

Probation Committee

Judicial Conference of Indiana

Meeting Minutes

January 14, 2022

The Probation Committee of the Judicial Conference of Indiana met by Zoom video conference on January 14, 2022. Judge James Muehlhausen chaired the meeting.

- 1. Members present.** The following members were present: Andrew Antrim, Angela Davis, Carolyn Foley, Elizabeth Hardtke, Jeffrey Marchal, Sally McLaughlin, Celia Pauli, Mark Smith, Jason Thompson, Randy Williams, and James Muehlhausen (chair).
- 2. Guests.** IOCS Executive Director Mary Kay Hudson and Probation Officers Advisory Board Chair Shannon Chambers attended the meeting as guests.
- 3. Staff present.** Jenny Bauer and Angie Hensley provided staff assistance.
- 4. Approval of minutes.** Carolyn Foley moved to approve the October 2021 meeting minutes and Mark Smith seconded. The motion carried unanimously.
- 5. Probation officer misconduct.** Jenny Bauer reported she discussed the issue of probation officer misconduct with Heather Falks after the October 2021 meeting. Ms. Falks wrote a draft policy and asked for feedback from the Committee. Ms. Bauer distributed the draft policy and noted it is based on the court interpreter code of conduct. She suggested a small group to review the document and answer the questions posed by Ms. Falks. Mary Kay Hudson noted that the Probation Officer Code of Conduct makes disciplinary matters a local issue for the supervising judge. She wants the policy to support the needs of courts without usurping their authority. She suggested the policy could have a process for criminal convictions with a revocation review process and a list of probation officers eligible to hire. James Muehlhausen asked for volunteers to review the policy and make recommendations. Mark Smith, Carolyn Foley, and Jason Thomson volunteered for the subgroup. Ms. Bauer and Ms. Hensley will schedule a video meeting for the group.
- 6. JRAC Report.** Jenny Bauer reported the Justice Reinvestment Advisory Council is scheduled to meet on January 14. The Advisory Council agenda will focus on the legislative session and hear from Rep. Greg Steuerwald. Angie Hensley reported the Local JRAC Workgroup meets on January 19 and is planning for a third training webinar.

7. Probation Officers Advisory Board report. Shannon Chambers reported the Advisory Board will meet on February 15 to continue working on a proposal to increase the minimum probation officer salary schedule. She noted POAB is working with the Probation Officers Professional Association. She also noted it has been 20 years since the Probation Committee amended the salary schedule.

8. Office of Court Services Update. Angie Hensley reported the Justice Services Division is now fully staffed for certification reviews, IOCS is monitoring bills of interest to the judiciary in the Indiana General Assembly, and IOCS grants are now on a calendar year cycle. She also reported the Supreme Court is planning a mental health summit for October 21.

9. 2022 meeting dates. The Committee will meet on the following dates in 2022 (10:30 a.m. Eastern—Zoom video until further notice):

- March 11 (if needed)
- April 8
- July 8
- October 14

Respectfully submitted,

Jenny Bauer
Indiana Office of Court Services

Probation Committee

Judicial Conference of Indiana

Meeting Minutes

April 8, 2022

The Probation Committee of the Judicial Conference of Indiana met by Zoom video conference on April 8, 2022. Judge James Muehlhausen chaired the meeting.

1. **Members present.** The following members were present: Andrew Antrim, Carolyn Foley, Sally McLaughlin, Celia Pauli, Mark Smith, and James Muehlhausen (chair).
2. **Guests.** Probation Officers Advisory Board Chair Shannon Chambers attended the meeting as guests.
3. **Staff present.** Jenny Bauer, Angie Hensley, and Nancy Wever provided staff assistance.
4. **Approval of minutes.** Carolyn Foley moved to approve the January 2022 meeting minutes and Mark Smith seconded. The motion carried unanimously.
5. **Probation officer misconduct.** Jenny Bauer distributed copies of the draft policy prepared by Judge Smith, Magistrate Foley, Jenny Bauer, and Angie Hensley. She reported the draft updates the current probation officer certification revocation policy and adds the policy to the standards. The group also updated the probation officer code of conduct. Local probation departments will be tasked with investigating alleged violations and report to the Probation Committee. The Office of Court Services will send the draft documents to Adrienne Meiring for her review and comment.
6. **Legislative update.** Jenny Bauer reported on the following bills from the 2022 session of the Indiana General Assembly:
 - a) HEA 1004 on department of correction—amends community corrections statutes, allows trial courts to commit Level 6 felons to DOC, and provides partial calendar day included in calculating accrued time and good time credit.
 - b) HEA 1300 on bail—requires charitable bail organizations to register with Department of Insurance.
 - c) HEA 1359 on juvenile matters—requires Judicial Conference to develop statewide juvenile probation standards that are aligned with research-based practices and approve the standards by July 1, 2023. Ms. Bauer reported

IOCS will put together a workgroup that will include judges from the committee.

