

Pretrial Release Committee Meeting Minutes
February 12, 2021
9:30-11:30

I. Welcome and Introductions

Committee Chair, Judge Mark Spitzer, called the meeting to order and welcomed members and guests. Persons in attendance were as follows:

Committee Members:

- Judge Mark Spitzer, Committee Chair, Grant Circuit Court
- Shelby Bear, Pretrial Director, Jefferson County
- Bernice Corley, Executive Director, Indiana Public Defender Council
- Magistrate Jason Custer, Allen Superior Court
- Judge Mary Ellen Diekhoff, Monroe Circuit Court 5
- Troy Hatfield, Deputy Chief Probation Officer, Monroe County
- Christine Kerl, Chief Probation Officer, Marion County
- Stephen Luce, Executive Director, Indiana Sheriffs' Association
- Magistrate Daniel Moore, Tippecanoe Courts
- Judge Lori Quillen, Owen Circuit Court 1
- Stephanie Ruggles, Director, Hamilton County Pretrial Services
- Magistrate Paul Singleton, St. Joseph Superior Court
- Judge Annie Christ, Marion Superior Court

Additional Attendees:

- Senior Judge Felts, Indiana Office of Court Services
- Vicki Becker, Elkhart County Prosecutor
- Susan Bentley, Chief Probation Officer, Hendricks County
- William Carmichael, President, American Surety Company
- Chris Cunningham, Director, Grant County Community Corrections
- Lakisha Fisher, Pretrial Coordinator, Grant County
- Melanie Golumbeck, Chief Probation Officer, Porter County
- Marianne Halbert, Criminal Justice Director, NAMI Indiana
- Dr. Evan Lowder, Assistant Professor, George Mason University
- JC Barnes, Professor, University of Cincinnati
- Kim Maus, Assistant Chief Probation Officer, Bartholomew County
- Devon McDonald, Executive Director, Indiana Criminal Justice Institute
- Chuck Phillips, Pretrial Coordinator, Starke County
- Melissa Stephenson, Director, Grant County Correctional Services

IOCS staff in attendance included: Diane Mains, Angie Hensley, Jamie Bergacs, Diane Haver, Chris Biehn, Lora Moeller, Lindsay Carter, Rachael McKee, Janelle Johnson, and David Sexton.

II. Approval of December 14, 2020 Meeting Minutes

The December 14, 2020 meeting minutes were presented. Members of the committee unanimously approved the meeting minutes.

III. Overview of Studies

Dr. Lowder presented to the committee an overview of the pretrial research projects she and her team have conducted in partnership with IOCS and/or with local pretrial agencies. As reported, six counties have concluded the local pretrial validation study and five counties are currently in the process. Additionally, a five-county pretrial supervision study has been completed and a five-county differential predictive validity study has been completed. Two additional projects that were not funded through IOCS but utilized a partnership with local Indiana pretrial agencies included a study funded through the National Institute of Justice (NIJ) and a project funded through George Mason University. Additional information on each study is available through IOCS.

IV. Predictive Bias of IRAS-PAT, NIJ Grant, and Bartholomew County

As reported by Dr. Lowder, the local validation study for Bartholomew County has been completed. Dr. Lowder reported that Bartholomew County is a unique participant in the local validation studies due to the point in the pretrial process the IRAS-PAT is administered.

Dr. Lowder also provided a summary of the report on IRAS-PAT Predictive Validity by Age, Sex, and Race. Overall, the study found that age and sex indicated similar predictive accuracy, whereas race indicated evidence of differential predictive validity. As explained, the IRA-PAT items found to drive disparate predictive validity included unemployment, residential instability, three or more incarcerations, and drug use.

Dr. Lowder also presented a federally funded solicitation offered by NIJ to examine the cross-jurisdictional effectiveness of pretrial release. Dr. Lowder proposed a study of effective supervision practices for the high-risk pretrial population within multiple pretrial agencies across the state. Specifically, dynamic assessments to inform referrals to reduce disparities and motivational interviewing techniques may be considered. Dr. Lowder requested that any interested agency email her for further information.

Additional information specific to the Bartholomew County report, the Predictive Validity study, and the NIJ solicitation is available through IOCS.

Committee members approved the Bartholomew County report as presented and authorized IOCS to publish all finalized studies funded by IOCS on the IOCS website.

V. Judge Spitzer and Judge Felts provided a recap regarding the misdemeanor pretrial legislation memo provided to Senator Tallian. As reported, Senate Bill 222 was referred to the Committee on Corrections and Criminal Law. In order for the bill to remain active, the Committee on Corrections and Criminal Law would need to hear the bill by February 18, 2021. However, at the time of this pretrial committee meeting, the bill was not on the calendar to be heard.

