



**JUSTICE REINVESTMENT
ADVISORY COUNCIL**

**Indiana Criminal Justice Institute
Annual Evaluation of Indiana's Criminal
Code Reform**

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ANNUAL EVALUATION OF INDIANA'S CRIMINAL CODE REFORM

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Executive Summary

House Enrolled Act 1006 (HEA 1006; July 1, 2014), also known as Public Law 168, mandates that the Indiana Criminal Justice Institute (ICJI) provide a comprehensive annual report of HEA 1006's impact on the Indiana criminal justice system. Annual reports in 2015 and 2016 were completed by the Sagamore Institute. In 2017, ICJI conducted its first evaluation of criminal code reform². Pursuant to legislation, beginning in 2018, ICJI must prepare the annual report in conjunction with the Justice Reinvestment Advisory Council (JRAC). This report represents the fourth year of HEA 1006 evaluation.

ICJI gathered and analyzed data from the Indiana Department of Correction, Community Corrections, courts, probation, and county jails. Further, ICJI sought out the voices of criminal justice, mental health, and addictions practitioners at local and state levels in public and private agencies to contextualize the story of Indiana criminal code reform through surveys and focus groups.

Ind. Code §5-2-6-24 outlines ICJI's ("the institute") duties in collecting, analyzing, and reporting on the impact of criminal code reform:

- (a) As used in this section, "criminal code reform" refers to statutory provisions relating to criminal law enacted by P.L.158-2013 and HEA 1006-2014.
- (b) The institute shall monitor and evaluate criminal code reform as described in this section.
- (c) The institute shall annually gather data and analyze the impact of criminal code reform on:
 - (1) local units of government;
 - (2) the department of correction; and
 - (3) the office of judicial administration.
- (d) The institute shall prepare an annual report, in conjunction with the justice reinvestment advisory council (established by IC 33-38-9.5-2) containing the results of its analysis before December 1 of each year. The report shall be provided to the governor, the chief justice and the legislative council. The report provided to the legislative council must be in an electronic format under IC 5-14-6.
- (e) The report required under this section must:
 - (1) include an analysis of:
 - (A) the effect of criminal code reform on:
 - (i) county jails;
 - (ii) community corrections programs;
 - (iii) probation departments; and
 - (iv) courts;
 - (B) recidivism rates;
 - (C) reentry court programs; and
 - (D) data relevant to the availability and effectiveness of mental health and addiction programs for persons who are at risk of entering the criminal

² Previous reports can be accessed at <https://www.in.gov/cji/2370.htm>

justice system, who are in the criminal justice system, and who have left the criminal justice system;

(2) track the number of requests for sentence modification that are set for hearing by the court, including the relief granted by the court, if any. The report must include whether the grant or denial of a request for sentence modification was discretionary or mandatory, and whether the prosecuting attorney opposed the request for sentence modification, agreed to the request for sentence modification, or took no position on the request for sentence modification; and

(3) track, by age and offense, the number of juveniles under the jurisdiction of an adult court due to:

(A) lack of jurisdiction under IC 31-30-1-4; or

(B) waiver of jurisdiction under IC 31-30-3-2 through IC 31-30-3-6;

(4) track the number of juveniles under the jurisdiction of adult court due to juvenile court not having jurisdiction of the cases in accordance with IC 31-30-1-4 by:

(A) age;

(B) sex;

(C) race;

(D) county of prosecution;

(E) offenses charged;

(F) convictions received; and

(G) sentences received; and

(5) track the number of waivers of juvenile court jurisdiction granted under IC 31-30-3-2 through IC 31-30-3-6 by:

(A) age;

(B) sex;

(C) race;

(D) charges filed in juvenile court in which a waiver was sought;

(E) charges filed in adult court following the waiver of juvenile court jurisdiction;

(F) county of prosecution;

(G) convictions received; and

(H) sentences received; and

(f) All local units of government and local elected officials, including sheriffs, prosecuting attorneys, judges, and county fiscal bodies, shall cooperate with the institute by providing data as requested by the institute.

(g) State agencies, including the department of correction, the Indiana prosecuting attorneys council, the Indiana public defender council, and the office of judicial administration, shall assist the institute by providing requested data in a timely manner.

(h) Based on their analysis, the institute and the justice reinvestment advisory council shall include recommendations to improve the criminal justice system in Indiana, with particular emphasis being placed on recommendations that relate to sentencing policies and reform.

(i) The institute and the justice reinvestment advisory council shall include research data relevant to their analysis and recommendations in the report.

(j) The institute shall:

- (1) make the data collected under subsection (e)(4) and (e)(5) available to the public in an annual report, by fiscal year, due by October 30 of each year;
- (2) post the annual report required by subdivision (1) on the institute's Internet web site; and
- (3) provide a copy of the annual report required by subdivision (1) to the commission on improving the status of children in Indiana established by IC 2-5-36-3.

HEA 1006 took effect on July 1, 2014. Since that time, several amendments to the legislation have taken place. For these reasons, the effects of these changes at all levels of the criminal justice system are just starting to emerge. It may still take a few years for the data to stabilize, so that future analyses can make more meaningful inferences about the data.

This report has four main goals. First, ICJI wanted to continue to build on the body of knowledge created by the Sagamore Institute. As was noted by Sagamore, these reports can only provide information on preliminary trends due to considerable and ongoing legislative changes. Second, ICJI sought to provide information gleaned from criminal justice stakeholders by engaging criminal justice practitioners working at every stage of the criminal process. These stakeholders include, but are not limited to, sheriff's departments and county jails, Indiana Department of Correction (DOC), Community Corrections, county probation departments, prosecutors, public defenders, judges, Family and Social Services Administration (FSSA) Department of Mental Health and Addiction (DMHA), and mental health and addictions service providers. Third, this report aims to make recommendations for change through identifying key strengths and ongoing challenges from HEA 1006 felt at all levels of the criminal justice system. Finally, this report builds on previously documented limitations and identifies new limitations in evaluating criminal justice reform in Indiana. Below outlines the major findings in this report.

Courts

Abstract of Judgment

- Since HEA 1006 took effect, total abstracts have increased, mostly due to an increase in the number of revocation abstracts. The percentages for abstracts are stabilizing, because all the different abstracts are increasing at an even rate. This finding aligned with prosecutors' survey responses and focus group participants that they noticed an increase in defendant recidivism from violations and new offenses.
- Original abstract numbers show that there are more F6 abstracts post-1006 than there were FD abstracts pre-1006.

Sentence Modifications

- There has been an increase in the number of sentence modification motions filed since HEA 1006 took effect, and more are being granted and fewer are being denied.

Placements

- There was an observable increase in overall placements. By design, there was a decrease in placements with DOC. Post-1006, DOC continues to be the most common placement. However, jail and probation placements are a close second, followed by jail only, and then probation only.

- As was the goal of HEA 1006, FD and F6 placements have changed. Pre-1006, the most common placement was DOC. Post-1006, the most common placement is jail and probation or jail only.
- Compared to pre-1006, community corrections placements have slightly increased.

New Filings

- New filings have been decreasing since the enactment of HEA 1006, except in 2016.

Dispositions

- There is a slight decrease in total case dispositions, including average guilty pleas. The majority of public defender survey respondents said they have noticed no change in the number of plea agreements since the enactment of HEA 1006.

Days Sentenced

- Days sentenced to DOC, adjusting for credit time, have increased as would be expected.

Probation

- Probation caseloads decreased substantially to its lowest point in 2015. Probation caseloads have since increased. Based on the data, caseloads in 2018 are projected to surpass 2017.
- This was echoed in the probation officers' survey responses. Half of respondents indicated significant increases in their average caseloads. Only about 20% reported they were able to hire enough staff to meet their increased needs.

Non-Suspendible Sentences

- As would be expected, a substantial decrease in non-suspendible sentences was observed.

Suspendible Sentences

- Suspendible sentences have increased since the enactment of HEA 1006

Department of Correction (DOC) and Community Corrections

Overall DOC and Community Corrections Populations

- Overall adult population under supervision has increased as a result of increases in Community Corrections participants and F6 diversions (offenders who are serving jail time and by statute, may not go to DOC) housed at the county jails.

DOC Facilities

- DOC facilities offender populations decreased following HEA 1006 and then began to trend upward during the 2nd Quarter of 2017.
- County jail hold (awaiting transfer to DOC) populations decreased after HEA 1006 but have had a slight increase in population since early 2018.
- The number of F6 diversions has increased, as expected, since the majority of F6 offenders can no longer be housed in a DOC facility.

DOC Facility Capacity

- Both male and female adult maximum security facilities have been running at full or near full capacity since 2012.
- Medium security facility operational bed availability is only slightly better and appears to improve starting in 2015.

Offender Risk and Need

- Offender risk for reoffending upon intake has changed, comparing pre- and post-1006. With regard to criminogenic risk and need, the proportion of felons coming into DOC at all risk levels has stabilized in the past two years.

- The focus groups stated they believe that F6 offenders are actually higher risk than what the IRAS scores determines. There is not data available from the jails that can either confirm or deny this assumption, but there has been an increase in probation revocations due to a violation.

DOC Recidivism

- Recidivism has decreased a little. Of offenders released in 2009, about 36.1% were returned to DOC and 33.9% of offenders released in 2014 returned to DOC.
- The focus groups discussed how they are seeing more technical violations and recidivism. Some of the prosecutors mentioned that they may have a defendant that has multiple cases waiting for trial.

Community Transition Program (CTP)

- CTP utilization has stayed the same, comparing pre- and post-1006. About 27% of felons eligible for CTP were released on CTP.

Community Corrections

- Community corrections has increased its capacity since the effective date of HEA 1006. There has been a 14% increase in felony offenders, a 55% increase in misdemeanants, and a 114% increase in pretrial offenders on community supervision.
- Nearly half of community corrections survey respondents experienced a significant increase in the number of offenders sentenced to community corrections
- Nearly all reported that their agencies provided substance abuse treatment, mental health treatment, employment assistance and life skills curriculum, such as anger management.
- 90% of respondents saw a significant increase in the number of felons who require services, such as substance abuse and mental health, in the past two years.

Parole

- Caseloads for both adults and juvenile offenders have been decreasing since 2012. However, after HEA 1006, caseloads began to decrease significantly.

Jails

- In 2018, approximately 77% of county jails were at or exceeded 80% capacity, which is the National Institute of Corrections' definition of overcrowded.³
- Based on a survey to all jails, in 2018 the total jail inmate population is over 21,000.
- In 2018, 56% of all jail inmates were held on pretrial status. If the jails released half of the pretrial population to pretrial supervision, 33% of the jails would still be over capacity.
- In 2018, 44% of all jail inmates were F6s, with pretrial F6s consisting of 22% of the total jail population and sentenced F6s making up 10.5% of the total jail population.
- In 2017, 81.5% of all jails did not have sufficient staff to provide adequate supervision of inmates.
- The majority of jails reported an increase in risk levels of their offenders' populations and that these individuals are impacting the safe operation of their facilities.
- Most county jails are able to provide substance abuse, mental health, and educational services. Most do not provide any reentry services.

³ 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 <https://s3.amazonaws.com/static.nicic.gov/Library/021925.pdf>

Juveniles in Adult Court

- The number of juveniles under adult jurisdiction declined 42% from 2016 to 2017.
- Incomplete data from 2018 does not allow for an accurate depiction of the current year trend.
- The most common reason for juveniles in adult court are armed robbery/robbery, making up over 40% of all juvenile cases in adult court since 2015.
- In 2017, weapons related offenses made up 12% of all juveniles cases in adult court.

Justice Reinvestment Advisory Council (JRAC)

- Since its first meeting in June of 2015, JRAC has made funding recommendations to DOC, where \$78.4 million has been distributed. The funding has created and/or expanded programming and staff positions in courts, probation, community corrections, jail treatment, and prosecutors' diversion programs.

Recovery Works

- From November 1, 2015 to September 30, 2018, Recovery Works funded over \$34 million in treatment services distributed by DMHA, a division of FSSA.
- A little over 20,000 participants have been enrolled as of September 30, 2018. There are 98 agencies that are designated Recovery Works providers, ranging from 0 to 30 providers per county (Median 3 providers per county).

Focus Groups

Criminal justice practitioners and community mental health and addictions agencies provided feedback during focus groups held throughout the state. They spoke candidly about their concerns with HEA 1006, the effects it had on their counties, and how it has or has not provided solutions to problems since the legislation was implemented.

Concerns

Focus group participants identified the changes to sentencing, how offenders with drug charges are handled, and drug weights as concerning to their county, and the system at large.

- Sentences are more proportional for higher level felonies, however not adequate for the lower level felonies. It is often reported that sentences for F6s are now too short, especially when it comes to drug-related charges.
- Short sentences deter lower level offenders from using treatment opportunities and increase the likelihood of reoffending (and therefore the criminal justice system is a "revolving door").
- Criminal justice practitioners report there are an increased number of drug offenders in their systems, correlated with the influx of F6s and the general drug epidemic/culture. This is especially problematic when considering their jail overcrowding concern.
- Professionals believe that the drug weight changes were not as helpful as anticipated, because it has taken away their legal discretion of separating the dealers from the users.
- Offenders with higher amounts of certain drugs are eligible for a lesser sentence than in the past, which could explain higher perceived risk of low-level felons.

Effects

Focus group participants are seeing the effects of HEA 1006 in their agencies.

- The jails are overcrowded, and the influx in F6s is concerning in this context.

- Participants claim that F6s, who were previously housed in the DOC, are of higher risk than the offenders they are equipped to serve. This leads to destruction of property, a negative shift in jail culture, more contraband, and more gang activity.
- Jails are not adequately equipped to serve this new population, and not equipped for offenders' longer sentences.
- All agencies had to adjust their operations due to the changes of HEA 1006. Additionally, their caseloads have changed.
- There is an increase in female offenders (often related to drug charges) across all ten focus group counties, and professionals are concerned about getting them tailored assistance. However, there is a concern that they will not choose treatment due to their short sentence and other factors.
- Criminal justice practitioners are concerned with the usability of the IRAS.
- Participants are worried about public safety (alongside offender and staff safety).

Solutions

Focus group participants commented on the solutions that HEA 1006 claimed to bring, such as treating low-level, low-risk felons in the community and providing funding in the form of grants. They also provided their own solutions to various problems plaguing their counties.

- Across all ten counties, professionals are indicating that there are not enough resources (services, service providers, money) to address the pressing need.
- When there are services available, there are various gaps.
- Professionals are concerned with DOC per diem for F6 offenders housed in county jails. Some claim the per diem is not enough and other jails claimed to not receiving all the money from their county council.
- Counties believe the grant process is burdensome, and sometimes without reward. Other counties are extremely grateful for the opportunity to receive funding, but kinks still need to be worked out.

Service Providers

Information about the experiences of service providers, such as mental health and addictions providers, was collected through focus groups and the ICJI survey on local assessment of criminal code reform.

- 42% of service providers observed a significant increase in referrals from criminal justice agencies.
- Nearly 58% of respondents reported they had created forensic programming specifically for clients in the past two years.
- Recovery Works was the most common method to fund forensic programming.
- 60% of respondents observed a significant increase in the intensity of services required to treat criminal justice involved clients in the past two years.
- Providers reported substance abuse treatment, mental health treatment, housing services and transportation was difficult for many clients to obtain.
- All 10 counties reported a need for more inpatient and outpatient services and 6 counties reported a wait list for services varying from 90 days up to 9 months.

Definitions

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 Department of Correction (DOC).

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 DOC if probation, parole, or a community corrections placement has been revoked, if applicable (IC 35-38-1-31).

Appeal

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

Bed

A permanently installed fixture used for sleeping that is elevated at least twelve (12) inches off the floor (210 IAC 3-1-1c).

Bench Disposition

Cases that are disposed by final judicial determination of an issue, but where no witnesses are sworn and no evidence is introduced.

Bench Trial

Cases are disposed in this category by the court after a trial without a jury in which a witness has been sworn in to testify and the court entered a judgment or the case was resolved prior to the announcement of a judgement.

Community Corrections

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

Community Transition Program (CTP)

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

Credit Time

The sum of a person's accrued time, good time credit and educational credit.

Criminal Convictions

Post-1006

Felony Level	Example	Sentencing		Fine
		Range	Advisory	
Murder	Murder	45-65 yrs.	55 yrs.	≥\$10,000
1	Sex crimes, attempted murder, voluntary and involuntary manslaughter, reckless homicide, aggravated battery, kidnapping, battery, burglary	20-40 yrs.	30 yrs.	≥\$10,000
2	Sex crimes, attempted murder, voluntary and involuntary manslaughter, reckless homicide, aggravated battery, kidnapping, battery, burglary, robbery	10-30 yrs.	17.5 yrs.	≥\$10,000
3	Sex crimes, attempted murder, voluntary and involuntary manslaughter, reckless homicide, aggravated battery, kidnapping, battery, burglary, robbery, carjacking, arson, drug dealing (large quantities)	3-16 yrs.	9 yrs.	≥\$10,000
4	Battery, burglary, robbery, carjacking, arson, escape, drug dealings	2-12 yrs.	6 yrs.	≥\$10,000
5	Battery, burglary, robbery, carjacking, arson, assisting a criminal, escape, prostitution	1-6 yrs.	3 yrs.	≥\$10,000
6	Drug possession, false reporting, resisting arrest	6 mo-2.5 yrs.	1 yr.	≥\$10,000

Pre-1006 (enacted in 1976)

Felony Class	Example	Sentencing		Fine
		Range	Advisory	
Murder	Murder	45-65 yrs.	55 yrs.	≥\$10,000
A	Kidnapping, voluntary manslaughter with a deadly weapon, arson involving bodily injury	20-50 yrs.	30 yrs.	≥\$10,000
B	Aggravated battery, rape, child molesting, carjacking, armed robbery	6-20 yrs.	10 yrs.	≥\$10,000
C	Involuntary manslaughter, robbery, burglary, reckless homicide	2-8 yrs.	4 yrs.	≥\$10,000
D	Theft, receiving stolen property, computer tampering and fraud	6 mo-3 yrs.	1.5 yrs.	≥\$10,000

Day Reporting

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

Deferred/Diverted

Type of case disposal when a prosecutor and defendant agree to defer prosecution or place offender in a diversion program.

Department of Correction (DOC)

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, DOC is responsible for managing a substantial amount of programs and services, including the Indiana

sex and violent offender registry. The Department is also responsible for inspecting county jails annually to ensure jails are in compliance with jail operations standards.

Discharge

Termination of commitment to the DOC (IC 11-8-1-8).

Dismissed

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

Disposition

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

Diversion or Forensic Diversion

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

Education Credit

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

Electronic Monitoring

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

Failure to Appear (FTA)

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

Family and Social Services Administration (FSSA), Department of Mental Health and Addictions (DMHA)

The division of FSSA 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.⁴

Guilty Plea/Admission

Cases in which the defendant pleads guilty to an offense or admits to the commission of an infraction or ordinance violation.

Habitual Offender (HO)

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

⁴ For more information about FSSA DMHA, please go to <http://www.in.gov/fssa/dmha/4521.htm>

HEA 1006

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

Indiana Risk Assessment System (IRAS)

The IRAS is a suite of tools used in Indiana to evaluate an offender's risk for reoffending and need for services that can reduce reoffending.⁵

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 DOC. 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 felony level 6 diversion offenders who, per statute, may not go to DOC except under limited circumstances.

Judiciary

Also known as the judicial system or the court system.

Jury Trial

Cases where the jury is seated and sworn, the court has received evidence, and either the jury rendered a verdict or the case was resolved in some manner prior to the announcement of a verdict.

Juvenile in Adult Court

Also called waiver of jurisdiction, juvenile waiver, or waiver in this report. An order of the juvenile court, which waives the case to a court that would have jurisdiction had the act been committed by an adult. Waiver is for the offense charged and all included offenses (IC 31-30-3 or 31-30-1-4).

Mean

The average of all the values.

Median

A value lying at the midpoint of all the values.

⁵ For more information about the IRAS, please visit <https://in.gov/judiciary/iocs/2762.htm>

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 DOC.

Non-suspendible Sentence

A sentence or a part of a sentence for a felony or murder that the court may not suspend based on certain circumstances (IC 35-50-2-2.2).

Operational Capacity

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

Original abstract

Contains details from the original sentencing.

Parole

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

Pretrial Release

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

Probation

A sentence whereby an offender is released from confinement but is still under court supervision.

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 will serve, and courts can focus on—but are not limited to—drug use, mental illness, domestic violence, and veterans.⁶

Prosecution

Vested with the authority to institute legal proceedings against a person who has allegedly violated Indiana law within their respective jurisdictions; Prosecutors are elected by county. Dearborn and Ohio counties share a Prosecutor.⁷

⁶ For more information about Indiana's problem-solving courts, please go to <http://www.in.gov/judiciary/pscourts/2337.htm>

⁷ For more information about Indiana Prosecutors, please go to <https://www.in.gov/ipac/index.htm>

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 Department of Correction (DOC). DOC defines recidivism as an offender's return to DOC incarceration within three years of release from a state correctional institution.⁸

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.⁹

Release

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

Return

When an offender returns to lawful custody, such as jail or DOC, after either escaping custody or being discharged and receiving a new sentence.

Revocation

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

Sentence Modification

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

Service Provider

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

⁸ For more information about DOC's recidivism rates, visit <http://www.in.gov/idoc/2376.htm>

⁹ For more information about Recovery Works, please visit <https://www.in.gov/fssa/dmha/2940.htm>

Suspendible Sentence

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

Technical Violation

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

Violation of Parole/Probation (VOP)

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

Violation-New Commitment

Violating the terms of community supervision by obtaining a new criminal conviction resulting in a new sentence to be carried out at least in part with the DOC.

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.

Introduction

In 2013, the Indiana General Assembly introduced House Bill 1006. Indiana’s legislative leaders sought to revise the criminal code that had been in place since 1976. Their goal was summarized by ten purposes identified in provisions enacted July 1st, 2014.

This title shall be construed in accordance with its general purposes, to:

- (1) secure simplicity in procedure;
- (2) insure fairness of administration including the elimination of unjustifiable delay;
- (3) insure the effective apprehension and trial of persons accused of offenses;
- (4) provide for the just determination of every criminal proceeding by a fair and impartial trial and adequate review;
- (5) reduce crime by promoting the use of evidence based best practices for rehabilitation of offenders in a community setting;
- (6) keep dangerous offenders in prison by avoiding the use of scarce prison space for nonviolent offenders;
- (7) give judges maximum discretion to impose sentences based on a consideration of all the circumstances related to the offense;
- (8) maintain proportionality of penalties across the criminal code, with like sentences for like crimes;
- (9) make the lengths of sentences served by offenders more certain for victims; and
- (10) preserve the public welfare and secure the fundamental rights of individuals.

Ind. Code 35-32-1-1 (as amended by Public Law 168-2014, Section 52).

This report seeks to evaluate the effects of the criminal code on the entirety of the Indiana criminal justice system. In doing so, it illustrates the hardwork of the individuals and public and private agencies that work within and intersect with all levels of the Indiana criminal justice system. These organizations and individuals have demonstrated their tenacious efforts in pursuing the general purposes outlined above.

The ICJI sought to collect as much data from as many sources as possible. The Division interviewed criminal justice, mental health and addictions practitioners in ten counties. The ICJI surveyed individuals from around the state representing jails, probation departments, community corrections agencies, courts, parole, prosecuting attorneys, defense attorneys, and mental health and addictions providers. The ICJI also collected facts and figures from several state-level agencies including the Office of Judicial Administration, Community Corrections, DOC, and the Indiana Prosecuting Attorneys Council (IPAC).

This report will present an interpretation of the quantitative and qualitative data amassed from these efforts. However, this report cannot make causal inferences about the effect of the criminal code reform on Indiana's criminal justice system for several reasons. First, the reform is only in its fourth year. Second, a number of changes to the code have taken place since 2014. Third, there are social, political, and economic factors that are difficult to measure and control for in this analysis.

Legislative History

The legislative history in this report only covers changes to applicable legislation with an effective date after June 30, 2017. The extensive legislative history and background regarding the enactment of HEA 1006 and the progress of criminal code reform up to June 30, 2017 is provided in previous years' reports completed by the ICJI and the Sagamore Institute.

Since the last report submitted to the Legislative Council in 2017, there have been several laws enacted that directly impacted criminal code reform, changing how HEA 1006 impacts the criminal justice system in Indiana. Such pieces of legislation are related to:

- Adding new programs eligible to receive community corrections funding;
- Expanding Recovery Works funding to misdemeanants;
- Expanding the definition of crime of violence to include additional crimes;
- Creating and expanding crimes related to drug offenses, especially drug offenses related to the sale and production of certain drugs that lead to death;
- The creation of taxes to assist in the operation of county jails; and
- A variety of other bills impacting crimes eligible for bail, sentence enhancements, and various bills impacting crimes related to human trafficking.

As with the impact of HEA 1006, the effects of these changes will not be known in the immediate future.

There were several other pieces of legislation that will have an indirect impact on criminal code or have a direct relation to the intent and spirit of criminal code reform. A number of these bills impacted access to mental health and substance abuse services, generated funding for community mental health centers, and changed credentialing criteria for substance abuse and mental health counselors. Though these enacted bills do not directly impact criminal code reform, their impact will certainly be actualized in the level and availability of services to individuals under the supervision of the criminal justice system.

Sources and Methods

The ICJI partnered with local, county, and state agencies to collect quantitative and qualitative data in an effort to evaluate offender and agency outcomes representative of the Indiana criminal justice system following the enactment of HEA 1006.

ICJI used three methods for evaluating the impact of HEA 1006, including analyzing offender and agency outcome data, distributing a survey, and conducting focus groups. First, the Indiana Office of Judicial Administration provided all court data, including filings, sentences, placements and dispositions. DOC supplied data related to the commitment of felons to DOC. DOC also furnished county jail data. Community Corrections provided all data related to the offenders supervised and methods used to supervise their offenders. IPAC provided information on juveniles under adult court jurisdiction.

Next, a survey was sent to criminal justice agencies. Several of the survey questions used were adapted from the 2014 *Assessing the Local Fiscal Impact of HEA 1006*.¹⁰ The survey was administered to staff from Indiana jails, probation departments, community corrections agencies, courts, parole, prosecution, public defense, and community service providers. The Department of Mental Health and Addictions (DHMA; Family and Social Services Administration) and the Indiana Council for Community Mental Health Centers (ICCHMC) provided emails for community mental health centers and addictions providers in the state. The Indiana Sheriffs' Association, Indiana Prosecuting Attorneys Council, Indiana Public Defender Council, and Indiana Office of Judicial Administration assisted ICJI in distributing the survey link via email to representatives of each agency.

Finally, ICJI facilitated ten focus groups. The ten focus groups were held in the following counties: Allen, Bartholomew, Carroll, Delaware, Floyd, Hamilton, Jefferson, Kosciusko, LaPorte, and Vermillion. These groups were composed of local criminal justice stakeholders. In each focus group, ICJI invited participants to express the strengths and challenges of HEA 1006 reforms.

Court Data

To assess how the courts have been affected by HEA 1006, ICJI received numerous data files from the Indiana Office of Judicial Administration (OJA). Data included numbers of abstract of judgment, new filings, case dispositions, suspendible and non-suspendible sentences, placement

¹⁰ Written by G. Roger Jarjoura, Nathan Zaugg, and Konrad Haight from the American Institutes for Research. Report can be accessed here: <http://www.air.org/resource/assessing-local-fiscal-impact-hea-1006>

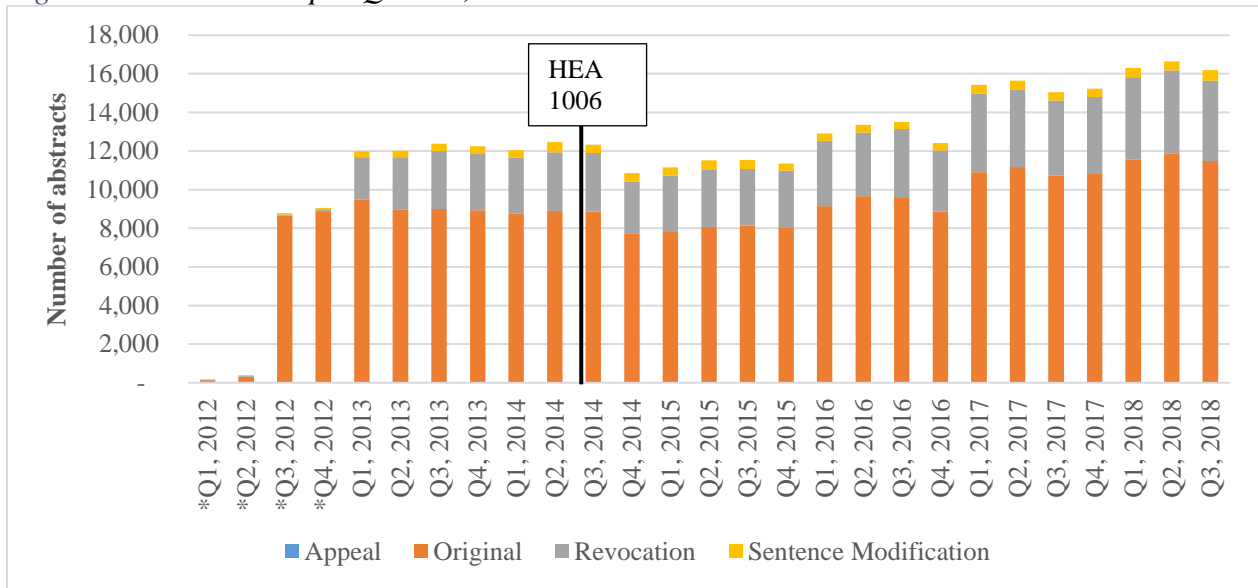
following sentencing including DOC, Jail, Probation (Prob), and Community Corrections (CC), and days sentenced to DOC, from July 1, 2012 to September 30, 2018. This time frame was broken into pre-HEA 1006 (July 1, 2012 to June 30, 2014) and post-HEA 1006 (July 1, 2014 to September 30, 2018) time periods. The Indiana OJA provided an analysis of days sentenced to jail for this report. A majority of court data was analyzed by calendar year quarters, instead of months, to make comparisons easier to follow.

Abstract of judgment counts, including original abstracts, appeals, revocations, and sentence modifications showed an upward trend. The sentence modification section gives an insight into the number of motions and how many are being granted and denied. Placement data illustrated where offenders were placed following sentencing. One goal of HEA 1006 was to decrease the number of low level offenders being sent to DOC; thus, it was expected and observed that the number being sentenced to DOC would decrease. The new filings section provided insight into the number of filings for each felony level. This is important to note because HEA 1006 created six felony levels. New filings showed how many offenders were being charged at each level. Disposed cases, with the exception of guilty pleas, may not be as important when looking at all cases together. Days sentenced to DOC and jail displayed the impact of the new sentencing structure. The probation section displayed the number of offenders on probation, offense type, and the number released. The results were expected to show an increase, since more offenders are now being placed on probation. The final section compared the number of suspendible and non-suspendible sentences. HEA 1006 allowed for more suspendible sentences, so it was expected that the number of suspendible sentences would increase and non-suspendible sentences would decrease. These sections provide a full scope view of the impact HEA 1006 had on the functions of the court.

Abstract of Judgment Counts

The figure below shows the total number of abstracts per quarter from January 1, 2012 to September 30, 2018. All abstracts had been fairly consistent before the enactment of HEA 1006. Once the requirements of bill were implemented, there was a decline in the number of abstracts that occurred within the first six months. An upward trend began in 2015, and abstracts have been increasing since. By 2016, the total number of abstracts was more than pre-1006. By 2018, there are about 4,000 more abstracts per quarter than pre-1006. *Table 1* below provides the data from which *Figure 1* was created.

Figure 1: All Abstracts per Quarter, 2012-2018



*2012 data is unreliable because a new data collection system was being implemented.

Table 1: Number of Abstracts by Type per Quarter, 2012 -2018

Quarter and Year	Appeal	Original	Revocation	Sentence Modification
*Q1, 2012	1	130	26	32
*Q2, 2012	-	325	34	39
*Q3, 2012	3	8,667	49	62
*Q4, 2012	6	8,869	107	59
Q1, 2013	5	9,488	2,195	292
Q2, 2013	3	8,984	2,688	344
Q3, 2013	1	9,001	2,994	374
Q4, 2013	5	8,935	2,935	375
Q1, 2014	11	8,748	2,887	404
Q2, 2014	13	8,889	3,027	527
Q3, 2014	6	8,854	3,037	439
Q4, 2014	6	7,731	2,691	420
Q1, 2015	4	7,807	2,908	432
Q2, 2015	10	8,057	2,953	500
Q3, 2015	11	8,118	2,948	462
Q4, 2015	14	8,033	2,935	367
Q1, 2016	11	9,128	3,382	391
Q2, 2016	6	9,662	3,290	397
Q3, 2016	9	9,610	3,516	373
Q4, 2016	6	8,866	3,158	382
Q1, 2017	8	10,889	4,058	471
Q2, 2017	7	11,167	4,019	444

Q3, 2017	7	10,710	3,896	435
Q4, 2017	8	10,838	3,948	427
Q1, 2018	5	11,537	4,282	476
Q2, 2018	6	11,877	4,281	470
Q3, 2018	8	11,468	4,162	548
Total	180	236,388	76,406	9,942

*2012 data is unreliable because a new data collection system was being implemented.

Table 2 below shows the percentage breakdown for each type of abstract per year. There has not been an increase in original abstracts since the enactment of HEA 1006, but revocations have increased slightly. Original abstracts represent between 70-72% of all abstracts. Sentence modifications had an upward trend from 2013-2015. Since 2016, sentence modifications represent about 3% of a full year's abstracts. Abstracts as a whole are increasing, but every abstract type is increasing at a rate that keeps the percentages stable across the years.

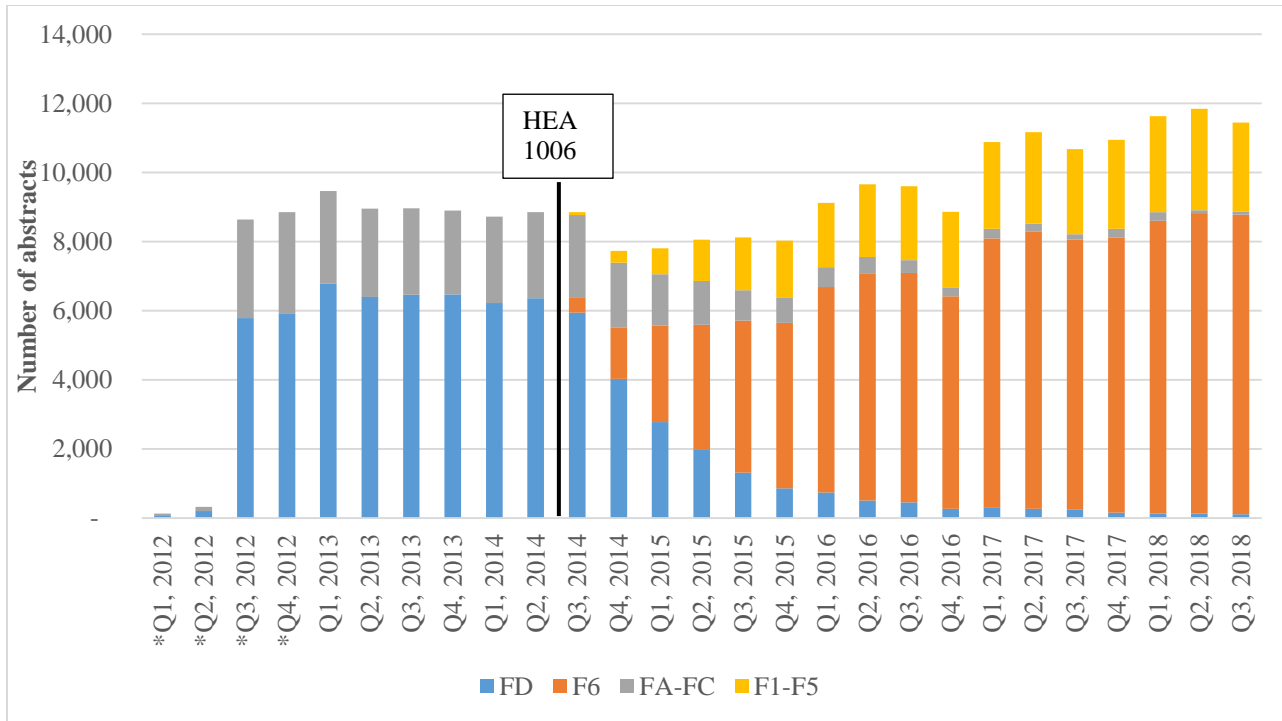
Table 2: Percentage of Abstracts per Year, 2012-2018

Year	Appeal	Original	Revocation	Sentence Modification
*2012	0.05%	98.40%	0.88%	0.68%
2013	0.03%	74.89%	22.24%	2.85%
2014	0.08%	71.76%	24.41%	3.75%
2015	0.09%	70.27%	25.78%	3.87%
2016	0.06%	71.41%	25.57%	2.96%
2017	0.05%	71.10%	25.96%	2.90%
2018	0.04%	71.01%	25.91%	3.04%

*2012 data is unreliable because a new data collection system was being implemented.

Figure 2 shows the total number of original abstracts by level per quarter from 2012-2018 (September 30). Prior to the enactment of 1006, 68% of original abstracts were for FD convictions. Only about 30% of pre-1006 original abstracts were for FA-FC convictions. The enactment of 1006 caused a similar trend shown in Figure 1 above. There was an immediate decrease within the first six months and then an upward trend began. Over time, the number of original abstracts with a felony charge of A-D has decreased and the new felony levels 1-6 have increased. By 2018, less than 2% of original abstracts have an A-D conviction. Though a direct comparison cannot be made, in 2018 there have been more F6 original abstracts (74%) than similar FD abstracts (71%). If the trend remains, F6 abstracts will likely continue to increase. Table 3 provides the data from which Figure 2 was created.

Figure 2: Original Abstracts by Felony Level and Quarter, 2012-2018



*2012 data is unreliable because a new data collection system was being implemented.

Table 3: Number of Original Abstracts by Felony per Quarter, 2012 - 2018

Quarter and Year	FD	F6	FA-FC	F1-F5
*Q1, 2012	83		47	
*Q2, 2012	201		123	
*Q3, 2012	5,784		2,857	
*Q4, 2012	5,910		2,940	
Q1, 2013	6,777		2,692	
Q2, 2013	6,397		2,563	
Q3, 2013	6,468		2,501	
Q4, 2013	6,473		2,426	
Q1, 2014	6,219		2,503	
Q2, 2014	6,361		2,490	
Q3, 2014	5,943	433	2,397	81
Q4, 2014	4,031	1,489	1,870	340
Q1, 2015	2,774	2,792	1,494	746
Q2, 2015	1,968	3,626	1,269	1,194
Q3, 2015	1,318	4,393	882	1,525
Q4, 2015	862	4,791	719	1,661
Q1, 2016	736	5,951	578	1,861
Q2, 2016	507	6,577	469	2,109

Q3, 2016	450	6,644	366	2,145
Q4, 2016	263	6,151	267	2,183
Q1, 2017	315	7,782	274	2,516
Q2, 2017	269	8,025	230	2,642
Q3, 2017	237	7,823	154	2,467
Q4, 2017	156	7,955	265	2,572
Q1, 2018	128	8,480	247	2,777
Q2, 2018	125	8,698	89	2,937
Q3, 2018	110	8,668	95	2,573
Total	70,865	100,278	32,807	32,329

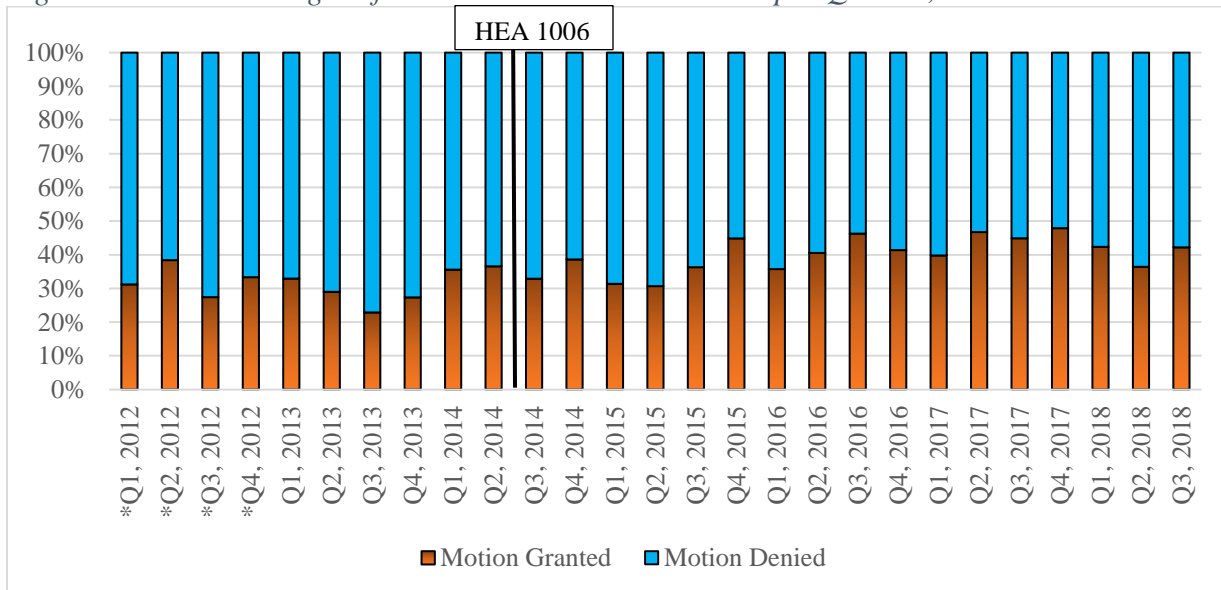
*2012 data is unreliable because a new data collection system was being implemented.

Sentence Modification Data

A sentence modification motion is a request to the court to change the sentence of an offender that is already found guilty. The change can be applied to time or placement. Pre-1006, there was an average of 291 sentence modification motions filed per quarter. Of those filed, on average 48 were granted (16%) and 106 were denied (36%) per quarter. Post-1006, an average of 632 sentence modifications are filed per quarter, but the average for 2018 is 854 filed. On average, 138 motions are granted (22%) and 204 are denied (32%). The percentages for granted and denied motions are in line with the percentages of post-1006. It is clear that there are more sentence modification motions being filed post-1006 than before; see *Table 4*. Granted motions are also occurring more than pre-1006, and denied motions have decreased percentage-wise.

Figure 3 gives a visualization of the increase and decrease by percentages. As a whole, the numbers for granted and denied have increased, but that is expected with an increased number of motions filed.

Figure 3: The Percentages of Motions Granted and Denied per Quarter, 2012-2018



*2012 data is unreliable because a new data collection system was being implemented.

Table 4: Total Number of Sentence Modifications and Resolutions, 2012-2018

Quarter and Year	Motion to Modify	Motion Granted	Motion Denied
*Q1, 2012	197	29	64
*Q2, 2012	190	43	69
*Q3, 2012	244	37	98
*Q4, 2012	249	55	110
Q1, 2013	347	52	106
Q2, 2013	336	51	125
Q3, 2013	345	40	135
Q4, 2013	311	50	133
Q1, 2014	311	53	96
Q2, 2014	378	72	125
Q3, 2014	636	120	245
Q4, 2014	484	93	148
Q1, 2015	418	74	162
Q2, 2015	497	73	165
Q3, 2015	467	98	172
Q4, 2015	473	113	139
Q1, 2016	523	114	205
Q2, 2016	572	139	204
Q3, 2016	694	167	194
Q4, 2016	610	139	197
Q1, 2017	679	138	209
Q2, 2017	788	157	179
Q3, 2017	703	162	199
Q4, 2017	643	192	209
Q1, 2018	753	196	267
Q2, 2018	924	185	323
Q3, 2018	884	186	255
Total	13,656	2,828	4,533

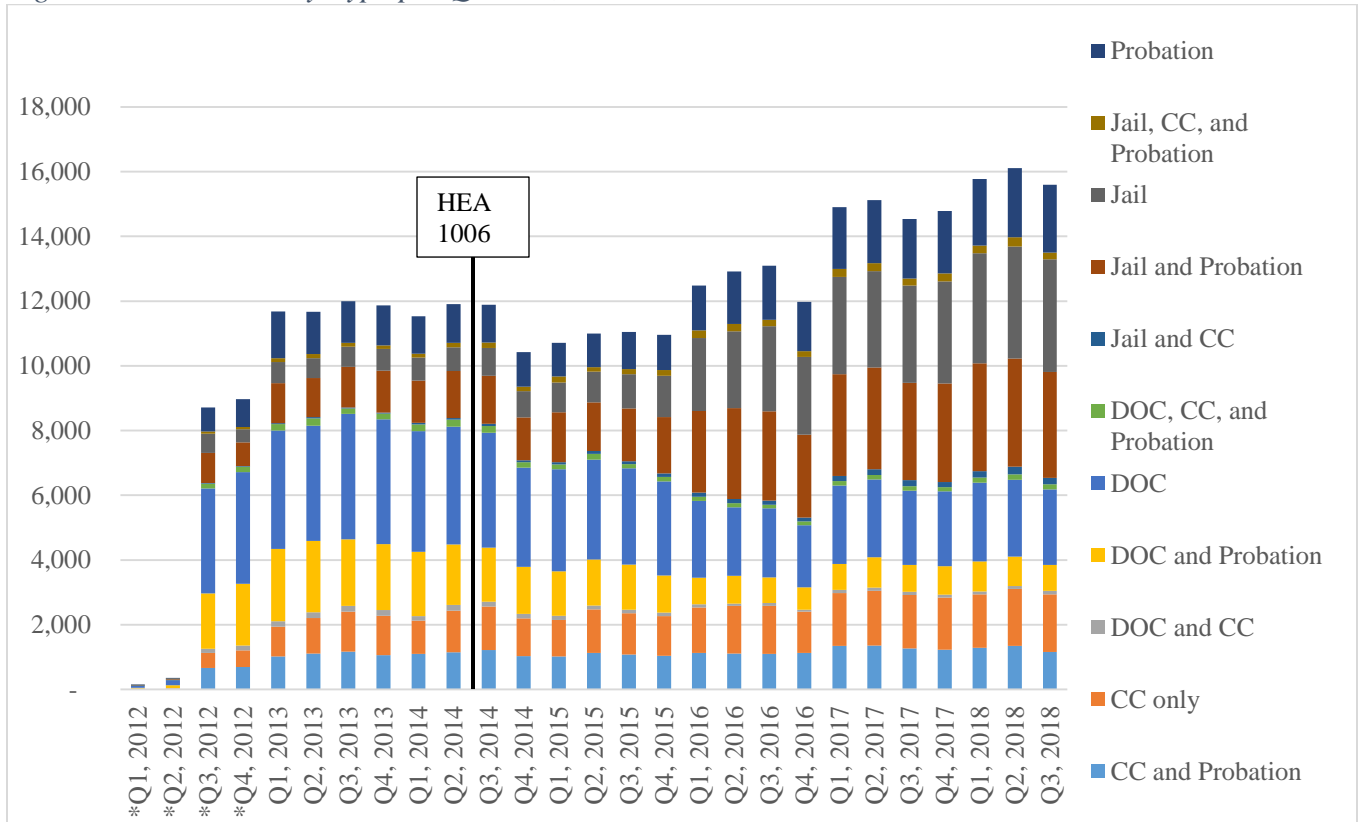
*2012 data is unreliable because a new data collection system was being implemented.

Placement Data

Figure 4 below shows that great progress has been and continues to be made toward one of the goals of 1006—reducing the number of offenders sentenced to DOC. The figure below gives a few insights into how many offenders are being sentenced and where they are being placed. The graph clearly shows that there has been a large increase in the number of offenders being sentenced. When comparing 2018 to 2013, nearly 4,000 more offenders are being sentenced per quarter. When analyzing where offenders are being placed, there was a consistent amount being sentenced to DOC pre-1006. The first six months post-1006 saw fewer offenders being sentenced, but the number being placed in DOC did not change. DOC placements did not drastically change until the 1st quarter of 2016. The amount of offenders sentenced to DOC only appears to be stabilizing. The data shows that 2,100-2,450 new offenders are being placed in

DOC only per quarter since the 1st quarter of 2016, except for the 4th quarter of 2016. Another insight from the figure below is that any sentence involving jail has steadily increased since 1006.

Figure 4: Placements by Type per Quarter, 2012-2018



*2012 data is unreliable because a new data collection system was being implemented.

Before the enactment of HEA 1006, most inmates were sentenced to DOC (35.4%), whereas sentences to jail with community corrections was used the least (less than 1%). The enactment of 1006 started to change this trend. Post-1006, there are still more inmates being placed in DOC only (19.6%), but the second most given sentence is jail with probation (18.9%). Before HEA 1006, only 10.2% of sentences were jail and probation. The least given sentence was DOC and community corrections (less than 1%). In 2018, most offenders were sentenced to jail (21.8%) and the second most given sentence was jail and probation (20.9%). Only 15.1% of offenders have been sentenced to DOC only in 2018 (September 30th). Table 5 below provides the data from which Figure 4 and Figure 5 were created.

Figure 5: Percentage of Placements by Type, Pre- and Post- 1006

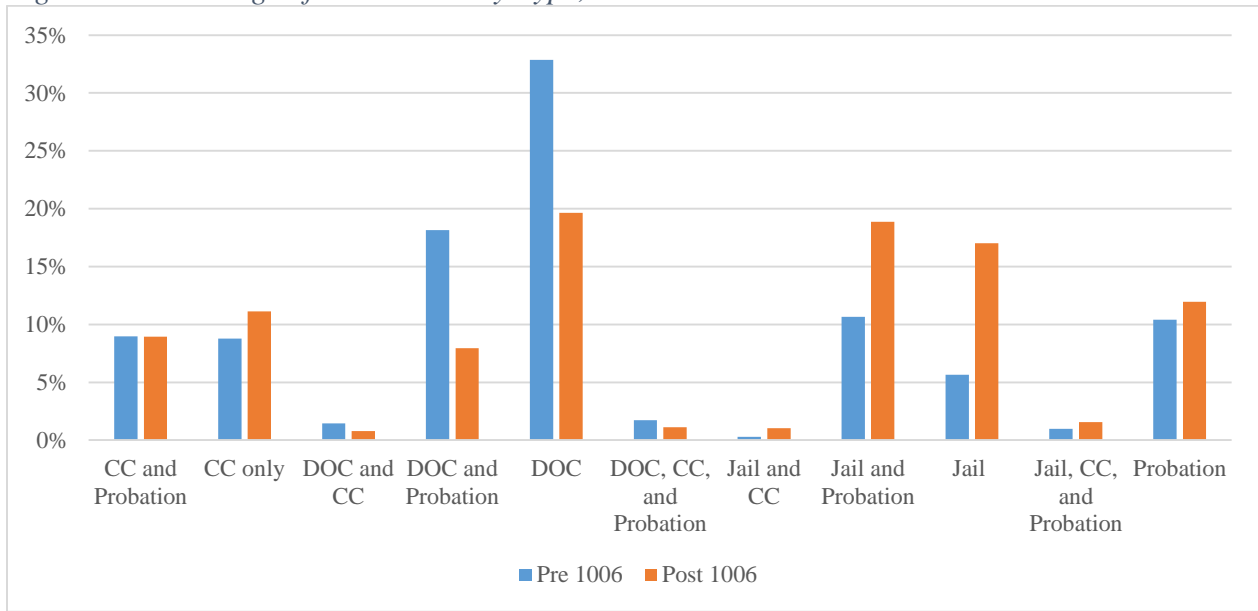


Table 5: Placement Type per Quarter, 2012-2018

Quarter and Year	CC and Prob	CC only	DOC and CC	DOC and Prob	DOC	DOC, CC, and Prob	Jail and CC	Jail and Prob	Jail	Jail, CC, and Prob	Prob
*Q1, 2012	10	9	-	34	62	5	1	11	13	-	13
*Q2, 2012	20	13	3	96	152	8	2	28	16	4	17
*Q3, 2012	661	470	129	1,709	3,245	147	19	933	589	70	738
*Q4, 2012	689	514	151	1,912	3,447	170	18	737	399	75	862
Q1, 2013	1,023	912	171	2,235	3,659	202	31	1,228	662	111	1,444
Q2, 2013	1,108	1,098	181	2,206	3,556	226	38	1,215	610	124	1,309
Q3, 2013	1,168	1,240	175	2,057	3,873	169	32	1,252	627	119	1,281
Q4, 2013	1,057	1,223	178	2,035	3,850	178	31	1,299	671	106	1,237
Q1, 2014	1,096	1,032	138	1,987	3,724	215	43	1,311	710	121	1,151
Q2, 2014	1,151	1,281	179	1,870	3,639	215	51	1,458	729	142	1,194
Q3, 2014	1,219	1,344	149	1,674	3,543	207	70	1,489	862	166	1,164
Q4, 2014	1,033	1,160	141	1,455	3,064	167	59	1,333	807	140	1,064
Q1, 2015	1,016	1,128	134	1,368	3,163	143	73	1,536	924	185	1,046
Q2, 2015	1,133	1,341	117	1,426	3,089	171	87	1,504	951	139	1,038
Q3, 2015	1,079	1,276	104	1,402	2,970	135	85	1,633	1,061	159	1,147
Q4, 2015	1,042	1,224	107	1,148	2,911	139	106	1,739	1,281	171	1,090
Q1, 2016	1,129	1,403	101	817	2,374	134	129	2,518	2,256	233	1,384
Q2, 2016	1,109	1,473	73	860	2,114	129	125	2,807	2,377	229	1,624

Q3, 2016	1,102	1,477	92	793	2,137	111	122	2,762	2,631	192	1,675
Q4, 2016	1,131	1,269	61	694	1,916	126	115	2,562	2,398	183	1,523
Q1, 2017	1,344	1,632	102	802	2,424	136	160	3,146	3,002	245	1,907
Q2, 2017	1,356	1,689	97	944	2,399	140	183	3,143	2,980	243	1,951
Q3, 2017	1,271	1,643	102	836	2,290	143	179	3,016	2,998	220	1,840
Q4, 2017	1,223	1,615	88	882	2,310	130	162	3,043	3,154	254	1,926
Q1, 2018	1,289	1,648	87	933	2,436	153	204	3,330	3,398	244	2,055
Q2, 2018	1,342	1,761	95	906	2,378	167	237	3,336	3,468	283	2,142
Q3, 2018	1,155	1,787	109	796	2,338	156	199	3,275	3,475	206	2,104
Total	27,956	32,662	3,064	33,877	73,063	4,022	2,561	51,644	43,049	4,364	35,926

*2012 data is unreliable because a new data collection system was being implemented.

Figure 6 below compares pre-1006 FDs to post-1006 FDs and F6s with regard to placement. The figure displays the percentage of offenders with an FD or F6 charge and placement for pre- and post-1006. This figure shows that F6s and post-1006 FDs are being sentenced to jail, community corrections, probation or a combination of those, more than any DOC sentence. Pre-1006, about 46% of FDs were sentenced to DOC. Now, less than 17% of F6/FD offenders are being sentenced to DOC. Between 20-25% of F6/FD offenders are being sentenced to jail and probation, which is the most common sentence for F6/FD offenders' post-1006. Table 6 below provides the data from which Figure 6 was compiled.

Figure 6: Placement Type Comparing Pre-1006 FDs and Post-1006 F6s and FDs

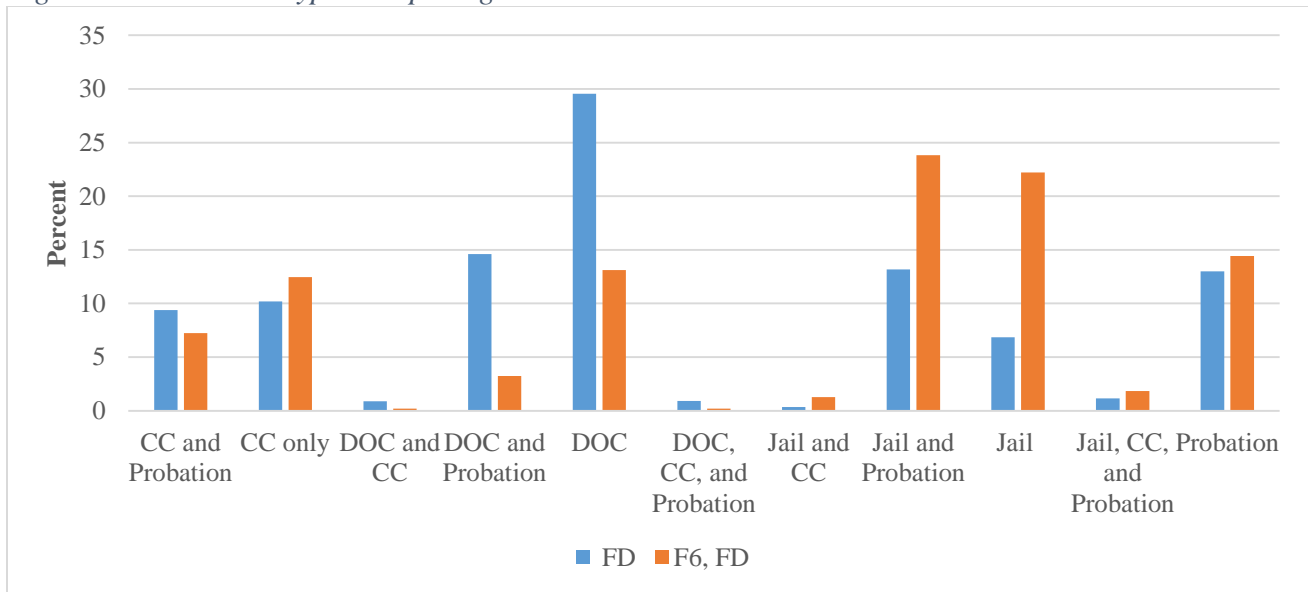


Table 6: Placement Type by Pre-1006 and Post-1006 F6s and FDs

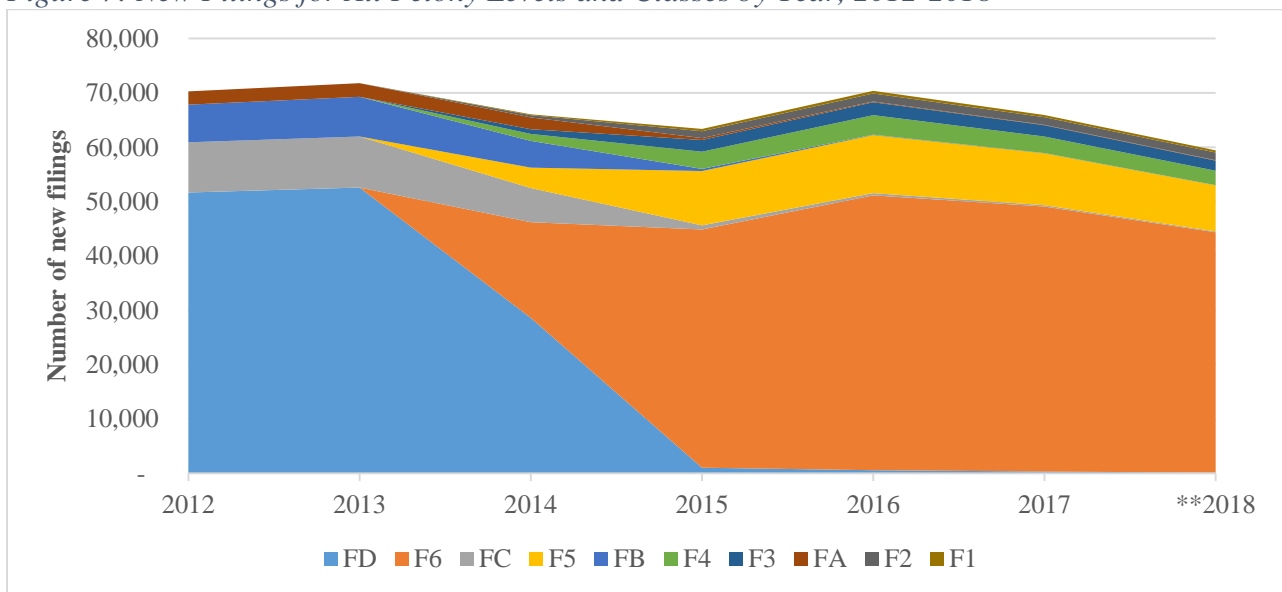
Placement Type	Pre 1006 FD	F6, Post 1006 FD
CC and Probation	5,865	11,654
CC only	6,366	20,034
DOC and CC	542	320

DOC and Probation	9,138	5,229
DOC	18,490	21,075
DOC, CC, and Probation	578	289
DOC, CC, and Probation	209	2,024
Jail and Probation	8,229	38,345
Jail	4,281	35,739
Jail, CC, and Probation	716	2,962
Probation	8,129	23,221
Total	62,543	160,892

New Filings

Figure 7 below shows the number of new filings by year for all felony types from January 1, 2012 to September 30, 2018. As can be seen, lower level felonies have more new filings than higher level felonies. Like the abstract and placement data, there has been a decrease in new filings from 2014 to 2015, then an increase in 2016. New filings have been decreasing, and 2018 is likely to have fewer new filings than in 2017. In 2018, there will be more F6 new filings than FD new filings pre-1006. New filings are dependent on the crime rate and will likely fluctuate as crime fluctuates. Table 7 below provides the data that was used to create Figure 7.

Figure 7: New Filings for All Felony Levels and Classes by Year, 2012-2018**



**2018 data contains 3 quarters of data.

Table 7: New Filings of All Levels by Year, 2012 - 2018

	2012	2013	2014	2015	2016	2017	**2018
FD	51,664	52,579	28,597	1,021	559	312	106
F6			17,601	43,836	50,581	48,768	44,242
FC	9,239	9,391	6,285	763	407	248	158
F5			3,755	9,993	10,679	9,546	8,474
FB	6,926	7,300	4,922	394	85	51	34

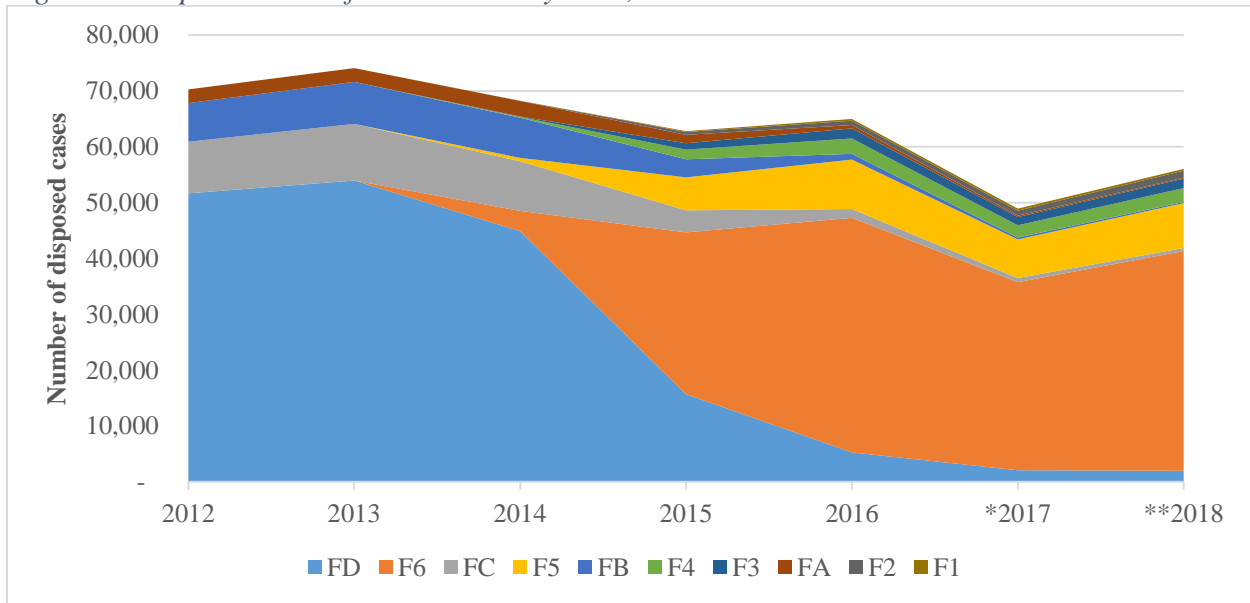
F4			1,283	3,167	3,592	3,042	2,654
F3			869	2,158	2,374	2,073	1,857
FA	2,443	2,514	2,173	348	141	75	85
F2			409	1,260	1,467	1,407	1,414
F1			159	426	487	399	392
Total	70,272	71,784	66,053	63,366	70,372	65,921	59,416

**2018 data contains 3 quarters of data.

Disposed Cases

Disposed cases are cases that have been closed through one of several methods: bench disposition, bench trial, deferred, dismissed, guilty plea, jury trial, and other. Over 90% of disposed cases are either dismissed (20%) or a guilty plea (71%) is accepted. The figure below shows that disposal of cases has been on the decline. Even though there had been an increase in 2016 (64,948), there were still more cases that were disposed pre-1006. *Table 8* and *Table 9* below provided the data for *Figure 8* and the analysis above.

