

# Indiana EBDM Pretrial Work Group

## Meeting Record

January 8, 2018

1. Larry Landis called the meeting to order at 9:00 am.

In-person participants: Bernice Corley, Mary Kay Hudson, Christine Kerl, Larry Landis, Dan Miller, Stephanie Ruggles, and Mary Willis

Teleconference participants: Shelby Bear, Susan Bentley, Jesse Carlton, Steve Dillon, Lakisha Fisher, Troy Hatfield, Spencer Lawson, Orval Schierholz, Judge Spitzer, Becca Streit, Judge Surbeck, and Jennifer York

Staff: Jenny Bauer, Michelle Goodman, Sam Goodson, Lisa Thompson and Diane Mains

2. IRAS-PAT – Authorized User MOU

Members reviewed a draft MOU between the court and sheriff authorizing sheriff's department staff to administer the IRAS-PAT under the stated conditions. Discussion topics included defining authorized non-law enforcement staff and ensuring the confidentiality of risk assessment information. Members approved authorizing the pilot sites the option of allowing jail staff to administer the PAT pursuant to this MOU. Staff were directed to revise the MOU for further review by the Work Group.

3. Professional Development Work Group Grid

Members were asked to develop attitudes, knowledge and skills desirable for the various pretrial stakeholders. A small work group comprised of Judge Surbeck, Dan Miller, Christine Kerl, Shelby Bear, Steve Dillon and Don Murphy was formed to work on the grid. The subcommittee will meet and report back to the Work Group at the next meeting.

4. Other Business

The pretrial data elements and how this information will be used in the future was discussed. It was suggested that a Pretrial Dash Board be developed to house this information. Work Group members were asked to identify up to 10 key pieces of data from the data elements spreadsheet and send this list to Ms. Goodson.

5. Larry Landis adjourned the meeting at 10:37 am.

Next Meeting – February 5, 2018

Address: 251 N. Illinois Street, Indianapolis, IN 46204

All meetings will be held from 9:00 am -11:00 am at the Indiana Office of Court Services.

Teleconferencing will be an option if available.

## EBDM Pretrial Workgroup Meeting Minutes

March 5, 2018, 9-11am

- I. Welcome and Introductions – Judge Surbeck (Co-Chair)
  - a. Attendees: Larry Landis (co-chair), Mary Willis, Becca Streit, Shelby Bear, Steve Dillon, Madonna Wagoner, Christine Kerl, Mike Pate, Dave Murtaugh, Mary Kay Hudson, Lisa Thompson, Stephanie Ruggles, Judge Mark Spitzer, Dan Miller
  - b. Teleconference Participants: Jennifer York, Susan Bentley, Chuck Phillips, Kim Maus
  
- II. Updates
  - a. Pilot Site Coordinators Meeting – Sam Goodson/Mary Kay Hudson
    - i. Meeting of the Pretrial Pilot Site Coordinators on 2/23 (*see meeting minutes*).
    - ii. Following a discussion with the group, the meeting will be held bimonthly moving forward, will be used as a time for Site Coordinators to share information and provide support to each other. Also discussed developing leadership for the group among Site Coordinators, will discuss further at the next meeting.
  
  - b. Visits to Madison, LaPorte, and Vigo Counties – Sam/Mary Kay
    - i. Sam and Mary Kay have made visits to Madison (with Diane Mains), LaPorte, and Vigo counties in response to requests for more information on CR 26 and pretrial pilot and state-level activities.
    - ii. All were community stakeholder meetings, broad representation of criminal justice system stakeholders present
      - 1. Madison County convened by County Commissioner
      - 2. LaPorte convened by Judge Friedman
      - 3. Vigo convened by Judge Reddy, but CR 26 / pretrial committee will be co-chaired by Judges Roach and Mullican
    - iii. All are in various stages of discussion, but all gave positive feedback regarding the presentation. Being able to share the Pretrial Practices document developed by this group has been very helpful.

