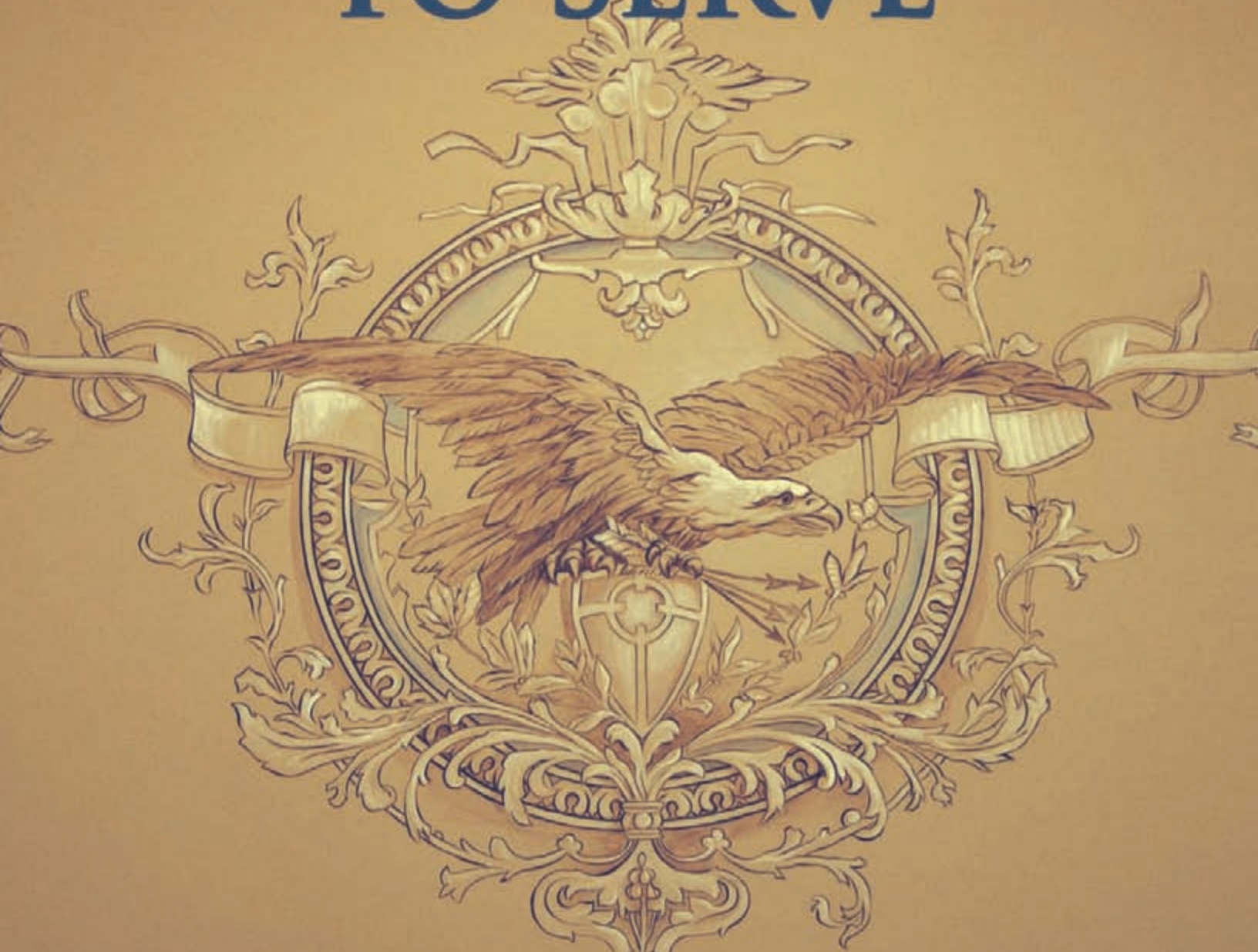


2006 Indiana Judicial Service Report

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Probation Report

2006

Indiana Probation Report



The Supreme Court of Indiana

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The Honorable Brent E. Dickson, Assoc. Justice
The Honorable Frank Sullivan, Jr., Assoc. Justice
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2006 Indiana Probation Report

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Introduction to Indiana Probation Report

The 2006 Indiana Probation Report represents an annual compilation of workload data and an overview of funds expended on probation services in Indiana. The report is published by the Supreme Court Division of State Court Administration 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.

The Organization and Structure of Probation Services in Indiana

Probation services in Indiana fall within the jurisdiction 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.