*Figure 8: Disposed Cases for All Levels by Year, 2012-2018***



**2018 data contains 3 quarters of data.

Table 8: Disposed Cases for All Levels by Year, 2012 - 2018

	2012	2013	2014	2015	2016	2017	**2018
FD	51,664	53,954	44,903	15,694	5,268	2,072	1,977
F6			3,613	28,970	42,008	33,681	39,359
FC	9,239	10,143	8,894	3,958	1,575	730	540
F5			601	5,900	8,851	6,928	8,033
FB	6,926	7,524	7,192	3,232	1,026	337	210

F4			135	1,734	2,757	2,188	2,480
F3			80	1,142	1,806	1,475	1,700
FA	2,443	2,467	2,785	1,510	601	252	168
F2			25	505	784	897	1,246
F1			13	153	308	359	323
Total	70,272	74,088	68,241	62,798	64,984	48,919	56,036

**2018 data contains 3 quarters of data.

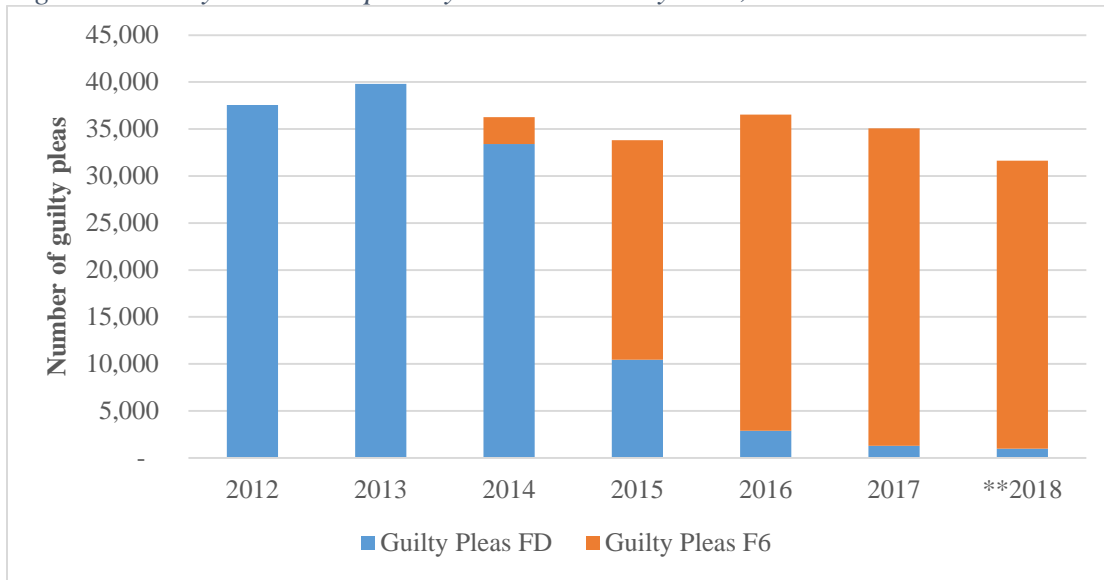
Table 9: All Methods of Disposal by Level

	Bench Disposition	Bench Trial	Deferred/ Diverted	Dismissed	Guilty Plea	Jury Trial	Other	Total
FA	338	137	24	1,303	7,266	667	591	10,326
FB	819	231	117	3,134	20,235	736	1,184	26,546
FC	1,272	515	229	5,160	26,562	593	912	35,243
FD	2,424	908	6,546	36,019	126,323	1,020	2,314	175,554
F1	36	39	1	155	812	175		1,218
F2	88	31	43	333	2,907	145	9	3,556
F3	266	65	31	997	4,537	267	28	6,191
F4	270	80	86	1,229	6,010	191	19	7,885
F5	1,162	211	508	4,288	13,197	433	93	19,892
F6	1,708	730	5,444	22,985	62,678	586	239	94,370
Total	8,383	2,947	13,029	75,603	270,617	4,813	5,389	380,781

Guilty Plea

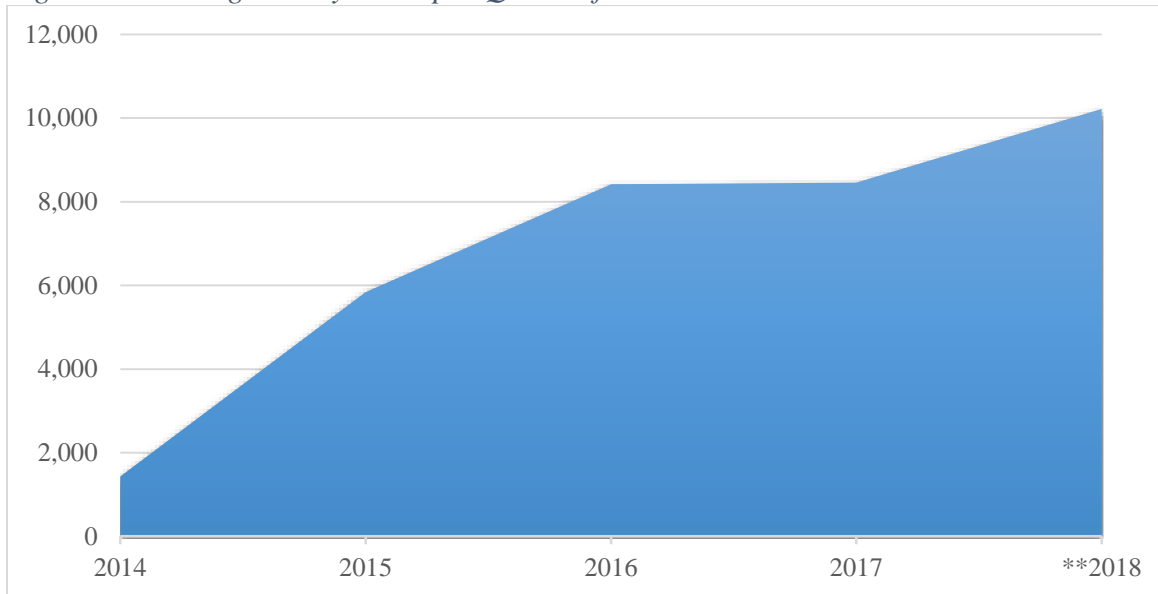
Pre-1006, FB offenders accepted more guilty pleas (76.6%) than all other felony levels—see *Table 8*—although all felony levels had over 70% of their cases disposed as guilty pleas. Of the post-1006 felony levels, F2 offenders accepted more guilty pleas (81.7%) than all other felony levels. F2, F3 and F4 offenders are accepting a guilty plea at a rate of 70% or above, and F1s, F5s, and F6s are accepting at a rate below 70%. There are about 7,500 fewer guilty pleas being signed when comparing the most recent post-1006 full year (2017) to the most recent pre-1006 full year (2013). Currently, 2018 is on track to have more guilty pleas for F6s than in 2017; this can be seen in *Figure 9*. *Table 10* below provides the data that was used to create *Figure 9* and *Figure 10*.

Figure 9: Guilty Pleas Accepted by FDs and F6s by Year, 2012-2018**



**2018 data contains 3 quarters of data.

Figure 10: Average Guilty Pleas per Quarter for F6 Felons



**2018 data contains 3 quarters of data.

Table 10: Guilty Pleas for FDs and F6s by Year, 2012-2018**

Year	FD	F6
2012	37,556	
2013	39,808	
2014	33,406	2,873
2015	10,435	23,364
2016	2,871	33,664
2017	1,266	33,816

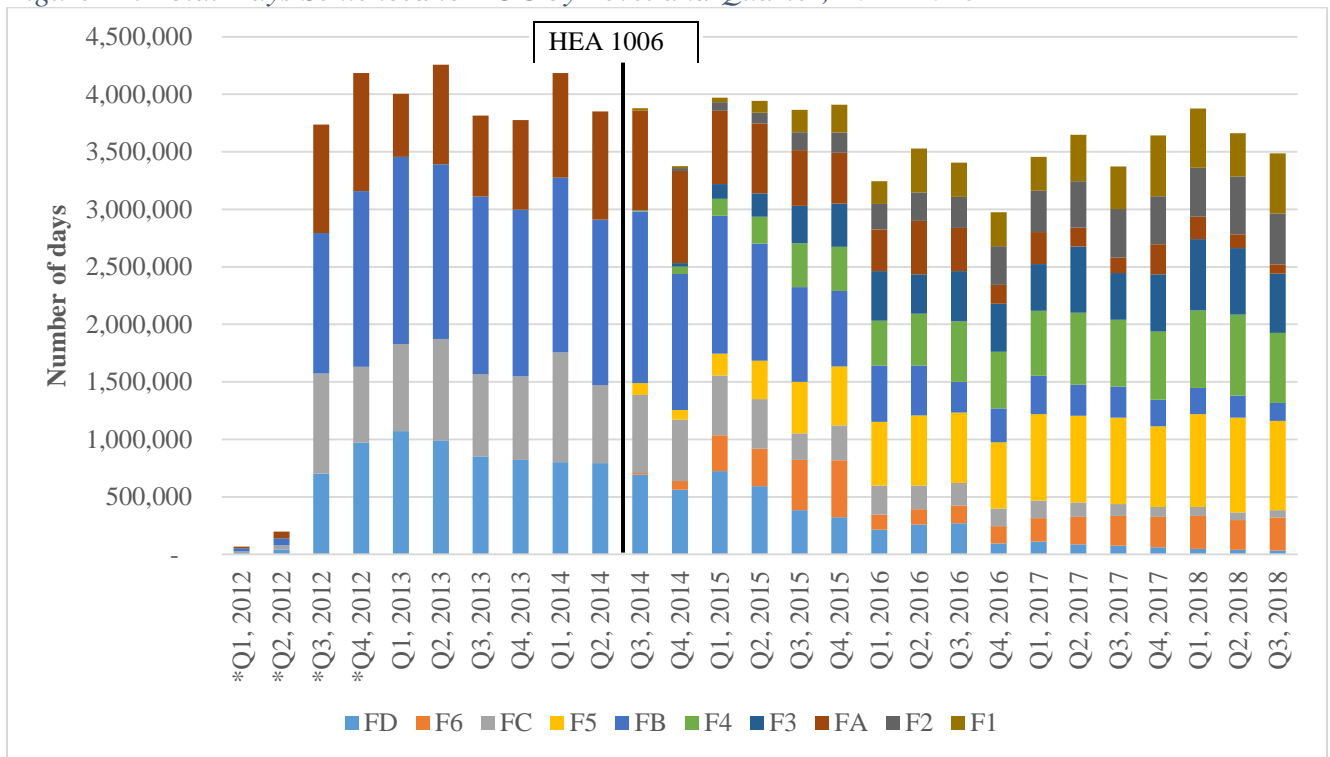
**2018	981	30,656
Total	126,323	124,373

**2018 data contains 3 quarters of data.

Days Sentenced to DOC

Figure 11 below shows the number of days each felony level is sentenced to DOC. Before 1006, FBs were sentenced to the most days in DOC. FAs faced the longest sentence, but there were far fewer offenders getting an FA conviction than an FB. After 1006, F5s and F4s were sentenced to the most days, because there are more offenders with an F4 or F5 conviction than an F1, F2, or F3 conviction. F6 offenders were still being sentenced to DOC in the first year and a half after 1006, but on January 1, 2016, F6s with a sentence of less than a year were no longer allowed to be placed in DOC per statute. F6s sentenced to DOC are likely there because they are a habitual offender or they have a sentence longer than a year.

Figure 11: Total Days Sentenced to DOC by Level and Quarter, 2012-2018



*2012 data is unreliable because a new data collection system was being implemented.

Credit Time for DOC Offenders

HEA 1006 changed credit classes for felony levels. Offenses committed prior to July 1, 2014 fall under the old felony structure and offenders may have the ability to serve only 50% of their sentence. Under the new credit time, offenders convicted of a F6 may have the ability to serve only 50% of their sentence. However, offenders convicted of a F1-5 offense must serve at least 75% of their sentence. The end result is that F1 through F5 offenders are staying in DOC longer than pre-1006 offenders. Pre-1006, the most days sentenced occurred in Q2, 2013 (4,255,736

days), which means that potentially only 2,127,868 of those days will be served. The most days sentenced post-1006 occurred in Q1, 2018 (3,876,244 days), meaning that at minimum 2,907,183 of those days will be served. Post-1006 offenders are serving 779,315 more days than pre-1006 offenders. In other words, serious offenders are serving a more proportional amount of their sentence, which was an explicit goal of 1006. *Table 11* below shows the average days sentenced per level and credit time. The data for this table came from taking total days sentenced and dividing it by total placed in DOC. The credit time was calculated by taking the post-1006 number and multiplying by either .5 or .75 depending on the felony level. This table will likely change for the next few years while the new felony code matures.

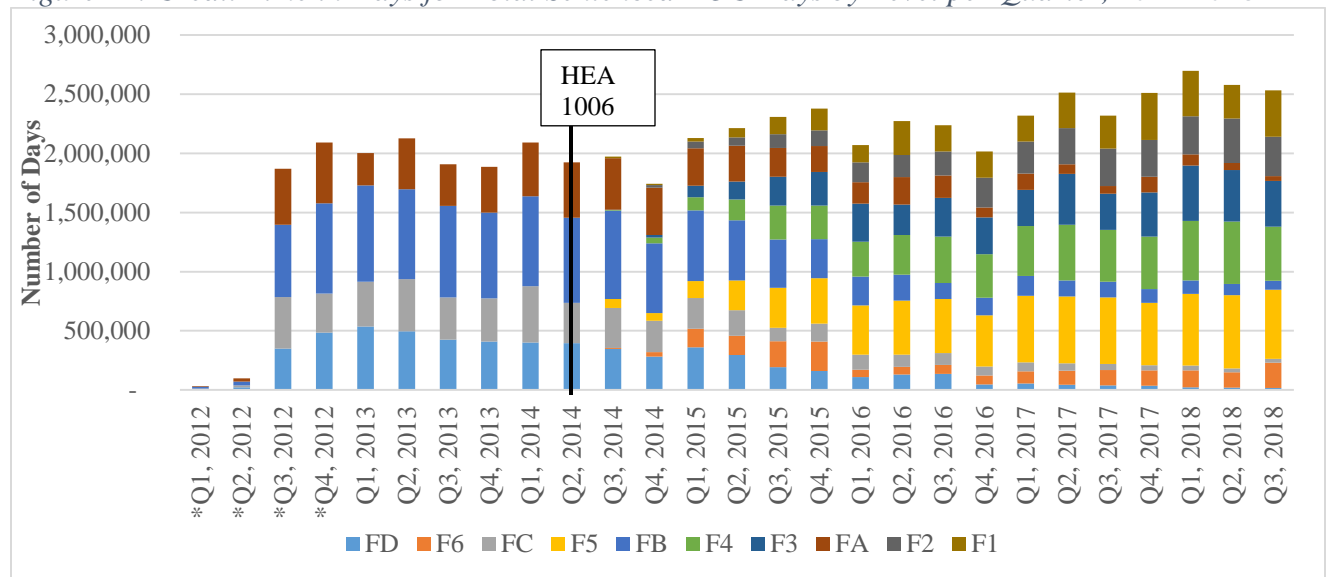
Table 11: Average Days Sentenced to DOC and Credit Time, Pre- and Post- 1006

Felony Levels	Pre 1006*	Pre 1006 Credit Time	Post 1006	Post 1006 Credited Time
A	6,027	3,013	3,407	1,704
1			10,280	7,710
2			3,517	2638
B	1,398	699	1,174	587
3			2,063	1,548
4			1,500	1,125
C	672	336	594	297
5			610	457
D	351	176	308	154
6			266	133

**Pre 1006 data does not include data from 2012 because it is unreliable*

Figure 12 below displays that with the new credit class, offenders today are staying in DOC longer than pre-1006. The credit figure helps explain how even though pre-1006 offenders were being sentenced to more days, the post-1006 offenders are staying in DOC longer. The credit class data was calculated by taking the total number of days sentenced and multiplying by either .5 or .75, depending on the felony level.

Figure 12: Credit Time in Days for Total Sentenced DOC Days by Level per Quarter, 2012-2018



*2012 data is unreliable because a new data collection system was being implemented.

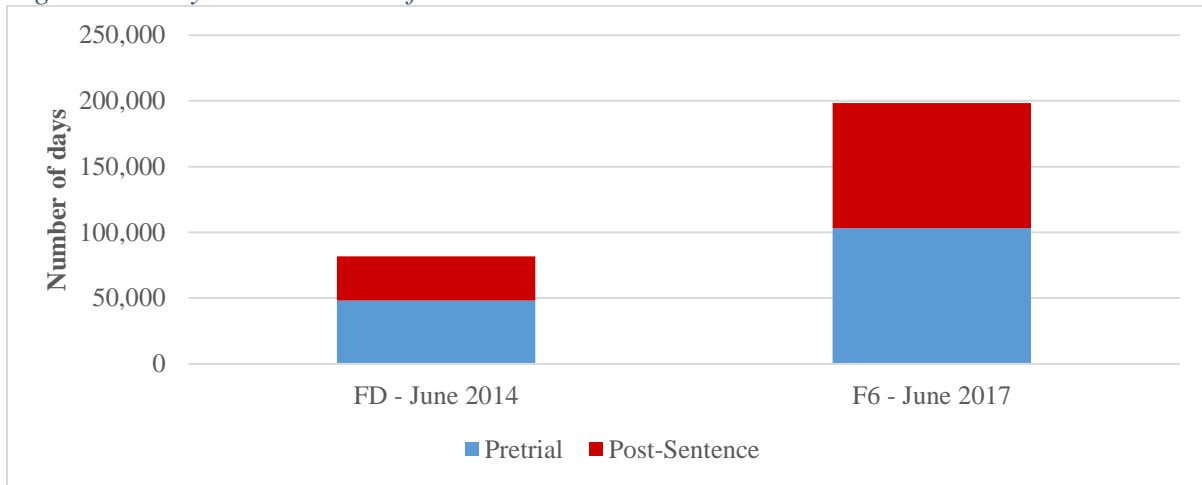
Days Sentenced to Jail

Before the enactment of HEA 1006, FDs were able to be sentenced to DOC. Now, F6s are rarely sentenced to DOC. Instead, F6s are more likely sentenced to jail, probation or community corrections. The courts provided an example of comparing pre-1006 FDs serving time in jail to F6s. The courts stated,

“In June 2014, FD felons were sentenced to a total of 81,683 days in county jails. 48,202 of those days were served in jail before their sentencing hearing, leaving 33,481 days to be executed post-sentence. In June 2017, F6 felons were sentenced to 198,260 days in county jails. However, 103,049 of those days were served pre-trial, leaving 95,211 days left to serve post-sentence. This is a 184% increase over the number of days ordered post-sentence for FD felons in June 2014.”

Only data from June of 2014 and June 2017 are shown in *Figure 13*. These two time periods were used for data reliability purposes.

Figure 13: Days Served in Jail for FDs and F6s

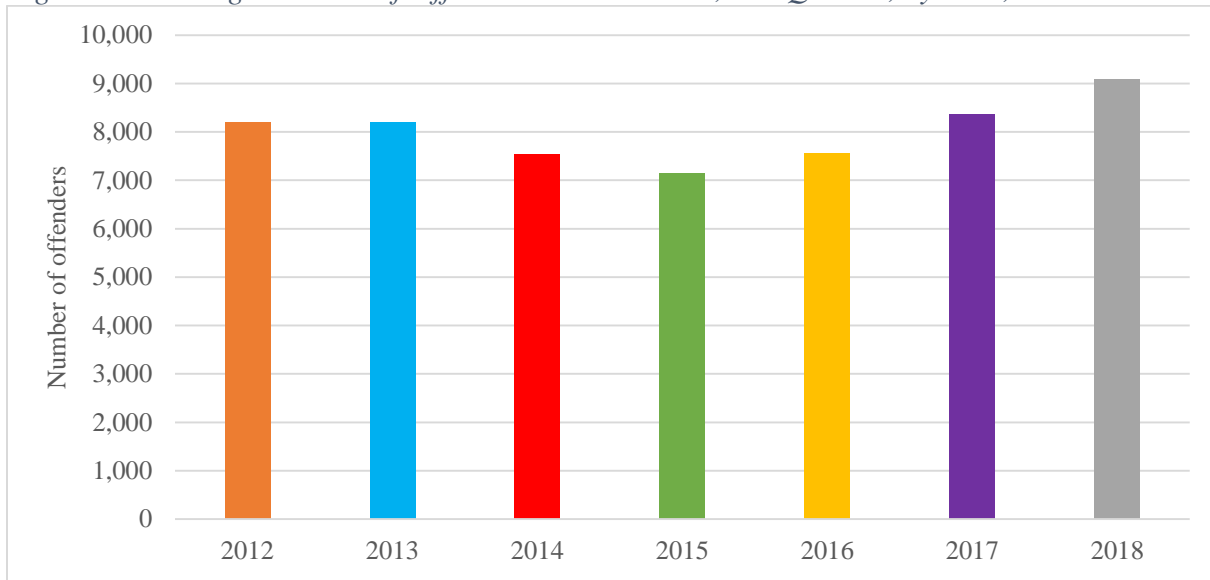


The example from the courts and *Figure 13* above show that there was a large increase in the number of days sentenced to the county jails for F6s. This is expected because there are less F6s being sentenced to DOC. These two months were used to do the comparison, because June 2014 is the last month of the old felony system and June 2017 shows the change of HEA 1006 exactly three years later. The courts receive this data from numerous jail management systems and compile the data.

Probation

Figure 14 below represents the average number of offenders on probation per quarter from 2012-2018. The number of offenders on probation had a downward trend from 2012 to 2015, but began to increase in 2016. In 2018, the number of offenders on probation is on track to continue this upward trend. The average number of offenders on probation per quarter for 2018 is 9,091. This is 733 more offenders than 2017's average offenders per quarter. The total number of offenders on probation will likely continue to grow each year.

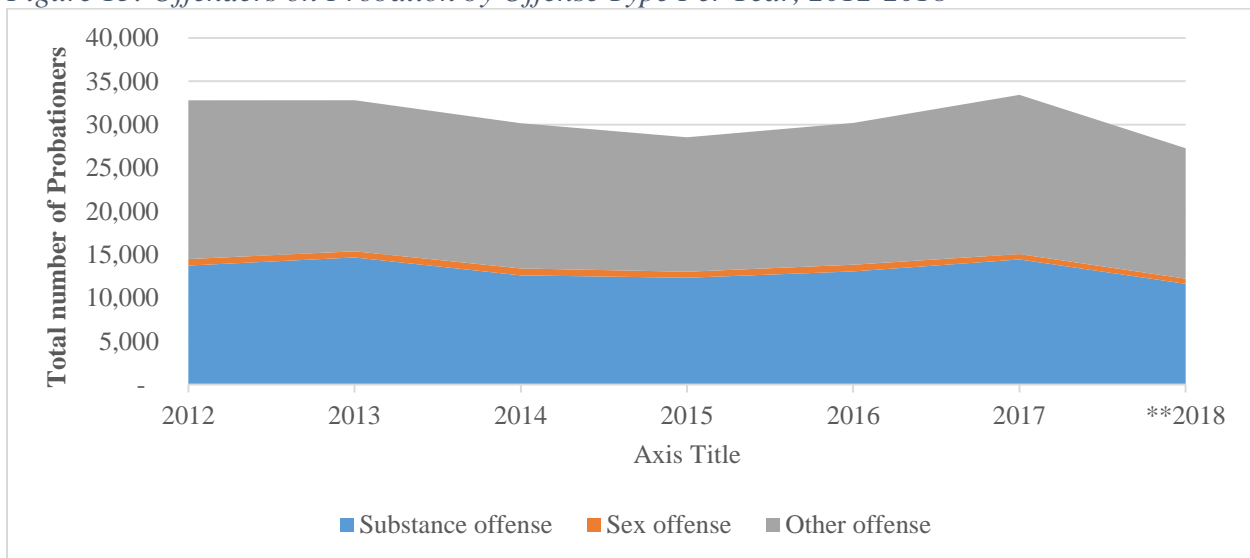
Figure 14: Average Number of Offenders on Probation, Per Quarter, by Year, 2012-2018**



**2018 data contains 3 quarters of data

Figure 15 below shows the total number of offenders on probation by offense. A majority (55%) of those on probation committed a crime other than a sex offense or a substance offense. Substance offenders make up about 43% of offenders on probation and sex offenders make up between 2-3% of offenders. The number of sex offenders on probation has stayed consistent even after the enactment of 1006. Substance offenders dropped slightly in 2014 and 2015, but started to trend back up in 2016 and in the next couple of years will be higher than pre-1006 numbers.

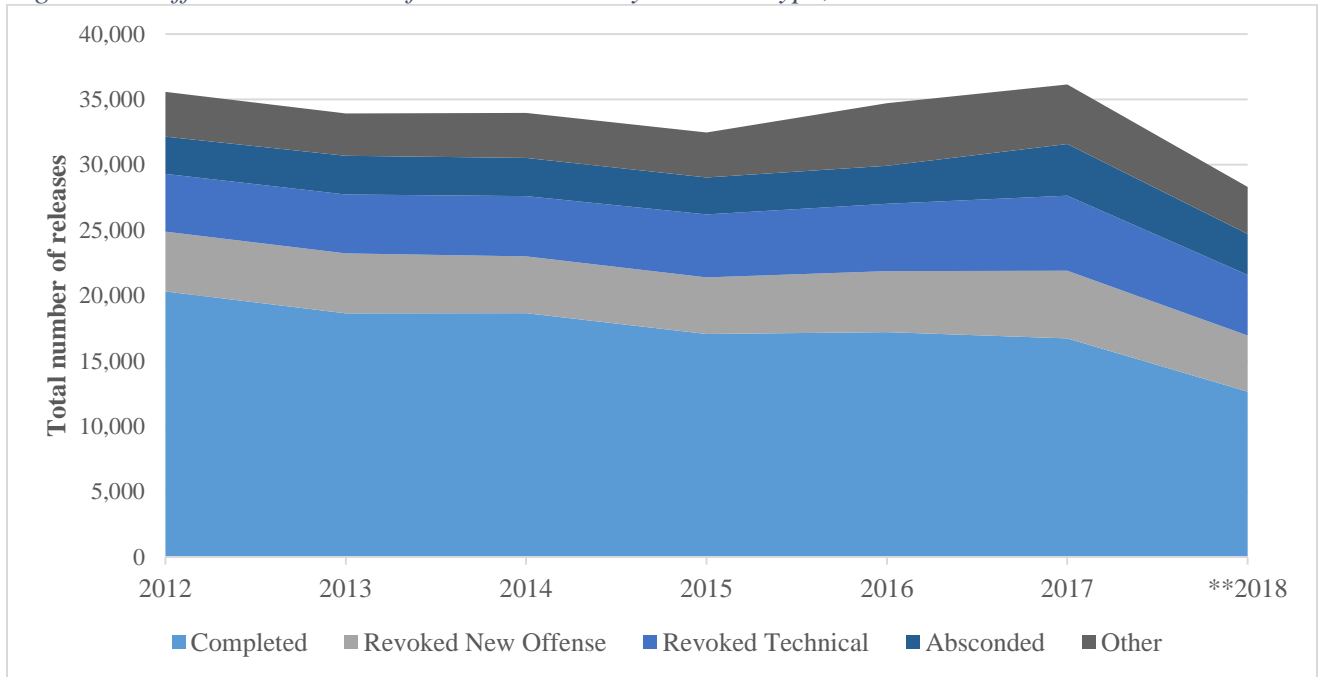
Figure 15: Offenders on Probation by Offense Type Per Year, 2012-2018**



**2018 data contains 3 quarters of data.

Figure 16 displays the number of offenders being released from probation, which also had a downward trend from 2012-2015. In 2016, the number of offenders released from probation began to increase. The number being released from probation in 2016 was only 869 fewer offenders than in 2012, which was the pre-1006 year with the most offenders released (8,896 on average per quarter). Currently, 2018 is on track to continue the upward trend. By September 30, 2018, an average of 9,436 offenders each quarter had been released from probation. This means if 2018 continues to grow in the final quarter, a total of 37,744 offenders will be released from probation.

Figure 16: Offenders Released from Probation by Release Type, 2012-2018**



**2018 data contains 3 quarters of data.

There are different methods of release, including discharged (completed probation), revoked for new offense, revoked for a technical violation (e.g., positive drug test), absconded (whereabouts are currently unknown), and other. As shown in Figure 17 below, a majority of offenders released from probation have completed their probation sentence. More offenders were released for completion pre-1006 (56%), than has been released for completion post-1006 (49%). There was an increase of 6% in offenders on probation post-1006 being released for a reason besides completion compared to offenders on probation pre-1006. Table 12 below provides the data from which Figure 17 was created.

Figure 17: Methods of Release from Probation, Pre- and Post- 1006

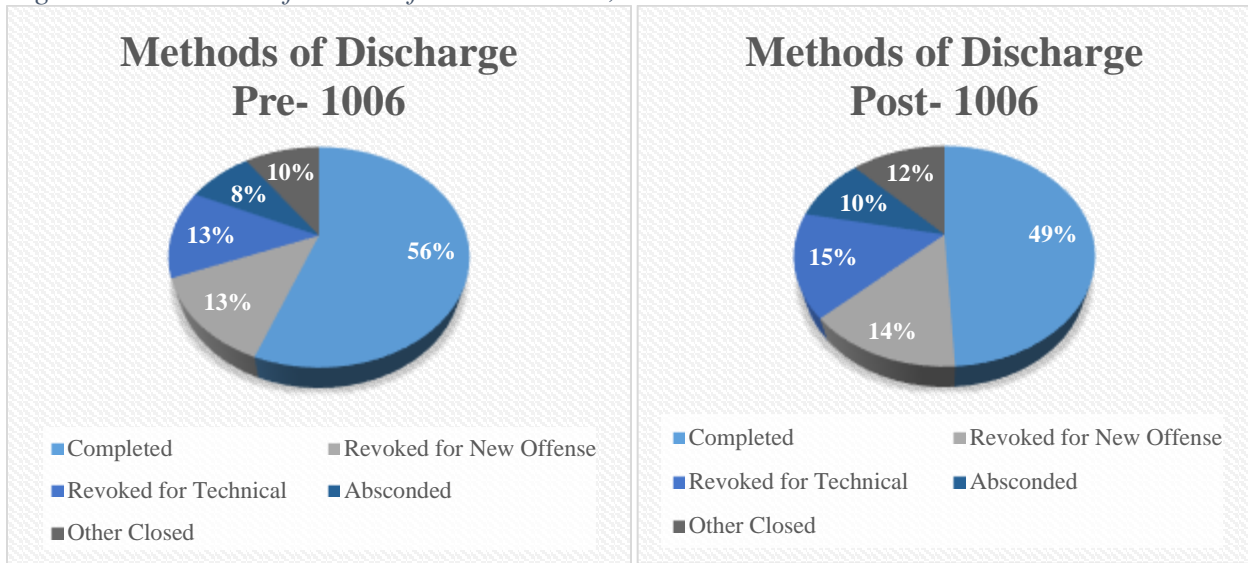


Table 12: Offenders on and Released from Probation by Offense Type, 2012-2018

Offenders on Probation by Offense							
	2012	2013	2014	2015	2016	2017	2018**
Substance offense	13,739	14,675	12,608	12,332	13,063	10,480	11,635
Sex offense	748	709	799	693	775	460	591
Other offense	18,316	17,430	16,750	15,513	16,354	13,781	15,048
Total	32,803	32,814	30,157	28,538	30,192	24,721	27,274
Released from Probation							
	2012	2013	2014	2015	2016	2017	2018**
Completed	20,309	18,632	18,647	17,055	17,196	12,122	12,641
Revoked New Offense	4,579	4,591	4,346	4,331	4,669	3,865	4,297
Revoked Technical	4,419	4,506	4,613	4,819	5,153	4,387	4,639
Absconded	2,848	2,962	2,921	2,827	2,909	2,838	3,126
Other	3,428	3,240	3,445	3,443	4,787	3,220	3,604
Total	35,583	33,931	33,972	32,475	34,714	26,432	28,307

**2018 data contains 3 quarters of data.

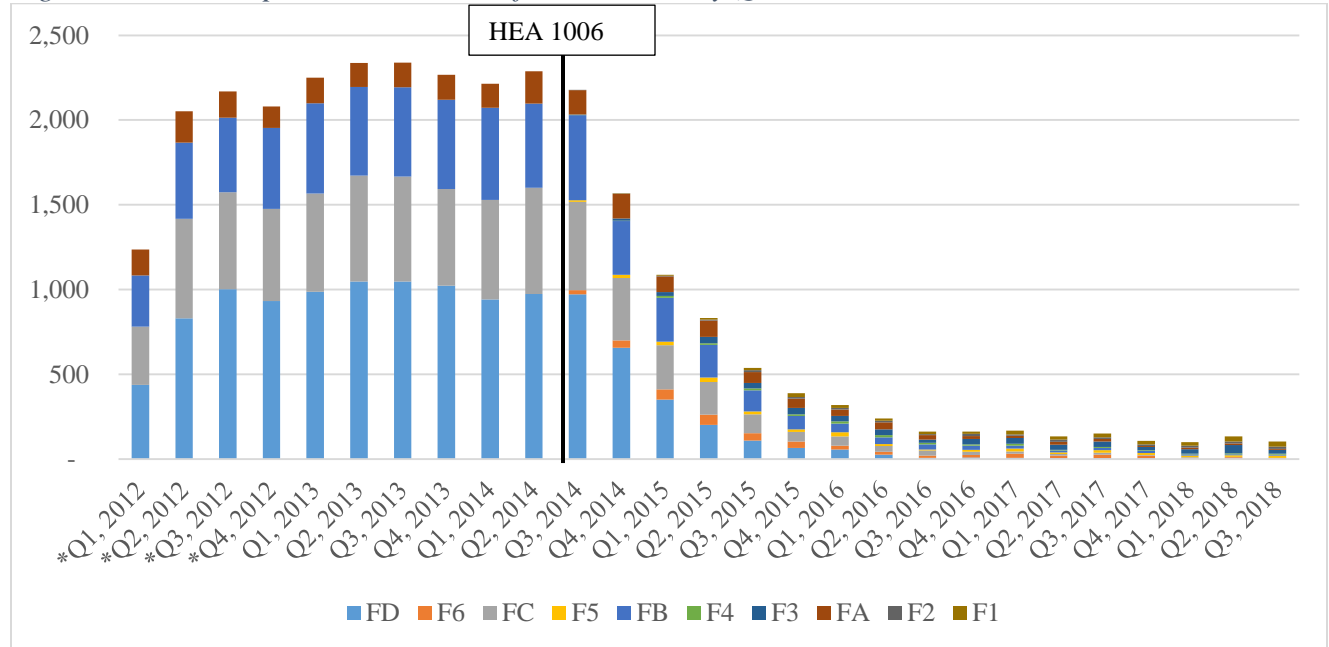
Suspendible and Non-Suspendible

Another significant feature of 1006 is that many offenses that were formerly non-suspendible may now be suspended. If an offense is non-suspendible, the court may suspend only that portion of the sentence that is in excess of the minimum. The court must sentence the offender to the minimum amount of executed time. HEA 1006 eliminated many situations in which an offense is non-suspendible.

Figure 18 below shows the total number of non-suspendible cases. As the data shows, post enactment of 1006, there was a dramatic decrease in the number of non-suspendible sentences. The downward trend was evident within the last two quarters of 2014, and has stayed fairly

consistent since the 3rd quarter of 2016 through 2018. Since the 3rd quarter of 2014, there has been a 95% decrease in the number of non-suspendible sentences. *Table 13* below shows the data for *Figure 18*.

Figure 18: Non-Suspendible Sentences for All Levels by Quarter, 2012-2018



*2012 data is unreliable because a new data collection system was being implemented.

Table 13: Non-Suspendible Sentences for All Levels by Quarter, 2012-2018

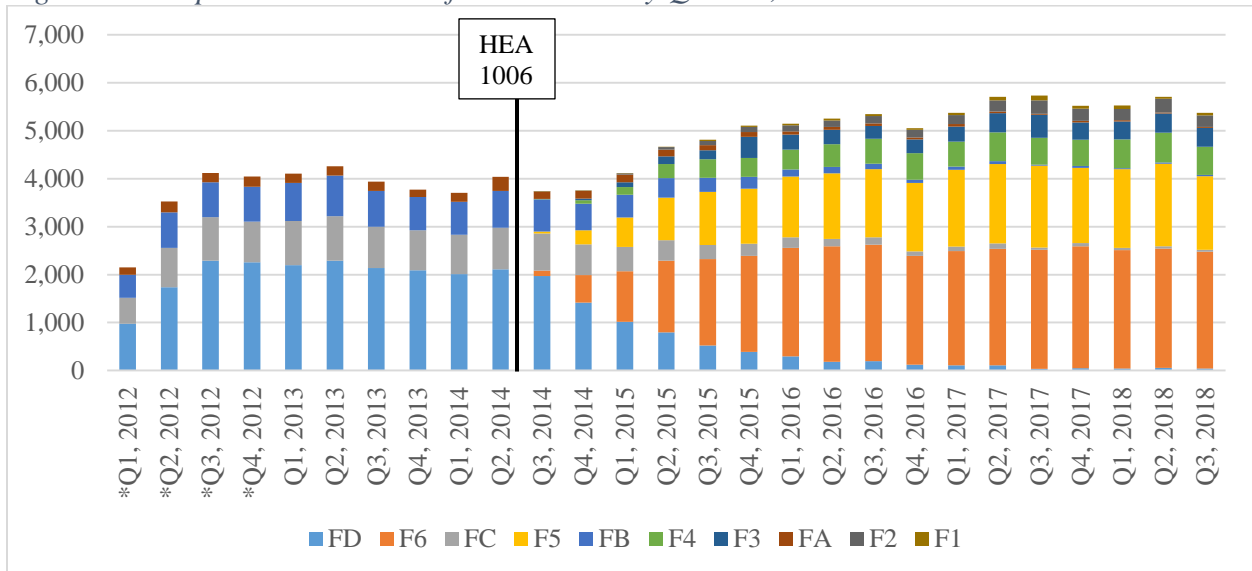
Quarter and Year	FD	F6	FC	F5	FB	F4	F3	FA	F2	F1
*Q1, 2012	437		345		301			154		
*Q2, 2012	831		586		450			184		
*Q3, 2012	1,003		571		440			154		
*Q4, 2012	932		544		478			126		
Q1, 2013	988		578		533			152		
Q2, 2013	1,047		625		524			140		
Q3, 2013	1,047		620		527			144		
Q4, 2013	1,023		571		525			148		
Q1, 2014	942		587		544			142		
Q2, 2014	973		628		497			190		
Q3, 2014	972	24	522	9	503	2	1	144	1	-
Q4, 2014	657	44	368	18	318	2	12	145	2	3
Q1, 2015	351	61	260	21	258	12	22	93	4	6
Q2, 2015	201	61	193	26	193	9	37	98	5	9
Q3, 2015	109	44	111	17	125	11	33	63	12	13
Q4, 2015	66	38	57	14	80	9	38	54	10	23
Q1, 2016	56	23	55	24	52	12	33	38	8	17

Q2, 2016	27	16	35	11	40	12	35	40	10	14
Q3, 2016	8	13	30	5	30	10	19	26	6	15
Q4, 2016	9	16	18	12	24	8	32	17	12	15
Q1, 2017	7	25	14	17	16	11	35	13	8	22
Q2, 2017	6	14	10	10	10	5	30	17	12	20
Q3, 2017	6	20	12	14	13	6	33	15	10	21
Q4, 2017	5	16	4	11	12	5	19	5	9	21
Q1, 2018	4	4	3	10	7	3	28	8	12	21
Q2, 2018	3	8	2	9	6	5	50	9	11	30
Q3, 2018	4	3	1	13	6	4	23	7	13	29
Total	11,714	430	7,350	241	6,512	126	480	2,326	145	279

*2012 data is unreliable because a new data collection system was being implemented.

Figure 19 shows that suspendible cases have steadily increased since July 1, 2014. This is anticipated because the previous data shows a decrease in the number of non-suspendible cases. The data also shows there has been some consistency between the various felonies. There are more suspendible cases for each level, which trends along with a rise in the number of suspendible sentences. Table 14 below provides the data used to create the suspendible figure.

Figure 19: Suspendible Sentences for All Levels by Quarter, 2012-2018



*2012 data is unreliable because a new data collection system was being implemented.

Table 14: Suspendible Sentences for All Levels by Quarter, 2012-2018

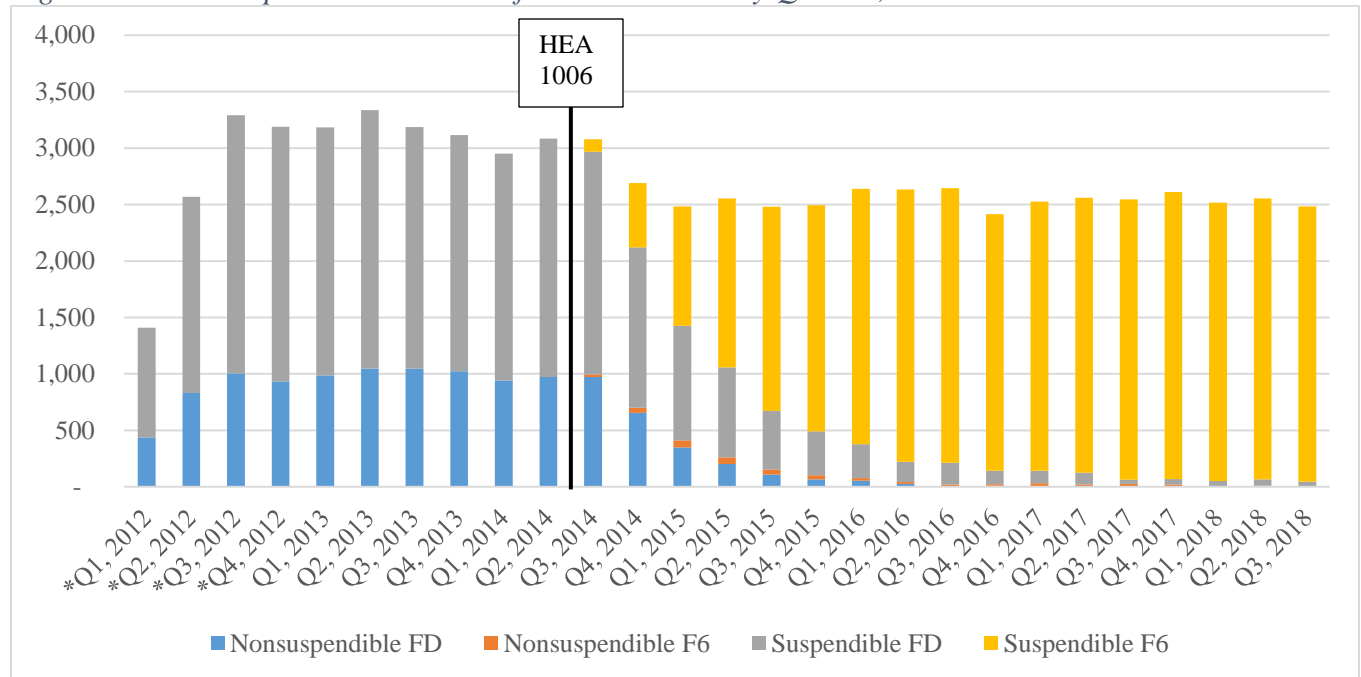
Quarter and Year	FD	F6	FC	F5	FB	F4	F3	FA	F2	F1
*Q1, 2012	973		541		480			158		
*Q2, 2012	1,738		823		739			224		
*Q3, 2012	2,289		911		729			188		

*Q4, 2012	2,257		847		730			210		
Q1, 2013	2,195		923		796			191		
Q2, 2013	2,288		928		850			192		
Q3, 2013	2,140		861		746			189		
Q4, 2013	2,092		832		692			156		
Q1, 2014	2,008		821		693			182		
Q2, 2014	2,110		866		771			291		
Q3, 2014	1,972	109	775	45	663	8	6	153	4	3
Q4, 2014	1,420	568	646	291	552	76	30	164	6	1
Q1, 2015	1,013	1,057	508	617	470	163	96	160	30	3
Q2, 2015	796	1,497	428	887	402	297	157	140	59	6
Q3, 2015	520	1,806	293	1,105	297	386	183	112	83	27
Q4, 2015	387	2,003	255	1,148	246	397	439	98	104	27
Q1, 2016	298	2,263	216	1,271	148	411	314	68	124	32
Q2, 2016	180	2,411	153	1,371	133	472	301	61	135	38
Q3, 2016	194	2,429	157	1,418	117	518	270	54	149	42
Q4, 2016	119	2,272	93	1,426	69	556	285	37	166	33
Q1, 2017	111	2,382	93	1,602	63	522	317	49	188	47
Q2, 2017	107	2,432	113	1,655	59	604	399	31	233	75
Q3, 2017	37	2,482	47	1,708	19	563	480	18	278	103
Q4, 2017	49	2,540	68	1,572	38	545	364	30	254	58
Q1, 2018	45	2,465	50	1,642	18	603	370	29	235	68
Q2, 2018	55	2,489	46	1,724	28	615	406	19	288	39
Q3, 2018	39	2,437	44	1,533	26	588	391	22	242	51
Total	27,432	33,642	12,338	21,015	10,574	7,324	4,808	3,226	2,578	653

*2012 data is unreliable because a new data collection system was being implemented.

Figure 20 below displays two different analyses; it compares FDs and F6s, but also suspendible and non-suspendible sentences. There was a dramatic decrease in non-suspendible sentences within six months of the enactment of 1006. By the end of 2015, there were few sentences at this level that were labeled as non-suspendible. Suspendible sentences for F6s will continue to increase and non-suspendible sentences will continue to decrease with time. Table 15 below provides the data from which Figure 20 was created.

Figure 20: Non-Suspendible Sentences for FDs and F6s by Quarter, 2012-2018



*2012 data is unreliable because a new data collection system was being implemented.

Table 15: Non-Suspendible and Suspendible Sentences for All Levels by Quarter, 2012-2018

Quarter and Year	Non-Suspendible FD	Non-Suspendible F6	Suspendible FD	Suspendible F6
*Q1, 2012	437		973	
*Q2, 2012	831		1,738	
*Q3, 2012	1,003		2,289	
*Q4, 2012	932		2,257	
Q1, 2013	988		2,195	
Q2, 2013	1,047		2,288	
Q3, 2013	1,047		2,140	
Q4, 2013	1,023		2,092	
Q1, 2014	942		2,008	
Q2, 2014	973		2,110	
Q3, 2014	972	24	1,972	109
Q4, 2014	657	44	1,420	568
Q1, 2015	351	61	1,013	1,057
Q2, 2015	201	61	796	1,497
Q3, 2015	109	44	520	1,806
Q4, 2015	66	38	387	2,003
Q1, 2016	56	23	298	2,263
Q2, 2016	27	16	180	2,411

Q3, 2016	8	13	194	2,429
Q4, 2016	9	16	119	2,272
Q1, 2017	7	25	111	2,382
Q2, 2017	6	14	107	2,432
Q3, 2017	6	20	37	2,482
Q4, 2017	5	16	49	2,540
Q1, 2018	4	4	45	2,465
Q2, 2018	3	8	55	2,489
Q3, 2018	4	3	39	2,437
Total	11,714	430	27,244	23,711

*2012 data is unreliable because a new data collection system was being implemented.

Department of Correction and Community Corrections Data

HEA 1006 impacted the DOC offender population in these key ways:

- Credit time class: Offenders who are not a credit restricted felon and sentenced for Murder or F1 through F5 are eligible for Credit Classes B through D. Offenders may only earn back, at most, one day for every three days of appropriate behavior while incarcerated. Only F6 offenders are eligible for Credit Class A, allowing them to earn back one day for every one day of appropriate behavior.
- Earned educational credit time: Felons sentenced to DOC under the new criminal code are eligible for up to two years or one-third of offender's total sentence, whichever is less, in applicable credit time.
- A person convicted of a F6 may not be committed to DOC unless:
 - The offender has been committed due to violating a condition of probation, parole, or community corrections by committing a new offense; or
 - Is convicted of a F6 and the sentence for that felony is ordered to be served consecutively to the sentence for another felony;
 - Is convicted of a F6 that is enhanced by an additional fixed term or has received an enhanced sentence; and
 - The person's earliest release date is greater than 365 days. (IC 35-38-3-3).

Total Adult Offenders Population

This section discusses the average number of adult offenders under any commitment to the DOC, which includes DOC facilities (*Figure 21*), county hold jail beds (*Figure 22*), and F6 diversions (*Figure 23*). County hold jail beds are those offenders housed at the county jail awaiting transfer to a DOC facility. F6 diversions are F6 offenders who are serving time in a county jail because they cannot be sent to a DOC facility to serve their time per statute. *Figure 21* demonstrates that the facility offender population had decreased following HEA 1006 and then began to trend upward again starting in the second quarter of 2017. County hold jail beds have decreased significantly from the third quarter of 2014 to the first quarter of 2018, but increased slightly starting in the second quarter of 2018. The number of F6 diversions has steadily increased, as expected since the majority of F6 offenders can no longer be housed in a DOC facility. On

September 30, 2018, the number of adults supervised by the DOC exclusively averaged 29,081 offenders, including 26,296 in DOC facilities, 280 in county jails waiting to go to DOC, and 2,505 in jails as F6 diversions.

Figure 21: Average DOC Facility Population per Quarter, 2012-2018

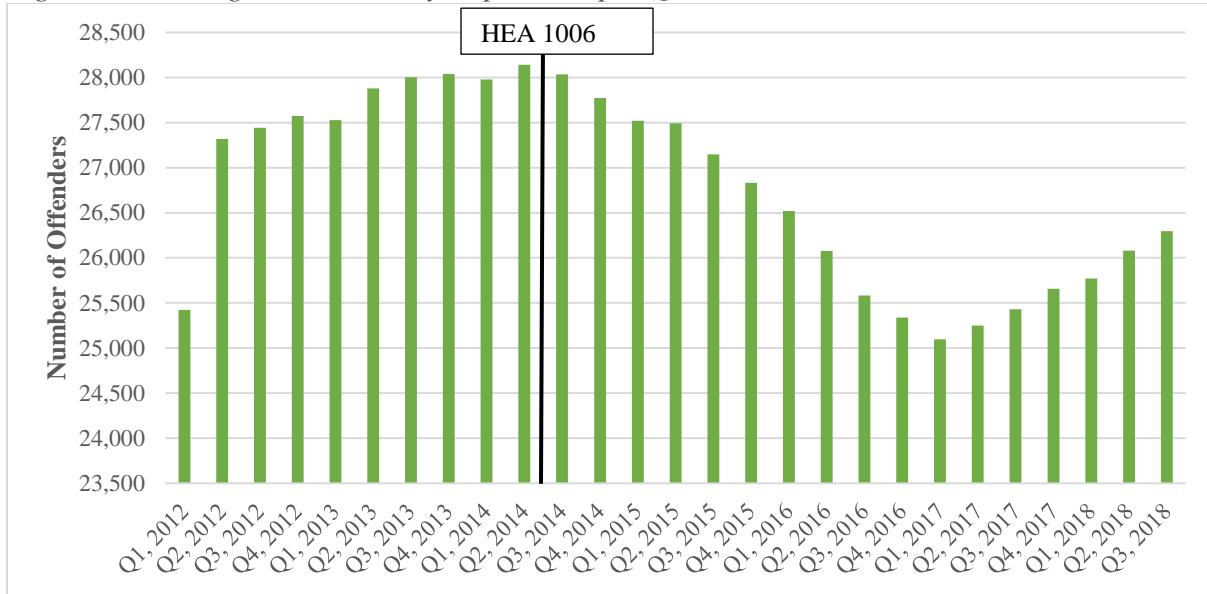


Figure 22: Average DOC County Hold Population per Quarter, 2014-2018*

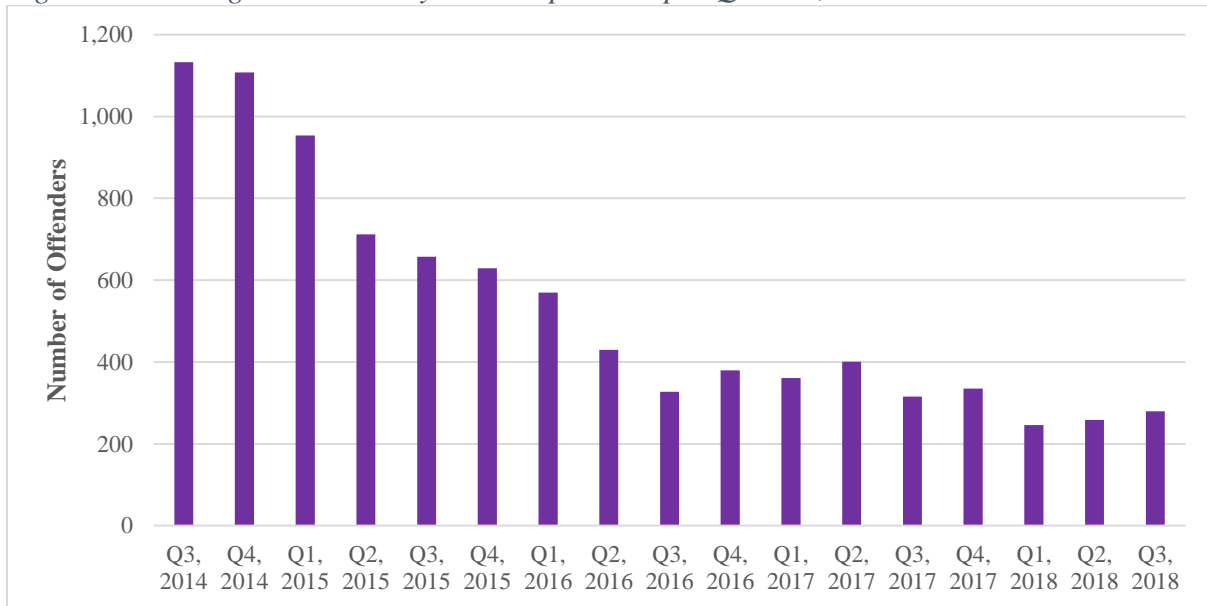
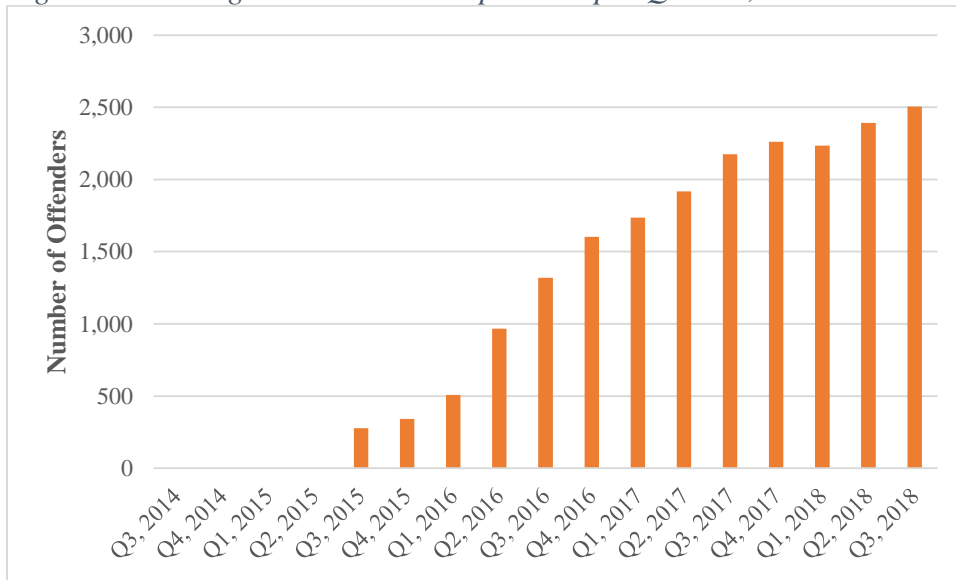


Figure 23: Average F6 Diversion Population per Quarter, 2014-2018

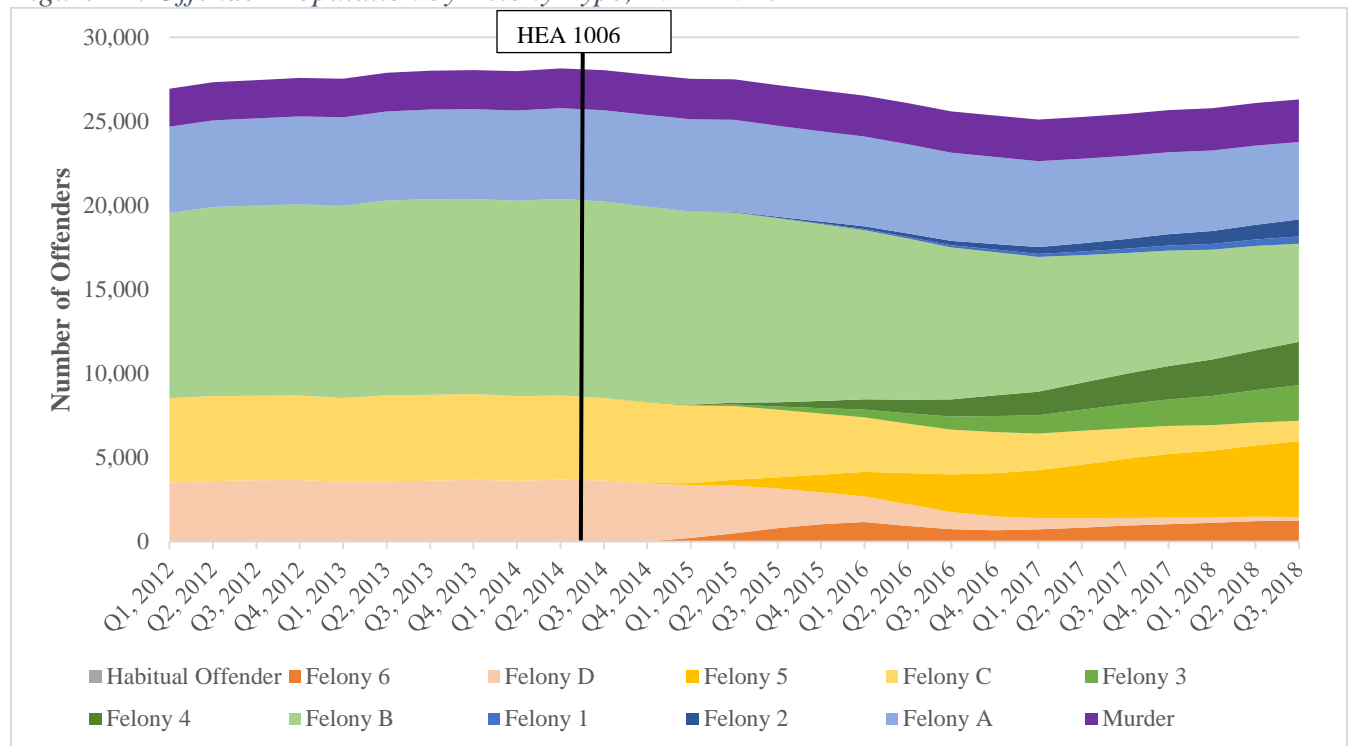


DOC Facility Population

Figure 24 illustrates the DOC population by felony type from January 1, 2012 to October 1, 2018. This figure represents the quarterly average of adult male and female offenders who are housed in reentry and work release facilities; inside minimum, medium, and maximum security facilities; and in contracted facilities. These numbers do not include county holds awaiting transfer to DOC or F6 diversions located in county jails.

In the 1st quarter of 2012, the DOC was responsible for an average of 27,318 adult offenders. During the 2nd quarter of 2014, the DOC population peaked with an average of 28,139 offenders. Following the enactment of 1006, there was an observable decrease in the number of offenders. The population was lowest during the first quarter of 2017, with an average of 25,098 offenders. Since that time, there has been an increase in offenders, with the population averaging 26,296 in the third quarter of 2018.

Figure 24: Offender Population by Felony Type, 2012-2018



To compare the effects of HEA 1006 on the DOC population, a determination was made that certain felony types were roughly equivalent as follows:

- A Felony: Felony 1 and Felony 2
- B Felony: Felony 3 and Felony 4
- C Felony: Felony 5
- D Felony: Felony 6

Table 16 demonstrates the median number of offenders committed to DOC facilities and contracted DOC facilities, comparing the pre-1006 (January 1, 2012 – June 30, 2014) populations and the post-1006 (July 1, 2014 – October 1, 2018) populations by most serious offense. Median is used here and throughout this section instead of mean, unless stated, due to instability of the data following the enactment of 1006; mean is sensitive to extreme highs and lows, while median is not. The table indicates that the median number of offenders with Murder and Felonies A/1/2 have increased slightly by about 7% each. Felonies B/3/4 and C/5 have decreased slightly by 6% and 3%, respectively. Felony D/6s have decreased (50%), as is expected due to sentencing changes. The overall effect during this time period has been a decrease of 2,064 offenders or 7% housed within the DOC facilities.

Table 16: Comparison of Median Offender Population Pre- and Post- 1006

Median	Murder	Felony Level									
		A	1	2	B	3	4	C	5	D	6
Pre 1006	2,296	5,278	0	0	11,509	0	0	5,034	0	3,614	0
Post 1006	2,455	5,245	130	260	9,035	782	1,016	2,663	2,241	1,016	824

Admissions and Releases

Figure 25 compares total quarterly adult admissions and quarterly releases for DOC and contracted facilities. An admission is when an offender enters the custody or jurisdiction of the DOC. A release is when an offender leaves the custody or jurisdiction of the DOC. From the period of January 2012 to the fourth quarter of 2016, admissions decreased. Since 2017, admissions have gradually increased. Releases have been decreasing since the enactment of 1006 through the second quarter of 2017. Since then, releases have been fairly steady throughout 2018. The pre-1006 median for admissions was 4,502 per quarter and the median for releases was 4,877 per quarter. The post-1006 admissions median through September 30, 2018 is 2,803 per quarter and the median released is currently 3,349 per quarter. Both the pre-1006 medians for admissions and releases have decreased by 38% and 31%, respectively, compared to the post-1006 medians.