VI. Prosecution and Defense Counsel at Initial Hearing

Angie Hensley reported that IOCS would like to retain administrative authority on all certification matters and lean on committee members for guidance on unique and/or challenging matters. Angie Hensley reported that the revocation of certification occurs only as a result of willful noncompliance. If barriers are in place, such as limited prosecution and defense counsel present at initial hearings, IOCS will provide support to those agencies in

order to achieve full compliance to certification requirements. IOCS will follow the same process for unforeseen challenges faced by pretrial agencies in the planning stages.

Committee members moved and seconded that IOCS will retain the discretion to grant provisional certification to programs in need of continued assistance as long as noncompliance of certification requirements is not willful. Additionally, continued support from committee members will be provided to assist local agencies as needed.

VII. Data Collection for Jail Management

Troy Hatfield provided the historical background that led to the development of pretrial data elements and noted outstanding matters. As explained, the document was a work in progress and placed on hold when EBDM was absorbed by JRAC. The establishment of a pretrial data subcommittee was requested to direct the completion of the pretrial datapoints for consideration for the statewide jail case management system.

VIII. Pretrial Services Reports and Evaluations

Angie Hensley reported that the Pretrial Services Rules require certified pretrial agencies to collect statistical data as required by the Pretrial Release Committee. Angie Hensley noted that a pretrial data subcommittee could continue efforts previously in place to finalize the statistical datapoints and report back to the committee.

IX. Pretrial Legislation

Judge Felts and Diane Haver provided an overview of 2021 legislative bills related to pretrial matters. Bills highlighted were SB 34, SB 197, SB 198 SB 222, SB 290, HB 1023, HB 1376 and HB 1499.

X. Proposed Subcommittee Groups

Angie Hensley reported that the establishment of a pretrial data subcommittee and a pretrial education subcommittee would be valuable.

Committee members moved and seconded to establish a pretrial data subcommittee and a pretrial education subcommittee.

Troy Hatfield volunteered to chair the data subcommittee and Bernice Corley volunteered to chair the education subcommittee.

XI. Other Business

Judge Spitzer reminded committee members that the next committee meeting is scheduled to occur on April 9, 2021 at 9:30 a.m.

XII. Adjourn

Judge Spitzer adjourned the meeting at 11:20 a.m

Pretrial Release Committee Meeting Minutes

April 9, 2021

9:30-11:30

I. Welcome and Introductions

Committee Chair, Judge Mark Spitzer, called the meeting to order and welcomed members and guests. Persons in attendance were as follows:

Committee Members:

- Judge Mark Spitzer, Committee Chair, Grant Circuit Court
- Shelby Bear, Pretrial Director, Jefferson County
- Bernice Corley, Executive Director, Indiana Public Defender Council
- Judge Mary Ellen Diekhoff, Monroe Circuit Court 5
- Troy Hatfield, Deputy Chief Probation Officer, Monroe County
- Christine Kerl, Chief Probation Officer, Marion County
- Stephen Luce, Executive Director, Indiana Sheriffs' Association
- Magistrate Daniel Moore, Tippecanoe Courts

Additional Attendees:

- Senior Judge Felts, Indiana Office of Court Services
- Susan Bentley, Chief Probation Officer, Hendricks County
- Chris Cunningham, Director, Grant County Community Corrections
- Melanie Golumbeck, Chief Probation Officer, Porter County
- Marianne Halbert, Criminal Justice Director, NAMI Indiana
- Dr. Evan Lowder, Assistant Professor, George Mason University
- Kim Maus, Assistant Chief Probation Officer, Bartholomew County
- Chuck Phillips, Pretrial Coordinator, Starke County
- Melissa Stephenson, Director, Grant County Correctional Services
- Tasha Springer, Pretrial Coordinator, Whitley County Pretrial Services

IOCS staff in attendance included: Diane Mains, Angie Hensley, Jamie Bergacs, Diane Haver, Chris Biehn, Lora Moeller, Janelle Johnson, and Brayton Scott.

II. Approval of February 12, 2021 Meeting Minutes

The February 12, 2021 meeting minutes were presented. Members of the committee unanimously approved the meeting minutes.