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. Although many courts have unified their probation services within the county, because of the stand-alone nature of Indiana's trial courts, a number of Indiana counties still have several probation departments within the county, each working for a different court.

The Judicial Conference of Indiana, chaired by the Chief Justice, sets guidelines and standards for the qualification, provides training, administers licensing tests and certifies probation officers. By statute, the Conference is also authorized to set minimum compensation schedules for probation officers. In addition, the Conference sets certain policies such as risk assessment requirements for probationers.

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, 2005 to June 30, 2006, 1,441 probationers transferred into Indiana and 2,339 probationers transferred out of Indiana under the Interstate Compact.¹

Home Detention

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

As of September 30, 2006, thirty-one (31) probation departments were supervising adult probationers and juvenile probationers through home detention, either with or without electronic monitoring. These departments collected \$1,604,968 in home detention user fees between October 1, 2005 and September 30, 2006. These fees are charged in addition to probation user fees. Community Correction agencies collected over \$11,329,087 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.

Funding of Probation Services

As with other trial court operations, local county revenues, derived primarily through property taxes, fund probation services. Depending on the size of the county and budget, many courts include the court's probation functions within the operations budget of the court itself. In the more populous

¹ Information provided by the Judicial Conference of Indiana 2006 Agency Report.

counties where the probation offices are quite sizable, the probation office prepares a separate budget to the local funding authority. Counties that have established and maintain juvenile detention facilities reflect this substantial expenditure as a probation expense.

Probation user fees, adult and juvenile, provide another significant funding source for probation services. The user fees are paid by probationers as part of the conditions of probation and may be used by the courts to provide probation services. 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.

Probation officers and staffs constitute the largest segment of trial court personnel in Indiana. During 2006, there were approximately 1,215 professional probation officers and approximately 573 other employees providing probation services throughout Indiana.

Summary of 2006 Caseload Data

The probation caseload information presented in this report was reported to the Division on a quarterly basis. It reflects the number of adult and juvenile supervisions pending at the beginning and end of the calendar year, the number received supervisions and referrals, and the number of supervisions and referrals 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 relative risk levels of probationers on supervision as of December 31, 2006.

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, as well as the juvenile

supervisions.

Despite the fact that the number of new felony supervisions increased in 2006, the overall number of new probation supervisions received during 2006 decreased. New felony supervisions received during 2006 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 2006 is less than were received in 2005, the total number of supervisions pending at the end of the year is up from 2005. At the end of 2006, Indiana probation departments were supervising 145,789 adults and juveniles, up 1.3 percent from the previous year.

Summary of Fiscal Data

The 2006 data indicates that county trial courts spent \$57,410,116 on salaries of probation officers and probation office staff. The salary expenditure by the city and town court probation departments was an additional \$1,953,503. This represents approximately 27% of all expenditures on the operation of the trial courts. This amount, however, was offset by the collection of adult and juvenile probation user fees. In 2006, \$17,326,305 was collected statewide in adult probation user fees and \$2,320,949 in juvenile user fees, for a total of \$19,647,254. These revenues represent a 7% increase from the previous year.

Many probationers are ordered to pay restitution as a condition of probation. These funds are collected and distributed to the appropriate recipient by the clerk's office or the probation department. In 2006, probationers paid \$6,847,502 for distribution to aggrieved parties.

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 2006 Indiana Probation Report.

Referral – A probation department includes in the referral category any allegation of juvenile misconduct, whether it stems from the police, parents, school, commercial businesses, or other adults. Examples of referrals can be police reports of juvenile misconduct, complaints of incorrigibility by a parent, report from a school as to truancy or misconduct, allegation by a neighbor regarding misconduct, or report from a retail store regarding allegations.

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. Generally the post-sentence supervisions represent misdemeanor convictions where the entire sentence is suspended in favor of probation only.

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. This category is used when the supervised person is initially sentenced to the Department of Correction and subsequently, within one year of beginning to serve the sentence, the convicted person is released from the Department of Correction and placed on probation instead, the remaining portion of the sentence being suspended. The court must modify the original sentence in order for the supervision to be counted in this category. The convicted person is considered to have been “scared straight” through a “shock” sentence and then released on probation.

Split-Sentence Supervisions - Persons ordered under supervision after commitment to the Department of Correction for a period of time, or commitment to a local facility. These cases are not counted until the convicted person is released from the institution and is being supervised by the probation department. The category includes any sentence that is a combination of confinement and probation and almost always involves felony convictions rather than misdemeanors, although some misdemeanor convictions will result in split sentences. The key to this category is that the sentence involves a period of commitment in a secure facility, to be followed by probation. The probation component is known at the time of sentencing, rather than determined after sentencing, as in the “Shock Probation” category.