Figure 25: Comparison of Admissions and Releases by Quarter, 2012-2018

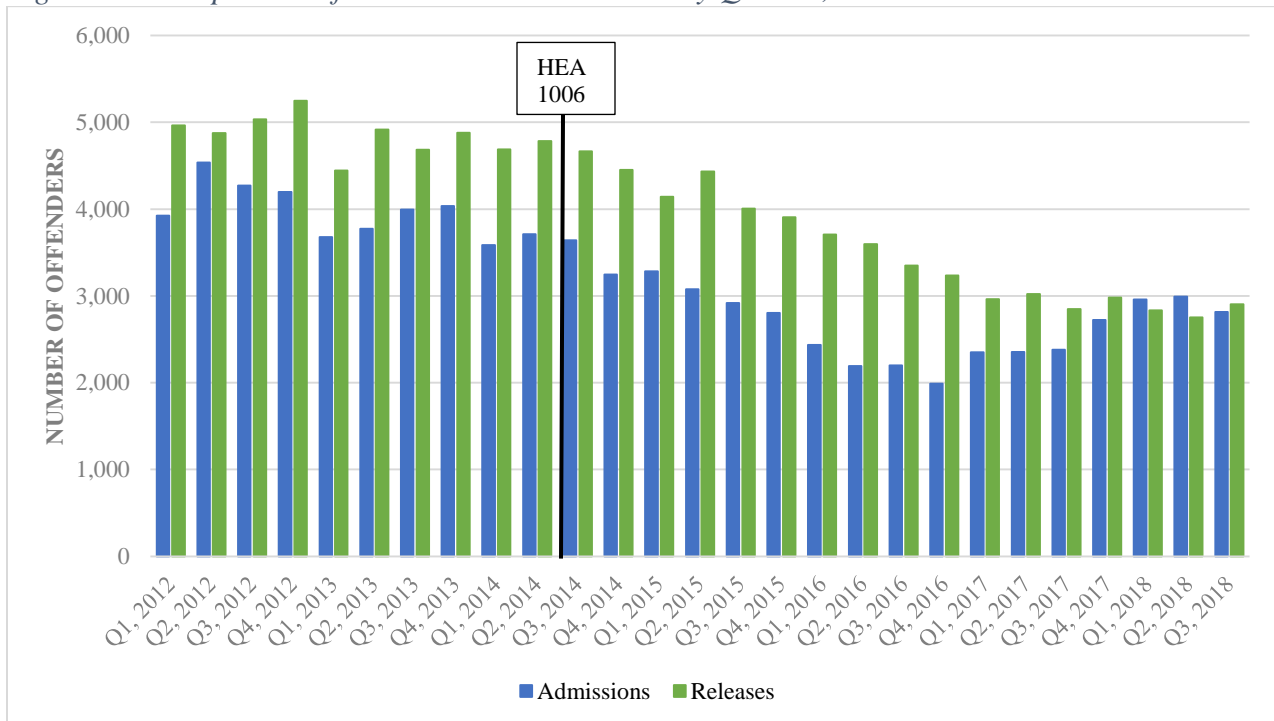


Figure 26 compares the median quarterly admissions by commitment type from pre-1006 to post-1006. Pre-1006 median quarterly admissions were calculated by finding the median for quarterly admissions from January 2012 to June 2014. The post-1006 admissions were calculated by finding the median for all quarterly admissions from July 2014 to October 2017.

Admissions were further broken down into the type of commitment. New Commitments are offenders who are being committed to DOC on a new sentence. Violation-New Commitment are those offenders who were under community supervision including Probation, Parole, and Community Transitions Programs (CTP) and who violated the terms of their community supervision by committing a new offense. These individuals are returning to DOC to serve a new sentence and may also have concurrent and/or consecutive sentences to serve. Technical Violation shows the offenders who were returned to DOC for violating the terms of community supervision, including Probation, Parole, or CTP. The proportion of new commitments are down while the proportion of technical violation returns have increased post-1006. Overall, admissions have decreased 32% and new commitments have decreased 44%. Caution is advised when making inferences about DOC facility space even though overall admissions are down. Data was unavailable for intake by facility type (DOC facility or county hold jail bed). The data suggests that DOC may be using county hold jail beds, because their facilities do not have the capacity to hold all the offenders committed to the DOC. *Table 17*, shows the percent breakdown of each commitment type for total admissions.

Figure 26: Median Quarterly Admission by Commitment Type, Pre- and Post-1006

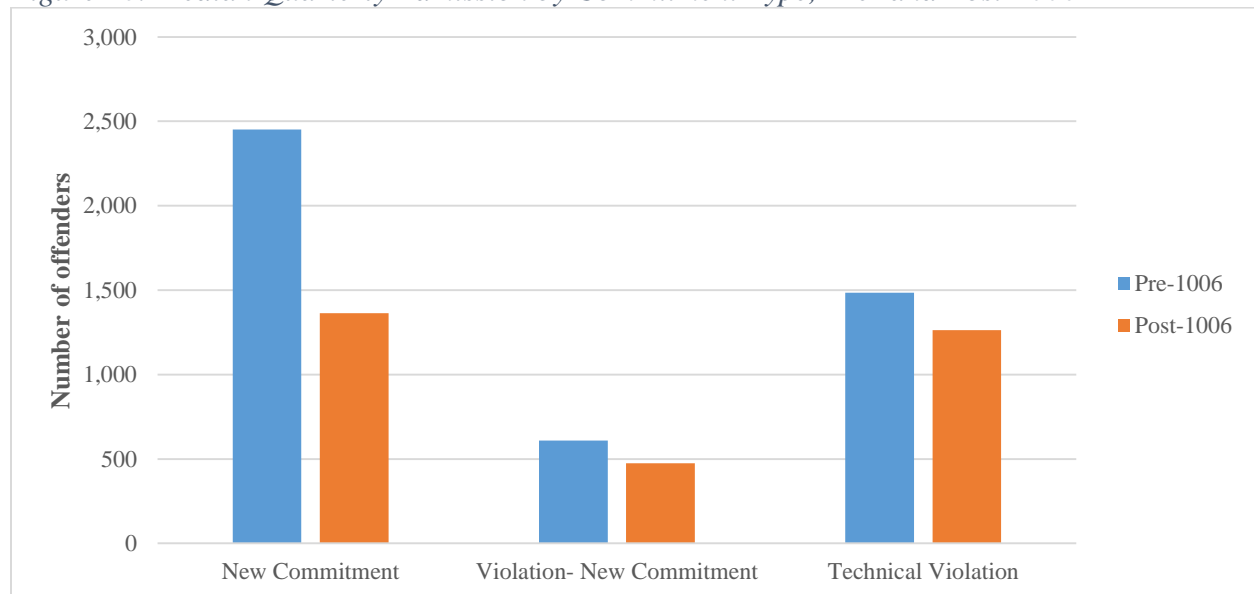


Table 17: Comparison of Median Quarterly Admission by Commitment Type, Pre- and Post-1006

Median	New Commitment	Violation- New Commitment	Technical Violation	Escape/Walkaway/Abscond Returns	Unsentenced (Safekeepers)
Pre-1006	2,451 (54%)	609 (13%)	1,484 (33%)	11 (0%)	5 (0%)
Post-1006	1,364 (44%)	474 (15%)	1,262 (41%)	8 (0%)	7 (0%)

Figure 27 compares the median quarterly releases by type from pre-1006 to post-1006. Pre-1006 median quarterly releases were calculated by finding the median for quarterly releases from January 2012 to June 2014. The post-1006 releases were calculated by finding the median for all quarterly releases from July 2014 to September 2018. Pre- and post-1006 releases were further broken down into the type of release. The discharged category represents offenders who are released from DOC without any further commitment or supervision on any sentence. Parole

shows those offenders who are being released from a DOC facility to community supervision under parole. Probation shows those offenders who were released from a DOC facility to community supervision under probation. CTP shows those offenders who were released from a DOC facility to community supervision under the Community Transition Program. Comparing pre- and post-1006 release numbers, fewer offenders are being released from DOC post-1006. This makes sense given that fewer offenders are also being admitted. Proportionally, as seen in *Table 18*, offender releases by discharge type have stayed about the same.

Figure 27: Median Quarterly Releases by Type, Pre- and Post-1006

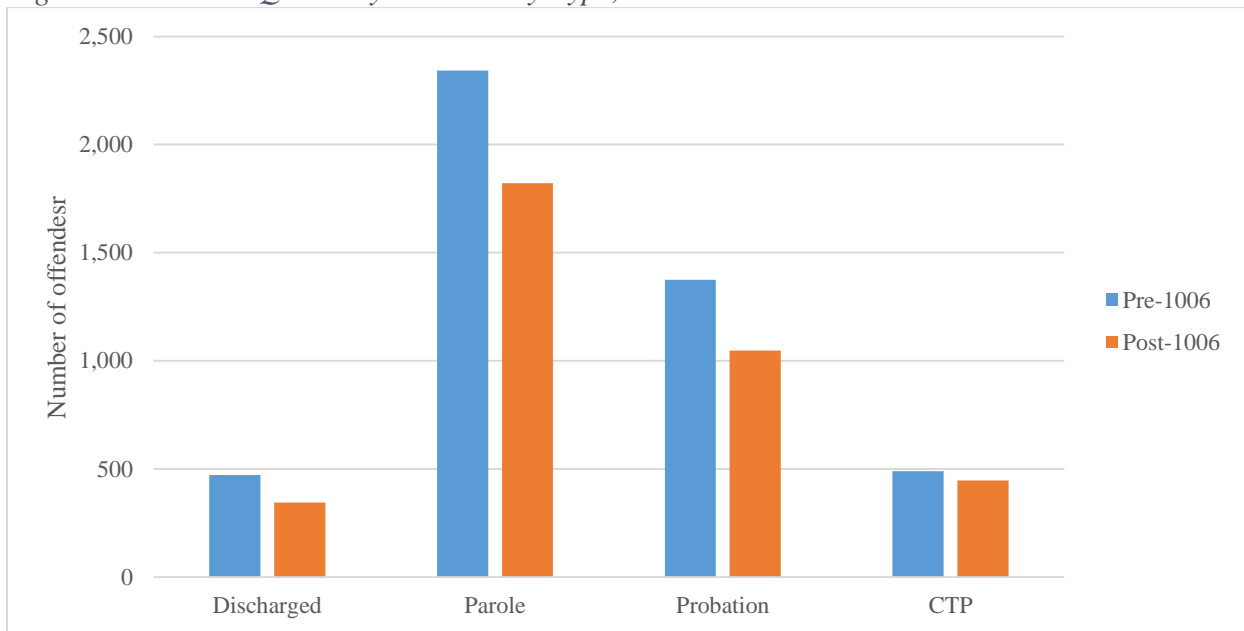


Table 18: Median Quarterly Releases by Type, Pre- and Post-1006

Median	Discharged	Parole	Probation	CTP	Escape/Walk away/Abscond	Other
Pre-1006	471 (10%)	2,343 (50%)	1,374 (29%)	489 (10%)	19 (0%)	14 (0%)
Post-1006	345 (9%)	1,821 (49%)	1,048 (28%)	446 (12%)	19 (0%)	18 (0%)

Risk for Reoffending Upon Intake

The Indiana Risk Assessment System (IRAS) is a suite of tools used in Indiana to evaluate an offender’s risk for reoffending and need for services that can reduce reoffending. This section discusses only scores from the IRAS Prison Intake Tool (IRAS PIT). The IRAS PIT is designed to aid in decisions at intake, develop individualized case plans based on needs, and measure the likelihood of a new offense while in prison.

Figure 28 shows the percentage of IRAS PIT level for the years 2013 through 2018. IRAS levels included in the figure are from DOC admissions in the respective year conducted on the date of admission or up to 75 days after admission. Proportionally within each year, low-risk offenders were increasing until 2017 when there was a 9% decline from 2016. High-risk and very high-

risk offenders were declining until 2017 when it increased by 5 percent. For low-, high- and very high-risk, the percentages of offenders have been the same for both 2017 and 2018, suggesting that the data may be stabilizing. Moderate-risk offenders have stayed about the same throughout the 6-year time frame.

Figure 28: IRAS Level by Year of DOC Admission, 2013-2018

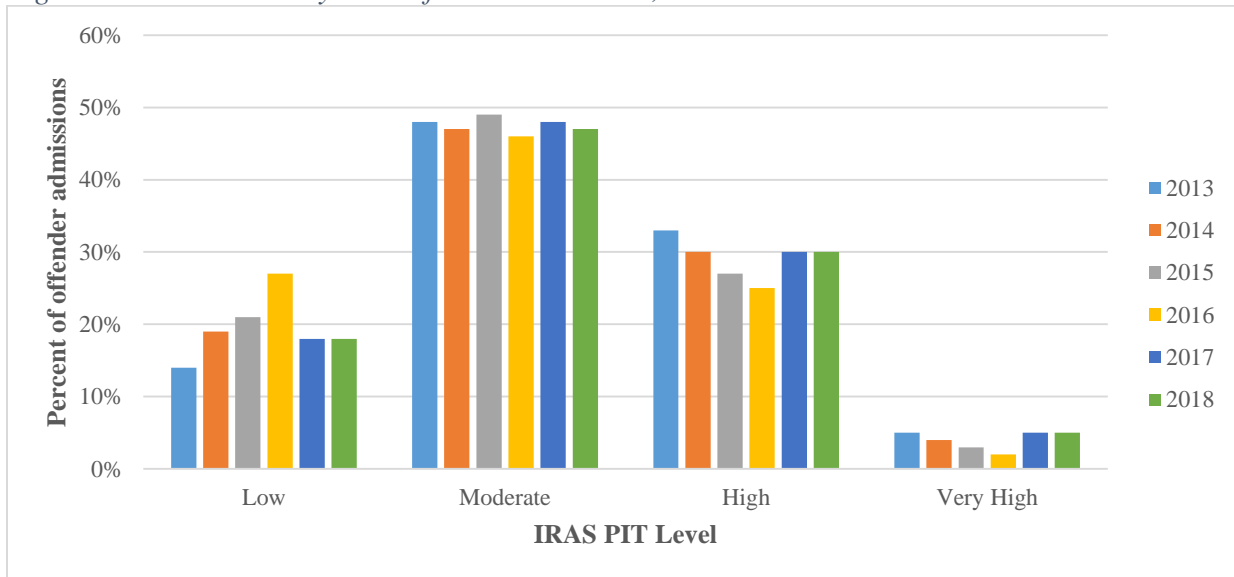


Figure 29 illustrates the proportion of IRAS PIT level (low, moderate, high, very high) by felony level for years 2013-2018. The data shows little variation between felony levels and risk category. The only exception to this was murder in the high-risk category. Most offenders across all felony levels are classified in the Moderate risk category. For the FD/F6 offenders, 4% are very high risk and 27% are high risk.

Figure 29: Proportion of IRAS Level at Admission and Offense Type, 2013-2018

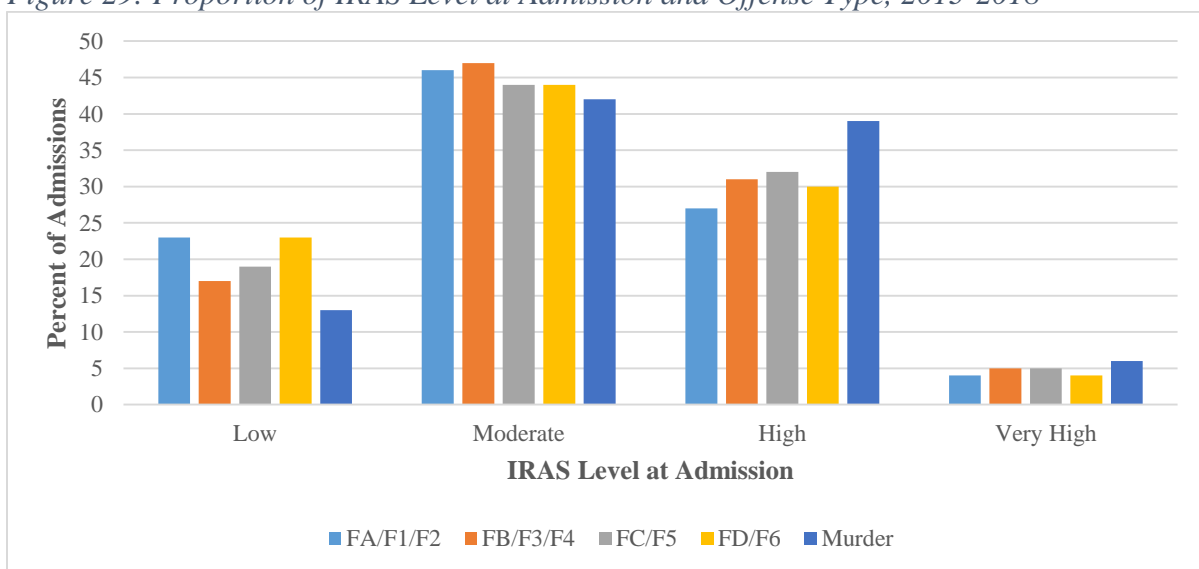


Table 19 shows IRAS Level counts and associated percentages by offense type for 2013-2018. This is the data used to create Figure 29.

Table 19: IRAS Level by Felony Level, 2013-2018

IRAS	Murder	FA, F1, F2	FB, F3, F4	FC, F5	FD, F6	Total
Low	59 (13%)	708 (23%)	2,764 (17%)	2,762 (19%)	3,471 (23%)	9,770 (20%)
Moderate	196 (42%)	1,379 (46%)	7,541 (47%)	6,496 (44%)	6,736 (44%)	22,359 (45%)
High	179 (39%)	830 (31%)	4,878 (32%)	4,775 (30%)	4,582 (27%)	15,245 (31%)
Very High	30 (6%)	112 (4%)	257 (5%)	679 (5%)	606 (4%)	2,171 (4%)
Total	464 (100%)	3,029 (100%)	15,927 (100%)	14,712 (100%)	15,395 (100%)	49,545 (100%)

Recidivism

DOC defines recidivism as any offender who returns to DOC custody within three years of release. Because of this, recidivism data for offenders sentenced post-1006 will not be fully available until the 2019 report, once all data for 2015 releases has been collected. Recidivism data for 2014 is unreliable because only twenty-three offenders sentenced post-1006 have been admitted and released with enough years to analyze recidivism. Overall, recidivism rates from 2009 to 2014 have decreased, from 36.1% for 2009 releases to 33.87% for 2014 releases. For 2014, felony C offenders had the highest recidivism rate followed closely by felony B offenders.

Table 20: Recidivism by Offense Level, 2014 Releases

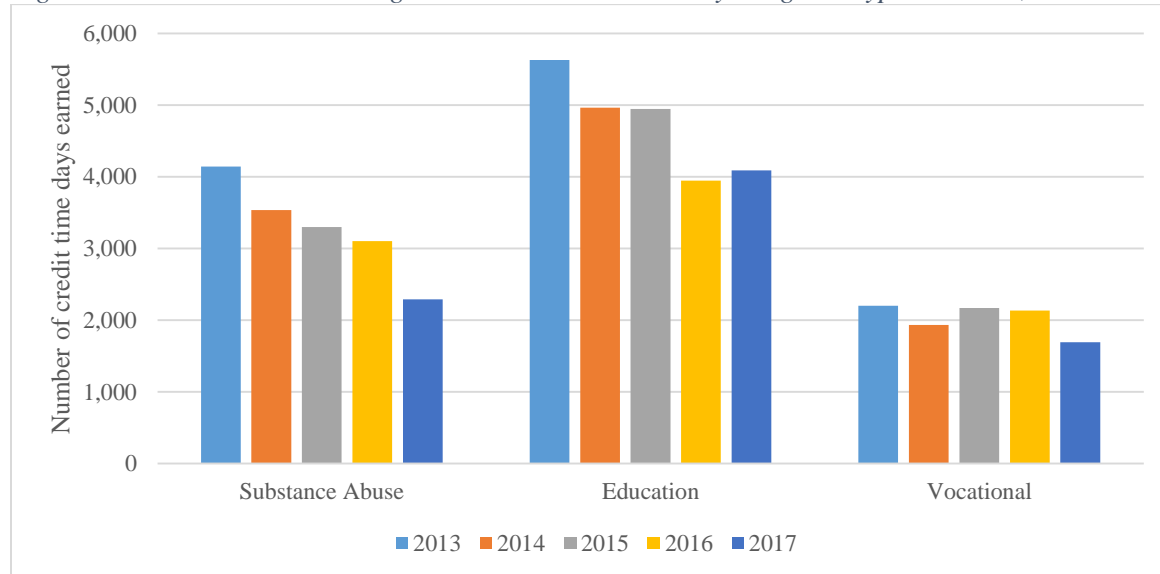
Offense Level	Number Released	Number of Recidivists	Recidivism Rate
Murder	42	3	7.1%
Felony A	464	113	24.4%
Felony B	4,670	1,762	37.7%
Felony C	4,513	1,758	39.0%
Felony D	8,028	2,368	29.5%
Felony 1	0	0	0.0%
Felony 2	0	0	0.0%
Felony 3	0	0	0.0%
Felony 4	0	0	0.0%
Felony 5	3	1	33.3%
Felony 6	11	2	18.2%
Habitual	3	0	0.0%
Contempt	1	0	0.0%
Misdemeanor	5	2	40.0%
Total	17,740	6,009	33.9%

DOC Programs

Figure 30 demonstrates the amount of educational and program credit time earned by program type for 2013-2017. An offender may be represented multiple times in this chart. Credit time for program participation has decreased across educational and substance abuse programs since

2013. Vocational program credit time has stayed relatively stable from 2013-2016, but had a slight decrease in 2017.

Figure 30: Educational and Program Credit Time Earned by Program Type and Year, 2013-2017*



*Offender may be represented multiple times

Table 21 shows program credit time earned by felony level. Both pre- and post-1006 FB offenders received the most program time earned for all three program types, followed by FCs. Of the new felony levels, F5s have earned the most program credit time. Most program credit time earned has been through education.

Table 21: Program Credit Time Earned by Felony Level and Program Type: 2013-2017*

Program Type	F1	F2	F3	F4	F5	F6	FA	FB	FC	FD	HO	M
SUBSTANCE ABUSE	2	85	179	400	844	315	1,254	7,602	3,431	2,168	6	88
EDUCATION	19	136	462	548	1,262	501	2,498	9,753	4,549	3,495	4	348
VOCATIONAL	0	19	65	148	375	178	1,270	5,206	1,969	775	0	128
TOTAL	21	240	706	1,096	2,481	994	5,022	22,561	9,949	6,438	10	564

*Offender may be represented multiple times

Average Time to Serve

Figure 31 shows average total time to serve broken down by “old” felony classes A through D and “new” felony levels 1 through 6. These numbers only represent projected length of stay for the offenders admitted in years 2012 to 2018. The 2018 numbers are only for the first six months of 2018, because the analysis is performed semi-annually. Length of sentence is adjusted for credit time. This analysis does not include admissions due to any type of revocation from pre-incarceration or post-release supervision. For Classes A through D and Level 6, offenders are projected to stay about 50% of their total sentences; for Levels 1 through 5, offenders are projected to stay about 75% of their total sentences. Average time to serve was found by taking

the total amount of time, adjusted for credit time, sentenced on a new commitment divided by the total number of new commitments.

The time to serve for all felonies is indicated as a total average for each year from 2012-2018 in *Figure 31*. In 2012 and 2013, the average years to serve was approximately two years and seven months. As FDs and F6s began to be sentenced away from DOC, average years to serve increased. This is a result of credit time class changes, since serving 75% of the sentence is greater than 50% of the sentence. Further, in 2012, 2013, and 2014, there was a large number of FD commitments; as a result of sentence restructuring, F6s (approximately equivalent to FDs) are no longer committed to DOC, except under limited circumstances.

There is an observable difference in sentencing practices for the old felony code when looking at pre-1006 years to post-1006 years for FAs. From 2012-2014, these offenders received, on average, 14-15 years; from 2015 to 2018, Felony A sentences increased to an average of 16.8-21.7 years. There is a small but observable increase in sentences for Felonies B through D as well from 2012 to 2018. Sentencing practices for F1 through F6 appear to be stabilizing. Each felony shows variation in trends. For example, F1 saw a large increase in average years to serve comparing 2014 commitment year to 2015 commitment year, followed by slight decreases in years to serve in 2016 and 2017. In 2018, F1s saw a spike in years to serve by a 1.9 year increase. F4 commitments however have stabilized since 2016 at 4.5 years. Starting in 2016, F6 commitments to DOC (excluding the F6s in county jails) average 3.1 years, whereas, F5 commitments average 2.4 years. This trend of F6s in DOC averaging more time served than F5s has continued through September 30, 2018.

Figure 31: Average Time to Serve by Felony and Commitment Year, 2012-2018

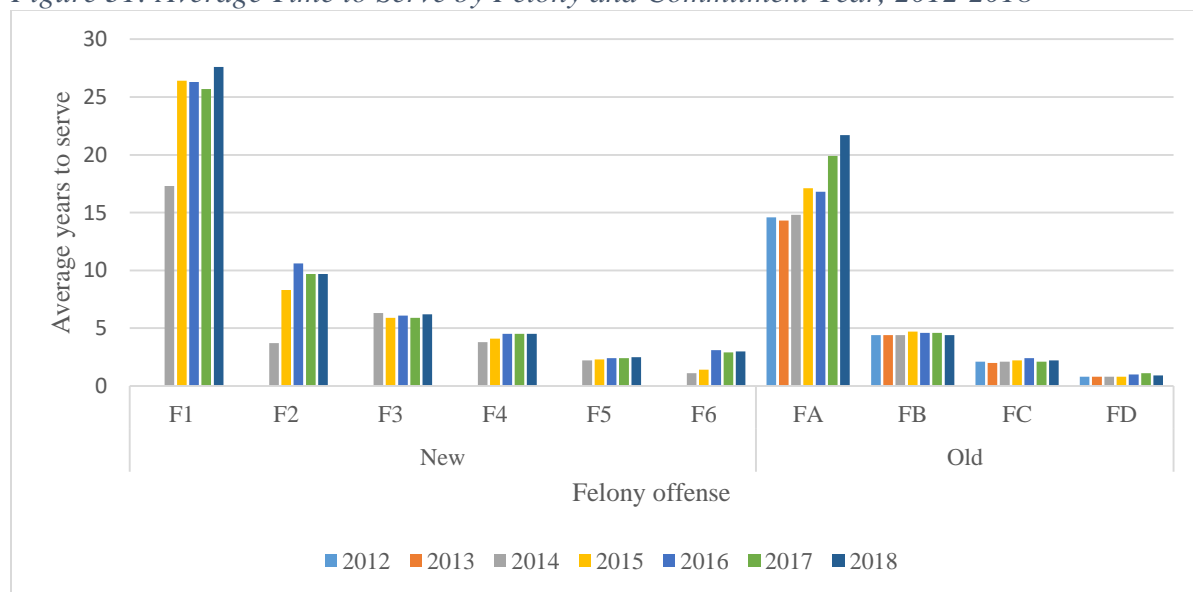


Table 22: Average Time to Serve by Level and Commitment Year, 2012-2018

Felony Level	2012	2013	2014	2015	2016	2017	2018
F1	.	.	17.3	26.4	26.3	25.7	27.6
F2	.	.	3.7	8.3	10.6	9.7	9.7
F3	.	.	6.3	5.9	6.1	5.9	6.2
F4	.	.	3.8	4.1	4.5	4.5	4.5
F5	.	.	2.2	2.3	2.4	2.4	2.5
F6	.	.	1.1	1.4	3.1	2.9	3.0
FA	14.6	14.3	14.8	17.1	16.8	19.9	21.7
FB	4.4	4.4	4.4	4.7	4.6	4.6	4.4
FC	2.1	2.0	2.1	2.2	2.4	2.1	2.2
FD	0.8	0.8	0.8	0.8	1.0	1.1	0.9

Facility Capacity

Figure 32 shows the adult male operational availability for June of each year. Operational availability was calculated by dividing the June count (total number of offenders housed at each security level) by the adjusted operational capacity of the respective security level (total beds available to be filled, excluding intake, inoperable, held, segregation, and infirmary beds). The figure demonstrates the percent of capacity for each facility type. Reception Diagnostic Center (RDC) is classified as either a medium or maximum security facility depending on the year. Due to the size of its operational capacity, RDC has been separated from the other facilities. RDC operates solely as the intake facility for men entering the DOC.

Male medium security facilities consistently had been operating near or at full capacity until 2016. Since 2016, the number of inmates declined at male medium security facilities. Male maximum security and RDC (except in 2015 and 2016) facilities operate around and even slightly above capacity. Maximum security and RDC were both above capacity during 2013 and 2014. In June of 2018, maximum security was at about 95% capacity and RDC was at around 93% capacity. RDC had a significant drop in 2015 (78.8%) and 2016 (67.7%). Male minimum security facilities have not stayed at a consistent percentage of capacity. It has fluctuated from a low in 2017 at 75.6% to a high in 2012 of 93.6%. Reentry/work release had a spike to being over capacity between 2013 (187.9%) and 2014 (117.5%). Besides those two years of being above capacity, reentry/work release had a capacity between 66.4-73.9%. Currently male medium security, maximum security, and RDC facilities have a declining population, but reentry/work release and minimum security facilities have population increases from the previous year.

Figure 32: DOC Adult Male Facility Operational Capacity by Year and Security Level, 2012-2018

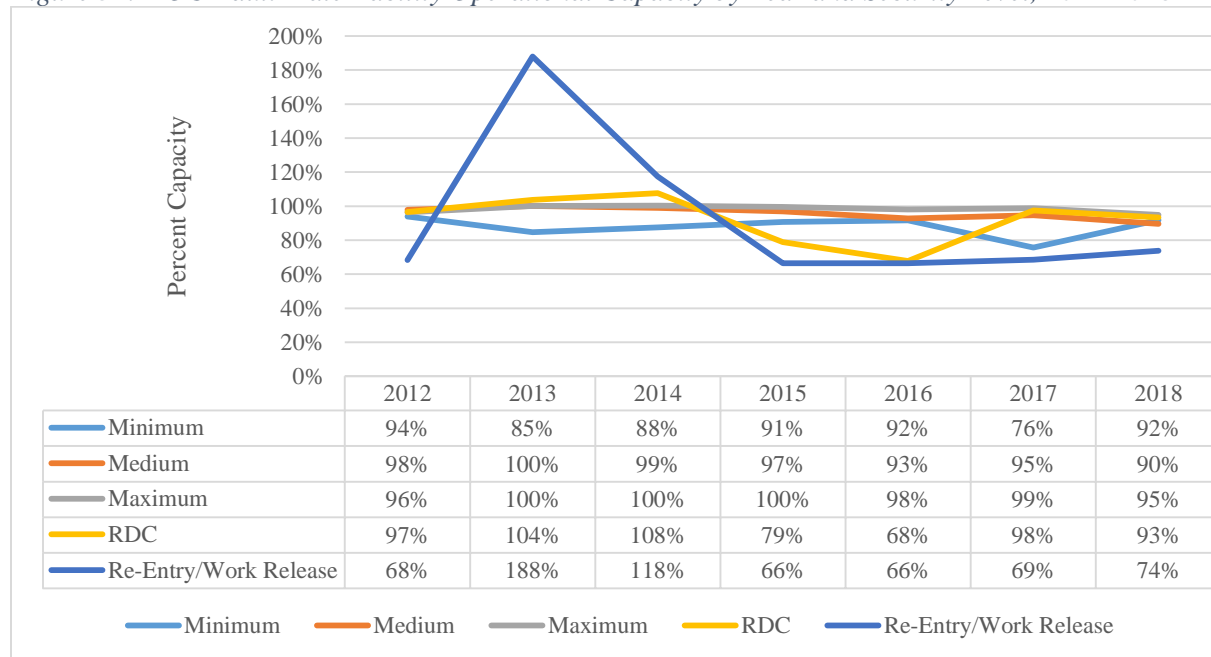
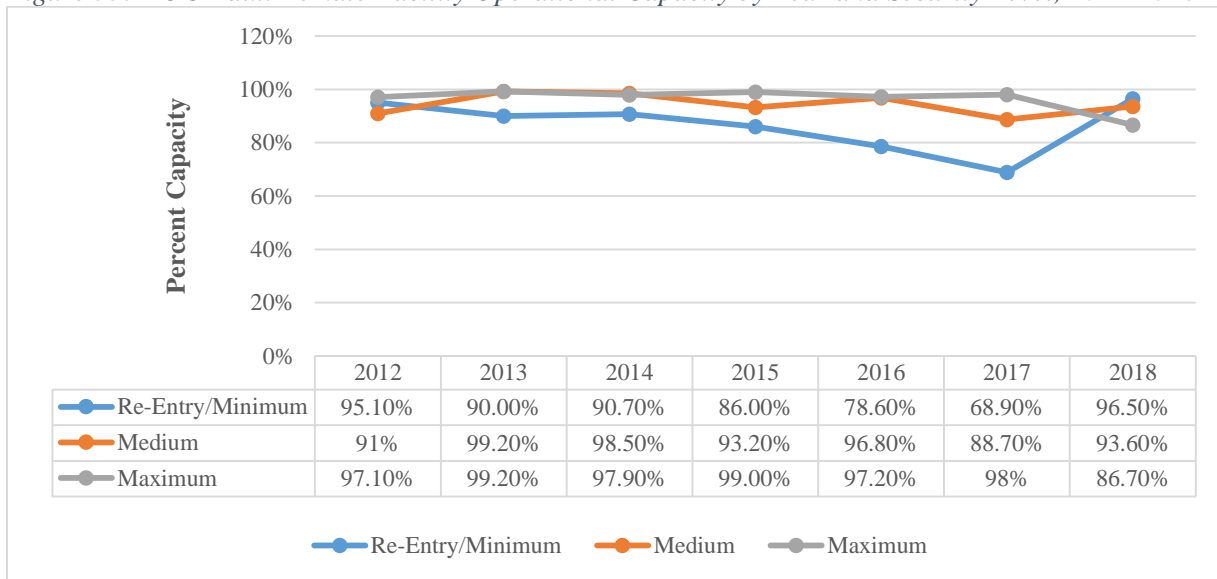


Figure 33 shows the adult female operational availability on June 30 of each year. Operational availability was calculated by dividing the June count (total number of offenders housed at each security level) by the adjusted operational capacity of the respective security level (total beds available to be filled, excluding intake, inoperable, held, segregation, and infirmary beds). The figure demonstrates the percent of capacity for each facility type. Female maximum security facilities had consistently operated very close to full capacity, but in 2018 there was a significant drop. Minimum and medium security facilities appeared to have been increasing their bed availability until 2018. In 2018, reentry and work release facilities operated at 96.5%, which is a large increase from 2017 (68.9% of capacity).

Figure 33: DOC Adult Female Facility Operational Capacity by Year and Security Level, 2012-2018

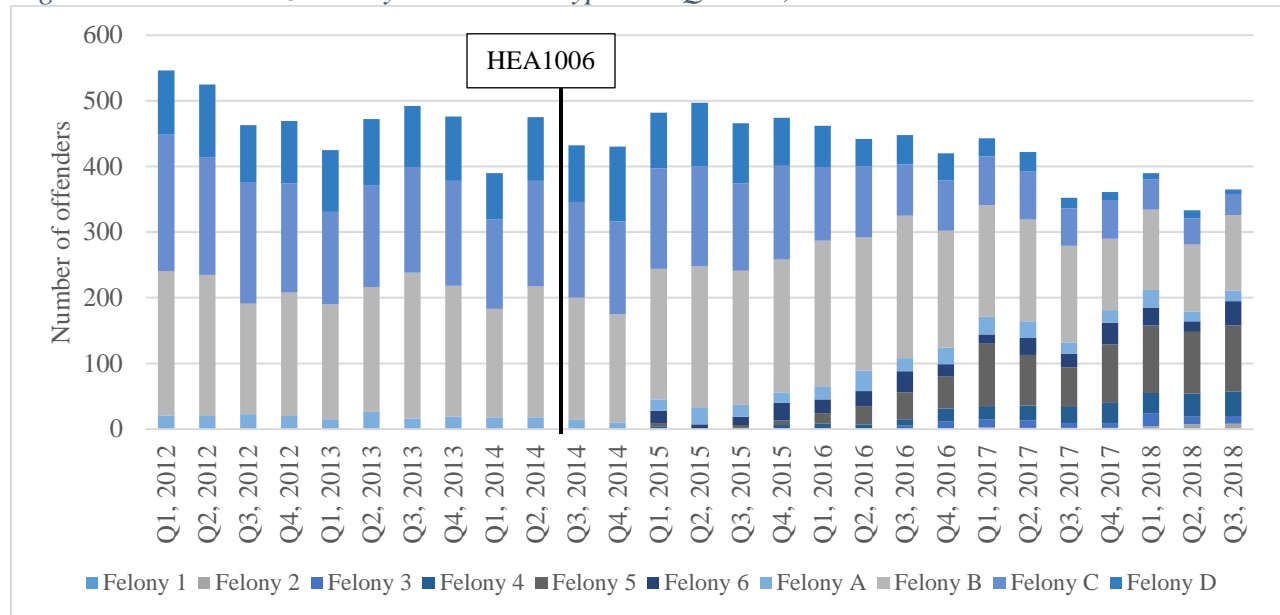


Community Transition Program

The Community Transition Program (CTP) is intended to give an incarcerated offender a head start to reentry. Offenders committed to the DOC may be assigned to their county Community Corrections Program, probation, or court program for a period of time prior to their release date, and the time period is determined by the offender’s offense (IC 11-8-1-5.6). On average, about 27% of eligible offenders are released to CTP. This remained consistent from pre-1006 (January 2012 to June 2014) to post-1006 (July 2014 to September 2018). Eligibility for CTP is determined by statute. Whether an offender is released to CTP is determined by the court in the offender’s county of conviction.

Figure 34 shows CTP utilization by conviction and quarter. Because total admissions and releases from DOC have decreased, CTP utilization has also decreased. Pre-1006, FBs were consistently using CTP the most, followed by FDs, FAs, and FCs. Nearly 50% of post-1006 CTO eligible F1 through F5 offenders are utilizing the service. The F4 offenders are the most likely to use CTP, if eligible, at 52%. The F6 offenders are only utilizing CTP at a rate of 28%. The number of offenders utilizing CTP under the new felony code is nearly equal in the amount of offenders utilizing CTP under the old felony code.

Figure 34: CTP Utilization by Conviction Type and Quarter, 2012-2018



Community Corrections

Community-based correctional programming was first established in 1979. Community corrections sought to divert felons from the Department of Correction and reduce the number of low- to medium-risk offenders as a front-end diversion that would be subsidized, at least in part, by the state (IC-11-12-1-1). The evidence-based programming aims to divert offenders from incarceration by providing those charged with a crime or act of delinquency with a number of different services. The county’s established advisory boards approve a Community Corrections Plan to prioritize the needs and services applicable to their communities. Community corrections operates, in some capacity, in every Indiana county¹¹ except Benton, Franklin, and Newton counties.

In 2015, a new revision of Indiana’s criminal code provided additional funds available as grants to encourage counties to develop a coordinated, local criminal-justice system as an alternative to imprisonment (IC 11-12-2-1). In addition to community corrections programs, the funding expanded to eligible local criminal-justice agencies that demonstrated county collaboration (IC 11-12-2-4). These new entities are probation, prosecutor diversion, jail treatment, and court recidivism reduction programs. This funding allowed 168 entities around the state to hire 293 full-time and 45 part-time staff.

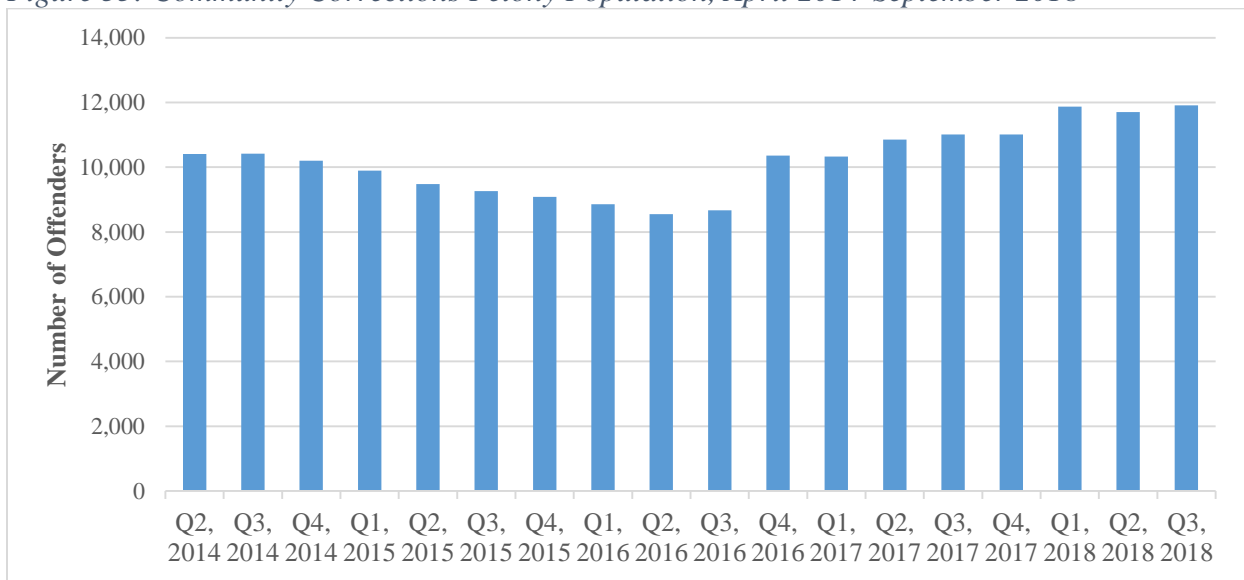
The community corrections population is composed of offenders with felony (*Figure 35*) and misdemeanor (*Figure 36*) convictions, in addition to individuals who are in pretrial programming (*Figure 37*). Pretrial individuals have yet to be convicted or sentenced for the crime for which they are supervised. The figures below illustrate the average quarterly community corrections population by felony, misdemeanor, and pretrial. The community corrections population has increased from a quarterly average of 10,407 offenders in the second quarter of 2014 to an

¹¹ For more a detailed map about Community Corrections in Indiana visit <https://secure.in.gov/idoc/2320.htm>.

average of 11,908 in the third quarter of 2018. This is due to a 114% increase in pretrial, 55% increase in misdemeanor, and 14% increase in felony offenders. In April 2014, the data structure was modified significantly in response to the sentencing changes and updated in partnership with Community Corrections data vendors. Data integrity increased as a result, but it also caused population numbers to vary from previous years. Therefore, pre- and post-1006 comparisons were not possible.

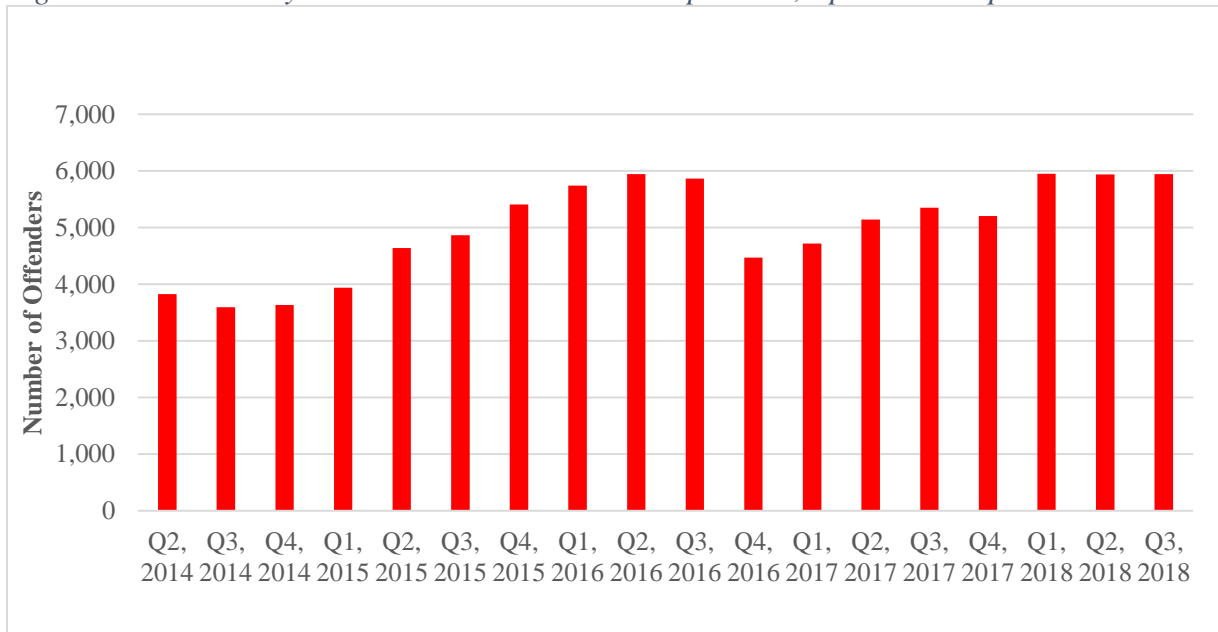
The felony population started to decline after the HEA 1006 was enacted and was the lowest in the second quarter of 2016. Starting in the third quarter of 2016, the felony population began to trend upward. The quarter with the highest felony population was the third quarter of 2018. Between the second quarter of 2016 and the third quarter of 2018, there was a 39% increase.

Figure 35: Community Corrections Felony Population, April 2014-September 2018



The misdemeanor population remained fairly steady, averaging below 4,000 until the second quarter of 2015. An upward trend began at this time and reached a peak during the second quarter of 2016 (an average of 5,945 offenders). During the third and fourth quarters of 2016, the misdemeanor population declined about a 25% from the second quarter of 2016. After the fourth quarter of 2016, a second upward trend began and has peaked in 2018. The first quarter of 2018 had 7 more offenders on average than the third quarter of 2018. This could be a sign that the number of misdemeanor offenders are stabilizing in community corrections.

Figure 36: Community Corrections Misdemeanor Population, April 2014-September 2018



The community corrections pretrial population held fairly steady until the third quarter of 2016. From the third quarter of 2016 through the third quarter of 2017, the pretrial population in community corrections gradually increased. From the third quarter to the fourth quarter of 2017, the population increased 24% and peaked at an average of 3,828 participants. The following quarter there was a 22% reduction in participants. For 2018, the number of pretrial individuals in community corrections has remained stable at around 3,000.

Figure 37: Community Corrections Pretrial Population, April 2014-September 2018

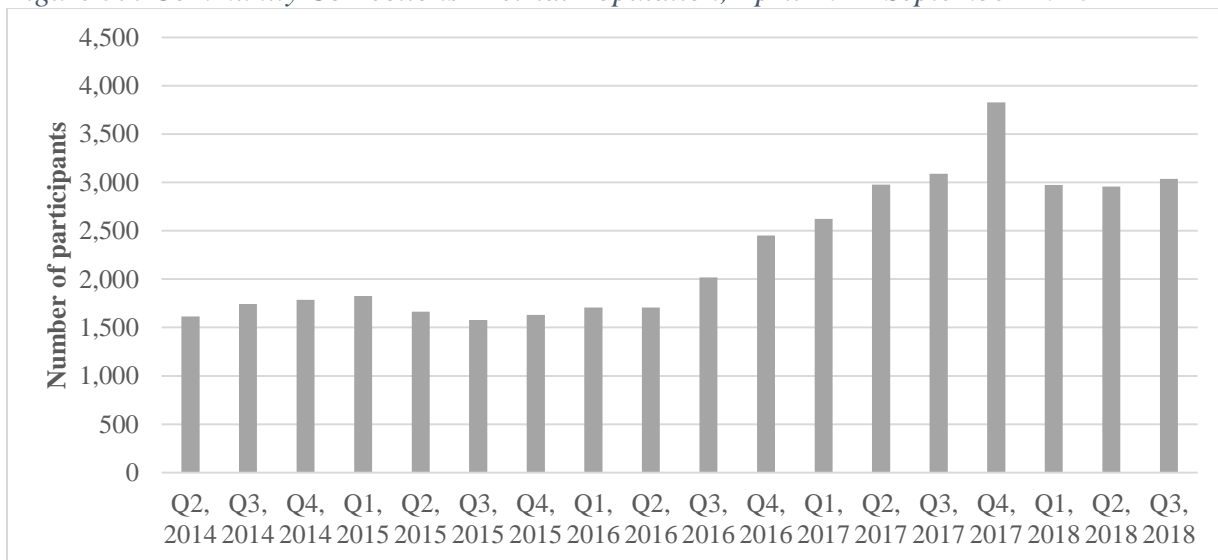
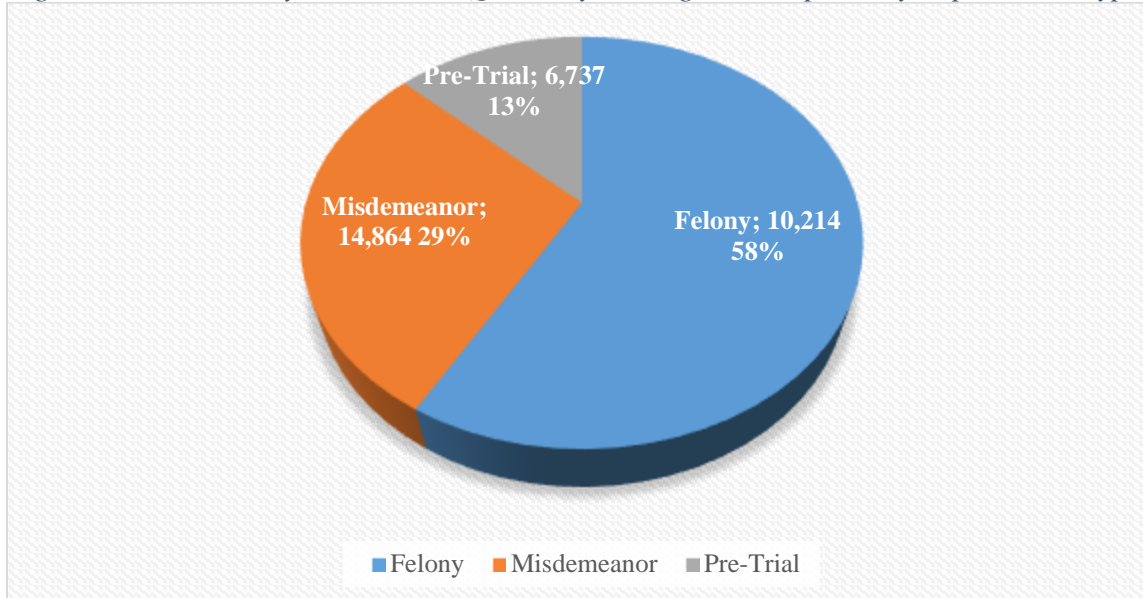


Figure 38 shows the average quarterly composition of the participants served by community corrections. On average, the majority of the community corrections’ population are felony offenders, followed by misdemeanant and pretrial participants.

Figure 38: Community Corrections Quarterly Average Participants by Supervision Type



Community corrections uses many tools to supervise their offenders. The figures below show the average number of participants enrolled in each program type for each quarter from the second quarter of 2014 to the third quarter of 2018 (April 2014 to September 2018), including electronic monitoring (Figure 39), community service (Figure 40), work release (Figure 41), day reporting (Figure 42), forensic diversion (Figure 43), and problem-solving courts (Figure 44). All forms of supervision have increased at least slightly since July 2014, except forensic diversion, which has decreased by 63%. However, use of forensic diversion appears to have an upward trend starting in February of 2017, likely due to more grant dollars designated for forensic diversion programs.

Figure 39: Community Corrections Population: Electronic Monitoring, April 2014-September 2018

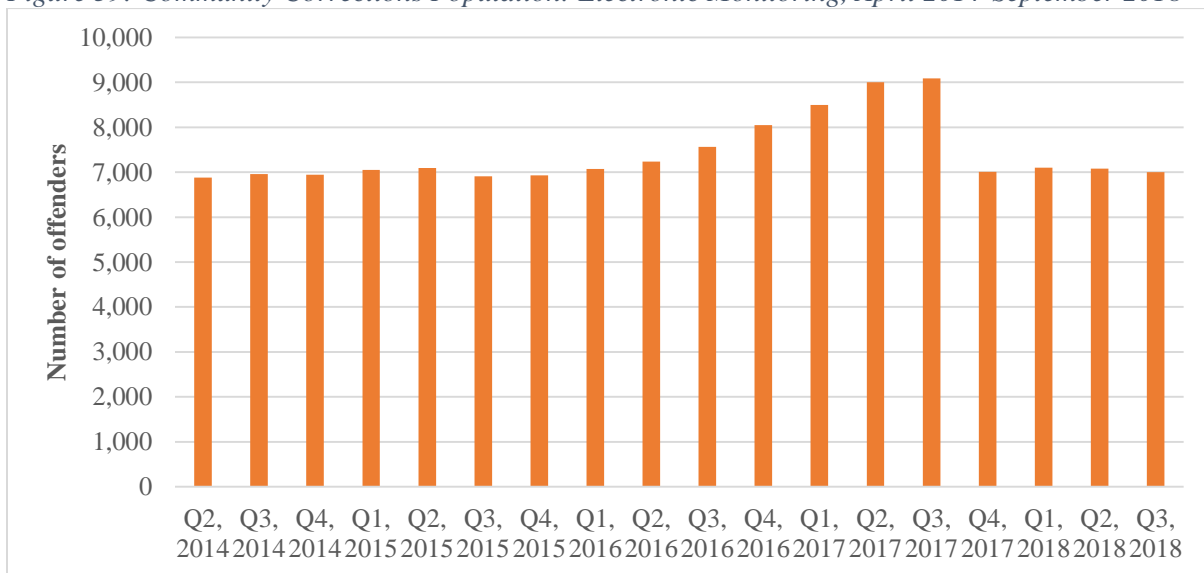


Figure 40: Community Corrections Population: Community Service, April 2014-September 2018

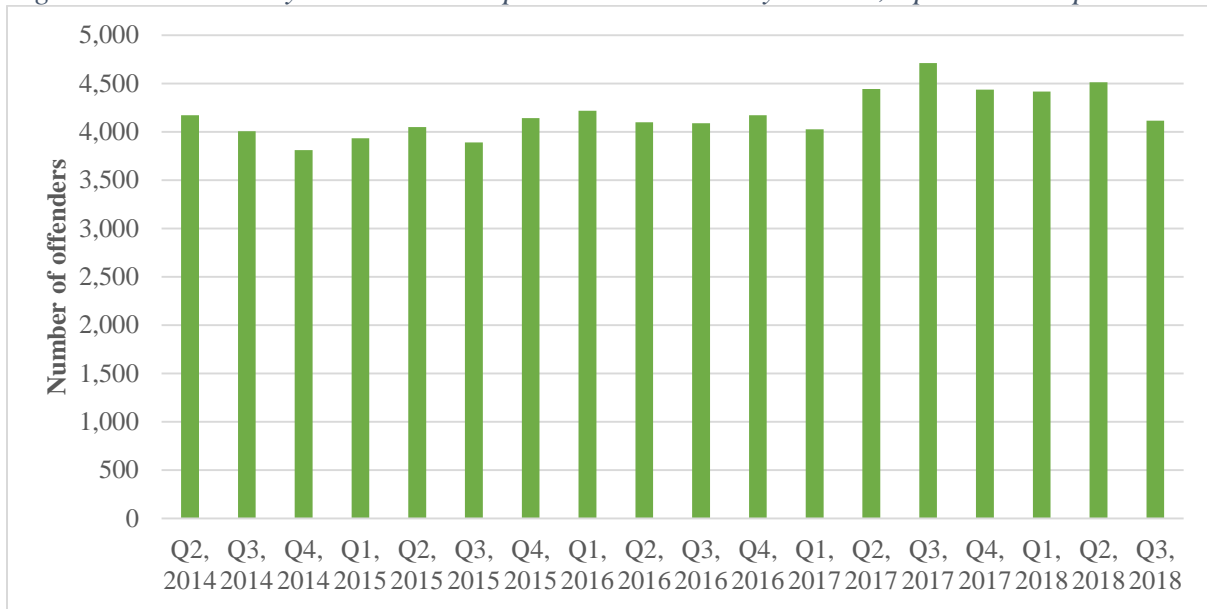


Figure 41: Community Corrections Population: Work Release, April 2014-September 2018

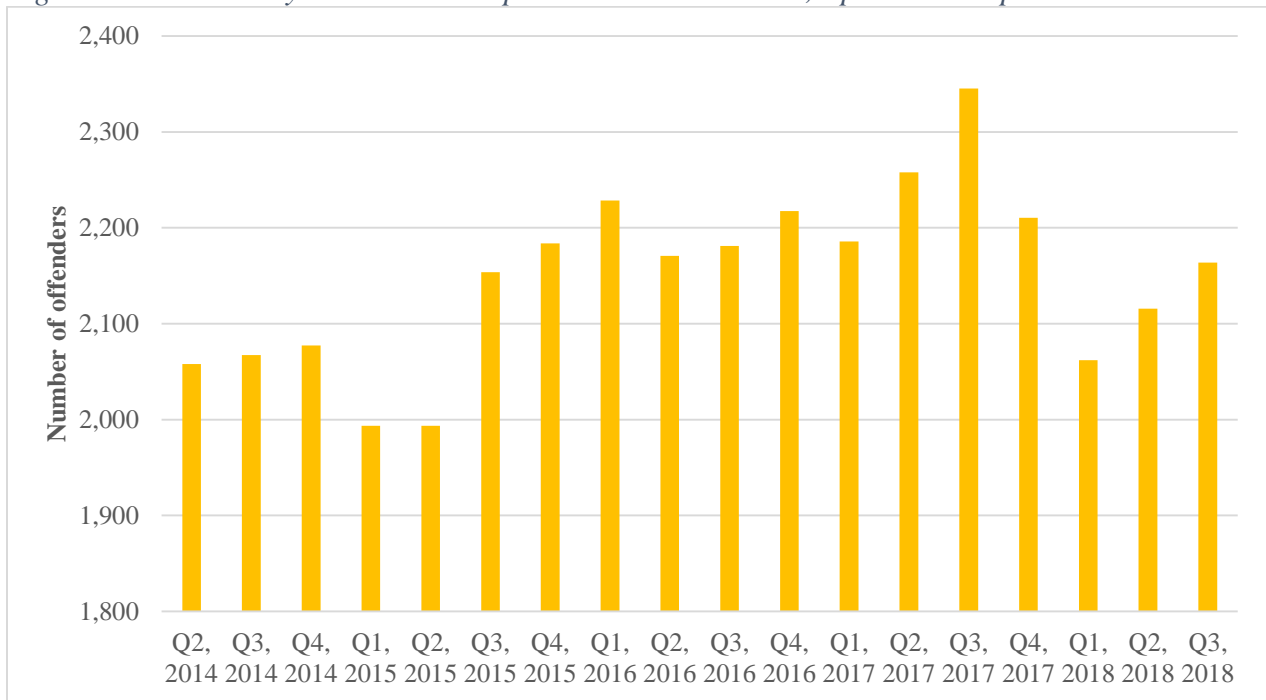


Figure 42: Community Corrections Population: Day Reporting, April 2014-September 2018

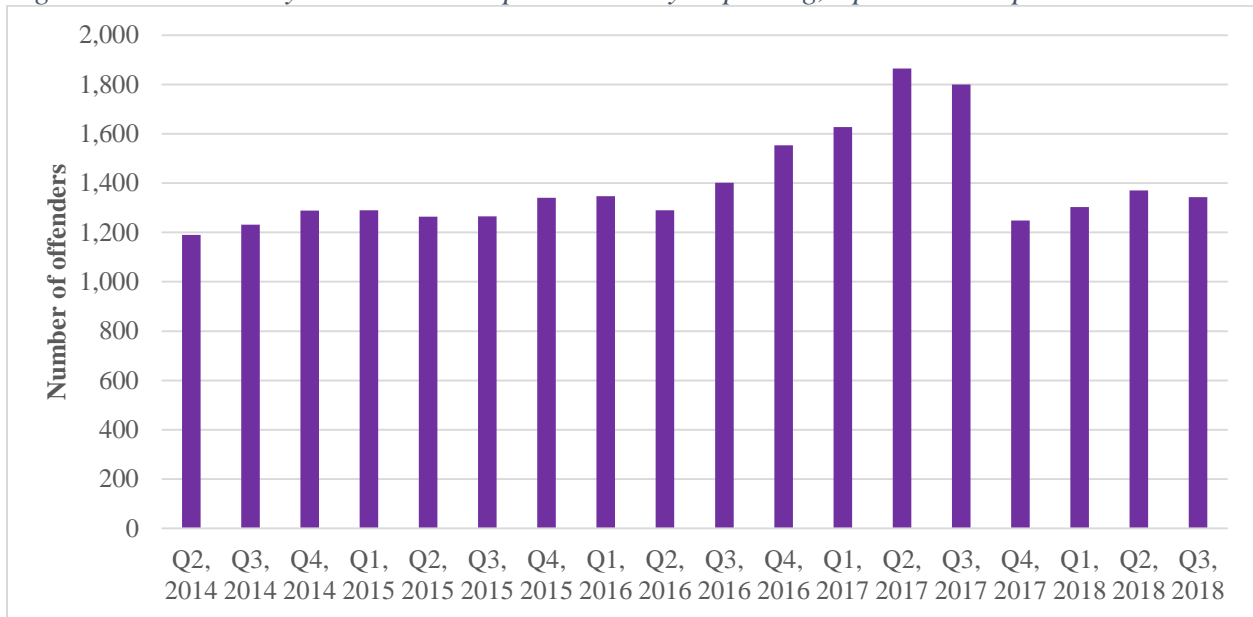


Figure 43: Community Corrections Population: Forensic Diversion, April 2014-September 2018

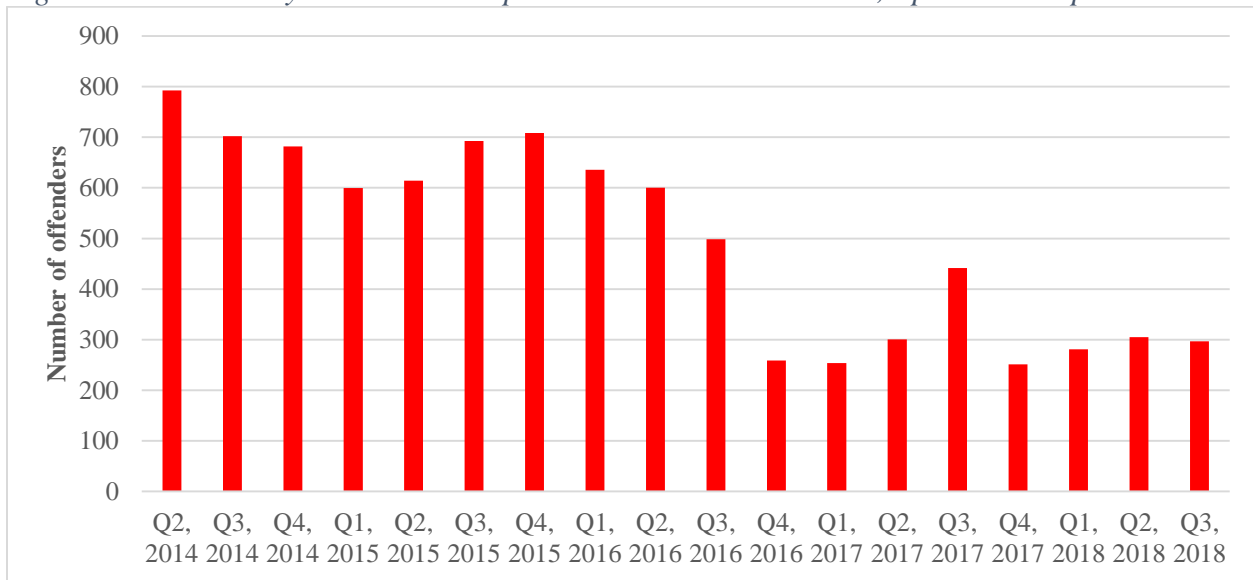
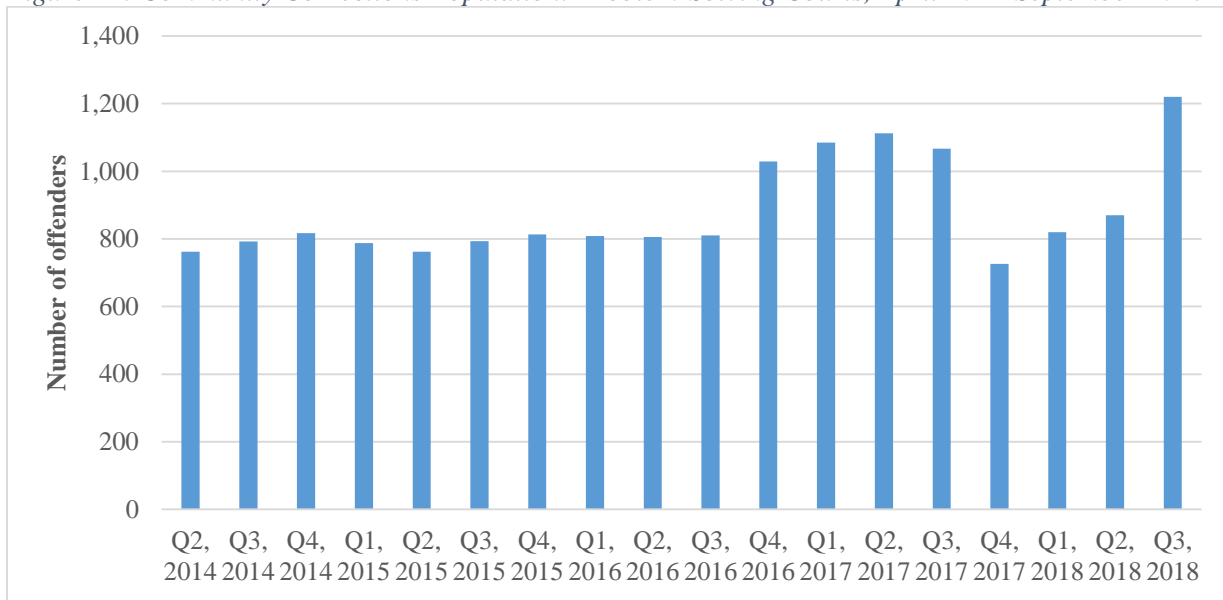
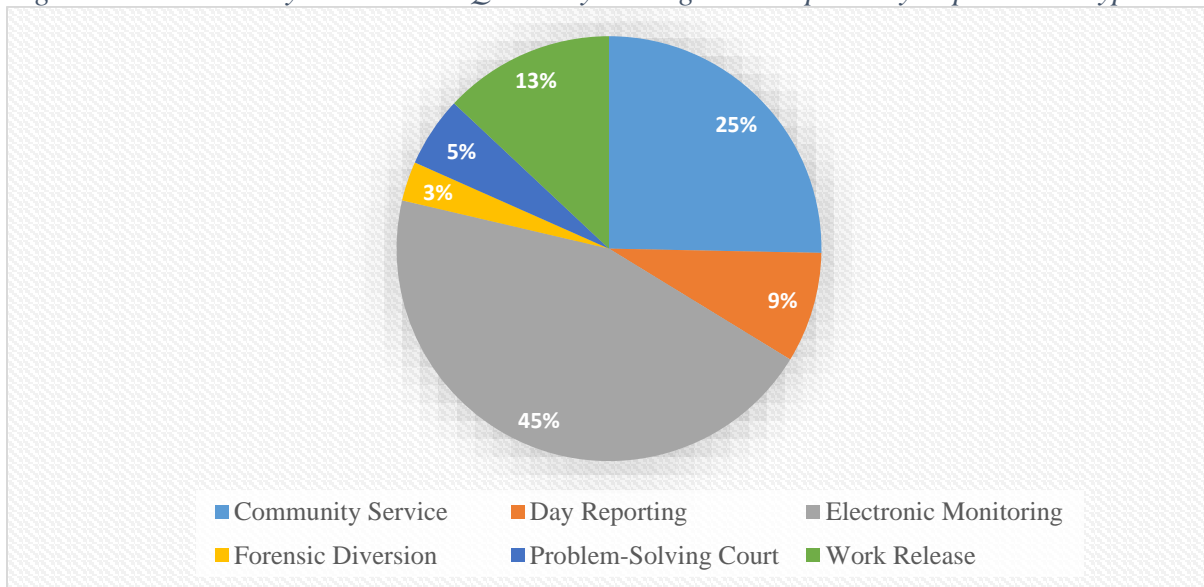


Figure 44: Community Corrections Population: Problem-Solving Courts, April 2014-September 2018



The most common form of supervision used by community corrections is Electronic Monitoring (45%). In an average quarter, 25% of all participants are involved in community service supervision. A little over 13% are in work release and 9% are supervised through day reporting, as seen in Figure 46.