III. Language Line Access

Diane Mains reported that meaningful access to language services is defined in an August 16, 2010 letter to Chief Justices and State Court Administrators by Assistant Attorney General Thomas E. Perez, Department of Justice, as providing language assistance (qualified interpreters) that results in accurate, timely, and effective communication at no cost to the LEP individual. It was noted that language access must also be provided for individuals who are hearing impaired. The Committee explored ideas for the best approach in ensuring access to language line during pretrial. Various approaches were suggested such as, incorporating a process into the certification review, incorporating a written policy into the

sample policy and procedure manual, or adding a rule to the Pretrial Services Rules. Any questions regarding access to language line may be directed to Lun Pieper at OJA.

IV. Failure to Appear

Judge Spitzer provided a brief summary of the articles included in the meeting materials: *Court Date Notification: A Summary of the Research and Best Practices for Building Effective Reminder Systems (2021)* and *Behavioral Nudges Reduce Failure to Appear for Court (2020)*. Committee members discussed local responses to failures to appear (FTA), specifically, when a warrant is issued as a result of an FTA. The committee agreed that there would be value in sending a text reminder after a failure to appear. The reminder would save on resources. Angie Hensley agreed to reach out to court technology to inquire about incorporating an FTA reminder text into the already existing pretrial reminder text system.

V. Data Subcommittee Update

Troy Hatfield provided an update on the first pretrial data subcommittee meeting. The group met on March 21, 2021 and established their goals. As reported, the National Institute of Corrections (NIC), will soon publish an updated version of *Measuring What Matters: Outcome and Performance Measures for the Pretrial Services Field* which will include many changes. The group agreed that their work will be strongly grounded in the release of the new publication.

VI. Education Subcommittee Update

Bernice Corley provided an update on the first education subcommittee meeting. The group met on April 2, 2021 and determined their areas of focus. The development of pretrial staff orientation will be a key target. IOCS staff will pull together already existing orientation materials for discussion at the next subcommittee meeting. The value in educating law makers on pretrial matters was also highlighted. Bernice Corley stated she would reach out to Indiana Legislative Services Agency (LSA) to offer a showcase of pretrial work during Continuing Legal Education (CLE) sessions. It was also suggested that the meaningful first appearance video be moved over to this subcommittee.

VII. Certification Update

Jamie Bergacs reported that since the last pretrial meeting, four counties have been added to the pretrial certification planning stages. Those counties include Warrick County, LaPorte County, Adams County, and Pulaski County. One county withdrew its intent to seek certification. Currently, 26 counties are in the pretrial certification planning stages.

VIII. Diane Mains reported that Senate Bill 197 continues to move through the legislative process. Judge Spitzer reported that the establishment of local or regional justice reinvestment advisory councils (JRACs) was signed by the governor yesterday. Through HB 1068, the legislature seeks to form local interdisciplinary collaborative groups that consider innovations and challenges in the justice system to inform and shape policy. As such, changes made in the justice system will be streamlined. HB 1068 will be effective on July 1, 2021.

IX. Grants Update

Angie Hensley reported that the IOCS Veterans Court, Family Recovery Court, Problem-Solving Court, and Pretrial grant applications closed on April 5, 2021. A total of 28

applications were submitted for pretrial funds, which included three new sites (Adams County, Noble County, and Warrick County). All applicants are either certified or seeking certification. Projected requests are approximately \$3,557,002, with approximately 84% of the sum allotted for personnel needs. Training is capped at \$5,000 per application. IOCS is currently seeking approval to move all IOCS grants to the calendar year.

X. NIJ Study Update

Angie Hensley provided an update on the NIJ Study supported by IOCS. A key focus area of the study will include services provided during pretrial supervision. A pilot will be developed for both moderate and high levels of pretrial supervision. Services taken into consideration within the pilot programs include referrals aimed at reducing disparities as identified on the IRAS-PAT (housing, substance use, and employment), motivational interviewing techniques, and dynamic assessments to measure change.

XI. Other Business

Diane Mains reported that she was recently asked if the open door law, which allows access to government meetings, applies to pretrial stakeholder meetings. Diane Mains explained that the law applies to the executive and legislature branches, but not the judiciary. Diane Mains advised that each policy team should make a determination as to whether or not their pretrial stakeholder meetings are open to the public.

XII. Adjourn

Judge Spitzer adjourned the meeting at 10:30 a.m.

