

State of Indiana

Justice Reinvestment Advisory Council



Report on Bail Reform and Pretrial Issues
December 1, 2019

Contents

Executive Summary.....	1	
Justice Reinvestment Advisory Council Members	6	
About the Justice Reinvestment Advisory Council	7	
Legislative Charge Under P.L. 239-2019	9	
Legal Foundations of Bail in Indiana	10	
Overview of Evidence-Based Pretrial Practices	12	
The Indiana Pretrial Pilot Project	16	
Indiana Pretrial Data Collection and Evaluation Project.....	22	
Summary of Pretrial Funding Sources.....	25	
Pretrial Training and Technical Assistance.....	27	
Council Findings and Recommendations on Bail Reform and Pretrial Issues.....	29	
Conclusion.....	33	
Appendix A Indiana Risk Assessment System Pretrial Assessment Tool	34	
Appendix B	Indiana IRAS-PAT Risk Level Distribution..... 43	
	Statewide numbers IRAS-PAT..... 44	
	Pilot County numbers IRAS-PAT	45
Appendix C	Indiana Pretrial Pilot Practices.....	46
Appendix D	Monroe County Pretrial Performance Measures	69

Executive Summary

In 2019, the Indiana General Assembly directed the Justice Reinvestment Advisory Council to review bail reform and pretrial issues and identify possible local, regional, and statewide solutions.

Upon review of Indiana's current bail reform and pretrial issues, and in consultation with the Indiana Evidence Based Decision Making Initiative Pretrial Work Group, the Justice Reinvestment Advisory Council makes the findings and recommendations described below.

The Council recognizes that several recommendations will require additional state and local resources to implement. Consequently, the Council acknowledges that a more detailed review of the fiscal impact and possible funding sources is necessary. The Council is willing to assist in that review.

The Council's recommendations cover five key policy and practice areas, including:

1. State and local collaboration
2. Data and evaluation
3. Community and jail-based behavioral health interventions
4. Training and technical assistance
5. Legal and evidence-based pretrial practices

State and Local Collaboration

Council Findings:

- Indiana is a national leader in undertaking initial steps towards comprehensive, state-wide reform efforts to improve pretrial outcomes, which include maximizing release, maximizing court appearances, and maximizing public safety.
- The Indiana General Assembly, through codifying Ind. Criminal Rule 26 and directing the Council's review of bail reform and pretrial issues, has demonstrated a commitment to support state and local pretrial reform efforts.
- The Indiana Department of Correction, the Division of Mental Health and Addiction, and the Indiana Supreme Court have provided financial support to the pretrial pilot sites and other Indiana counties undertaking pretrial reform efforts. This includes grant funding for pretrial officers, defense counsel and deputy

prosecutors at initial hearings, behavioral health providers to conduct screening and assessment for arrestees, training and technical assistance, and pretrial data collection and evaluation.

- Continued collaboration among the Indiana General Assembly, the Justice Reinvestment Advisory Council, the Indiana Evidence Based Decision Making Policy Team, the Pretrial Work Group, and local pretrial policy teams is critical to sustain and expand Indiana's pretrial reform efforts.

Council Recommendations:

To enhance state and local collaboration, the General Assembly should enact a legislative proposal from the Justice Reinvestment Advisory Council, which is supported by the Indiana Evidence Based Decision Making Policy Team, to formally incorporate the Indiana Evidence Based Decision Making Policy Team and its accompanying workgroups into the Justice Reinvestment Advisory Council structure.

Data and Evaluation

Council Findings:

- Indiana does not have a consistent method across counties for managing and reporting statewide, real-time, jail data. As a result, Indiana is not able to monitor trends in pretrial jail populations with fidelity.
- The Indiana Department of Correction, in partnership with the Indiana Criminal Justice Institute, has begun the process for implementing a new unified, statewide victim notification system for use by all Indiana Sheriffs' Offices and the Department of Correction.
- Recent jail surveys conducted by the Indiana Sheriff's Association indicate many county jail populations consist of a high percentage of pretrial detainees.
- Research conducted to date indicates that the Indiana Risk Assessment System-Pretrial Assessment Tool (IRAS-PAT) has strong to moderate predictive validity when assessing risk for failure to appear and re-arrest during the pretrial stage.
- The Supervised Release System pretrial module, developed by the Indiana Office of Trial Court Technology with support from the Indiana Department of Correction, has the capacity to collect the data needed to evaluate local pretrial supervision outcomes.

