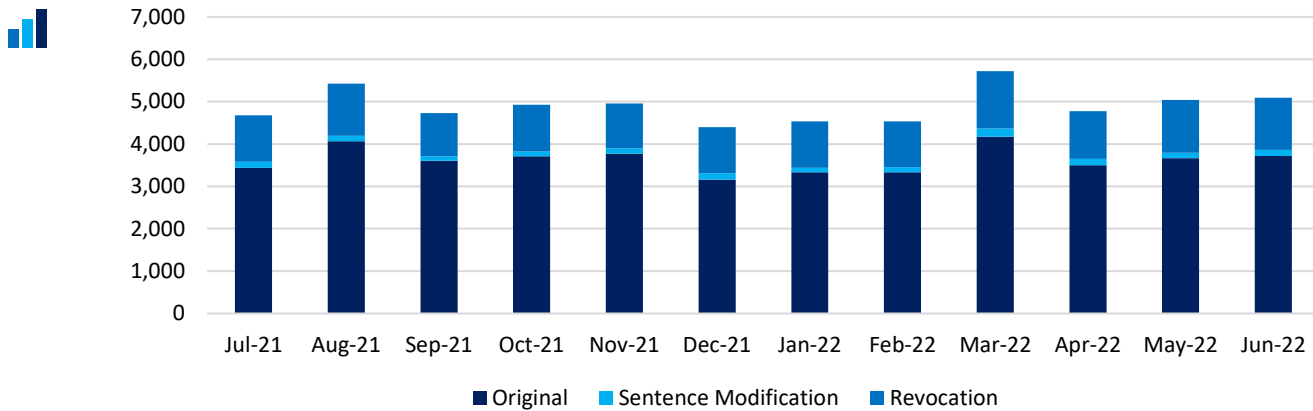


TABLE 5. ORIGINAL ABSTRACTS BY FELONY-LEVEL, SFY22

Felony-Level	Number	Percent
MR	136	0.3%
F1	193	0.4%
F2	693	1.6%
F3	1,228	2.8%
F4	2,126	4.9%
F5	6,210	14.3%
F6	32,647	75.1%
FA	28	0.1%
FB	29	0.1%
FC	44	0.1%
FD	106	0.2%
No Charge*	16	0.0%
Total	43,456	100.0%

*These are sentence enhancements, such as, Habitual Offender.

ORIGINAL ABSTRACTS

Table 5 shows the total number of original abstracts for SFY22. Original abstracts are the original sentencing information and haven't been modified. F6s constitute just over 75% of all original abstracts or convictions. F5s are the second most common felony level at 14%.

SENTENCE MODIFICATION

A motion to modify the sentence is a request to the court to suspend or reduce the sentence of a felony conviction or a request to change placement. 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 SFY22, 3,592 sentence modification motions were filed. Of those, 29.3% were denied, 27.5% were granted, and the remaining 43.2% are still pending. Requests for sentence modification decreased about 5% from the previous fiscal year, but the percentage of those requests being granted increased from 25.6% in SFY21 to 27.5% in SFY22.

PLACEMENT

Placement refers to the type of sentence (jail, probation, IDOC, or community corrections) an offender received following conviction. Table 6 below shows that jail is the most frequently given sentence at 21.2%, closely followed by jail and probation at 21.1%. Probation is the next most common and makes up 16.7% of the placements. Overall, 79.6% of the sentences did not include an IDOC placement. This is a slight decrease from the previous year where 80.4% did not include an IDOC placement. Less than 1% of sentences resulted in No Placement, meaning the sentence did not include a placement in a DOC facility, jail, probation, or community corrections program.

TABLE 6. PLACEMENT TYPE MONTHLY

Month	Jail	Jail and Prob	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-21	1,002	1,011	803	624	406	327	252	81	72	55	27	19	3,677
Aug-21	1,111	1,181	909	732	528	392	290	85	74	74	45	10	4,320
Sep-21	1,018	1,087	877	549	440	300	253	66	66	32	28	19	3,717
Oct-21	1,014	1,089	870	613	465	362	244	75	73	57	51	17	3,916
Nov-21	1,071	1,122	816	621	450	376	239	85	77	58	27	20	3,891
Dec-21	919	946	702	621	450	291	225	77	65	61	31	16	3,485
Jan-22	969	1,013	717	595	440	314	232	91	78	51	27	6	3,564
Feb-22	1,047	956	696	602	432	323	223	98	57	55	32	14	3,488
Mar-22	1,288	1,203	934	757	543	405	272	109	84	71	38	19	4,435
Apr-22	1,014	1,010	787	632	426	359	260	102	82	48	42	14	3,762
May-22	1,134	976	869	702	456	308	284	93	78	74	42	24	3,906
Jun-22	1,142	1,006	833	794	437	339	266	80	72	67	45	16	3,955
Total	12,729	12,600	9,813	7,842	5,473	4,096	3,040	1,042	878	703	435	194	58,845

TABLE 7. PLACEMENT TYPE FOR F6S AND FDS, SFY22

Placement Type	Count
Jail	11,888
Jail and Probation	11,312
Probation	8,441
Community Corrections	4,162
IDOC	2,893
Community Corrections and Probation	2,187
Jail and Community Corrections	741
Jail, Community Corrections, and Probation	823
IDOC and Probation	284
No Placement	162
IDOC and Community Corrections	59
IDOC, Community Corrections, and Probation	26
Total	42,978

Before the enactment of HEA 1006, FDs were commonly sentenced to IDOC. Now, F6s (the equivalent of FD under the new code) are sentenced to IDOC in limited circumstances. FDs and F6s make up 73% of the placements and are most often sentenced to jail, a combination of jail and probation, or just probation. Out of all the placements for SFY22, FDs and F6s constitute 93.4% of the jail-only placements. Table 7 below shows where FDs and F6s were placed during SFY22. These data demonstrate that 27.7% of FDs and F6s were placed in jail, 26.3% in jail and probation, 19.6% on probation only, and 9.7% in community corrections. Only 7.6% of these offenders received a placement that included an IDOC facility, which is about the same percentage as the previous year.



PROBATION

Probation is a court-imposed sentence that releases a convicted person into the community, subject to certain conditions. As shown in Table 8, the total number of adult offenders on probation has fluctuated over SFY22 with a slight increase of 1% from SFY21. The number of new felony supervisions received also saw a slight increase of 0.9% during SFY22. For new felony supervisions, substance use offenses made up 47.6% of offenders on probation, marking an increase of 11.5% from SFY21.

TABLE 8. ADULT FELONY SUPERVISIONS, QUARTERLY SFY22

Quarter Supervision Received				
	2021 Q3	2021 Q4	2022 Q1	2022 Q2
Total Current Supervisions	54,891	55,733	55,763	51,474
Total New Felony Supervisions Received	9,052	8,692	9,179	8,520
Felony New Supervisions Received, Substance Use	4,756	3,865	4,096	4,144

There are different methods of release, including 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 (death, out of state transfer). As shown in Table 9 below, 47.5% of offenders released from probation during SFY22 completed their probation

sentence. Over 13% of probationers had their probation revoked due to committing a new offense before completing their probation sentence, and 11.8% of probationers had their probation revoked due to a technical violation. Of the remaining probationers, 12.6% absconded before probation completion, and 14.8% of offenders were discharged for other reasons.

TABLE 9. ADULT FELONY OFFENDERS RELEASED FROM PROBATION BY TYPE, QUARTERLY SFY22

Quarter Released from Probation					
	2021 Q3	2021 Q4	2022 Q1	2022 Q2	Total
Completed	5,166	4,532	5,112	4,951	19,761
Revoked New Offense	1,415	1,286	1,445	1,397	5,543
Revoked Technical	1,261	1,145	1,289	1,198	4,893
Absconded	1,304	1,072	1,810	1,074	5,260
Other	1,892	1,258	1,461	1,525	6,136
Total	11,038	9,293	11,117	10,145	41,593

PROBLEM-SOLVING COURTS

Problem-solving courts are designed to promote outcomes that will benefit not only the justice-involved individual but the victim(s) 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 that offenders who complete a problem-solving court program often have a lower rate of recidivism, a reduction in drug relapse, and report less criminal activity.

TABLE 10. TOTAL PROBLEM-SOLVING COURTS

Type of Problem-Solving Court	Total	Planning Stages
Adult Drug Court	45	7
Veterans Court	29	1
Family Recovery Court	19	3
Reentry Court	11	0
Mental Health Court	10	2
Juvenile Drug Court	2	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	2	0
Juvenile Mental Health Court	0	2
Total	123	18



Learn more about problem-solving courts and certification by clicking the link below.