Pretrial Release Committee Meeting Minutes

June 11, 2021

9:30-11:30 via Zoom

I. Welcome and Introductions

Committee Chair, Judge Mark Spitzer, called the meeting to order and welcomed members and guests. Persons in attendance were as follows:

Committee Members:

- Judge Mark Spitzer, Committee Chair, Grant Circuit Court
- Shelby Bear, Pretrial Director, Jefferson County
- Bernice Corley, Executive Director, Indiana Public Defender Council
- Judge Mary Ellen Diekhoff, Monroe Circuit Court 5
- Troy Hatfield, Deputy Chief Probation Officer, Monroe County
- Christine Kerl, Chief Probation Officer, Marion County
- Magistrate Jason Custer, Allen Superior Courts
- Judge Annie Christ, Marion Superior Court G24
- Judge Lori Quillen, Owen Circuit Court 1
- Stephanie Ruggles, Hamilton County Pretrial Services

Additional Attendees:

- Senior Judge Felts, Indiana Office of Court Services
- Susan Bentley, Chief Probation Officer, Hendricks County
- Chris Cunningham, Director, Grant County Community Corrections
- Marianne Halbert, Criminal Justice Director, NAMI Indiana
- Dr. Evan Lowder, Assistant Professor, George Mason University
- Kim Maus, Assistant Chief Probation Officer, Bartholomew County
- Chuck Phillips, Pretrial Coordinator, Starke County
- Melissa Stephenson, Director, Grant County Correctional Services
- Tasha Springer, Pretrial Coordinator, Whitley County Pretrial Services
- Kory Carey, Deputy Director DMHA/FSSA
- Gaye Lynn Strickland, Indiana Office of Court Technology

IOCS staff in attendance included: Diane Mains, Angie Hensley, Jamie Bergacs, Diane Haver, Chris Biehn, Lora Moeller, Janelle Johnson, and Brayton Scott.

II. Approval of April 9, 2021 Meeting Minutes

The April 9, 2021 meeting minutes were presented. Members of the committee unanimously approved the meeting minutes.

III. Failure to Appear Text Messaging

Gaye Lynn Strickland provided a summary that outlined the process by which text reminders are sent to pretrial defendants. Once a hearing is placed on the calendar, the text notification is triggered. Currently, text reminders are sent for criminal cases five days and one day in advance of the hearing. However, notice is not sent back to the case or entered on the CCS to indicate a text was sent. Court staff have the capability to look up data confirming if a text message was sent. Numbers indicate that text notifications reach

approximately 50% of defendants. Defendants are provided the capability to opt out of the text notification system. Gaye Lynn asked committee members to consider two questions if they wish to implement a text reminder system for failure to appear cases. First, what will trigger the text? Second, will the process by which judges enter a failure to appear be consistent across the state? Gaye Lynn also asked the committee to take into consideration the small cost that may be associated with adding an FTA text notification for all cases. She suggested allowing the feature as prompted by staff on a case-by-case basis, rather than all FTAs entered. The committee suggested that the coordinators subcommittee consider the information provided in order to later provide recommendations. The committee may later provide a “wish list” to Court Technology.

IV. Pretrial Risk Communication Study/Validation Reports

Dr. Lowder reported that all local validation reports are complete for this year. Bartholomew, Porter, and Grant Counties received their reports to review locally. The findings from the Porter County and Grant County reports may be presented at the Pretrial Committee meeting in August. To date, eight validation reports have been completed. They will begin the validation reports for St. Joseph County, Starke County, and Vigo County and have them completed in 2022.

Dr. Lowder reported that two of her pretrial research collaborators are conducting a study on risk communication in pretrial decision-making process and its impact on the final decisions. The findings may have great utility to Indiana stakeholders and therefore, Indiana representation in their sample would be valuable. A survey was developed to collect data unanimously. Results will not pull information specific to Indiana but may be extracted based on professional role (judge, coordinator, prosecutor, etc.). Data will be collected throughout the month of June.

V. Data Subcommittee Update

Troy Hatfield reported that the Data Subcommittee has a reoccurring meeting every two weeks for 90 minutes. During the four subsequent meetings, the group looked closely at the outcome performance measures. Troy reported that revisions will be published in the updated version of *Measuring What Matters*. The subcommittee is waiting on the revised publication to be released before they move forward with their document. The subcommittee anticipates having a draft for the full committee by the August meeting.

VI. Education Subcommittee Update

Bernice Corley reported that the Education Subcommittee met and determined its first priorities will include the development of the Pretrial Staff Orientation and the development of a session to present at Law School for Legislators. Judge Felts reached out to the State Bar Association. Reportedly, the State Bar Association is willing to collaborate with IOCS to develop the session to enhance the understanding of pretrial matters. Committee members moved and seconded that the education subcommittee would continue efforts to investigate a partnership between the State Bar Association and IOCS to develop and present a collaborative session at the next Law School for Legislators.

