

**Probation Committee
Judicial Conference of Indiana**

**Minutes
January 25, 2019**

The Probation Committee of the Judicial Conference of Indiana met by teleconference on January 25, 2019.

1. **Members present.** The following members were present: Daniel Banina, Carolyn Foley, Lance Hamner, Elizabeth Hardtke, Amy Jones, Jeffrey Marchal, Patrick Miller, James Muelhausen, Lori Quillen, Kevin Wallace, Linda Wolf, and Kenton Kiracofe (chair).
2. **Staff present.** Jenny Bauer, Michelle Goodman, and Angie Hensley provided staff assistance.
3. **Approval of minutes.** The minutes from the October 2018 meeting were approved.
4. **Probation Exam and Study Guide.** Jenny Bauer and Angie Hensley reported that the new probation officer exam format was approved by the Judicial Conference Board of Directors on December 13, 2018. Office of Court Services staff discovered some issues with the study guide after the October meeting. The issues have been resolved and IOCS will post the study guide and announce the new exam to chief probation officers in an email next week.
5. **E-filing by probation departments.** Jenny Bauer reported that she discussed the issue of probation department's e-filing with Mary DePrez, Director of Trial Court Technology. Trial Court Technology distributed 335 scanners to requesting probation departments at the beginning of the year, which will make e-filing more accessible. Ms. Bauer distributed a spreadsheet that shows which probation departments received scanners. The committee members discussed the idea of mandatory e-filing for probation departments. Judge Muehlhausen made a motion to support mandatory e-filing by probation departments. The motion was seconded by Magistrate Foley and passed 10-1. Ms. Bauer reported that she would relay the committee's support to Ms. DePrez.
6. **Legislative Update.** Jenny Bauer and Michelle Goodman reported that there several bills of interest in the 2019 General Assembly. They highlighted SB 207, SB 319, SB 474, HB 1189, HB 1539, HB 1078, and HB 1080. The 2019 session is a budget year, so the session will last into April.
7. **Martin v. State transfer denial.** Jenny Bauer reported that Chief Justice Rush recently wrote a dissent to the denial of transfer in Martin v. State. She explained that the chief

justice was concerned about probation violations based on a person's poverty. The committee discussed the issue of probationers unable to pay the cost of court-ordered treatment and programs and worried about the slippery slope around the issue of costs and fees.

8. **Updates from Indiana Office of Court Services.** Michelle Goodman reported that the Risk Assessment Task Force is working on an inter-rater reliability study. Information related to the study will be sent to judges in the weekly email message from the Supreme Court. Ms. Goodman also reported that the Hot Topics Committee of the Probation Officers Advisory Board has started a review of probation statistics collected by IOCS. Angie Hensley reported that IOCS has partnered with the Probation Officers Professional Association to provide a training on STATIC-99, which is the specialized risk assessment instrument for sex offenders. She also reported that the next pretrial executives training is scheduled for April 2-5 at the Renaissance Hotel in Carmel. The Justice Services Conference is scheduled for August 6-8 and IOCS plans to invite judges who supervise probation departments. In addition, Ms. Hensley reported that IOCS has contracted with Dr. Paula Smith from the University of Cincinnati for phase three of the incentives and sanctions project. IOCS plans to use a screening process for the next phase of implementation and will present to the Evidence-Based Decision Making State Team in February.

9. **2019 meeting dates.** The Probation Committee is scheduled to meet on the following dates in 2019 (all meetings at 10:30 a.m.):

February 22
March 29 (by phone)
May 17
July 19
October 25

Respectfully submitted,

Jenny Bauer
Staff Attorney
Indiana Office of Court Services

**Probation Committee
Judicial Conference of Indiana**

**Minutes
February 22, 2019**

The Probation Committee of the Judicial Conference of Indiana met by teleconference on February 22, 2019.