- iv. Madison and Vigo have submitted requests for responsive TA to NIC for assistance completing jail population analysis and pretrial system mapping. Additionally, if we are able to include expansion to new pilot sites over the next year these sites will be well positioned to be part of that, should they choose.

c. Marion County Pretrial – Christine Kerl (Marion County Probation)

- i. Marion County, though not a pilot site, has been working to develop and implement pretrial best practices, based on this group's work and pilot site activities, have a workgroup meeting to accomplish this.
- ii. Brad Ray (IUPUI) is working on data collection for them to track outcomes.
- iii. Currently have 3 funded positions related to pretrial work and recently presented conditions of release and matrix to the committee based on what has been developed within pilot sites/EBDM
- iv. Implemented a new bond schedule in September. Misdemeanors and low-level felonies being automatically released, moving toward having initial hearings within 24 (48?) hours, provided the defendant is able to participate (e.g., sober).
- v. Jail population is down in Marion County, though not able at this time to directly tie this to new practices.
- vi. Public defenders and social workers are now available to arrestees/defendants for screening and assessment very quickly, which helps expedite release as well as Recovery Works referrals, when appropriate.

d. Harris County Case – Larry Landis (IPDC)

- i. Larry presented a summary of the recent decision in the O'Donnell v. Harris County, TX case (*see attached*).
- ii. Discussion among the group of potential implications of this decision in Indiana, particularly in light of the fact that the case focuses on misdemeanors (Texas has preventive detention for felonies), whereas Indiana's work has focused almost exclusively on felonies.
- iii. Larry suggests the finding in this case indicates that we must consider issues of due process and equal protection as part of our pretrial/CR 26 implementation to ensure we are prepared if this becomes binding precedent.

- iv. See also a summary developed by Dan Miller (*attached*) regarding this case.

### III. Data Discussion – Lisa Thompson (Trial Court Technology)

#### a. Data collection issues and next steps

- i. Following development of pretrial data elements, further guidance is needed regarding how to move forward with collection, format, frequency, etc. Lisa expressed concern that data is not being collected consistently/correctly due to a lack of understanding among pilot sites of what the data is used for, as well as a currently lack of formal structure for us receiving and reviewing the data.
- ii. Some continued concerns regarding systems/data collection – e.g., not all counties are using SRS/Odyssey – though all counties should be collecting the same information even if it is in a different system/format. This does, however, lead to some potential challenges re: our collection/review of the data.
- iii. Following a robust discussion of data needs and issues, the decision was to start with a request for submission of pretrial data, as outlined in the pretrial data elements spreadsheet (*see attached*), for initial review by this group of current practices.
- iv. Lisa will work with Sam to request 2017 Q4 and 2018 Q1 data from all pilot counties by 4/30/18.

#### b. Text notification system

- i. Currently working to develop text notification system for eventual statewide use via Odyssey. Initially would like to start with current pretrial pilot sites who are interested to pilot the new system.
- ii. It has been determined that there will be two (2) notifications sent per hearing, but need to determine at what frequency. Additionally, a notification would be sent anytime there is a cancellation or reschedule, separate from the two standard notifications.
- iii. Would like to have a standardized approach so all courts in all counties who are piloting are doing things the same way. Troy suggested not having a standardized approach at first, which would enable us to see whether one was more effective than the other (e.g., are notifications sent 7 days and 2 days prior to hearing producing better appearance rates than notifications sent 5 days and 1 day before a hearing). Lisa will find out whether this is a possibility.

- iv. Bartholomew, Allen, and Porter Counties expressed interest in piloting, Sam and Lisa will work together to solicit interest from others not present at this meeting.

**IV. Pretrial records retention discussion – Mary Kay**

- a. Received a question from Pretrial Site Coordinator re: retention of pretrial records. Mary Kay reached out to Jeff Wiese and determined there is no existing schedule for retention of pretrial records. The Records Management Committee will be discussing this at their May meeting, but would like recommendation from this group.
- b. Due to time, this item will be pushed to the April workgroup meeting. See attached Admin. Rule 7 for information on existing records retention in preparation for the discussion.

**V. User Stories Exercise – Sam/Lisa Thompson**

- a. The Data Workgroup has requested that each workgroup complete the User Story exercise, as presented at the January EBDM State Team Meeting, to help identify the types of information/data individuals are interested in having available and how they would like to be able to use that information/data.
- b. Due to time, we were unable to complete this activity as a group. We request that each workgroup member review the exercise (*see attached*) and send their User Stories to Sam by 3/21/18.
- c. In developing User Stories, consider your role within EBDM workgroup as well as your system stakeholder role (i.e., Probation Officer, Public Defender, Community Corrections staff, etc.). You may get input from other members of your staff or local EBDM team if desired.
- d. Contact Sam with any questions about the exercise.