Figure 45: Community Corrections Quarterly Average Participants by Supervision Type



Parole

According to the Bureau of Justice Statistics (BJS), parole “refers to criminal offenders who are conditionally released from prison to serve the remaining portion of their sentence in the community.”¹² Further, the Indiana Department of Correction Division of Parole Services claims

¹² Definition retrieved from <https://www.bjs.gov/index.cfm?ty=qa&iid=324>

that placing offenders in parole services “enhance[s] public safety by providing community based supervision and services for offenders through the use of evidence based practices as they transition from a Correctional Facility to Community Supervision.”¹³ Data was provided by the DOC concerning parole caseloads.

Parole caseloads, including both adults and juveniles, have seen about a 35% decrease since the first quarter of 2012, and a 30% decrease since the enactment of HEA 1006. Therefore, most of the change occurred between the third quarter of 2014 and the third quarter of 2018. The enactment of HEA 1006 was a significant factor in the decrease considering F6 offenders were relocated. However, a small decrease began prior to the enactment. This could be due to offenders receiving a longer sentence, not earning as much credit time, or fewer offenders being paroled.

Figure 46 demonstrates the number of parolees separated by quarter from January of 2012 to September of 2018. It is evident that adult parole caseloads are decreasing. The data also shows that juvenile parole cases were substantially lower than their adult counterparts; referencing Table 23, 99% of parolees are adults. Adult males are the bulk of the total parolees throughout this time span, followed by adult female parolees, and then juvenile parolees.

Figure 46: Number of Parolees by Quarter, 2012-2018

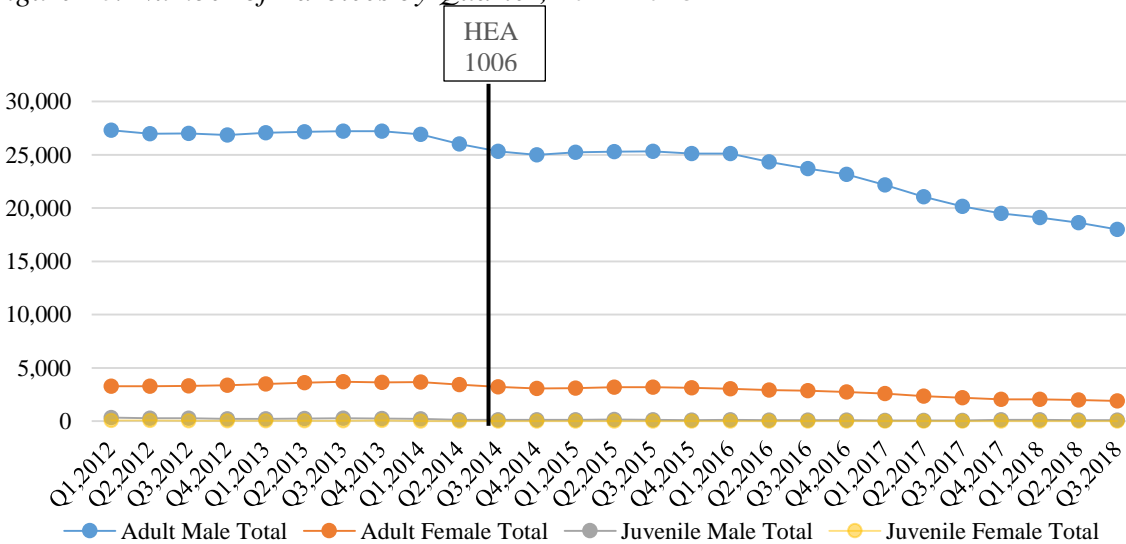


Table 23: Median Percentage of Total Parolee Population by Category, 2012-2018

Parolee Category	Median Percentage of Total
Adult Male	88.45%
Adult Female	10.83%
Juvenile Male	0.79%
Juvenile Female	0.18%

*Percentages will not add to 100%, as they were the median of all quarters for an individual category.

¹³ Definition retrieved from <https://www.in.gov/idoc/2330.htm>

Figure 47 and Figure 48 break out the parolees by age category. The number of adult parolees has been steadily declining since the first quarter of 2014, and there was a period of steeper decline from the 3rd quarter of 2016 to the third quarter of 2017, dropping by 4,170 adult parolees. The number of juvenile parolees has fluctuated more frequently. The second quarter of 2014 saw the largest decrease (44%), and the fourth quarter of 2017 saw the largest increase (76%).

Figure 47: Number of Adult Parolees by Quarter, 2012-2018

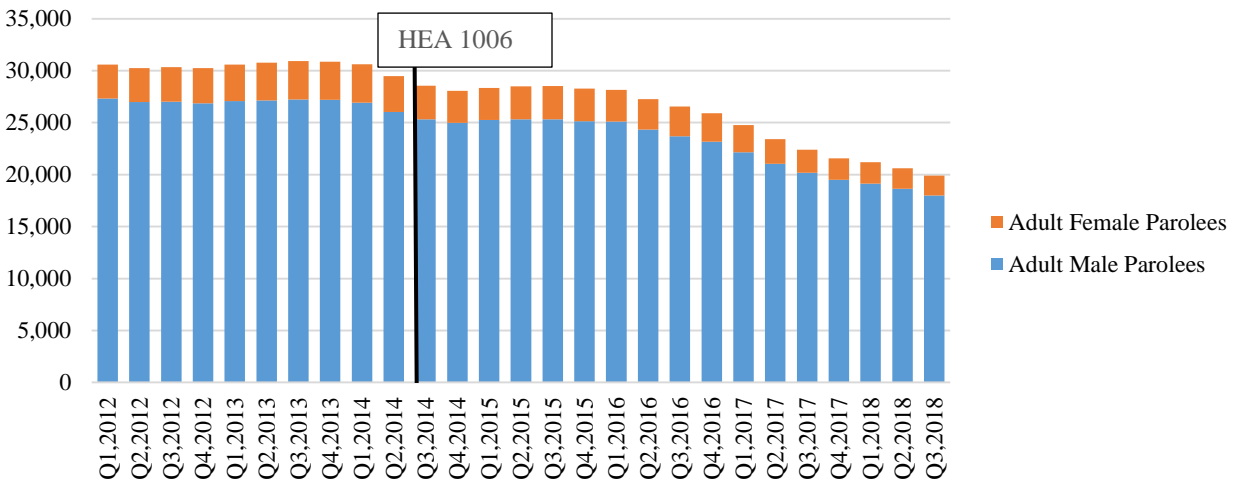
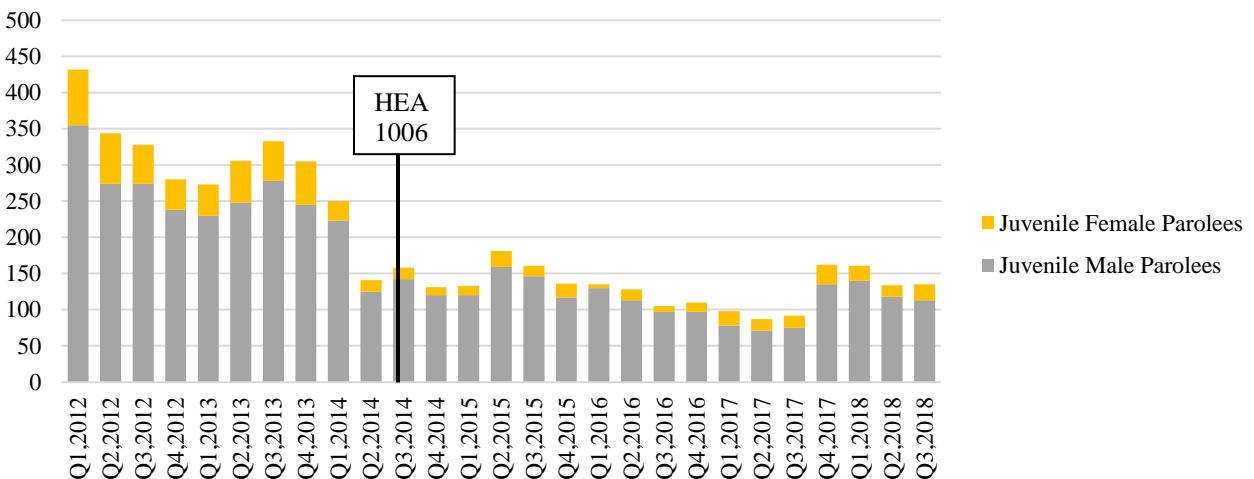


Figure 48: Number of Juvenile Parolees by Quarter, 2012-2018



When adult and juvenile parolees are broken out by gender, both male and female populations are decreasing as seen in Figure 49 and Figure 50. It seems that the most drastic decreases for both genders occurred in the beginning of 2014 (before the enactment of HEA 1006) and at the beginning of 2017, where most of the decrease for males and females occurred after 1006. Thus far in 2018, male and female parolees have experienced about a 3% decrease in population from quarter to quarter. When looking at juvenile females (0.18% of total parolees), their changes from quarter to quarter were the most drastic of all the gender categories.

Figure 49: Number of Male Parolees by Quarter, 2012-2018

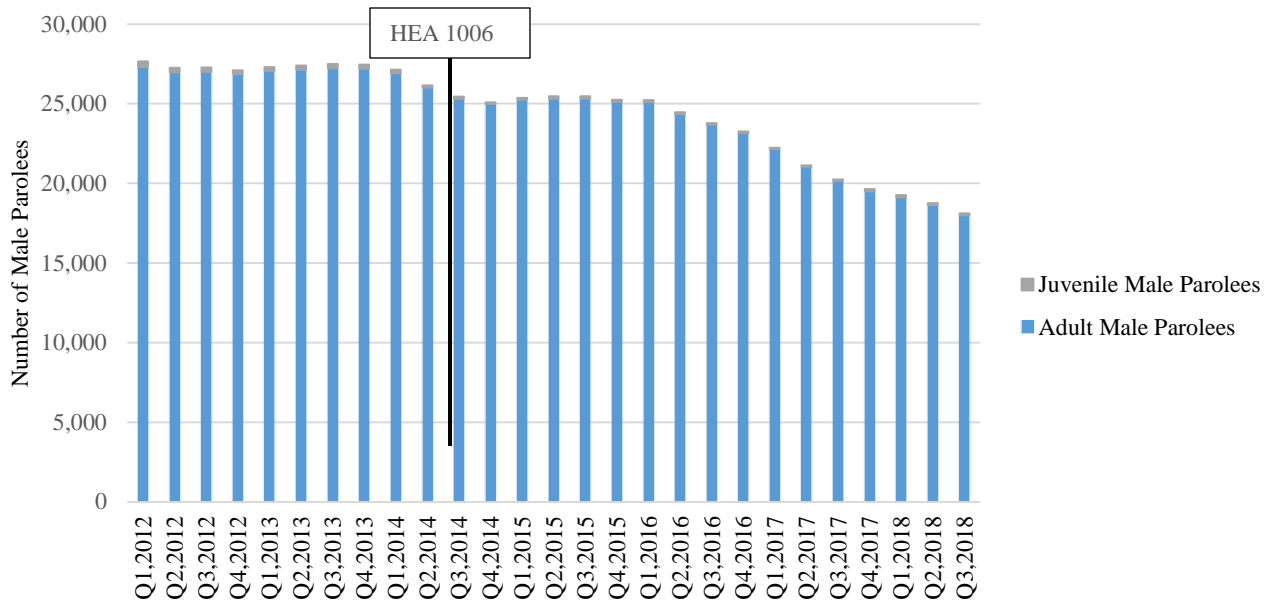
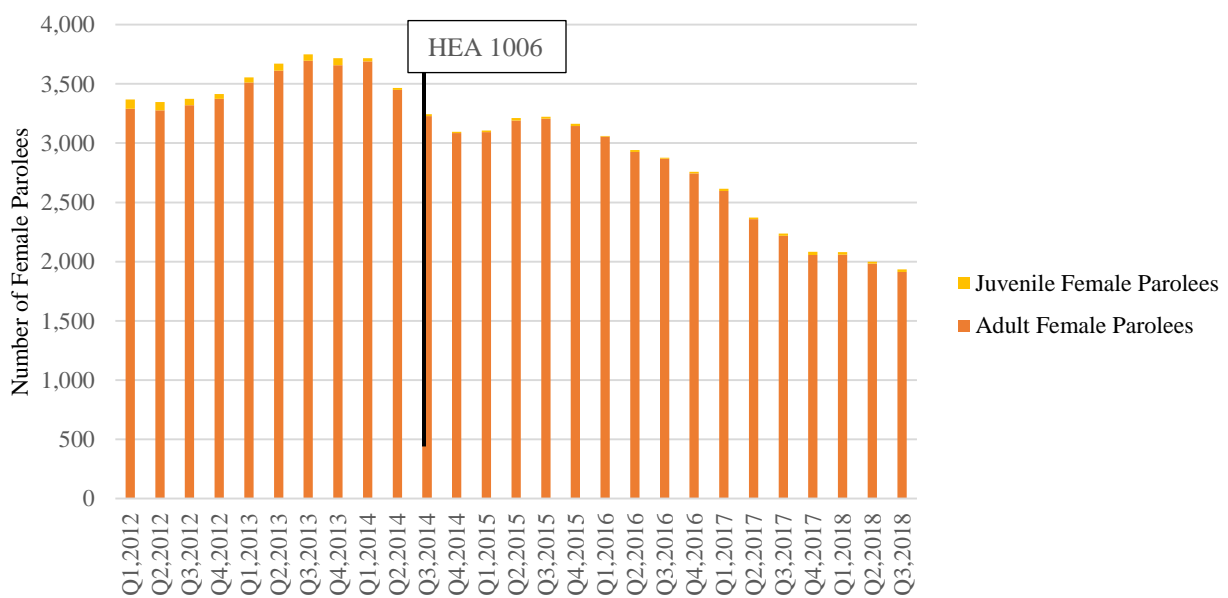


Figure 50: Number of Female Parolees by Quarter, 2012-2018



Jail Data

In order to assess the capacity of county jails and the effect that HEA 1006 has had on jail populations, ICJI requested and received all Jail Inspection Reports for all Indiana counties from 2014 through 2017. For 2013 inspections, ICJI utilized the American Institutes for Research’s (AIR) 2013 report, “Assessing the Local Fiscal Impact of Indiana HEA 1006,” which analyzed potential impacts of HEA 1006 prior to the law taking effect. The jail inspection table from this report is included to show pre-1006 levels. There are 92 jails in 91 counties; Ohio County does

not have a jail and Marion County has two jails. Inmates from Ohio County are mostly housed in Switzerland County.

DOC conducts annual 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 held and/or transferred to DOC, the number of inmates for the federal government, demographic information, adequate staffing level, and services provided such as GED and substance abuse counseling. From the inspection reports, ICJI determined the utilization rate for beds. It should be noted that jail inspection reports capture the number of incarcerated inmates on the day of the inspection only; it does not give an average daily population nor a range. The jail population is ever changing and it is plausible for jails to fluctuate many times throughout the year between being over capacity and under capacity.

Jails were labeled as overcrowded if they exceeded 80% of their available bed capacity. 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.”¹⁴ Furthermore, overcrowding may lead to increases in violence and contraband and may cause a breakdown in security, maintenance and other areas. These conditions increase a jail’s liability and may jeopardize the safety and well-being of inmates and staff.¹⁵ The Indiana jail inspector has established that a jail should not exceed 80% of its available bed capacity to effectively allow for changes in inmate demographic 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 its available bed capacity are considered over capacity.

The 2013 jail inspection data was limited to the variables that AIR chose to research. These variables were: county, inmate population, number of beds, capacity rate¹⁶, overcrowded (yes or no), and adequate staffing levels (yes or no). For the 2014-2017 inspection reports, ICJI chose to include 11 variables to paint a stronger picture of the status of the county jails for analysis; the entire inspection report was not utilized. These variables were: county, inmate population, capacity rate, overcrowded (yes or no), number of inmates sentenced to serve county time, number of beds for DOC holding, number of inmates being held for DOC, number of sentenced inmates awaiting transfer to DOC, number of inmates for U.S. Marshal/ICE, and adequate staffing levels (yes or no). The county breakdown for each year can be found in Appendix A.

Table 24 below provides a summary profile of the county jails from 2013-2017. The number of jails that exceed 80% of capacity remained relatively consistent from 2013-2015. In 2016, 62% of jails were either overcrowded or over capacity, representing a 27% increase from 2015. The total number of jails that were either overcrowded or over capacity in 2017 increased slightly to

¹⁴ 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 <https://s3.amazonaws.com/static.nicic.gov/Library/021925.pdf>

¹⁵ Ibid

¹⁶ The percent the jail is at capacity using the number of inmates divided by number of operational beds.

63%. However, in 2017, the number of jails over capacity increased to 39%, the highest level in the 5-year period. In 2017, the total inmate population for the state also reached the highest level in the 5-year period at 19,400 with an overall capacity rate of 90.9%.

The number of jails assessed as understaffed has increased each year until 2017 when there was a slight decline. Over 80% of the jails were assessed as inadequately staffed. At least one jail is in need of an additional 30 plus staff members, with several others needing 10 or more employees to be within the acceptable standards. Adequate staffing is essential to maintaining a safe and secure jail. Staffing inadequacy could lead to liability issues and compromise the safety of staff and inmates. Jails without the proper staffing levels also have a more difficult time providing programs and services to inmates.¹⁷ A staffing analysis is required for each jail to determine the appropriate number of employees needed. Many factors are considered when determining staffing needs of the jail, including the inmate population, characteristics (security risk level, mental health, medical, etc.), physical layout of the jail, method of inmate supervision, security functions, services provided and state standards.¹⁸

Table 24: Summary Profile of County Jails based on Jail Inspection Reports

	2013		2014		2015		2016		2017	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Overcrowded (80% - 99.9%)	19	20.7%	27	29.3%	26	28.3%	29	31.5%	20	21.7%
Over 100% capacity	29	31.5%	19	20.7%	19	20.7%	28	30.4%	36	39.1%
Total	48	52.2%	46	50.0%	45	49.0%	57	61.9%	58	63.0%
Staffing inadequate	45	49.5%	63	69.2%	71	78.0%	77	84.6%	75	81.5%
Total Inmate Population and Capacity Rate	16,773	83.6%	16,708	81.5%	16,133	77.5%	17,833	84.7%	19,400	90.9%
Utilization Rate Lowest to Highest	2013		2014		2015		2016		2017	
	Low	High	Low	High	Low	High	Low	High	Low	High
	29.6%	220.0%	29.1%	159.4%	14.3%	170.0%	24.8%	150.0%	31.5%	158.2%

The jail inspection reports show the number of inmates sentenced to county time and the number being held for the DOC and the Federal government, but they do not identify inmate classification levels. To get an overview of the current jail population, by classification type, the Indiana Sheriff's Association distributed a survey to all of the sheriffs over the summer of 2017 and again in the summer of 2018. The survey asked jails to report the total bed capacity and the inmate population count by felony level or misdemeanor (Murder, F1-5, F6, Misdemeanor, Civil) and type of hold (Federal, DOC, Sentenced to Jail, Pretrial, Violation, Failure to Appear, Other). The Indiana Office of Trial Court Technology compiled and analyzed the results for the 2017 survey and ICJI compiled the results for the 2018 survey. These numbers represent a snapshot of one day, and while all counties responded to the survey, not all of the counties provided all of the requested data. In addition, several counties' total for each category did not add up to the total

¹⁷ 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 <https://s3.amazonaws.com/static.nic.gov/Library/021925.pdf>

¹⁸ Ibid.

inmate population reported. ICJI contacted those counties but was unable to obtain updated numbers from all of the counties.¹⁹

The total jail population for the state in 2018 was 21,187 with a capacity total of 97%, which is similar to the capacity rate of 99% reported in the 2017 survey. According to the 2018 survey, a total of 28 jails are between 80% and 99.9% capacity and 42 jails exceed 100% capacity. Based on these numbers, 77% of the jails are either overcrowded or over capacity, compared to 75% in 2017. The total pretrial population for both 2017 and 2018 was 56% and the total F6 population was 44% for both years. (See *Table 25* for a comparison of 2017 and 2018 jail survey numbers).

Table 25: Summary Profile of County Jails from Survey

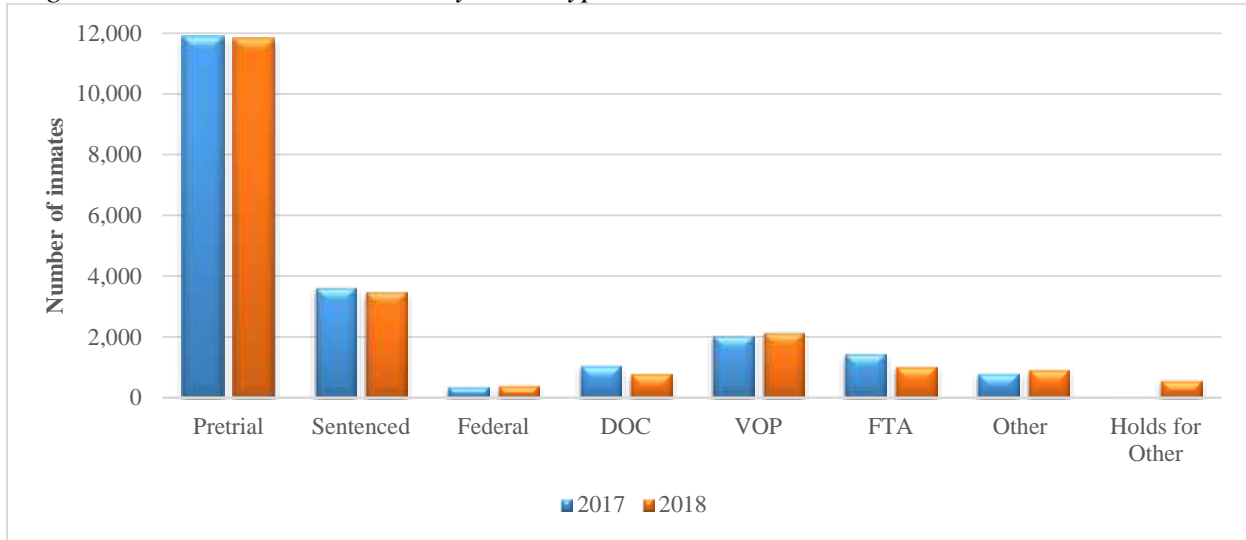
	2017		2018*	
	Number	Percent	Number	Percent
Overcrowded (80% - 99.9%)	23	25.3%	28	30.80%
Over 100% capacity	45	49.5%	42	46.20%
Total	68	74.7%	70	77.0%
Total Pretrial Population	11,886	56.0%	11,839	56.0%
Total F6 Population	9,364	44.0%	9,301	44.0%
Total Population on Pretrial with Bond	--	--	7,597	71.7%
Total Population on Pretrial with no Bond	--	--	3,003	28.3%
Total Inmate Population and Capacity Rate	21,305	99.2%	21,187	97.0%

*Marion County submitted one response for both jails, therefore percent was calculated using 91 jails.

For 2018, nearly 56% of all inmates are pretrial holds. The pretrial population consists of 46% detained for murder and F1-5 offenses, 39% for F6 offenses and 14% for misdemeanors. If the jails released half of the pretrial population to pretrial supervision, only 30 jails would be either overcrowded or over capacity compared to 70 based on the 2018 survey. The remaining inmates by type of hold are sentenced (17%), violations (10%), failure to appear (5%), DOC holds (4%), other (4%), holds for other jurisdictions (3%) and Federal holds (2%). The breakdown for types of holds remained fairly consistent from 2017 to 2018. (See *Figure 51* below).

¹⁹ Reasons included issues with the records management system, such as the system cannot run reports on classification type and would need to look up all individuals or track by hand.

Figure 51: Total Jail Utilization by Hold Type



In 2018, F6 inmates made up 44%, murder and F1-5 offenses are 39% and misdemeanors comprise 16% of the jail population. The breakdown for 2017 was similar with 45% of all inmates held for F6 charges, 37% for murder or F1-5 offenses and 18% for misdemeanor charges (see figure 52 below). Sentenced inmates encompass 16.5% of the 2018 total jail population, with F6s making up 64% of the sentenced population. If all of the sentenced F6s were sent to DOC, the total jail capacity rate would be at 87% and 56 jails would still be overcrowded. For just the F6 inmates in 2018, 50% are pretrial, 24% have been sentenced and 12% are being held due to violation of probation. In 2017, 52% of F6s were pretrial, 23% were sentenced and 10% were held for violations of probation. See Figure 53 for more details. Appendix A provides county level data from the 2017 and 2018 survey.

Figure 52: Jail Utilization by Degree Type

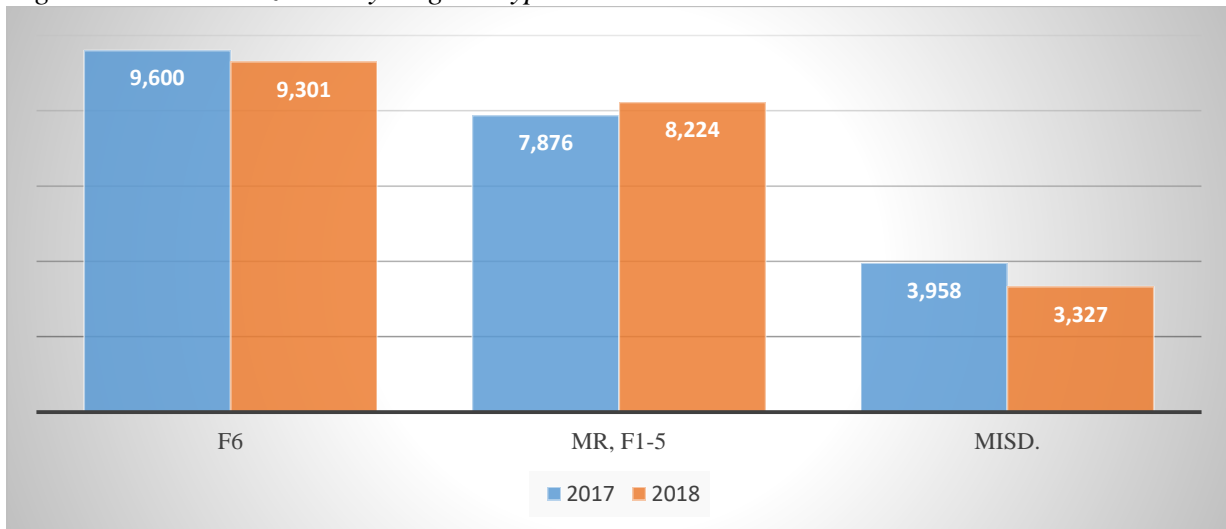
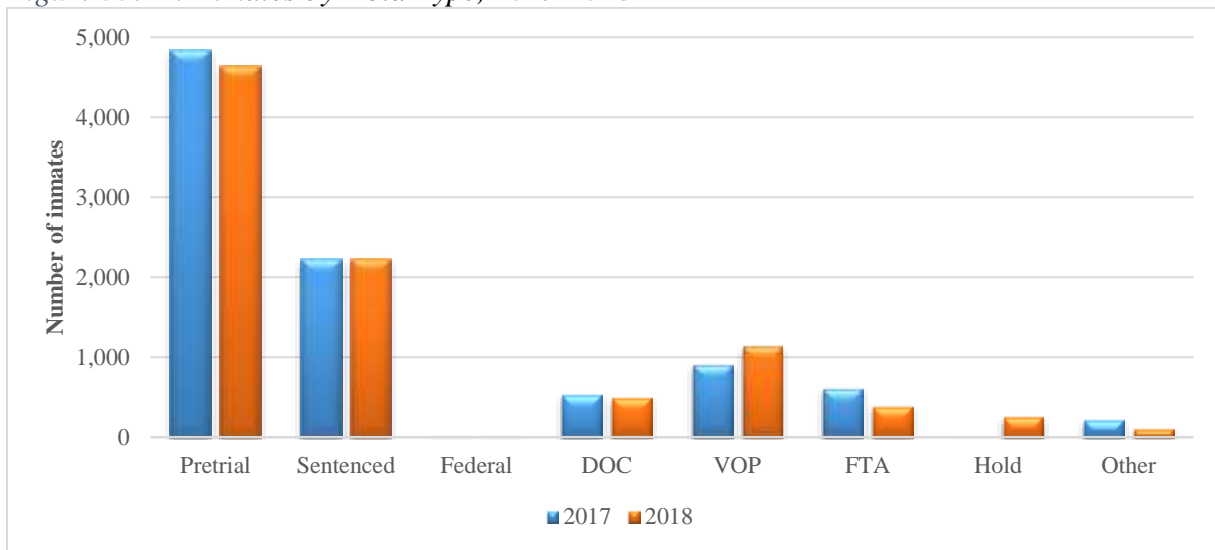


Figure 53: F6 Inmates by Hold Type, 2017-2018

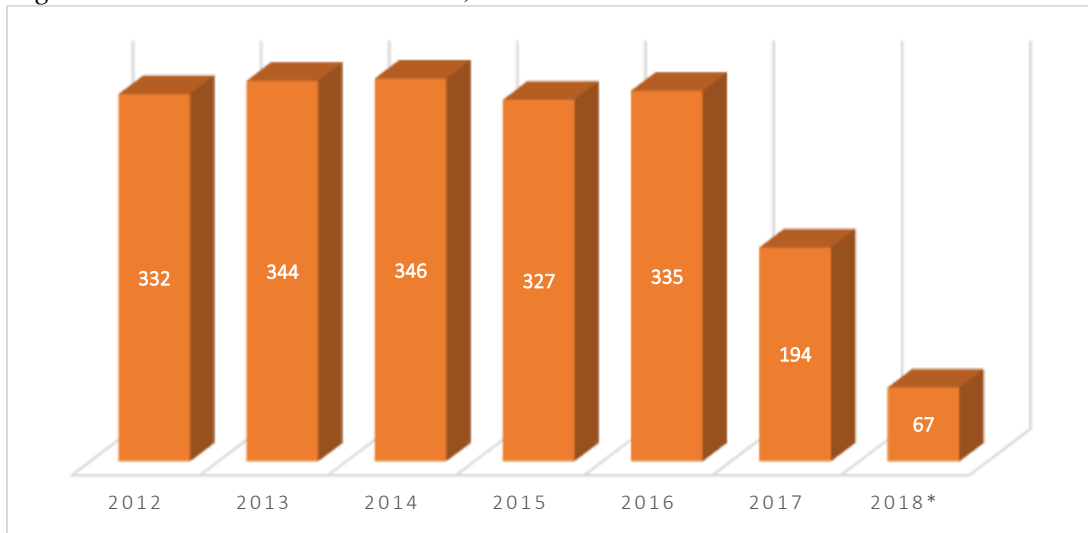


Juveniles in Adult Court

There are two possible channels for a juvenile to be under the jurisdiction of an adult court, lack of juvenile court jurisdiction and waiver of jurisdiction. The juvenile court lacks jurisdiction over individuals at least 16 years old who have committed certain felonies as listed in IC 31-30-1-4. A juvenile court may also choose to waive jurisdiction to an adult court that would have jurisdiction had the act been committed by an adult under IC 31-30-3-2 through IC 31-30-3-6. Data on juveniles in adult court was provided by the Indiana Prosecuting Attorneys Council for all counties using the Indiana Prosecutor Case Management System. Allen and Elkhart counties are not included in the data.

The following information reflects the total number of cases and not the total number of individual juveniles. One juvenile may have multiple cases held in adult court. The number of juvenile cases in adult court remained fairly consistent from 2012 to 2016, averaging about 337 a year. In 2017, juvenile cases in adult court saw a significant drop of 42% from the previous year. For the first half of 2018 there are 67 juvenile cases, meaning that the total number of juvenile cases in adult court will likely continue to decline from the previous year.

Figure 54: Juveniles in Adult Court, 2012-2018*



*2018 data is from January 1, 2018 – June 30, 2018

For purposes of analysis, juvenile offenses were grouped into eight categories: Armed Robbery/Robbery, Battery, Burglary, Drug, Murder/Manslaughter/Attempted Murder, Rape/Sex Crime, Weapon and Other. The Other category includes crimes such as auto theft, kidnapping, property crimes, escape and fraud. Excluding the Other category, armed robbery/robbery was the top crime committed by juveniles who were under the jurisdiction of an adult court for each year. Armed robbery/robbery has been increasing each year when taking the percent of all cases into consideration. In 2012, armed robbery made up 19% of all the crimes committed by juveniles in an adult court and it increased to 45% in 2017. The Other category has seen the most significant decline in percentage from 2012 to 2018. Weapon offenses dropped from 2012 to 2013 then began to increase the following year. In 2017, Weapon offenses made up 12%: the highest in the 7-year span. Battery offenses have fluctuated from year to year. Drug offenses have started to decline, whereas Burglary, Murder/Manslaughter/Attempted Murder and Rape/Sex Crime have remained fairly consistent each year. The table below shows the number and percent of total juvenile cases in adult court by offense category.

Table 26: Number of Juvenile Cases in Adult Court by Offense Type, 2012-2018

Offense Type	2012		2013		2014		2015		2016		2017		2018*	
	Num	Per	Num	Per	Num	Per	Num	Per	Num	Per	Num	Per	Num	Per
Armed Robbery/Robbery	62	19%	81	24%	120	35%	136	42%	137	41%	88	45%	27	40%
Battery	23	7%	38	11%	17	5%	15	5%	21	6%	8	4%	9	13%
Burglary	38	11%	55	16%	43	12%	33	10%	39	12%	18	9%	6	9%
Drug	31	9%	38	11%	16	5%	19	6%	15	4%	10	5%	1	1%
Murder/Manslaughter/Attempted Murder	21	6%	25	7%	23	7%	26	8%	18	5%	12	6%	5	7%
Rape/Sex Crime	20	6%	19	6%	25	7%	19	6%	12	4%	8	4%	1	1%
Weapon	32	10%	8	2%	24	7%	17	5%	24	7%	24	12%	8	12%
Other	105	32%	80	23%	78	23%	62	19%	69	21%	26	13%	10	15%
Total	332	100	344	100	346	100	327	100	335	100	194	100	67	100

*2018 data is from January 1, 2018-June 30, 2018

Table 27 displays the age of the juvenile under the jurisdiction of an adult court from 2012-2018. The demographics were analyzed by individual and not by cases in order to avoid duplication of demographics for individuals with multiple cases. Age represents the age of the individual at the time the offense was committed. Over the 6 ½ years shown, the ages ranged from 13 to 17 years, with the majority of individuals aged 17. For every year except 2017, the total percent breakdown of 16 and 17 years old has been relatively the same. In 2017, the percent of 17 year olds under the jurisdiction of an adult court decreased compared to other years and the number of 16 year olds increased from the previous two years.

Table 27: Age of Juvenile under Adult Court Jurisdiction, 2012-2018

Age	2012		2013		2014		2015		2016		2017		2018	
	Num	Per	Num	Per	Num	Per	Num	Per	Num	Per	Num	Per	Num	Per
13	0	0%	0	0%	2	1%	0	0%	0	0%	0	0%	0	0%
14	3	1%	1	0%	4	1%	2	1%	0	0%	2	1%	0	0%
15	6	2%	14	5%	13	4%	1	0%	5	2%	1	1%	1	1%
16	81	27%	81	27%	87	29%	80	28%	87	30%	78	43%	22	33%
17	206	70%	200	67%	193	64%	204	71%	201	69%	99	55%	44	66%
Unknown	0	0%	2	1%	4	1%	1	0%	0	0%	0	0%	0	0%
Total*	296	100	298	100	303	100	288	100	293	100	180	100	67	100

*Total for age does not match number of waivers as some individuals have multiple transfers to adult court. Total for age represents each individual and not each waiver

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 nine statutory members, a chairperson, and two standing committees (data and legislation). 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 level. 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.²⁰

JRAC approved \$25M and \$28.4M²¹ in funding for FY18 and FY19, respectively. In comparison, in FY16 and FY17, JRAC approved \$5M and \$20M, respectively. In state FY18, funding was awarded to:

- 68 community corrections agencies

²⁰ “Justice Reinvestment Advisory Council Annual Report – October 1, 2016 – September 30, 2017”, State of Indiana, accessed November 5, 2018, <https://www.in.gov/justice/files/justice-reinvestment-council-2017-report.pdf>

²¹ This amount includes \$3.4M of carryover from FY18.

- 39 probation departments
- 17 court recidivism reduction programs
- 6 prosecutor diversion programs
- 29 jail treatment services

The \$7M increase from the previous state fiscal year supported 2 more community corrections agencies, 7 more probation departments, 4 more court recidivism programs, and 2 more prosecutor diversion programs. Additionally, state FY17 did not see jail treatment services being funded at all. The statute was amended in FY17 to allow treatment programs in jail to receive JRAC funds; previously jails did not receive funding for these programs. FY18 funding was used to expand electronic monitoring, treatment services, training, equipment, drug testing supplies, full-time staff benefits and 31 new staff positions.²²

For FY19, a total of 180 applications were received requesting a total of \$35.3M. JRAC approved \$28.4M in funding for:

- 73 community corrections agencies (\$16,847,946)
- 41 probation departments (\$5,413,416)
- 25 court recidivism reduction programs (\$2,776,175)
- 8 prosecutor diversion programs (\$733,565)
- 31 jail treatment services (\$2,574,130)

FY19 community supervision grant funding expanded programming for electronic monitoring, treatment services, drug testing supplies, training, equipment, and full-time staff benefits. The funding for community corrections agencies resulted in 38 new staff members and 18 expanded programs (pretrial program, 2 work release programs, mental health court, home detention/electronic monitoring, and day reporting). The funding for jail treatment services resulted in 5 new staff members and 6 new programs (substance abuse and mental health treatment programs and two cognitive behavioral programs). The funding for probation resulted in 11 new staff members and 10 expanded supervision/programs (day reporting and pretrial program). The funding for prosecutor’s diversion resulted in 2 new staff members and 2 new programs (felony offender diversion). The funding for court recidivism reduction programs resulted in 5 new staff members and 7 new/expanded programs (veterans court, drug court, and drug and alcohol court). DOC Commissioner Carter approved the funding effective July 1, 2018. See Appendix B for the JRAC 2019 Grant Summary.

Program/Treatment Plan Information

The information reported to DOC is from community corrections, probation, jail treatment, court recidivism reduction, and prosecutor diversion programs that received FY18 grant funding. The reporting period covered July 1, 2017 to June 30, 2018. Funded programs reported on the number of individuals served, program completion rates, and employment rates. *Figure 55* represents the average number served and employed in these HEA 1006 funded areas for state

²² Justice Reinvestment Advisory Council Annual Report – October 1, 2016 – September 30, 2017”, State of Indiana, accessed November 5, 2018, <http://in.gov/justice/files/justice-reinvestment-council-2017-report.pdf>

FY18. *Figure 56* represents the average completion percentage for these 1006 funded areas. While community corrections serves and employs the most people, jail treatment programs have the highest average completion rate. The programs and services provided to these offenders included pretrial supervision, electronic monitoring, work release, substance abuse treatment, cognitive behavioral treatment programs (such as Thinking for a Change, Moral Reconciliation Therapy, and Relapse Prevention Therapy), drug treatment court, reentry court, veterans court, behavioral health court, and problem-solving court.

Figure 55: Average Number Served and Employed in FY18

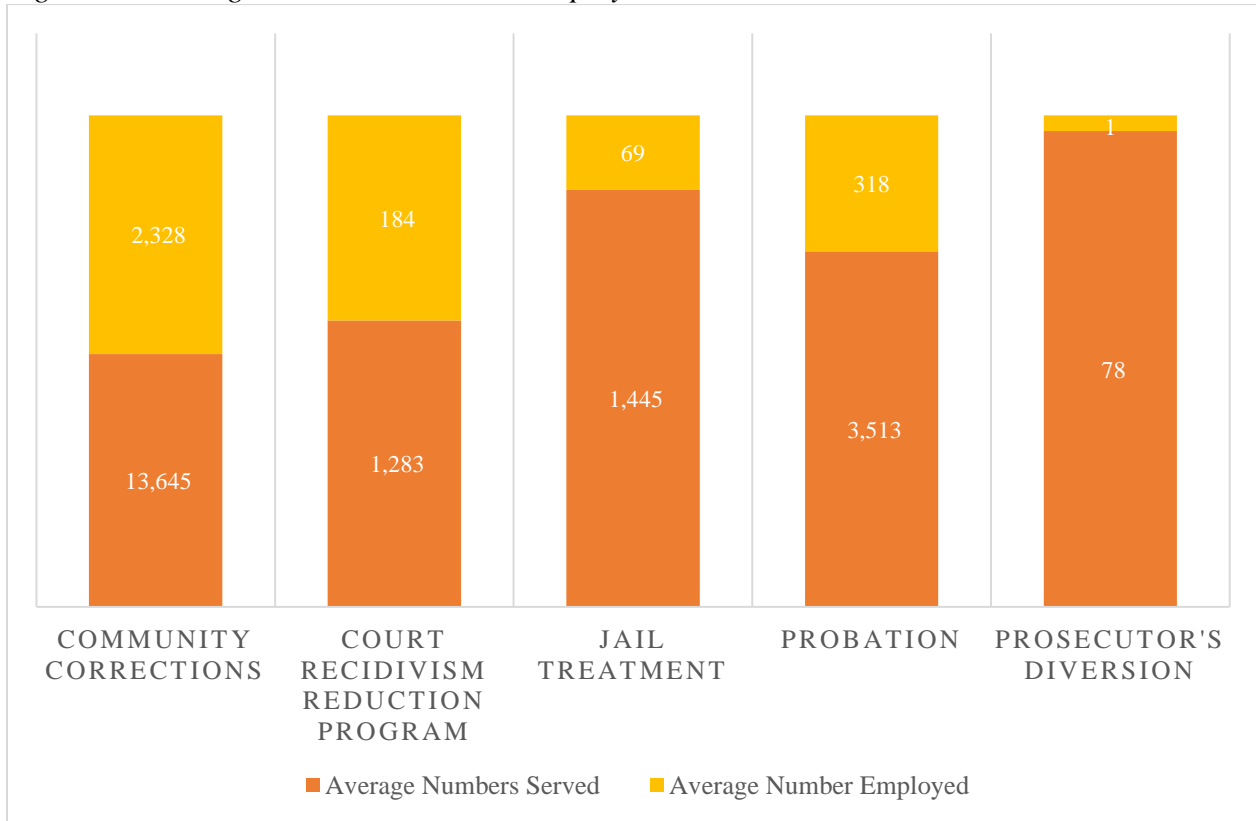
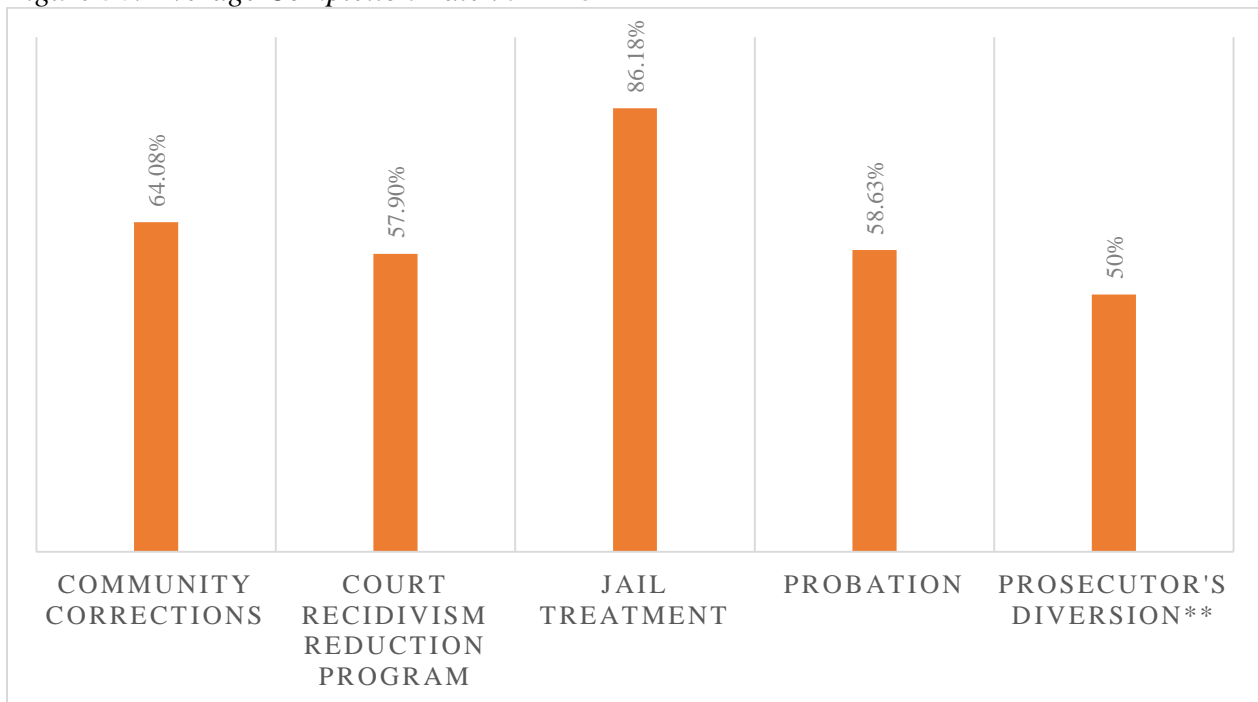


Figure 56: Average Completion Rate in FY18*



*Chart includes HEA 1006 individuals who finished a level of supervision or cognitive program/service with completed status. Completed means an individual was released from the funded program, service, or level of supervision without a violation or revocation that terminated the individual's participation.

**Prosecutor's Diversion only includes data from the fourth quarter of state FY18.

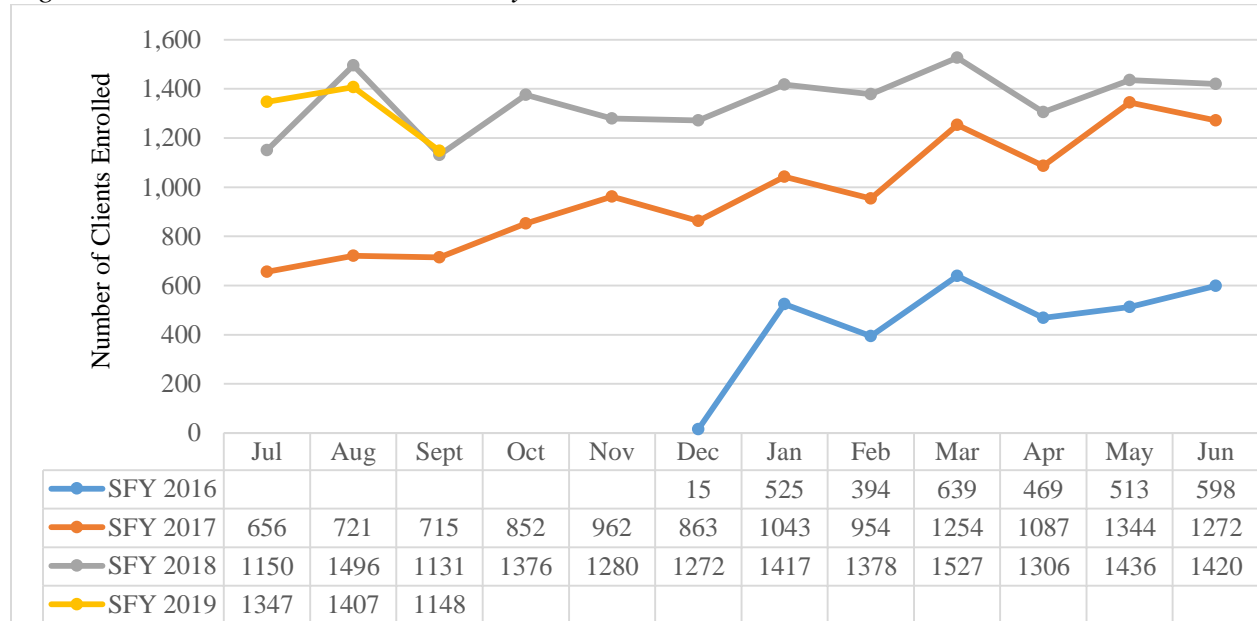
Recovery Works

House Enrolled Act 1006 (2015) established the Forensic Treatment Services Grants through the Family and Social Service Administration's Division of Mental Health and Addiction (DMHA). The grant program, known as Recovery Works, is designed to provide support services to those without insurance coverage who are involved with the criminal justice system. Recovery Works is dedicated to increasing the availability of specialized mental health and substance abuse treatment services in the community for those who may otherwise face incarceration due to a felony conviction. DMHA officially launched the Recovery Works treatment program on November 1, 2015. Recovery Works is a voucher-based system that works with DMHA certified/licensed entities that demonstrate competency in the treatment of criminal justice populations. Recovery Works was funded at \$20M for state FY17, FY18, and FY19.

At the end of FY18, there were 16,189 participants enrolled in Recovery Works and \$26,863,701 expended for services to participants; this was 1,594 more participants and more than double the amount expended for services than FY17. In the first three months of state FY19, there were an additional 16 providers approved, an additional \$7,314,537 expended for direct service care to participants, and an additional 3,902 participants enrolled in Recovery Works, for a total of 34,967 participants since inception. *Figure 57* displays the number of clients enrolled in Recovery Works by month since its inception. It is noteworthy that in the 6 months since the last data analysis (through February 2018), client enrollment has increased by more than 10,000. A

trend appears in the data where enrollment waxes and wanes bimonthly and seems to peak in March of each year. *Table 28* displays the annual total for clients served, increasing each year since inception.

*Figure 57: Clients Enrolled in Recovery Works, FY16-FY19**



*SFY19 includes data through September 30th.

**Client counts may include duplicates based on if the client is receiving services from more than one agency.

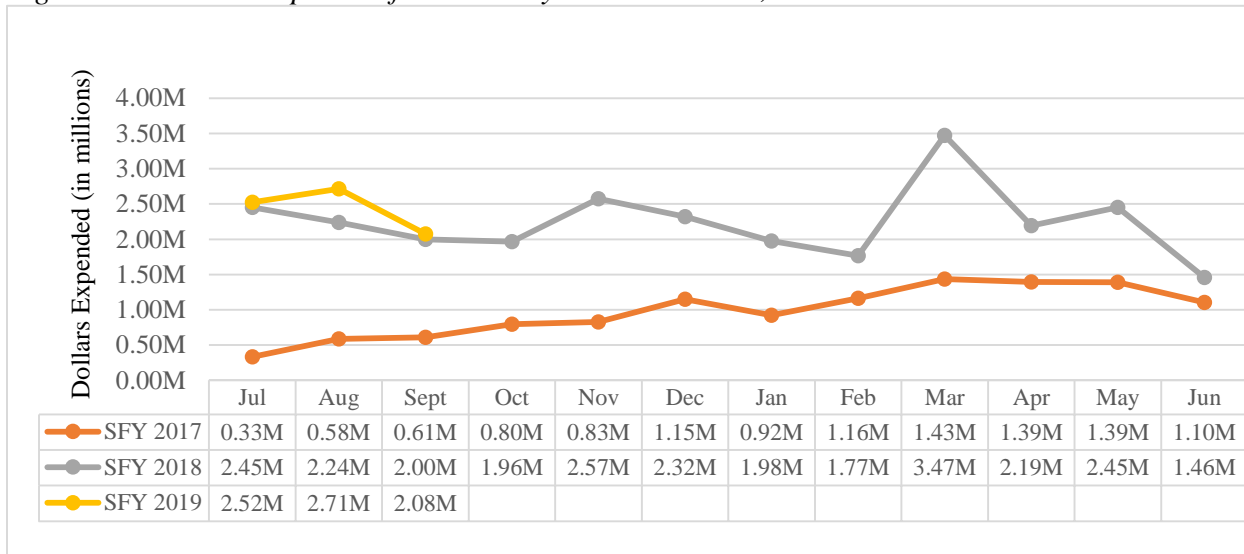
Table 28: Annual Totals of Clients Enrolled in Recovery Works

Year	Clients
SFY16	3,153
SFY17	11,723
SFY18	16,189
SFY19	3,902*
Total	34,967

*SFY19 includes data through September 30th.

Figure 58 displays the dollars expended for Recovery Works services by month since its inception. Each year, the data displays a peak expenditure in March. *Table 29* displays the annual totals concerning dollars expended, both including and excluding Medicaid.

Figure 58: Dollars Expended for Recovery Works Services, SFY17-SFY19*



*SFY19 includes data through September 30th.

Table 29: Annual Totals of Dollars Expended for Recovery Works Services

Year	Dollars (Services)	Dollars (including Medicaid Payout)
SFY17	\$11,704,444.00	\$12,266,607.00
SFY18	\$26,863,701.00	\$28,102,589.00
SFY19	\$7,314,537.00**	\$7,314,537.00**
Total	\$45,882,682.00	\$47,683,733.00

*SFY19 includes data through September 30, 2018.

**Medicaid Payout numbers are data as of May 31, 2018.

The top 5 services provided to participants since program inception are housing assistance, individual skills training and development, individual mental health treatment, group substance use disorder treatment, and group skills training and development. The top 5 counties with participants enrolled in Recovery Works are currently Marion, Vanderburgh, Allen, Vigo, and Elkhart.

DMHA contracted with the Indiana University Center for Criminal Justice Research (IUCCJR) to conduct an evaluation of the Recovery Works program. Phase I of the study covered Recovery Works from inception in November 2015 through May 2017, and examined administrative data from the Data Assessment Registry Mental Health and Addiction (DARMHA) and the Indiana Department of Correction. During that time, 12,042 participants were enrolled in Recovery Works, with enrollment growing by more than 500% in the first year.²³

In Phase II of the study (September 2018), researchers examined administrative data from DARMHA and linked these data to information from the DOC and the Marion County Jail. The

²³ Ray, B & Gruenewald, J. Indiana University Center for Criminal Justice Research (2017). *Recovery Works: Phase One Policy Brief, Report to the Indiana Division of Mental Health and Addiction October 2017.*

largest portion of clients were located in Marion County. The IUCCJR Phase II study yielded interesting results. When it comes to social characteristics, clients were predominantly unmarried, white males with an average age of 34 years. They were often unemployed (46.3% looking for work and 12.9% not in the labor force) and uninsured with a high school degree or equivalent. Clients often considered their living arrangement as “permanent housing” and had lived there for less than 6 months (53% and 57.9%, respectively). They most commonly used opioids, alcohol, and marijuana and 59% of clients had a prior substance abuse treatment episode. Additionally, 36.5% had been incarcerated in DOC prior to enrollment in Recovery Works. The study also found that clients who remained in Recovery Works for at least 6 months showed statistically significant increases in rates of employment, housing stability and independent living, and decreases in self-reported arrests and substance use.

The study assessed recidivism for clients with one year and two years at risk for incarceration or re-incarceration to DOC, as well as return to county jail. Clients one year at risk refers to persons being at risk for recidivism exactly one year after their Recovery Works program start date. Clients two years at risk refers to persons being at risk for recidivism exactly two years after their Recovery Works start date. Of the 11,856 clients one year at risk, the DOC incarceration rate was 6.6% (with 49% incarcerated on a technical violation). Of the 4,565 clients who were previously incarcerated in DOC, the recidivism rate was 9.8% (with 53% re-incarcerated for a technical violation). Of the 2,076 clients two years at risk, the DOC incarceration rate doubled at 13% (with 47% incarcerated on a technical violation). Of the 802 clients who had previously been incarcerated in DOC, the recidivism rate was about 21% (with 49% re-incarcerated for a technical violation). The study showed that being previously incarcerated was significantly correlated to recidivism. See Appendix C for the full Phase II Policy Brief.

Focus Groups

To add a qualitative component to this analysis, ICJI held focus groups to gather opinions from county-level criminal justice entities about HEA 1006. Ten counties were asked to participate (Allen, Bartholomew, Carroll, Delaware, Floyd, Hamilton, Jefferson, Kosciusko, LaPorte, and Vermillion). Counties were chosen to represent Indiana primarily based on the county’s population size, identified in *Table 30*. In addition, at least one of the counties in each size category is a Pretrial Pilot County, identified in *Table 30* with an asterisk.

Table 30: Focus Group Counties

Size	Population	Counties
Small	Less than 40,000	Carroll, Jefferson*, and Vermillion
Medium	40,000-100,000	Bartholomew*, Floyd, and Kosciusko
Large	More than 100,000	Allen*, Delaware, Hamilton*, and LaPorte

*Pretrial Pilot County

ICJI conducted ten focus groups in these counties between August 8 and September 24 of 2018. ICJI also performed a “mini-focus group” with some Delaware County criminal justice professionals who were unable to attend their original focus group.

Those invited to participate in the focus groups included probation officers, community corrections professionals, prosecutors, judges, public defenders, substance abuse/mental health providers, parole officers, sheriffs, jail commanders, and Local Coordinating Council coordinators. Representation varied across county focus groups, influencing the scope of the conversation.

Prior to conducting each focus group, participants were informed of the purpose of the study, that the conversation would be recorded for analysis purposes only, and that their responses would remain confidential. The focus groups followed a semi-structured format where the same list of questions was utilized for each county,²⁴ however a variety of probing questions were asked. Conversations typically lasted about an hour.

The nuances of each conversation can be understood by categorizing them into concerns, effects and solutions. The “concerns” category discusses the concerns counties have with the legislation itself. The “effects” category provides participants’ views on various local impacts of the legislation. The “solutions” category contains suggestions for improvement to the legislation. Within each of these categories, the similarities across all ten counties will be noted, along with county size if applicable.

Concerns

Not only did HEA 1006 transform the criminal code from a class to a level system (with more categories), but the sentencing range and advisory sentences for all felony levels, except murder, were modified as well. Additionally, there were changes to how offenders with drug-related charges are handled, along with drug-weight modifications. The implications of these changes yielded both positive and negative reactions from participants.

Sentence Restructuring

While there was no universal similarity between all ten of the counties in this category, there were similarities across county sizes. For large counties, all were concerned that the sentence time was too short, generally impeding on treatment opportunities for offenders. They also discussed that the restructuring took away their ability to make reasonable decisions. All medium-sized counties agreed that reoffending F6s should go to DOC because they are abusing community resources. Finally, all small counties echoed the large counties’ statement that too short of a sentence impedes treatment opportunities. However, they positively gleaned that some crimes actually have more adequate sentences now.

In conjunction with the results from the previous evaluation, counties agree that sentences are more proportional for higher level felonies. These offenders are being sentenced for a longer period of time, and they are actually serving more of that sentence. The opposite is true for F6s, where in 2016, “the average number of days imposed for a Class D Felony was 141, while the

²⁴ See Appendix D for the County Focus Group Questions.

average number of days imposed for a Level 6 Felony was 84” (JRAC Annual Report). Jail commanders often reported that the majority of their jails are now F6s with a drug charge, or their charge is drug related. Further, a professional claims that:

“[The] drug offenses are the crimes that the punishment doesn’t fit the crime.”

Shorter sentences for F6s, particularly with a drug-related charge, is problematic. Professionals often report that the root cause of their criminal behavior is an addiction and/or mental health issue. They are trying to handle this through problem solving courts. While best practices indicate that offenders should spend an average of 18 months in a treatment program, their sentence is often shorter (6 month minimum, 1-year advisory for an F6). This deters offenders from treatment opportunities, as they would have to stay longer than their sentence requires to complete a program. Further, treatment programs are perceived by offenders as harder work than “sitting out their time” in jail, therefore they are choosing the latter. One professional said:

“The biggest issue is that penalties for drug offenses are so low we can’t force them to get help because they would rather take a small jail or probationary sentence as opposed to doing the hard work of rehab.”

Not only does the short sentence impede on counties’ ability to provide effective treatment, but it also perpetuates the “revolving door” aspect of local criminal justice systems. The counties can no longer rely on DOC as a resource, and they aren’t equipped with effective treatment systems, resulting in offenders cycling through the system. Often, judges use suspended sentences as a way to address this concern. Generally, professionals agree that low-level drug sentences have lost their severity; it is almost inevitable that the problem will continue to occur if the sentences are ineffective.

Drug

All professionals discussed that there is an increase of drug offenders in their systems, directly correlated with the influx of F6s and the general drug epidemic/culture. As previously mentioned, jail commanders often reported that their jails were filled with F6s with a drug-related charge. Across the counties, the drugs that are reportedly of the greatest concern are heroin, meth, cocaine, and opioids. In addition, counties often report that drugs and the increase of female offenders are correlated.²⁵

In concurrence with presented quantitative data, alongside focus group data from previous years, counties are concerned about their jails being overcrowded, and much of this overcrowding relating to drug offenders. Many drug offenders are being siphoned off, depending on risk-level, to community corrections and probation as a way to combat this issue. However, they are violating more often and those violations are more often substance related. Community

²⁵ However, this does not necessarily imply that all female offenders are Level 6 Felons.

corrections and probation officers are highly aware of the jail overcrowding issue, therefore they often report trying to keep offenders out of the court. They communicated allowing multiple dirty drug screens and amending protocols concerning whether or not a failed drug screen is worth sending an offender back to jail.

The drug weight changes that came from HEA 1006 had wide-ranging effects for localities. The drug weight changes were said to make it easier to distinguish between dealers and users.