- Additional research is needed to determine what release types and supervision strategies are most effective in mitigating moderate and high-risk arrestees' risk for pretrial failure. Once complete, this research may be used to develop model pretrial release and supervision policies.

Council Recommendations:

- All sheriffs' offices should be required to provide clearly defined, specific, real-time data relevant to the jail population. Real-time jail data should be communicated via interfaces with the Odyssey Court Case Management System, the Indiana Prosecutor Case Management System, the Public Defender Information System, the Supervised Release System used by community supervision agencies, and the Department of Correction.
- The Justice Reinvestment Advisory Council should develop a multi-year strategic plan for evaluating Indiana's pretrial reform efforts and measuring local and statewide pretrial outcomes.

Community and Jail-based Behavioral Health Interventions

Council Findings:

- Counties face significant challenges in providing access to community and jail-based interventions for persons with serious mental illness and persons at risk for opioid overdose, leading to a high percentage of pretrial detainees presenting with untreated (or undertreated) bipolar disorder, major depression, schizophrenia, and substance use disorder.
- Lengthy periods of pretrial detention may interfere with an arrestee's ability to access evidence-based treatment services, including psychiatric medications and medication assisted treatment for opioid use disorder, and other evidence-based substance use disorder treatments.

Council Recommendations:

- Increase access to community-based behavioral health services that support the full range of needs for the criminal justice population, including recovery residences, medication assisted treatment, and psychiatric services.
- The General Assembly should appropriate funding to support the misdemeanor Recovery Works pilot project authorized in IC 12-23-19-2(d).

Training and Technical Assistance

Council Findings:

- Coordinated, multidisciplinary training and technical assistance opportunities are needed to support initial and sustained implementation of evidenced based pretrial practices across the state.

Council Recommendations:

- Provide resources to support county-level assessments of current practices and behavioral health resources at each stage of the pretrial process, including citation and arrest procedures, bail and release decisions, initial hearing procedures, pretrial supervision, responses to pretrial misconduct, data collection and management practices, criminal case processing practices, jail population management practices, and other local policies.
- Provide financial resources to support state and county-level training and technical assistance in the following areas:
 - Forming a collaborative policy team
 - Providing training to local criminal justice system on legal and evidence based pretrial practices
 - Conducting a local pretrial system assessment
 - Developing evidence based pretrial policies and procedures
 - Implementing consistent data collection procedures
 - Conducting on-going review and evaluation of pretrial outcomes
- Provide financial resources to support the Indiana Office of Court Services' Pretrial Services Program certification process.

Legal and Evidence Based Pretrial Practices

Council Findings:

- Local pretrial practices frequently include charge-based monetary bail schedules that do not consider an arrestee's likelihood of appearance or rearrest during the pretrial period. This approach may result in low and moderate risk arrestees who are unable to post bond being detained pretrial and high-risk arrestees who are able to post bond being released without pretrial supervision.
- Indiana does not have a clear legal framework to preventively detain pretrial defendants who pose a risk of harm to themselves or the community.

- Several states are facing legal challenges to pretrial release systems that rely on secure financial conditions.
- Most counties do not have sufficient local funding to support the staffing needed to effectively implement legal and evidence based pretrial services. Examples of local staffing needs include pretrial assessment and supervision officers and defense attorneys and deputy prosecutors to attend initial hearings.

Council Recommendations:

- Pursuant to Ind. Criminal Rule 26 (effective January 1, 2020) and Ind. Code 35-33-8-3.8, Indiana counties should utilize the results of an evidence-based risk assessment, if available, and other relevant information to determine whether an arrestee presents a substantial risk of flight, danger to themselves, or danger to the public.
- The Justice Reinvestment Advisory Council should be directed to study Indiana's legal framework relative to pretrial preventive detention.
- The Indiana General Assembly should amend Ind. Code 35-33-8-3.3 to permit pretrial supervision fees to be used by court operated pretrial service agencies and community corrections agencies, in addition to probation departments.
- Increase financial resources to support local pretrial services.
- Increase financial resources to support defense counsel and deputy prosecutor appearance at initial hearings.
- Increase financial resources to support defense counsel representation for indigent defendants in misdemeanor cases.