1. **Members present.** The following members were present: Daniel Banina, Carolyn Foley, Lance Hamner, Elizabeth Hardtke, Amy Jones, Jeffrey Marchal, Patrick Miller, James Muelhausen, Lori Quillen, Randy Williams, Linda Wolf, and Kenton Kiracofe (chair).
2. **Staff present.** Jenny Bauer and Angie Hensley provided staff assistance.
3. **Approval of minutes.** The minutes from the January 2019 meeting were approved.
4. **Legislative Update.** Jenny Bauer reported that the Senate Corrections and Criminal Law Committee recently heard SB 486 on criminal law issues. The bill was amended to allow judges to order probation for up to 2 years in misdemeanor cases when the use or abuse of drugs or alcohol was a part of the offense, without a report that substantiates the need for the longer term of probation. Judge Banina noted that the bill also removes a provision that makes the violation of a home detention order the crime of escape.
5. **Sex Offender Conditions.** Jenny Bauer reported that a recent Indiana Court of Appeals case takes issue with paragraph 12 of the recommended sex adult sex offender conditions. In Kelp v. State (February 14, 2019), the Court found that the condition which prohibited visiting “businesses that sell sexual aids” was overbroad because it could extend to drug stores. The committee discussed possible ways to fix the condition and will continuing working on new language for the next meeting.
6. **Updates from Indiana Office of Court Services.** Angie Hensley reported that the new probation officer exam launches on April 4th. Dr. Jody Sundt from the IU School of Public and Environmental Affairs will begin working on validation after the test starts. Ms. Hensley also reported that IOCS will soon begin using distance learning modules and plans to distribute the survey on incentives and sanctions in Spring.
7. **Next meeting date.** The Committee is scheduled to meet on March 29 by phone.

Respectfully submitted,

Jenny Bauer
Staff Attorney
Indiana Office of Court Services

**Probation Committee
Judicial Conference of Indiana**

**Minutes
March 29, 2019**

The Probation Committee of the Judicial Conference of Indiana met by teleconference on March 29, 2019.

1. **Members present.** The following members were present: Daniel Banina, Carolyn Foley, Lance Hamner, Elizabeth Hardtke, Amy Jones, Jeffrey Marchal, Patrick Miller, James Muelhausen, Kevin Wallace, Randy Williams, Linda Wolf, and Kenton Kiracofe (chair).
2. **Staff present.** Jenny Bauer and Angie Hensley provided staff assistance.
3. **Approval of minutes.** The minutes from the February 2019 meeting were approved.
4. **Legislative Update.** Jenny Bauer reported that SB 486 on criminal law issues passed out of the Senate and was assigned to the House Courts and Criminal Law Committee. The House sponsor for the bill is Representative Greg Steuerwald. The bill has not been scheduled for a hearing in the committee.
5. **Revisions to Sex Offender Conditions.** Judge Kiracofe reported that he and Jenny Bauer worked on revised language for sex offender condition #12. The committee reviewed the draft language and Judge Kiracofe explained the revisions. The committee discussed the revisions and made edits—new #14 was deleted and “shall not access internet webpages or computer applications where the purpose is to solicit sexual encounters” was added to the end of new #13. Judge Wallace made a motion to approve the proposed new language for sex offender conditions #12 and #13 and Judge Muelhausen seconded the motion. The committee approved the motion unanimously. Judge Kiracofe will present the proposed revisions to the Judicial Conference Board of Directors at the May 1st meeting.
6. **Minimum standards for incentives and sanctions.** Jenny Bauer reported that the proposed minimum standards for probation incentives and sanctions have been finalized and are ready for approval by the committee. She reported that the following groups reviewed and helped with revisions to the document: Probation Officers Advisory Board, Probation Officers Professional Association of Indiana, Risk Reduction Workgroup of Evidence Based Decision Making State Team, and Dr. Paula Smith of the University of Cincinnati Research Institute. Judge Hamner made a motion to approve the proposed minimum standards and Magistrate Foley seconded the motion. The committee approved the motion unanimously. Judge Kiracofe will present the proposed revisions to the Judicial Conference Board of Directors at the May 1st meeting.
7. **New probation officer exam update.** Angie Hensley reported that IOCS is conducting internal testing on the new probation officer exam related to timing and functionality. The new laptops for the exam arrived and are being programmed so that the internet search

function is not available during testing. The first exam using the new format is April 4th, with sixteen people registered to take the exam. IOCS will send the exam results to Dr. Jody Sundt at IUPUI for determination of passing grades based on plus or minus two standard deviations from the average score.