Interstate Accepted - Persons accepted under supervision from other states, through the Interstate Compact.

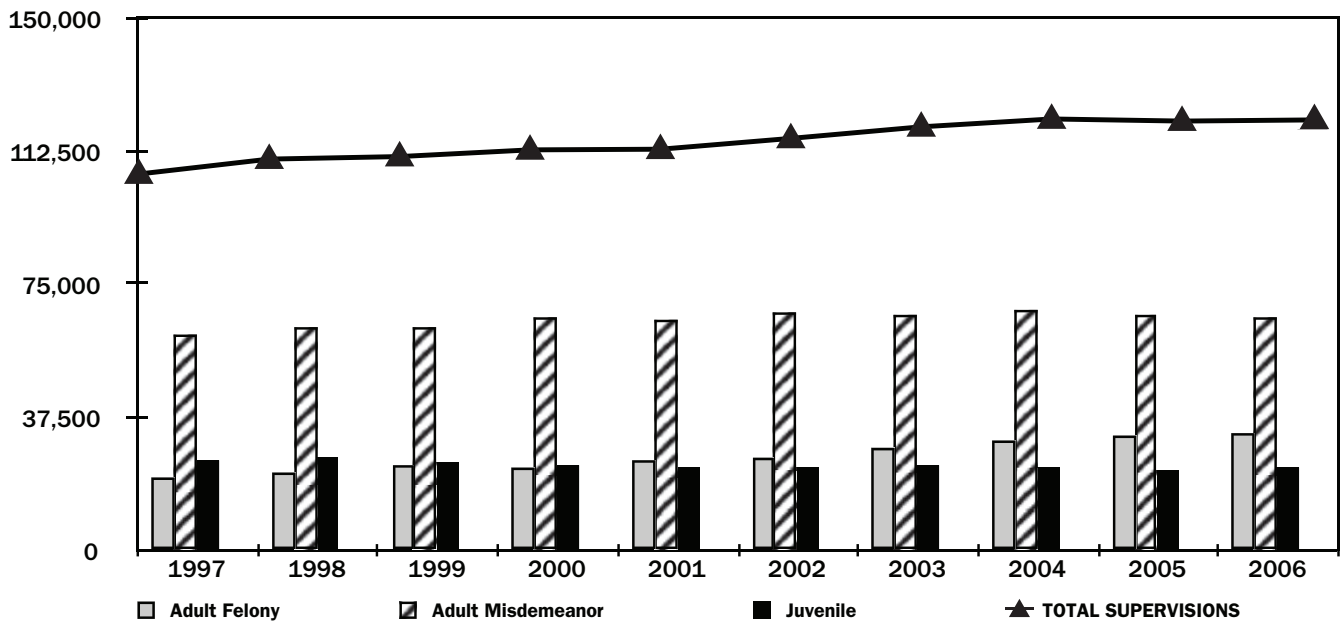
Intrastate Accepted - Persons accepted under supervision from other courts in Indiana.

Supervision in Lieu of Prosecution - Persons ordered under supervision as an alternative to prosecution. If a court determines that probation is a better alternative rather than actual prosecution for a crime (generally misdemeanors), including some sort of court-ordered treatment, the probation department will report the supervision in this category. There must be a court order before a supervision is reported in this category. I.C.§ 12-23-5-1 permits this type of supervision when the court “takes judicial notice of the fact that proper early intervention, medical, advisory or rehabilitative treatment of the defendant is likely to decrease the defendant’s tendency to engage in antisocial behavior.”

