

PROBATION REPORT



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2007 INDIANA JUDICIAL SERVICE REPORT



2007

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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2007 Indiana Probation Report

TABLE OF CONTENTS

Contents of Volume III of this annual report are available on the Internet at the
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Introduction	1
Probation Report Definitions	4
Caseload Comparisons (1998-2007)	
New Supervisions Received and Probation Staff.....	6
Disposed Matters.....	7
Supervisions Pending as of Dec. 31 of the Reporting Year	8
Adult Probation	9
2007 Felony Probation	10
2007 Misdemeanor Probation	11
2007 Type of Disposition – Felony Supervisions	12
2007 Type of Disposition – Misdemeanor Supervisions	13
Felony Supervisions Pending January 1, 2007	14
Felony Supervisions Received	22
Felony Supervisions – Total Dispositions	30
Type of Dispositions of Felony Supervisions	38
Felony Supervisions Pending December 31, 2007	46
Probationer Supervision Risk Level – Felony Cases Pending as of December 31, 2007	54
Presentence Investigations – Felony	62
Misdemeanor Supervisions Pending January 1, 2007	70
Misdemeanor Supervisions Received	82
Misdemeanor Supervisions – Total Dispositions	94
Type of Dispositions of Misdemeanor Supervisions	106
Misdemeanor Supervisions Pending December 31, 2007	118
Probationer Supervision Risk Level – Misdemeanor Supervisions Pending December 31, 2007	130
Presentence Investigations – Misdemeanor	142
Juvenile Probation	151
2007 Juvenile Probation Supervisions	152
2007 Juvenile Referrals.....	153
2007 Type of Disposition – Juvenile Probation Supervisions	154
2007 Type of Disposition – Juvenile Referrals.....	155
Referrals Pending January 1, 2007	156
Referrals Received	164
Referrals Disposed	172
Referrals - Methods of Disposition	180
Referrals Pending December 31, 2007	188
Supervisions Pending January 1, 2007	196
Supervisions Received	204

Supervisions Disposed	212
Supervisions - Methods of Disposition	220
Supervisions Pending December 31, 2007	228
Probationer Supervision Risk Level -- Juvenile Cases Pending as of December 31, 2007	236
Juvenile Completed Reports	244
Juvenile Law Services Report	251
Juvenile Law Services Report	252
2007 Juvenile Law Services Report-Demographics Summary	253
2007 Juvenile Law Services Report-Financial Summary	253
Juvenile Delinquency -- Total Cases Filed In 2007	254
Juvenile Status -- Total Cases Filed In 2007	262
Juvenile Chins -- Total Cases Filed In 2007	270
Juvenile Miscellaneous -- Total Cases Filed In 2007	278
Semi-Annual Juvenile Law Services Report -- Financial	286
Other Probation Statistics	293
Substance Abuse Involvement -- Conviction Supervisions (1998-2007)	294
Substance Abuse Disruption -- Conviction Supervisions (1998-2007)	295
2007 Probation Personnel	296
2007 Probation Personnel Expenses	297
Probation Personnel Salaries	298
Probation Restitution 1998-2007	359
2007 Restitution	360

INTRODUCTION TO 2007 INDIANA PROBATION REPORT

The Indiana Probation Service Report is 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 under Administrative Rule 1(C) of the Indiana Rules of Court and I. C. § 11-13-1-4.

For the first time since the Division began publishing this report in 1981, the data furnished to the Division to produce the 2007 Indiana Probation Report was transmitted electronically by trial courts and probation departments via the new Indiana Courts Online Reports (ICOR) system.

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, establishes guidelines and standards for the qualification of probation officers, provides training, administers licensing tests and certifies probation officers. The Judicial Conference is also authorized by statute 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. In 2007, 1,099 probationers transferred into Indiana and 968 probationers transferred out of Indiana under the Interstate Compact.¹

HOME DETENTION

Home detention, with or without electronic monitoring, has been authorized by statute as a condition of probation since

¹ Information provided by the Judicial Conference of Indiana.