8. **Updates from Indiana Office of Court Services.** Angie Hensley reported that the next orientation for new probation officers is scheduled for April 8-10 at the Indiana Government Center South. The online module for ethics is ready and includes a test on comprehension. New staff will get accounts in the learning management system. Ms. Hensley also reported that the Justice Service Conference is scheduled for August 6-8 at the Indiana Convention Center in downtown Indianapolis.

9. **Next meeting date.** The next committee meeting is scheduled for May 17 at the Office of Court Services.

Respectfully submitted,

Jenny Bauer
Staff Attorney
Indiana Office of Court Services

**Probation Committee
Judicial Conference of Indiana**

**Minutes
May 17, 2019**

The Probation Committee of the Judicial Conference of Indiana met at the Office of Court Services on May 17, 2019.

1. **Members present.** The following members were present: Daniel Banina, Carolyn Foley, Jeffrey Marchal, Patrick Miller, James Muelhausen, Lori Quillen, Randy Williams, Linda Wolf, and Kenton Kiracofe (chair).
2. **Staff present.** Jenny Bauer and Angie Hensley provided staff assistance.
3. **Approval of minutes.** The minutes from the March 2019 meeting were approved.
4. **Legislative Update.** Jenny Bauer reported that the 2019 session of the Indiana General Assembly ended April 29th. She highlighted the following bills: SEA 258 on sex offender employment and residence; SEA 474 on probation and parole for animal abusers; HEA 1065 on regional holding facilities; and HEA 1078 on commitment of Level 6 offenders to DOC. Ms. Bauer stated that SEA 258 requires a court to inform an offender against children of the residency restrictions in IC 35-42-4-11(c)(1) as a condition of probation. The new statute also allows a court to prohibit a sexually violent predator or an offender against children from having unsupervised contact or contact. If the court finds it is in the best interests of the child, the court may prohibit the sex offender from having contact with his or her own child. Ms. Bauer informed the committee members that these new statutory provisions will likely require more revisions to the recommended adult sex offender probation conditions. She will draft the revisions and circulate to the committee by email. Ms. Bauer also stated that HEA 1065 also requires the Justice Reinvestment Advisory Council to review bail reform and pretrial issues and submit a report to the General Assembly by December 1st. JRAC will likely work with the EBDM Pretrial Committee on this review.
5. **New probation officer exam update.** Angie Hensley reported that IOCS administered the new exam in April and May on new laptops. The exam process has been smooth so far and all test-takers have passed the exam. IOCS is working with Dr. Jody Sundt on validation of the exam. Ms. Hensley also stated that test-takers like getting the exam results in just a few days.
6. **Updates from Indiana Office of Court Services.** Angie Hensley reported that IOCS will conduct case reviews with selected counties to analyze and determine the successful and unsuccessful elements of a person's probation supervision. This is intended to inform improvements and promote the use of evidence-based practices in supervision. Ms. Hensley also reported that IOCS has extra projectors and will offer a grant application

opportunity for courts to receive one of the projectors. In addition, Ms. Hensley reported that the EBDM Risk Reduction Committee is working on the issue of prosecutor diversion.

7. **Thanks to retiring members.** Judge Kiracofe reported that his term on the committee ends July 1st and the following members will also complete their terms then: Kit Crane, Lance Hamner, and Amy Jones. He thanked the members for their work on behalf of the committee and wished the remaining members well.

8. **Next meeting date.** The next committee meeting is scheduled for July 19 by conference call.

Respectfully submitted,

Jenny Bauer
Staff Attorney
Indiana Office of Court Services

**Probation Committee
Judicial Conference of Indiana**

**Minutes
July 19, 2019**

The Probation Committee of the Judicial Conference of Indiana met by teleconference on July 19, 2019.