However, many professionals report being bothered by this, because it takes away their ability to make this distinction themselves.²⁶ They often reported that their Drug Task Forces were more than capable of accurately identifying these differences, and the changes have caused more harm than help. It is believed that dealers are now often receiving an inappropriate sentence, therefore not becoming rehabilitated. Then, they are going back out and dealing, so they are “benefit[ing] from the statute.” One professional exclaimed:

“If you are a drug dealer, you love 1006!”

The other concern is that dealers are receiving alternative sentences. By sentencing a dealer to a community corrections or probation program, the dealer now has a new pool of clients. Many professionals explained that it might be difficult for the most determined addict to stay clean when a dealer, with no desire to change, is sitting next to them in a program. Generally speaking, professionals believe that “drug dealers are misunderstood” by the state, particularly when it comes to their risk level and its ramifications.

Effects

The counties are seeing the effects of HEA 1006 in their agencies, concerning their clients’ characteristics and behaviors, and as they relate to the larger community. Criminal justice professionals report both positive and negative effects.

Agency

Of all the agencies represented, jail, probation, parole, the court, community corrections, and treatment providers were mentioned the most. Of these, the jail was discussed the most. All ten counties voiced that one or more of their agencies experienced case changes and operational changes. These were the only similarities across all large counties, where medium and small counties also had in common staffing (needing more), structural (needing to rebuild, add offices, add technology), and financial changes (needing either grant money, county assistance, per diem assistance, or some combination). In concurrence with findings from the previous year, many agencies (N=6) are reporting increased collaboration since the enactment of HEA 1006.

Jail

Jails say that there are an influx of F6s because DOC is no longer housing those individuals leading to jail overcrowding.²⁷ To deal with this, professionals have created and/or implemented alternatives to incarceration to free up jail space. Some of the alternatives included offering

²⁶ This is believed to be a more accurate method of discernment.

²⁷ Some counties claim that this is true even with pretrial release.

weekend offender schedules, home detention, and home curfew, alongside other probation and community corrections programs. When asked how else they combat the jail overcrowding issue, counties said things like they no longer hold parole violating offenders, hold probation violating offenders for less time, hold inmates in other jails, and occasionally let violators out. Of course, this influx has led the counties to realize that they need to build new jails (or make updates to their current facilities), need more staff to handle the increased number and risk of the offenders, and need basic things like beds and other everyday supplies. One county mentioned needing things like body scanners and tablets for the inmates to use to communicate with families and lawyers in order to reduce contraband being transmitted by mail.

Jail commanders, sheriffs, and other criminal justice professionals claim that the culture of the jails is negatively shifting, which is believed to be associated with F6s who have been in DOC before. Participants have a perception that their jail populations are of higher risk and are more violent than in the past, sometimes leading to gang presence²⁸ and contraband. In addition, there are many more reports of mental health and substance abuse concerns. This has made the jails become “mini-DOCs” minus the resources, which could be dangerous for inmates and staff alike. This shift in culture not only affects the offenders and the workers, but the functions of the jail as a whole.

In light of recent changes, it is believed that the jails do not operate the same way it did in the past. A few counties offered the opinion that they are becoming a “social service agency, impeding on [the] traditional duties of the office.” Even more counties claimed that the jails are often acting as detox facilities, mental health facilities, a maternity ward, and holding spaces for the homeless, which is not believed to fall in line with its original purpose. Jails are not the only agencies that have experienced operational changes; local agencies across the ten counties have been affected.

Operational Changes

Operational changes needed to be made across all counties’ agencies. Agencies are hyper aware that their actions influence the jail population. Collectively, they are working as a team to hover at or around their designated threshold without hindering public safety. For example, one county manages on the front end by issuing more citations than arrests and arresting fewer people for things like marijuana and driving while suspended. Another county reports that when the offender is already in their care, they will do everything they can to deter them from jail such as not bringing every drug violation to the judge, sending less violators on supervision to the jail, allowing a few positive drug screens before issuing an official citation, screening offenders only once if they pass the first time,²⁹ and generally exhausting community resources before sending offenders to jail. The counties are utilizing these methods because their previous method, sending violators to DOC, is no longer available.

Not being able to send F6s to DOC required agencies to make front-end adjustments to their operations. Some prosecutors claimed that HEA 1006 has changed the way they charge people, either with an F5 or an F6, which may change who ends up at what court (and potentially needing to build a new court/change the structure of an existing court). One county’s community

²⁸ To delve into two anecdotes concerning gang presence in county jails, visit Appendix E.

²⁹ If they have any violations, they will be screened again.

corrections program claimed that offenders are not taking their operation seriously due to this change.

Agencies needed to adjust in response to the drug problem and the emergence of a treatment-focused criminal justice system, alongside the effects of HEA 1006. For example, their approach to Medication Assisted Treatment (MAT) has evolved. A parole officer said that “[Medications that help with opioid addiction] are required in [our] vehicles, and we can no longer confiscate from someone even though it is an opioid.” This operational change is an example of the acceptance of MAT in that county, despite real concerns that the drug is an opioid. A judge from another county reported, “We cannot exclude people from programs if they are on these medications. We have to wean people off Suboxone. Encourage them to get off the substance.” It seems that previously this county did not let certain drug users into programs, and now they are broadening the reach. While these examples are evidence that the treatment-focused criminal justice system principles are seeping in, there are some pitfalls. How professionals are administering MAT is crucial to its success. The drug in pill form (as opposed to the shot) is often abused or sold. One professional states:

“There is no street value [for the shots]. For Methadone and Suboxone, [we are] endorsing the[ir] street value in...treatment.”

Agencies needed to adapt to their changing environments by making operational changes. For professionals who work in the agencies, they reported experiencing shifts, too.

Case Changes

All ten counties indicated that one or more of their agencies experienced a change concerning caseloads. Professionals from all agencies experienced an increase in volume of caseloads, with the exception of parole. This increase in volume makes it challenging for professionals to “dig in” and be proactive. This, alongside the increase, begs for more staff. One participant pondered:

“Do I do something halfway, or do I focus on a small group and do it really well... hop[ing] the others will be okay?”

Professionals are having to make hard decisions because demand has outrun supply.

Counties also expressed that possession/drug cases are a large portion of their caseloads. Others discussed an increase in their misdemeanor caseload, high risk caseload, and their criminal justice clientele. Because the offenders served are changing, their needs are changing.

Offender Characteristics

Female

All ten counties claimed that they are seeing an increase in female offenders across agencies, and they are attempting to respond. A few counties claim that the increase in female offenders coincides with drug abuse. Two counties said that they are seeing more females that are “taking the blame for male offenders.” One professional reported that females are often “runners for dealers, or operating a vehicle for males associated with drugs.” Counties discuss needing more services specifically for the female population, including trauma counseling. For inpatient services, there needs to be more female beds, jails, and overall facilities. Some counties are undergoing this process already, but there are barriers.

As agencies work with more female offenders, they recognize that the offenders’ potential role as a mother adds a layer of complexity. One professional reported that they have seen an increased amount of cases turned over to DCS involving females. If a mother ends up in jail, counties are concerned about both the child and the mother receiving services, especially considering that the child might be the next offender. When contemplating treatment, females often miss their appointments due to lack of childcare. One county combatted this issue by providing childcare and transportation to their female clientele, and it increased participation to 100%.

Some counties are seeing an increase in women seeking services, while others are experiencing female offenders simply wanting to sit out their time in jail. One county reported that they offered a 6-month pilot program through community corrections specifically for females. Upon being interviewed, many declined to participate. As previously mentioned, this is not unique to the female population.

Other Commonly Mentioned Offender Characteristics

In addition to an increase in female offenders, all of the large counties report that offenders’ attitudes are more careless and noncompliant than in the past. They also claim that offenders’ are more often receiving a drug charge or a violation of parole/probation. All medium-sized counties report that offender age is changing³⁰ and they are reoffending more often. All small counties are noticing that offenders are recommitting more often, they are more risky/violent, and their charges often are drug related or a violation of parole/probation. It is interesting to note that both large and small counties observe the drug charge or violation of parole/probation change, and medium and small counties claim that offenders are reoffending more often. These characteristics were also mentioned by last year’s focus group counties, especially concerning risk and reoffending behaviors.

Risk

Criminal justice professionals reported that the changes of HEA 1006, and perhaps the usability of the Indiana Risk Assessment System (IRAS), were contributing factors to having more high-risk clients than in the past. Focus group participants had the chance to give their opinion about

³⁰ Two counties claim that their offenders are younger, while the other claims that they are no longer the “young thug age group; they are older.”

the IRAS (if it was brought up), but only probation, parole, pretrial, and community corrections officers actually administer the tool. They are tasked with the administration of the IRAS, because the cornerstone of effective supervision is risk assessment. Assessing an offender's risk and needs is essential to implementing best practices and provides the basis for case planning. Following the recommendation of the Indiana Risk Assessment Task Force, Indiana requires the use of a series of tools to assess criminal offenders under supervision (e.g., on probation, in drug treatment, etc.) and determine their risk of reoffending.

Even when the IRAS reveals a “low risk to recidivate” score, professionals are concerned that the tool does not yet have the capacity to adequately adhere to the ever-evolving needs of offenders.³¹ One participant claimed that “[their] needs are typically high risk, even if their score is not.” While the tool does categorize offenders by risk *and* need, treatment options may be inappropriate or unavailable, especially for the population that is “low risk to recidivate with high need areas”. This lack of services, coupled with less monitoring, is worrisome. If offenders have no services to aid in their rehabilitation, they could be exacerbating the revolving door concern.

Largely due to jail overcrowding, low-, medium-, and high-risk offenders are now mingling in the jail. When medium- and/or high-risk offenders are intertwined with low-risk offenders, there is potential for low-risk offenders to adopt their behaviors. In other words, both the increased felon population and risk assimilation are contributing factors to the perceived increase in higher risk offenders overall. Sadly, lower risk offenders in the jails are overshadowed by these high-risk offenders, where their needs (which are no less important) are put on the back burner.

When it comes to the IRAS specifically, professionals (excluding public defenders, jail commanders, and LCC Coordinators) reported mixed feelings about its usability. Two counties indicated that it gathered good data, but just needed a few tweaks. Two other counties claimed to feel indifferent about the tool, mainly because of its subjectivity. Finally, three counties indicated that the tool could be improved. They brainstormed ideas like creating a more adaptable tool, flexible to addressing the individuality of offenders; adding non-self-report elements; providing drug assessment components; and allowing misdemeanors to be assessed.³² It is important to note that many of the concerns revealed through these discussions could be in connection with a lack of a comprehensive understanding of the IRAS.³³ One professional says:

“People criticize the risk assessment... [but] the tool is backed by research. I don't think it's the tool itself, it's the administrator of the tool.”

There are clear misunderstandings of the tool from all parties, which was made evident after a deeper look into the concept, purpose, and application of the IRAS. However, the perception of

³¹ The Indiana Office of Court Services and the Department of Correction are currently conducting an evaluation of the IRAS tools and will follow the resulting research recommendations.

³² There were no real similarities between small, medium, and large counties.

³³ For more information about the IRAS, please visit <https://in.gov/judiciary/iocs/2762.htm>

its usability, and generally the increased risk of offenders in the localities, currently dominates the discussion.

Community

While much of the discussion revolved around how the changes directly impacted agencies, criminal justice practitioners, and offenders, some counties were aware of the larger community impacts. Professionals are concerned with public safety as it may relate to the changes from HEA 1006. Generally, counties reported that being able to imprison people for crimes allows for a safer community, which they are no longer able to do for F6s. For example, one participant was concerned for victims of violent offenders with protective orders, claiming, “[The violent offenders] used to go to prison so the victim didn’t have to worry! Now, they are not going to prison. Because of 1006, they are staying back.” More specifically, another county claims, “the old drug code kept people safe.” Now, offenders are getting shorter sentences, and going out into the community and reoffending. Similarly, a different county claims that the drug use and release pattern is hindering public safety. Finally, counties bring up other concerns like more guns in the community than in the past and more violent/high risk youth in the system, which could connect to the changes of HEA 1006.

When it comes to treatment, some professionals’ concerns regarded the larger community. As previously discussed, attempting to treat clients from broken systems is not effective. This has larger implications such as recidivism (which influences jail overcrowding); further complications with substance abuse, addiction, and relapse; and other general public safety concerns. Ideally, professionals would like to see more resources going toward preventative services. At the very least, they would like to see treatment opportunities be offered to offenders earlier on in their processing, so that they can more adequately assist and serve their community at large.

Solutions

HEA 1006 aimed to bring low-risk, low-level felons into the community to be treated, which was a solution to the prison overcrowding concern and a way to adhere to ever-evolving best practices concerning a treatment-focused criminal justice system. Later amendments to 1006 allowed counties access to financial opportunities in the form of Recovery Works and 1006 funding. Professionals comment on these solutions in the subsections below, and provide their own suggestions for improvement to various aspects of 1006, and the system at large.

Treatment

Across all ten counties, professionals indicated that there are not enough resources to address the pressing need. One professional sums up all the input gathered, indicating:

“I think there are more gaps than there are services.”

These scarce resources are commonly operationalized as inpatient and outpatient services, even though outpatient services seem to be more available than inpatient.³⁴ Professionals agree that even with availability of outpatient services in a county, it is “dangerous” to not allow a “continuum of care,” especially when handling substance abuse/addiction cases. Many professionals also believe that outpatient programs should be longer. When talking specifically about inpatient services, professionals concur that halfway houses, detox facilities, and residential components of treatment facilities are in severe lack. Not only are services hard to come by, not fitting, and/or unavailable, but there are not enough people providing these services.³⁵ Despite the push to focus on treating offenders, and professionals’ willingness to comply, counties are ill equipped for the task. To top it all off, offenders are overwhelmingly uninterested in treatment, including the motivation for treatment being lost due to the inability to send offenders to DOC.

For the services that are available, there are gaps and treatment dollars are limited to fill those gaps. Counties often utilized DOC’s facilities for treatment purposes, and they no longer have that option. Jails have tried to cope, often providing services in the facility. However, as previously mentioned, that is not the intended purpose of the jails. Secondly, some counties claimed that the services they have available are faith-based, therefore the judges are left with virtually no treatment option they can sentence. Other counties report that because their jail populations are pretrial laden, offenders cannot get sentenced to services. Mental health and other criminal justice professionals agree that the earlier someone gets treatment, the better chance they have at recovery. However, they also recognize that treatment is not going to be effective if the offender does not volunteer. Next, offender employment impedes on their ability to attend and/or complete treatment, specifically mentioned by two counties. Another two counties discuss how clients are ineligible for services if they have no job, no income, and no insurance. Finally, on one side, professionals are begging for more treatment resources for the criminally involved. On the flip side, they recognize that reserving the best treatment options for the most criminally involved might not be the best approach. When this model is adopted, the non-criminally involved clients get left by the wayside, which is problematic.

Community Mental Health Centers (CMHCs) were discussed by two of the counties as problematic. Despite their efforts, some professionals are less than impressed with the services that are provided. One county claims that the CMHC is not adequately serving the criminal justice population; they are not flexible when criminal justice clients are taken on, and they are currently unwilling to partner with other, locally based nonprofits to ensure a continuum of care for offenders. Another county says that the CMHC is “not being forced to provide a minimum level or services to receive funding.” This professional begs for standards to be in place to hold CMHCs accountable.

Money

To begin, the conversation about money coincides with mental health/substance abuse treatment and services. Many professionals believe that more money should be allotted to preventative services. However, if money is not utilized for preventative efforts, it should benefit the

³⁴ This does not mean that the outpatient services offered are fully comprehensive or effective.

³⁵ Sometimes this means that there are not enough people to fill the jobs generally, but other times it means that the people in the jobs are not qualified, they need different specializations, or they need to work different hours.

overarching drug problem, not simply opioids. Secondly, they discuss needing different pots of money for mental health and substance abuse; “you can’t steal from Peter to pay Paul.” If the money has to be pooled, counties believe it should be used to help these agencies strategize about how to best serve criminal justice clients. Lastly, some counties discuss that Recovery Works has helped them, but they recognize that it is limited. This has led them to strategize with how they use the money. It has also led one county to apply for fewer supplemental grants.

Professionals are concerned when it comes to financing these offenders previously sentenced to DOC. When it comes to what sort of responsibility DOC should have, there are mixed views. Some counties claim that since DOC is not realizing any savings from the shift, they should just take the low-level felons back. Other counties claim that we are “...not going to put the genie back in the bottle now,” so the state better “pony up money for 92 counties.” They think this could be done a number of ways, such as raising the per diem for the F6s to be comparable to the per diem at DOC; hiring more staff; investing money to build/add on to the jails; and/or providing money for transportation of inmates.

Two of the three small counties reported that they are concerned about losing out on money, either now or by 2020, by holding offenders pretrial without bond. Both counties expressed their disapproval of the idea. One county further explained why this would be disadvantageous, indicating that some of their programs are tied to that money. However, the data compiled from the 2018 Jail Survey demonstrates that currently, only around 39% of the pretrial population are being held no bond.

Even though counties are aware that grants are available, they believe that the grant process is burdensome, sometimes without reward. Some counties claim that grants are “too hard to obtain” because the work is “cumbersome.” Grants also come with contingencies, such as needing to hire a staff member to manage all the moving parts. Because this is not plausible, professionals are often deterred from even seeking funding. Counties are further disheartened when they receive grant funding that is not what they anticipated and/or they receive grant funding without foundations in place to use it effectively. Of course, they are generally concerned that grants are not sustainable, and they might not be able to keep up after the grant is over. For example, one county talked about a grant funded treatment program that did not receive continuation of its grant money, and therefore was unable to sustain one of its best programs.

When counties know they are receiving money, they are concerned about where it is going. Some professionals report feeling generally unsettled by the ambiguity of their County Councils. They claim that they are “hard to deal with.” More specifically, many counties report having issues getting the money to the jail from the general fund or the County Councils. The jail commanders and sheriffs believe that if they are providing services to offenders, they should be receiving the money directly rather than it going to the County Councils. One county reports that they are not receiving per diem dollars; this money is going to the council’s general fund. They claim that the council is “holding onto the money” when the jail would benefit from those dollars. Another county reports that it is just understood that the council will not approve more money for staffing and the jail.

Suggestions

Throughout the focus groups, suggestions were made to further develop HEA 1006. The most agreed upon suggestions appear in *Table 31*. This criteria is operationalized by the suggestion having been made by three or more counties, where the first suggestion was made by seven counties. An exhaustive list of the suggestions are in Appendix F.

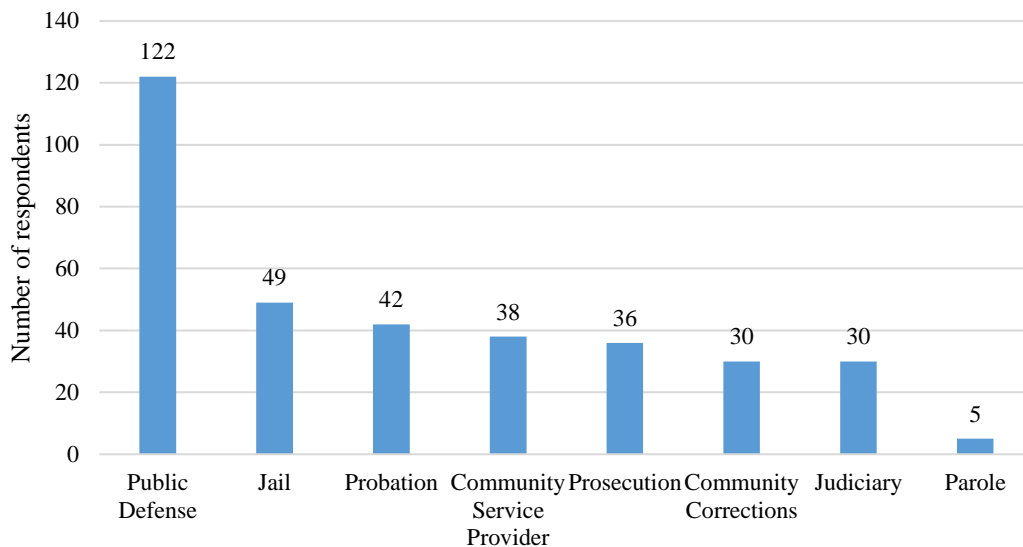
Table 31: Common Focus Group Suggestions

Suggestions
Send Level 6 Felons back to DOC (<i>all, some, reoffenders, habitual offenders, high-risk</i>)
Address prevention efforts (<i>for adults, for juveniles, education, early identification/detection</i>)
Funding support from DOC (<i>to hire staff, build facilities; per diem that matches DOC</i>)
More inpatient services (<i>build halfway houses, detox facilities, state mental health facility</i>)
Reassess how to measure risk (<i>rework the standard tool, keep it and use a supplemental tool</i>)
Address problems with designated mental health provider (<i>cater to criminal justice clients, work with other local, non-profits to ensure a continuum of care, competitive process, tax levy concern</i>)
Address transportation concerns
Adjust drug weights to be more appropriate
Communicate with localities before any changes are implemented
Restructure sentence time

Survey

ICJI devised an online survey to assess the perceptions of the effect HEA 1006 had in the past two years at the county level for the jails, probation, community corrections, parole, courts, prosecution, public defense, and community service providers. The Indiana Sheriffs' Association, Indiana Prosecuting Attorneys Council, Indiana Public Defender Council, and Indiana Office of State Court Administration assisted ICJI in distributing the survey link via email to representatives of each agency. There were 370 responses to the survey; of those who started, 95% completed the survey. Each county was represented in the responses from at least one type of agency. The highest number of responses came from the public defenders (33%), followed by jails (13%), probation (11%), and community service providers (10%).

Figure 59: Survey on Local Impact of HEA 1006 - Agency Type of Respondents



Each agency had a unique set of questions and therefore they cannot be directly compared to one another. One commonality among the various criminal justice entities is jail overcrowding. Other areas of concern include substance abuse and/or mental health treatment/programming, funding, volume and needs of offenders serviced, and changes in various agency operations. When analyzed further, other nuances come to the fore. For example, agencies are generally reporting an increased caseload/offender population.³⁶ When discussing the risk level of offenders, there are mixed reports about whether or not offenders are becoming higher-risk. However, two agencies report that if there are significant increases in risk level, it is amongst the already high-risk population. When inquiring about recidivism, almost three quarters of prosecutors who responded³⁷ claim that recidivism has increased. This is believed to be directly correlated with the changes from HEA 1006. When it comes to services that agencies both provide and have difficulty providing, there are unmistakable similarities. Of all of the possible services to be provided, substance abuse treatment, mental health treatment, and life skills curriculum (e.g., anger management) ranked highest across all applicable agencies' responses. Of the same list of services that an agency may have difficulty providing, transportation assistance and housing/homelessness services revealed themselves as the most difficult to provide. Agencies generally agree that there has been an increase in offenders that need services.

Each agency's responses will go into further detail below. For an exhaustive, detailed account of the survey and its responses, visit Appendix G.

Summary of Jail Responses

There were 49 responses from jails, representing 41 counties. Nearly 80% of jail respondents answered that they had seen a significant increase in average daily population in the past two

³⁶ Parole is the exception to this data point.

³⁷ The prosecutors were the only group that were asked a question about recidivism.

years. Over 73% stated the average jail stay increased significantly in the past two years. When asked, “Has your jail experienced a significant change in the number of days your jail has been over 100% capacity in the past two years?” 51% responded that there had been a significant increase and 22% saw no change. Respondents were also asked about jail capacity and 45% indicated that their jail was over 100% capacity on July 31, 2018 and 27% were at 81-100% capacity. Just over 55% of the respondents do not offer pretrial release services, while 22% are a pretrial pilot program and 22% offer pretrial release services but are not part of the pilot program. Of the 22 jails that offer pretrial release services, 68% responded that it has not decreased the jail population, while 27% said it was too early to tell whether or not the program will affect the jail population.

Twenty-two jails have increased personnel within the past two years. However, of those 22, only 18% were able to hire enough staff and 63% were able to hire some, but not enough staff. Eighty-three percent of jails that hired staff used county funds to do so. Nearly 80% of jails indicated they have needed infrastructure changes, such as expanded or additional facilities, in the past two years. Of the jails that needed infrastructure changes, 51% were able to make some changes, 28% are currently unable to make changes, and only 21% were able to make all of the changes necessary. The survey asked respondents if they have observed an overall change in the risk level of offenders in the past two years. Of the 47 responses, 70% have seen an increase in risk level, while 28% said offender risk levels have stayed about the same.

Seventy-four percent of respondents have noticed a significant change in the number of offenders who require services. Nearly 81% of the jails provide mental health treatment, 68% provide substance abuse treatment, and 53% provide some type of life skills curriculum. Only 19% of the jails provide reentry services. *Table 32* shows the services being provided in the jails.

Table 32: Which services or programs does your jail provide directly or through an outside vendor? (Please select all that apply)

Answer Choices	Responses	N
Mental Health Treatment	80.85%	38
Substance Abuse Treatment	68.09%	32
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	53.19%	25
Education	48.94%	23
Linkages to Community Resources (Non-Agency)	29.79%	14
Employment Assistance/Job Skills Training	21.28%	10
Reentry Services	19.15%	9
Other	10.64%	5
Transportation Assistance	8.51%	4
Housing/Homelessness Services	8.51%	4
None	8.51%	4
Food and Clothing Assistance	4.26%	2
Do not know	0%	0

Respondents were asked what services provided in prison does your jail have difficulty replicating or affording. Employment assistance/job skills training and reentry services were noted as difficult to replicate or afford by 60% of respondents. Housing/homelessness services followed closely at 57%. *Table 33* relays an exhaustive list of the responses.

Table 33: What services or programs that are currently provided in prison does your jail have difficulty replicating or affording due to lack of funds? (Please select all that apply)

Answer Choices	Responses	N
Employment Assistance/Job Skills Training	59.57%	28
Reentry Services	59.57%	28
Housing/Homelessness Services	57.45%	27
Food and Clothing Assistance	51.06%	24
Transportation Assistance	51.06%	24
Education	48.94%	23
Substance Abuse Treatment	46.81%	22
Mental Health Treatment	46.81%	22
Life Skills (e.g., Thinking for a Change, Anger Management)	44.68%	21
Linkages to Community Resources (Non-Agency)	36.17%	17
None	8.51%	4
Do not know	8.51%	4
Other (please specify)	0.00%	0

Survey respondents were asked, “Is there anything we did not address in this survey that you would like for us to know about the impact of HEA 1006 on your community?” This was an open-ended question and 20 (41%) participants responded.

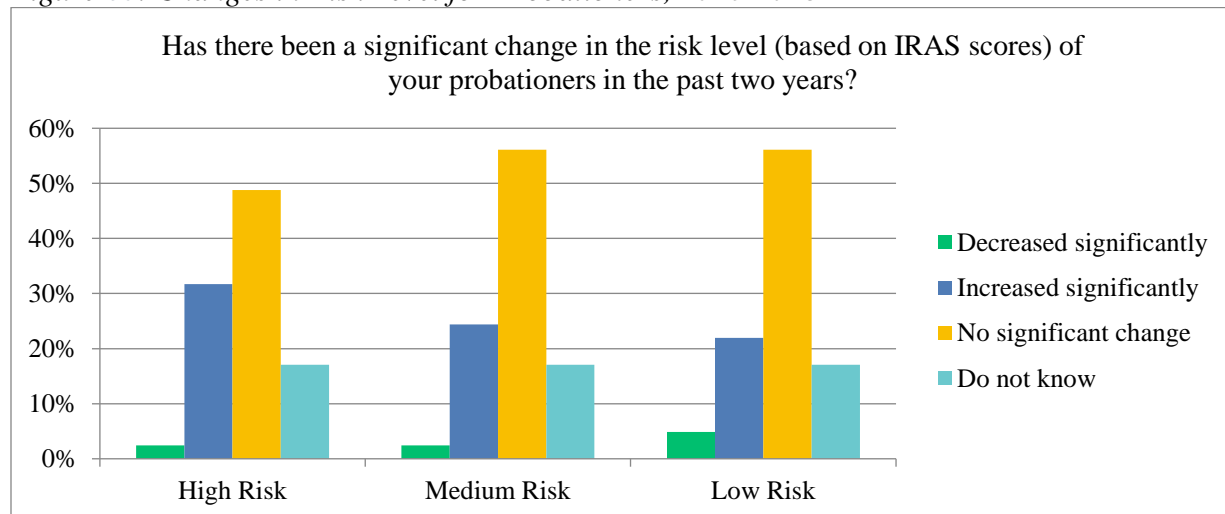
- Nine respondents indicated that their jail population is overcrowded, which is causing a significant issue.
- One respondent stated that mental health issues were increasing and additional programs were needed.
- Two respondents claimed that substance abuse issues were increasing and additional programs were needed.
- One respondent said per diem is not high enough, with six additional respondents specifying that funding was needed to expand jails and to offer programs.
- One respondent said that there is an issue arising with inconsistencies in the approvals of inmates to be sentenced to DOC.
- One respondent specified that the change has caused recidivism rates to increase and at a quicker rate.
- Two respondents indicated that the jail culture is changing. One specifically stated that it was becoming more dangerous with more assaults against both staff and offenders causing serious bodily injuries.

Summary of Probation Responses

There were 42 responses from probation departments, with a response rate of 41.6% and representing 41 counties. Nearly 55% of probation departments experienced a significant change in the number of offenders sentenced to probation in the past two years, compared to 38% that did not see a significant increase. Similarly, 50% saw a significant increase in the average caseload per probation officer and 43% did not see a significant increase in the average caseload in the past two years. A total of 69% of the responders do provide pretrial release services. Of the probation departments that offer pretrial release services, 59% responded that it was too early to tell if the program would affect caseloads, 28% said it had no effect on their agency and 14% had seen an increase in caseloads.

Approximately 60% responded that the number of staff employed had not changed in the past two years and 36% reported that staff had increased over the past two years. For those that did hire additional staff, only 20% were able to hire enough staff, while 60% hired some but not enough staff. Of probation departments that were able to hire additional staff, 58% used 1006 grant funds, 42% used county funds and 33% used other grant funds. Respondents were asked if there had been a change in the risk level of probationers (based on IRAS scores) in the past two years. Overall, most probation officers did not see a significant change in the risk level. However, respondents saw the highest increase in risk level of probationers for those assessed as high risk. See *Figure 60* to view the responses.

Figure 60: Changes in Risk Level for Probationers, 2016-2018



Respondents were asked if the number of offenders to successfully complete probation had changed in the past two years and 63% indicated no significant change, 20% saw a decrease and 7% reported an increase. Over 68% of respondents have noticed a significant change in the number of probationers who require services, such as substance abuse or mental health treatment, and 24% saw no change in the past two years. Nearly all (95%) of the respondents provide life skills curriculum, 93% provide substance abuse treatment and 88% provide mental health treatment to probationers. See *Table 34* below for the full list of responses.

Table 34: Which Services does your probation department provide directly or through an outside vendor to probationers? (Please select all that apply)

Answer Choices	Responses	N
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	95.12%	39
Substance Abuse Treatment	92.68%	38
Mental Health Treatment	87.80%	36
Employment Assistance/Job Skills Training	78.05%	32
Education	58.54%	24
Linkages to Community Resources (Non-Agency)	58.54%	24
Housing/Homelessness Services	39.02%	16
Reentry Services	31.71%	13
Food and Clothing Assistance	31.71%	13
Transportation Assistance	29.27%	12
Other (please specify)	7.32%	3
None	0.00%	0
Do not know	0.00%	0

Probation officers were questioned about which services or programs probationers have difficulty obtaining for reasons such as lack of availability or affordability. Over 73% reported that transportation assistance was difficult to obtain, followed by housing/homelessness services at 66% and substance abuse and mental health treatments at 56%. The table below shows the full list of services.

Table 35: Which services or programs do probationers have difficulty obtaining for reasons such as lack of availability or affordability? (Please select all that apply)

Answer Choices	Responses	N
Transportation Assistance	73.17%	30
Housing/Homelessness Services	65.85%	27
Substance Abuse Treatment	56.10%	23
Mental Health Treatment	56.10%	23
Food and Clothing Assistance	29.27%	12
Employment Assistance/Job Skills Training	21.95%	9
Education	17.07%	7
Reentry Services	17.07%	7
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	14.63%	6
Linkages to Community Resources (Non-Agency)	7.32%	3
Other (please specify)	7.32%	3
None	2.44%	1
Health care	0.00%	0

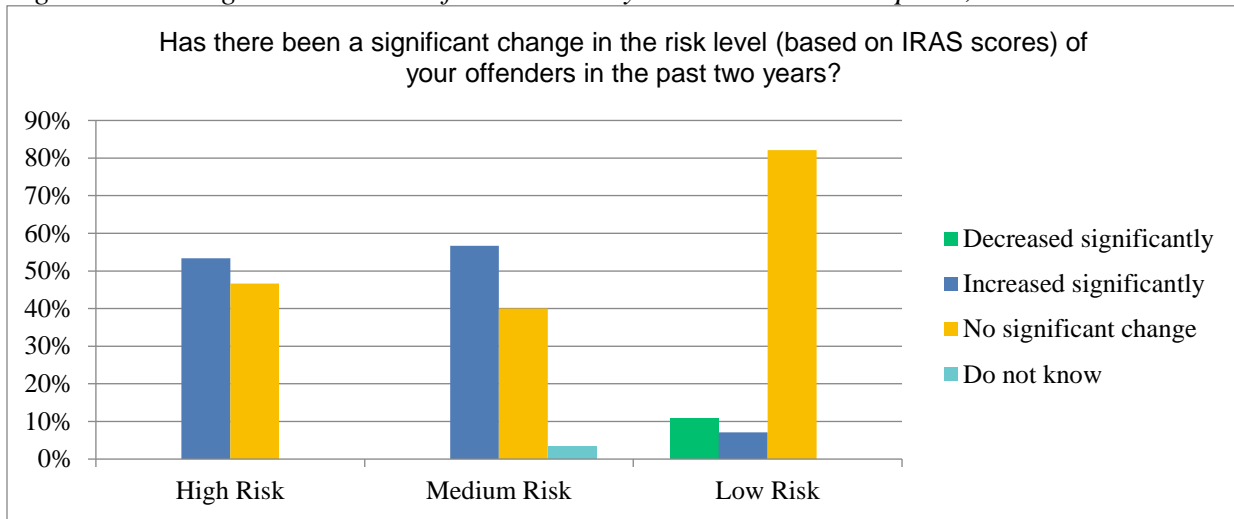
Survey respondents were asked, “Is there anything we did not address in this survey that you would like for us to know about the impact of HEA 1006 on your community?” This was an open-ended question and 21 (50%) participants responded.

- Four respondents stated the jail population is increasing or jails are overcrowded. An additional three also reported that caseloads or duties for probation officers are increasing.
- Four respondents raised concerns with grant funding through DOC, stating the requirements to receive funds are too much and that funds do not cover the full cost of an employee.
- Two participants indicated that the number of high risk level offenders have increased.
- One respondent, who is a pretrial county, stated, “Since the pretrial program started, cash bonds have virtually been eliminated. This has dramatically reduced user fee collection rates... We also had to discontinue probation programming due to lack of funding.”
- One person said that Recovery Works funding has greatly helped cover expenses for clients in their county.
- Other notable comments included the need for detox or inpatient treatment facilities and the need for services in the jail.

Summary of Community Corrections Responses

There were 30 responses from community corrections agencies, with a response rate of 36.6% and representing 39 counties. Forty-seven percent of community corrections agencies experienced a significant increase in the number of offenders sentenced to community corrections in the past two years, compared to 40% that did not see a significant change and 13% who said there was a decrease. When asked if their caseloads have changed in the past two years, the responses were evenly split with 43% seeing a significant increase and 43% indicating no change in caseloads. Half of the community corrections respondents reported no change in number of staff employed in the past two years, while 47% of respondents had seen an increase in staff. For those that did hire additional staff, 57% were able to hire enough staff and 36% hired some but not enough staff. Nearly all of the agencies used DOC funds or 1006 grants to hire staff, 46% used offender fees, 23% other grants, and 7% used county funds. Respondents were asked if there had been a change in the risk level (based on IRAS scores) of offenders in the past two years. Most community corrections officers did not see a significant change in low risk level offenders. Fifty-seven percent of respondents did report a significant increase among high risk offenders and 53% saw an increase among the medium risk offenders. See *Figure 61* below for more information.

Figure 61: Changes in Risk Level for Community Corrections Participants, 2016-2018



The majority (90%) of community corrections officers saw a significant increase in the number of offenders who required services in the past two years. Ninety percent believe that the felony population needs the most services that are provided by their agency. Nearly all (93%) of community corrections offices provide substance abuse treatment, life skills curriculum, and employment assistance and/or job training skills. Additionally, 90% provide mental health treatment. See *Table 36* below for the full list.

Table 36: Which services or programs does your community corrections office provide directly or through an outside vendor to offenders? (Please select all that apply)

Answer Choices	Responses	N
Substance Abuse Treatment	93.33%	28
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	93.33%	28
Employment Assistance/Job Skills Training	93.33%	28
Mental Health Treatment	90.00%	27
Education	86.67%	26
Linkages to Community Resources (Non-Agency)	83.33%	25
Food and Clothing Assistance	63.33%	19
Reentry Services	50.00%	15
Housing/Homelessness Services	46.67%	14
Transportation Assistance	40.00%	12
Other (please specify)	3.33%	1
None	0.00%	0
Do not know	0.00%	0

Community corrections officers were asked, “Which services or programs do individuals in community corrections have difficulty obtaining for reasons such as lack of availability or affordability?” Nearly 77% reported that transportation assistance was difficult to obtain, followed by housing/homelessness services at 53%, and mental health treatments at 37%. The table below shows the full list of services.

Table 37: Which services or programs do individuals in community corrections have difficulty obtaining for reasons such as lack of availability or affordability? (Please select all that apply)

Answer Choices	Responses	N
Transportation Assistance	76.67%	23
Housing/Homelessness Services	53.33%	16
Mental Health Treatment	36.67%	11
Substance Abuse Treatment	23.33%	7
Food and Clothing Assistance	20.00%	6
Reentry Services	13.33%	4
Employment Assistance/Job Skills Training	10.00%	3
Education	10.00%	3
Linkages to Community Resources (Non-Agency)	10.00%	3
Other (please specify)	10.00%	3
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	6.67%	2
None	3.33%	1
Do not know	0.00%	0

Survey respondents were asked, “Is there anything we did not address in this survey that you would like for us to know about the impact of HEA 1006 on your community?” This was an open-ended question and 8 (27%) people responded. Responses varied greatly and covered several topics. Some of their responses are summarized below.

- One respondent indicated that 1006 is impacting the jails and causing overcrowding. In addition, more clients are being sent to community corrections and are more likely to be unable to pay user fees.
- One respondent stated fewer offenders are willing to participate in Problem Solving Courts because it takes longer to complete the program than the sentence they would receive.
- One respondent thinks more effective programs are needed for individuals in pretrial.
- One respondent said access to mental health and medical treatment had improved due to Recovery Works funds.
- One respondent stated there has been a significant change in the risk level of individuals under supervision and that services needed have been more intensive than in the past.

Summary of Parole Responses

There were 5 responses from parole supervisors, with a response rate of 38.5% and representing 52 counties. All parole respondents have experienced a significant change in the number of cases supervised in the past two years. Respondents were asked if there had been a change in the risk level (based on IRAS scores) of offenders in the past two years. The majority of respondents did not see a significant change in any of the risk levels. Most (80%) respondents did not notice a change in the number of parolees who require services in the past two years and only 20% reported an increase in need for services. When asked which services or programs are

provided to parolees, 100% provided substance abuse treatment, mental health treatment, employment assistance and reentry services. See the table below for full results.

Table 38: Which services or programs does your parole office provide directly or through an outside vendor to offenders? (Please select all that apply)

Answer Choices	Responses	N
Substance Abuse Treatment	100%	5
Mental Health Treatment	100%	5
Employment Assistance/Job Skills Training	100%	5
Reentry Services	100%	5
Food and Clothing Assistance	80%	4
Linkages to Community Resources (Non-Agency)	80%	4
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	60%	3
Education	60%	3
Housing/Homelessness Services	60%	3
Transportation Assistance	40%	2
None	0%	0
Do not know	0%	0
Other (please specify)	0%	0

Respondents were asked which services or programs parolees had difficulty obtaining and 40% reported difficulty providing mental health treatment, transportation and housing. Forty percent also reported that there were no services that were difficult to obtain. See the table below for the full set of responses.

Table 39: Which services or programs have parolees had difficulty obtaining for reasons such as lack of availability or affordability? (Please select all that apply)

Answer Choices	Responses	N
Mental Health Treatment	40.00%	2
Transportation Assistance	40.00%	2
Housing/Homelessness Services	40.00%	2
None	40.00%	2
Substance Abuse Treatment	20.00%	1
Education	20.00%	1
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	0.00%	0
Employment Assistance/Job Skills Training	0.00%	0
Reentry Services	0.00%	0
Food and Clothing Assistance	0.00%	0
Linkages to Community Resources (Non-Agency)	0.00%	0
Do not know	0.00%	0
Other (please specify)	0.00%	0

Survey respondents were asked, “Is there anything we did not address in this survey that you would like for us to know about the impact of HEA 1006 on your community?” This was an open-ended question and 2 (40%) people responded. One respondent stated there has been a decrease in parolees since implementation of HEA 1006, but expected to see the numbers rise again soon back to the caseloads they had prior to HEA 1006. The other respondent indicated that it was difficult for parolees to receive swift services due to wait lists for substance abuse and mental health treatments. The respondent also commented that jails have placed “blame” on DOC for jail overcrowding and are unwilling to house offenders on intermediate sanctions. Therefore, agents are doing more transports of offenders to find jails that will accept the offenders.

Summary of Judiciary Responses

There were 30 responses from judges representing 27 counties. Exactly 90% of judges claimed that their jurisdiction has at least one problem solving court and the majority (59%) said that the number of problem solving courts has stayed the same over the past two years. However, 37% have seen an increase. These judges claim that the courts are mainly Adult Drug Courts (85%) followed by Veterans Courts (59%). When asked if the number of defendants served by problem solving courts has changed in the past two years, 19% said there was a significant decrease, 33% said there was no significant change, and 37% claimed there was a significant increase. Of these 10 judges in the latter categories, 50% said they are able to meet all the needs of these defendants, 40% said they can meet some, but not all of their needs, and one claimed they were not able to meet their needs at all.

Around 37% of the judiciary respondents claimed that there was a significant increase in the number of requests for sentence modification in the past two years, while around 47% reported no significant change. Exactly 60% of public judiciary offices reported no change in their staff in the past two years; however 30% claimed that their staff has increased. Of these judges who claimed their staff increased, 44% were not able to hire enough staff; 33% were able to hire some, but not enough staff to meet the needs of their agency; and 22% were able to hire enough staff. Of these respondents in the latter categories, the majority (60%) funded new staff positions from the County Council Budget and other grant funds besides JRAC. Precisely 40% funded new staff positions through fees paid by the offender.

When asked if they have noticed an overall change in the number of defendants who require services in the past two years, almost 90% claimed that there has been an increase. Another 10% claimed there has not been a change. It is noteworthy that none of the judges claimed that there was a decrease in number of defendants who require services in the past two years. Judiciary respondents were asked which services or programs are provided to defendants and 100% provide substance abuse treatment; almost 97% provide life skills curriculum; 86% provide mental health treatment; and almost 83% provide employment assistance/job skills training. See the table below for all results pertaining to this question.

Table 40: Which services or programs does your court offer to defendants either directly or through an outside vendor? (Please select all that apply)

Answer Choices	Responses	N
Substance Abuse Treatment	100.00%	29
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	96.55%	28
Mental Health Treatment	86.21%	25
Employment Assistance/Job Skills Training	82.76%	24
Linkages to Community Resources (Non-Agency)	68.97%	20
Education	55.17%	16
Reentry Services	48.28%	14
Food and Clothing Assistance	37.93%	11
Transportation Assistance	34.48%	10
Housing/Homelessness Services	27.59%	8
None	0%	0
Do not know	0%	0
Other	0%	0

Respondents were asked which services or programs the criminal court had difficulty obtaining due to lack of funds. Almost 59% reported difficulty providing mental health treatment followed closely by 55% who reported difficulty providing housing/homelessness services. About 45% thought substance abuse treatment was difficult for defendants to obtain, followed by 38% claiming transportation assistance was a challenge to provide.

Table 41: Which services or programs has your criminal court had difficulty providing due to lack of funds? (Please select all that apply)

Answer Choices	Responses	N
Mental Health Treatment	58.62%	17
Housing/Homelessness Services	55.17%	16
Substance Abuse Treatment	44.83%	13
Transportation Assistance	37.93%	11
Food and Clothing Assistance	31.03%	9
Employment Assistance/Job Skills Training	17.24%	5
Education	17.24%	5
Reentry Services	17.24%	5
Do not know	17.24%	5
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	13.79%	4
Linkages to Community Resources (Non-Agency)	10.34%	3
None	0.00%	0
Other (please specify)	0.00%	0

Survey respondents were asked an open-ended question, “Is there anything we did not address in this survey that you would like for us to know about the impact of HEA 1006 on your community?” There were 12 (40%) respondents, and their responses are summarized below.

- Eight respondents claimed that an increase in jail numbers is a huge concern. Two of these eight respondents directly related the jail overcrowding concern with offenders brought to them from 1006.
- Seven respondents reported that their county is lacking funds to support the changes from 1006. Two of these respondents discussed that the jail overcrowding issue has forced them to think about jail expansions, which is/would be a significant undertaking especially when it comes to cost.
- Four respondents said that funding for treatment is needed in their counties, including hiring qualified therapists and doctors; providing transportation; having (transitional) housing opportunities; and generally more options for mental health and substance abuse services³⁸.
- One respondent claimed that the 1006 grant stipulations were too stringent and bureaucratic.
- One respondent claimed that their County Council is burdensome to work with, and therefore they are not getting dollars for their needs.

Summary of Prosecutors' Responses

There were 36 respondents representing 29 counties. Nearly 53% of respondents have at least one problem solving court in their county and 37% have seen an increase in the number of problem solving courts in the past two years. Of the respondents, the most common type of problem solving court is Adult Drug Court and Veterans Court, both at 84%, the next most common problem solving courts are Reentry Court (37%), Juvenile Problem Solving Court (21%) and Mental Health Court (16%). Over 50% of respondents have not seen a significant change in the number of defendants served by problem solving courts in the past two years and 26% did see a significant increase in defendants served. Of those that saw an increase in the number of defendants, 60% have been able to meet some but not all of the needs of the individuals and 40% have met all their needs. Over 61% saw a significant increase in the number of requests for sentence modifications in the past two years, while 28% reported no significant change in sentence modification requests. The majority (92%) of prosecutors have not seen a significant change in the number of juvenile waivers to adult court and 3% reported a significant decrease. Most (58%) of the prosecutor's offices have not increased staff in the past two years, while 39% have increased staff. Of those that hired additional staff, 79% hired some but not enough staff and 14% were able to hire enough staff. Nearly all, or 85%, of these respondents used county funds to hire additional staff and 54% used diversion program fees. Eighty percent of respondents have noticed an increase in the number of defendants who require services in the past two years.

Prosecutors were asked, "In your opinion has recidivism increased or decreased?" Nearly 72% of the respondents said recidivism has increased and 13% saw no significant change. Twenty-two percent commented that recidivism was mostly the result of drug related charges and that due to shorter sentences than prior to HEA 1006, they will reoffend multiple times before getting a longer sentence. Several view the change in lessening penalties for crimes as a contributing factor for recidivism because offenders who normally would go to prison are put into community

³⁸ Two of these respondents desired these things for F6 offenders specifically, where the other two claimed the lack of resources to more of a rural concern.

services and violate or commit new crimes. All of the comments for this question can be found in Appendix G.

Survey respondents were asked, “Is there anything we did not address in this survey that you would like for us to know about the impact of HEA 1006 on your community?” This was an open-ended question and 22 (61%) people responded. Responses varied greatly and covered several topics. Some of their responses are summarized below.

- Seven respondents stated that the jail population has increased and three indicated their county needs to build a new jail.
- Five prosecutors stated that reduction in drug crime sentences has led to an increase in crime and drugs. Specifically with the removal of the mandatory minimum sentence and reduction of sentences, drug dealers no longer go to prison, have a shorter sentence and continue to deal drugs. As one respondent commented, “Now that minimum mandatory sentences and tough dealing penalties are gone, drug dealers from surrounding states are drawn to Indiana like a pollinating bee to a flower.”
- Five respondents commented that the decrease in penalties has affected problem solving court enrollment and other treatment options. There is little incentive now to seek treatment because the sentence received will be shorter than a treatment program. A couple of prosecutors believe that DOC has better treatment options for substance abuse, but can no longer send low-level felonies to prison and the local treatment facilities have a wait list.
- A few commented that funding was needed for treatment programs to handle the increase in offenders in the community.
- A couple of respondents stated they appreciated the DOC funding for community corrections programs, but felt more was needed.

Summary of Public Defenders’ Responses

There were 122 responses from public defenders representing all 92 counties. However, almost 34% of the responses came from Marion and Lake Counties. About 75% of respondents have at least one problem solving court in their county. Of these 91 respondents, they say that the most common type of problem solving court is Adult Drug Court and Veterans Court, 80% and 78% respectively. The next most commonly reported problem solving court is Mental Health Court (49%), followed by Reentry Court (41%) and then Family Drug Court (14%).

About 33% of these respondents have not seen a significant change in the number of defendants served by the problem solving courts in the past two years, and around 38% do not know. About 22% of respondents did see a significant increase in defendants served. Of those that saw an increase in the number of defendants, 61% have been able to meet some but not all of the needs of the individuals and about 17% have not been able to meet the needs. Only 2 respondents claim that their county was able to meet all the needs of the defendants³⁹.

³⁹ 2 respondents neglected to answer the following two questions after they claimed that there was a significant increase in the number of defendants served by problem-solving courts in the past two years.

Around 24% claimed that there was a significant increase in the number of requests for sentence modification in the past two years, while 33% reported no significant change. Another 42% did not know. The majority (82%) of these public defenders claimed that there was no significant change in the number of plea agreements in the past two years. Only 5% said that there was a significant increase.

Almost 47% of public defender's offices reported no change in their staff in the past two years, however about 25% claimed that their staff has increased. Of these public defenders who claimed their staff increased, 46% were able to hire some, but not enough staff to meet the needs of their agency and 39% were able to hire enough staff. Of these 24 respondents, the majority (63%) funded new staff positions from the County Council Budget. Other public defenders do not know how new staff positions are funded (38%). Just over 50% of public defenders claim that their agencies were already specializing in specific types of cases, while the other 38% claimed that they do not operate in that way.

When asked if they have noticed an overall change in the number of defendants who require services in the past two years, 62% claim that there has been an increase. Another 22% claim that there has not been a change, followed by 16% who are not sure. It is noteworthy that none of the public defenders claimed that there was a decrease in number of defendants who require services in the past two years.

Survey respondents were asked an open-ended question, "Is there anything we did not address in this survey that you would like for us to know about the impact of HEA 1006 on your community?" There were 20 (16%) respondents, and their responses are summarized below.

- Four respondents report concerns about jail overcrowding.
- Three respondents said that the way offenders are sentenced has changed. One reported that there is more flexibility in sentencing options now, where two complained that prosecutors are enhancing sentences far too often.
- Four respondents discussed credit time changes due to HEA 1006. One said that the change requiring defendants to serve 75% of their sentence has impacted murder the most. Another said that it has increased the time served for most major felonies. One claimed that there are now issues of fairness in negotiating plea agreements for similarly charged individuals before and after the changes, especially for the higher level felonies. One reported that the time served changes will result in older prisoners unnecessarily being in prison until they die.
- Two respondents are concerned with addiction-induced recidivism, and two more respondents are concerned that prosecutors are not understanding that substance abuse is a medical concern, not just a criminal justice concern. Further, one respondent suggested that first time, F6 offenders should get mandatory treatment if their charge is drug related.
- Two respondents had concerns about sentencing disproportionality, especially for the indigent population.
- Three respondents discussed a need when it comes to their local agencies, community corrections and general social service resources. Another respondent said that people in their community are not receptive to community programs because "no one wants that program in their neighborhood."

Summary of Service Provider Responses

There were 38 responses from service providers, with a response rate of 16.2% and representing 76 counties. Approximately 42% of service providers saw a significant increase in the number of referrals from criminal justice agencies, 29% did not experience a significant change and 24% reported a decrease. Nearly 58% of agencies have created forensic programming specifically for criminal justice involved clients in the past two years. The most common method to fund the forensic programs is through Recovery Works (77%), followed by client out of pocket fees (73%) and client insurance (59%). Over 63% of respondents said funding has been insufficient to carry out the mission of their forensic programming, while only 32% have sufficient funding. Only 37% of agencies have hired additional staff in the past two years. For those that did increase the number of staff, 86% hired some but not enough people and 14% were able to hire enough staff.

Over 60% of respondents have seen a significant increase in the overall intensity of services required to assist criminal justice involved clients in the past two years. The top three services provided by the service providers who responded, are substance abuse treatment (97%), mental health treatment (65%) and life skills curriculum (49%). See *Table 42* for the full list of responses.

Table 42: Which service or services does your agency directly provide to criminal justice involved clients? (Please select all that apply)

Answer Choices	Responses	N
Substance Abuse Treatment	97.30%	36
Mental Health Treatment	64.86%	24
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	48.65%	18
Linkages to Community Resources (Non-Agency)	40.54%	15
Employment Assistance/Job Skills Training	21.62%	8
Education	21.62%	8
Reentry Services	21.62%	8
Transportation Assistance	13.51%	5
Housing/Homelessness Services	13.51%	5
Other (please specify)	13.51%	5
Food and Clothing Assistance	10.81%	4
None	0.00%	0

Service providers were also asked which services or programs are difficult for clients to obtain. Respondents reported that substance abuse treatment, mental health treatment and housing were equally difficult to obtain. Transportation was next on the list, at about 38%. *Table 43* below shows the full list of services.

Table 43: Which services or programs, if any, does your criminal justice involved clients have difficulty obtaining for reasons such as lack of availability or affordability? (Please select all that apply)

Answer Choices	Responses	N
Substance Abuse Treatment	40.54%	15
Mental Health Treatment	40.54%	15
Housing/Homelessness Services	40.54%	15
Transportation Assistance	37.84%	14
Employment Assistance/Job Skills Training	29.73%	11
Reentry Services	24.32%	9
Education	21.62%	8
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	18.92%	7
Linkages to Community Resources (Non-Agency)	18.92%	7
Other (please specify)	16.22%	6
Food and Clothing Assistance	8.11%	3
None	5.41%	2
Do not know	5.41%	2

Survey respondents were asked “Is there anything we did not address in this survey that you would like for us to know about the impact of HEA 1006 on your community?” This was an open-ended question and 9 (23%) people responded. Responses varied greatly and covered several topics. Some of their responses are summarized below.

- Three respondents stated more funding and education is needed for programs.
- One respondent commented that problem-solving courts, particularly reentry courts, help clients maintain treatment goals. They also commented about how well the probation officers, case managers and courts work together to help achieve this outcome.
- One respondent said the emphasis should be on treatment and not incarceration.
- One respondent believes that there is an addictions epidemic and, coupled with HEA 1006, there are more people in need of treatment in the community and a lack of treatment options. “But even without HEA 1006 we would have more needs, they might just be in the jail/corrections institutions...all of those individuals eventually come back to community.”

Recommendations

Status of previous Recommendations:

Data Collection, Management, and Sharing

This topic is one that continues to persist as an issue in Indiana. While the Evidence Based Decision Making (EBDM) Committee has made progress, more work is needed in this area. Agreements are still being drafted to share data between varying state agencies across the judicial and executive branches, but more time is needed to implement the work of the EBDM Committee.

Assignment of Offender Numbers

In addition to sharing data, the goal of sharing a single offender or transaction control number has yet to be attained. This too is a previous recommendation that has not been adequately addressed. Continued work with data and assignment of numbers at local facilities is still needed. A statewide jail booking system may benefit in achieving this recommendation. A singular, comprehensive system could potentially make assigning a single number possible across jurisdictions. This number would then be searchable and relate the number back to the offender and previous or subsequent offenses.

Probation and Parole Reform

Indiana has taken steps to advance the use of the IRAS and entering the resulting information in the INcite system, but more work is needed to advance probation and parole reform. Indiana still does not have a schedule of incentives or violations, leading to differences in how probation and parole violations are tracked and addressed from jurisdiction to jurisdiction.

Reentry Reform

Reentry continues to be an area needing enhancement in Indiana; however with the progress of programs like Recovery Works, reentry of offenders back into society is improving. There continues to be a need for more reentry programs as a whole, but there have been improvements. Areas such as employment after incarceration and reintegration support still need improvement.

Pretrial Services

Pretrial services continue to be an area in need of improvement. Continued efforts need to be made in pretrial release and diversion programs. As evidenced in the focus groups and the jail data, jail overcrowding is still a pervasive issue. Again more attention to pretrial release and forensic diversion programs are sorely needed.

Recommendations for 2018

While the General Assembly has taken great care and continues to work diligently to improve upon HEA 1006, there remain a few select areas needing to be addressed.

Time and Funding

As has been recommended since the first report in 2015, more time is needed to truly assess the entire impact that the criminal code reform effort will have, and more funding is needed to fully address the needs of the criminal justice system and those who come into contact with it. Since July 1, 2014, many aspects of the reform effort have taken effect, but not had the opportunity to produce enough results or data. Since the enactment of HEA 1006 in 2014, court, DOC, and jail data have all become more readily available. However there has not been sufficient time to truly assess how criminal code reform has impacted both the state and local systems. An additional recommendation related to data is outlined in the following paragraph. ICJI cautions against making long term decisions until more time has passed to truly see the long term impact of HEA 1006 and the other recommendations from this report and previous reports.

Data

As mentioned throughout this and previous reports, there is still a desperate need to continue improving and collecting data from every aspect of the criminal justice system. ICJI has worked with several organizations to obtain the available data needed to draft its 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 is fragmented and often times duplicative. Primary areas of focus need to be placed on enhancing, gathering and defining jail data, developing a cohesive criminal justice data repository, scaling back on the number of data systems utilized such as jail management systems and court data systems, enhancing the sharing of data across agencies, and improving evaluation of the available data produced by each system stakeholder.

Mental Health and Substance Abuse Programs

Finally, ICJI recommends continuing efforts to enhance the accessibility of mental health and substance abuse treatment programs for all offenders. The fact is well known that many counties face extreme hardships with providing these services either due to a lack of resources, such as available service providers in the area, or a lack of adequate funding. The State of Indiana and the counties will need to work with service providers and mental health practitioners to address these needs at the local level. Evaluating the time needed to complete mental health and addiction programs could prove valuable when looking at both pretrial release programs and programs offered after conviction in the jails, DOC, or through Recovery Works. Along with the previous recommendations, more time is needed to see how recent legislation and funding will impact offenders' ability to access and receive mental health and substance abuse services.

Reentry Services

Though previously mentioned, one aspect of reentry that was a heavy topic of discussion during the focus groups was that of housing, education, and job skills training. DOC has implemented job and like skills training for some offenders, but like many other recommendations more work is needed, especially at the local level. Steady and gainful employment combined with secure housing are key factors that need to be addressed and if properly implemented will have a substantial impact on Indiana's recidivism rates.

IRAS Education

The focus group discussions revealed some misunderstandings about and lack of confidence in the IRAS assessment tools. ICJI recommends that the Indiana Office of Court Services and the Risk Assessment Task Force continue to train criminal justice stakeholders on the research supporting risk assessment as an evidence-based practice, including updates from evaluation studies, and continue quality improvement efforts for practitioners who administer the IRAS assessment tools.