Justice Reinvestment Advisory Council Members

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About the Justice Reinvestment Advisory Council

Legislation establishing the Justice Reinvestment Advisory Council went into effect on July 1, 2015. The nine-member Advisory Council consists of leadership from state and local government. IC 33-38-9.5 provides the following:

Membership

- (1) The executive director of the Indiana public defender council or the executive director's designee.
- (2) The executive director of the Indiana prosecuting attorneys council or the executive director's designee.
- (3) The director of the division of mental health and addiction or the director's designee.
- (4) The president of the Indiana Sheriffs' Association or the president's designee.
- (5) The commissioner of the Indiana department of correction or the commissioner's designee.
- (6) The chief administrative officer of the office of judicial administration or the chief administrative officer's designee.
- (7) The executive director of the Indiana criminal justice institute or the executive director's designee.
- (8) The president of the Indiana Association of Community Corrections Act Counties or the president's designee.
- (9) The president of the Probation Officers Professional Association of Indiana or the president's designee.
- (10) The budget director or the budget director's designee.

Chair

The chief administrative officer of the office of judicial administration shall serve as chairperson of the advisory council.

Purpose

The purpose of the advisory council is to conduct a state level review and evaluation of:

- (1) local corrections programs, including community corrections, county jails, and probation services; and
- (2) the processes used by the department of correction and the division of mental health and addiction in awarding grants.

The advisory council may make a recommendation to the department of correction, community corrections advisory boards, and the division of mental health and addiction concerning the award of grant.

Goal

The goal of the justice reinvestment advisory council is to develop incarceration alternatives and recidivism reduction programs at the county and community level by promoting the development of:

- (1) probation services;
- (2) problem solving courts;
- (3) mental health treatment;
- (4) substance abuse treatment;
- (5) programs providing for court supervision, probation, or pretrial diversion;
- (6) community corrections;
- (7) evidence based recidivism reduction programs for currently incarcerated persons;
- (8) other alternatives to incarceration.

Meetings

The advisory council shall meet as necessary to:

- (1) work with the department of correction and the division of mental health and addiction to establish the grant criteria and grant reporting requirements described in subsection (k);
- (2) review grant applications;
- (3) make recommendations and provide feedback to the department of correction and the division of mental health and addiction concerning grants to be awarded;
- (4) review grants awarded by the department of correction and the division of mental health and addiction; and
- (5) suggest areas and programs in which the award of future grants might be beneficial.

Staff

The office of judicial administration shall staff the advisory council.

Legislative Charge Under P.L. 239-2019

In 2019, the Indiana General Assembly enacted [P.L. 239-2019](#), which states:

a) The chief justice of Indiana shall appoint the justice reinvestment advisory council (established by IC 33-38-9.5-2) to conduct a statewide review of bail reform and pretrial issues and to identify common reasons and possible local, regional, and statewide solutions.

(b) The justice reinvestment advisory council shall submit a final report containing its findings and recommendations to the:

- (1) governor;
- (2) chief justice of Indiana; and
- (3) legislative council;

not later than December 1, 2019.

The report to the legislative council must be in an electronic format under IC 5-14-6.

Legal Foundations of Bail in Indiana

The criminal justice system is an ongoing balance between defendant rights and public safety. During the pretrial period, a defendant is presumed innocent; consequently, courts must carefully consider the conditions of bail or pretrial release against the need for public safety.

The 8th Amendment to the U.S. Constitution prohibits the imposition of excessive bail. Nationally, the historical challenges to bail conditions have invoked the 5th Amendment Due Process Clause and the 8th Amendment Excessive Bail Clause of the United States Constitution. The U.S. Supreme Court in *United States v. Salerno*, 481 U.S. 739 (1987), rejected due process and excessive bail arguments in upholding the pretrial detention requirements in the federal Bail Reform Act of 1984. The Court found that “preventing danger to the community is a legitimate regulatory goal” because the Act’s provisions were carefully limited to the most serious crimes and entitled the arrestee to a prompt hearing. See also *Stack v. Boyle*, 342 U.S. 1 (1951), holding that the purpose of bail is to assure the presence of the accused.