[Learn more](#)

Additionally, NIJ’s research 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.⁹ 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 2021, Indiana problem-solving courts reported serving 3,983 participants with over 52% of those being F6 offenders. As of August 2022, there are a total of 123 certified problem-solving courts, and 18 are in the planning stages across 58 Indiana counties. The table below displays the total number of each type of problem-solving court.

⁹ Haskins, Paul A. (2019, September). Problem-Solving Court: Fighting Crime by Treating the Offender. National Institute of Justice. Retrieved from <https://nij.ojp.gov/topics/articles/problem-solving-courts-fighting-crime-treating-offender>

CORRECTION

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 an F6 and that sentence is ordered to be served consecutively to the sentence for another felony;

The offender is convicted of an 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. Programs, such as educational, vocational, or rehabilitative programs, may be completed to earn educational credit time to reduce a person's prison term. Good behavior results in earned good time credit, which can also reduce the number of days served in prison. During the 2020 legislative year, [HEA 1120](#) expanded the types of programs that are available to offenders in the IDOC to earn credit time and created an individualized case management plan. This expansion will consist of a plan to reduce a person's risk of recidivism, focus on goals to aid in their overall success, and help individuals earn the maximum credit time allowed under the law.



For FAQs about HEA 1120, click the link below.

[Learn more](#)

In 2014, HEA 1006 restricted the eligibility of many F6 offenders to be placed in an IDOC facility, the Indiana General Assembly appropriated an additional \$25 million to the Community Corrections Division of IDOC for grant funding. However, in the 2022 legislative session, HEA 1004, which states a person convicted of a F6 is eligible for placement into an IDOC facility, was signed into law. HEA 1006 succeeded in reducing the state's prison population and allowing offenders to serve their time closer to their homes and families. The drawbacks to the 2014 decision were the sudden overcrowding of county jails, exploding sheriffs' budgets, and many offenders did not have access to the necessary services and programs that are only offered at the state level. In February 2022, the IDOC [website](#) listed 22,260 inmates housed in state facilities; 8% (1,811) were F6 felons serving time in county jails.

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 SFY22 is 25,641 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 2022. More information on IDOC's population from past years is available in prior ICJI reports.

The monthly average for the total population saw a 2.9% decrease from last year's monthly average total of 26,428. Since 2020, this is the second year in a row the monthly average population has decreased. On average, 93% (23,846) of offenders are housed in a state facility or with a third-party contract that falls under state discretion. The remaining 1,795 offenders include F6 jail diversions.

The notable change from 2021 is the increase in offenders housed by third-party DOC contracts. In SFY21 the average offender population was 563, and the population recorded in SFY22 is 737. This reflects a 31% increase in offenders housed by third-party contracts.

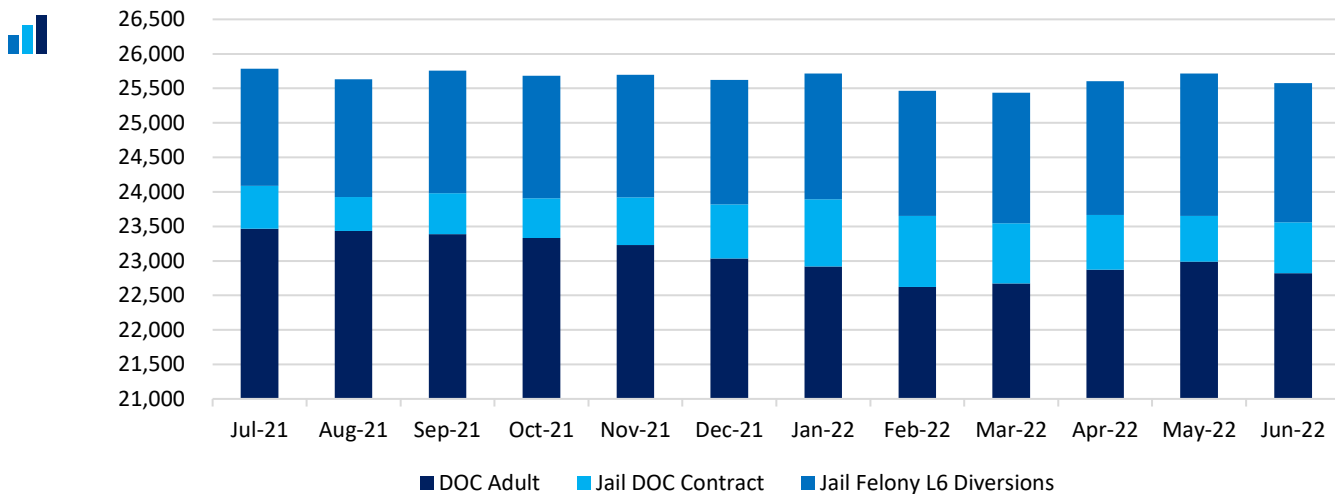


Data visualizations showcasing IDOC data are also available and can be found on ICJI's website by clicking the link to the right.

[Learn more](#)

Figure 2 below shows a month-by-month total for IDOC offender populations. From July 2021 - June 2022, there was an overall decrease of 8.4% (2,353) of total offenders in the IDOC population.

FIGURE 2. TOTAL IDOC OFFENDER POPULATION, SFY22



ADULT 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 622 offenders, an increase of 16% in monthly admissions relative to last year's rates. The monthly average rate for releases is 746 offenders, a decrease of 3.9% in monthly releases compared to last year's rates.

FIGURE 3. MONTHLY ADMISSIONS & RELEASES, SFY22

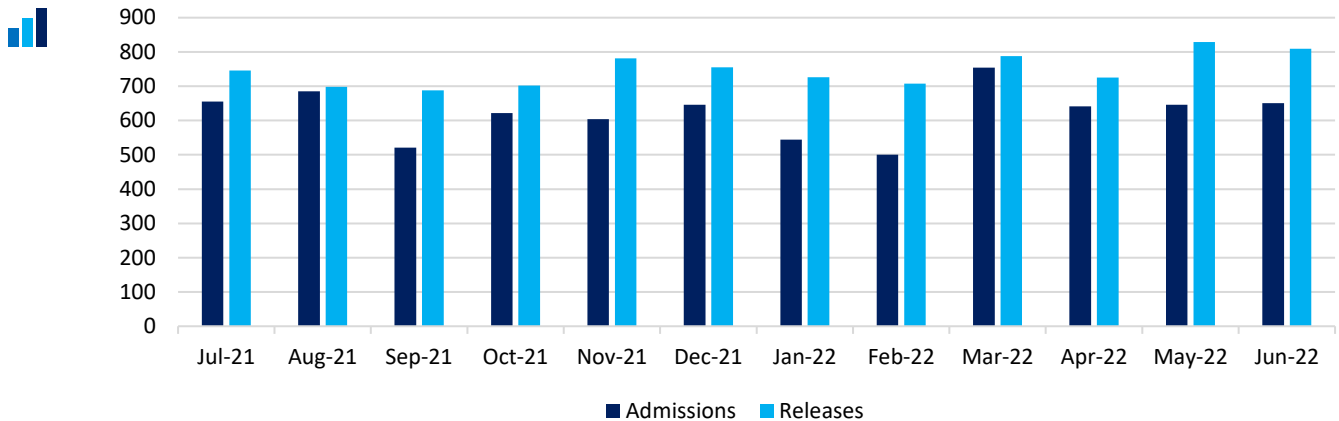


Figure 4 shows admissions by type of commitment. New commitments are offenders who are being committed to the IDOC on a new sentence. Violation-new commitments are those offenders who were under community supervision including probation, parole, and the community transition program (CTP), and violated 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 made up 50% of all admissions for a total of 3,742 offenders. Technical violations comprise 35% or 2,573 offenders. Violation due to new commitments remained at 15%, however, the number of violations- new commitments increased from 967 offenders to 1,109 offenders. Each of the commitment types combined for a total of 7,424 individual admissions, which is 1,013 more than last year, indicating an increase in admissions by 15.8%.

FIGURE 4. AVERAGE ADMISSION BY COMMITMENT TYPE, SFY22

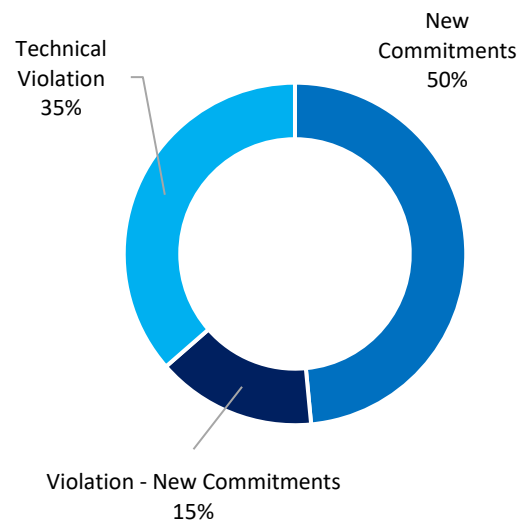
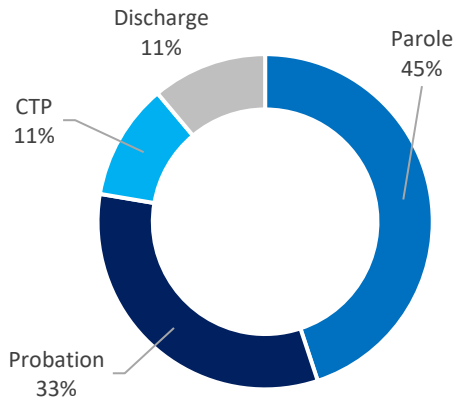




FIGURE 5. RELEASE BY TYPE, SFY22



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 by 325 (-3.5%) offenders compared to last year. The number of offenders released in 2021 was 9,181, in 2022 the releases totaled 8,856.