**VI. Other Business**

- a. Judge Surbeck proposed moving the time of this meeting, following a brief discussion the group agreed that moving forward this meeting will be held 9:30-11:30am.

**VII. Adjourned**

**Next Meeting:** Monday April 2, 2018, 9:30-11:30am

## **EBDM Pretrial Workgroup Meeting Record**

**April 2, 2018, 9:30-11am**

### **I. Welcome and Introductions – Judge Surbeck**

- a.** Attendees: Judge John Surbeck (Allen County); Larry Landis (Indiana Public Defender Council); Shelby Bear (Jefferson County); Steve Dillon (Defense Attorney); Madonna Wagoner (Hamilton County); Christine Kerl (Marion County); Mike Pate (Greene County); Dave Murtaugh (Indiana Criminal Justice Institute); Mary Kay Hudson (Indiana Office of Court Services); Lisa Thompson (Trial Court Technology); Stephanie Ruggles (Hamilton County); Judge Mark Spitzer (Grant County); Chuck Phillips (Starke County); Kim Maus (Bartholomew County); Dan Miller (Indiana Prosecuting Attorneys Council); Michelle Goodman (Indiana Office of Court Services); Cindy McCoy (Grant County); Chris Cunningham (Grant County); Marianne Halbert (NAMI Indiana); Troy Hatfield (Monroe County); Tracy Regnier (Tipton County); Diane Mains (Indiana Office of Court Services)

### **II. Updates and Reports**

#### **a. NIC Technical Assistance**

- i.** NIC's budget was cut fifty percent by the Bureau of Prisons so the future of pretrial TA in Indiana is unsettled. It is anticipated that definitive TA information will be available within the next two weeks. Mary Kay will update the State Team at the April 13<sup>th</sup> meeting.
- ii.** In addition to the pretrial inquiries from Madison, LaPorte and Vigo, Pulaski County contacted IOCS seeking pretrial guidance. Madison and LaPorte have requested NIC pretrial TA.

#### **b. Future of Pretrial**

- i.** Funding was discussed. ICJI does not currently have funds to support pretrial. Larry suggested that the State apply for Byrne JAG dollars available January 2019. He also suggested that 1006 dollars include funds for pretrial beyond community corrections dollars.
- ii.** As new jurisdictions seek pretrial guidance, a distinction needs to be made between the pretrial pilot project and compliance with Criminal Rule 26.

- c. Pretrial Website – The Supreme Court’s Office of Communication, Education and Outreach (OCEO), is creating a website to house pretrial resources. The website is projected to be ready by the end of April.
- d. Text Notifications
  - i. Courtesy text messages (no information regarding messages sent will be part of the official court record) will be generated in Odyssey from hearing information and available telephone numbers. Defendants will also continue to be formally notified of scheduled hearings by the court. A record of messages sent will be maintained in INcite. Messages will be sent five days prior to and one day prior to a scheduled court hearing. Additional notification may be made if the hearing is rescheduled. An opt-out option will be available. SRS is not required to utilizing the text messaging option in Odyssey but can serve as an additional source for telephone numbers.
  - ii. Research gathered by NIC indicates that message content is a critical factor, such as planning suggestions and consequences for failure to appear. Standard messaging is being developed for Odyssey, no local variation will be allowed.
  - iii. Stakeholders need to start routinely collecting cell numbers from defendants. The goal is to make this service available by the end of April.
  - iv. Judge Spitzer will present at the Spring Judicial College (May 26, 2018) on text notifications.
- e. NAPSA Regional Council – a new initiative distinct from the pretrial coordinators group supported by NIC. The Regional Council will serve as an advisory group to NAPSA on current issues on training needs in pretrial. Sam Goodson will serve as the state representative and Stephanie Ruggles will serve as the local representative on the Council from Indiana. It is anticipated that the Council meet via conference call 4-6 times per year.

### III. Pretrial Records Retention Schedule (Administrative Rule 7)

- a. The Records Management Committee has requested that the Pretrial Workgroup recommend a duration for the retention of pretrial case management records. The Workgroup recommends that pretrial case management records be retained for six years from the date of case adjudication or date of sentencing, whichever is later.

