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2005 INDIANA JUDICIAL SERVICE REPORT



2005
PROBATION REPORT

2005 INDIANA PROBATION REPORT

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Introduction

The 2005 Indiana Probation Report

The 2005 Indiana Probation Report represents an annual compilation of workload data and an overview of funds expended on probation personnel. It is prepared by the Division pursuant to Administrative Rule 1(C) of the Indiana Rules of Court and I. C. § 11-13-1-4. The Division published the first Indiana Probation Report in 1981, when the statutory duty was created.

Probation Services

Probation services in Indiana fall within the supervisory authority of the judiciary; the probationer remains under the sentencing court's jurisdiction until completion of the term of probation. By contrast, parole services are part of the Department of Correction, an executive branch agency.

The Judicial Conference of Indiana, through recommendations of the Judges' Probation Committee and the Probation Officers' Advisory Board, sets guidelines, standards for qualification, and governing policies for probation officers. The Judicial Conference of Indiana prescribes minimum standards for compensation, serves as Compact Administrator of the Interstate Compact and oversees the training and education of probation officers by the Indiana Judicial Center.

Probation officers are trial court employees and are subject to the appointment and supervisory power of the courts that they serve. The organization of probation departments

and their related services reflects the diverse nature of Indiana's local court structures.

In 1988, the Indiana General Assembly authorized the use of home detention, with or without electronic monitoring, as a condition of probation. Home detention programs are operated by both probation departments and community corrections agencies.

As of September 30, 2005, thirty-one probation departments were supervising adult probationers and juvenile probationers through home detention, either with or without electronic monitoring. These departments collected \$1,730,089.25 in home detention user fees between October 1, 2004 and September 30, 2005. These fees are charged in addition to probation user fees. Community Correction agencies collected over \$10,419,673.63 from individuals being electronically monitored on home detention.

Home detention supervisions are counted as "Other" supervisions for purposes of this report and are included in the aggregate supervisions reflected herein. A detailed report on Indiana's home detention program is available from the Indiana Judicial Center.

By statute, the Judicial Conference of Indiana administers the Interstate Compact for the transfer of adult and juvenile probationers in and out of Indiana and serves as the intermediary

for the return of juvenile runaways, absconders, and escapees. From July 1, 2004 to June 30, 2005, 1,669 probationers transferred into Indiana and 1,687 probationers transferred out of Indiana under the Interstate Compact.¹

Funding of Probation Services

Probation services, similar to most other trial court operations, are supported almost entirely through local expenditures. Many counties fund probation functions through the budgets of the trial courts. In the more populous counties, the probation office often submits a separate budget to the local funding authority. Some of the probation costs, which may be defrayed by the collection of adult and juvenile probation user fees set by statute, are paid to the probation departments and are used for probation services. Counties that have established and maintain juvenile detention facilities reflect this substantial expenditure as a probation expense.

Because many counties do not have a separate probation budget, non-personnel expenditures are absorbed within the court's expenditures, making it impossible to derive a complete picture of all probation-related expenditures. This report does include probation personnel positions, a range of compensation, and such other probation expenditures as the probation departments have reported.

Fiscal Data

The 2005 data collected on the Annual Operations Report, indicates that county trial courts could identify \$55,508,328

spent on salaries of probation officers and probation office staff. The salary expenditures of the city and town court probation departments were an additional \$1,669,186. This represents approximately 29 percent of all expenditures on the operation of the courts. This amount, however, was offset by the collection of adult and juvenile probation user fees. In 2005, \$18,876,499 was collected statewide in adult probation user fees and \$2,185,224 in juvenile user fees, for a total of \$21,061,723. These revenues also represent a 9.4 percent increase from the previous year.

Many probationers are ordered to pay restitution as a condition of probation. These funds are usually collected and distributed to the appropriate recipient by the clerk's office or the probation department. In 2005, probationers paid \$7,669,948 for distribution to aggrieved parties.

Summary of 2005 Caseload Data

The probation caseload information presented in this report was submitted to the Division on a quarterly basis. It reflects the number of adult and juvenile supervisions pending at the beginning and end of the year, the number received and the number of supervisions closed during the reporting year.