The number of offenders released on parole decreased by 23% from 4,996 offenders last year to 3,836 parole releases this year. The number of offenders released on probation increased by 3.5% from 3,006 offenders last year to 3,110 offenders this year. The number of offenders discharged dropped 2.6% from 1,019 offenders last year to 992 offenders this year. The number of offenders released on a community transition program (CTP) remained at 11% but the overall number of CTP releases dropped from 1,032 offenders last year to 918 CTP releases this year.

JUVENILE ADMISSIONS AND RELEASES

The figures on the next page illustrate monthly admission and release rates for juvenile offenders in detention facilities. Much like adult admissions and releases. A juvenile is considered “admitted” when they enter the custody or jurisdiction of a detention facility.

A release is when a juvenile offender leaves the custody or jurisdiction of the facility. The monthly average rate for admissions is 35 juvenile offenders. The monthly average rate for releases is 32 offenders. The data shows males comprise the majority of the monthly average.



Figure 6 shows the monthly admission and release rates for male, juvenile offenders. March 2022 had the most admissions (47), whereas, October 2021 had the least number of admissions at 15. Generally, there are more admissions each month than there are releases. The data collected for SFY22, out of the 12 months, four months released more juvenile offenders than were admitted: August 2021, October 2021, April 2022, and May 2022. On average, the monthly admission rate for male, juvenile offenders are 30 offenders, and the release rate is 28 males.

FIGURE 6. MALE, MONTHLY ADMISSIONS AND RELEASES, SFY22

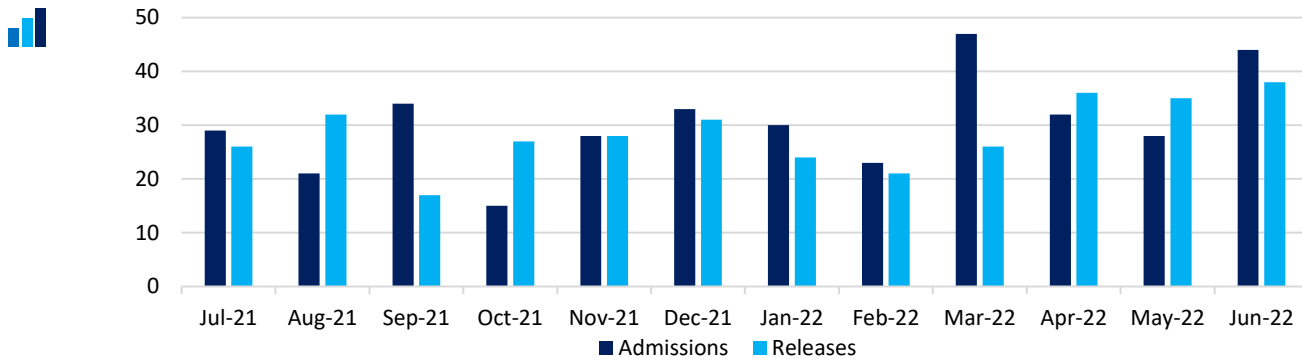
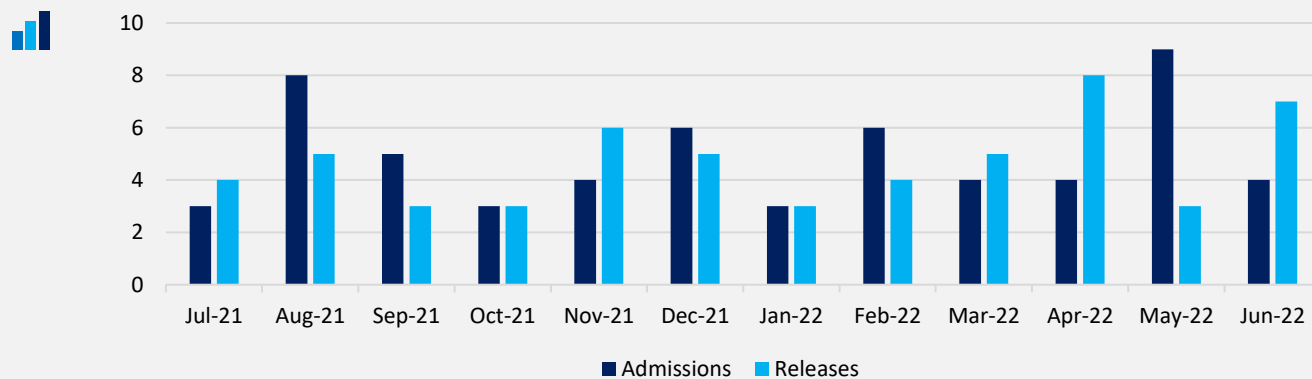


Figure 7 illustrates the monthly admission and release rate of female, juvenile offenders. Much like the male juvenile date, the admission rate is generally higher than the release rate. However, the data shows females, on average, are released at a higher rate than males. The following months had more releases than admissions: July 2021, November 2021, March 2022, April 2022, and June 2022. October 2021 and January 2022 had the same number of admissions as releases. Figure 7 shows the most recorded admissions occurred in May 2022 with 9 females admitted to a juvenile facility. The least number of admissions occurred over a couple of months with 3 females admitted. On average, the female monthly admission rate is 4.9 versus the 4.6 release rate.

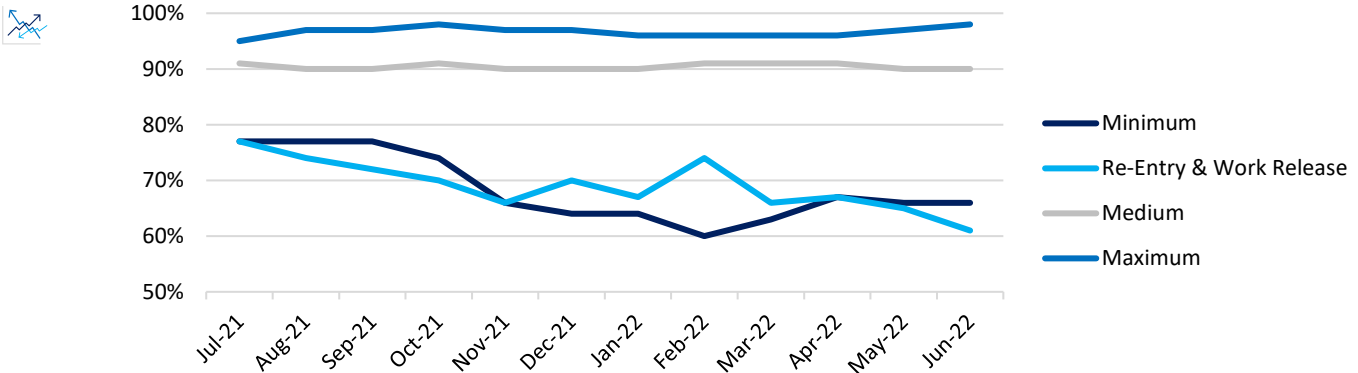
FIGURE 7. FEMALE, MONTHLY ADMISSIONS AND RELEASES, SFY22