- b.** The Workgroup would like clarification from the Records Management Committee as to the requirement for records destruction. Admin. Rule 7(l)(A) states that records “shall” be disposed of in the manner set out by this Rule. Can courts keep these records beyond the minimum retention period or are they required to destroy records when the minimum retention period has been reached?
- c.** Staff will write a memo for the Chairs’ signature to the State Team and Judicial Administration Committee detailing the Workgroup’s recommendation.

**IV. Risk Assessment Information and Pretrial Reports**

- a.** Judge Spitzer reported a concern with the language of the sample Pretrial Interview Advisement form and a general concern about the what information is provided to the court and the parties when a pretrial report is created. Additionally, a concern about how this information is used pursuant to CR 26 was raised. The Workgroup discussed the need to provide further guidance on and implement standards for the contents of the pretrial report.
- b.** The Workgroup approved a change to the language of the Pretrial Interview Advisement form to make it clear that the parties will be provided with the same pretrial information as the court. Diane will update the Pretrial Practices manual accordingly.
- c.** This topic will be raised at the Pretrial Coordinators meeting later this month for further discussion.

**V. Other Business**

- a.** Larry raised a concern with the language of the Pretrial Performance Measures document contained in the Pretrial Practices document and recommended that the phrase “detention decision” be replaced with “release decision” to reflect Indiana law. The Workgroup approved the recommendation and directed staff to update this document as well as the entire manual accordingly.

**VI. Adjourned**

**Next Meeting:** Monday May 14, 2018, 9:30-11:30am



## EBDM Pretrial Workgroup Meeting Record

May 14, 2018, 9:30-11am

### I. Welcome and Introductions – Larry Landis (Chair)

Attendees: Larry Landis; Shelby Bear; Steve Dillon; Madonna Wagoner; Christine Kerl; Mary Kay Hudson; Lisa Thompson; Stephanie Ruggles; Judge Mark Spitzer; Dan Miller; Michelle Goodman; Cindy McCoy; Chris Cunningham; Troy Hatfield; Bernice Corley; Jenny Bauer; Ollie Schierholz; Diane Mains

### II. Updates and Reports

#### a. NIC Technical Assistance

There is currently legislation that passed out of the House that will significantly impact NIC funding. The workgroup discussed developing a contingency plan if NIC is not funded to continue providing pretrial TA. A small group was formed to assess current resources and develop a plan for pretrial in Indiana.

#### b. New Pretrial Sites

Madison, LaPorte, Vigo, and Pulaski have contacted the Indiana Office of Court Services for pretrial assistance. LaPorte (5/16/18) and Vigo (5/18/18) have meetings scheduled with Lori Eville from NIC. Pulaski pretrial is in the very early stages, Mary Kay will schedule a site visit to provide a pretrial introduction soon.

#### c. Odyssey Text Reminder Project

Lisa Thompson reported that the text reminder pilot project (see handout) began on May 3 with 16 participating counties (including pilot sites Bartholomew, Grant, Porter, Starke, and Tipton) covering 30% of the hearings in these counties. Three additional counties were added on May 11. Hendricks County is scheduled to join the pilot on June 1. INcite logs all notifications so receipt can be confirmed. Research in this area reveals that message content, including consequences for failure to appear, is important. Defendants do have the option to “opt out” of text message reminders. Data on the project will be gathered.

#### d. MacArthur Safety and Justice Challenge – Innovative Fund Solicitation (see handout)

State or local jurisdictions may submit proposals. Webinars on the solicitation will be held on May 15 and June 7. The deadline for applications is June 15, 2018. The solicitation will be distributed to judicial officers in the weekly message. IOCS staff will send information to Steve Luce (Sheriff’s Association), Dave Bottorff (Association of Indiana Counties), and the Division of Mental Health and Addiction for further distribution.

#### e. Pretrial Brochure

The Indiana Office of Court Services, in conjunction with the Office of Communication, Education, and Outreach (OCEO), has developed a brochure detailing the pretrial pilot project (see handout).