Beginning in 1996, Indiana's probation departments began mandatory use of a probation classification and workload measures system. Thus, probationers are assigned to supervision based on the relative risk of committing a new offense while on probation. The statistical information reflects the

¹ Information provided by the Judicial Conference of Indiana 2005 Agency Report.

relative risk levels of probationers on supervision as of December 31, 2005. The report also reflects data on the manner of disposition concluding the supervision. The juvenile data provides information on the total number of juvenile referrals, preliminary inquiries, and predisposition reports.

Despite the fact that the number of new felony supervisions increased in 2005, the overall number of new probation supervisions received during 2005 decreased. New felony supervisions received during 2005 increased by 1,375, a rise of 4.4 percent over last year. Misdemeanor supervisions decreased by 1,494, down 2.2 percent, and juvenile supervisions went down by 473, a decrease of 2 percent. The overall number of new supervisions decreased by 592. In the adult category, 98,995 persons were placed on probation during the reporting year, a number that could have resulted in

increased inmate population in the Department of Correction absent the probation system.

While the number of new supervisions received in 2005 is less than were received in 2004, the total number of supervisions pending at the end of the year is up from 2004. At the end of 2005, Indiana probation departments were supervising 145,789 adults and juveniles, up 1.3 percent from the previous year.

During 2005, there were approximately 1,169 professional probation officers and approximately 558 other employees providing probation services throughout Indiana.

The information compiled in this report would not be possible without the cooperation and contribution of the probation officers and their staff.

Probation Report Definitions

The following definitions will be used throughout the 2005 Indiana Probation Report.

Referral - If the local child protection service determines that the best interests of the child require action in the juvenile or criminal court, the local child protection service shall refer the case to the juvenile court under I. C. § 31-34-7 or make a referral to the prosecuting attorney if criminal prosecution is desired (I. C. § 31-33-14-1).

Delinquent or Non-Status Delinquent - A child who has allegedly committed an offense prior to attaining 18 years of age that would be considered an offense if committed by an adult (I. C. § 31-37-1-2).

Status Delinquent - A juvenile who is charged with committing an act that would not be considered a crime if committed by an adult, such as truancy, incorrigibility, violations of curfew, and violations of I. C. § 7.1-5-7 (minors and alcoholic beverages) (I. C. § 31-37-2-2 – I. C. § 31-37-2-6).

CHINS (Child in Need of Services) - Cases in which a child is alleged to be “in need of services” because the child's physical or mental condition is seriously impaired or endangered due to the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision (I. C. § 31-34-1-1).

Post-Sentence Supervisions - Persons ordered under supervision after conviction and sentencing.

Shock Probation - Persons ordered under supervision pursuant to I. C. § 35-38-1-17 as a result of early release from initial conviction and sentencing.

Split Sentence Supervisions - Persons ordered under supervision after commitment to the Indiana Department of Correction for a period of time, or commitment to a local facility.

Interstate Accepted - Persons accepted under supervision from other states.

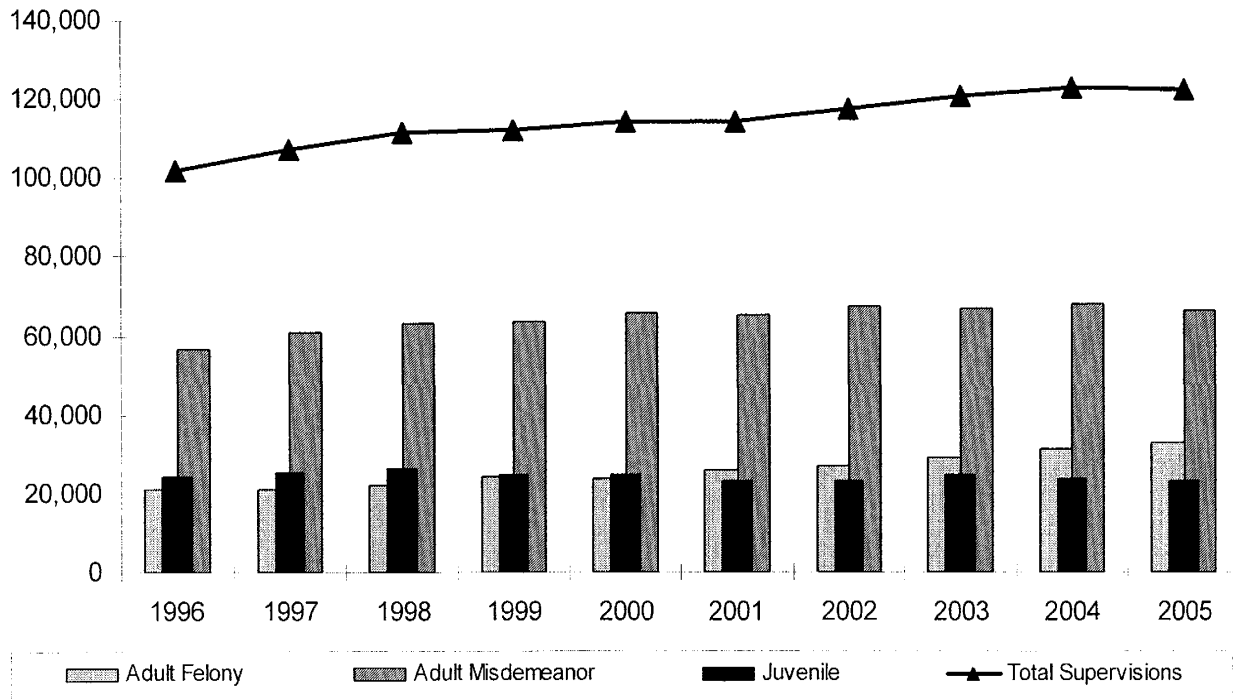
Intrastate Accepted - Persons accepted under supervision from other courts in Indiana.