Appendix A – Jail Inspection Reports & Jail Survey Data – County Level

2013 Jail Inspection Data¹

County	Inmate Population	Num. of Beds	Capacity Rate	Jail Overcrowded	Adequate Jail Staffing
Adams	79	60	131.67	Yes	Yes
Allen	731	741	98.65	Yes	No
Bartholomew	166	362	45.86	No	Yes
Benton	16	54	29.63	No	No
Blackford	61	80	76.25	No	Yes
Boone	115	222	51.80	No	Yes
Brown	41	117	35.04	No	No
Carroll	38	34	111.76	Yes	No
Cass	129	208	62.02	No	Yes
Clark	485	482	100.62	Yes	Yes
Clay	107	170	62.94	No	No
Clinton	138	222	62.16	No	Yes
Crawford	64	81	79.01	No	Yes
Daviess	152	216	70.37	No	Yes
Dearborn	263	216	121.76	Yes	Yes
Decatur	66	66	100.00	Yes	Yes
DeKalb	86	89	96.63	Yes	Yes
Delaware	297	221	134.39	Yes	No
Dubois	83	84	98.81	Yes	Yes
Elkhart	588	1,002	58.68	No	Yes
Fayette	110	114	96.49	Yes	No
Floyd	266	234	113.68	Yes	Yes
Fountain	22	25	88.00	Yes	Yes
Franklin	53	75	70.67	No	No
Fulton	86	88	97.73	Yes	No
Gibson	116	120	96.67	Yes	No
Grant	225	274	82.12	Yes	Yes
Greene	68	84	80.95	Yes	Yes
Hamilton	162	296	54.73	No	Yes
Hancock	160	153	104.58	Yes	No
Harrison	153	175	87.43	Yes	No
Hendricks	250	250	100.00	Yes	No
Henry	127	118	107.63	Yes	No
Howard	356	328	108.54	Yes	Yes
Huntington	79	99	79.46	No	No
Jackson	247	172	143.60	Yes	No
Jasper	61	120	50.83	No	Yes
Jay	89	140	63.57	No	Yes
Jefferson	126	109	115.60	Yes	No
Jennings	110	120	91.67	Yes	No
Johnson	306	322	95.03	Yes	No
Knox	199	214	92.99	Yes	No
Kosciusko	175	332	52.71	No	No
LaGrange	93	242	38.43	No	Yes
Lake	893	1,013	88.15	Yes	No
LaPorte	414	368	112.50	Yes	Yes

¹ Written by G. Roger Jarjoura, Nathan Zaugg, and Konrad Haight from the American Institutes for Research. Report can be accessed here: <http://www.air.org/resource/assessing-local-fiscal-impact-hea-1006>

County	Inmate Population	Num. of Beds	Capacity Rate	Jail Overcrowded	Adequate Jail Staffing
Lawrence	148	168	88.10	Yes	No
Madison	270	207	130.43	Yes	Yes
Marion	1,981	2,165	91.50	Yes	Yes
Marshall	173	239	72.38	No	Yes
Martin	34	60	56.67	No	Yes
Miami	126	240	52.50	No	Yes
Monroe	265	287	92.33	Yes	Yes
Montgomery	184	232	79.31	No	Yes
Morgan	292	439	66.51	No	Yes
Newton	44	77	57.14	No	Yes
Noble	133	259	51.35	No	No
Ohio	#	#	#	#	#
Orange	42	92	45.65	No	Yes
Owen	63	72	87.50	Yes	Yes
Parke	66	92	71.74	No	Yes
Perry	35	46	76.09	No	#
Pike	40	74	54.05	No	Yes
Porter	423	337	125.52	Yes	No
Posey	47	62	75.81	No	No
Pulaski	56	128	43.75	No	Yes
Putnam	93	155	60.00	No	No
Randolph	107	106	100.94	Yes	Yes
Ripley	84	124	67.74	No	No
Rush	49	46	106.52	Yes	No
Scott	101	64	157.81	Yes	No
Shelby	203	177	114.69	Yes	No
Spencer	61	71	85.92	Yes	No
St. Joseph	567	829	68.40	No	No
Starke	60	54	111.11	Yes	Yes
Steuben	107	175	61.14	No	No
Sullivan	63	56	112.50	Yes	No
Switzerland	30	60	50.00	No	No
Tippecanoe	346	553	62.57	No	No
Tipton	19	27	70.37	No	Yes
Union	22	10	220.00	Yes	No
Vanderburgh	566	553	102.35	Yes	No
Vermillion	44	74	59.46	No	No
Vigo	293	267	109.74	Yes	No
Wabash	88	72	122.22	Yes	Yes
Warren	25	42	59.52	No	Yes
Warrick	73	118	61.86	No	No
Washington	68	61	111.48	Yes	Yes
Wayne	289	416	69.47	No	No
Wells	96	94	102.13	Yes	No
White	122	165	73.94	No	Yes
Whitley	124	104	119.23	Yes	No
State Total	16,773	20,061	83.61		

2014 Jail Inspection Report Data

County	Inmate Pop.	Num. of Beds	Capacity Rate	Jail Over Capacity*	Num. of Inmates sentenced to serve county time	Num. of beds for DOC holding	Num. of inmates being held for DOC	Num. of sentenced inmates awaiting transfer to DOC	Num. of inmates for US Marshal /ICE	Adequate Jail Staffing Levels
Adams	57	60	95.0%	Yes	15	0	0	3	0	No
Allen	721	741	97.3%	Yes	79	0	0	4	110	No
Bartholomew	160	362	44.2%	No	0	0	15	0	0	Yes
Benton	18	54	33.3%	No	17	0	0	1	0	Yes
Blackford	80	80	100.0%	Yes	7	40	12	12	0	No
Boone	144	222	64.9%	No	21	0	0	8	2	No
Brown	34	117	29.1%	No	16	0	0	0	0	No
Carroll	44	34	129.4%	Yes	3	0	3	1	0	No
Cass	130	208	62.5%	No	38	5	3	3	4	Yes
Clark	450	482	93.4%	Yes	0	90	21	28	4	No
Clay	134	170	78.8%	No	3	12	8	0	53	No
Clinton	127	222	57.2%	No	22	35	35	35	1	Yes
Crawford	47	81	58.0%	No	21	50	26	26	0	No
Daviess	141	218	64.7%	No	51	30	16	0	0	Yes
Dearborn	253	216	117.1%	Yes	25	0	15	15	0	No
Decatur	78	66	118.2%	Yes	1	0	2	2	0	No
DeKalb	108	105	102.9%	Yes	57	0	0	2	0	No
Delaware	285	221	129.0%	Yes	18	0	0	23	2	No
Dubois	66	84	78.6%	No	17	0	0	0	1	No
Elkhart	653	1002	65.2%	No	234	250	34	20	6	Yes
Fayette	129	114	113.2%	Yes	5	0	0	9	0	No
Floyd	316	234	135.0%	Yes	41	0	16	16	14	Yes
Fountain	22	25	88.0%	Yes	3	0	0	1	0	Yes
Franklin	44	75	58.7%	No	1	0	5	5	0	No
Fulton	62	88	70.5%	No	4	10	15	14	0	No
Gibson	96	120	80.0%	No	49	14	3	0	1	No
Grant	255	274	93.1%	Yes	138	0	3	3	2	Yes
Greene	75	84	89.3%	Yes	9	15	11	0	0	No
Hamilton	277	296	93.6%	Yes	45	0	0	41	5	Yes
Hancock	183	153	119.6%	Yes	74	0	12	12	0	No
Harrison	137	175	78.3%	No	11	0	1	5	0	No
Hendricks	218	252	86.5%	Yes	20	30	20	0	0	No
Henry	93	116	80.2%	Yes	1	35	2	0	0	No
Howard	369	364	101.4%	Yes	21	0	11	6	0	No
Huntington	96	99	97.0%	Yes	81	0	11	3	0	No
Jackson	201	172	116.9%	Yes	0	35	6	0	1	No
Jasper	61	120	50.8%	No	7	0	0	3	0	No
Jay	100	140	71.4%	No	19	25	23	23	0	No
Jefferson	99	109	90.8%	Yes	DK	0	2	2	0	No
Jennings	110	122	90.2%	Yes	16	0	7	7	0	No
Johnson	295	322	91.6%	Yes	52	0	0	12	0	No
Knox	198	214	92.5%	Yes	13	47	18	0	1	No
Kosciusko	263	331	79.5%	No	147	0	15	6	0	No
LaGrange	83	242	34.3%	No	6	85	25	25	0	Yes
Lake	727	1009	72.1%	No	107	35	23	23	18	Yes
LaPorte	355	368	96.5%	Yes	8	0	0	14	0	No
Lawrence	130	168	77.4%	No	6	0	7	0	0	No
Madison	208	207	100.5%	Yes	21	0	0	3	0	Yes
Marion	1114	1135	98.1%	Yes	82	0	35	4	93	Yes
Marion II	1043	1030	101.3%	Yes	0	0	0	0	0	Yes
Marshall	127	239	53.1%	No	9	0	7	6	0	Yes
Martin	56	60	93.3%	Yes	0	30	2	0	0	No

County	Inmate Pop.	Num. of Beds	Capacity Rate	Jail Over Capacity*	Num. of Inmates sentenced to serve county time	Num. of beds for DOC holding	Num. of inmates being held for DOC	Num. of sentenced inmates awaiting transfer to DOC	Num. of inmates for US Marshal /ICE	Adequate Jail Staffing Levels
Miami	109	240	45.4%	No	0	20	2	2	0	Yes
Monroe	263	287	91.6%	Yes	13	0	7	7	0	Yes
Montgomery	176	224	78.6%	No	25	11	8	8	1	Yes
Morgan	317	439	72.2%	No	42	10	24	12	0	Yes
Newton	45	77	58.4%	No	12	10	1	1	0	No
Noble	142	263	54.0%	No	17	55	33	31	11	No
Ohio	---	---	---	---	---	---	---	---	---	---
Orange	56	92	60.9%	No	0	8	2	0	0	No
Owen	53	72	73.6%	No	3	8	3	0	0	Yes
Parke	57	92	62.0%	No	3	30	14	0	0	No
Perry	48	143	33.6%	No		0	2	0	0	No
Pike	42	74	56.8%	No	16	40	10	0	0	No
Porter	433	449	96.4%	Yes	DK	0	25	25	31	Yes
Posey	51	62	82.3%	Yes	11	21	2	2	1	No
Pulaski	67	128	52.3%	No	42	60	4	4	0	Yes
Putnam	94	155	60.6%	No	0	80	29	0	0	No
Randolph	72	77	93.5%	Yes	25	0	0	1	1	Yes
Ripley	91	124	73.4%	No	17	45	7	0	0	No
Rush	45	46	97.8%	Yes	2	6	3	3	0	No
Scott	102	64	159.4%	Yes	8	0	0	3	0	No
Shelby	172	203	84.7%	Yes	11	20	5	0	0	No
Spencer	61	71	85.9%	Yes	1	30	2	0	0	No
St. Joseph	555	829	66.9%	No	38	0	28	28	75	No
Starke	49	54	90.7%	Yes	0	0	0	0	DK	Yes
Steuben	95	175	54.3%	No	20	14	12	10	0	No
Sullivan	39	56	69.6%	No	9	0	0	2	0	No
Switzerland	28	60	46.7%	No	0	0	0	0	0	No
Tippecanoe	329	553	59.5%	No	21	90	41	31	0	No
Tipton	22	27	81.5%	Yes	DK	0	0	0	0	Yes
Union	15	10	150.0%	Yes	3	0	0	1	0	No
Vanderburgh	635	553	114.8%	Yes	38	0	0	38	0	No
Vermillion	77	74	104.1%	Yes	12	30	7	0	0	No
Vigo	244	267	91.4%	Yes	0	0	0	2	0	No
Wabash	77	72	106.9%	Yes	22	0	0	12	0	Yes
Warren	17	42	40.5%	No	3	16	0	0	0	Yes
Warrick	86	126	68.3%	No	9	55	25	0	0	No
Washington	102	240	42.5%	No	0	0	18	18	0	No
Wayne	274	416	65.9%	No	50	20	45	0	1	No
Wells	65	94	69.1%	No	22	30	11	11	1	No
White	112	165	67.9%	No	34	25	7	2	1	Yes
Whitley	119	104	114.4%	Yes	118	15	1	1	0	No
State	16,708	20,501	81.5%		2,288	1,622	848	681	441	

*Jail should never exceed 80% of its available bed capacity to effectively allow for changes in inmate demographics and characteristics

2015 Jail Inspection Data

County	Inmate Pop.	Num. of Beds	Capacity Rate	Jail Over Capacity*	Num. of Inmates sentenced to serve county	Num. of beds for DOC holding	Num. of inmates being held for DOC	Num. of sentenced inmates awaiting transfer to DOC	Num. of inmates for US Marshal /ICE	Adequate Jail Staffing
Adams	65	60	108.3%	Yes	21	0	0	3	1	No
Allen	668	741	90.1%	Yes	68	0	0	8	83	No
Bartholomew	157	362	43.4%	No	0	0	6	0	1	Yes
Benton	23	54	42.6%	No	10	0	0	0	0	Yes
Blackford	22	80	27.5%	No	5	40	0	0	0	No
Boone	126	222	56.8%	No	15	0	0	4	0	No
Brown	36	117	30.8%	No	11	4	0	0	0	No
Carroll	37	34	108.8%	Yes	3	0	2	0	0	No
Cass	142	208	68.3%	No	34	5	2	1	0	No
Clark	469	482	97.3%	Yes	0	90	31	31	10	No
Clay	124	170	72.9%	No	0	12	11	0	57	No
Clinton	133	222	59.9%	No	18	35	36	30	0	Yes
Crawford	38	81	46.9%	No	3	50	11	11	0	No
Daviess	101	218	46.3%	No	17	30	4	0	0	No
Dearborn	254	424	59.9%	No	24	0	30	15	0	No
Decatur	71	66	107.6%	Yes	0	0	5	5	0	No
DeKalb	73	105	69.5%	No	35	0	2	2	0	No
Delaware	234	221	105.9%	Yes	18	0	0	3	0	No
Dubois	78	84	92.9%	Yes	29	0	0	0	0	No
Elkhart	591	1,002	59.0%	No	DK	250	9	9	0	Yes
Fayette	133	114	116.7%	Yes	8	0	0	9	0	No
Floyd	275	234	117.5%	Yes	33	0	8	8	14	Yes
Fountain	20	25	80.0%	No	2	0	0	1	0	No
Franklin	16	75	21.3%	No	1	0	0	0	0	No
Fulton	70	88	79.5%	No	4	10	9	1	0	No
Gibson	97	120	80.8%	Yes	62	14	2	0	0	No
Grant	241	274	88.0%	Yes	39	0	0	4	0	Yes
Greene	75	84	89.3%	Yes	26	15	11	0	0	No
Hamilton	302	296	102.0%	Yes	77	0	0	37	0	Yes
Hancock	132	157	84.1%	Yes	62	0	1	1	0	No
Harrison	123	175	70.3%	No	11	0	0	4	0	No
Hendricks	253	252	100.4%	Yes	39	0	13	0	0	No
Henry	70	116	60.3%	No	8	35	3	0	0	No
Howard	344	364	94.5%	Yes	28	0	9	6	1	No
Huntington	124	99	125.3%	Yes	105	0	8	3	0	No
Jackson	200	172	116.3%	Yes	0	35	4	0	0	No
Jasper	55	120	45.8%	No	12	0	6	2	0	No
Jay	73	140	52.1%	No	25	25	1	1	0	No
Jefferson	99	109	90.8%	Yes	DK	0	1	1	0	No
Jennings	128	122	104.9%	Yes	21	0	6	6	0	No
Johnson	295	322	91.6%	Yes	87	0	0	1	0	No
Knox	169	214	79.0%	No	40	47	0	0	0	No
Kosciusko	290	331	87.6%	Yes	150	0	8	2	0	No
LaGrange	77	242	31.8%	No	19	85	4	3	0	No
Lake	711	1,009	70.5%	No	19	35	19	19	32	Yes
LaPorte	323	368	87.8%	Yes	64	0	0	14	0	No
Lawrence	137	168	81.5%	Yes	3	0	2	0	0	No
Madison	171	207	82.6%	Yes	14	0	0	0	0	No
Marion	1,055	1,135	93.0%	Yes	82	0	9	46	31	No
Marion II	1,103	1,030	107.1%	Yes	0	0	0	0	0	Yes
Marshall	125	239	52.3%	No	8	0	18	18	0	Yes
Martin	55	60	91.7%	Yes	0	30	3	0	0	No
Miami	109	240	45.4%	No	DK	20	2	2	0	Yes

County	Inmate Pop.	Num. of Beds	Capacity Rate	Jail Over Capacity*	Num. of Inmates sentenced to serve county time	Num. of beds for DOC holding	Num. of inmates being held for DOC	Num. of sentenced inmates awaiting transfer to DOC	Num. of inmates for US Marshal /ICE	Adequate Jail Staffing
Monroe	269	287	93.7%	Yes	13	0	4	4	2	Yes
Montgomery	183	224	81.7%	Yes	15	11	8	12	1	Yes
Morgan	297	439	67.7%	No	88	10	15	0	0	Yes
Newton	39	77	50.6%	No	5	10	1	1	0	No
Noble	85	263	32.3%	No	17	55	12	12	3	No
Ohio	---	---	---	---	---	---	---	---	---	---
Orange	61	92	66.3%	No	0	8	9	0	0	No
Owen	64	72	88.9%	Yes	2	8	6	0	0	Yes
Parke	62	92	67.4%	No	41	30	4	0	0	No
Perry	48	143	33.6%	No	DK	0	2	0	0	No
Pike	36	74	48.6%	No	10	40	3	0	0	No
Porter	410	449	91.3%	Yes	58	0	9	9	40	Yes
Posey	50	62	80.6%	Yes	18	0	3	3	0	No
Pulaski	61	128	47.7%	No	35	60	0	0	0	Yes
Putnam	94	155	60.6%	No	0	80	24	0	0	No
Randolph	85	77	110.4%	Yes	45	0	0	1	1	No
Ripley	76	124	61.3%	No	27	45	10	0	0	No
Rush	34	46	73.9%	No	5	0	3	3	0	No
Scott	107	64	167.2%	Yes	8	0	2	2	0	No
Shelby	165	203	81.3%	Yes	14	20	2	0	0	No
Spencer	68	71	95.8%	Yes	3	30	1	0	0	No
St. Joseph	564	829	68.0%	No	135	0	0	17	80	No
Starke	84	148	56.8%	No	0	0	0	4	0	No
Steuben	91	175	52.0%	No	28	14	6	3	0	No
Sullivan	34	56	60.7%	No	10	0	0	2	0	No
Switzerland	46	60	76.7%	No	0	0	0	4	0	No
Tippecanoe	349	553	63.1%	No	22	90	33	33	0	No
Tipton	35	27	129.6%	Yes	6	0	0	0	0	Yes
Union	17	10	170.0%	Yes	0	0	0	0	0	No
Vanderburgh	631	553	114.1%	Yes	48	0	0	56	0	No
Vermillion	77	74	104.1%	Yes	12	30	7	0	0	No
Vigo	230	267	86.1%	Yes	0	0	0	3	0	No
Wabash	89	72	123.6%	Yes	18	0	0	8	0	No
Warren	6	42	14.3%	No	1	16	0	0	0	Yes
Warrick	78	126	61.9%	No	15	55	8	0	0	No
Washington	103	240	42.9%	No	0	0	18	18	0	No
Wayne	219	416	52.6%	No	31	20	24	0	0	No
Wells	85	94	90.4%	Yes	22	30	2	0	3	No
White	108	165	65.5%	No	34	25	6	4	1	Yes
Whitley	101	104	97.1%	Yes	118	15	0	0	0	No
State	16,133	20,807	77.5%		2,264	1,569	518	510	361	

*Jail should never exceed 80% of its available bed capacity to effectively allow for changes in inmate demographics and characteristics

2016 Jail Inspection Data

County	Inmate Pop.	Num. of Beds	Capacity Rate	Jail Over Capacity*	Num. of Inmates sentenced to serve county time	Num. of beds for DOC holding	Num. of inmates being held for DOC	Num. of sentenced inmates awaiting transfer to DOC	Num. of inmates for US Marshal /ICE	Adequate Jail Staffing
Adams	85	60	141.7%	Yes	18	0	0	0	0	No
Allen	702	741	94.7%	Yes	62	0	82	8	83	No
Bartholomew	153	362	42.3%	No	37	0	2	0	1	Yes
Benton	14	54	25.9%	No	8	0	0	0	0	Yes
Blackford	60	80	75.0%	No	16	40	10	0	0	No
Boone	137	222	61.7%	No	6	0	0	0	0	No
Brown	29	117	24.8%	No	11	4	4	0	0	No
Carroll	33	34	97.1%	Yes	5	0	5	1	0	No
Cass	182	208	87.5%	Yes	51	5	0	1	3	No
Clark	471	482	97.7%	Yes	6	90	10	0	10	No
Clay	162	170	95.3%	Yes	0	12	10	0	57	No
Clinton	99	222	44.6%	No	17	35	3	1	4	Yes
Crawford	40	81	49.4%	No	3	50	2	0	0	No
Daviess	132	218	60.6%	No	12	30	0	0	0	No
Dearborn	244	424	57.5%	No	25	0	0	0	0	No
Decatur	95	66	143.9%	Yes	5	0	4	0	0	No
DeKalb	86	105	81.9%	Yes	42	0	1	0	0	No
Delaware	235	221	106.3%	Yes	1	0	0	5	0	No
Dubois	81	84	96.4%	Yes	21	0	16	0	0	No
Elkhart	759	1,002	75.7%	No	DK	250	0	8	1	Yes
Fayette	141	114	123.7%	Yes	16	0	0	6	0	No
Floyd	284	234	121.4%	Yes	8	0	0	6	18	No
Fountain	29	25	116.0%	Yes	2	0	0	2	0	No
Franklin	60	75	80.0%	No	1	0	0	1	0	No
Fulton	85	88	96.6%	Yes	28	10	13	0	0	No
Gibson	97	120	80.8%	Yes	20	14	0	2	0	No
Grant	264	274	96.4%	Yes	43	0	9	3	0	Yes
Greene	61	84	72.6%	No	17	15	3	0	0	No
Hamilton	291	296	98.3%	Yes	57	0	0	78	8	No
Hancock	170	157	108.3%	Yes	76	0	0	0	0	No
Harrison	128	175	73.1%	No	10	0	0	4	0	No
Hendricks	244	252	96.8%	Yes	32	0	32	0	0	No
Henry	124	116	106.9%	Yes	11	35	12	0	1	No
Howard	437	364	120.1%	Yes	27	0	36	5	0	No
Huntington	135	99	136.4%	Yes	81	0	45	0	0	No
Jackson	238	172	138.4%	Yes	53	35	0	0	1	No
Jasper	81	120	67.5%	No	12	0	6	1	0	No
Jay	84	140	60.0%	No	32	25	26	3	0	No
Jefferson	128	109	117.4%	Yes	1	0	1	1	0	No
Jennings	178	122	145.9%	Yes	22	0	1	1	0	No
Johnson	339	322	105.3%	Yes	47	0	0	0	0	No
Knox	201	214	93.9%	Yes	15	0	0	1	12	No
Kosciusko	293	331	88.5%	Yes	125	0	10	3	0	No
LaGrange	66	242	27.3%	No	2	85	8	3	0	No
Lake	706	1,009	70.0%	No	DK	35	24	14	44	Yes
LaPorte	297	368	80.7%	Yes	55	0	17	16	0	No
Lawrence	149	180	82.8%	Yes	2	0	2	0	0	No
Madison	233	207	112.6%	Yes	4	0	0	6	0	No
Marion	1,151	1,135	101.4%	Yes	101	0	48	11	33	Yes
Marshall	138	239	57.7%	No	10	0	13	3	0	Yes
Marion II	1,224	1,230	99.5%	Yes	0	0	0	0	0	Yes
Martin	60	60	100.0%	Yes	6	30	0	0	0	No
Miami	172	240	71.7%	No	9	20	1	1	0	No

County	Inmate Pop.	Num. of Beds	Capacity Rate	Jail Over Capacity*	Num. of Inmates sentenced to serve county time	Num. of beds for DOC holding	Num. of inmates being held for DOC	Num. of sentenced inmates awaiting transfer to DOC	Num. of inmates for US Marshal /ICE	Adequate Jail Staffing
Monroe	260	287	90.6%	Yes	18	0	0	3	2	Yes
Montgomery	218	224	97.3%	Yes	36	11	7	7	1	
Morgan	346	439	78.8%	No	106	10	0	0	0	Yes
Newton	43	77	55.8%	No	8	10	0	2	0	No
Noble	109	263	41.4%	No	14	55	5	1	0	No
Ohio	---	---	---	---	---	---	---	---	---	---
Orange	71	92	77.2%	No	0	8	0	0	0	No
Owen	67	72	93.1%	Yes	0	8	3	0	0	No
Parke	75	92	81.5%	Yes	3	30	0	0	0	No
Perry	72	143	50.3%	No	9	0	5	0	0	No
Pike	67	74	90.5%	Yes	10	40	3	1	0	No
Porter	411	449	91.5%	Yes	68	0	6	0	38	No
Posey	65	62	104.8%	Yes	7	0	11	0	0	No
Pulaski	56	128	43.8%	No	26	60	12	1	1	No
Putnam	122	155	78.7%	No	0	0	14	0	0	No
Randolph	98	108	90.7%	Yes	23	0	0	0	0	Yes
Ripley	94	124	75.8%	No	11	45	10	0	0	No
Rush	60	46	130.4%	Yes	13	0	0	0	0	No
Scott^		64	0.0%	Yes		0			0	No
Shelby	203	203	100.0%	Yes	7	20	28	0	0	No
Spencer	57	71	80.3%	Yes	10	30	0	0	0	No
St. Joseph	627	829	75.6%	No	41	0	31	20	61	No
Starke	126	148	85.1%	Yes	10	48	36	0	1	No
Steuben	85	175	48.6%	No	40	14	0	0	0	No
Sullivan	72	56	128.6%	Yes	15	0	0	0	0	No
Switzerland	58	60	96.7%	Yes	0	0	0	2	0	No
Tippecanoe	408	553	73.8%	No	23	90	51	12	0	No
Tipton	36	27	133.3%	Yes	4	0	16	0	0	Yes
Union	15	10	150.0%	Yes	0	0	0	0	0	No
Vanderburgh	619	553	111.9%	Yes	81	0	0	7	0	No
Vermillion	80	74	108.1%	Yes	12	30	3	0	0	Yes
Vigo	251	267	94.0%	Yes	0	0	0	3	0	No
Wabash	86	72	119.4%	Yes	18	0	0	4	0	No
Warren	14	42	33.3%	No	1	16	0	0	0	No
Warrick	92	126	73.0%	No	6	55	3	0	0	No
Washington	101	240	42.1%	No	0	0	0	0	0	No
Wayne	288	416	69.2%	No	25	0	6	6	0	No
Wells	99	94	105.3%	Yes	24	30	13	0	3	No
White	88	165	53.3%	No	34	25	37	2	1	No
Whitley	107	104	102.9%	Yes	50	15	1	0	0	No
State	17,833	21,050	84.7%		2,024	1,470	757	266	384	

*Jail should never exceed 80% of its available bed capacity to effectively allow for changes in inmate demographics and characteristics.

^Inspection report not submitted as in process of moving inmates to new addition, but anticipate jail to be overcrowded.

2017 Jail Inspection Data

County	Inmate Pop.	Num. of Beds	Capacity Rate	Jail Over Capacity*	Num. of Inmates sentenced to serve county time	Num. of beds for DOC holding	Num. of inmates being held for DOC	Num. of sentenced inmates awaiting transfer to DOC	Num. of inmates for US Marshal /ICE	Adequate Jail Staffing
Adams**	105	182	57.7%	No	24	0	2	0	0	Yes
Allen	752	741	101.5%	Yes	153	0	0	11	77	No
Bartholomew	196	362	54.1%	No	23	0	29	2	0	Yes
Benton	17	54	31.5%	No	8	0	4	0	0	Yes
Blackford**	60	88	68.2%	No	16	40	10	0	0	No
Boone	187	222	84.2%	Yes	10	0	12	1	0	No
Brown	47	117	40.2%	No	24	4	3	1	0	No
Carroll	41	34	120.6%	Yes	5	0	7	1	0	No
Cass	174	208	83.7%	Yes	47	5	0	0	0	No
Clark	502	482	104.1%	Yes	6	90	10	0	2	No
Clay	125	170	73.5%	No	22	12	11	3	36	No
Clinton	161	222	72.5%	No	31	35	9	0	3	No
Crawford	71	81	87.7%	Yes	2	50	4	0	1	No
Daviess	159	218	72.9%	No	7	30	3	0	0	No
Dearborn	256	424	60.4%	No	14	0	54	0	0	No
Decatur	102	66	154.5%	Yes	5	0	6	0	0	No
DeKalb	83	105	79.0%	No	42	0	17	1	0	No
Delaware	269	221	121.7%	Yes	4	0	7	3	1	No
Dubois	95	84	113.1%	Yes	35	0	19	0	0	No
Elkhart	967	1002	96.5%	Yes	DK	250	0	9	33	Yes
Fayette	142	114	124.6%	Yes	1	0	18	5	0	No
Floyd	303	234	129.5%	Yes	40	0	37	6	7	No
Fountain	23	25	92.0%	Yes	1	0	1	0	0	No
Franklin	73	75	97.3%	Yes	8	0	16	1	0	No
Fulton	103	87	118.4%	Yes	31	10	17	0	1	No
Gibson	127	120	105.8%	Yes	28	14	31	2	0	No
Grant	287	274	104.7%	Yes	35	0	27	3	0	Yes
Greene	101	84	120.2%	Yes	6	15	2	0	0	No
Hamilton**	398	409	97.3%	Yes	152	0	95	1	6	Yes
Hancock	206	157	131.2%	Yes	40	0	34	0	0	No
Harrison	172	175	98.3%	Yes	8	0	16	0	0	No
Hendricks	258	252	102.4%	Yes	18	0	60	7	1	No
Henry	117	76	153.9%	Yes	4	35	3	0	0	No
Howard	441	364	121.2%	Yes	18	0	4	4	0	No
Huntington	120	99	121.2%	Yes	87	0	2	0	0	No
Jackson	234	172	136.0%	Yes	19	35	25	2	0	No
Jasper	94	120	78.3%	No	12	0	8	2	1	No
Jay	111	140	79.3%	No	102	25	9	2	0	No
Jefferson	124	109	113.8%	Yes	10	0	10	1	0	No
Jennings	193	122	158.2%	Yes	24	0	20	4	0	No
Johnson	354	322	109.9%	Yes	14	0	33	9	0	No
Knox	238	214	111.2%	Yes	5	0	4	0	24	No
Kosciusko	260	331	78.5%	No	130	0	32	14	0	No
LaGrange	121	242	50.0%	No	39	85	17	0	0	No
Lake	779	1009	77.2%	No	DK	35	DK	DK	DK	Yes
LaPorte	285	368	77.4%	No	33	0	6	0	4	No
Lawrence	143	180	79.4%	No	2	0	18	5	0	No
Madison	246	207	118.8%	Yes	14	0	21	3	0	No
Marion	1237	1135	109.0%	Yes	10	0	80	13	29	Yes
Marion II**	1228	1233	99.6%	Yes	0	0	0	0	0	Yes
Marshall	159	239	66.5%	No	0	0	19	2	0	Yes
Martin**	65	79	82.3%	Yes	6	0	2	0	0	No
Miami	175	240	72.9%	No	4	0	3	3	0	Yes

County	Inmate Pop.	Num. of Beds	Capacity Rate	Jail Over Capacity*	Num. of Inmates sentenced to serve county time	Num. of beds for DOC holding	Num. of inmates being held for DOC	Num. of sentenced inmates awaiting transfer to DOC	Num. of inmates for US Marshal /ICE	Adequate Jail Staffing
Monroe**	193	294	65.6%	No	11	0	4	0	2	Yes
Montgomery	220	224	98.2%	Yes	40	11	11	8	3	No
Morgan	346	439	78.8%	No	106	10	0	0	0	Yes
Newton	56	77	72.7%	No	9	10	0	4	0	Yes
Noble	111	263	42.2%	No	16	55	9	1	0	No
Ohio	---	---	---	---	---	---	---	---	---	---
Orange	111	92	120.7%	Yes	0	8	6	4	0	No
Owen	81	72	112.5%	Yes	0	8	2	1	0	Yes
Parke	60	92	65.2%	No	1	30	14	1	0	No
Perry	52	143	36.4%	No	2	0	1	4	0	No
Pike	47	74	63.5%	No	22	40	8	1	0	No
Porter	416	449	92.7%	Yes	63	0	23	8	38	No
Posey^	---	---	---	---	---	---	---	---	---	---
Pulaski	82	128	64.1%	No	11	60	4	1	10	No
Putnam	132	155	85.2%	Yes	0	0	2	0	0	No
Randolph	102	108	94.4%	Yes	44	0	0	0	0	No
Ripley	105	124	84.7%	Yes	10	0	30	0	0	No
Rush	53	46	115.2%	Yes	6	0	18	0	0	No
Scott**	177	194	91.2%	Yes	8	0	20	6	0	No
Shelby	212	203	104.4%	Yes	7	0	30	0	0	No
Spencer	60	71	84.5%	Yes	4	0	0	0	0	No
St. Joseph**	615	830	74.1%	No	96	0	57	57	42	No
Starke	129	148	87.2%	Yes	7	48	30	0	0	No
Steuben**	76	178	42.7%	No	38	14	45	0	0	No
Sullivan	70	56	125.0%	Yes	15	0	7	1	0	No
Switzerland	48	60	80.0%	Yes	3	0	2	0	0	No
Tippecanoe	560	553	101.3%	Yes	24	0	4	14	0	No
Tipton	23	27	85.2%	Yes	4	0	1	0	0	No
Union	14	10	140.0%	Yes	1	0	1	0	0	No
Vanderburgh	643	553	116.3%	Yes	33	0	103	0	0	No
Vermillion	80	74	108.1%	Yes	4	30	11	3	0	Yes
Vigo	263	267	98.5%	Yes	0	4	0	3	0	No
Wabash	81	72	112.5%	Yes	20	0	40	5	0	No
Warren	17	42	40.5%	No	1	16	3	0	0	No
Warrick	71	126	56.3%	No	10	55	6	1	0	No
Washington	149	240	62.1%	No	16	0	20	0	0	No
Wayne	355	416	85.3%	Yes	1	0	42	14	0	No
Wells	96	94	102.1%	Yes	20	30	18	1	3	No
White	88	165	53.3%	No	28	25	5	0	1	No
Whitley	120	104	115.4%	Yes	46	15	28	7	0	No
State	19,400	21,353	90.9%	--	2,106	1,239	1482	266	325	--

*Jail should never exceed 80% of its available bed capacity to effectively allow for changes in inmate demographics and characteristics

^Inspection reported not submitted as in process of moving inmates to new addition.

**Increase in number of operational beds from previous year

Total Jail Utilization by Category -2017

County	Capacity	Total Population		Federal		DOC		Sentenced		Pretrial		VOP		FTA		Other	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Adams	182	108	59					23	13	43	24	35	19	1	1	6	3
Allen	741	763	103	82	11	25	3	183	25	325	44	112	15	34	5	2	0
Bartholomew	232	243	105	1	0	2	1	38	16	131	56	35	15	31	13	5	2
Benton	47	24	51			1	2	13	28	9	19	1	2				
Blackford	80	71	89			11	14	8	10	18	23	7	9			27	34
Boone	219	209	95	1	0	4	2	17	8	108	49	60	27	19	9		
Brown	104	36	35					15	14	21	20						
Carroll	34	52	153			3	9	23	68	20	59	4	12	2	6		
Cass	208	213	102			5	2	48	23	93	45	37	18	27	13	3	1
Clark	458	571	125			5	1	23	5	196	43	80	17	244	53	23	5
Clay	168	189	113	1	1	17	10	52	31	72	43	42	25	5	3		
Clinton	217	174	80			8	4	58	27	79	36	23	11	2	1	4	2
Crawford	70	55	79			2	3	12	17			2	3	4	6	35	50
Daviess	244	197	81			4	2	77	32	92	38	21	9	3	1		
Dearborn	424	263	62			17	4	69	16	131	31	37	9	4	1	5	1
Decatur	66	110	167	1	2	1	2	12	18	96	145						
DeKalb	105	106	101					41	39	42	40	12	11	10	10	1	1
Delaware	221	317	143			11	5	13	6	276	125	8	4	9	4		
Dubois	84	92	110	1	1	1	1	36	43	37	44	13	15	4	5		
Elkhart	950	1024	108	36	4	187	20	91	10	580	61	28	3			102	11
Fayette	114	151	132			4	4	17	15	118	104	8	7	4	4		
Floyd	234	304	130	13	6	6	3	39	17	242	103					4	2
Fountain	25	27	108							14	56	8	32	5	20		
Franklin	75	61	81			2	3	13	17	40	53	6	8				
Fulton	76	105	138			17	22	24	32	57	75	1	1	1	1	5	7
Gibson	120	124	103			4	3	64	53	54	45					2	2
Grant	274	278	101			6	2	52	19	186	68	26	9	4	1	4	1
Greene	84	87	104					29	35	39	46	14	17	5	6		
Hamilton	412	377	92	10	2	97	24	75	18	122	30	21	5	32	8	20	5
Hancock	157	228	145			7	4	75	48	110	70	26	17	3	2	7	4
Harrison	173	183	106			2	1	6	3	175	101						
Hendricks	268	243	91			9	3	68	25	148	55	8	3	9	3	1	0
Henry	78	195	250			2	3	20	26	132	169	15	19	24	31	2	3
Howard	364	385	106			13	4	80	22	189	52	54	15	37	10	12	3
Huntington	99	194	196			2	2	93	94	25	25	69	70	5	5		
Jackson	172	261	152			29	17	34	20	171	99	3	2	24	14		
Jasper	112	84	75			9	8	12	11	54	48	6	5	3	3		
Jay	144	91	63			8	6	31	22	28	19	12	8	4	3	8	6
Jefferson	109	125	115			2	2	12	11	79	72	12	11	12	11	8	7
Jennings	124	186	150					34	27	81	65	19	15	48	39	4	3
Johnson	322	463	144			104	32	48	15	261	81	30	9	20	6		
Knox	250	247	99	18	7	13	5	16	6	97	39	62	25	41	16		
Kosciusko	302	590	195			6	2	116	38	252	83	142	47	74	25		
LaGrange	242	90	37			17	7	12	5	30	12	8	3	3	1	20	8
Lake	1050	749	71	64	6	24	2	144	14	207	20	139	13	115	11	56	5
LaPorte	368	293	80			1	0	34	9	217	59	33	9	8	2		
Lawrence	180	151	84			2	1	36	20	77	43	30	17	6	3		

County	Capacity	Total Population		Federal		DOC		Sentenced		Pretrial		VOP		FTA		Other	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Madison	207	291	141			10	5	17	8	184	89	35	17	19	9	26	13
Marion	2507	2489	99	26	1	20	1	264	11	2084	83	95	4				
Marshall	238	172	72			4	2	17	7	105	44	20	8	26	11		
Martin	79	57	72			1	1	4	5	52	66						
Miami	240	192	80			3	1			57	24	23	10	8	3	101	42
Monroe	294	288	98			6	2	15	5	195	66	46	16	8	3	18	6
Montgomery	224	249	111			7	3	43	19	124	55	57	25	18	8		
Morgan	440	331	75			3	1	74	17	209	48	30	7	15	3		
Newton	77	56	73			6	8	2	3	44	57	2	3	2	3		
Noble	263	108	41			26	10	19	7	52	20	9	3	2	1		
Orange	192	125	65			15	8	19	10	91	47						
Owen	72	71	99			2	3	16	22	53	74						
Parke	90	73	81					7	8	38	42	4	4	2	2	22	24
Perry	136	81	60			2	1	4	3	50	37	9	7	4	3	12	9
Pike	92	76	83					35	38	27	29	12	13	2	2		
Porter	449	420	94	38	8	14	3	30	7	246	55	46	10	45	10	1	0
Posey	60	81	135			3	5	22	37	55	92			1	2		
Pulaski	128	72	56	10	8	5	4	6	5	51	40						
Putnam	155	123	79			5	3	106	68			7	5	5	3		
Randolph	113	113	100	3	3			22	19	6	5	20	18	16	14	46	41
Ripley	99	262	265			39	39	45	45	76	77	82	83	20	20		
Rush	46	56	122			2	4	7	15	36	78	3	7	4	9	4	9
St. Joseph	830	610	73	64	8	44	5	156	19	211	25			19	2	116	14
Scott	200	179	90			14	7	3	2	141	71	6	3	15	8		
Shelby	203	240	118			36	18	13	6	191	94						
Spencer	72	76	106			3	4	4	6	23	32	35	49	11	15		
Starke	148	120	81			18	12	9	6	65	44	14	9	3	2	11	7
Steuben	178	76	43			2	1	29	16	37	21	3	2	3	2	2	1
Sullivan	54	80	148			2	4	19	35	56	104			3	6		
Switzerland	60	49	82					10	17	28	47	10	17	1	2		
Tippecanoe	551	604	110			10	2	79	14	363	66			152	28		
Tipton	27	29	107					5	19	19	70	2	7	2	7	1	4
Union	10	12	120			2	20			10	100						
Vanderburgh	553	708	128			22	4	136	25	471	85	35	6	34	6	10	2
Vermillion	72	68	94			10	14	4	6	39	54	10	14	5	7		
Vigo	268	273	102					5	2	232	87	12	4	24	9		
Wabash	72	144	200					28	39	84	117	32	44				
Warren	40	28	70					1	3	13	33	6	15	3	8	5	13
Warrick	122	103	84			4	3	26	21	34	28	16	13	8	7	15	12
Washington	256	159	62			17	7	5	2	93	36	12	5	10	4	22	9
Wayne	416	469	113			13	3	65	16	246	59	37	9	81	19	27	6
Wells	94	90	96	10	11	5	5	42	45	26	28	6	6	1	1		
White	165	101	61			5	3	53	32	27	16	3	2			13	8
Whitley	104	212	204			3	3	140	135	68	65			1	1		
Totals	21,478	21,305	99	379	2	1,073	5	3,642	17	11,886	56	2,048	10	1,459	7	818	4

Total Jail Utilization by Category - 2018

County	Capacity	Total Population		Federal		DOC		Sentenced		Pretrial		VOP		FTA		Hold		Other		Pretrial Bond	Pretrial
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%		
Adams	186	150	81	24	16	2	1	58	39	85	57	0	0	0	0	0	0	0	0	10	2
Allen	812	893	110	0	0	12	1	225	25	318	36	155	17	2	0	0	0	0	0	N/A	N/A
Bartholomew	232	234	101	0	0	0	0	61	26	91	39	41	18	20	9	5	2	16	7	134	100
Benton	47	24	51	0	0	0	0	4	17	7	29	7	29	1	4	0	0	3	13	11	2
Blackford	84	66	79	0	0	5	8	27	41	27	41	6	9	0	0	1	2	0	0	27	0
Boone	214	203	95	0	0	20	10	12	6	74	36	85	42	12	6	0	0	0	0	60	5
Brown	116	44	38	0	0	0	0	13	30	26	59	1	2	4	9	0	0	0	0	14	16
Carroll	35	51	146	0	0	0	0	28	55	12	24	7	14	3	6	0	0	0	0	14	6
Cass	206	224	109	0	0	6	3	63	28	92	41	39	17	17	8	0	0	7	3	54	38
Clark	600	604	101	0	0	7	1	22	4	351	58	125	21	84	14	16	3	0	0	576	128
Clay	176	160	91	0	0	0	0	22	14	65	41	21	13	7	4	45	28	0	0	57	8
Clinton	199	179	90	0	0	9	5	71	40	89	50	8	4	1	1	1	0	0	-	-	-
Crawford	81	50	62	0	0	10	20	15	30	19	38	0	0	2	4	7	14	0	0	33	0
Daviess	281	188	67	0	0	0	0	47	25	68	36	43	23	10	5	27	14	0	0	0	0
Dearborn	424	350	83	0	0	20	6	70	20	253	72	67	19	35	10	40	11	1	0	253	6
Decatur	66	125	189	0	0	4	3	4	3	99	79	2	2	2	2	0	0	0	0	125	0
DeKalb	105	92	88	0	0	0	0	13	14	48	52	3	3	18	20	1	1	0	0	21	13
Delaware	221	300	136	1	0	3	1	6	2	6	2	0	0	52	17	3	1	0	0	118	182
Dubois	84	110	131	0	0	0	0	23	21	53	48	20	18	14	13	0	0	0	0	43	10
Elkhart	950	904	95	7	1	34	4	192	21	574	63	0	0	0	0	14	2	83	9	277	297
Fayette	114	158	139	0	0	33	21	1	1	80	51	22	14	18	11	4	3	0	0	115	9
Floyd	234	326	139	13	4	8	2	46	14	226	69	27	8	38	12	0	0	2	1	222	4
Fountain	25	27	108	0	0	0	0	2	7	13	48	10	37	2	7	0	0	0	0	9	4
Franklin	75	67	89	0	0	5	7	21	31	30	45	6	9	4	6	1	1	0	0	30	0
Fulton	89	79	89	0	0	0	0	32	41	67	85	1	1	6	8	2	3	3	4	33	34
Gibson	120	133	111	0	0	2	2	59	44	68	51	16	12	3	2	0	0	1	1	47	7
Grant	274	278	101	0	0	1	0	33	12	127	46	117	42	0	0	0	0	0	0	244	0
Greene	84	77	92	1	1	4	5	17	22	36	47	16	21	1	1	1	1	1	1	30	5
Hamilton	412	389	94	9	2	9	2	124	32	135	35	53	14	30	8	27	7	1	0	182	44
Hancock	157	240	153	0	0	128	53	130	54	236	98	73	30	32	13	3	1	0	0	170	2
Harrison	173	215	124	0	0	6	3	13	6	180	84	59	27	18	8	0	0	0	0	202	0
Hendricks	252	289	115	0	0	37	13	20	7	259	90	66	23	43	15	10	3	7	2	119	120
Henry	112	216	193	0	0	4	2	34	16	151	70	18	8	9	4	0	0	0	0	151	19
Howard	364	458	126	0	0	8	2	113	25	206	45	80	17	43	9	5	1	3	1	194	11
Huntington	99	154	156	0	0	0	0	81	53	54	35	10	6	2	1	1	6	4	-	-	-
Jackson	228	252	111	0	0	0	0	27	11	174	69	6	2	45	18	0	0	0	0	128	20
Jasper	120	81	68	0	0	0	0	9	11	57	70	8	10	4	5	0	0	3	4	44	37
Jay	142	108	76	0	0	4	4	52	48	50	46	46	43	12	11	4	4	0	0	16	5
Jefferson	109	152	139	0	0	0	0	20	13	3	2	22	14	17	11	0	0	84	55	0	3
Jennings	122	141	116	0	0	29	21	21	15	57	40	6	4	30	21	0	0	0	0	42	2
Johnson	322	381	118	0	0	0	0	144	38	207	54	0	0	0	0	0	0	30	8	-	-
Knox	214	210	98	64	30	2	1	11	5	73	36	31	15	24	11	5	2	0	0	19	54
Kosciusko	300	333	111	1	0	18	5	86	26	218	65	5	2	0	0	0	0	0	0	153	279
LaGrange	242	103	43	0	0	14	14	40	39	47	46	7	7	8	8	40	39	0	0	30	0
Lake	1013	834	82	71	9	0	0	68	8	661	79	15	2	0	0	15	2	4	0	299	200
LaPorte	367	364	99	0	0	4	1	30	8	217	60	93	26	15	4	5	1	0	0	184	33
Lawrence	180	191	106	0	0	10	5	16	8	120	63	36	19	7	4	2	1	0	0	64	90
Madison	207	302	146	0	0	0	0	19	6	34	11	4	1	6	2	0	0	0	0	-	-
Marion I & II	2507	2578	103	14	1	5	0	330	13	2056	80	0	0	0	0	38	1	135	5	-	-
Marshall	232	223	96	0	0	2	1	32	14	166	74	10	4	0	0	7	3	1	0	117	36
Martin	89	75	84	6	8	3	4	0	0	44	59	0	0	0	0	20	27	0	0	35	5
Miami	220	182	83	0	0	6	3	8	4	56	31	12	7	7	4	3	2	0	0	40	7
Monroe	294	285	97	0	0	16	6	9	3	173	61	65	23	14	5	6	2	2	1	30	143
Montgomery	224	232	104	32	14	27	12	27	12	169	73	50	22	15	6	0	0	0	0	110	57
Morgan	440	337	77	0	0	8	2	80	24	182	54	32	9	21	6	0	0	0	0	146	61
Newton	77	47	61	0	0	2	4	11	23	30	64	3	6	4	9	0	0	0	0	34	0
Noble	263	160	61	0	0	11	7	16	10	79	49	5	3	12	8	18	11	0	0	90	3
Orange	92	104	113	0	0	0	0	10	10	82	79	0	0	0	0	0	0	6	6	88	10
Owen	78	82	105	0	0	20	24	31	38	29	35	20	24	5	6	0	0	3	4	29	5
Parke	92	91	99	0	0	0	0	15	16	62	68	12	13	1	1	1	1	0	0	53	23
Perry	132	87	66	0	0	0	0	6	7	52	60	16	18	2	2	11	13	0	0	52	0
Pike	78	66	85	1	2	7	11	2	3	43	65	2	3	0	0	11	17	0	0	38	4
Porter	449	353	79	45	13	5	1	24	7	210	59	37	10	24	7	8	2	0	0	120	115
Posey	212	119	56	0	0	20	17	3	3	71	60	0	0	0	0	23	19	1	1	95	1
Pulaski	128	100	78	19	19	0	0	8	8	49	49	0	0	0	0	0	0	0	0	54	-
Putnam	154	115	75	0	0	1	1	7	6	45	39	15	13	5	4	0	0	0	0	55	0
Randolph	108	103	95	0	0	9	9	40	39	42	41	16	16	9	9	11	11	0	0	33	0
Ripley	102	128	125	0	0	28	22	37	29	68	53	20	16	5	4	3	2	0	0	72	5
Rush	46	66	143	0	0	2	3	6	9	36	55	8	12	7	11	4	6	3	5	32	9
Scott	195	204	105	0	0	0	0	16	8	131	64	11	5	17	8	0	0	0	0	189	0
Shelby	198	207	105	0	0	4	2	46	22	93	45	42	20	20	10	0	0	5	2	86	93
Spencer	69	55	80	0	0	1	2	9	16	14	25	16	29	14	25	0	0	1	2	14	0
St. Joseph	829	644	78	99	15	12	2	106	16	354	55	18	3	16	2	18	3	21	3	267	94
Starke	148	126	85	0	0	44	35	0	0	107	85	4	3	0	0	6	5	4	3	75	40
Steuben	178	84	47	0	0	0	0	9	11	29	35	9	11	0	0	10	12	2	2	21	15
Sullivan	48	83	173	0	0	2	2	28	34	18	22	14	17	1	1	8	10	0	0	35	0
Switzerland	60	35	58	0	0	0	0	4	11	12	34	0	0	1	3	0	0	0	0	21	1
Tippecanoe	603	522	87	0	0	0	0	59	11	77	15	10	2	0	0	0	0	2	0	286	83
Tipton	27	30	111	0	0	0	0	0	0	21	70	5	17	0	0	0	0	3	10	0	27
Union	10	13	130	0	0	0	0	0	0	8	62	5	38	0	0						

County	Capacity	Total Population		Federal		DOC		Sentenced		Pretrial		VOP		FTA		Hold		Other		Pretrial Bond	Pretrial No Bond
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%		
Warren	42	19	45	0	0	3	16	4	21	12	63	0	0	0	0	0	0	0	0	9	2
Warrick	122	119	98	0	0	9	8	23	19	41	34	14	12	29	24	4	3	0	0	36	5
Washington	260	166	64	6	4	27	16	26	16	100	60	14	8	12	7	18	11	5	3	120	3
Wayne	416	338	81	0	0	6	2	46	14	229	68	7	2	32	9	40	12	0	0	-	-
Wells	94	98	104	4	4	27	28	14	14	53	54	0	0	0	0	0	0	0	0	35	18
White	165	94	57	0	0	3	3	28	30	30	32	28	30	0	0	3	3	0	0	22	9
Whitley	104	123	118	0	0	1	1	34	28	51	41	31	25	1	1	2	2	5	4	36	7
Total	21,808	21,187	97	418	2	806	4	3,493	17	11,839	56	2,163	10	1,026	5	585	3	926	4	7,597	3,003

Appendix B – FY 2019 HEA 1006 Grant Funding Distribution, Amended

Award Amount: \$28.4M

Purpose of this Summary:

To explain how funding was distributed and how the Community Corrections Division arrived at its recommendations to be presented to JRAC and IDOC Commissioner, Robert Carter.

FY2019 Grant Application

180 Eligible Entities Applied For HEA 1006 Grant Funding

14 New Entity Requests

Total Amount of HEA 1006 Funds Requested by Eligible Entities: **\$35,313,882.15**

FY 2019

Eligible Entity	Number of Applicants	Total Amount Requested
Community Corrections	73* HEA Funding	\$21,785,242.55
Jail Treatment	31	\$2,757,485.24
Probation	42 ↑	\$6,502,397.72
Prosecutor's Diversion	8 ↑	\$743,798.00
Court Recidivism Reduction Program*	26 ↑	\$3,524,958.64
Total	180	\$35,313,882.15

*Includes 3 Veteran Court Programs

Number of New Staff Requested per Eligible Entity

Community Corrections	114
Jail Treatment	13
Probation	27
Prosecutor's Diversion	2
CRRP	18
Total	174

Determination of FY2019 Funding Recommendations

- Continuation of the FY2018 funding award. The factors that determined FY2018 award:
 - Collaboration Plan – On a scale from Needs Improvement to Outstanding
 - Readiness to start
 - The existing ability to increase capacity
 - Funding Formula
 - Grant score – specifically addressing the target population; meeting the program targets; and developing and/or implementing EBP
 - Prioritization of needs
- Carryover availability. Priorities that were considered for expansion or to support new programs:
 - Opioid Treatment
 - Jail Treatment
 - Veteran's Courts
 - Pre-Trial Programs
 - Grants that had ended or expired that would continue services towards the targeted population
 - Client Services (cognitive behavior programs, treatment expansion, contractual increases for expanding services or population increases)

Grant Award Recommendations by Eligible Entity

**Refer to recommendation spreadsheet for details*

Total Amount Awarded: \$28,456,305.00

Total Number of New Positions Awarded: 54 Full Time and 5 Part Time

Other items funded include, but are not limited to:

- Benefits for Full Time Staff
- Contracts with Monitoring Vendors, i.e. BI, Corrisoft, Norchem, etc.
- Contracts with Treatment Providers
- Drug Testing Supplies
- Travel/Training
- Operational Equipment and Supplies

Items not awarded:

- Salary raises. Recommendation through other funding sources
- Overtime
- Weapons
- Supplanting of previous positions and line items

Community Corrections

New Staff:	38
------------	----

New Requests:	4
---------------	---

Expanded Supervision/Services/Programs:	18
---	----

(Pre-Trial Program, Two Work Releases, Mental Health Court, Home Detention/EM, and Day Reporting)

FY 2019 Total Amount Recommended for Community Corrections: \$16,847,946

FY 2018 Total Amount Awarded for Community Corrections: \$15,591,718.00

FY 2017 Total Amount Awarded for Community Corrections \$15,447,428.66

Jail Treatment Services

New Staff:	5
------------	---

New Entities:	2
---------------	---

Expanded Supervision/Services/Programs:	6
---	---

(SA and MH Treatment Program, Two Cognitive Behavioral Programs)

FY 2019 Total Amount Recommended for Jail Treatment Services: \$2,574,130

FY 2018 Total Amount Recommended for Jail Treatment Services: \$2,030,382.00

FY 2017 Total Amount Awarded for Jail Treatment: \$1,701,783.00

Probation	
New Staff:	11
New Entities:	3
Expanded Supervision/Services/Programs:	10
(Day Reporting/Probation Supervision, Pre-Trial Program)	
FY 2019 Total Amount Recommended for Probation: \$5,413,416	
<i>FY 2018 Total Amount Recommended for Probation: \$4,728,400.00</i>	
<i>FY 2017 Total Amount Awarded for Probation: \$4,554,505.00</i>	

Prosecutor's Diversion	
New Staff:	2
New Entities:	2
Expanded Supervision/Services/Programs:	2
(Felony Offender Diversion)	
FY 2019 Total Amount Recommended for Prosecutor's Diversion: \$733,565	
<i>FY 2018 Total Amount Recommended for Prosecutor's Diversion: \$634,900.00</i>	
<i>FY 2017 Total Amount Awarded for Prosecutor's Diversion: \$557,100.00</i>	

Court Recidivism Reduction Programs (CRRP)	
New Staff:	5
New Entities:	4
Expanded Supervision/Services/Programs:	7
(Indianapolis Veteran's Court, Drug Court, Drug and Alcohol Court)	
FY 2019 Total Amount Recommended for Court Recidivism Reduction Programs: \$2,776,175	
<i>FY 2018 Total Amount Recommended for Court Recidivism Reduction Programs: \$2,014,600.00</i>	
<i>FY 2017 Total Amount Awarded for Court Recidivism Reduction Programs: \$1,834,723.00</i>	



RECOVERY WORKS EVALUATION: PHASE TWO POLICY BRIEF
Report to the Indiana Division of Mental Health and Addiction

SEPTEMBER 2018 | 18-C26

AUTHOR

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BACKGROUND

The Recovery Works program started in November 2015 as part of the House Enrolled Act (HEA) 1006. The overarching goal is to reduce the number of individuals with substance abuse and mental health disorders entering the criminal justice system in Indiana and to also foster partnerships between criminal justice practitioners and behavioral health providers to supplement community supervision strategies.

The program is managed by the Indiana Family and Social Services Administration's (FSSA) Division of Mental Health and Addiction (DMHA). Recovery Works is funded by the Forensic Treatment Services Grant Program which provides vouchers to DMHA certified 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. Recovery Works allows Indiana criminal justice providers to refer persons charged with a felony who have a mental illness or substance addiction to a DMHA certified provider in the community. Services can be provided from up to 30 days before the participant is released from incarceration (with prior authorization) through the end of her or his current episodic treatment.

To examine the Recovery Works program, DMHA contracted with the Center for Criminal Justice Research (CCJR) within the IU Public Policy Institute (PPI), a research and outreach arm of the School of Public and Environmental Affairs (SPEA). The full evaluation of Recovery Works consists of a mixed-methods multi-year study; however, this report details the second phase of the quantitative portion of this study. In this phase, researchers examined administrative data from DARMHA—Data Assessment Registry Mental Health and Addiction—and linked these data up to information from the Indiana Department of Corrections (IDOC) and the Marion County Jail. The analysis below provides aggregated feedback on Recovery Works client characteristics, changes that occurred in these clients, and the types of clients referred over time. An analysis of recidivism examines incarceration both into the Indiana DOC and the Marion County Jail among clients who resided there.

REFERRALS

From its inception in November 2015 through February 2018, Recovery Works has enrolled 23,627 clients. Increases in enrollment during the first 20 months were generally consistent. Since May 2018, however, the monthly number of referrals has started to level off at approximately 1,200 clients per month. The vast majority of Recovery Works referrals have come from the criminal justice system (84.4%), primarily from probation or parole (56.6%) followed by state or federal court (10%). The largest portion of clients were located in Marion County.

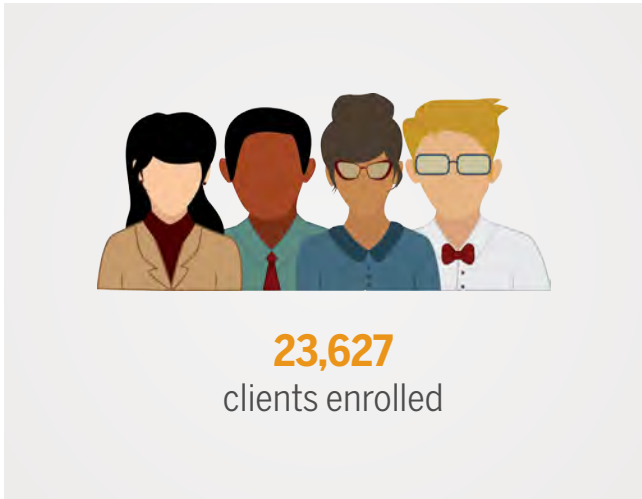
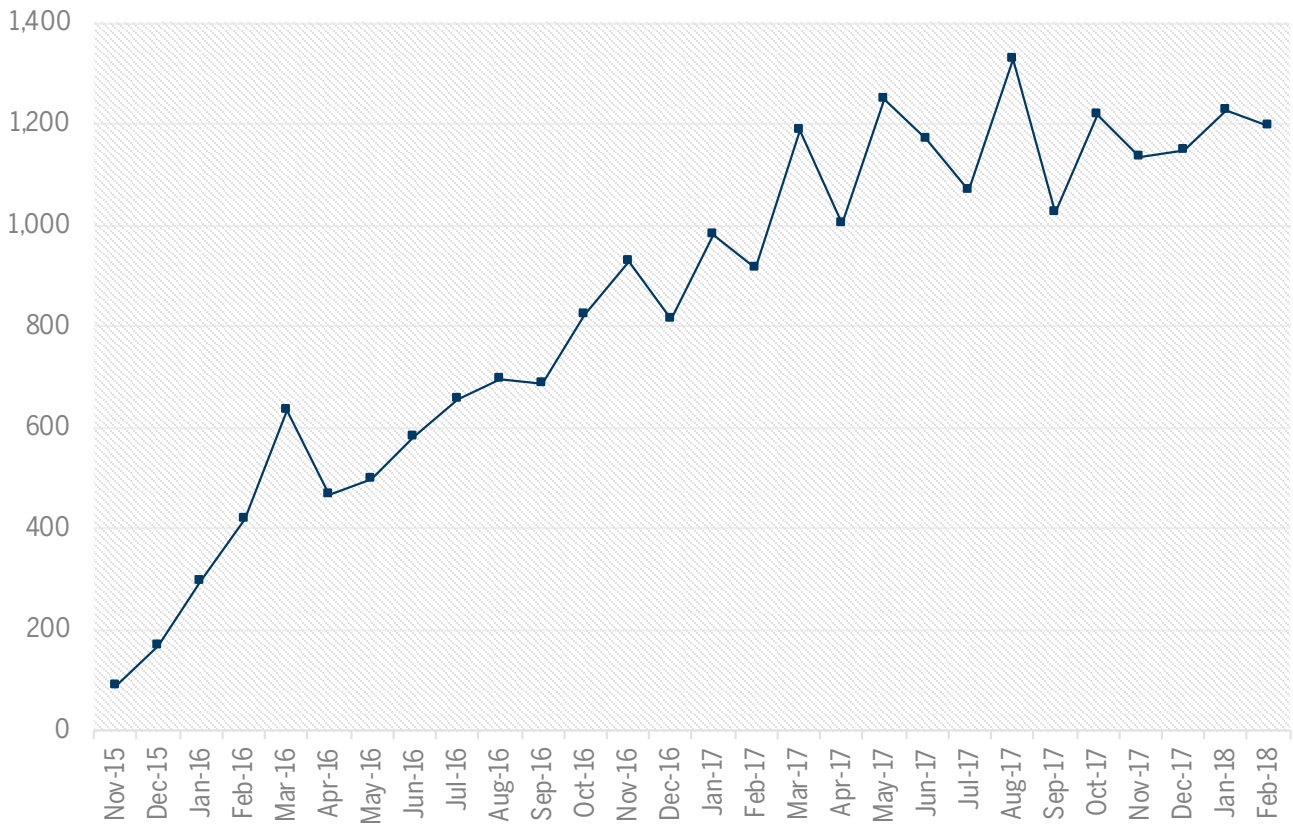


FIGURE 1. Number of New Recovery Works Clients by Month
by Number of Services Received



CLIENT CHARACTERISTICS

Recovery Works clients were predominantly white and male with an average age of 34.5 years. Most clients were unmarried and unemployed, and half had a High School degree or GED. Approximately half of the client sample had no health insurance and almost half had not been in stable housing for the past six months. Clients had an average family adjusted income of \$7,558.

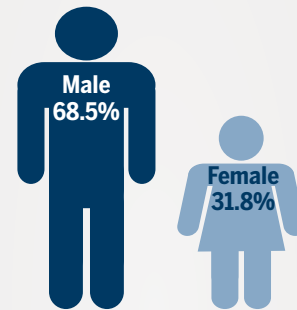
TABLE 1. Social Characteristics

EDUCATION LEVEL	
Less than HS	29.0%
HS Degree or GED	50.8%
Some College	15.5%
College Graduate	2.0%
Vocational	2.7 %
Other	0.0%
MARITAL STATUS	
Single	62.0%
Divorced	17.7%
Married, Living Together	10.6%
Married, Separated	7.0%
Unknown	1.5%
Widowed	1.2%
EMPLOYMENT STATUS	
Unemployed, Looking for Work	46.3%
Unemployed, Not in Labor Force	12.9%
Employed, Full-time 35+ hrs/week	30.5%
Employed, Part-time	10.4%
CONSUMER HEALTH INSURANCE	
None	48.0%
HIP	14.1%
Private Insurance	4.5%
Medicaid and/or Medicare	15.5%
Not Applicable	1.5%
Other	16.4%



68.5% of clients are **Male**
76% are **White**

FIGURE 2. Demographics



Average Age
34.5 years old

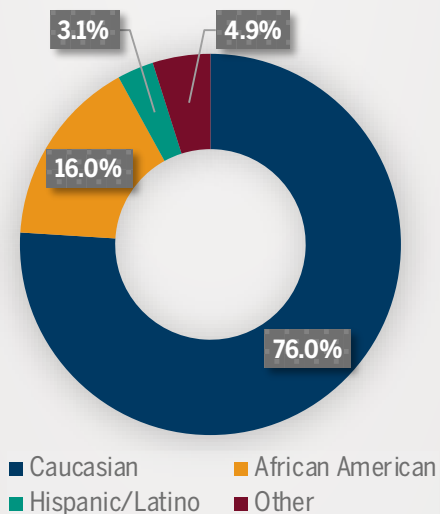


TABLE 2. Housing Characteristics

HOUSING CATEGORY	
Permanent Housing	53.0%
Temporary Housing	28.0%
Institutional Housing	15.2%
Homeless	3.8%
HOUSING STABILITY	
Less than 6 months	57.9%
6 months – 1 year	16.4%
1 – 2 years	8.3%
More than 2 years	17.4%



About **1/2** of clients were in a **permanent housing** situation

SUBSTANCE ABUSE AMONG CLIENTS

Approximately half of referred clients were diagnosed as having substance abuse concerns, followed by one-third who were categorized as having a co-occurring mental health and substance abuse concerns. The most common substances used by Recovery Works clients are opioids, followed by alcohol and marijuana. More than half of clients have had a prior substance abuse treatment episode. Approximately 17% of the client sample reported they had used a needle and 14% reported they had shared a needle.