1. **Members present.** The following members were present: Daniel Banina, Tom Felts, Elizabeth Hardtke, Jeffrey Marchal, Patrick Miller, Jill Wesch, Randy Williams, Linda Wolf, and Lori Quillen (chair).
2. **Staff present.** Jenny Bauer and Angie Hensley provided staff assistance.
3. **Approval of minutes.** The minutes from the May 2019 meeting were approved.
4. **New probation officer exam update.** Angie Hensley reported that IOCS has administered the new exam monthly since April. The pass-rate is high, with most takers scoring around 70% and only one test failure so far. Dr. Jody Sundt is working on validation of the exam.
5. **Revisions to adult sex offender conditions.** Jenny Bauer reported that SEA 258 makes several statutory changes related to offenders against children and sexually violent predators. She distributed a handout with proposed revisions based on the language from SEA 258 and reported that the proposed new conditions from Sections 3 and 4 of the bill are not statutorily required conditions of probation, but put offenders on notice that the behavior is a level 6 felony for sexually violent predators and offenders against children. Tom Felts made a motion to approve the proposed revisions to the Indiana Special Probation Conditions for Adult Sex Offenders and Linda Wolf seconded the motion. The motion was approved unanimously. Lori Quillen stated that she will present the proposed changes at the September meeting of the Judicial Conference Board of Directors.
6. **Updates from Indiana Office of Court Services.** Angie Hensley reported that IOCS selected 9 counties for the next phase of the incentives and sanctions project. The Justice Services Conference is August 6-8 at the Indiana Convention Center and new probation officer orientation is October 8-10.
7. **Next meeting date.** The next committee meeting is scheduled for September 19 at 4:15 p.m. in French Lick in conjunction with the Annual Meeting of the Judicial Conference.

Respectfully submitted,

Jenny Bauer
Staff Attorney
Indiana Office of Court Services

**Probation Committee
Judicial Conference of Indiana**

**Minutes
September 19, 2019**

The Probation Committee of the Judicial Conference of Indiana met at the French Lick Conference Center on September 19, 2019.

1. **Members present.** The following members were present: Daniel Banina, Angela Davis, Tom Felts, Carolyn Foley, Elizabeth Hardtke, Patrick Miller, James Muelhausen, Jill Wesch, Randy Williams, Linda Wolf, and Lori Quillen (chair).
2. **Staff present.** Jenny Bauer, Angie Hensley, Michelle Goodman, and Nancy Wever provided staff assistance.
3. **Approval of minutes.** The minutes from the July 2019 meeting were approved.
4. **New probation officer exam update.** Angie Hensley reported that IOCS has administered the new exam monthly since April. There have been 75 testers so far and the average score is around 70%. Dr. Jody Sundt is working on validation of the exam and the cut-off for a passing score.
5. **Revisions to adult sex offender conditions.** Lori Quillen reported that she presented the committee's proposed changes to the adult sex offender conditions at the September 18th meeting of the Judicial Conference Board of Directors. The Board unanimously approved the recommended revisions. IOCS will post the revised conditions to the website and send to judicial officers in the next weekly update.
6. **Updates from Indiana Office of Court Services.** Angie Hensley reported that the IOCS Pretrial Summit is scheduled for October 4th. She also reported that IOCS is accepting grant applications for problem-solving courts. Jenny Bauer distributed a handout and reported that DCS has recommended changes to the Indiana Probation Standards and the preliminary inquiry and predisposition report modification instructions. The changes are from the DCS program improvement plan approved by the federal Children's Bureau. She also reported that the revisions were approved by the Probation Officers Advisory Board in July and will be considered by the Juvenile Justice Improvement Committee in October. The language will be ready for the committee to review at the October 25 meeting.
7. **Next meeting date.** The next committee meeting is scheduled for October 25.

Respectfully submitted,

Jenny Bauer
Staff Attorney
Indiana Office of Court Services