Supervision in Lieu of Prosecution - Persons ordered under supervision as an alternative to prosecution.

Caseload Comparisons 1996 – 2005

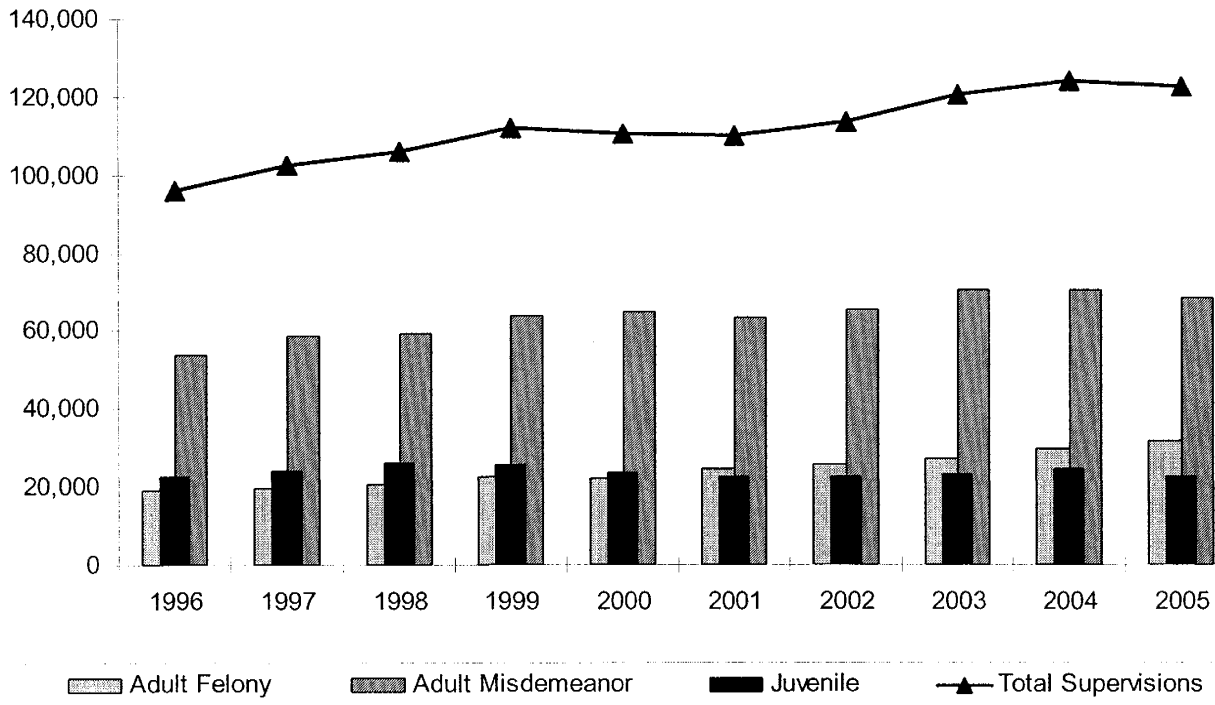
New Supervisions Received and Probation Staff (1996-2005)