VII. Certification Update

To date, seven counties have established a certified pretrial agency. Grant County, Hamilton County, Jefferson County, and Monroe County have received their three-year certifications.

Bartholomew County, Putnam County, Vigo County, and Wabash County have received their provisional certifications.

VIII. Legislative Update

Diane Mains reported that there were two bills that will have an impact on pretrial matters, HEA 1068 and HEA 115. HEA 1068 establishes a local or regional justice reinvestment advisory council in each county in Indiana. HEA 1115 provides that bail provisions that apply to individuals on probation and parole also apply to individuals on other forms of community supervision.

IX. Journey Home

Judge felts provided a brief overview of the Journey Home project led by the Indiana Addictions Coalition. Journey Home is working to provide connection to services for individuals reentering the community upon their release from jail. The project is currently working with Boone County, Daviess County, and Delaware County.

X. Pretrial Coordinators Subcommittee

Committee members discussed the value in establishing a pretrial coordinators subcommittee. The local coordinators have the knowledge of the routine pretrial practices and may serve to inform committee members on pretrial matters, which may promote practice consistency across the state. Committee members moved and seconded the establishment of a pretrial coordinators subcommittee. Stephanie Ruggles, Hamilton County Pretrial Coordinator, agreed to chair and coordinate the subcommittee.

XI. Other Business

Committee members discussed the value of in-person meetings and considered the options for future meetings. Committee members agreed to meet virtually on August 13, 2021 and December 3, 2021. Committee members agreed to meet in person in Indianapolis on October 8, 2021.

XII. Adjourn

Judge Spitzer adjourned the meeting at 10:37 a.m.

Pretrial Release Committee Meeting Minutes
August 13, 2021
9:30-11:30 via Zoom

I. Welcome and Introductions

Committee Chair, Judge Mark Spitzer, called the meeting to order and welcomed members and guests. Persons in attendance were as follows:

Committee Members:

- Judge Mark Spitzer, Committee Chair, Grant Circuit Court
- Shelby Bear, Pretrial Director, Jefferson County
- Troy Hatfield, Deputy Chief Probation Officer, Monroe County
- Christine Kerl, Chief Probation Officer, Marion County
- Magistrate Jason Custer, Allen Superior Courts
- Judge Annie Christ, Marion Superior Court G24
- Judge Lori Quillen, Owen County
- Judge Mark Smith, Hendricks Superior 4
- Courtney Curtis, Assistant Executive Director, IPAC
- Stephanie Ruggles, Hamilton County Pretrial Services

Additional Attendees:

- Senior Judge Felts, Indiana Office of Court Services
- Chris Cunningham, Director, Grant County Community Corrections
- Melissa Stephenson, Director, Grant County Correctional Services
- Tasha Springer, Pretrial Coordinator, Whitley County Pretrial Services

IOCS staff in attendance included: Diane Mains, Angie Hensley, Jamie Bergacs, Chris Biehn, Rachael McKee, Janelle Johnson, Lindsay Carter, and Brayton Scott.

II. Introduction of New Committee Members

- Judge Gail Bardach, Hamilton Superior 6
- Judge Mark Smith, Hendricks Superior 4
- Courtney Curtis, Assistant Executive Director, IPAC

III. Approval of June 11, 2021 Meeting Minutes

The June 11, 2021, meeting minutes were presented. Members of the Committee unanimously approved the meeting minutes.

IV. Data Subcommittee Update

Mr. Troy Hatfield presented the draft of the Outcome and Performance Measures. Mr. Hatfield highlighted some of the changes and revisions based on the *Measuring What Matters 2nd Edition*, published by the National Institute of Corrections last month. Mr. Hatfield asked committee members provide feedback to him before August 31, 2021, so the Data Subcommittee may review it at their next monthly meeting. The Data Subcommittee

will review any recommendations prior to returning the Outcome and Performances measures to the Committee during the October meeting for formal approval.

V. Education Subcommittee Update

Judge Felts reported that the State Bar Association is willing to collaborate with IOCS to develop a training session to enhance the understanding of pretrial matters. At this point, the Law School for Legislators will be developed to be present virtually. To supplement virtual training, opportunities are being developed for Legislators to observe Initial Hearing proceedings. Ms. Angie Hensley reported that Mary Kay Hudson will be presenting information gathered from the summer study to the legislature on August 27, 2021. The findings emphasize the importance of the Public Defender in the pretrial process.