Most common substances used by clients are **opioids, alcohol, and marijuana**



Average Age at First Use
19.2 years



17.4% of clients have **used needles** to inject drugs

14.3% of clients have used and **shared a needle** to inject drugs

TABLE 3. Additional Substance Use Indicators

PRIMARY SUBSTANCE ABUSE		PRIOR SA TREATMENT EPISODES	
Opioids (Heroin/Rx Opiates)	23.9%	None	41.1%
Alcohol	23.7%	1 prior episode	30.2%
Marijuana	19.5%	2 to 5 prior episodes	25.9%
Methamphetamine	19.2%	6 to 10 prior episodes	2.1%
Cocaine/Crack	4.8%	11 to 20 prior episodes	0.5%
Tobacco	3.6%	21+ prior episodes	0.3%
Benzodiazepines*	1.0%		
Other	1.3%		
None/NA	3.0%		

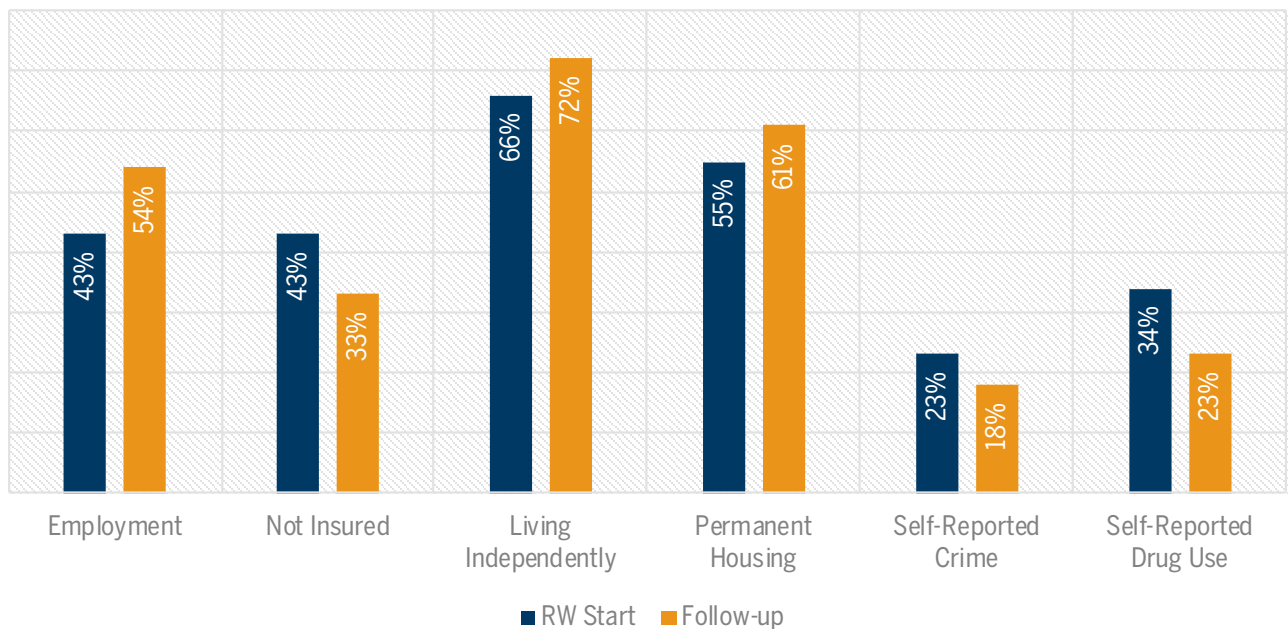
***Benzodiazepines:** any of a group of chemical compounds that are used as minor tranquilizers, such as diazepam (Valium) and chlordiazepoxide (Librium)

CLIENT CHANGES

In order to examine changes over time, we restricted our follow-up period to clients who had a follow-up assessment conducted within 4 to 8 months of their Recovery Works start date (N=4,477). We examined changes in relevant social demographics, housing, and self-reported behaviors.

There were **statistically significant** increases in employment, housing stability, and independent living. There were also **significant** reductions in self-reported crime and substance use. While the average income increased slightly from \$8,476 to \$8,526, the difference was not statistically significant.

FIGURE 3. Client Changes Over Time



CRIMINAL HISTORY & RECIDIVISM

To examine clients' official criminal history, Recovery Works data was linked to Indiana DOC data on ad-missions and releases (January 2002 through April 2018). Data revealed that 36.5% of clients had been incarcerated in DOC prior to their Recovery Works start date. In terms of priors, 17.5% of clients had 1 prior incarceration, while 19% had 2 or more prior incarcerations.

Recidivism was measured as a return to DOC and was assessed for two groups: (1) Recovery Works clients who were *at least one year at risk* for reincarceration and (2) clients who were *at least two years at risk* for reincarceration.

Of those clients with at least one-year of follow-up (N=11,856), 6.6% were incarcerated in DOC following their Recovery Works start date. Since many of these cases had not previously been to DOC, we also examined recidivism among those previously incarcerated (N=4,565); which resulted in a recidivism rate of 9.8%.

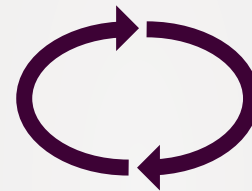
The recidivism rate approximately doubled (13%) for clients who were *at least two years at risk* (N=2,076). Those with prior incarceration in DOC (N=802) had a two-year recidivism rate of 20.9%. Approximately half of recidivism events for both groups of at risk clients were the result of a technical violation.

TABLE 4. Criminal History

PRIOR DOC RELEASE COUNT	
None	63.5%
1 prior	17.5%
2 - 5 priors	17.5%
6 - 10 priors	1.4%
11+ priors	0.1%



36.5% of clients had been **incarcerated** in DOC **prior to enrollment** in Recovery Works



19% had **2 or more prior incarcerations**

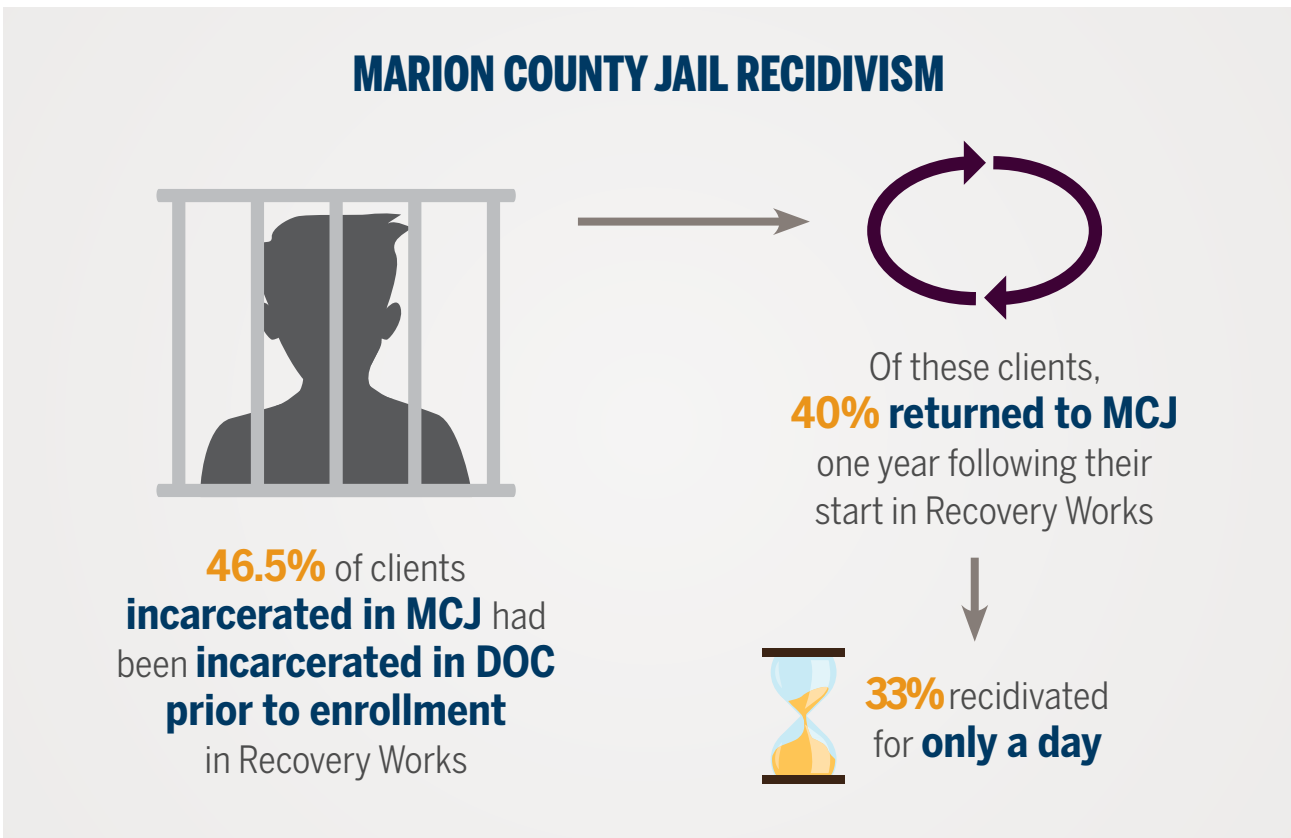


6.6% of one year at risk clients were **incarcerated** in DOC **after enrollment** in Recovery Works

Return to county jail was also examined as a measure of recidivism. Recovery Works data on clients referred from Marion County was linked with data from the Marion County Jail, which ranged from mid-2014 through January 2018. This sample of clients (N=1,616) with at least one year of follow up was more likely to have been previously incarcerated in DOC than the full Recovery Works sample, but had a smaller rate of incarceration in DOC following their Recovery Works start date. We found a much higher recidivism rate (40.0%) compared to the DOC rate (5.2%) when looking at jail incarceration one year following Recovery Works start. One-third of those who recidivated were only in jail for one day and more than half were in jail for a week or less. Since Recovery Works clients are generally under local correctional or court supervision in their respective county, it is likely they were booked into jail as a sanction or as part of their current supervision requirements. Moreover, it is important to note that many jail bookings do not result in a conviction.

TABLE 5. Incarceration & Reincarceration in DOC following Recovery Works Start

	1 YEAR	2 YEARS
INCARCERATION	(N=11,856)	(N=2,076)
Yes	6.6%	13.0%
No	93.4%	87.0%
Receive Code		
New Offense	50.9%	52.6%
Technical Violation	49.1%	47.4%
REINCARCERATION	(N=4,565)	(N=802)
Yes	9.8%	20.9%
No	90.2%	79.1%
Receive Code		
New Offense	47.1%	51.2%
Technical Violation	52.9%	48.8%



FACTORS ASSOCIATED WITH INCARCERATION

Having previously been incarcerated in DOC was significantly associated with client incarceration. Specifically, we found that 9.8% of those who were previously in DOC were incarcerated compared to 4.6% of those who were not ($\chi^2=123.18$, $p < .001$). Moreover, there were significant differences in the number of priors; those who were incarcerated had an average of 1.2 prior DOC stays compared to 0.8 for those who were not ($t=7.67$, $p < .001$).

There were no differences by race/ethnicity; however, those who were incarcerated were significantly younger than those who were not (32 years vs. 35 years; $t=6.44$, $p < .001$) and more likely to be male than female (7.2% vs. 5.4%; $\chi^2=14.13$, $p < .001$). There were no differences by education, marital status, employment, insurance, self-reported arrests, prior substance abuse episodes, diagnosis, or any of the specific substances used. However, there were differences by income and housing. Specifically, those who recidivated made significantly less money than those who did not (\$5,705 vs \$7,976; $t=4.12$, $p < .001$); those who were in permanent housing were significantly less likely to recidivate than those who were not (4.7% vs. 8.7%; $\chi^2=77.79$, $p < .001$); and those who were not in the same housing situation for 6 months were significantly more likely to recidivate than those who had housing stability (8.3% vs. 4.6%; $\chi^2=66.32$, $p < .001$).

Given the salience of these factors in predicting likelihood of recidivism among clients, we assessed linear monthly trends over the first 28 months of Recovery Works. Figure 4 displays the proportion that each of these factors occurred by month. None of these factors had a statistically significant trend during the study period, which suggests Recovery Works is not trending towards taking on referrals who are more or less likely to have characteristics associated with recidivism.

FIGURE 4. Factors Associated with Recidivism by Month

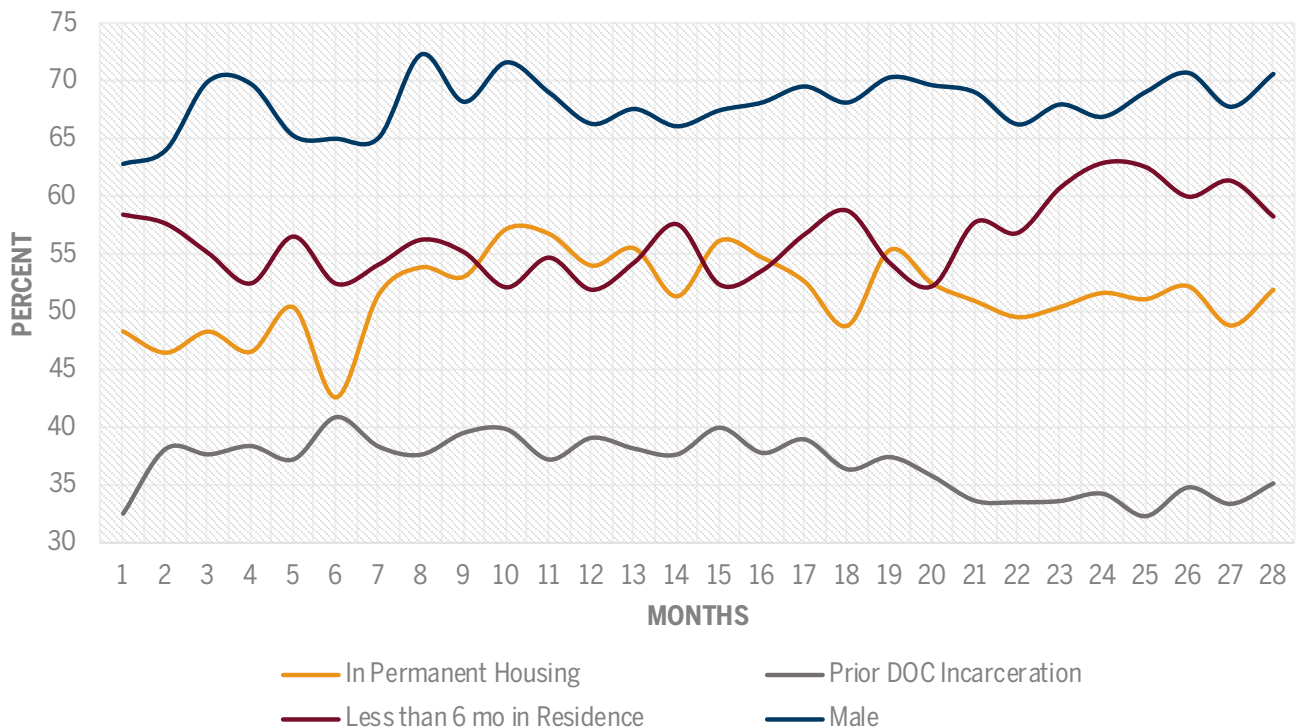
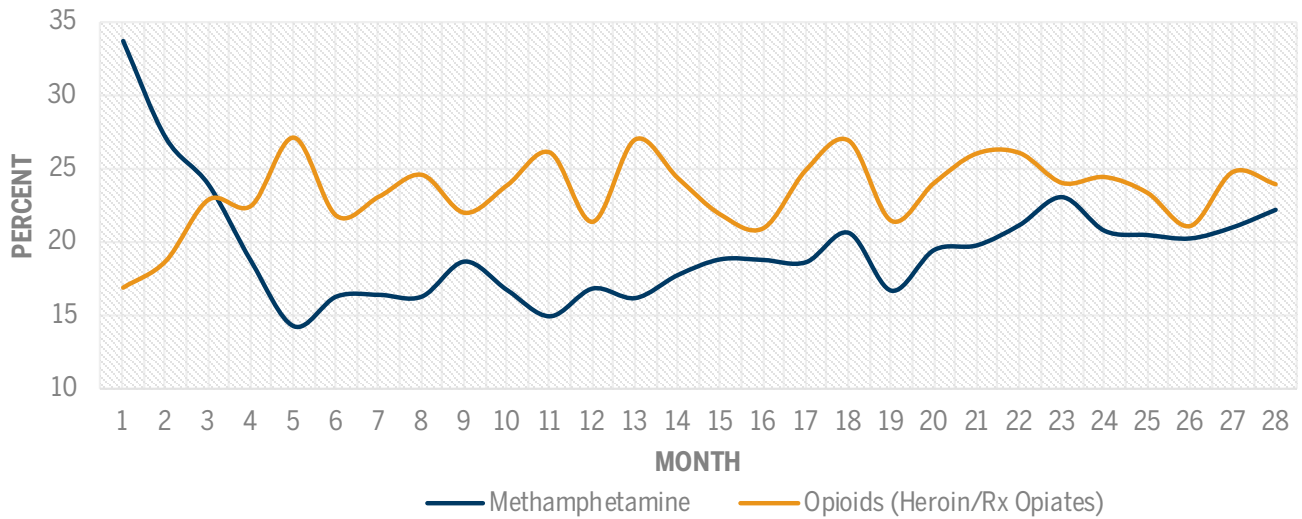


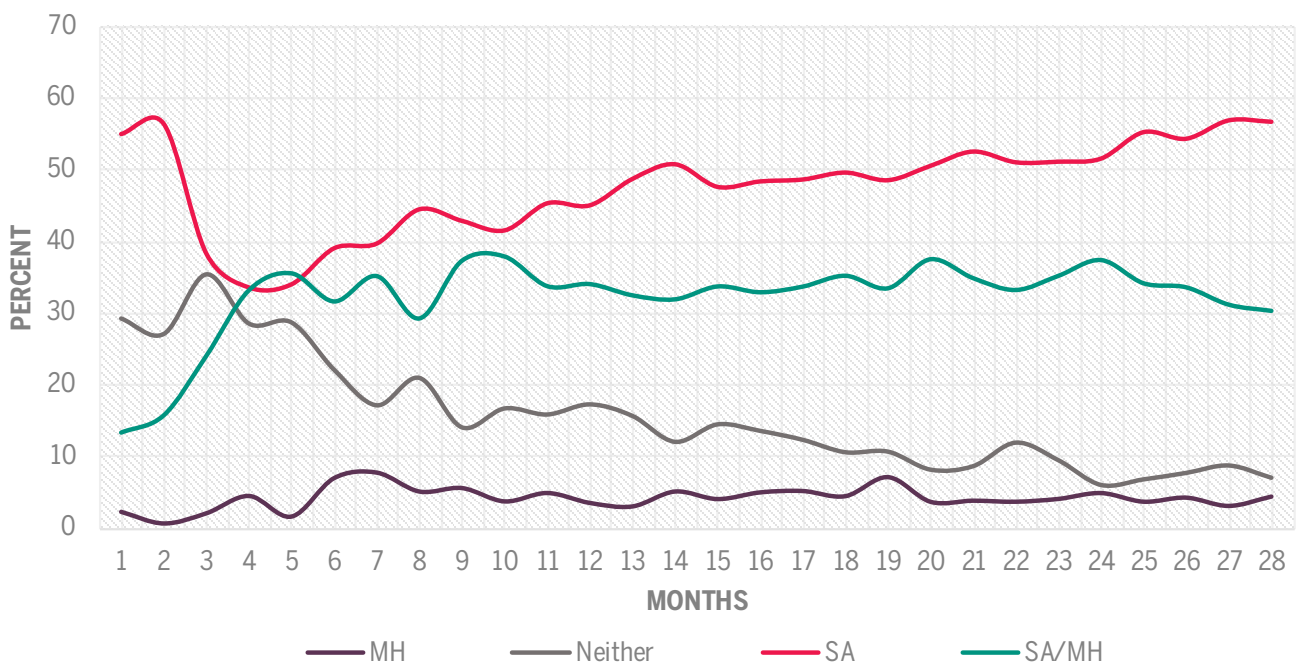
FIGURE 5. Primary Substance Use by Month



We also examined changes in reported primary substances used and found there were no discernable patterns with most substances (Figure 5). However, trajectories in opioid and methamphetamine use mirrored national trends. Opioids as a primary substance increased during the first 6 months of Recovery Works (early 2016) while methamphetamines decreased. Methamphetamines have continued to rise since then, and in February 2018, the percent of clients reporting meth as a primary substance was 22%, with opioids at 24%.

Finally, we detected trends among monthly diagnosis. Figure 6 shows that amount of clients coded as having “neither a mental health nor substance abuse diagnosis” has been consistently decreasing. Only 7% were coded as “neither” in February 2018. Moreover, while mental health diagnosis has remained steady, co-occurring disorders and substance abuse have been increasing.

FIGURE 6. Diagnosis by Month



CLIENT CHARACTERISTICS SUMMARY



23,627
clients enrolled



Most common substances used by clients are **opioids, alcohol, and marijuana**



Clients were predominantly **White Males** with an average age of **34 years**



17.4% of clients have **used needles** to inject drugs, and **14.3%** of clients have **shared a needle**



Majority of clients had a **High School degree** or equivalent, were unmarried, & unemployed



36.5% of clients had been **incarcerated** in DOC **prior to enrollment** in Recovery Works



About **1/2** of clients were in a **permanent housing** situation



6.6% of one year at risk clients were **incarcerated** in DOC **after enrollment** in Recovery Works



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DESIGN BY

Karla Camacho-Reyes, Communications & Graphic Design



Appendix D – County Focus Group Questions

1. In an effort to gauge a base level of understanding, what do you all know about the changes that were enacted from HEA 1006?
2. How has your workload changed in response to HEA 1006?
3. Have offenders changed (*characteristics*) in your county since the enactment of HEA 1006?
4. Has your agency had to make any adjustments due to HEA 1006?
5. What strategies, if any, does your county use to combat against jail overcrowding?
6. Are there gaps or unmet needs in treatment programs or services available? Explain.
7. What are the positive and negative aspects of HEA 1006?
8. If you could say or suggest anything to the State Legislature regarding HEA 1006, what would you say/suggest?
9. Is there anything else you would like to share that you haven't gotten to yet?

Appendix E – Gang Related Activity

Two counties discussed a greater presence of gangs in their systems, directly correlated with F6s now being housed in the jails.

One county professional claimed that they have witnessed a greater presence of an organized prison gang in the jail, which is contributing to increased violence and contraband. It is believed that the presence exists because Level 6 Felons “brought it over” from DOC. Members are multiplying because the jail has to mix risk levels due to jail overcrowding. One professional claimed that:

“The state tells us to use best practices [of separating risk levels] and then screws us over by passing legislation that doesn’t allow us to do what we have to do. You can take [a] low risk person and turn them into a high risk person simply by putting them with high risk people.”

The other county claims they are “dealing with a prison setting” concerning the Level 6 Felons now being housed in the jails. This is a huge shift from the “punk kids” they were dealing with prior to HEA 1006. Much like the first county, this county claims that the felons are recruiting people saying, “Hey, you’re looking like you’re going to prison. You better buddy up now and we’ll protect you.” One professional reported that aside from the recruiting aspect, offenders might desire to join simply because they have no other purpose; “the inmates are stressed. There’s nothing to do... [so they] steal from people who can’t defend themselves and partner up with the gang.” This professional claims that this gang is running the jail, and they are concerned with the people who work the midnight shift.

It is suspected that this issue is metastasizing. In the focus group study the previous year, professionals were reporting that the jail culture was resembling more of a prison culture generally, but they hadn’t used language concerning gang activity.

Appendix F – Focus Group Suggestions for Legislators

Suggestions:

Send Level 6 Felons back to DOC (*all, some, reoffenders, habitual offenders, high-risk*)

Address prevention efforts (*for adults, for juveniles, education, early identification/detection*)

Funding support from IDOC (*to hire staff, build facilities; per diem that matches IDOC*)

More inpatient services (*build halfway houses, detox facilities, state mental health facility*)

Reassess how to measure risk (*wipe the standard tool, keep it and use a supplemental tool*)

Address problems with designated mental health provider (*cater to criminal justice clients, work with other local non-profits to ensure a continuum of care, design a competitive process, address the tax levy concern*)

Address transportation concerns

Adjust drug weights to be more appropriate

Communicate with localities before any changes are implemented

Restructure sentence time

Address the differences of small, medium, and large/rural, urban, and suburban counties when planning

Funding support general (*grants, from counties*)

Give professionals authority to determine what is good for the community

Invest in collaboration efforts for substance abuse/mental health and criminal justice

Close prisons

Address "revolving door" nature of the system

Address substance abuse and mental health with strategic planning

Address substance abuse issue independently from mental health

Allow agencies to have more management system access

Allow younger offenders to serve their first sentence at DOC to be "scared straight"

Build bigger jails for the counties

Consider how released offenders will be held accountable

Create better systems for mental health professionals and employers to coordinate

Do not pass legislation that mixes risk levels

Everything about HEA 1006 should be reversed

Fund all drug concerns, not simply the "opioid" related ones

Incorporate DOC treatment models into the jails

Institute mandatory minimums so prosecutors can negotiate plea deals easier

Invite legislators to come witness their systems

Lighten up reporting requirements

Make theft a felony charge

Mandate per diem amounts to go to the jail, not the county general fund

Mandate that MAT is a shot rather than the pills

More accessible outpatient services

Regulate how doctors are prescribing

Remove unnecessary sentencing restrictions

Revise how sentences are created (*base it on offender characteristics, not just misdemeanor/felony level*)

Support counties in creating foundational structures to effect treatment

Talk to public about their desires

Appendix G – Survey Results – Local Assessment of Criminal Code Reform (2018)

Introduction

This survey is being conducted by the Indiana Criminal Justice Institute (ICJI) with the purpose of assessing the local impact of HEA 1006. IC 5-2-6-24 gives ICJI the responsibility to evaluate HEA 1006, effective July 1, 2014, which sought to reform Indiana criminal code in a number of ways, including to decrease the rates of incarceration in state facilities for low level, non-violent offenders.

You are invited to participate in this survey because you have been identified as knowledgeable about treatment and services for adult offenders in your county. Your expertise is what makes our evaluation possible. Please be advised that some questions may ask information that may not be readily available, which may require additional time completing the survey. The estimated time of completion is approximately 5-10 minutes.

The questions that follow pertain only to your local agency. In addition, some questions will ask if a “significant change” has occurred in your agency in the past two years. We have intentionally undefined this phrase, leaving you the ability to define what is significant to you and/or your agency.

If you are a recent hire of the agency, this does not deter you from participation; please provide information to the best of your ability. We are seeking your experience of the impact HEA 1006 on the typical operations of your agency.

Your responses will be kept confidential.

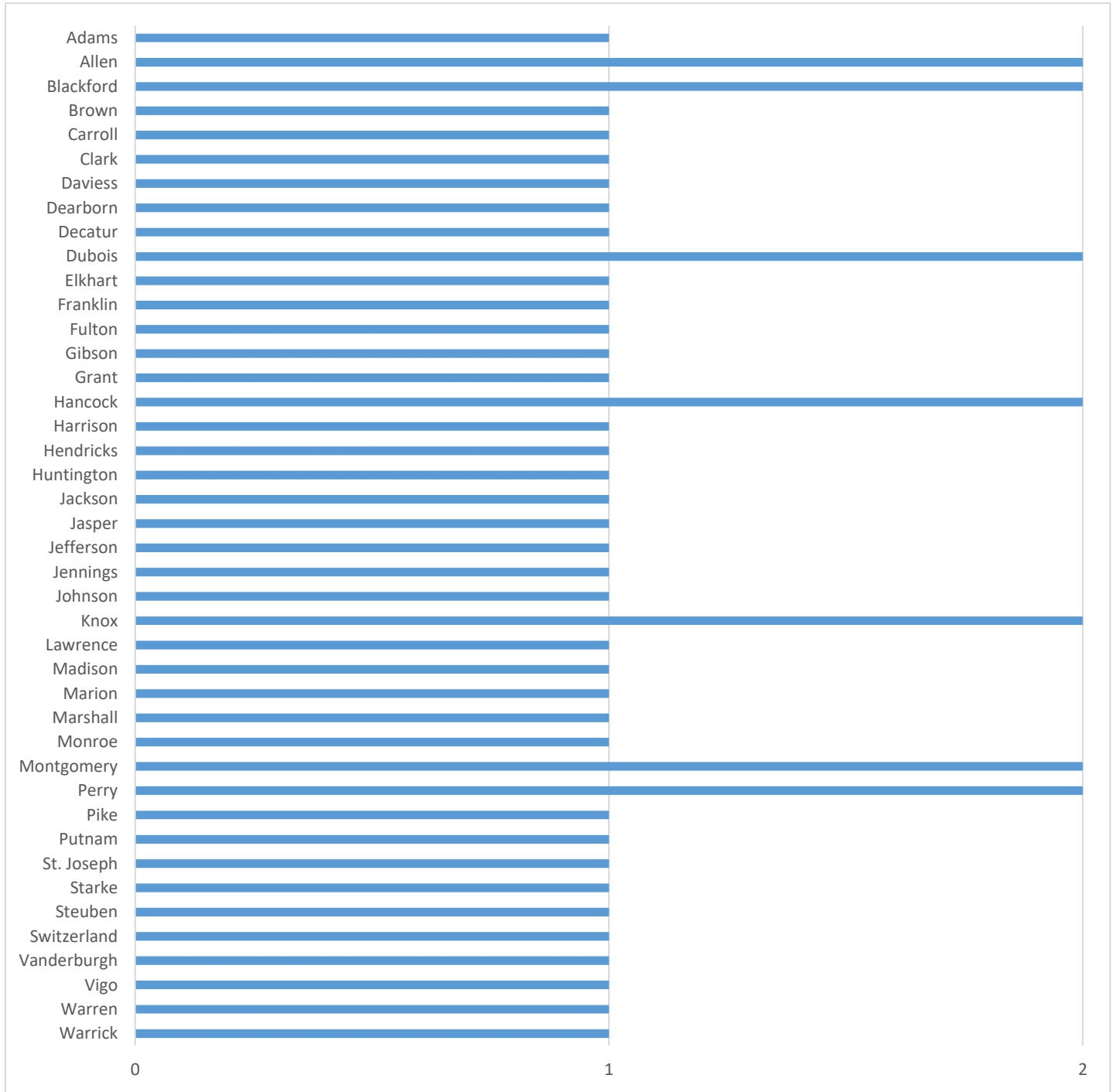
We appreciate your consideration to complete this survey on behalf of your agency. Your efforts will effectively help the state evaluate the effects of HEA 1006. If you have any questions, please feel free to email research@cji.in.gov or call (317) 232-1233.

Q1. What type of agency do you work for?

Answer Choices	Responses	
Jail	14.86%	55
Probation	11.89%	44
Community Corrections (not probation)	8.65%	32
Parole	1.35%	5
Judiciary	10.48%	39
Prosecution	8.11%	30
Public Defense	34.86%	129
Community Service Provider	10.27%	38
Total		370

Jail

Q2. What county does your agency serve?



Q3. Has your jail experienced a significant change in average daily population in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	6.12%	3
Yes, a significant increase	79.59%	39
No significant change	14.29%	7
Do not know	0.00%	0
Total		49

Q4. Has the length of average jail stay significantly changed in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	4.08%	2
Yes, a significant increase	73.47%	36
No significant change	20.41%	10
Do not know	2.04%	1
Total		49

Q5. Has your jail experienced a significant change in the number of days your jail has been over 100% capacity in the past two years? Choose N/A if jail has never exceeded 100% capacity.

Answer Choices	Responses	
Yes, a significant decrease	6.12%	3
Yes, a significant increase	51.02%	25
No significant change	22.45%	11
Do not know	0.00%	0
N/A	20.41%	10
Total		49

Q6. At what percent capacity was your jail on July 31, 2018?

Answer Choices	Responses	
0-20%	6.12%	3
21-40%	2.04	1
41-60%	8.16%	4
61-80%	12.24%	6
81-100%	26.53%	13
More than 100%	44.90%	22
Do not know	0.00%	0
Total		49

Q7. Does your county offer pretrial release services?

Answer Choices	Responses	
Yes, we are a pretrial pilot county	22.45%	11
Yes, we offer them but are not part of the pilot study	22.45%	11
No, we do not offer them	55.10%	27
Total		49

Q8. *If yes, has the pretrial release program significantly decreased the jail population?

Answer Choices	Responses	
Yes	4.55%	1
Too early to tell	27.27%	6
No	68.18	15
Total		22

Q9. Has the number of personnel employed at your jail (including full-time, part-time, and contractual staff) changed in the past two years?

Answer Choices	Responses	
Yes, staff has decreased	6.12%	3
Yes, staff has increased	44.90%	22
No change	48.98%	24
Do not know	0.00%	0
Total		49

Q10. *If staff has increased, have you been able to hire enough staff to meet the needs of your jail?

Answer Choices	Responses	
Yes, hired enough staff	18.18%	4
Hired some but not enough staff	63.64%	14
No	18.18%	4
Total		22

Q11. *If hired enough or hired some staff, how did you fund new staff positions? (Please select all that apply)

Answer Choices	Responses	
County Funds	83.33%	15
Justice Reinvestment Advisory Council (JRAC) grant funds	0.00%	0
DOC Grant	0.00%	0
Other grant funds	0.00%	0
Fees paid by offender	0.00%	0
DOC per diem	0.00%	0
Do not know	11.11%	2
Other (please specify)	11.11%	2
Total		18

Q12. Has your jail needed any infrastructure changes (e.g., expanding/needng additional facilities, remodeling, adding beds, technology upgrades, etc.) in the past two years?

Answer Choices	Responses	
Yes	79.59%	39
No	20.41	10
Do not know	0.00%	0
Total		49

Q13. *If yes, have you been able to make the infrastructure changes?

Answer Choices	Responses	
Yes	20.51%	8
Able to make some changes	51.28%	20
Needed to make changes but currently unable to	0.00%	0
No	28.21%	11
Do not know	0.00%	0
Total		39

Q14. *If yes to Q12, how did you fund the infrastructure changes? (Please select all that apply)

Answer Choices	Responses	
County Funds	74.36%	29
Justice Reinvestment Advisory Council (JRAC) grant funds	0.00%	0
Other grant funds	5.13%	2
Fees paid by offender	2.56%	1
Do not know	17.95%	7
Total		39

Q15. Has your jail experienced a significant change in overall risk level of your offenders (e.g., action that may affect the safety, order, or ability to provide offender care at your jail) in the past two years?

Answer Choices	Responses	
Yes, lesser risk level	2.13%	1
Yes, greater risk level	70.21%	33
No, offender risk levels have stayed about the same	27.66%	13
Do not know	0.00%	0
Total		47

Q16. Which services or programs does your jail provide directly or through an outside vendor? (Please select all that apply)

Answer Choices	Responses	
Mental Health Treatment	80.85%	38
Substance Abuse Treatment	68.09%	32
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	53.19%	25
Education	48.94%	23
Linkages to Community Resources (Non-Agency)	29.79%	14
Employment Assistance/Job Skills Training	21.28%	10
Re-Entry Services	19.15%	9
Other (please specify)	10.64	5
Transportation Assistance	8.51%	4
Housing/Homelessness Services	8.51%	4
None	8.51%	4
Food and Clothing Assistance	4.26%	2
Do not know	0.00%	0
Total		47

#	Responses to "Other (please specify)"
1	We are currently offering Celebrate Recovery in-house to both male and female inmates. Locally a church has started the same group on the inside so we have somewhere close for them to attend once released. We offer substance abuse education NOT treatment in-house.
2	Volunteers of America, Recovery Works Pilot, Pretrial Pilot, Vivitril on limited basis
3	Recovery Works, Medicaid enrollment
4	We do not have any room to have many of these programs
5	MRT, SMART, Counseling Services, Medicaid Continuance Program

Q17. Have you noticed a change in the number of offenders who require services, despite their availability, in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	2.13%	1
Yes, a significant increase	74.47%	35
No significant change	17.02%	8
Do not know	6.38%	3
Total		47

Q18. What services or programs that are currently provided in prison does your jail have difficulty replicating or affording due to lack of funds? (Please select all that apply)

Answer Choices	Responses	
Employment Assistance/Job Skills Training	59.57%	28
Re-Entry Services	59.57%	28
Housing/Homelessness Services	57.45%	27
Food and Clothing Assistance	51.06%	24
Transportation Assistance	51.06%	24
Education	48.94%	23
Substance Abuse Treatment	46.81%	22
Mental Health Treatment	46.81%	22
Life Skills (e.g., Thinking for a Change, Anger Management)	44.68%	21
Linkages to Community Resources (Non-Agency)	36.17%	17
None	8.51%	4
Do not know	8.51%	4
Other (please specify)	0.00%	0
Total		47

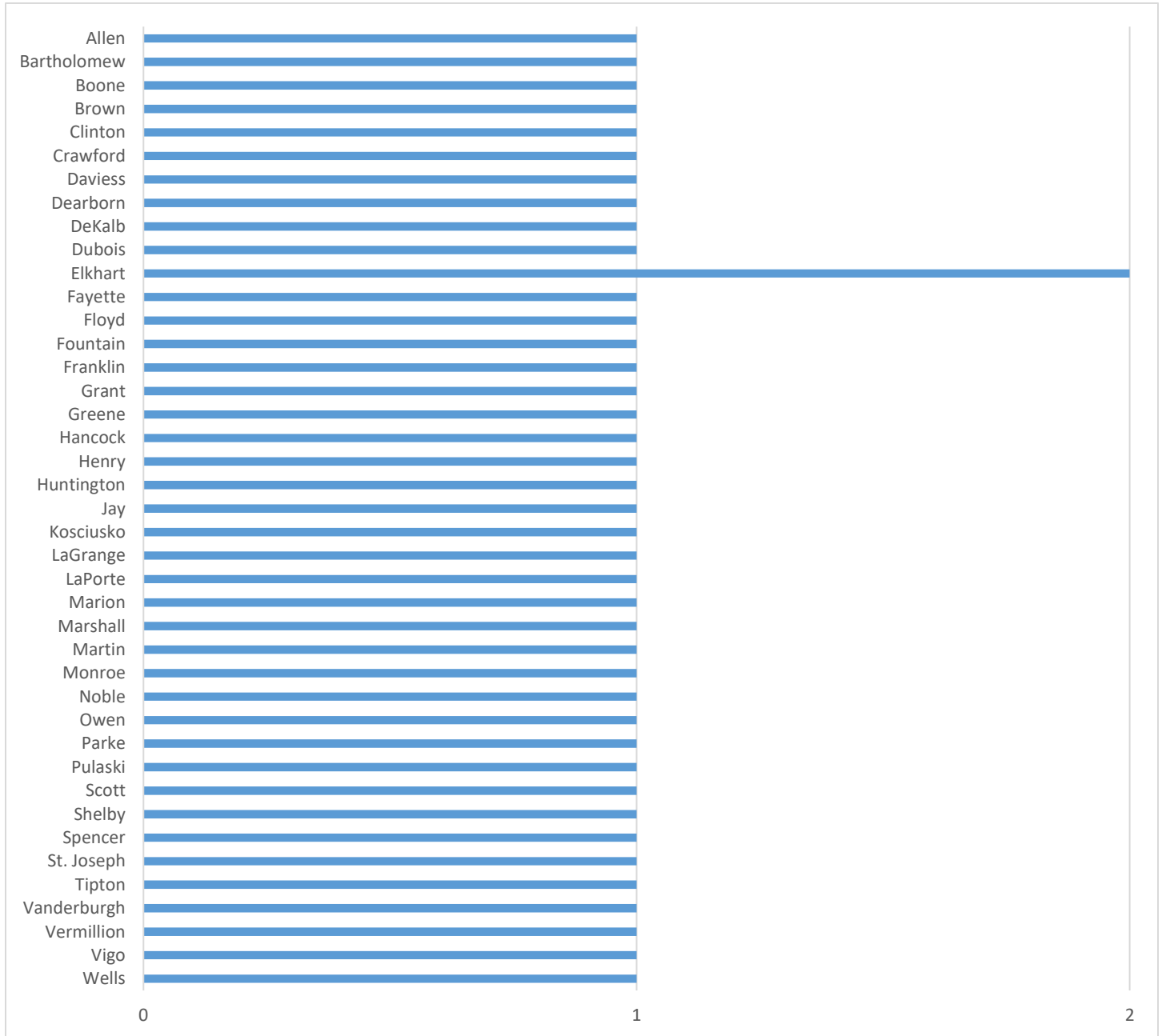
Q19. Is there anything we did not address in this survey that you would like for us to know about the impact of HEA 1006 on your community?

#	Responses
1	N/A
2	Southern Indiana is in need of a Mental Health facility. A lot of the people that create problems in the jail have some sort of mental illness. Substance Abuse programs that are mandatory and extend past the end of the jail sentence would also be helpful.
3	We still have a drug problem in our community!!
4	Medical Care and Costs with the inmates in regards to the time and transportation as well as direct costs.
5	It appears that in 2014 the DOC was over crowded. The state restructured the criminal code. In about 2 yrs. after the change in the criminal code, DOC has several hundred open beds and the County Jails are full. In 2014 DOC had around 28,000 inmates! In 2018 they have around 25,000 inmates according to the DOC Stats. Where did the 3,000 inmates go, County Jails?
6	Due to overcrowding and trying to juggle amount being held has caused a faster recidivism.
7	Our convicted L6 felon population is about 17% of our total. The "flavor" has changed for the worse. We need more space.

8	Vast inconsistency of approval for / disapproval of transfers to DOC when sentenced by court. Level 5 felonies are still refused by DOC, depending on sentence length.
9	It has dramatically added to our jail population. We were already 20%-30% over population. Now we are 50%-60%.. Because of this our Judges are not putting people in jail that should be. We have had to go to the Commissioners and Council about building a new jail or trying to add to our current facility. Sadly, our budget has to suffer as a result of this. It seems the State, throughout the years, has continue to "add" to the responsibility of the Sheriff without any additional funding or help. Sex offenders, Court, Transports, Civil Papers, Warrants, Patrol...etc... Sheriff's departments continue to suffer with staffing along with pay for jailers and Deputies. We continue to do more with less. All while cities continue to flourish with more help and better pay. Our budgets are completely taken over due to the jail issues and our law enforcement side suffers. Very Poor planning on HB1006 and it dumping of inmates on the local level with jails that were not able to handle that load. Very poor..!
10	Yes. I have 77 inmates in my jail right now because of house bill 1006. My jail currently has 347 inmates when I am supposed to have 322. I have been as high as 450. House bill 1006 has not been a friend of Johnson County.
11	It would be helpful that more money is funneled to jails instead of the bulk going to community corrections (which is very important nonetheless) so that jails can do some of the programs here mentioned.
12	Sentenced level 6 felons have accounted for an average of 9% of our population over the last 2 1/2 years. They have contributed to the problem on days that we were overcrowded, but not substantially. Some of the days we were overcrowded, we would still have been overcrowded even without the sentenced level 6 felons. We feel that leaving sentenced level 6 felons in county jails was an arbitrary decision that should have been based on length of sentence rather than level of offense. For example, a person with a level 6 sentence of 2 years will do all of that time in a county jail, but a person with a level 5 sentence of 2 months can go to IDOC. We don't feel as though that part was very well thought out.
13	It is my belief that the DOC reimbursement rate for holding HEA 1006 inmates is way to low to cover the additional cost associated with these inmates.
14	The impact of HEA 1006 itself, is not the only problem. Due to the speed with which county agencies adapt, including Prosecutors and courts, is very slow, and they accept plea agreements which, given that the level 6 felons now stay in county jails, place a large burden upon local agencies.
15	I went from an average of 35 to 55 and I know several other jails that have been affected greatly because they keep asking us to house inmates for them.
16	On July 31st, we had 335 1006 inmates in our Jail.
17	In a county like Vanderburgh, where we already had a strong community correction program and plenty of jail diversion, it has caused nothing but problems.
18	Since HEA 1006 we have had more staff threats/assaults, more Offender on Offender assaults w/ serious bodily injuries. More property damage to our facility.
19	It has been a real issue in regard to creating overcrowding in our facility.

Probation

Q2. What county does your agency serve?



Q3. Has your probation department experienced a significant change in the number of offenders sentenced to probation in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	4.76%	2
Yes, a significant increase	54.76%	23
No significant change	38.10%	16
Do not know	2.38%	1
Total		42

Q4. Has the average caseload per probation officer significantly changed in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	7.14%	3
Yes, a significant increase	50.00%	21
No significant change	42.86%	18
Do not know	0.00%	0
Total		42

Q5. Does your county offer pretrial release services?

Answer Choices	Responses	
Yes, we are a pretrial pilot county	14.29%	6
Yes, we offer them but are not part of the pilot study	54.76%	23
No, we do not offer pretrial release services	30.95%	13
Total		42

Q6. *If yes, has the pretrial release program affected your caseload?

Answer Choices	Responses	
Yes, significantly increased caseload	13.79%	4
Yes, significantly decreased caseload	0.00%	0
Too early to tell	58.62%	17
No, it does not affect our agency	27.59%	8
Total		29

Q7. Has the number of staff employed by your probation department significantly changed in the past two years?

Answer Choices	Responses	
Yes, staff has decreased	4.76%	2
Yes, staff has increased	35.71%	15
No change	59.52%	25
Do not know	0.00%	0
Total		42

Q8. *If staff has increased, has your probation department been able to hire enough staff to meet its needs?

Answer Choices	Responses	
Yes, hired enough staff	20.00%	3
Hired some but not enough staff	60.00%	9
No	20.00%	3
Total		15

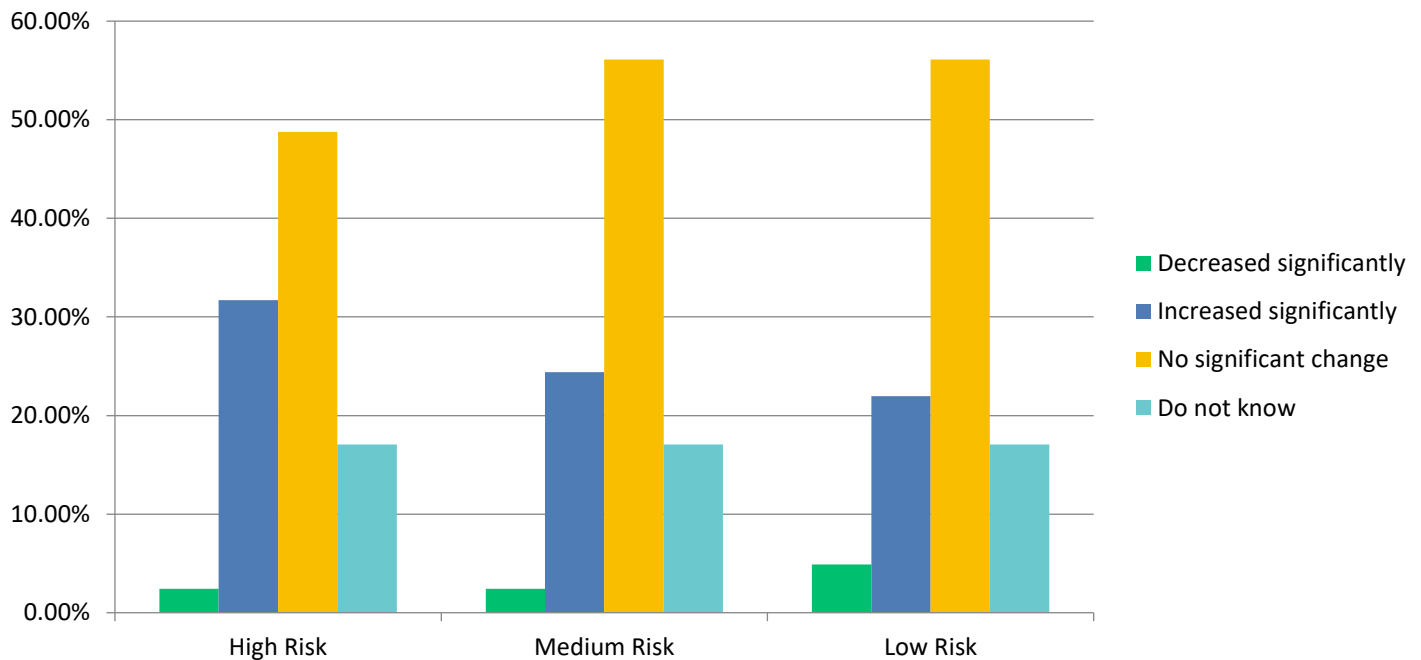
Q9. *If hired enough or hired some staff, how did you fund new staff positions? (Please select all that apply)

Answer Choices	Responses	
County Funds	41.67%	5
Justice Reinvestment Advisory Council (JRAC) grant funds	58.33%	7
Other grant funds	33.33%	4

Fees paid by offender	25.00%	3
Do not know	0.00%	0
Other (please specify)	25.00%	3
Total		12

#	Responses to "Other (please specify)"
1	2 full time probation officers and 1 administrative assistant to keep up with grant requirements.
2	IOCS Grant
3	JRAC funds aren't sufficient to pay probation officer salaries, must supplement with PUF's.

Q10. Has there been a change you would consider significant in the risk level of your probationers since the enactment of HEA 1006 in July 2014?



Q11. Have you noticed a change in the number of probationers who require services in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	4.88%	2
Yes, a significant increase	68.29%	28
No significant change	24.39%	10
Do not know	2.44%	1
Total		41

Q12. Which services does your probation department provide directly or through an outside vendor to probationers? (Please select all that apply)

Answer Choices	Responses	
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	95.12%	39
Substance Abuse Treatment	92.68%	38
Mental Health Treatment	87.80%	36
Employment Assistance/Job Skills Training	78.05%	32

Education	58.54%	24
Linkages to Community Resources (Non-Agency)	58.54%	24
Housing/Homelessness Services	39.02%	16
Re-Entry Services	31.71%	13
Food and Clothing Assistance	31.71%	13
Transportation Assistance	29.27%	12
Other (please specify)	7.32%	3
None	0.00%	0
Do not know	0.00%	0
Total		41

#	Responses to “Other (please specify)”
1	Drug Testing
2	MAT
3	CBT, MRT, Parenting Classes

Q13. Which services or programs do probationers have difficulty obtaining for reasons such as lack of availability or affordability? (Please select all that apply)

Answer Choices	Responses	
Transportation Assistance	73.17%	30
Housing/Homelessness Services	65.85%	27
Substance Abuse Treatment	56.10%	23
Mental Health Treatment	56.10%	23
Food and Clothing Assistance	29.27%	12
Employment Assistance/Job Skills Training	21.95%	9
Education	17.07%	7
Re-Entry Services	17.07%	7
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	14.63%	6
Linkages to Community Resources (Non-Agency)	7.32%	3
Other (please specify)	7.32%	3
None	2.44%	1
Health care	0.00%	0
Total		41

#	Responses to “Other (please specify)”
1	Sex Offender Treatment
2	Drug Testing
3	Sober Living

Q14. Has the number of offenders who successfully complete probation significantly changed in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	19.51%	8
Yes, a significant increase	7.32%	3
No significant change	63.41%	26

Do not know	9.76%	4
Total		41

Q15. Has the number of offenders released from probation, for reasons other than completed, significantly changed in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	4.88%	2
Yes, a significant increase	17.07%	7
No significant change	63.41%	26
Do not know	14.63%	6
Total		41

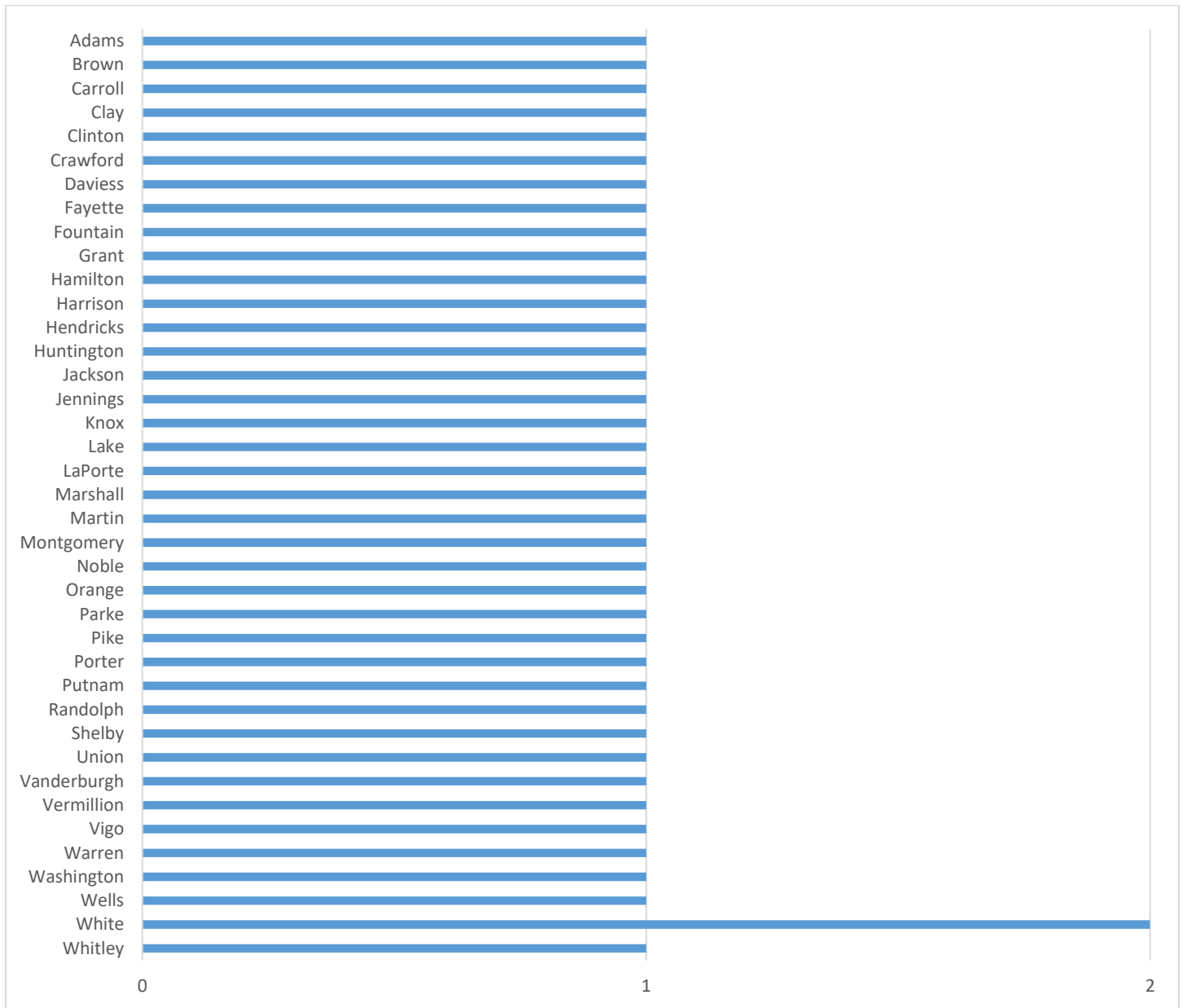
Q16. Is there anything we did not address in this survey that you would like for us to know about the impact of HEA 1006 on your community?

#	Responses
1	We received funding for 2 PO's to help w/increase of caseloads however not as much impact due to increased responsibilities related to satisfying requirements of the grant. More organized collaboration/training needed w/all agencies requiring commitment i.e. Prosecutor, Courts, Probation, Community Corrections
2	Our staff is now being asked to provide jail assessments for substance abuse on offenders pre-trial, because offenders have realized that this is now an avenue of release and a means to mitigate any possible sentence. Almost appears as if calling oneself an "addict" and needing "treatment" is trending.
3	NO LOCAL DETOX OR INPATIENT TREATMENT FACILITIES. MENTAL HEALTH TREATMENT IS A MAJOR CONCERN
4	We have had a lot of people ending services still owing fees. Owen County has community corrections and probation combined. We have tried to get in front of the issues facing our offenders. However, it was extremely interesting when looking at the increase of high risk offenders within the past two years.
5	Jail population has increased by 40-50 due to impact.
6	Disappointment and concerns with limited funding and support from the state trickling down to county entities to assist and promote the local growth of departments to ensure the quality of supervision is met for the safety of the community.
7	I do not like the fact that you have to go thru IDOC for grant requests. Too many hoops to jump through when obtaining grants. I think the process could be streamlined.
8	We have a lot more Level 6 felonies who were more serious felonies before and they are re-offending more, are more high risk and substance abuse in the community is contributing to high number of violations.
9	Still no caseload standards so very hard to do everything being asked of us!!
10	Significant increase in repeat felon offenders. They are not being sentenced to DOC, so they continue to re-offend.
11	Our jail has been over crowded since HEA 1006 and we consistently have to house inmates at surrounding county jails.
12	JRAC grant funds need to fully fund probation officers hired with grant dollars. They also need to take into account longevity raises and special skills according to established pay grids.
13	This is a small department with only two officers handling close to 400 offenders regularly. The grant allowed us to hire a field officer that helps with searches but didn't decrease the caseloads. We are not seeing significant changes in numbers at this time, but caseloads remain high.

14	The number of presentence reports requested by the court has significantly increased in our county due to the potential for DOC commitments for misdemeanor offenses with habitual traffic violator enhancement.
15	Recovery Works funding has been a tremendous help in covering expenses for our clients. Absent this resource, compliance with court ordered services would be much lower as client's self-pay for services in our county. As of today, our total case numbers for all current and split sentence cases is at 13,658. This number was 10,758 in July 2016. So while the direct commitments to probation is not significantly different from 2 years ago - the total number pending has - we are awaiting a start of probation from either Community Corrections or IDOC.
16	We are a pretrial county. Since the pretrial program started, cash bonds have virtually been eliminated. This has dramatically reduced user fee collection rates. User fees are being depleted at unprecedented rates. For the first time in our department's history, we were forced to request a mid-year additional appropriation from the County Council to keep from losing 2 probation officer positions. We also had to discontinue probation programming due to lack of funding. Another significant factor is not having the ability to get DOC-community corrections grant funding increases to cover staff cost-of-living raises, increases in fringe benefit costs (health insurance), and increases in costs of electronic monitoring. For 2019, if County tax-based funding and/or community corrections grant funding does not increase by at least \$250,000 annually, we will lose many more PO positions. We need state level funding just to maintain current staffing levels.
17	This has greatly affected our local jail and community corrections center. They are now busting at the seams and we need help to change this. I feel like we have recently become very proactive in Dubois County as far as programming and are extremely grateful to receive 1006 funding to provide these services. We need to provide services in our jail. Thank you!
18	It is draining our county resources and requiring us to add on to our jail due to over-crowding conditions.
19	Concerns about sustainability of currently funded services due to the need to choose to fund new services at the expense of current ones.
20	It seems like some offenders who were previously arrested on lower level Felonies such as Possession of Marijuana with a prior and Theft, are no longer arrested for those offenses. In the past we have had those offenders on probation and they would violate probation for testing positive for Opiates, Cocaine, Meth or other serious drugs. We were then able to work with those offenders on rehabilitation services. Now those offenders do not get arrested and I am concern they may not be receiving those services elsewhere because of lack of supervision.

Community Corrections

Q2. What county or counties does your agency serve?



Q3. Has your community corrections office experienced a significant change in the number of offenders sentenced to community corrections in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	13.33%	4
Yes, a significant increase	46.67%	14
No significant change	40.00%	12
Do not know	0.00%	0
Total		30

Q4. Has the average caseload per officer significantly changed in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	13.33%	4

Yes, a significant increase	43.33%	13
No significant change	43.33%	13
Do not know	0.00%	0
Total		30

Q5. Has the number of staff employed by your community corrections office changed in the past two years?

Answer Choices	Responses	
Yes, staff has decreased	3.33%	1
Yes, staff has increased	46.67%	14
No change	50.00%	15
Do not know	0.00%	0
Total		30

Q6. *If yes, has your agency been able to hire enough staff to meet the needs of your agency?

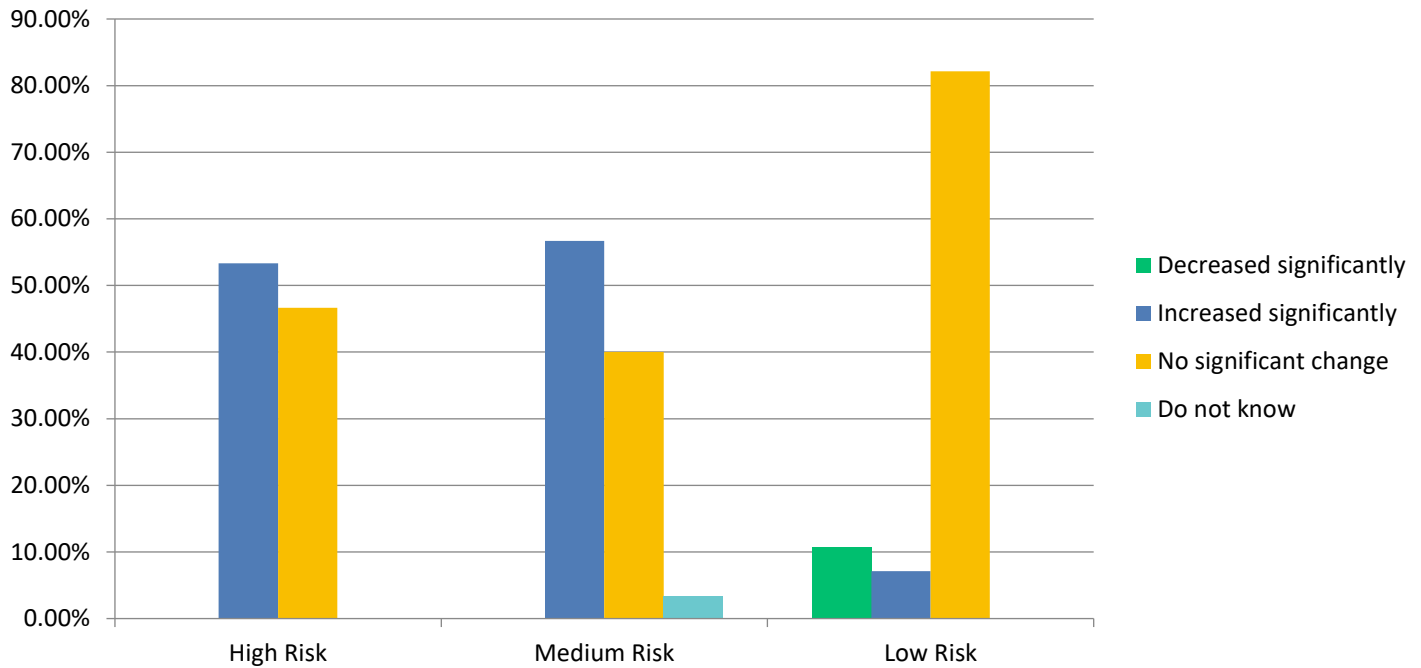
Answer Choices	Responses	
Yes, hired enough staff	57.14%	8
Hired some but not enough staff	35.71%	5
No	7.14%	1
Total		14

Q7. *If hired enough or hired some staff, how did you fund new staff positions? (Please select all that apply)

Answer Choices	Responses	
County Funds	7.69%	1
Justice Reinvestment Advisory Council (JRAC) grant funds	53.85%	7
DOC Grant	61.54%	8
Other grant funds	23.08%	3
Court fees	0.00%	0
Fees paid by offender	46.15%	6
Do not know	0.00%	0
Other (please specify)	7.69%	1
Total		13

#	Responses to "Other (please specify)"
1	Have one person doing what was previously two positions.

Q8. Has there been a change you would consider significant in the risk level of your probationers since the enactment of HEA 1006 in July 2014?



Q9. Have you noticed a change in the number of probationers who require services in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	0.00%	0
Yes, a significant increase	90.00%	27
No significant change	10.00%	3
Do not know	0.00%	0
Total		30

Q10. Which offender population needs the most services from your agency?

Answer Choices	Responses	
Felony population	90.00%	27
Misdemeanant population	0.00%	0
Pretrial population	0.00%	0
No difference	10.00%	3
Total		30

Q11. Which service or services does your community corrections office directly provide directly or through an outside vendor to offenders? (Please select all that apply)

Answer Choices	Responses	
Substance Abuse Treatment	93.33%	28
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	93.33%	28
Employment Assistance/Job Skills Training	93.33%	28
Mental Health Treatment	90.00%	27
Education	86.67%	26

Linkages to Community Resources (Non-Agency)	83.33%	25
Food and Clothing Assistance	63.33%	19
Re-Entry Services	50.00%	15
Housing/Homelessness Services	46.67%	14
Transportation Assistance	40.00%	12
Other (please specify)	3.33%	1
None	0.00%	0
Do not know	0.00%	0
Total		30

#	Responses to “Other (please specify)”
1	Peer support group, faith based services

Q12. Which services or programs do probationers have difficulty obtaining for reasons such as lack of availability or affordability? (Please select all that apply)

Answer Choices	Responses	
Transportation Assistance	76.67%	23
Housing/Homelessness Services	53.33%	16
Mental Health Treatment	36.67%	11
Substance Abuse Treatment	23.33%	7
Food and Clothing Assistance	20.00%	6
Re-Entry Services	13.33%	4
Employment Assistance/Job Skills Training	10.00%	3
Education	10.00%	3
Linkages to Community Resources (Non-Agency)	10.00%	3
Other (please specify)	10.00%	3
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	6.67%	2
None	3.33%	1
Do not know	0.00%	0
Total		30

#	Responses to “Other (please specify)”
1	Medical treatment/prescriptions
2	Mental Health and Substance Abuse Treatment runs out with in-house treatment and no Recovery Works left to address mental health or substance abuse once out of treatment.
3	Medication for individuals who do not qualify for HIP.