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Adult Felony	20,979	20,791	21,944	24,199	23,571	25,624	26,695	29,037	31,263	32,638
Adult Misdemeanor	56,525	60,978	63,099	63,318	65,860	65,221	67,218	66,883	67,851	66,357
Juvenile	24,476	25,508	26,439	24,678	24,652	23,418	23,399	24,651	23,670	23,197
Total Supervisions	101,980	107,277	111,482	112,195	114,083	114,263	117,312	120,571	122,784	122,192
Juvenile Referrals	67,023	65,760	63,860	61,688	58,055	58,087	55,632	59,904	60,431	58,907
Total Probation Staff	1,485	1,550	1,510	1,572	1,636	1,665	1,729	1,752	1,688	1,727



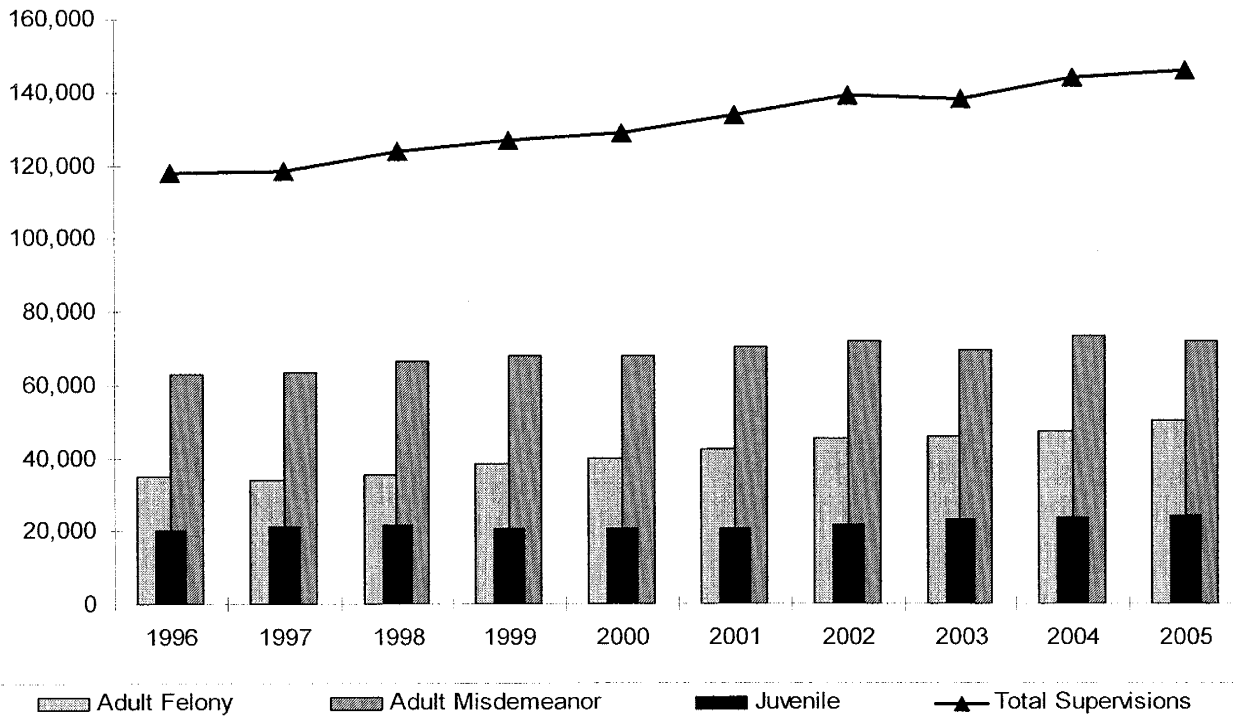
Disposed Matters (1996-2005)

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Adult Felony	19,072	19,650	20,741	22,361	22,297	24,365	25,821	27,175	29,612	31,469
Adult Misdemeanor	53,879	58,594	59,143	63,909	64,532	63,030	64,983	70,149	70,088	68,159
Juvenile	22,730	24,222	25,852	25,469	23,803	22,594	22,714	22,953	24,371	22,603
Total Supervisions	95,681	102,466	105,736	111,739	110,632	109,989	113,518	120,277	124,071	122,231
Juvenile Referrals	64,047	65,363	64,073	60,532	56,729	57,056	57,279	57,766	58,872	59,081