Ms. Hensley reported that the mock initial hearing video is being edited and reviewed by different stakeholders. The Education Subcommittee hopes to present the video to the Committee at the next meeting.

Staff orientation is scheduled for October and the agenda and content will be presented to the Committee at the October meeting. Staff orientation will have a virtual or live component and be supplemented with LMS modules, such as the newly revised ethics.

Ms. Diane Haver and Mr. Chris Biehn will be presenting at the POPAI September conference on the differences between probation and pretrial supervision.

VI. Pretrial Coordinators Subcommittee

Ms. Stephanie Ruggles reported that 19 counties participated in the Coordinators Subcommittee meeting in-person or virtually on August 6, 2021. The subcommittee reviewed the FTA text information provided by Gaye Lynn Strickland at the April Pretrial Committee meeting. Overall, the subcommittee reported that the text notification system was beneficial, but asked the committee to consider adding, "contact your attorney to see if you need to appear" to the standard message.

The subcommittee has agreed to continue to meet quarterly in a central location with a remote option.

IOCS will expand the Teams site to create a channel for the subcommittee to share information.

VII. Certification Update

Ms. Jamie Bergacs reported that there is currently a total of 38 programs participating in some way in certification, with 30 planning, and 8 certified. While working with sites and scheduling site visits, no new certifications have been issued since our the last Committee meeting.

VIII. Court Times Update

Angie Hensley reported that an article related to Pretrial Services will appear in the next Court Times which will be published in September.

IX. Local JRAC Update

Ms. Hensley reported that a contract with Center for Effective Public Policy is being processed for final signature. The contract includes CEPP's participation in monthly EBDM meetings, as well as review of the strategic plan and facilitating technical assistance for local JRACs.

X. Critical Incident Protocol

Ms. Hensley asked the committee to consider using the previously developed critical incident protocol. It was recommended the Pretrial Coordinators Subcommittee review the local critical incident protocols and incorporate updates to the previously developed critical incident protocol plan. Committee members were asked to send critical incident protocols to Diane Haver, Jamie Bergacs and Stephanie Ruggles. Ms. Ruggles agreed the Subcommittee members would report to the Committee their findings.

XI. Other Business

Angie Hensley reported that an MOU has been signed with the Indiana Department of Corrections to use their grant administration platform. The pretrial grants will fund agencies through December 2021. The pretrial application for the next funding cycle should be available in September

Committee members agreed to meet in person in Indianapolis on October 8, 2021.

XII. Adjourn

Judge Spitzer adjourned the meeting at 10:30 a.m.

Pretrial Release Committee Meeting Minutes

October 8, 2021 @ 9:30 a.m. (EDT)

Location: Indiana Supreme Court Conference Room
Indiana State House Room 318
200 West Washington Street
Indianapolis, IN 46204

I. Welcome and Introductions

Committee Chair, Judge Mark Spitzer, called the meeting to order and welcomed members and guests. Persons in attendance were as follows:

Committee Members:

- Judge Mark Spitzer, Committee Chair, Grant Circuit Court
- Troy Hatfield, Deputy Chief Probation Officer, Monroe County
- Christine Kerl, Chief Probation Officer, Marion County
- Magistrate Jason Custer, Allen Superior Courts
- Judge Annie Christ, Marion Superior Court G24
- Judge Mark Smith, Hendricks Superior 4
- Judge Gail Bardach, Hamilton Superior Court 6
- Judge Mary Ellen Diekhoff, Monroe Circuit Court 5
- Judge Daniel Moore, Tippecanoe Superior Court 7

Additional Attendees:

- Senior Judge Felts, Indiana Office of Court Services
- Melissa Stephenson, Director, Grant County Correctional Services
- Lakisha Fisher, Grant County Pretrial Services Coordinator
- Dr. Evan Lowder, Indiana University Public Policy Institute, Center for Criminal Justice Research
- Representative Jerry Torr, Indiana House of Representatives District 39
- Tasha Springer, Whitley County Pretrial Services Coordinator
- Kim Maus, Bartholomew County Pretrial Service Coordinator

IOCS staff in attendance included: Mary Kay Hudson, Diane Mains, Angie Hensley, David Sexton, Jamie Bergacs, Chris Biehn, Lora Moeller, Rachael McKee, Janelle Johnson, Lindsay Carter and Diane Haver.

II. Approval of August 13, 2021 Meeting Minutes

The August 13, 2021, meeting minutes were presented. Members of the Committee unanimously approved the meeting minutes.