- d) SEA 9 on electronic monitoring standards—requires JRAC to conduct a review of statutes concerning electronic monitoring and home detention and provide a recommendation on standards to the legislative council by December 1, 2022; deletes current home detention report requirement and creates new reporting requirement through local JRAC's effective January 1, 2023.
- e) SEA 182 on court procedures—requires courts to automatically issue an expungement order under certain conditions.

- 7. **JRAC Report.** Jenny Bauer reported the Justice Reinvestment Advisory Council is scheduled to meet on May 27. The Advisory Council has focused on local JRAC training and resources. The Advisory Council will begin work on items assigned for review by the legislature.
- 8. **Probation Officers Advisory Board report.** Shannon Chambers reported POPAI presented a proposal to increase the minimum probation officer salary schedule. POPAI decided it will not pursue the proposal in 2022 and posted an update on its website. The Advisory Board is scheduled to meet in April.
- 9. **Office of Court Services Update.** Angie Hensley reported the grant applications for problem-solving courts are open until May 6. She also reported IOCS is working with the Division of Mental Health and Addiction on state opioid response grants, the Justice Services Division is conducting in-person certification reviews. In addition, Ms. Hensley reported the Justices Services Conference is May 4-6 and the statewide behavioral health summit is October 21.
- 10. **2022 meeting dates.** The Committee will meet on the following dates in 2022 (10:30 a.m. Eastern—Zoom video until further notice):
 - a) July 8
 - b) October 14

Respectfully submitted,

Jenny Bauer
Indiana Office of Court Services

Probation Committee

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Meeting Minutes

July 8, 2022

The Probation Committee of the Judicial Conference of Indiana met by Zoom video conference on July 8, 2022. Judge James Muehlhausen chaired the meeting.

1. **Members present.** The following members were present: Andrew Antrim, Elizabeth Hardtke, Carolyn Foley, Sally McLaughlin, Jason Thompson, Jill Wesch, and James Muehlhausen (chair).
2. **Guests.** Probation Officers Advisory Board Chair Shannon Chambers attended the meeting as a guest.
3. **Staff present.** Jenny Bauer provided staff assistance.
4. **Approval of minutes.** Carolyn Foley moved to approve the April 2022 meeting minutes and Sally McLaughlin seconded. The motion carried unanimously.
5. **Probation officer misconduct.** Jenny Bauer reported she sent the draft policy on probation officer misconduct to Adrienne Meiring as requested by the Committee at the April meeting. She stated that Ms. Meiring reviewed the documents and provided comments. Ms. Bauer suggested having the workgroup review her comments and make edits to the document. The Committee requested that the workgroup review the comments and make appropriate edits for the October meeting.
6. **JRAC Report.** Ms. Bauer reported the Justice Reinvestment Advisory Council met on June 3 and is scheduled to meet next on July 29. The Advisory Council is putting together a workgroup to work on items assigned for review by the legislature. HEA 1075 directed the Advisory Council to review and make recommendations on community corrections advisory board membership by November 1. SEA 9 directed the Advisory Council to review and make recommendations on electronic monitoring/home detention statutes by December 1. The JRAC legislative workgroup will begin meeting soon.
7. **Legislative update—HEA 1359.** Ms. Bauer reported that HEA 1359 on juvenile matters created the Youth Justice Oversight Committee. Justice David was appointed as

chair of the Oversight Committee and Magistrate Foley and Shannon Chambers were appointed as members. The Oversight Committee held an organizational meeting on June 29. Ms. Bauer also reported that HEA 1359 requires the Judicial Conference to develop statewide juvenile probation standards that are aligned with research-based practices and approve the standards by July 1, 2023. This work will be done with a multi-disciplinary workgroup under the Probation Committee. IOCS recommends appointing Carolyn Foley as chair of the chair of the workgroup. Ms. Bauer will work with Judge Muehlhausen and Magistrate Foley on membership for the workgroup. The IOCS Family and Children Division will staff the workgroup, with meetings scheduled to begin in late August or early September. Shannon Chambers reported that she is co-chair of the Youth Justice Oversight Committee's admissions and screening workgroup.

8. **Probation Officers Advisory Board report.** Ms. Chambers reported the Probation Officers Advisory Board is scheduled to meet on July 12. The Advisory Board's Supervision Committee met in June to discuss the fingerprinting pilot. The Education Committee is reviewing on-demand learning modules created during the height of the Covid-19 pandemic and plans to update the modules if necessary. Ms. Chambers also reported that POPAI revised its salary schedule proposal and sent to POAB for review.
9. **Office of Court Services Update.** Ms. Bauer reported the following: IOCS is working on plans for the statewide behavioral health summit on October 21; technical assistance is available for local JRAC groups; the week of July 17 is national pretrial, probation, and parole supervision week; and Mark Smith recorded a presentation on recent community supervision-related cases and legislation that will post to the Indiana Court Education Network.
10. **2022 meeting dates.** The Committee's final meeting of 2022 is schedule for October 14 at 10:30 a.m. Eastern by Zoom video.