Supervisions Pending as of Dec. 31 of the Reporting Year (1996-2005)

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Adult Felony	34,632	33,976	35,530	38,066	39,747	42,357	45,220	45,787	47,223	49,912
Adult Misdemeanor	62,922	63,099	66,396	67,805	67,926	70,344	71,797	69,246	73,193	71,712
Juvenile	20,126	21,066	21,543	20,642	20,811	20,606	21,676	23,095	23,424	24,165
Total Supervisions	117,680	118,141	123,469	126,513	128,484	133,307	138,693	138,128	143,840	145,789



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2005 Adult Probation

Adult Probation – Tables and Graphs

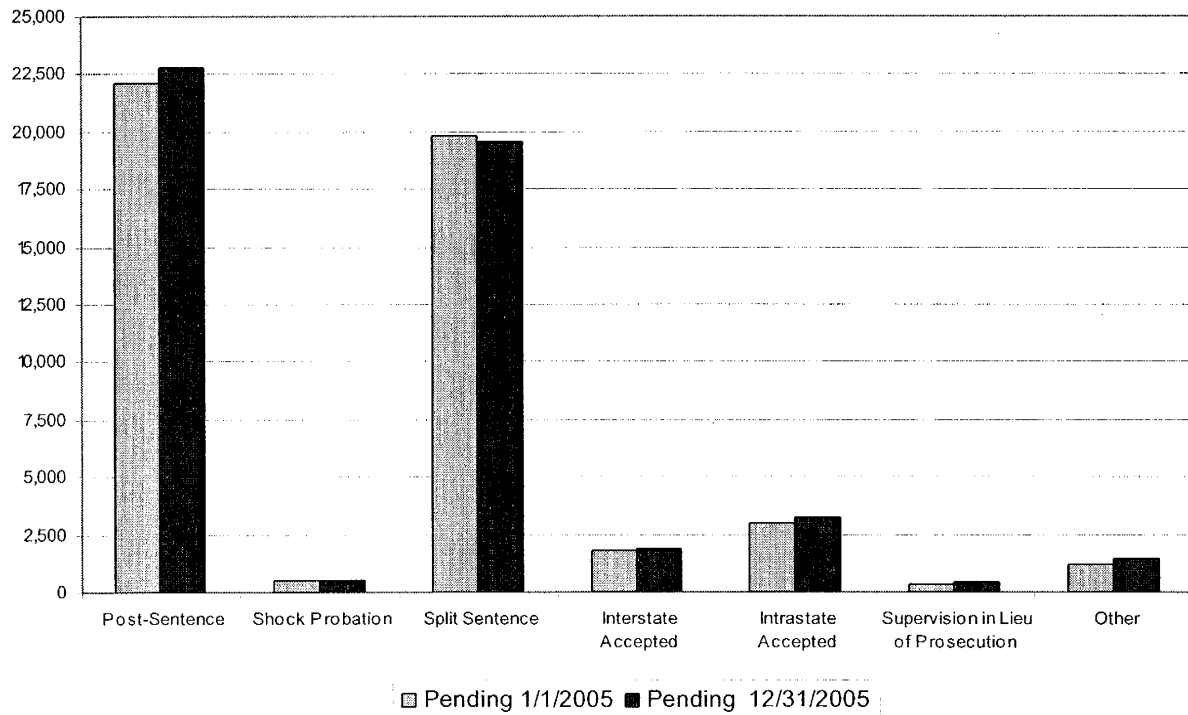
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Adult Probation – Felony and Misdemeanor Statistics

<i>Supervisions Pending as of 1/1/2005</i>	18
<i>Supervisions Received</i>	36
<i>Supervisions – Total Dispositions</i>	54
<i>Supervisions – Type of Dispositions</i>	72
<i>Supervisions Pending as of 12/31/2005</i>	90
<i>Supervision Risk Level cases Pending as of 12/31/2005</i>	108
<i>Presentence Investigations</i>	121