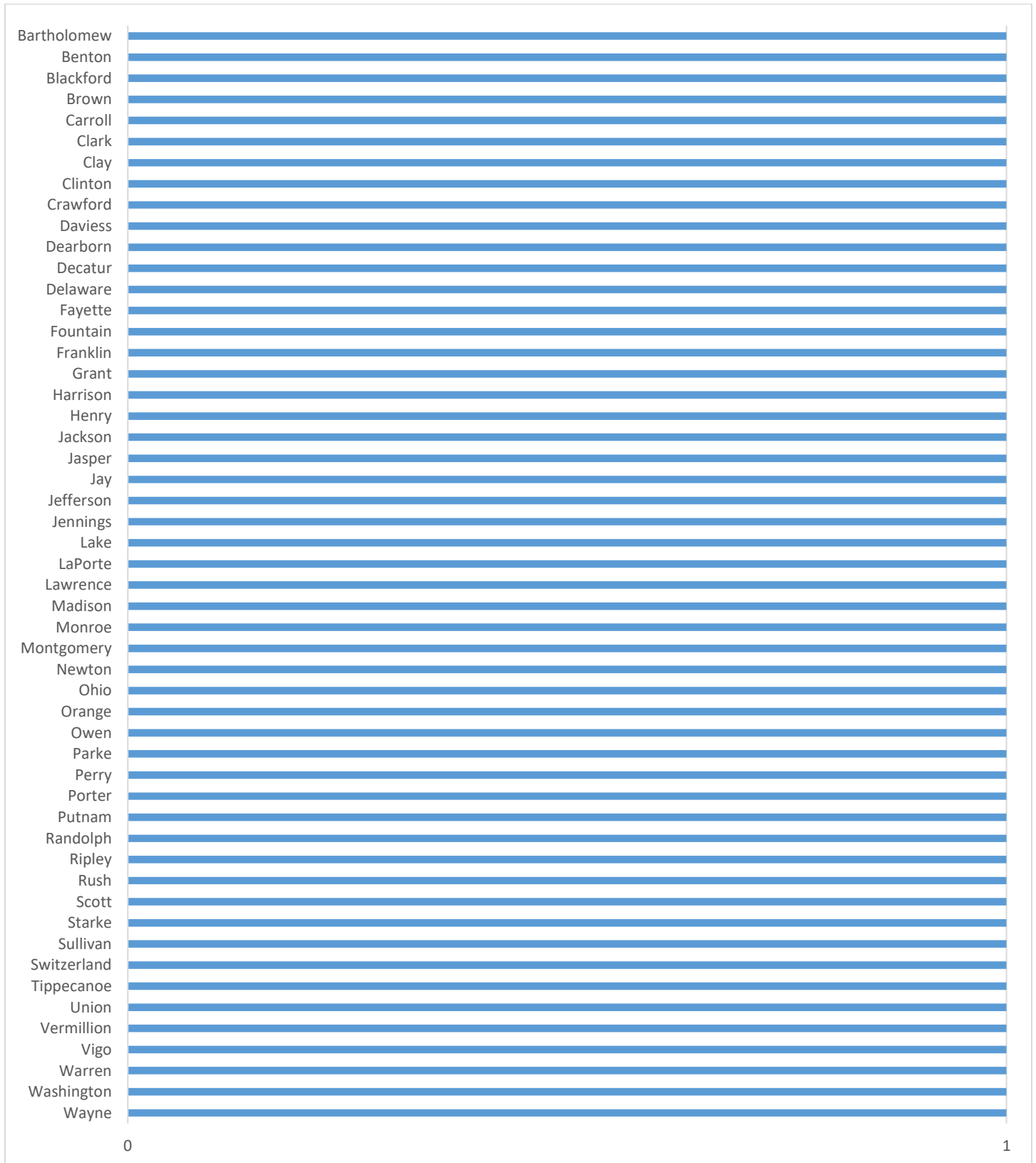
Q13. Is there anything we did not address in this survey that you would like for us to know about the impact of HEA 1006 on your community?

#	Responses
1	Pretrial is a new topic, but old business for this community corrections. We have supervised pretrial people for the courts for years, yet never asked for funding or staff to do so. The population did not receive much other than supervision, because grant dollars were not to support serving that population, however they do need programs and services to be effective in working with them.

2	The number of drug abusing offenders who are willing to participate in our Problem Solving Courts has decreased due to most of them being convicted of Level 6 Felonies and then not wanting to sign on to a program that is longer than the sentence they would receive on home detention, work release, probation, etc.
3	As HEA1006 requirements increased with DOC's desire for Evidence Based Practices and Continued Quality Assurance, small agencies are struggling to meet those expectations without additional staff. Money to small agencies need additional dollars allocated by HEA1006 funds to meet those expectations.
4	Our local jail is above capacity. They have taken the brunt of 1006. We have had an increase in clients but not a significant one. The new clients however are ones that can't pay, disability, or won't work and you get them anyway because the court has nowhere else to send them once the jail is full. So our P.I. money is suffering.
5	The question relating to more services needed for Pre Trial or Felonies was a catch 22 question. Pre Trials need services as well but we supervise more felony offenders so that was the option I had to choose. Pre Trials need services as well!
6	Access to mental health and medical treatment has greatly increased due to HIP and Recovery Works services which in the past has been a significant barrier for our participants. Thank you for all of the collaboration that has made this possible.
7	A new funding formula needs to implement from DOC based on number of offenders serviced. We supervise more individuals than other counties our size but those counties may receive 3x the funding we do.
8	Though we have not necessarily seen our population increase as much as we thought, we have noticed a significant change in the risk and needs level of those individuals being placed under our supervision. The supervision and services provided those individuals have needed to be more intensive than in the past. We have also noticed an increase in the length of stay within our levels of supervision. It has grown longer.

Parole

Q2. Which county or counties does your agency serve?



Q3. Has your parole district experienced a significant change in the number of offenders being granted parole in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	80.00%	4
Yes, a significant increase	0.00%	0
No significant change	20.00%	1
Do not know	0.00%	0
Total		5

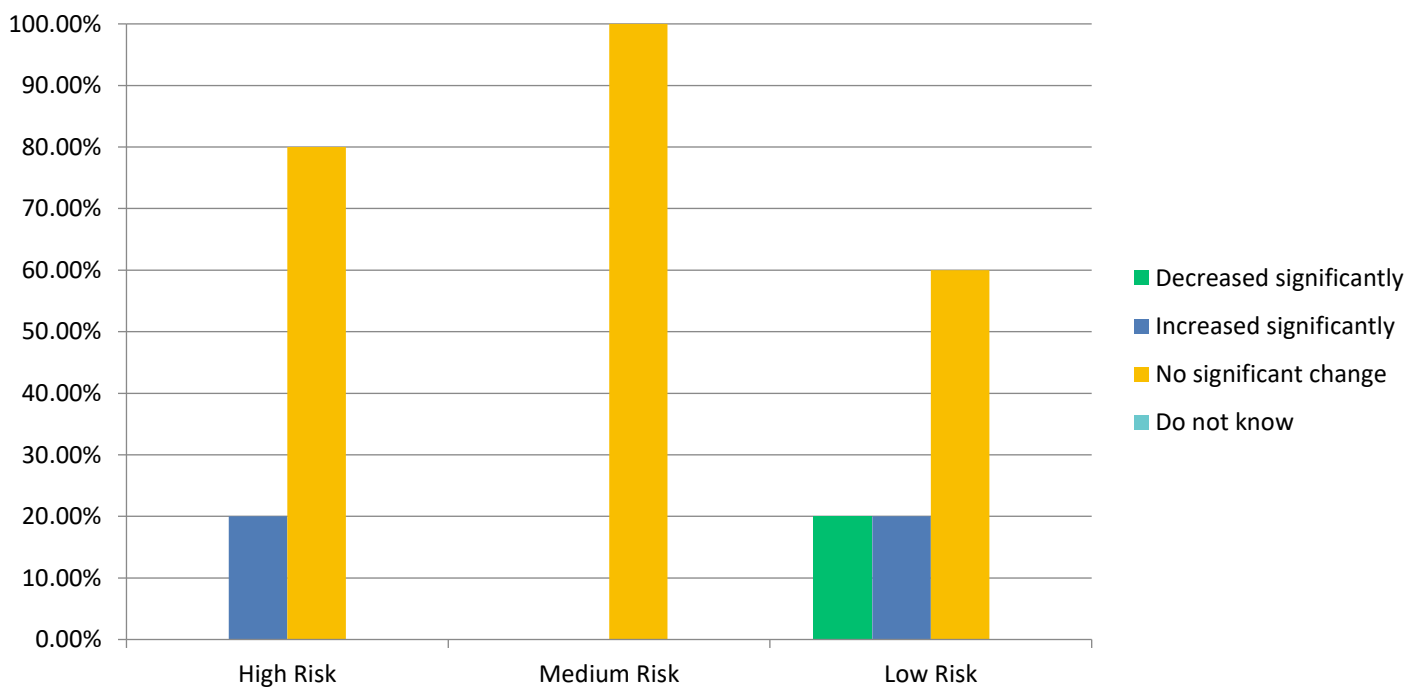
Q4. Has the average number of cases supervised per parole officer significantly changed in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	100.00%	5
Yes, a significant increase	0.00%	0
No significant change	0.00%	0
Do not know	0.00%	0
Total		5

Q5. Has the number of staff employed by your parole district significantly changed in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	0.00%	0
Yes, a significant increase	0.00%	0
No significant change	100.00%	5
Do not know	0.00%	0
Total		5

Q6. Has there been a significant change in the risk level (based on IRAS scores) of your offenders in the past two years?



Q7. Have you noticed a significant change in the number of parolees who require services in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	0.00%	0
Yes, a significant increase	20.00%	1
No significant change	80.00%	4
Do not know	0.00%	0
Total		5

Q8. Which services or programs does your parole office provide directly or through an outside vendor to offenders? (Please select all that apply)

Answer Choices	Responses	
Substance Abuse Treatment	100.00%	5
Mental Health Treatment	100.00%	5
Employment Assistance/Job Skills Training	100.00%	5
Re-Entry Services	100.00%	5
Food and Clothing Assistance	80.00%	4
Linkages to Community Resources (Non-Agency)	60.00%	3
Education	60.00%	3
Housing/Homelessness Services	60.00%	3
Transportation Assistance	40.00%	2
None	0.00%	0
Do not know	0.00%	0
Other (please specify)	0.00%	0
Total		5

Q9. Which services or programs do parolees have difficulty obtaining for reasons such as lack of availability or affordability? (Please select all that apply)

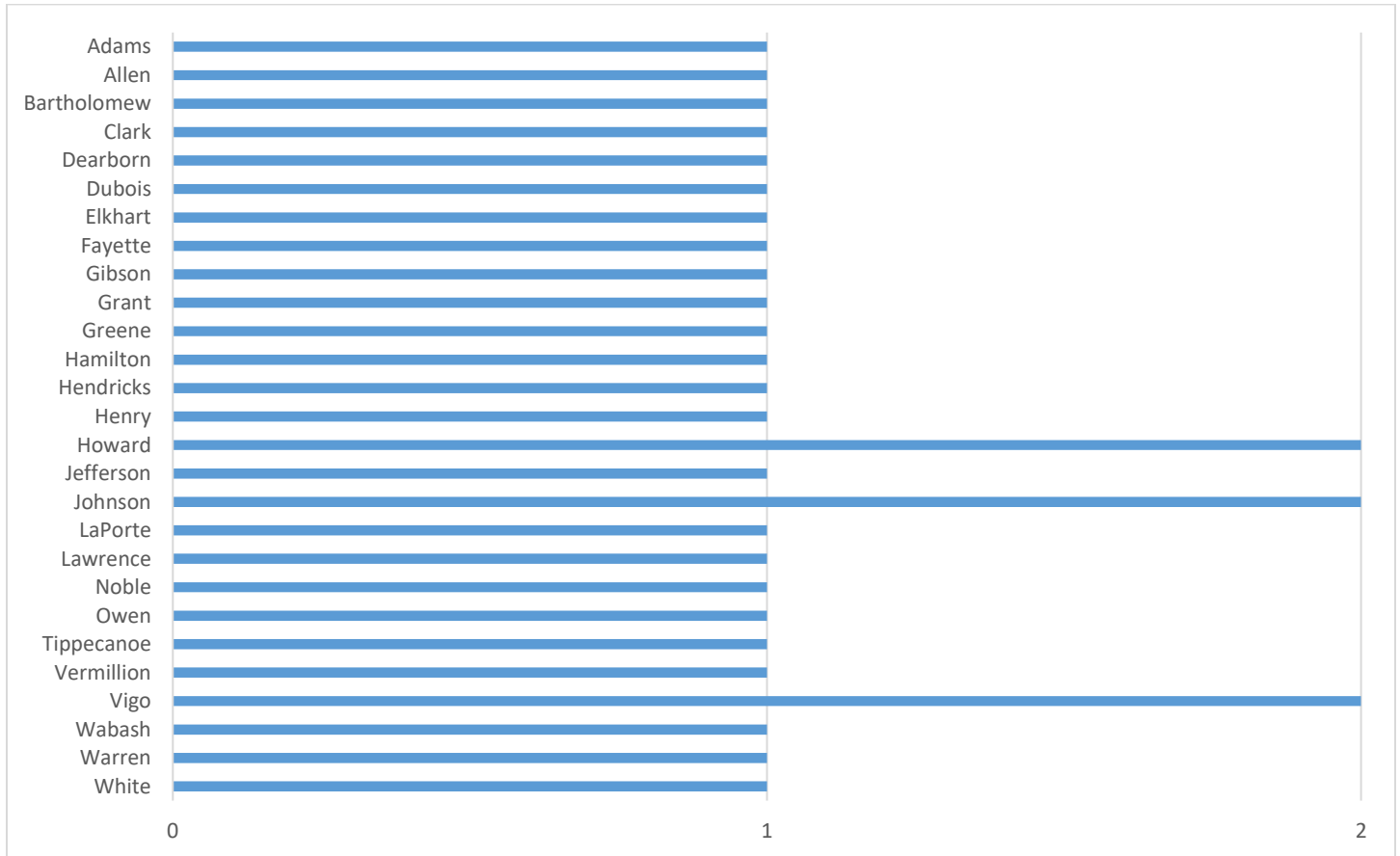
Answer Choices	Responses	
Mental Health Treatment	40.00%	2
Transportation Assistance	40.00%	2
Housing/Homelessness Services	40.00%	2
None	40.00%	2
Substance Abuse Treatment	20.00%	1
Education	20.00%	1
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	0.00%	0
Employment Assistance/Job Skills Training	0.00%	0
Re-Entry Services	0.00%	0
Food and Clothing Assistance	0.00%	0
Linkages to Community Resources (Non-Agency)	0.00%	0
Do not know	0.00%	0
Other (please specify)	0.00%	0
Total		5

Q10. Is there anything we did not address in this survey that you would like for us to know about the impact of HEA 1006 on your community?

#	Responses
1	Although the number of parolees has dropped since implementation, it will rise again to numbers similar to what they were before. The decrease has been due to the temporary overlap between offenders sentenced under the old statute, and the new.
2	It is difficult to for Parolees to receive services swiftly after referral - wait lists for substance abuse and mental health services remain. HEA 1006 has led county jails to place "blame" on the DOC for jail overcrowding and therefore some jails are unwilling to house our offenders on intermediate sanctions (jail time in lieu of being returned to the DOC). Agents are now doing more transports of offenders on sanctions from one county jail to the next (that is willing to hold them), which increases the risk of safety and security to our Agents. In some cases, jails have refused to acknowledge our Parole Violation Warrants completely.

Judiciary

Q2. What county does your agency serve?



Q3. Does your jurisdiction have at least one problem solving court?

Answer Choices	Responses	
Yes	90.00%	27
No	10.00%	3
Do not know	0.00%	0
Total		30

Q4. *If yes, has the number of problem-solving courts in your county changed in the past two years?

Answer Choices	Responses	
Yes, decreased	3.70%	1
Yes, increased	37.04%	10
No, stayed the same	59.26%	16
Do not know	0.00%	0
Total		27

Q5. *If yes to Q3, what kind of problem-solving courts does your county have? (Please select all that apply)

Answer Choices	Responses	
Adult Drug Court	85.19%	23
Veterans Court	59.26%	16
Reentry Court	22.22%	6

Family Drug Court	18.52%	5
Mental Health Court	18.52%	5
Other (please specify)	14.81%	4
Juvenile Problem-Solving Court	11.11%	3
Total		27

Q6. *If yes to Q3, has the number of defendants served by problem-solving courts significantly changed in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	18.52%	5
Yes, a significant increase	37.04%	10
No significant change	33.33%	9
Not applicable	0.00%	0
Do not know	11.11%	3
Total		27

Q7. *If increase, has your county's problem-solving courts been able to meet the needs of these defendants?

Answer Choices	Responses	
Yes	50.00%	5
We have been able to meet some, but not all, of the needs	40.00%	4
No, we have not been able to meet the needs	10.00%	1
Do not know	0.00%	0
Total		10

Q8. Has there been a significant change in the number of requests for sentence modification in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	3.33%	1
Yes, a significant increase	36.67%	11
No significant change	46.67%	14
Do not know	13.33%	4
Total		30

Q9. Has the number of staff employed by your county's criminal courts changed in the past two years?

Answer Choices	Responses	
Yes, staff has decreased	6.67%	2
Yes, staff has increased	30.00%	9
No change	60.00%	18
Do not know	3.33%	1
Total		30

Q10. *If staff has increased, have you been able to hire enough staff to meet the needs of your county's criminal courts?

Answer Choices	Responses	
Yes, hired enough staff	22.22%	2

Hired some but not enough staff	33.33%	3
No	44.44%	4
Total		9

Q11. *If hired enough or hired some staff, how did you fund new staff positions? (Please select all that apply)

Answer Choices	Responses	
County Funds	60.00%	3
Justice Reinvestment Advisory Council (JRAC) grant funds	20.00%	1
Other grant funds	60.00%	3
Fees paid by offender	40.00%	2
Do not know	0.00%	0
Other (please specify)	20.00%	1
Total		5

#	Responses to “Other (please specify)”
1	Collaboration of City and County Funds

Q12. Have you noticed a significant change in the number of defendants who require services in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	0.00%	0
Yes, a significant increase	89.66%	26
No significant change	10.34%	3
Do not know	0.00%	0
Total		29

Q13. Which services or programs does your court offer to defendants either directly or through an outside vendor? (Please select all that apply)

Answer Choices	Responses	
Substance Abuse Treatment	100.00%	29
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	96.55%	28
Mental Health Treatment	86.21%	25
Employment Assistance/Job Skills Training	82.76%	24
Linkages to Community Resources (Non-Agency)	68.97%	20
Education	55.17%	16
Re-Entry Services	48.28%	14
Food and Clothing Assistance	37.93%	11
Transportation Assistance	34.48%	10
Housing/Homelessness Services	27.59%	8
Other (please specify)	3.45%	1
None	0.00%	0
Do not know	0.00%	0
Total		29

Q14. Which services or programs has your criminal court had difficulty providing due to lack of funds? (Please select all that apply)

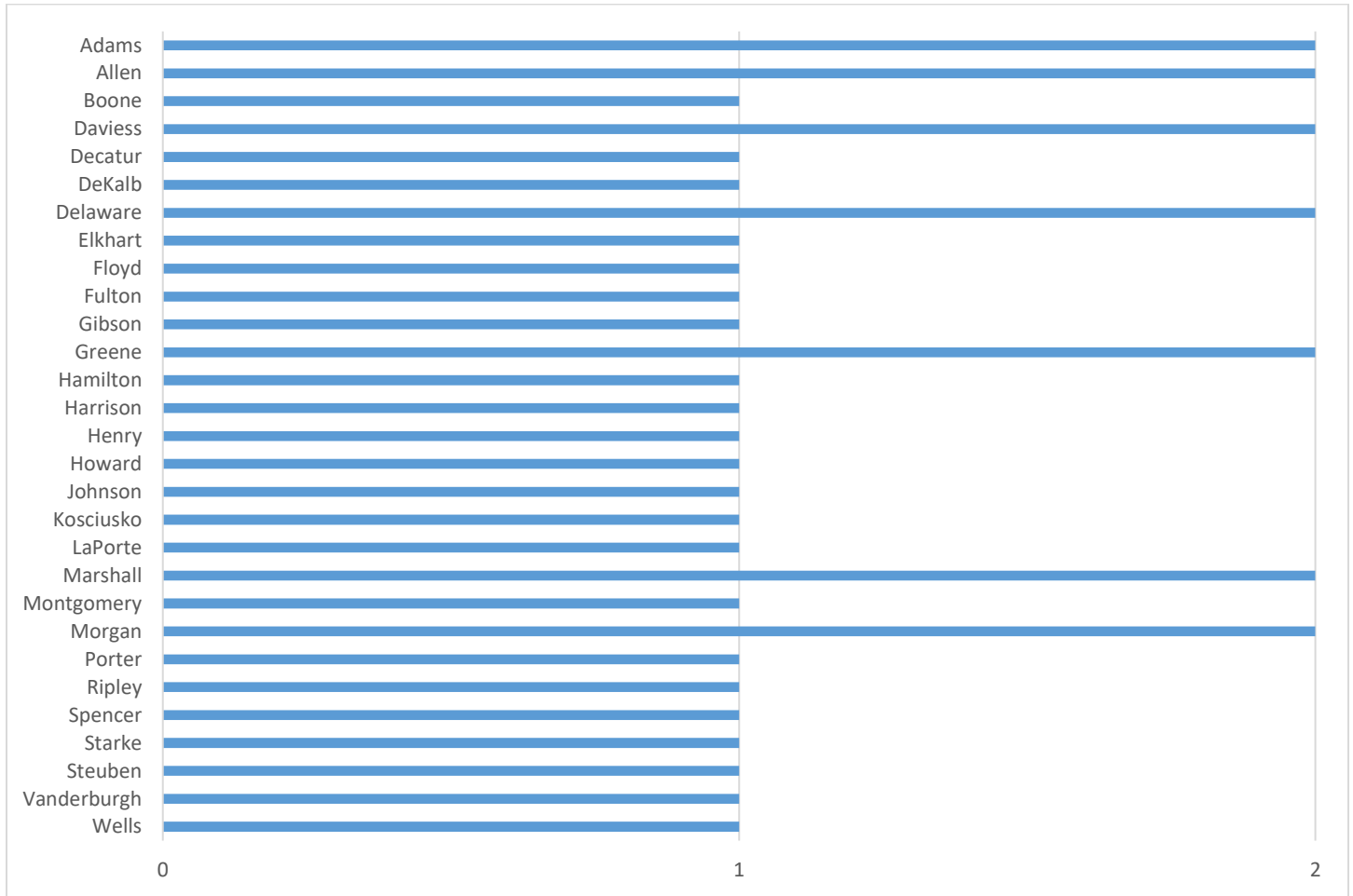
Answer Choices	Responses	
Mental Health Treatment	58.62%	17
Housing/Homelessness Services	55.17%	16
Substance Abuse Treatment	44.83%	13
Transportation Assistance	37.93%	11
Food and Clothing Assistance	31.03%	9
Employment Assistance/Job Skills Training	17.24%	5
Education	17.24%	5
Re-Entry Services	17.24%	5
Do not know	17.24%	5
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	13.79%	4
Linkages to Community Resources (Non-Agency)	10.34%	3
None	0.00%	0
Other (please specify)	0.00%	0
Total		29

Q15. Is there anything we did not address in this survey that you would like for us to know about the impact of HEA 1006 on your community?

#	Responses
1	1006 has impacted us by increasing our jail numbers. Currently approximately 21% of our jail population is 1006 holdovers. This has caused many county jails to seek funding to construct more jail space. Some 1006 housing options would be great.
2	Our jail population has grown considerably and is now over capacity.
3	Impact on jail population.
4	Our jail population has significantly increased as has the need for community services. Funding for jail treatment services to address Level 6 offenders is needed.
5	The jail is constantly overcrowded, which causes a number of issues.
6	County council and commissioners unwilling to acknowledge the problems being faced by the judicial system and further unwillingness to provide funding for anything other than incarceration, probation or community corrections.
7	Significant jail overcrowding issues.
8	The overhead of application and reporting time and money for 1006 funds is far too high. Cut down the bureaucracy, it is suppressive to the addition of new problem solving courts.
9	Jail overcrowding has become an issue of serious concern.
10	We are a rural small county and often forgotten when it comes to services such as transitional housing, transportation, mental health and substance abuse treatment. We truly need a transitional housing facility located within our community so that people could be stepped down from jail/DOC and provided with treatment to reintegrate back to our community.
11	Our jail has become significantly overcrowded, especially with L6 felons. Our pretrial program has alleviated some of that, but not all. Jail expansion at a significant cost is a result. Services that defendants were receiving at the DOC are now being provided at the jail, at the expense of the county.
12	In the rural areas of Indiana, it is not only a lack of financial resources that pose problems for people, it is a lack of qualified therapists, doctors, affordable housing and transportation.

Prosecution

Q2. What county does your agency serve?



Q3. Does your jurisdiction have at least one problem solving court?

Answer Choices	Responses	
Yes	52.78%	19
No	44.44%	16
Do not know	2.78%	1
Total		36

Q4. *If yes, has the number of problem-solving courts in your county changed in the past two years?

Answer Choices	Responses	
Yes, decreased	0.00%	0
Yes, increased	36.84%	7
No change	63.16%	12
Do not know	0.00%	0
Total		19

Q5. *If yes to Q3, what kind of problem-solving courts does your county have? (Please select all that apply)

Answer Choices	Responses	
Adult Drug Court	84.21%	16

Veterans Court	84.21%	16
Reentry Court	36.84%	7
Juvenile Problem-Solving Court	21.05%	4
Mental Health Court	15.79%	3
Family Drug Court	15.79%	3
Total		19

Q6. *If yes to Q3, has the number of defendants served by problem-solving courts significantly changed in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	0.00%	0
Yes, a significant increase	26.32%	5
No significant change	52.63%	10
Not applicable	0.00%	0
Do not know	21.05%	4
Total		19

Q7. *If increase, has your county's problem-solving courts been able to meet the needs of these defendants?

Answer Choices	Responses	
Yes	40.00%	2
We have been able to meet some, but not all, of the needs	60.00%	3
No, we have not been able to meet the needs	0.00%	0
Do not know	0.00%	0
Total		5

Q8. Has there been a significant change in the number of requests for sentence modification in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	5.56%	2
Yes, a significant increase	61.11%	22
No significant change	27.78%	10
Do not know	5.56%	2
Total		36

Q9. Has the number of juvenile waivers to adult courts significantly changed in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	2.78%	1
Yes, a significant increase	0.00%	0
No significant change	91.67%	33
Do not know	5.56%	2
Total		36

Q10. Has the number of staff employed by your office changed in the past two years?

Answer Choices	Responses	
Yes, staff has decreased	2.78%	1

Yes, staff has increased	38.89%	14
No change	58.33%	21
Do not know	0.00%	0
Total		36

Q11. *If staff has increased, have you been able to hire enough staff to meet the needs of your county’s criminal courts?

Answer Choices	Responses	
Yes, hired enough staff	14.29%	2
Hired some but not enough staff	78.57%	11
No	7.14%	1
Do not know	0.00%	0
Total		14

Q12. *If hired enough or hired some staff, how did you fund new staff positions? (Please select all that apply)

Answer Choices	Responses	
County Funds	84.62%	11
Justice Reinvestment Advisory Council (JRAC) grant funds	0.00%	0
Diversion Program fees	53.85%	7
Other grant funds	38.46%	5
Fees paid by offender	15.38%	2
Do not know	7.69%	1
Other (please specify)	15.38%	2
Total		5

#	Responses to “Other (please specify)”
1	IV-D Incentive money
2	Child support incentive funds to hire employees in child support

Q13. Does your agency have prosecutors that specialize in specific types of cases (e.g., exclusively higher level felony cases F1-5, lower level felony cases F6, and misdemeanor cases)?

Answer Choices	Responses	
Yes, we have moved to that or a similar structure	20.00%	7
We already had a similar structure	54.29%	19
No, we are not structured like that	25.71%	9
Total		35

Q14. In your opinion, has recidivism increased or decreased? (Please explain)

#	Responses
1	Increased
2	Increased. Offenders make a low bond, get released and commit another offense. Offenders get sentenced to probation or Home detention and they commit another offense.
3	Increased
4	Increased. Many more lower level felonies as a result of 1006 are staying IN COMMUNITY and getting released sooner.

5	Increased. People on community based placement like probation, work released, and community corrections repeat offenses.
6	I believe it probably has in the heroin and methamphetamine cases just by the nature of the addiction and volume of cases, but not in crime in general.
7	Increased. Lower weight drug dealing offenses are not taken seriously after the legislative easing on sentencing. The state-wide heroin explosion is a result of those policies.
8	INCREASED!! Defendant will NOT be held pretrial, so he commits MULTIPLE crimes before we wrap him up with a plea. Then on probation, we are getting a huge number of reoffenders. Probation violations for both new offenses and technical violations have gone through the roof. I feel like I'm baling water with a colander.
9	Increased
10	Increased I believe the major increase is due to the prevalence of drugs and the decrease in penalties brought about by 1006.
11	Increased, due to drug epidemic.
12	Increase. The combination of lower drug offense sentencing and pretrial release seen to be increasing recidivism.
13	I think that this question is very difficult to answer. In a small county we see a lot of the same people but that doesn't tell me if that is an increase or decrease. I
14	Increased. Our jail is significantly overcrowded in part due to the presence of level six felons. Further with the reduction of penalties, especially for drug crimes, people come through the system seven or eight times before they receive any length of incarceration. People reoffend and then later are charged with significant crimes and go to DOC. There is no incentive for them to reform and then suddenly they are sent away for decades.
15	Likely increased if included in that calculation is people who violate probation for testing positive for controlled substances as opposed to new crimes.
16	Increased. Folks who used to go to prison are out and about on GPS monitoring or probation, and they're accumulating vast repertoires of offenses.
17	No real change as recidivism has remained fairly high. Most of our offenders can only be charged with a level 6 felony as their highest charge. They are in and out of jail or community corrections and a fairly significant number of them fail probation and/or re-offend.
18	Do not have data that establishes recidivism rates
19	Our career criminals has re-offending on their same levels, we just get to re-arrest them more frequently now since their penalties have decreased and we can't hold them as long.
20	stayed the same
21	Increased this is based upon the numbers of people picking up new cases while out on bond, or on probation.
22	Increased
23	no change from before 1006 law
24	I have not seen an appreciable change in recidivism.
25	Increased. Problem solving courts in my opinion provide valuable services to a limited number of individuals but have had no impact on decreasing recidivism.
26	Slight increase in that with the reduction in severity of level of offense, bonds have been reduced and the number of offenders on bonds that are committing additional crimes appears to be increasing. In addition, the impact of substance abuse and mental health conditions from which our offenders suffer is not being adequately addressed so recidivism is still high
27	Increased. More common for people to have multiple cases and/or cases and be on probation
28	Increased due to low level drug offense offenders being released quickly and picking up multiple cases in not only our county but surrounding counties. We see theirs here as well. Most new arrests have cases pending elsewhere.
29	Increased because it seems specific and general deterrence is less with more offenders being placed onto community corrections in lieu of incarceration.

30	We have seen increased recidivism due to addictions and lowered available punishment for low level offenders. Knowing they can't be sent to DOC lessens compliance.
31	At a minimum increased

Q15. Have you noticed an overall change in the number of defendants who require services in the past two years?

Answer Choices	Responses	
Yes, decreased	2.86%	1
Yes, increased	80.00%	28
No change	8.57%	3
Do not know	8.57%	3
Total		35

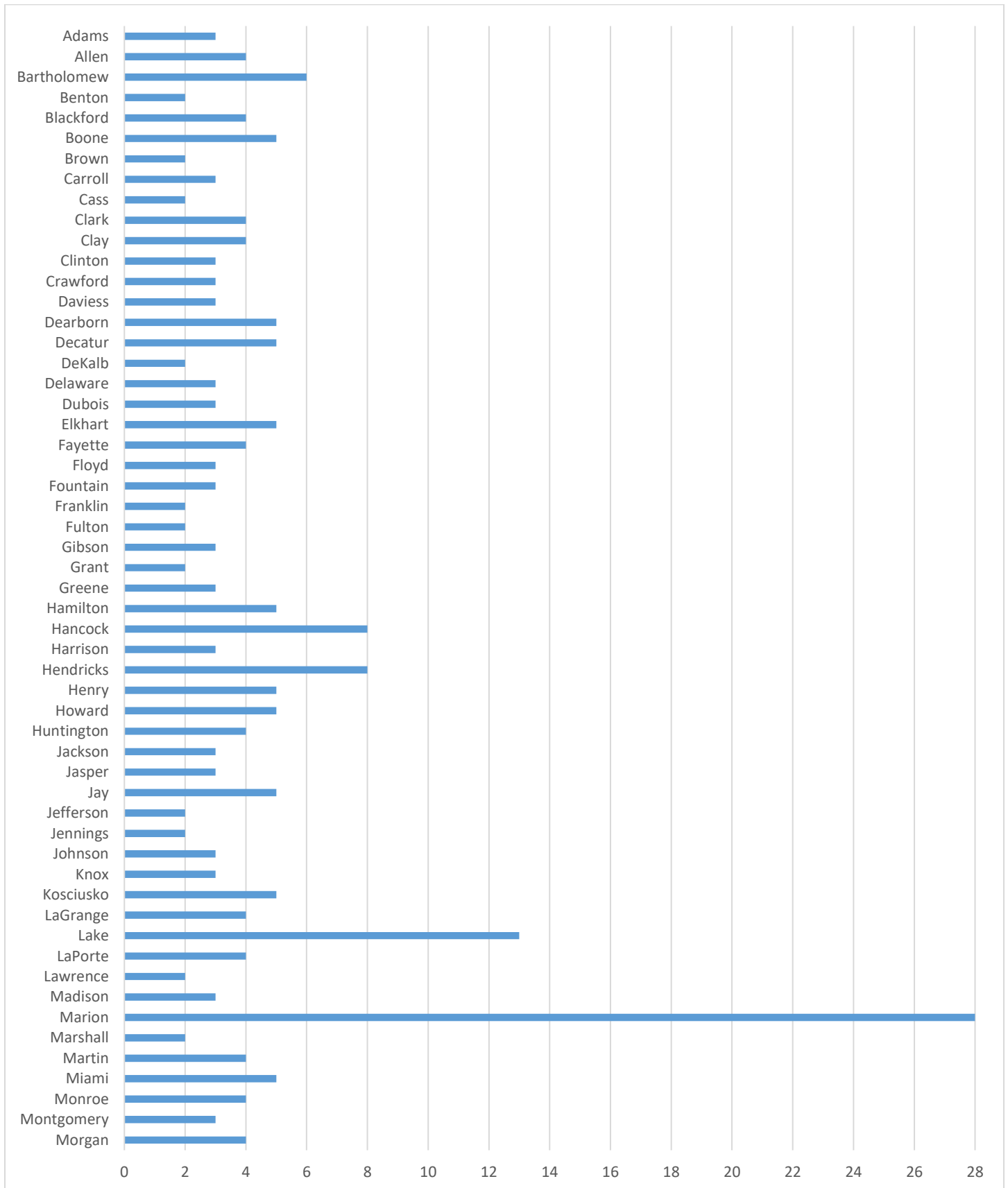
Q16. Is there anything we did not address in this survey that you would like for us to know about the impact of HEA 1006 on your community?

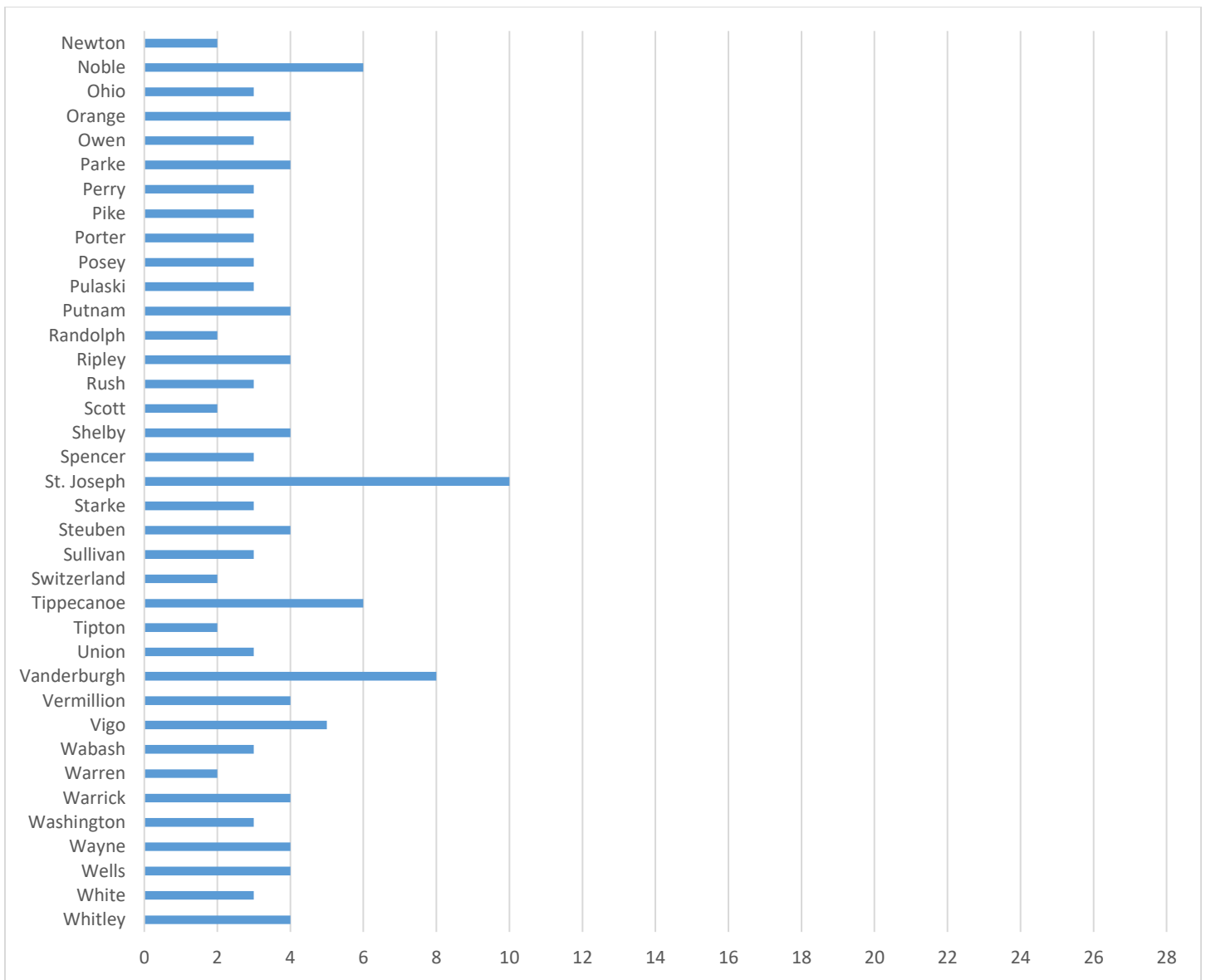
#	Responses
1	Making drug crimes misdemeanors and low level felonies without providing the funding for treatment undermines the purpose of the code change, especially in small counties.
2	Drug dealers no longer go to prison and our streets are flooded with drugs. Drug dealers used to stay out of Indiana, and sell drugs in the surrounding states because they knew about the tough sentences for class A felonies and the minimum mandatory provisions. Now that minimum mandatory sentences and tough dealing penalties are gone, drug dealers from surrounding states are drawn to Indiana like a pollinating bee to a flower. Violent crime is on the rise. Lower sentences have resulted in higher crime.
3	Indiana used to have much tougher drug laws than the surrounding states. As a result many drug dealers stayed out. 1006 drastically reduced drug penalties and invited these criminals into our communities. The collateral damage is significant; i.e. more drugs, more violent crime, more DCS involvement with children. There is a huge ripple effect.
4	The number of inmates in our local jail has increased significantly.
5	The reduction of many offenses to level 6 felonies combined with the requirement that most of the sentences have to be served in the local jail combined with the explosion of low level drug possession cases has had a huge impact on our local system and I believe most counties. This has caused our jail population to soar and we are now, like many small counties, looking into building a new \$20+million jail. This while I read that DOC facilities have been closed. It is ridiculous that local jails have been substituted for prisons. The drug cases in particular create a perfect storm, where we try to provide treatment, they fail, eventually having 2-3 level 6 felonies with no recourse but to revoke probations which means they may be spending literally years sitting in the local jail instead of going to DOC. At a minimum, there needs to be a change to where a certain length of sentence needs to be a DOC served sentence.
6	Jail inside out requires MUCH MORE STAFF to supervise without walls. It means many more hearings to finish a first case, and often multiple cases pending at one time. Some people are rehabbing, who would have been warehoused under the old system, but we cannot play hardball with those who are not rehabbing.
7	Huge jail overcrowding issue. Also, less people have the incentive to enroll in problem solving Courts since the decrease in drug penalties.
8	It has not made our community safer.
9	The change has affected our treatment court participation. We used to treat habitual users. Now with the current code, our treatment courts are filled with dealers and the courts will no longer take the struggling users that we used to treat for fear they will associate with the dealers.

10	Not taking F6 cases (for the most part) to DOC has put an extra burden on local jurisdictions in jail housing as well as less effective treatment options.
11	We're among the 50 counties needing to build a jail across Indiana. Charges are up, victim crimes are up.
12	It has forced us to build a new jail. More defendants are kept locally instead of going to the DOC where there are better programs to address their substance abuse issues. Many offenders now opt to just do their time on drug offenses rather than agree to go into long-term treatment programs because the jail sentences are shorter.
13	We have seen a significant increase in jury trials since the criminal code changes. The defendants have less to lose from the gamble of a trial.
14	It has caused our local jail population to increase. Services are limited in rural counties and nothing in HEA 1006 has made it better. There are limited inpatient facilities when needed and takes too long to get those who need that treatment into them. The criminal code rewrite was a joke and did nothing to help crime prevention or help those that need help. It only saddled local communities with more problems and cost them more money.
15	Reckless driving is a C misd. We have people driving 165 through construction zones with workers that really don't care because it is a C.
16	This law caused a significant cost shift to the counties by requiring most F6 felonies to be housed in the county jail. The watering down of drug penalties has made the job of law enforcement and prosecutors more difficult. Removing mandatory minimum sentence for the worst offenders along with allowing drug dealers to deal closer to schools and to deal in family housing complexes has not only sent the wrong message to drug dealers but has also contributed to more crime.
17	It has substantially increased our local costs and caseload. DOC funding support of Community Corrections is essential and much appreciated. Our need for an additional prosecutor is not being met by local funding, which is challenging.
18	HEA 1006 had a significant negative impact on our ability to effectively prosecute drug dealers and to curb the flow of drugs into our community.
19	It appears that with the reduction in sentences for the lower level offenders, there is insufficient time for them to stick with the treatments they need to reduce their criminogenic risk factors to the point where they achieve a law abiding status. Without the firm coercive intervention of the courts, offenders do not have the proper motivation to make life changing steps on their own.
20	The majority of our crime is level 6 - the inability to place people in DOC has resulted in more people on Community Corrections or Probation that should be in DOC
21	The offenses against children are seriously under penalized. It infuriates the public and the victims' families when they learn the value that the legislature places on crimes against children. Furthermore, offenses against animals is equally undervalued and when those crimes are filed the public is angered about the anemic penalties assessed for those offenses.
22	It is ridiculous that it takes extraordinary effort to send a career criminal to the DOC on a low level felony.

Public Defense

Q2. What county or counties does your agency serve?





Q3. Does your jurisdiction have at least one problem solving court?

Answer Choices	Responses	
Yes	74.59%	91
No	17.21%	21
Do not know	8.20%	10
Total		122

Q4. *If yes to Q3, what kind of problem-solving courts does your county have? (Please select all that apply)

Answer Choices	Responses	
Veterans Court	80.22%	73
Adult Drug Court	78.02%	71
Mental Health Court	49.45%	45
Reentry Court	40.66%	37
Family Drug Court	14.29%	13
Juvenile Problem-Solving Court	10.99%	10
Other (please specify)	4.40%	4
Total		91

#	Responses to “Other (please specify)”
1	Domestic Violence Court
2	I don’t know. I think mental health.
3	Multiple counties are w/in jurisdiction

Q5. *If yes to Q3, has the number of defendants served significantly changed in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	6.59%	6
Yes, a significant increase	21.98%	20
No significant change	32.97%	30
Do not know	38.46%	35
Total		91

Q6. *If increase, has your county been able to meet the needs of these defendants?

Answer Choices	Responses	
Yes	11.11%	2
We have been able to meet some, but not all, of the needs	61.11%	11
No, we have not been able to meet the needs	16.67%	3
Do not know	11.11%	2
Total		18

Q7. Has there been a significant change in the number of requests for sentence modification in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	0.00%	0
Yes, a significant increase	24.32%	27
No significant change	33.33%	37
Do not know	42.34%	47
Total		111

Q8. Has there been a significant change in the number of plea agreements in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	1.80%	2
Yes, a significant increase	4.50%	5

No significant change	81.98%	91
Do not know	11.71%	13
Total		111

Q9. Has the number of staff employed by your office changed in the past two years?

Answer Choices	Responses	
Yes, staff has decreased	2.70%	3
Yes, staff has increased	25.23%	28
No change	46.85%	52
Do not know	25.23%	28
Total		111

Q10. *If staff has increased, have you been able to hire enough staff to meet the needs of your agency?

Answer Choices	Responses	
Yes, hired enough staff	39.29%	11
Hired some but not enough staff	46.43%	13
No	14.29%	4
Do not know	0.00%	0
Total		28

Q11. *If hired enough or hired some staff, how did you fund new staff positions? (Please select all that apply)

Answer Choices	Responses	
County Council Budget	62.50%	15
Justice Reinvestment Advisory Council (JRAC) grant funds	0.00%	0
Other grant funds	4.17%	1
Fees paid by offender	4.17%	1
Do not know	37.50%	9
Other (please specify)	8.33%	2
Total		24

#	Responses to "Other (please specify)"
1	State reimbursement
2	I must supply my own staff.

Q12. Has your agency had to have public defenders specialize in specific types of cases (e.g., exclusively higher level felony cases F1-5, lower level felony cases F6, and misdemeanor cases)?

Answer Choices	Responses	
Yes, we have moved to that or a similar structure	11.21%	12
We already had a similar structure	50.47%	54
No, we are not structured like that	38.32%	41
Total		107

Q13. Have you noticed a significant change in the number of defendants who require services in the past two years?

Answer Choices	Responses	
Yes, decreased	0.00%	0
Yes, increased	61.68%	66
No change	22.43%	24
Do not know	15.89%	17
Total		107

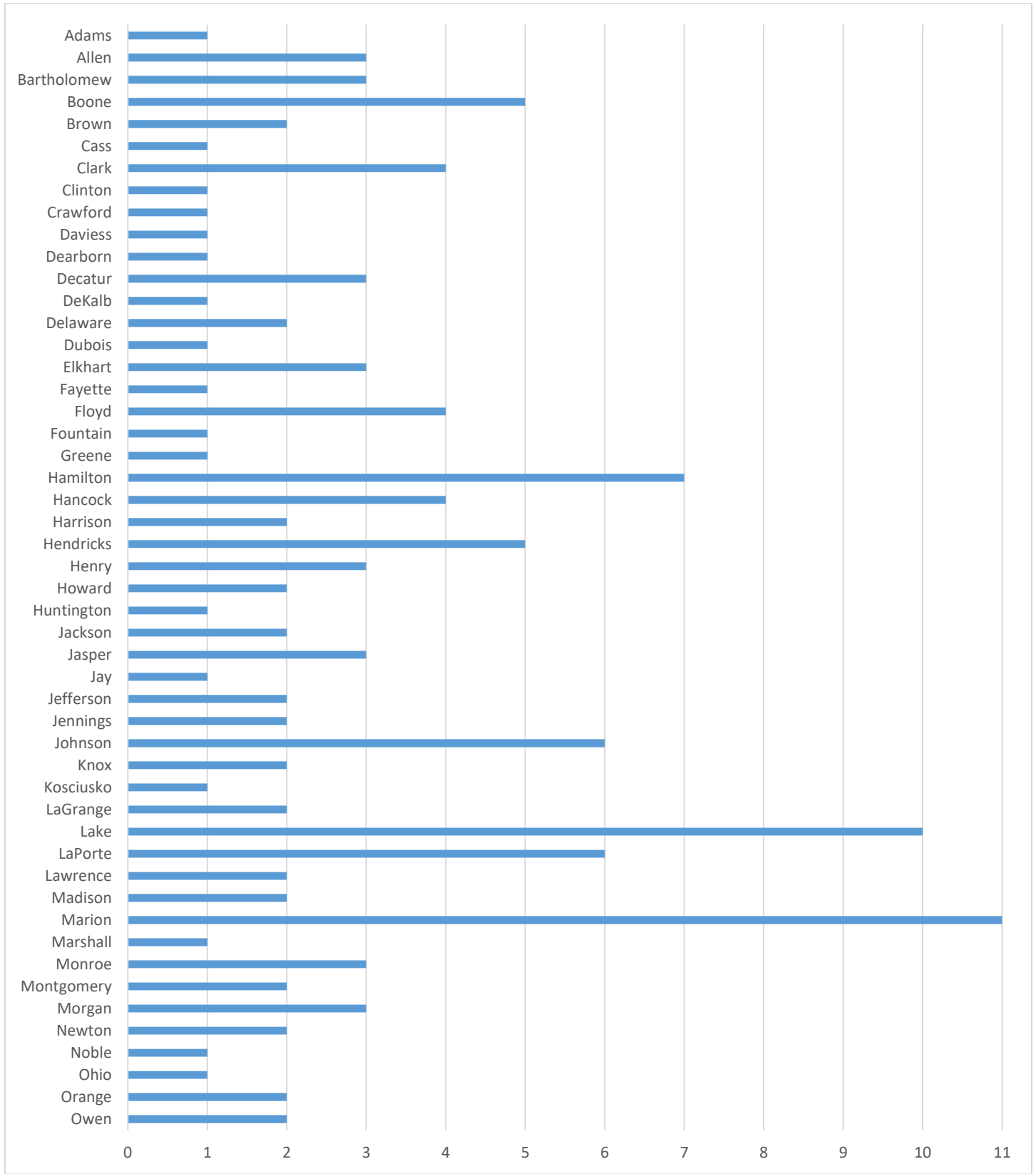
Q14. Is there anything we did not address in this survey that you would like for us to know about the impact of HEA 1006 on your community?

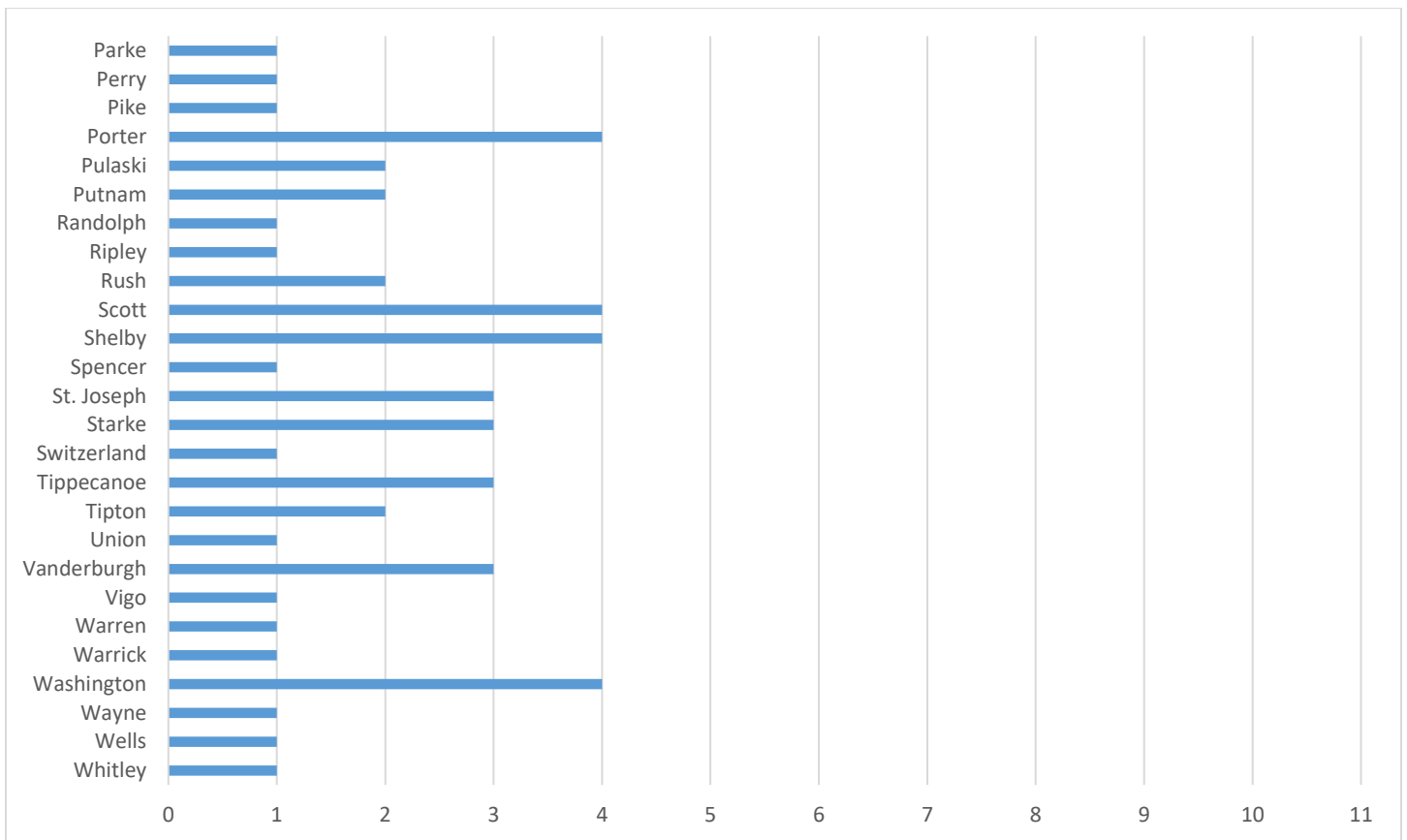
#	Responses
1	The change requiring defendants to serve 75% of their sentence for most felonies has impacted murder cases the most. More murder trials are going to trial because even the minimum sentence is a life sentence for most defendants unless they are in their late teens to late 20's. There are some crimes that were elevated from what would have been a D felony to a level 5 that are now overcharged in my opinion. For example, a B misdemeanor battery (which involves no injury whatsoever) can now be enhanced to a level 5 if the defendant has a prior battery conviction against the same person. So a battery with no injury is now subject to a felony that carries a sentence of 1-6 years. That is far too harsh even if there is a prior considering the actual crime involves NO injury. If the goal of some of the changes with respect to habitual traffic violators and specialized driving privileges is to help more people be able to drive and get to work, then the HTV offenses should not be a level 6 and a level 5 (if you have a prior). The HTV laws need to be revised, period. The poor are disproportionately impacted by these laws, and those are the folks who desperately need to get to a job to support themselves and their family. Honestly, I could go on about many things that need to change about the 'new code.' In the future, when code changes are considered, actual, practicing public defenders and prosecutors should make up a significant portion of the committee recommending such changes. We are the ones who live and breathe this system every day, yet generally we are not the ones consulted about changes that impact the system we work in.
2	we do not have enough social service resources in our community; the prosecutors do not agree that drug addiction is a disease that needs treatment and thus we still have an large jail population based on drug offenses in Level 6 category; maintaining a common nuisance crime is always charged because it is a felony and possession of pot is now a misdemeanor, thus maintaining a common nuisance as a basic crime should be lowered to a misdemeanor; with first time level 6 offenses mandatory treatment should be the process instead of criminal sanction
3	The sentences are starting to go up again. Community corrections around here may as well not exist.
4	The change in credit time has created issues of fairness in negotiating plea agreements for similarly charged individuals before and after the new legislation. This is especially true for higher level offenses.
5	My observation has been that it has greatly increased the flexibility of sentencing options
6	There are still way to many individuals going to prison for what equates to life sentences. Sentences are still disproportionately harsh on the poor and uneducated, and those with mental health and or learning disabilities. If we are going to send people away for longer than they have been alive on this earth, this is a FAILURE of our criminal justice system and it is heartbreaking as a public defender.
7	We have waaay too many people in our jails. We can't get them out fast enough nor keep them out. Addiction induced recidivism is off the charts!

8	1006 has added to jail overcrowding. The Sherriff tracks the number of additional 1006 inmates. The number of enhanced prosecutions has gone up negating the impact of crim code reform. We need to look at few not more enhanced sentences. so now we have stiffer sentences for both crimes of violence / against the person as well as drug offenses.
9	It has resulted in the over-detention of Level 6 clients, for a period of 90-120 days. There is no correctional value in this. I realize the goal was to promote other avenues than incarceration, but that has not been the reality. I'm not sure how to remedy this, as no one seems to want to promote transitional housing/work release, because no one wants that program in their neighborhood. It is quite the conundrum.
10	The lack of funding is straining local agencies. It appears that local agencies were required to do more without any additional funds.
11	Drug epidemic is affecting everything. should be considered a medical issue, not a criminal justice issue as the AMA states
12	Systems may have been implemented by way of HEA 1006, but i have not seen a marked change in crime/recidivism in my work.
13	ore funding for problem solving courts
14	The questions seem more designed for adult, criminal court attorneys. I practice in juvenile court exclusively, so my input might be of doubtful value.
15	Requirement that convicted defendants serve three quarters of their sentences was dumb/vindictive/prosecutor inspired/will result in lots of old prisoners unnecessarily being in prison until they die. The limits on sentence modification combined with DOC administrative changes making it harder to earn time off a sentence were also ill considered. What had originally been designed as sentencing reform turned into yet another way to increase the length of actual sentences.
16	The revolving door that the low level drug offenses are, and that they are overwhelming community corrections and court dockets.
17	There are too many instances of prosecutors being able to charge a felony or higher felony. A simple example is where the loss is less than \$750, but a misdemeanor theft is charged and an F6 fraud is charged! The loss is the same! Why is there a misdemeanor Fraud charge? There are other examples in our criminal code.
18	Local jail pop is up by about 40%
19	It has actually increased the amount of executed time actually served on most major felonies.
20	I don't think there has been ANY change in pre-trial release conditions. The court continues to set \$20,000 dollar bonds with little hope of reduction.
21	The credit time rules are creating situations where defendants are spending longer executed sentences than under the previous credit time law, especially for level 4 and 5 felonies in Orange county.

Community Service Providers

Q2. Which county or counties does your agency serve?





Q3. Has your agency experienced a significant change in the number of referrals from criminal justice agencies to provide services to criminal justice-involved clients in the past two years? A criminal justice-involved client is any client who is under the supervision of probation, parole, community corrections, or other legal/court/diversion program(s).

Answer Choices	Responses	
Yes, a significant decrease	23.68%	9
Yes, a significant increase	42.11%	16
No significant change	28.95%	11
Do not know	5.26%	2
Total		38

Q4. Have you created forensic programming in your agency to specifically address the needs of your criminal justice-involved clients in the past two years? Forensic programming refers to programming that specifically targets your criminal justice-involved clients.

Answer Choices	Responses	
Yes	57.89%	22
No	39.47%	15
Do not know	2.63%	1
Total		38

Q5. *If yes, how does your agency fund its forensic program(s)?

Answer Choices	Responses	
Recovery Works	77.27%	17
Client out-of-pocket fees	72.73%	16

Client's public and/or private insurance (Medicaid, Medicare, HIP 2.0)	59.09%	13
Department of Child Services funding	36.36%	8
Other FSSA administered funding	22.73%	5
Local funds	13.64%	3
Other (please specify)	4.55%	1
Justice Reinvestment Advisory Council (JRAC) grant funds	0.00%	0
Do not know	0.00%	0
Total		22

#	Responses to "Other (please specify)"
1	Charity Care by the Organization is utilized often/Grants help support as well

Q6. Has funding been sufficient to carry out the mission of your forensic programming?

Answer Choices	Responses	
Yes, funding has been sufficient	31.82%	7
No, funding has been insufficient	63.64%	14
Do not know	4.55%	1
Total		38

Q7. Has the number of staff employed to work with your criminal justice-involved clients changed in the past two years?

Answer Choices	Responses	
Yes, staff has decreased	18.42%	7
Yes, staff has increased	36.84%	14
No change	44.74%	17
Do not know	0.00%	0
Total		38

Q8. *If staff has increased, were you able to hire enough staff to meet the needs of your criminal justice-involved clients?

Answer Choices	Responses	
Yes, hired enough staff	14.29%	2
Hired some but not enough staff	85.71%	12
No	0.00%	0
Total		14

Q9. Have you noticed a significant change in overall intensity of services (e.g., the level of need, frequency of contact, number of services required to meet the needs of the client) required to assist your criminal justice-involved clients in the past two years?

Answer Choices	Responses	
Yes, a significant decrease	2.70%	1
Yes, a significant increase	62.16%	23
No significant change	35.14%	13
Do not know	0.00%	0
Total		37

Q10. Which service or services does your agency provide to criminal justice-involved clients? (Please select all that apply)

Answer Choices	Responses	
Substance Abuse Treatment	97.30%	36
Mental Health Treatment	64.86%	24
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	48.65%	18
Linkages to Community Resources (Non-Agency)	40.54%	15
Employment Assistance/Job Skills Training	21.62%	8
Education	21.62%	8
Re-Entry Services	21.62%	8
Transportation Assistance	13.51%	5
Housing/Homelessness Services	13.51%	5
Other (please specify)	13.51%	5
Food and Clothing Assistance	10.81%	4
None	0.00%	0
Total		37

#	Responses to "Other (please specify)"
1	Sex Offender Treatment Services
2	Father Engagement Services
3	Get SMART programming
4	Batterer's Intervention Program
5	Referrals to outside agencies to address their needs

Q11. Which services or programs, if any, does your criminal justice-involved clients have difficulty obtaining for reasons such as lack of availability or affordability? (Please select all that apply)

Answer Choices	Responses	
Substance Abuse Treatment	40.54%	15
Mental Health Treatment	40.54%	15
Housing/Homelessness Services	40.54%	15
Transportation Assistance	37.84%	14
Employment Assistance/Job Skills Training	29.73%	11
Re-Entry Services	24.32%	9
Education	21.62%	8
Life Skills Curriculum (e.g., Thinking for a Change, Anger Management)	18.92%	7
Linkages to Community Resources (Non-Agency)	18.92%	7
Other (please specify)	16.22%	6
Food and Clothing Assistance	8.11%	3
None	5.41%	2
Do not know	5.41	2
Total		37

#	Responses to “Other (please specify)”
1	Sex Offender Treatment Services
2	We don’t have the bandwidth to provide enough services as they are underfunded. Transportation is always a concern.
3	Childcare
4	Medication Assisted Treatment and general primary care
5	Entitlement assistance
6	Inpatient treatment when needed

Q12. Is there anything we did not address in this survey that you would like for us to know about the impact of HEA 1006 on your community?

#	Responses
1	I have found that the clients I see who are sentenced into a Re-entry court achieve and maintain treatment goals. My experience shows this is due to the probation officers, case managers, court and I are willing to work together, as a support team, to accomplish stated goals and outcomes. Courts such as the Mental Health Court, the Drug Court, the Veterans Court, etc., along with the clients treatment provider, case manager, and additional service staff, as assigned, provide vital socialization support, in addition to criminal justice and mental health and addictions treatment. A further review of the effects of sending individuals to these courts more often
2	We need funding to continue our Father Engagement Program for fathers not involved with DCS who are either in jail or prison.
3	Education should be more intense for families in the Hispanic community. Thank you.
4	Additional funding is needed
5	Emphasize treatment vs. incarceration.
6	I love that the change in the Public Intoxication law has decreased the criminalization for walking home instead of driving a vehicle home drunk and also it has helped with motivation to have expungement easier and the Pretrial Diversion Program more of an incentive for those on that program. Our methamphetamine increase in the last two years, as well as the continued opioid drug crisis seems to be the reason for the increased IOP versus simply education or just MRT for many admitted into our program.
7	Clients often struggle with not having a drivers' license and the cost for reinstating license is often prohibitive for obtaining employment...
8	I think the addictions epidemic, specifically opiates have significantly changed the landscape and needs in Indiana. Coupled with HEA 1006, we have even more people in need of treatment in the community. But even without HEA 1006 we would have more needs - they might just be in the jail/corrections institutions which we would have to build more of. Also, all of those individuals eventually come back to community. So the lack of sufficient community corrections and community treatment resources is the issue which would be there because of the addictions issue, with or without HEA 1006.
9	Decriminalization of criminal behavior may not be the solution