1988. Both probation departments and community corrections agencies operate home detention programs.

As of September 15, 2008, 24 probation departments were supervising adult probationers and juvenile probationers through home detention. These departments collected \$1,987,303 in home detention user fees between January 1, 2007 and December 31, 2007. These fees are charged in addition to probation user fees. Community Correction agencies collected over \$10,526,646 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 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 staff constitute the largest segment of trial court personnel in Indiana. There were 1,494 certified probation officers² and approximately 610 other employees providing probation services throughout Indiana.

SUMMARY OF 2007 CASELOAD INFORMATION

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.

Since 1996, probation departments in Indiana have used a probation classification and workload measures system. 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, 2007.

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

² Information provided by the Judicial Conference of Indiana as of September 2008.

predisposition reports, as well as the juvenile supervisions.

Despite the fact that the number of new felony supervisions increased in 2007, the overall number of new probation supervisions received during 2007 decreased. New felony supervisions received during 2007 increased by 2,241, a rise of 6.8% over last year. Misdemeanor supervisions decreased by 3,352 down 5.1%, and juvenile supervisions went down by 449, a decrease of 1.9%. Overall, new supervisions decreased by 1,560. In the adult category, 97,800 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 felony supervisions received in 2007 increased, the total number of supervisions pending at the end of the year is down from 2006. At the end of 2007, Indiana probation departments were supervising 149,131 adults and juveniles, down 1.3% from the previous year.

SUMMARY OF FISCAL DATA

The 2007 data indicates that county trial courts spent \$70,232,708 on salaries of probation officers and probation office staff. The salary expenditure by the city and town court probation departments was an additional \$1,914,522. This represents approximately 28% 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 2007, \$19,192,448 was collected statewide in adult probation user fees and \$1,934,071 in juvenile user fees, for a total of \$21,126,519. These revenues represent a 1.8% decrease 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 2007, probationers paid \$8,197,027 for distribution to aggrieved parties.

FINAL NOTE

The Division thanks Indiana's probation officers and their staff, without whose contribution and cooperation production of this report would not have been possible.

PROBATION REPORT DEFINITIONS

The following definitions will be used throughout the 2007 Indiana Probation Report.

Disrupted - Supervisions received in which the initial risk assessment indicated some type of disruption in the person's life due to substance abuse.

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

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

ADULT PROBATION TERMS

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 under I. C. § 35-38-1-17 as a result of early release from incarceration that was imposed by the court at the initial sentencing. This category is used when the supervised person is originally sentenced to the Department of Correction and subsequently, within one year of beginning to serve the sentence, is released from the Department of Correction and placed on probation with the remaining balance of the original 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 or a local facility for a period of time. 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. The key to this category is that the original sentence imposed by the court 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.

Supervision in Lieu of Prosecution - Persons ordered under supervision as an alternative to prosecution. If a court determines that probation, which may include some sort of court-ordered treatment, is a better alternative than prosecution to conviction for a crime (generally misdemeanors), the probation department will report the supervision in this category. There must be a court order before any supervision is reported in this category. Indiana Code §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."

JUVENILE PROBATION TERMS

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).

Delinquent or Non-Status Delinquent

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

Informal Adjustment - After the preliminary inquiry and upon approval by the juvenile court, an intake officer may implement a program of informal adjustment if the officer has probable cause to believe that a child is a delinquent child. A program of informal adjustment may not exceed six (6) months, except by approval of the juvenile court, and may require a child to complete certain services and pay a program fee.

Other Agency - Examples of “other agencies” would include referrals to the Department of Child Services, schools, or counseling agencies.

Preliminary Inquiry - A preliminary inquiry is an informal investigation into the facts and circumstances regarding a child’s referral to a court. The preliminary inquiry contains information regarding the child’s background, current status, school performance and whether or not the child has been detained. An intake officer will then make a recommendation to the prosecutor whether to file a petition, informally adjust the case, refer the child to another agency, or dismiss the case.

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

incurrigibility 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.

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, incurrigibility, violations of curfew, and violations of I. C. § 7.1-5-7 (minors and alcoholic beverages) (I. C. § 31-37-2-2 – I.C. § 31-37-2-7).