- f. Recent and Upcoming Pretrial Trainings
  - IOCS Spring Judicial College – April 26, 2018
  - CCI/COSCA Midwest Pretrial Summit (Indianapolis) – May 2-3, 2018
  - IOCS Justice Services Conference – May 9, 2018
  - IPAC Summer Conference – June 21, 2018

### III. Pretrial Records Retention Schedule (Administrative Rule 7)

The workgroup revisited and approved the following proposed records retention schedule for pretrial case files:

“Destroy no earlier than 6 years from the date of case adjudication or sentencing, whichever is later.”

The proposed language will be submitted to the Records Management Committee.

### IV. Local Pretrial Reports

Discussion at the last meeting included the extent of risk assessment information provided to the court and parties at the initial hearing. Each pilot site was asked to provide their current practices (see handouts). The pilot site practices range from providing the score for each item on the assessment to providing only the assessed risk level. Local practices will be driven by the prosecutor and defense attorneys as well as the availability of pretrial staff to attend court hearings. The workgroup discussed the need to include a minimum standard in the Pretrial Practices Manual to ensure the integrity of the collected data.

The group approved updating the Pretrial Practices Manual to include the pretrial report practices of each pilot site on their summary sheet.

### V. Pretrial Practices Manual Revised

- a. The workgroup approved the proposed changes to the advisement form and the performance measures document (see handouts) based on the discussion from the previous meeting. This includes a change to the language of the Pretrial Interview Advisement form to make it clear that the parties will be provided with the same pretrial information as the court.
- b. Larry Landis recommended that the Bail in Indiana section of the manual be moved to the appendix to avoid any duplication of material and begin the manual with the evidence-based pretrial practices section. Diane Mains will update the manual accordingly.

### VI. Pretrial Workplan

The workplan needs to be reviewed and revised to ensure that it is updated and current. The revised product will be presented to the State Team.

VII. Meeting Schedule

The workgroup will transition to bi-monthly meetings in August 2018. The next two meetings have been rescheduled as follows:

Monday June 11, 2018 @ 9:30am

Monday July 9, 2018 @ 9:30am

## **EBDM Pretrial Workgroup Agenda**

**October 1, 2018, 9:30-11:30am**

### **I. Welcome and Introductions – Judge Mark Spitzer**

Attendees: Dan Miller (vice chair); David Murtaugh; Dr. Evan Lowder; Dr. Bray Ray; Stephanie Ruggles; Madonna Wagoner; Christine Kerl; Shelby Bear; Jenny Bauer; Troy Hatfield; Bernice Corley; Mike Pate; Michelle Goodman; Cindy McCoy; Marianne Halbert; Susan Bentley; Becca Streit; Chuck Phillips; Mary Kay Hudson

### **II. Updates and Reports**

#### **a. NIC Technical Assistance**

The EBDM State Team is still waiting for a response from the National Institute of Corrections regarding the November 2017 request for continued technical assistance.

#### **b. Essential Elements of Pretrial Sessions August 28, 2018**

The Indiana Office of Court Services hosted two three-hour sessions on the Essential Elements of Pretrial Systems and Agencies on August 28. Approximately 60 attendees were present for each session. Lori Eville from NIC facilitated the sessions.

#### **c. Judicial Conference Pretrial Session**

Judge Spitzer, Cindy McCoy, Stephanie Ruggles, and Judge David Najjar served as faculty for a pretrial session at the September Judicial Conference on Thursday September 6.

#### **d. New Pretrial Inquiries**

##### **i. Floyd County**

Mary Kay Hudson, Sam Goodson, Dan Miller, and Bernice Corley presented on Indiana's EBDM and pretrial initiatives to Floyd County criminal justice stakeholders on September 10.

##### **ii. DeKalb County**

DeKalb County has requested that IOCS staff attend an upcoming CR 26/EBDM meeting in their county. Mary Kay will provide an update once that meeting is scheduled.

**e. Site Coordinators**

**i. SharePoint**

A SharePoint site has been set up for the Pretrial Site Coordinators and a discussion board will also be available. Site Coordinators will be able to upload and share forms and other locally-developed documents.

**ii. Pilot & Data Discussion**

At the Site Coordinators meeting in August, a discussion regarding the “end” of the pilot came up and what the next steps will be for counties. The pilot period was three years and start dates for sites were staggered, so there is not one clear end date. Site coordinators expressed a desire to have some direction regarding how to move forward locally once the pilot phase has officially ended.