III. Data Subcommittee Update

Mr. Troy Hatfield reported that the subcommittee meets every 2-3 weeks to review the data elements and determine the data fields to be collected for full reports. The subcommittee will work to identify the gaps in data that is currently collected and decipher what data is not being gathered. Mr. Hatfield anticipates having a draft available for the committee at the December meeting.

IV. Education Subcommittee Update

Ms. Bernice Corley presented the Pretrial Staff Orientation agenda and requested feedback from the committee. The Committee discussed the training, which included the following agenda items: the distinction between pretrial supervision and probation, court communication training, and data as it relates to reports and evaluations.

Committee members moved and seconded a motion to approve the pretrial staff orientation agenda. The motion carried.

V. Pretrial Coordinators Subcommittee

Ms. Lindsay Carter reported that the Pretrial Coordinators Subcommittee is scheduled to meet on November 5, 2021. The Critical Incident Reports and the text messaging notification follow-up will be discussed at that time.

VI. Certification Update

Ms. Jamie Bergacs reported that there are a total of 41 programs participating in some way in certification, with 31 planning, and 10 certified.

VII. Grant and Porter County Validation Studies

Dr. Evan Lowder summarized the validation findings for Grant and Porter counties. The Committee discussed the findings and the possibility of refining data to determine if there is a correlation between charge type and failure to appear, how intervention strategies may impact the validation including availability of substance use services, and the racial breakdown of the findings.

Committee members moved and seconded a motion to post the Grant County and Porter County Validation Studies on the courts.in.gov pretrial website. The motion carried.

VIII. Amending Indiana's Constitution

Representative Jerry Torr began a discussion with regard to amending Indiana's Constitution as it relates to bail and pretrial reform in an effort to remove potential barriers to the judicial system. The Committee discussed the background, constitutional and financial implications of possible amendments, a timeline, and role the Pretrial Release Committee may take in the amendment process.

Committee members moved and seconded a motion to form a subcommittee charged with researching and developing an action plan to bring back to the Pretrial Release Committee. The motion carried. Subcommittee volunteers include: Judge Moore, Judge Spitzer, Judge Smith, Judge Felts, Ms. Mary Kay Hudson, and Ms. Bernice Corley.

IX. Indiana Court of Appeals Opinion

Ms. Angie Hensley brought to the Committee's attention a recent Court of Appeal ruling as it relates to the use of a risk assessment tool in compliance with Criminal Rule 26. The Committee discussed the opinion and the possibility of it being heard by the Indiana Supreme Court, as well as its impact on future cases. The Committee was encouraged to share information they may receive from counties not represented on the Committee so knowledge and resources may be made available.

X. Local JRAC Update

Ms. Angie Hensley reported that the first webinar for local JRACs is scheduled for November 1, 2021. Introductory letters and surveys were sent to Local JRAC stakeholders. The deadline to respond has been extended to November 4, 2021. Additional webinars and technical assistance efforts will be developed based on the information gathered in collaboration with the Center for Effective Public Policy.

XI. Mock Hearing Video

Ms. Angie Hensley reported the Mock Hearings Training Video is ready for final edits. The video was included as meeting materials for the Committee's review. A motion was moved and seconded to utilize the mock hearing video for stakeholders. The motion carried.

XII. Other Business

Ms. Angie Hensley will email instructions for submitting travel vouchers for members of the Committee in-person.

Ms. Diane Haver will email the tentative 2022 Committee Meeting dates to the Committee for review and approval at the December meeting.

The next Committee Meeting is December 3, 2021 from 9:30 a.m. -11:30 a.m. via Zoom.

XIII. Adjourn

Judge Spitzer adjourned the meeting at 11:09 a.m.

Pretrial Release Committee Meeting Minutes

December 3, 2021 @ 9:30 a.m. (EDT)

Location: Via Zoom

- I. Committee Chair, Judge Mark Spitzer, called the meeting to order and welcomed members and guests. Persons in attendance were as follows:

Committee Members:

- Judge Mark Spitzer, Committee Chair, Grant Circuit Court
- Troy Hatfield, Deputy Chief Probation Officer, Monroe County
- Judge Annie Christ, Marion Superior Court G24
- Shelby Bear, Pretrial Coordinator, Jefferson County
- Judge Mary Ellen Diekhoff, Monroe Circuit Court 5
- Judge Daniel Moore, Tippecanoe Superior Court 7
- Judge Lori Quillen, Owen Circuit Court
- Stephanie Ruggles, Pretrial Coordinator, Hamilton County
- Courtney Curtis, Assistant Executive Director, IPAC
- Judge Mark Smith, Hendrick Superior Court 4
- Judge Gail Bardach, Hamilton Superior Court 6