The Indiana Constitution also prohibits excessive bail and further states that offenses other than murder and treason shall beailable, when proof is evident, or the presumption strong. [Ind. Const. art. 1, §§ 16, 17.](#) The Indiana Supreme Court characterized Section 17 as a qualified right to bail. See *Fry v. State*, 990 N.E.2d 429 (Ind. 2013).

In 1996, the Indiana General Assembly enacted law authorizing Indiana courts to consider another person’s physical safety or the safety of the community along with risk of non-appearance when setting the bail bond. Many stakeholders interpret these statutes to allow for the “preventive detention” of a pretrial defendant. Indiana courts have not considered the question of whether preventive detention is constitutional under Article I, Section 16. Then in 2017, the General Assembly incorporated pretrial risk assessment into the release process by requiring courts to consider risk assessment results before setting or modifying bail for an arrestee. [See IC 35-33-8-3.8.](#)

The many amendments to statutes on bail and bail procedure have led to inconsistencies within the statutes and confusion as to the meaning of bail. Indiana’s constitution and bail statutes do not fit squarely within the “bail/no bail” (release/no release) dichotomy and need comprehensive review to determine if revisions are necessary.

Historically in Indiana, release from pretrial incarceration occurred in accordance with the court's bond schedule (cash or surety) as established by local court rule. If a defendant was able to post the necessary bail bond, the defendant was released from jail prior to the initial hearing. If the defendant was not able to post the necessary bail bond, the defendant was held in jail at least until the initial hearing, and often through trial (with some defendants receiving sentences shorter than the actual pretrial time served). Per statute, courts have the statutory authority to impose bail conditions to ensure future court appearances, prevent criminal activity while on pretrial release, and ensure the safety of the community. [See IC 35-33-8-3.2.](#) Pretrial defendants may be court ordered to pay pretrial services fees. [See IC 35-38-8-3.3.](#)

Indiana case law has further defined bail conditions. In *State ex rel. Williams v. Ryan*, 490 N.E.2d 1113 (Ind. 1986) the Supreme Court stated a court may impose any reasonable condition on bail to assure the defendant's appearance. In *Steiner v. State*, 763 N.E.2d 1024 (Ind. Ct. App. 2002), the trial court imposed pretrial random drug screens as a condition of pretrial release. The Court of Appeals held that the trial court must make an individualized determination that the accused is likely to use drugs while on bail before it was reasonable to impose random drug screens.

Since pretrial release decisions can include conditions, some of which are based on individualized determinations, it is important to understand at what point the defendant has the right to counsel. The right to counsel during the pretrial period has been established. The right to counsel is guaranteed by both the 6th Amendment of the United States Constitution and Article 1, Section 13 of the Indiana Constitution. The Supreme Court in *State v. Taylor*, 49 N.E.3d 1019 (Ind. 2016), stated Indiana's constitution provides greater protection than the federal constitution because it attaches earlier, upon arrest, rather than when formal proceedings have been initiated.

Pretrial reform efforts and challenges to bail practices are occurring across the United States. The [National Institute of Corrections](#) is one source for information on reform initiatives and bail-related legal challenges occurring in other jurisdictions.

[A full review of Indiana's legal framework surrounding bail and pretrial release](#) is available in the Indiana Pretrial Practices Manual.

Overview of Evidence-Based Pretrial Practices

The decision to detain or release pretrial has historically resulted from charge-based bond schedules in Indiana. Under current procedures, individuals are arrested and often released if able to meet the cash or surety requirements of the court-approved bond schedule. Individuals who are unable to meet bond requirements are held in custody until taken before the court for an initial hearing. Court-approved bond schedules vary from jurisdiction to jurisdiction and sometimes among courts within the same jurisdiction. It has been argued that this method of pretrial release erroneously equates the seriousness of the charging offense with the individual's risk to public safety and for appearing at future court hearings.¹

The goals of pretrial decision making are to: (1) maximize the release of pretrial defendants (recognizing the presumption of innocence and the harmful effects of pretrial detention); (2) maximize public safety; and (3) maximize court appearance.² While research in the pretrial field is emerging, below are research-based principles and strategies known to improve pretrial outcomes.