Data collection was also discussed. Data is often thought of in relation to the IRAS-PAT validation, however sites must also consider how data will be used locally to evaluate and improve their practices.

**III. Workgroup Membership**

With changes to workgroup leadership, workgroups are taking the opportunity to evaluate membership to ensure the needed stakeholder groups are represented and those who have been workgroup members remain engaged in the group. The group was asked to consider whether there are gaps in existing membership and stakeholder groups who are not currently represented and need to be engaged. The group discussed finding representatives from law enforcement or a sheriff’s department, a local elected prosecutor, and victim advocate to attempt to engage in the workgroup.

**IV. Workplan Review**

The group discussed the current workplan and agreed that it needs to be updated to reflect a change in focus from primarily the pilot to broader pretrial expansion. The workgroup will review the logic model and workplan at the December meeting.

**V. Jail Data**

Dave Murtaugh reported that the Indiana Criminal Justice Institute is funding a new statewide victim notification system through the Victims of Crime Act funds. The Indiana Office of Technology and Department of Correction are taking the lead on developing the RFP. Once in place, this could be a source of statewide jail booking and release information.

**VI. Validation Report – Drs. Brad Ray & Evan Lowder, IUPUI**

Dr. Lowder provided an overview of the Monroe County IRAS-PAT validation study results. Overall the tool was found to have moderate to strong predictive value and, when compared to other pretrial risk assessment tools, the IRAS-PAT performs as well as or better than other tools in use. The researchers are working to finalize the report; once final, the report will be presented to the EBDM State Team.

Allen and Hamilton Counties are next up for validation, researchers will begin working on these in early 2019.

Additionally, the researchers are working with Troy Hatfield of Monroe County on identifying additional points of analysis, beyond the pretrial risk assessment validation, related to supervision and risk levels.

**VII. Adjourned**

**Upcoming Meetings:** All meetings 9:30-11:30am at Indiana Office of Court Services

December 10, 2018

February 4, 2019

April 8, 2019

June 10, 2019

## EBDM Pretrial Workgroup Meeting Record

December 10, 2018, 9:30-11:30am

### I. Welcome and Introductions – Judge Mark Spitzer (Chair)

1. Attendees: Dan Miller (Vice-Chair); Mary Kay Hudson; Marianne Halbert; Kathleen Casey; Becca Streit; Madonna Wagoner; Stephanie Ruggles; Troy Hatfield; Lisa Thompson; Dr. Brad Ray; Christine Kerl; Shelby Bear; Vicki Becker; Chris Cunningham; Cindy McCoy; Jenny Bauer; Michelle Goodman; Sam Goodson

### II. Updates and Reports

#### 1. NIC Technical Assistance

The National Institute of Corrections has granted Indiana's request for continued technical assistance, per a letter from NIC dated December 6, 2018. Due to budget cuts, however, the offer is significantly different from what was requested. Specifically, NIC is offering technical assistance to develop a sustainability and expansion strategic plan that covers, at a minimum, the next two years and includes concrete deliverables for each calendar quarter during that time. Mimi Carter from the Center for Effective Public Policy has again been identified as the technical assistance provider. NIC requires that Indiana respond to this offer in writing by December 21, 2018.

In reviewing the expectations laid out by NIC, the group discussed the expectation that the plan include strategies to "bring EBDM to full scale within the state". It is unclear at this time what "full scale" means in the context of this expectation and the group would like additional information on this.

The State Team will further discuss this offer and determine whether they would like to accept at the December 14, 2018 meeting.

#### 2. New Pretrial Counties

Mary Kay and Sam have facilitated initial mapping sessions with both Vigo and Madison Counties. Both teams had good stakeholder turnout for their first sessions and have dates set to meet again (Vigo 12/12/18; Madison 1/11/19).

Additionally, Whitley County has reached out and asked to have an initial presentation and discussion with their stakeholder group, this meeting is scheduled for February. DeKalb County has also reached out to express interest and Sam is working to schedule a date with them. Any interested pretrial workgroup members are invited to attend.

Mary Kay, along with Dan Miller and Dave Powell (IPAC), presented on EBDM and pretrial at the prosecutors conference. Mary Kay spoke with the Marshall County prosecutor while there, who also attended the Essential Elements training in August 2018, and he reported that he has been allocated a deputy prosecutor who will be dedicated to CR 26/pretrial efforts.