Additional Attendees:

- Chris Cunningham, Director Grant County Community Corrections
- Chick Phillips, Pretrial Coordinator, Starke County
- Devon McDonald, Director, Indiana Criminal Justice Institute
- Marianne Halbert, Criminal Justice Director, NAMI Indiana
- Larry Landis, Retired, Indiana Public Defenders Council Representative
- Kim Maus, Assistant Chief Probation Officer, Bartholomew County
- Vicki Becker, Prosecutor, Elkhart County
- Melissa Stephenson, Director, Grant County Correctional Services
- Senior Judge Thomas Felts, Indiana Office of Court Services
- Dr. Evan Lowder, Assistant Professor, George Mason University

IOCS staff in attendance included: Mary Kay Hudson, Diane Mains, Angie Hensley, Jamie Bergacs, Chris Biehn, Diane Haver, Lora Moeller, and Rachael McKee.

- II. Approval of October 8, 2021 Meeting Minutes
The October 8, 2021 meeting minutes were presented. Members of the Committee unanimously approved the meeting minutes.
- III. Data Subcommittee Update
Troy Hatfield reported that the subcommittee continues to meet every two to three weeks for 90 minutes to review the data elements and determine the data fields to be collected by local pretrial agencies. A significant portion of the work has included

drafting the measures and formulas. Examples will be provided for each measure to illustrate what is intended to be collected. The subcommittee is analyzing collected data to decipher what data is not being gathered currently. The goal is to provide the committee with information on what could be collected in the interim until changes may be made to the data collection methods that will allow for the collection of all of measures proposed by the subcommittee. Troy Hatfield anticipates having a draft available for the committee in the near future.

IV. Education Subcommittee Update

Diane Haver reported that IOCS conducted the first Pretrial Staff Orientation on October 26, 2021. The training was held virtually and 39 participants were in attendance, representing 22 counties. The training generated questions from the attendees and evaluations will be reviewed prior to the next committee meeting. There will be two orientations in 2022, which are scheduled for April 4, 2022 and October 3, 2022.

V. Pretrial Coordinators Subcommittee Update

Stephanie Ruggles reported that 22 counties were represented at the first pretrial coordinators subcommittee meeting. The group maintains a consensus that the Pretrial Services Rules for certification should contain a requirement that certified pretrial agencies shall maintain a written policy and procedure on critical incident protocol. The subcommittee will share examples of already established critical incident policies during the next Pretrial Release Committee meeting.

VI. Preventative Detention Study Subcommittee

Judge Mark Smith reported that the first meeting has been scheduled for January 28, 2022. Data will be strongly analyzed and considered before any suggestions are deduced and recommended.

VII. Certification Update

Chris Biehn reported that since the last committee meeting in December, no new pretrial certifications have been issued. To date, 12 pretrial agencies are operating under a certification and 30 pretrial agencies are currently in the certification planning stages.

VIII. Local JRAC Update

Judge Spitzer reported that the initial JRAC webinar launched on November 1, 2021 with approximately 250 persons in attendance. The next webinar is scheduled to occur on December 15, 2021 at 1:30 PM (EST). A third webinar is being planned and will provide information on how all the moving parts of local JRACs fit together. As reported, IOCS is working towards adding a local JRAC directory to IOCS's website so that the counties with operational local JRACs may be identified and contacted.

IX. Angie Hensley-Langrel reported that IOCS received 32 pretrial grant applications, which are currently being processed. Total requests totaled \$4.4 million dollars. The

increased amount of requests is as a result of the growth of pretrial agencies across the state. However, this level of funding is considerably higher than projected and not a sustainable amount for the Indiana Supreme Court to fund in the future. Applications are being reviewed to determine funding priorities and options for reducing the total allocation.

X. Proposed Meeting Dates

The following 2022 meeting dates were approved by the committee:

- February 11
- April 8
- June 10
- August 12
- October 14
- December 2

All meetings are scheduled to begin at 9:30 AM (Eastern Time Zone). The meetings in June and August will be held in person in Indianapolis. The remaining meetings will be held virtually.

XI. Other Business

It was reported that a federal grant was received to improve the state's jail management system. The new system will improve the criminal history information, link with Odyssey, and will pilot in Grant, Elkhart, and Martin Counties. A demonstration will be provided to JRAC. The Pretrial Release Committee expressed an interest in receiving a demonstration.

XII. Adjourn

Judge Spitzer adjourned the Pretrial Release Committee meeting.