

Executive Director Report

IPDC Board Meeting

Retreat -September 2020

Remote meeting

**Liaison Report:**

ICJI:

*Criminal code reform evaluation report.* ICJI is statutorily required to provide this report by December 1 of each year. ICJI is undertaking this work currently and is gathering data to facilitate it. Here is the link to 2019's:

<https://www.in.gov/cji/files/Final%20Evaluation%20of%20Criminal%20Code%20Reform%20HEA%201006.pdf>

*Exoneration Fund.* ICJI is statutorily required to consider the applications of those who wrongly convicted. 5-2-23 et seq. On September 3<sup>rd</sup> the Exoneration subcommittee met to consider 13 applications for relief. The subcommittee was able to make a decision on 8 matters, which went on to the full Board of Trustees. The full committee approved relief for one applicant, 6 were denied, and another was held to get more information. Work on the remaining applications continues due to the need of additional information. People have until Nov. 2021 or 2 years from judgment vacating, reversing, or setting aside the person's conviction becomes final or governor pardons the person, whichever is later to submit their application.

EBDM:

*Criminal Rule 26 Certification.* As of August 2020, Grant and Hamilton counties have achieved certification. 28 other counties<sup>1</sup> are in the certification process. Court Administration staff expect more applications to come in. One of the benefits to certification is access to grants from the Supreme Court to support pretrial programs.

JRAC:

*State access to jail data.* The State has issued two RFPs to obtain vendors who will create a victim notification system which will serve as a jail data dashboard.

*Jail population drop during covid.* Most counties reported a drop in jail populations immediately following Covid's coming to Indiana. Yet, as the months have gone on jail populations are increasing. JRAC has formed a committee to inquire of practices which were employed to reduce jail populations and a study will follow to determine what practices should be encouraged to maintain reduced populations while not sacrificing public safety.

---

<sup>1</sup> Allen, Bartholomew, Boone, Cass, Clark, Dubois, Gibson, Hendricks, Huntington, Jefferson, Madison, Marion, Marshall, Martin, Monroe, Noble, Owen, Porter, Putnam, St. Joseph, Starke, Steuben, Tipton, Vermillion, Vigo, Wabash, and Whitley.

Covid 19 – Justice Partners: Since March, Justices David and Goff have been hosting a weekly call (starting in August, the calls are now monthly) with criminal justice stakeholders from all over the state to talk through issues that are arising due to covid-19 and limited court operations. Amy Karozos and I participate in these calls.

### **Legislative Background:**

- On July 1, 2020, IPDC Board voted to pursue the following matters from previous years:
  - Require indigent persons to be represented at initial hearing (2<sup>nd</sup> year pursued)
  - Remove Home Detention violations as a basis for an Escape (2<sup>nd</sup> year pursued)
  - Reduce Maintaining a Common Nuisance to a Class A misdemeanor (2<sup>nd</sup> year pursued)
  - Amend Synthetic ID Deception, False ID, and False informing to reduce prosecutorial abuse (1<sup>st</sup> year pursued)

#### New Adult items to support:

- Police Brutality:
  - Transparency in officer discipline records;
  - Discipline/termination/data tracking of officers who evidence intentional violation of 4th Amdmt;
- Repeal 75%, return to 50%;
- Release those in DOC who are held only on pre-2014 sentences that were subsequently modified;
- Fund holistic defense statewide;
- Significantly reduce the use of GPS monitoring;
- Remove cost/fess for criminal justice involvement except restitution;
- Require use of summons instead of warrants issuing in certain circumstances;
- Legalize marijuana (reference material: <https://graphics.aclu.org/marijuana-arrest-report/IN>);
- Craft a preamble for the criminal code that is restoration to society and rehab ,etc.
- Advocate for a change in pretrial home detention credit;
- Abolish the death penalty;
- Support driver license suspension reforms;
- No incarceration for body attachments

### **2021 Juvenile Delinquency Agenda with Rationale:**

- (1) End Direct File
- (2) Abolish Juvenile Life Without Parole
- (3) Minimum Ages and Statutory Guidance for Competency Determinations
- (4) End Jailing of Children in County Jails
- (5) Automatic Expungement
- (6) Minimize School Policing and Increase Training

(7) Make Possession of Marijuana a Status Offense

With respect to the highlighted adult legislative agenda items the Board voted that these topic brought before Interim Study Committee and the Council can further define based on input from the committee.

**Legislative Update:**

IPDC staff has met with many legislators, state agencies and stakeholders on IPDC's 2021 Legislative Platform. By setting a legislative platform early, the Board has placed us on good footing to be successful. The first meeting of the Corrections and Criminal Code Committee was held on the 15<sup>th</sup>. The agenda has not yet permitted an opportunity to discuss Amelioration and 50% credit time. Overall, IPDC's legislative platform has been well received.

To support our advocacy efforts, IPDC staff is working to obtain data to demonstrate the need for our proposed policy positions. The State Public Defender Agency has been extremely helpful in aiding IPDC staff go through data obtained.

Covid will change much about session. Currently, it is expected that the number of bills that may be filed will be limited. This will make it challenging to get language filed because there are so many competing interests.