Pretrial Risk Assessment

Research indicates the use of actuarial risk assessments to guide pretrial decision-making can improve pretrial outcomes (appearance rates and safety rates) and thereby reduce harm to defendants and improve public safety. Detaining low and moderate risk defendants in jail for even short periods of time (2-3 days) can increase the risk for misconduct both short- and long-term. Pretrial supervision of moderate- and high-risk defendants resulted in a significant increase in court appearances when compared with unsupervised defendants.³ Furthermore, pretrial detention has been linked to the imposition of longer sentences when compared with defendants who were released pretrial.⁴

¹ [Milgram, A., Holsinger, A. M., Van Nostrand, M., & Alsdorf, M. (2015). [Pretrial risk assessment: Improving public safety and fairness in pretrial decision making](#). *Federal Sentencing Reporter*, 27, 216–221.]

² Schnacke, T. R. (2014). [Fundamentals of bail: A resource guide for pretrial practitioners and a framework for American pretrial reform](#).

³ Lowenkamp, C. T., Van Nostrand, M., & Holsinger, A. (2013). [The hidden costs of pretrial detention](#).

⁴ [Lowenkamp, C. T., Van Nostrand, M., & Holsinger, A. (2013). [Investigating the impact of pretrial detention on sentencing outcomes](#).]

Pretrial research has resulted in the development of objective assessment tools designed to assist criminal justice system partners in determining an individual's likelihood of engaging in pretrial misconduct defined as re-arrest during the pretrial release period and failure to appear for court. The use of validated, empirically-based pretrial risk assessment tools can enhance the pretrial decision-making process when utilized in conjunction with professional judgment.⁵ With the use of risk assessment to assist with pretrial release decision-making, there is a move toward releasing more defendants without monetary bond. Research shows more defendants could be released from detention with no money bond without negatively impacting court appearance or public safety rates.⁶

In 2010, the Judicial Conference Board of Directors adopted the [Indiana Risk Assessment System](#) (IRAS), a series of actuarial tools designed to assess an individual's risk and criminogenic needs to help guide decision-making and supervision strategies within the criminal justice system. The IRAS includes the Pretrial Assessment Tool (PAT), which is used to assess an arrestee's risk for failure to appear at future court hearings and risk of rearrest during the pretrial period. The tool contains seven items and takes approximately 10-15 minutes to administer. The areas scored by the assessment include criminal history, employment, residential stability, and drug use.⁷ The assessment results provide three risk categories (low, moderate, and high).⁸ The higher the score, the more likely the offender is at risk for failure to appear or rearrest during the pretrial period. A copy of the IRAS-PAT may be found in **Appendix A**. Information on statewide and pretrial pilot site IRAS-PAT risk level distribution may be found in **Appendix B**.

Pretrial services staff administering the IRAS-PAT must complete a training program administered by the Indiana Office of Courts Services. To conduct the assessment, pretrial services staff interview the arrestee using the IRAS-PAT interview guide. Pretrial services staff should use booking information and other collateral information (criminal history information, prior pretrial services records) to verify and supplement information provided by the arrestees during the interview. All IRAS-PAT results must be entered into Indiana's statewide, web-based risk assessment application.

⁵ Pretrial Justice Institute. (2015, May). [Pretrial risk assessment: Science provides guidance on assessing defendants](#).

⁶ Jones, M. R. (2013). [Unsecured bonds: The as effective and most efficient pretrial release option](#).

⁷ A copy of the IRAS-PAT tool and scoring guide may be found in Appendix B.

⁸ A summary of Indiana's Pretrial Risk Distribution for the period January 1, 2018 through September 30, 2019 may be found in Appendix C

It is important to note that the IRAS-PAT risk assessment tool (and any other risk assessment or screening tool administered at the pretrial stage) does not dictate a judge's action in any given case. Judicial officers maintain discretion and may consider other information in addition to the IRAS-PAT results when ordering release and supervision conditions.