Respectfully submitted,

Jenny Bauer
Indiana Office of Court Services

Probation Committee

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Meeting Minutes

October 14, 2022

The Probation Committee of the Judicial Conference of Indiana met by Zoom video conference on October 14, 2022, from 10:30 a.m. to 11:30 a.m. Magistrate Carolyn Foley chaired the meeting on behalf of Judge James Muehlhausen.

1. **Members present.** The following members were present: Andrew Antrim, Angela Davis, Carolyn Foley, Celia Pauli, Mark Smith, Jason Thompson, and Jill Wesch.
2. **Guests.** Probation Officers Advisory Board Chair Shannon Chambers attended the meeting as a guest.
3. **Staff present.** Jenny Bauer, Nancy Wever, and Mary Kay Hudson provided staff assistance.
4. **Approval of minutes.** The July 2022 meeting minutes were approved on motion and second by Angela Davis and Mark Smith.
5. **Probation officer misconduct.** Jenny Bauer reported the workgroup met in September to review Adrienne Meiring's comments and incorporate her feedback into the document. The recent amendments would require Judges and Chief Probation Officers to report probation officer violations of the Code of Conduct to the Probation Committee for review of certification. Ms. Bauer also reported that she received an email recently that raised the possibility that this approach may be too broad and turn the committee into a "disciplinary commission for probation officers". The email reported that a probation department had disciplined an officer for conduct at an off-site conference. The judge disciplined the officer and the matter did not rise to the level of termination. Ms. Bauer stated she and Mary Kay Hudson think a less onerous approach may be for the judge to request review of a PO certification if the judge believes misconduct rises to that level of revocation. This would greatly reduce the number of issues being reported to the committee for review. Ms. Bauer also reported that Judge Muehlhausen would like the workgroup to continue working on the amendments with this in mind. The Committee discussed returning to the narrow focus originally intended with the amendment. The Committee requested feedback from the Probation Officers Advisory Board and will create a reporting form to go along with the amendment.

6. **JRAC Report.** Ms. Bauer reported the Justice Reinvestment Advisory Council met on September 23rd. The reports workgroup is reviewing electronic monitoring standards and membership of community corrections advisory boards as directed by the legislature. The community corrections board membership report is due to the legislative council by November 1 and the electronic monitoring report is due by December 1. The next JRAC meeting is scheduled for October 28th.
7. **Juvenile Probation Standards Workgroup.** Magistrate Foley presented an overview of HEA 1359 and reported that the workgroup has ten members and organized into three subcommittees. The standards drafted by the workgroup must be approved by the Judicial Conference Board of Directors before July 1, 2023. Mary Kay Hudson reported that the Board will add a meeting between March and July for the purpose of approving the standards. Ms. Hudson also reported that she co-chairs the Youth Oversight Committee's data workgroup. She said all workgroups need to make informed decisions and some areas may be appropriate for further study. Ms. Hudson suggested that the Committee provide an outline of the workgroup's work to the Board at the December meeting and request feedback.
8. **Probation Officer Salaries.** Jenny Bauer reported that Judge Muehlhausen talked recently with POPAI president Troy Hatfield about the group's interest in making several increases to the PO Minimum Salary Schedule (higher starting level and additional experience level at the top). Judge Muehlhausen is interested in the Committee's thoughts on whether he should request guidance from the Judicial Conference Board of Directors on whether to study the fiscal impact of an increase to the schedule and possibly pursue changes. Mary Kay Hudson reported that the association of Indiana Counties informed her that Rep. Prescott may write a bill related to probation salaries for the 2023 legislative session. Shannon Chambers reported that the Probation Officers Advisory Board supports requesting guidance from the Board of Directors.
9. **Probation Officers Advisory Board report.** Shannon Chambers reported the Probation Officers Advisory Board is scheduled to meet in July. The Board heard reports on the Static/Stable assessment tool for sex offenders, the POPAI salary schedule proposal, and the Juvenile Detention Alternative Initiative. The Board also discussed problem-solving court transfers and making presentence reports viewable for supervisors while the report is in progress.
10. **Office of Court Services Update.** Ms. Bauer reported that JDAI held their inter-site conference last week in French Lick. Nancy Wever reported that 23 youth attended the conference to participate in panel presentations and community group conversations. Ms. Bauer also reported that problem-solving grants open in December, the Supreme Court's Mental Health Summit is scheduled for October 21 at the Indiana Convention

Center, and Court Services staff are busy working with the Youth Oversight Committee and the YOC subcommittees.

11. 2023 meeting dates. Jenny Bauer reported that she will send out the 2023 meeting dates as soon as the dates are set by Judge Muehlhausen.

Respectfully submitted,

Jenny Bauer
Indiana Office of Court Services