Caseload Comparisons 1997 - 2006

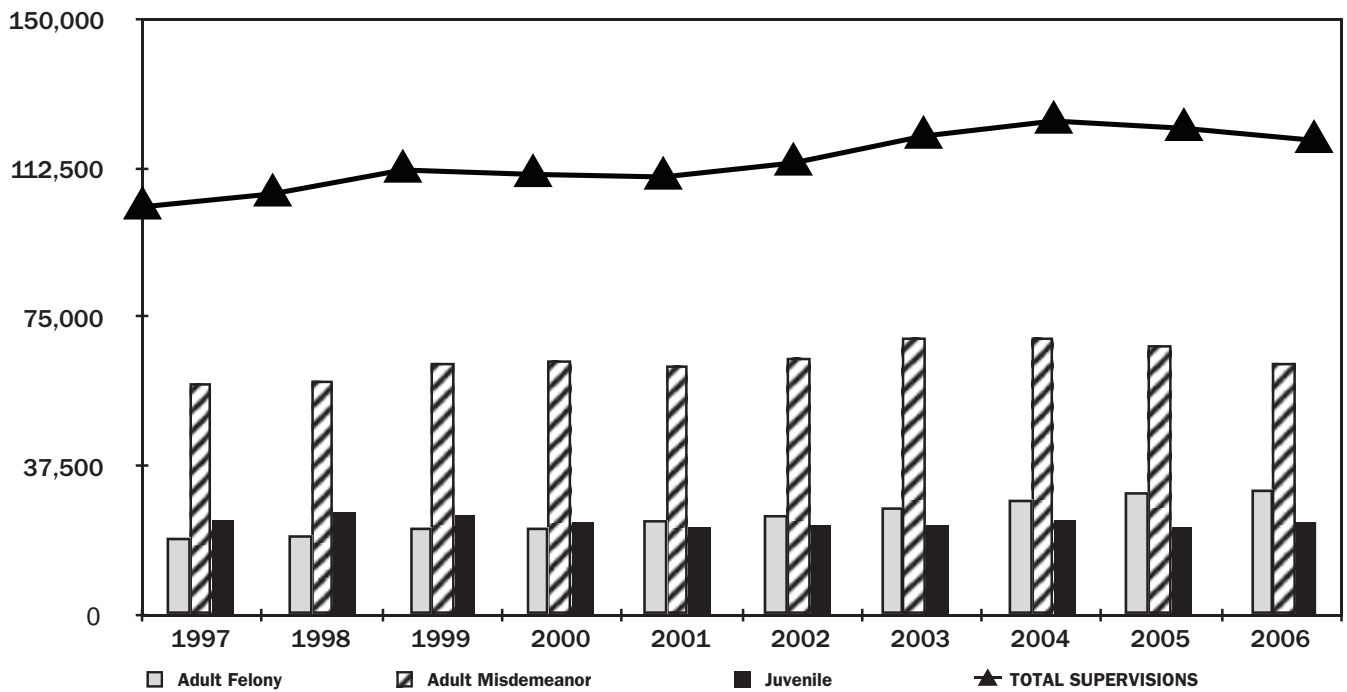
New Supervisions Received and Probation Staff (1997-2006)

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Adult Felony	20,791	21,944	24,199	23,571	25,624	26,695	29,037	31,263	32,638	32,993
Adult Misdemeanor	60,978	63,099	63,318	65,860	65,221	67,218	66,883	67,851	66,357	65,918
Juvenile	25,508	26,439	24,678	24,652	23,418	23,399	24,651	23,670	23,197	23,604
TOTAL SUPERVISIONS	107,277	111,482	112,195	114,083	114,263	117,312	120,571	122,784	122,192	122,515
Juvenile Referrals	65,760	63,860	61,688	58,055	58,087	55,632	59,904	60,431	58,907	61,304
Total Probation Staff	1,550	1,510	1,572	1,636	1,665	1,729	1,752	1,688	1,727	1,788



Disposed Matters (1997-2006)

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Adult Felony	19,650	20,741	22,361	22,297	24,365	25,821	27,175	29,612	31,469	31,712
Adult Misdemeanor	58,594	59,143	63,909	64,532	63,030	64,983	70,149	70,088	68,159	63,700
Juvenile	24,222	25,852	25,469	23,803	22,594	22,714	22,953	24,371	22,603	23,793
TOTAL SUPERVISIONS	102,466	105,736	111,739	110,632	109,989	113,518	120,277	124,071	122,231	119,205
Juvenile Referrals	65,363	64,073	60,532	56,729	57,056	57,279	57,766	58,872	59,081	60,543



Supervisions Pending as of Dec. 31 of the Reporting Year (1997-2006)

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Adult Felony	33,976	35,530	38,066	39,747	42,357	45,220	45,787	47,223	49,912	52,758
Adult Misdemeanor	63,099	66,396	67,805	67,926	70,344	71,797	69,246	73,193	71,712	74,072
Juvenile	21,066	21,543	20,642	20,811	20,606	21,676	23,095	23,424	24,165	24,267
TOTAL SUPERVISIONS	118,141	123,469	126,513	128,484	133,307	138,693	138,128	143,840	145,789	151,097