FACILITY CAPACITY

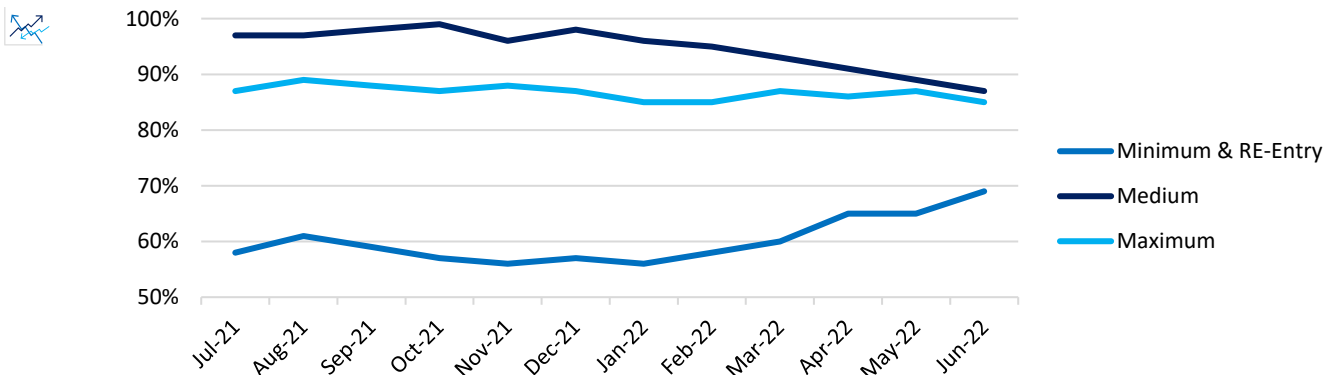
Male medium-security facilities operated at an average capacity of 90% during SFY22, similar to last year. Male maximum-security facilities operated just below full capacity from July 2021 to June 2022, fluctuating between 95- 98%. The monthly average capacity rate for maximum-security facilities decreased from 97% in SFY21 to 96% in SFY22. Male minimum-security facilities saw an average decrease in capacity from 75% to 68% in SFY22. Male minimum-security facilities have seen the most dramatic decrease over the last two years. In two years, the capacity has dropped nearly 27%. Reentry and work release capacity fluctuated throughout the year. The monthly average capacity rate for reentry and work release increased from 66.5% last year to 69.1% this year.

FIGURE 8. IDOC ADULT MALE FACILITY OPERATIONAL CAPACITY BY MONTH AND SECURITY LEVEL, SFY22



The figure below shows the operational capacity for adult female IDOC facilities by month from July 2021 to June 2022. The monthly average capacity rate for medium-security facilities is 95%, which is a 1% decrease from the previous year. Minimum-security and reentry facilities’ operational capacity averaged 60% capacity per month. This figure shows a 3% decrease from the previous year. Minimum-security and work release capacity began trending upward from March to June 2022, reaching its highest capacity at 69% in June. Maximum-security monthly average capacity rate was 87%, which is a slight decrease from the previous year (3%). During SFY22, maximum-security, medium, and minimum/reentry all saw capacity decreases.

FIGURE 9. IDOC ADULT FEMALE FACILITY OPERATIONAL CAPACITY BY MONTH AND SECURITY LEVEL, SFY22



JUVENILE FACILITY CAPACITY

Operational capacity considers the following factors: the number of inmates that can safely be held at one time, the design of the institution, and the number of staff and programs offered. The figure below shows the operational capacity for juvenile males and females in juvenile detention facilities from July 2021 to June 2022. Data shows, on average, for every 1 female, 15 males are housed in a juvenile facility.

There are two juvenile detention facilities in the state of Indiana that house males: North Central Juvenile Correctional Facility and Pendleton Juvenile Correctional Facility. These facilities have between 535-547 beds for males. On average, the operational capacity for males is

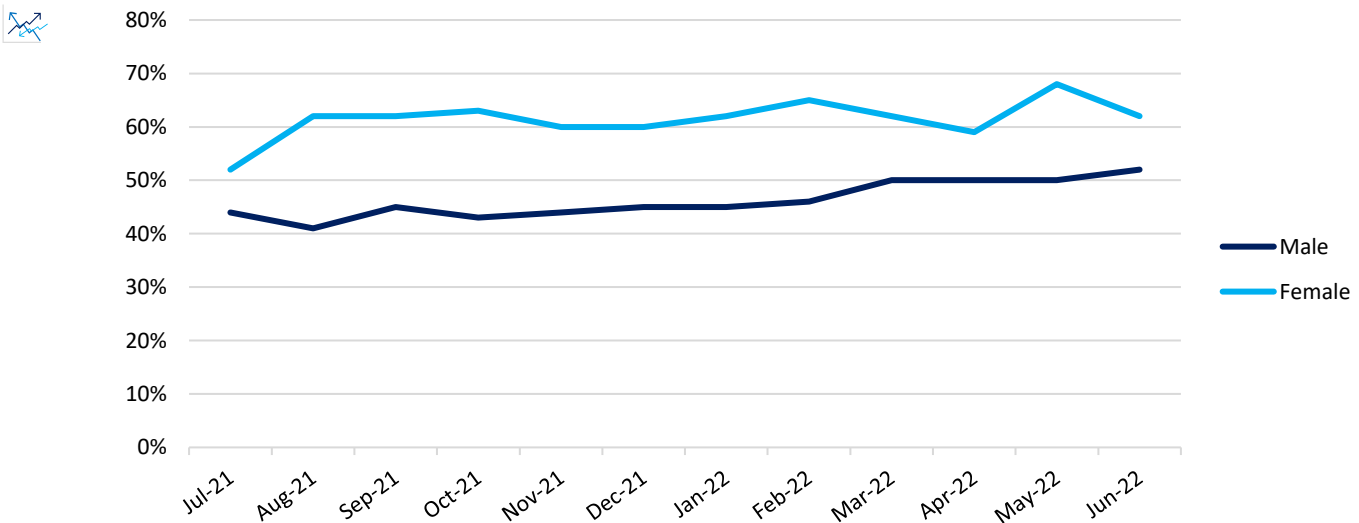
46%. Beginning October 2021 until June 2022 there is a slight increase each month. June showed the highest capacity rate at 52%.

There is one female juvenile detention facility, LaPorte Juvenile Correctional Facility. This facility can house between 32-41 females before reaching facility capacity. The figure below shows the capacity rate for females is much higher than for males, however, compared to male facilities, there are fewer beds, number of facilities, and accommodations because females are detained at a significantly less rate than males. The average operational capacity per month is 62%. The most notable increase took place in May 2022 at 68%.



NOTE: The number of beds is calculated with the Adjusted Operational Capacity Rate.

FIGURE 10. JUVENILE DETENTION FACILITY OPERATIONAL CAPACITY BY MONTH, SFY22



RECIDIVISM

The IDOC defines recidivism as any offender who returns to IDOC custody within three years of release. Table 11 shows recidivism for offenders released in 2018 that were reincarcerated by 2021. The total number of recidivists in the three-year period was 3,545, which is a 33.8% rate of recidivism compared to the 10,482 individuals that were released in 2018. The first year (2019), post-release has the most reoffenders at 2,132 individuals. The second year (2020) recorded 1,088 individuals and the final year (2021) recorded 325 individuals.

Unlike the report from SFY21 when misdemeanants had a 100% recidivism rate, that figure dropped to a recidivism rate of 25%. Overall, most offense levels' recidivism rates decreased from the previous year. One notable change is for Murder offenses, the previous year showed an 11.9% recidivism rate. In SFY22, the rate of recidivism jumped to 25%. Felony B shows the highest number of individuals released, and from the previous year, there was a 3.17% decrease in recidivism. For all felony levels, Felony 2 had the lowest recidivism rate at 21.6%, which decreased from 22.4% the previous year. Felony levels D & 6's rate of recidivism was 25.3% and 27.4% respectively. These rates are a decrease from last year's rates of 27.7% and 31.9%. The total number of recidivists compared to last year decreased by 632 individuals; the total recidivism rate reflects this as well. The recidivism rate decreased by 4.4% compared to last year.

TABLE 11. RECIDIVISM BY OFFENSE LEVEL, SFY22

Offense level	Number Released	Number of Recidivists	Recidivism Rate
Murder	44	11	25.0%
Felony A	513	135	26.3%
Felony B	3,030	1,228	40.5%
Felony C	1,345	492	36.6%
Felony D	498	126	25.3%
Felony 1	0	0	0.0%
Felony 2	97	21	21.6%
Felony 3	357	133	37.3%
Felony 4	775	255	32.9%
Felony 5	2,720	843	31.0%
Felony 6	1,089	298	27.4%
Habitual Offender	2	0	0.0%
Misdemeanor	12	3	25.0%
Total	10,482	3,545	33.82%

COMMUNITY CORRECTIONS

The Community Corrections Division is a unit under the IDOC that was established in 1979. The Community Corrections Division provides state aid through the Community Corrections and Justice Reinvestment Funding and administers the Community Transition Program. The division assists the IDOC by establishing and operating community corrections programs by partnering with state and local criminal justice agencies and Community Correction Advisory Boards. Community Corrections programs are community-based programs that provide preventive services to divert offenders from IDOC and provide services to sentenced offenders and/or persons ordered to participate in community corrections as a condition of probation or as a direct placement per IC 35-38-2. There are 77 community corrections agencies at the local level, serving all counties except for Benton, Franklin, and Newton. Each agency is governed by a local Community Corrections Advisory Board which establishes and approves a Community Corrections Plan to prioritize the needs and services applicable to their communities.