Finally, a new Court Times article will be coming out soon regarding recent pretrial and EBDM efforts.

### 3. Supreme Court Pretrial Grant Applications

The timeline for pretrial grants through the Indiana Office of Court Services will be moved up, IOCS is hoping to have applications available in January. A financial report will be required for counties submitting grant applications. At this time it is unclear whether funding will be available to support counties that have not previously received funding for pretrial, however if it is determined that additional counties may be eligible this will be communicated by IOCS.

### 4. Final Monroe County Validation Report and Next Steps

The final version of Monroe County's IRAS-PAT validation report is available. As reported at the previous meeting, the conclusion of this report is that the IRAS-PAT is moderately to highly effective in predicting pretrial risk and, based on existing literature, performs as well as or better than other pretrial risk assessments being used nationally.

The group discussed publishing the final report, both in terms of making it publicly available via the website and also submission to peer-reviewed journals. The group will recommend to the State Team that the report be posted publicly on the website and also seek approval for peer-reviewed journal publishing, on the condition that the limitations of the current study are clearly outlined.

### 5. NIJ Grant

Dr. Evan Lowder has received funding from the National Institute of Justice to conduct a longer scale examination of risk assessment over time. This study will include the potential for racial bias within the risk assessment tool and potential other issues not covered by the existing risk assessment validation study. Four counties have been selected to participate in this study – Allen, Hamilton, Hendricks, and Monroe. The funding period is for one year and will begin in January.

## III. Pretrial Executives Orientation April 2019



The Indiana Office of Court Services will host a Pretrial Executives Orientation session in April 2019. This four-day training session was held in Indianapolis in August 2017 and conducted by NIC; this session will offer the same content and likely many of the same national faculty but will be hosted by IOCS. Lori Eville from NIC is working with IOCS staff to secure faculty; Tim Schnacke has already committed. The previous session in August 2017 was a team-based training, participating counties were asked to bring a team including various stakeholders and the session included lecturing as well as team-based exercises. The upcoming session will be structured somewhat differently; while the preference is for counties to bring multi-stakeholder teams, there will likely be a stronger emphasis on lecturing and large group discussion and the structure of the training will support both counties that attend as a team as well as individuals attending as new members to existing county teams. There will be no fee to attend.

The group discussed opportunities to include Indiana-specific content in this session, given that there are now counties that have been operating pretrial services for some time and may be able to provide a more locally-focused perspective. Stephanie Ruggles (Hamilton County Pretrial Coordinator) offered to participate, the group also discussed having an elected prosecutor or deputy prosecutor and public defender participate and ways to potentially engage those individuals.

As faculty is secured and the agenda is developed updates will be provided.

#### **IV. Discussion: CR 26 and Preparing for 2020**

Mary Kay reported that the Supreme Court is supporting a problem solving court-like certification model for pretrial. This certification will go beyond the minimum standard for Criminal Rule 26 and provide a framework for counties interested in implementing evidence-based pretrial practices and system reform. Similar to the problem solving court model, implementation of pretrial certification will require drafting and adoption of rules, which incorporate standards and best practices in pretrial services, and certification will be voluntary and come with the potential for technical assistance, funding, etc. The Pretrial Workgroup will be primary in development of the rules and process for pretrial certification.

#### **V. Workplan**

As discussed at the October workgroup meeting, and in the context of the proposed pretrial certification process development, the group began discussing review of and updates to the workplan. There are two major categories of work that need to be addressed in the plan:

- 1. Sustaining and enhancing pilot site activities**
- 2. Expansion of pretrial through professional development and certification**

The existing workplan needs to be reviewed and updated to identify tasks that have been completed and incorporate activities related to these two focus areas. Workgroup members volunteered to participate in the review and updating of the workplan: Madonna Wagoner, Dan Miller, Kathleen Casey, Troy Hatfield, Cindy McCoy, Judge Mark Spitzer, Vicki Becker, and Shelby Bear. Sam Goodson and Mary Kay Hudson from IOCS will participate as well.

This subcommittee will be convened after January 1 to begin reviewing and updating the workplan.

**VI.** Adjourned

**Next Meeting:** TBD