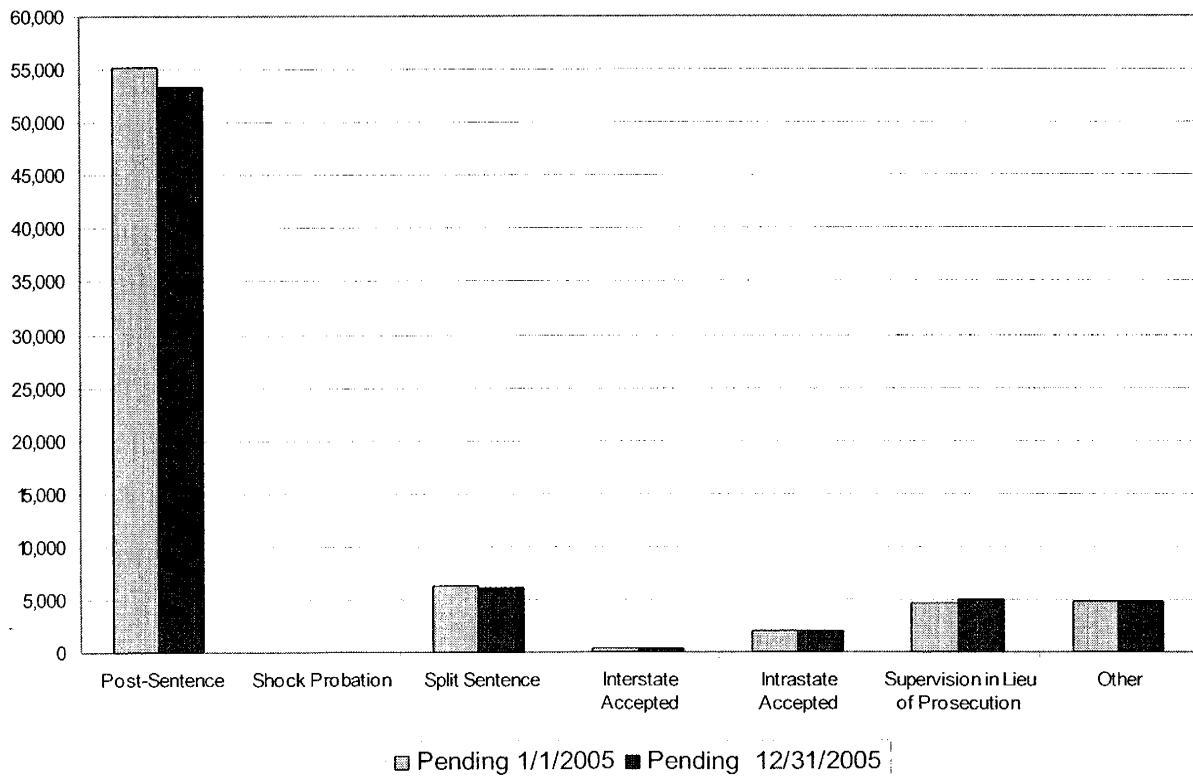
2005 Felony Probation

	Pending 1/1/2005	Received	Disposed	Pending 12/31/2005
Post-Sentence	22,085	16,725	16,022	22,788
Shock Probation	524	201	204	521
Split Sentence	19,838	11,256	11,578	19,516
Interstate Accepted	1,755	864	726	1,893
Intrastate Accepted	2,982	2,190	1,912	3,260
Supervision in Lieu of Prosecution	330	308	176	462
Other	1,229	1,094	851	1,472
TOTAL	48,743	32,638	31,469	49,912