The community corrections population is composed of offenders with felony and misdemeanor convictions, in addition to individuals who are under pretrial supervision. Pretrial individuals have yet to be convicted or sentenced for the crime for which they are being supervised. Individuals are placed into a community corrections program as an alternative to incarceration, as a condition of a probation sentence, a condition of parole, through the Community Transition Program or IDOC’s work release program. Figure 11 below illustrates the monthly number of self-reported felony offenders in Community Corrections. In July 2021, the number of felony offenders was just over 9,500. By June 2022, that number increased 17% to 11,133 felony offenders. This is a reversal of last year when the felony population decreased by 9% from July 2020 to June 2021.

The pretrial population in community corrections (Figure 12) fluctuated slightly from July through December of 2021. In January 2022, the pretrial population dropped 16% from the previous month. From January to June of 2022 the pretrial population remained stable. Overall, the pretrial population decreased by 22% from the beginning of the reporting period.

FIGURE 11: COMMUNITY CORRECTIONS MONTHLY FELONY OFFENDER POPULATION

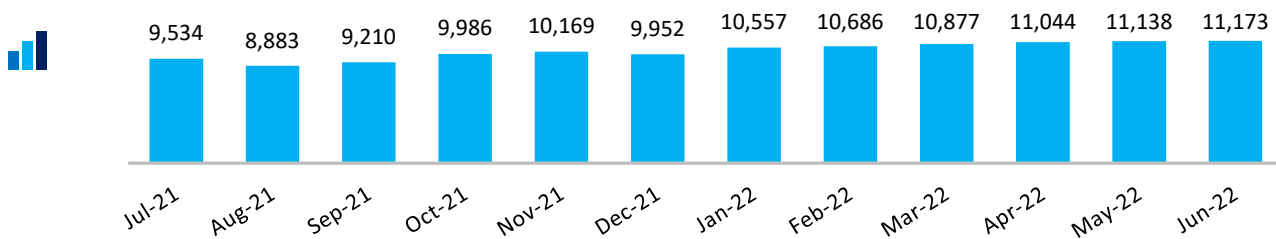
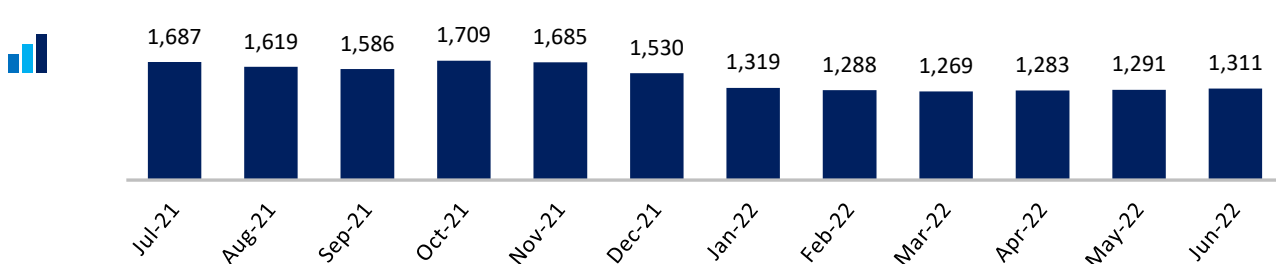
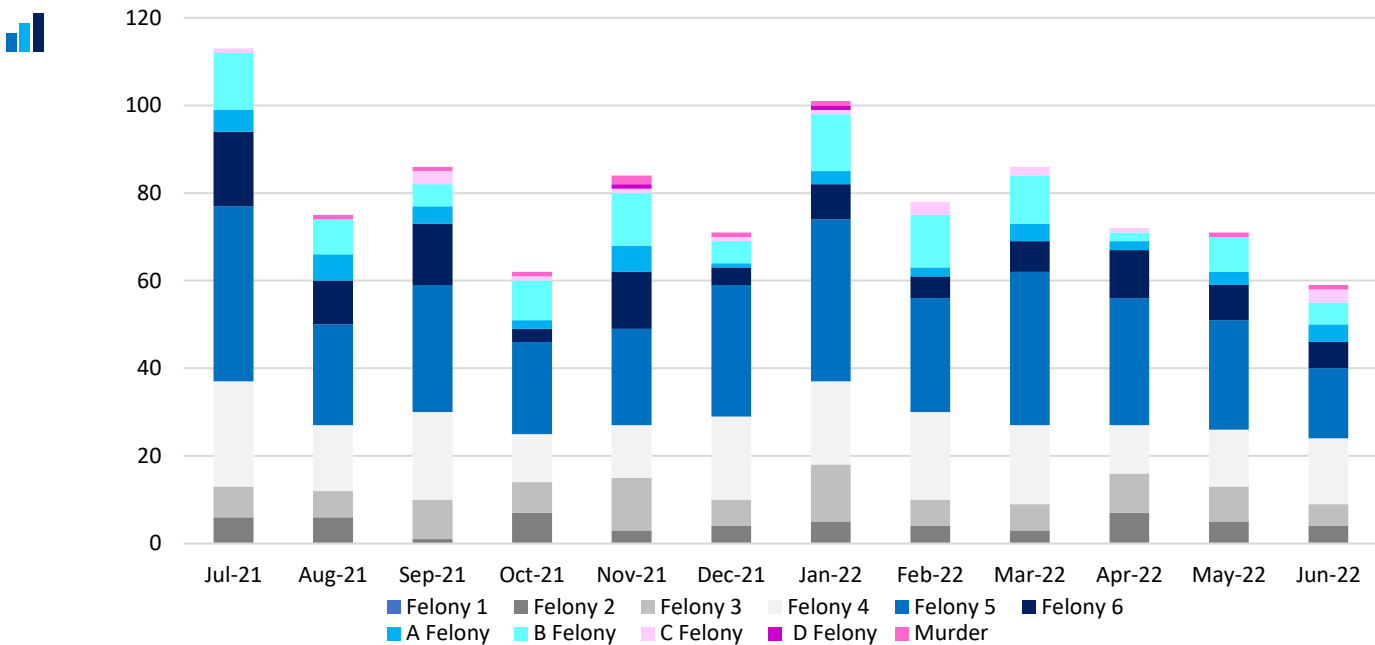


FIGURE 12: COMMUNITY CORRECTIONS MONTHLY PRETRIAL POPULATION



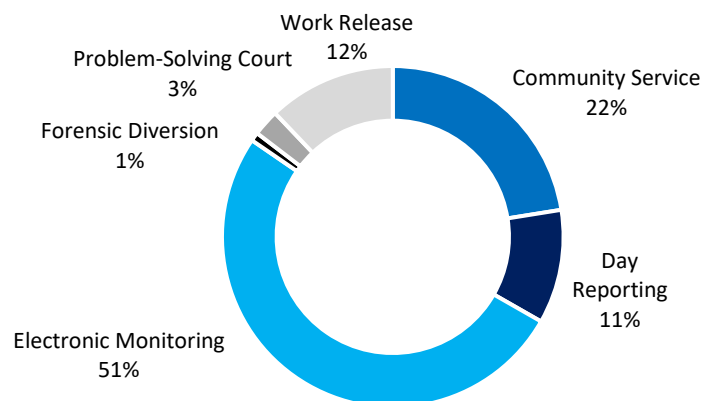
The Community Corrections Division administers the Community Transition Program (CTP). CTP allows offenders committed to the IDOC to be assigned to their county’s community corrections program, probation, or court program ahead of their scheduled release date from prison. This allows offenders to transition back into the community while receiving case management services and links to available resources to assist with their return. Eligibility for CTP is determined by statute, and whether an offender is released to CTP is determined by the court the offender is sentenced in. The length of supervision is based on the most serious offense the individual was sentenced under and ranges from 60 to 180 days. The figure below shows CTP utilization by offense level for July 2021 to June 2022. The top four offense levels that utilize CTPs remained the same as the previous year. From highest to lowest, Felony 5 offenders made up 35% of the total CTP utilizations, Felony 4 offenders comprised 21%, and Felony 6 offenders, and Felony B offenders each made up 11% of the total. The two lowest offense levels to utilize CTPs were Felony D offenders (2 out of 958), and those convicted of murder (9 out of 958). No one with a Felony 1 utilized CTP during the timeframe of this report.

FIGURE 13. CTP UTILIZATION BY OFFENSE LEVEL, SFY22



Community Corrections uses many methods to supervise offenders. The figure to the right shows the average percentage of participants enrolled in each supervision type for SFY22. Electronic monitoring is the most common form of supervision (51%). 22% of all participants are involved in community service supervision, 12% are in work release and 11% are supervised through day reporting.

FIGURE 14. COMMUNITY CORRECTION BY SUPERVISION



JAIL DATA

Jails in Indiana use over 20 different jail management systems. A centralized statewide system to collect jail data does not exist; thus, it is not possible to extract real-time data from jails.¹⁰ 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 HEA 1006 has had on the jail population, the ICJI received a summary of data from jail inspection reports conducted during 2021. There are 92 jails in 91 counties; Ohio County does not have a jail and Marion County has two jails. However, a new jail for Marion County was opened in January 2022 that holds all Marion County offenders in one location, thus closing the former jail locations. 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 or 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 are 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

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.

¹⁰ It 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 table below provides a summary profile of the county jails for 2021 based on data from the jail inspection reports. The total state jail population was 16,294 for an equivalent of 71% capacity rate. 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 13 being over 100% capacity. The capacity rate ranged from a low of 17% to a high of 125%. To review previous years' capacity rates, refer to ICJI's [website](#). These rates remained unchanged from the 2020 rates. The jail inspection report also identifies the number of F6 offenders. Statewide, F6 offenders made up 12.3% of the total jail population. In 7 jails, however, the F6 population made up over 40% of the jail population. In one jail the F6 population made up nearly 85% of the offender population.

TABLE 12: SUMMARY PROFILE OF COUNTY JAILS BASED ON JAIL INSPECTION REPORTS

2021		
	Number	Percent
Overcrowded (80% -99.9%)	21	22.3%
Over 100% capacity	13	13.8%
Total over 80% capacity	34	37.0%
Total Inmate Population and Capacity Rate	16,294	71%
Total F6 Population and Percent of Total Jail Population	1,998	12.3%
	Low	High
Capacity Rate Lowest to Highest	17%	125%

TABLE 13. JAIL IDOC CONTRACT AND FELONY-LEVEL 6 DIVERSIONS POPULATION, SFY22

Date	Jail DOC Contract	Level 6 Diversion	Total
Jul-21	492	1,705	2,197
Aug-21	594	1,773	2,367
Sep-21	577	1,772	2,349
Oct-21	693	1,777	2,470
Nov-21	783	1,804	2,587
Dec-21	974	1,825	2,799
Jan-22	1,034	1,811	2,845
Feb-22	875	1,890	2,765
Mar-22	794	1,941	2,735
Apr-22	662	2,066	2,728
May-22	738	2,016	2,754
Jun-22	656	2,228	2,884

Data from the IDOC shows that the total jail IDOC contract and jail F6 diversions population fluctuated throughout the year. IDOC contract and F6 diversions were at their lowest in July 2021 with 2,197 offenders and peaked in June 2022 with 2,884 offenders, a 31.3% increase. The largest monthly decline occurred from January to February 2022, a decrease of 2.8%. The largest monthly increase occurred from July to August 2021 at 8%. See Table 13 for the monthly numbers. Without data on the other jail inmate populations, it is difficult to determine if the overall jail population will continue to rise. However, these monthly totals are generally higher than SFY21 numbers, with a low of 2,063 (July 2020) inmates and a high of 2,689 (Jan. 2021) offenders. These could be an indication that jail populations are beginning to rebound to pre-COVID levels.



JUSTICE REINVESTMENT ADVISORY COUNCIL (JRAC)

The Indiana General Assembly established the Justice Reinvestment Advisory Council (JRAC) during the 2015 legislative session. The JRAC organizational model consists of twenty statutory members and a chairperson designated by the chief justice. The council consists of leadership from both the executive and judicial branches of state and local government. The purpose of the Advisory Council is to conduct a state-level review and evaluation of (1) local corrections programs, including community corrections, county jails, and probation services, and (2) the processes used by the Department of Correction and the Division of Mental Health and Addiction (DMHA) in awarding grants.

The goal of JRAC is to develop incarceration alternatives and recidivism reduction programs at the county and community levels. This is done by promoting the development of probation services; problem-solving courts; mental health treatment; substance abuse treatment; community corrections; evidence-based recidivism reduction programs for currently incarcerated persons; and programs providing for court supervision, probation, or pretrial diversion.



Learn more about the Justice Reinvestment Advisory Council and local Justice Reinvestment Advisory Councils by clicking the link below.

[Learn more](#)

JRAC UPDATE

The Justice Reinvestment Advisory Council returned to in-person meetings in early 2022, meeting eight times between December 2021 and November 2022. The Office of Judicial Administration live-streamed the January and February meetings for simultaneous viewing by the public and archived the videos with closed captions on the Council website. Meeting highlights include information on Grant County and Monroe County pretrial data, opioid settlement payments, IDOC community supervision grant awards, the new 988 Suicide and Crisis Lifeline, DMHA plans for implementation, and the new jail management system pilot project. In addition, JRAC discussed technical assistance for local JRACs and possible behavioral health services proposals for the 2023 legislative session.

2021 COMMUNITY CORRECTIONS CODE REVIEW REPORT

HEA 1068-2021 directed JRAC to study community corrections statutes and make recommendations to the Department of Correction to improve community corrections operations with evidence-based practices. JRAC established a multidisciplinary workgroup to conduct this review. During its eight meetings, the workgroup systematically reviewed the statutes to allow each stakeholder the opportunity to provide input into the topics and recommendations outlined in the report. Over the course of the review, the diverse and complex statutory framework for community corrections brought

to light the challenges currently facing agencies and emphasized the opportunities for improving operations while enhancing the implementation of evidence-based practices across the state. The review process revealed the importance of the local and regional Justice Reinvestment Advisory Councils created in the same legislation directing the review and emphasized the importance of JRAC's expanded role in supporting these efforts. JRAC submitted the [report](#) to DOC on Dec. 1, 2021. The report outlined immediate opportunities and long-term recommendations. The immediate opportunities included having JRAC establish a Local JRAC Workgroup and encouraging new commissary code provisions for community corrections. The long-term recommendations included future community corrections legislation on definitions, scope, eligibility and rules, data, funding, and state and local collaboration.

RACIAL EQUITY WORKGROUP

The JRAC Racial Equity Workgroup, chaired by Indiana Public Defender Council Executive Director Bernice Corley and Indiana Sheriffs' Association Executive Director Steve Luce, began a racial equity research project with Dr. Evan Lowder of George Mason University. The workgroup is collaborating with the Supreme Court's Commission on Equity and Access in the Court System to share resources and information. The workgroup selected Marion, Porter, Vigo, and Dearborn/Ohio counties to participate in the project.

JRAC REPORTS WORKGROUP

HEA 1075-2022 on commissions and committees directed JRAC to study the composition of membership on community corrections advisory boards and recommend how to reduce membership. In addition, SEA 9-2022 on electronic monitoring standards directed JRAC to review electronic monitoring and home detention statutes and recommend standards. JRAC created a multi-disciplinary Reports Workgroup to complete the reviews and reports as directed. JRAC submitted the community corrections advisory board membership report to the Legislative Council on Nov. 1, 2022. The HEA 1075 report made ten recommendations related to the composition of community corrections advisory boards, including streamlining membership to only one representative from listed stakeholder groups and adding direct representation by the president of the county executive/city-county council. The JRAC Reports Workgroup created a subgroup for electronic monitoring reporting requirements. The SEA 9 report is due to the Legislative Council by Dec. 1, 2022.

LOCAL JRAC WORKGROUP

JRAC created a Local JRAC Workgroup, chaired by Justice Christopher Goff, to fulfill the expanded duties of assisting local or regional justice reinvestment advisory councils as assigned by HEA 1068-2021. HEA 1068 created a local justice reinvestment advisory council (Local JRAC) in each county in Indiana. The Workgroup developed and hosted two webinars in late 2021 to showcase the requirements for Local JRACs, including mandatory members, annual data reporting, and live Q&A sessions. Over 400 local stakeholders attended the webinars. To further assist Local JRACs, the Workgroup partnered with the Office of Judicial Administration to develop a Local JRAC webpage on the JRAC website. The webpage includes an action plan template, directory, update form, webinar videos, resources, Local JRAC Data Collection Survey (which served as the initial annual report), and technical assistance request form. The Workgroup also partnered with the Center for Effective Public Policy (CEPP) to assist Local JRACs with requests for technical assistance. In addition, the Workgroup worked with CEPP on the Local JRAC approach for the Supreme Court's mental health summit held on Oct. 21, 2022.

DEPARTMENT OF CORRECTION COMMUNITY CORRECTIONS GRANTS
& RECOVERY WORKS

The Council continued its oversight of the Indiana Department of Correction (IDOC) community supervision grant awards and the Division of Mental Health and Addiction (DMHA) Recovery Works program. IDOC awarded \$74.5M in community supervision grants for Calendar Year 2023. Funding was awarded to 78 community corrections agencies (\$59.6M), 52 problem-solving courts/court recidivism reduction programs (\$6.1M), 33 probation departments (\$3.7M), 18 pretrial services programs (\$2.4M), 22 jail treatment programs (\$2.0M), and 7 prosecutor’s diversion programs (\$580k). The grant awards cover 242 programs, including 6 new programs.