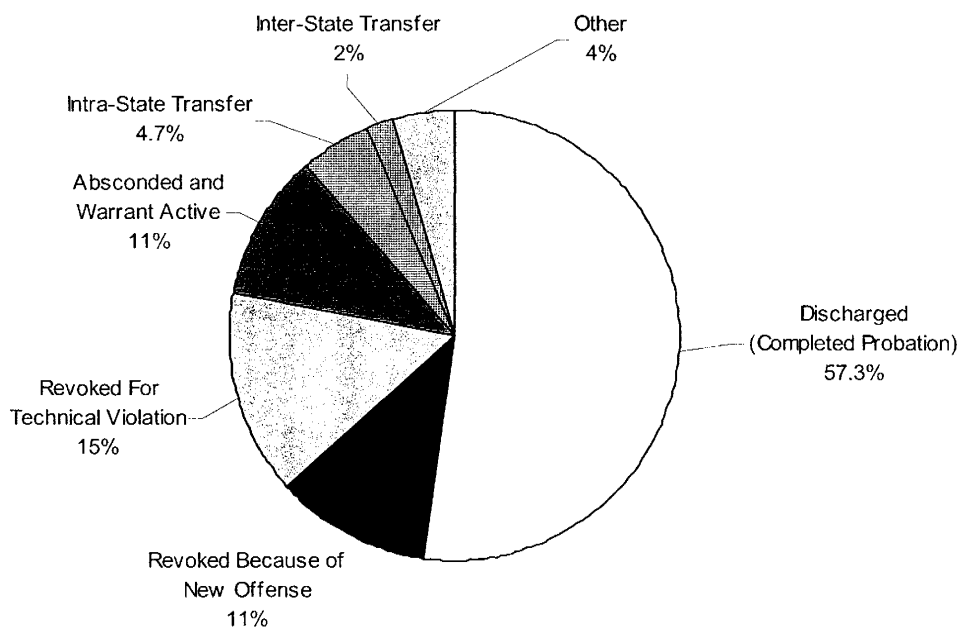
2005 Misdemeanor Probation

	Pending 1/1/2005	Received	Disposed	Pending 12/31/2005
Post-Sentence	55,292	51,308	53,159	53,441
Shock Probation	60	45	14	91
Split Sentence	6,365	5,232	5,438	6,159
Interstate Accepted	376	153	199	330
Intrastate Accepted	2,051	1,947	1,997	2,001
Supervision in Lieu of Prosecution	4,622	4,748	4,425	4,945
Other	4,748	2,924	2,927	4,745
TOTAL	73,514	66,357	68,159	71,712



2005 Type of Dispositions - Felony Supervisions

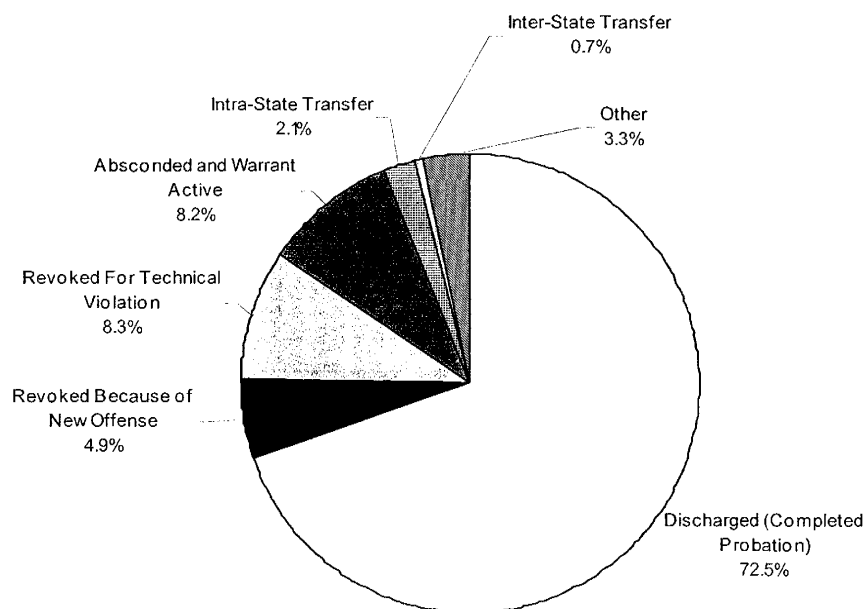
	Felony
Discharged (Completed Probation)	16,414
Revoked Because of New Offense	3,541
Revoked For Technical Violation	4,625
Absconded and Warrant Active	3,335
Intra-State Transfer	1,550
Inter-State Transfer	602
Other	1,402
TOTAL	31,469



**2005
Felony Dispositions**

2005 Type of Dispositions - Misdemeanor Supervisions

	Misdemeanor
Discharged (Completed Probation)	47,522
Revoked Because of New Offense	3,755
Revoked For Technical Violation	6,352
Absconded and Warrant Active	6,330
Intra-State Transfer	1,614
Inter-State Transfer	250
Other	2,336
TOTAL	68,159



2005
Misdemeanor Dispositions