TABLE 14. COMMUNITY CORRECTIONS & JUSTICE REINVESTMENT GRANTS

CY2023 Funding Request Summary				
Entity	Number of Applicants	CY2022 Award	CY2023 Request	CY2023 Recommendations
Total	261	\$72.8M	\$84.9M	\$74.5M
Community Corrections				
Residential/Work Release	36	\$22.5M	\$29.1M	\$24.2M
Community Supervision	76	\$35.6M	\$37.3M	\$35.3M
Justice Reinvestment Entities				
Probation	35	\$3.6M	\$4.9M	\$3.7M
Pretrial Services	22	\$2.2M	\$3.0M	\$2.4M
Jail Treatment	25	\$2.0M	\$2.5M	\$2.0M
Prosecutor’s Diversion	7	\$579K	\$607K	\$580K
Court Programs				
Alcohol & Drug Program	2	\$238K	\$258K	\$238K
Domestic Violence	1	\$136K	\$136K	\$136K
Drug Court	31	\$3.1M	\$3.5M	\$3.1M
Mental Health Court	7	\$953K	\$1.1M	\$966K
Re-entry Court	6	\$922K	\$1.2M	\$1.1M
Veterans Court	12	\$714K	\$884K	\$582K
Other: OVWI Court	1	\$0	\$16K	\$0



MENTAL HEALTH AND SUBSTANCE USE PROGRAM AVAILABILITY & EFFECTIVENESS

This section of the report highlights some of the mental health and substance use programs that are currently ongoing, as well as projects that are being planned for individuals within jails and prisons and individuals at-risk of becoming involved in the criminal justice system. The jail and prison subsections reflect the information concerning the availability of programs, while the Indiana Family and Social Services Administration's (FSSA) Division of Mental Health and Addiction's (DMHA) Recovery Works program subsection reflects both availability and effectiveness information. The sections on the 988 hotline and the Mobile Crisis Pilot program reflect the information concerning the availability of these new and in-progress projects to divert persons in mental health and substance use crises away from the carceral system.

JAIL

According to the 2021 jail inspection reports, 85 (92%) county jails offer substance use services, which is an increase from the 2020 count in which 83 (90%) reported offering services. Indiana also participates in the State Opioid Grant program, which is a two-year grant program, granted by the FSSA's DMHA, that works with jails to expand treatment for substance use disorders, including Medication Assisted Treatment (MAT).

According to the Indiana Sheriffs' Association, 35 (38%) sheriffs signed an agreement to participate in MAT and Evidence Jail-Based Treatment programs through the State Opioid Grant program. The Sheriffs' Association has been able to reimburse county sheriffs over \$2 million and treated over 4,000 offenders from January 2021 to July 2022. In addition to the MAT programs, the Indiana Sheriffs' Association reported that several county jails are participating in peer recovery coaching. Expanding treatment to jail inmates will help address the opioid epidemic, reduce recidivism, and reduce 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 jails are 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. A second program, an inpatient pilot program called Project CREATE (COVID-Related Emergency Access to Therapeutic Environments) launched in August 2021. The program is a collaboration between the FSSA's DMHA and two third-party private hospitals, Wellstone Regional Hospital and Valle Vista Health System. The goal of the project is to provide more timely inpatient care to those deemed incompetent to stand trial. To date, the program has restored 27 individuals to competency to stand trial from 19 different counties. Additionally, there are 14 more individuals currently active in the program.



The third program, the Integrated Reentry and Correctional Support (IRACS) program is a collaboration between Indiana Forensic Support Services, FSSA's DMHA, Indiana Recovery Works, and Indiana Recovery Network. The goal of this program is to support incarcerated individuals impacted by substance use disorder or mental health challenges through peer-driven, Sequential Intercept Model interventions. The program intends to increase peer and community support, reduce overdoses and recidivism, and decrease addiction and mental health stigma for inmates awaiting sentencing or release. To achieve these goals, IRACS teams will consist of certified coordinators, peer professionals, health navigators, and correctional care providers, as well as partnering with community organizations, corrections, law enforcement, medical and addiction providers, and other local support partners. This program will fund four pilot sites and will be implemented through 2023.

PRISON

Compared to the general population, mental health and substance use disorders are a major concern in jails and state and federal prisons. Estimates of the number of people in jails and prisons experiencing mental health and substance use disorders vary depending on the period of time and method of data collection. Therefore, estimates from the Indiana Behavioral Health Commission's (INBHC) September 2022 report and statistics provided by the Recovery Works program will be used.

The Indiana Behavioral Health Commission's recent report in September 2022 states that an estimated 37% of people in state and federal prisons, as well as 44% of people in jails, have been diagnosed with mental illness.¹² The INBHC also reported that 25% of people in jails reported experiencing serious psychological distress, and 27% of police shootings in 2015 involved a mental health crisis. According to SAMHSA, the estimated prevalence of people within the general public who have a serious mental illness or substance use disorder is 18% and 6% to 11% (depending on age), respectively. Meanwhile, of the current prison population, an estimated 37% of prisoners and 44% of those in jail have a mental illness, and an estimated 63% of those in jail and 58% of those in prison have substance use disorder.¹³ According to the IDOC fact card from July 2022, 28.5% of the adult population in the IDOC has one or more drug offenses. This is a decrease from 2021 in which 42.5% were reported to have one or more drug offenses and is similar to 2020 in which 29.3% were reported to have one or more drug offenses. These numbers highlight the need for substance use and mental health programs in prisons.

Over the past state fiscal year, IDOC reported that 4,199 offenders were enrolled in mental health and addiction re-entry programs in the Department of Correction across Indiana. Upon entry into the IDOC, an offender is given an accountability plan that lays out which programs would aid in that individual's

¹² Indiana Behavioral Health Commission. (2022, September 28). *Final Report*. (pp. 27-28).

¹³ Substance Use and Mental Health Services Administration (SAMHSA). (2022, March 2). *About Criminal and Juvenile Justice*. Retrieved from <https://www.samhsa.gov/criminal-juvenile-justice/about>.

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.

As of July 2022, House Bill 1004 allows judicial discretion to sentence Level 6 felony offenders to prisons rather than jails. This change will allow incarcerated individuals sentenced for level 6 felonies, such as drug offenses for substances like methamphetamines, to gain better access to other substance use resources and recovery programs available in prison that they may not have access to in local jails.

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 to reduce recidivism and encourage recovery. To qualify for the program, participants must not have used previous Recovery Works services, must be active in the criminal justice system with a current or prior felony conviction, must be at least 18 years old, be a resident of Indiana, and have a total household income that does not exceed 200% of the federal income poverty line.

As of August 2022, DMHA reported there have been 5,159 new enrollments in SFY22 to the Recovery Works program, which brings the total enrollees to 59,591 and \$88,421,162 total expenditures since its inception. In SFY22, the top five services funded were recovery residence, intensive outpatient treatment,

combined skills training, re-entry services, and combined mental health counseling. The top three counties for client referrals were Marion, Vanderburgh, and Vigo counties.

In December 2020, DMHA announced a misdemeanor pilot program that will allow individuals with misdemeanor charges to use Recovery Works funds for treatment at qualifying, approved facilities. Under the Misdemeanor Pilot Program, qualified defendants will have access to \$1,500 for community-based treatment at qualifying, approved facilities and \$2,500 for recovery-based housing for the designated misdemeanor pilot program agencies. The pilot program will follow the same referral process as the existing Recovery Works program, with the exception that the individual must have a current misdemeanor charge. In August 2022, DMHA reported that \$128,616 has been spent on the [Misdemeanor Pilot Program](#).



Learn more about Recovery Works by clicking the link to the right.

Learn more



INDIANA BEHAVIORAL HEALTH COMMISSION (INBHC) REPORT FINDINGS

The Indiana Behavioral Health Commission's (INBHC) September 2022 [report](#) explains their findings and recommendations after a two-year examination of Indiana's behavioral health delivery system. Their report highlights the fact that state funding for Behavioral Health services has not increased with inflation. In 2006, the state spent about \$116 million, which should adjust to about \$174 million today. Instead, the state spent \$126 million in 2022. The INBHC recommends that the State should aim to increase this spending by "no less than 60% over the next two biennium budgets"¹⁴. They assert that this increase is not only necessary to keep up with inflation but also to ensure Indiana's service trajectories are competitive with other similar states like Missouri.

Additionally, the commission brought attention to the importance of shifting the service provider model from Indiana's Community Mental Health Center (CMHC) system to the Certified Community Behavioral Health Clinic (CCBHC) model. The main difference between the service provider systems is that CMHC is funded by the state and the financial structure "does not allow behavioral health providers to cover their costs for providing evidence-based, integrated, and whole person care"¹⁵. Meanwhile, the CCBHC model is federally funded and does allow providers to cover the costs of these mental healthcare treatments. Currently, 17 CMHC clinics are using temporary CCHBC expansion grants to begin the transition, but the Commission recommends prioritizing long-term infrastructure changes to switch to the CCHBC model.

In addition to the recommended 60% increase in behavioral health funds over four years and transitioning to the CCHBC model of behavioral health provision, the Indiana Behavioral Health Commission has many more well-planned recommendations, but four main recommendations stand out. First, they recommend further investment in the infrastructure for the 988 lifeline service, which is discussed in the subsection below. Second, they recommend adding a \$1 surcharge to phone bills, which would cover a large portion of the costs for the 988 infrastructure.

Third, they recommend more mental health courts and more data collection on recidivism specific to mental health courts. Finally, the Commission recommends utilizing Medicaid waivers and reimbursements to help Hoosiers, both incarcerated and not, access behavioral healthcare. Investment in behavioral healthcare systems is important for the well-being of all Indiana citizens, but it is particularly important for incarcerated individuals and those at risk of interactions with the criminal justice system because they have higher reported rates of mental illnesses and substance use disorders.

¹⁴ Indiana Behavioral Health Commission. (2022, September 28). *Final Report*. (pp. 55)

¹⁵ Indiana Behavioral Health Commission. (2022, September 28). *Final Report*. (pp. 11)



Learn more about the 9-8-8 Suicide and Crisis Lifeline by clicking the link below.

[Learn more](#)

988 SUICIDE AND CRISIS LIFELINE

In July 2022, the 988 Suicide and Crisis Lifeline launched nationwide. This service is designed to be an easy-to-remember service like 911 that connects people experiencing mental health or substance use-related crises to a trained crisis specialist. Currently, three centers in Indiana handle the calls: *Crisis Center, Inc.* in Gary, *A Better Way* in Muncie, and *Mental Health America Wabash Valley Region* in Lafayette. The FSSA's DMHA website outlines plans for the expansion of 988 services including adding more centers to handle calls, establishing mobile crisis teams, and investing in community mental health and substance use care centers through the Community Catalyst Grants. The Community Catalyst Grant Program is a "one-time federal funding opportunity to improve mental health and substance use disorder outcomes in Indiana", and these funds are allocated through the FSSA-DMHA.¹⁶The launch of 988, Mobile Crisis teams, and other community resources to assist people experiencing mental health and substance use crises are intended to divert people away from correctional facilities and towards resources that can better assist them.

MOBILE CRISIS PILOT

According to the Indiana Department of Administration (IDOA), in July 2022 four organizations were chosen for contract negotiations to provide Mobile Crisis Services for the FSSA-DMHA Mobile Crisis pilot program: Anthony Wayne Rehabilitation Center, Choices Coordinated Care Solutions, Four County Comprehensive Mental Health Center, and Porter-Stake Services. Based on the organizations' applications, the estimated total amount for this award to provide Mobile Crisis Services is \$3,556,013.

The purpose of Mobile Crisis Services is to better serve people in a mental health or substance use crisis while also diverting them away from jails and hospitals when appropriate. Mobile Crisis Services aims to provide 24/7 services for the state of Indiana with response times within one hour. A Mobile Crisis team will consist of several multidisciplinary members, such as a social worker, law enforcement, a medical professional, and a behavioral health professional, that will be sent when appropriate and will be supervised by an experienced psychiatrist or experienced specialist medical professional. This team will be able to provide a variety of services depending on the individual's need, such as triaging/screening, assessment, de-escalation through counseling, case management or care coordination, crisis intervention, follow-up stabilization services, safety planning, peer recovery support, and medication management.

There are several expected outcomes of this program, but it is predominantly expected to reduce suicides, hospitalizations, and overdose deaths, while increasing diversion away from jails and hospitals for those experiencing mental health or substance use crises. Based on the 2018 evaluation of a similar program, the Mobile Crisis Assistance Team (MCAT) based in East Indianapolis, the DMHA Mobile Crises Services program shows promise to achieve these expected outcomes if prior challenges with implementation and accessing community resources are addressed.

¹⁶ Family and Social Services Administration (FSSA). (2022, March 1). *Community Catalyst Grant Program*. Request for Funding: Division of Mental Health and Addiction. [PDF] Retrieved from <https://www.in.gov/fssa/dmha/files/DMHA-RFF-22-1816-Community-Catalyst-Main-Document-vF.pdf>



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. 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. While efforts to enhance the accessibility of treatment programs to the entire criminal justice population have improved, more are still needed.

There is a need to continue improving and collecting data from every aspect of the criminal justice system. Methods to reduce jail overcrowding should continue to be explored and practiced. There should 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:

1

IMPROVE THE CRIMINAL JUSTICE DATA ECOSYSTEM

As mentioned throughout this and previous reports, there is 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. A primary focus needs to be 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 the evaluation of the available data produced by each system stakeholder.

2

IMPLEMENT A 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 emulate 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 slightly 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. 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 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

Many criminal justice-involved individuals have mental health and/or substance use disorders. Therefore, it is necessary to continue 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. State funding for behavioral health services has not increased with inflation and The Indiana Behavioral Health Commission recommends a 60% increase in funding over the next four years. The Commission also recommends more mental health courts and more data collection on recidivism specific to mental health courts.

5

INCREASE FOCUS ON REENTRY SERVICES FOR RESTORATIVE JUSTICE

With the progress of programs like Recovery Works, the 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. Another aspect of reentry that should be an area of focus in the future is looking at other social determinants of health both prior to and following reentry. Areas of focus should include may not be limited to familial involvement, continued education if applicable, employment, housing, and access to food and routine medical care.

6

SUPPORT LOCAL JRAC

The Local JRAC Statute (Ind. Code § 33-38-9.5-4) provides the framework for local stakeholders to convene regular meetings and review systemic practices to implement needed improvements within the local criminal justice system. Therefore, it is necessary to support efforts to enhance technical assistance and funding opportunities for Local JRACs. The Local JRAC review process is critical to comprehensively address issues facing the criminal justice system, including jail data and jail overcrowding, mental health crisis responses, community supervision, and reentry. This process allows Local JRACs to work with JRAC and the General Assembly to inform state policy.



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).

COMMUNITY CORRECTIONS PROGRAM

A community-based program that provides preventive services, services to offenders, services to persons charged with a crime or an act of delinquency, services to persons diverted from the criminal or delinquency process, services to persons sentenced to imprisonment, or services to victims of crime or delinquency, and is operated under a community corrections plan of a county and funded at least in part by the state subsidy. (IC 11-12-1). Community corrections operate 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.

DAY REPORTING

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

DEFERRED/DIVERTED

Type of case disposal in which 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 a settlement between the parties.

DISPOSITION

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

DIVERSION OR FORENSIC DIVERSION

A 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).

FAMILY AND SOCIAL SERVICES ADMINISTRATION (FSSA), DEPARTMENT OF MENTAL HEALTH AND ADDICTIONS (DMHA)

The division of FSSA is responsible for setting the standards of care for mental health and addictions services in Indiana. DMHA is responsible for certifying all community mental health centers and addictions treatment providers in the state. The division also operates the state's six long-term psychiatric hospitals and provides funding support for mental health and addictions programs throughout Indiana. For more information about FSSA DMHA, click [here](#).

GUILTY PLEA/ADMISSION

Cases in which the defendant pleads guilty to an offense.

HABITUAL OFFENDER (HO)

A person who has previously been convicted of the required number (usually 2 or more) of unrelated felonies in accordance with IC 35-50-2-8 and results in an enhanced sentence.

HEA 1006

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

INDIANA DEPARTMENT OF CORRECTION (IDOC)

State agency created, organized, and operationalized by Indiana Code 11; responsible for serving the best interests of its committed offenders and society (IC 11-8-4-1). Per statute, the IDOC is responsible for managing a substantial amount of programs and services, including the Indiana sex and violent offender registry. The IDOC is also responsible for inspecting county jails annually to ensure jails are in compliance with jail operations standards.

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.

JUDICIARY

Also known as the judicial system or the court system.

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.

NEW FILING

A new criminal case filed with the court.

OPERATIONAL CAPACITY

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

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 requirement.

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, as well as the victim and society. Each court is developed to meet the needs of the locality it serves, and these courts can focus on—but are not limited to—drug use, mental illness, domestic violence, and veterans. For more information about Indiana's problem-solving courts, click [here](#).

PROSECUTOR

An elected official or deputy of one who is 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. For more information about Indiana Prosecutors, click [here](#).

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. For more information about the IDOC's recidivism rates, click [here](#).

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. For more information about Recovery Works, click [here](#).

RELEASE

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

REVOCAION

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

SENTENCE MODIFICATION

A process by which the court may change the sentencing placement; 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 addiction 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-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.