Pretrial Supervision

After determining whether to release an arrestee pretrial with or without financial conditions, the court must determine what pretrial supervision conditions to impose, if any. The goals of pretrial supervision are to increase the likelihood of appearance at future court hearings and maintain public safety. The risk principle dictates that fewer or no resources should be utilized on lower risk defendants and more resources used on moderate- and high-risk defendants.⁹

There is very limited research on pretrial supervision, and supervision practices vary widely. However, one study suggests that defendants provided with pretrial supervision, which included phone and in-person reporting, have lower rates of rearrest and failure to appear when compared to those without supervision.¹⁰ Pretrial supervision conditions, including drug testing, electronic monitoring, and referrals to behavioral health treatment, must be individualized and based on each arrestees' risk level and circumstances.

Court Hearing Date Reminders

Several studies show the effectiveness of court call reminders in significantly increasing appearance rates.¹¹ Through [the Odyssey Text Messaging Reminder System](#), Odyssey courts can send text messages to remind defendants in criminal cases about upcoming hearings. Court hearing reminders can be effective in reducing failure to appear rates and reduce the risk to law enforcement officers and the community associated with serving warrants.

Text message reminders are sent automatically in any criminal case if there is a cell phone number for the defendant stored electronically by the court, the court is an Odyssey court, and the county has opted into the text system. There is no charge to the county to participate.

⁹ Milgram, A., Holsinger, A. M., Van Nostrand, M., & Alsdorf, M. (2015). [Pretrial risk assessment: Improving public safety and fairness in pretrial decision making](#). *Federal Sentencing Reporter*, 27, 216–221.

¹⁰ [Van Nostrand, M., Rose, K. and Weibrecht, K (June 2011). [State of the Science of Pretrial Release Recommendations and Supervision](#).]

¹¹ [Crozier, T. L. (2000). [The Court Hearing Reminder Project: "If you call them, they will come."](#); Herian, M. N., & Bornstein, B. H. (2010). [Reducing failure to appear in Nebraska: A field study](#). *Publications of Affiliated Faculty: Nebraska Public Policy Center*.; Schnacke, T., Jones, M. R., & Wilderman, D. (2012). [Increasing court appearance rates and other benefits of live caller telephone court date reminders](#): The Jefferson County, Colorado, FTA pilot project and resulting Court Date Notification Program. *Court Review*, 48, 86–95.

Reminders are sent five days and one day in advance of a hearing. If a text message has been sent but the hearing is cancelled or rescheduled, another message is sent. To date, 55 counties are participating in the reminder system.

Responses to Pretrial Misconduct

Courts should adopt policies to respond if an arrestee fails to comply with court-ordered conditions of release. Responses to pretrial violations should be based on the severity of the violation and risk level of the defendant and should be designed to promote appearance at court hearings and public safety. Courts should give pretrial services agencies authority to respond to minor pretrial violations administratively without holding a formal court proceeding. Pretrial services agencies should notify the court when a defendant's non-compliance with pretrial conditions cannot be handled administratively.¹²

¹² National Institute of Corrections (February 2017). [*A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency.*](#)

The Indiana Pretrial Pilot Project

History of the Indiana Pretrial Pilot Project

In 2013, under the leadership of Chief Justice Brent Dickson, the Indiana Supreme Court created the Committee to Study Evidence-Based Pretrial Release (pretrial committee). The pretrial committee consisted of judges, prosecutors, public defenders, probation officers, and legislators, and was tasked with examining and evaluating pretrial risk assessment tools used by courts around the country. In December 2014, Chief Justice Loretta Rush extended the pretrial committee's charge to study and enable the implementation of a comprehensive evidence-based pretrial release program in Indiana and requested that the committee develop a pilot project to assess the feasibility of using a pretrial risk assessment system in pretrial release decisions.

In March 2015, Indiana joined the [National Institute of Corrections \(NIC\) Evidence-Based Decision-Making Initiative \(EBDM\)](#). Upon joining the initiative, Indiana formed a State EBDM Policy Team (state policy team), led by Chair Justice Steven H. David and Vice-Chair David Powell of the Prosecuting Attorneys Council. In 2016, the state policy team and eleven local EBDM policy teams identified pretrial release as a target for system change. The goal of the pretrial system change is "to design and implement a system of legal and evidence-based pretrial practices." To advance pretrial system reform, the state policy team formed the EBDM Pretrial Work Group.

In 2017, the membership of the Committee to Study Evidence Based Pretrial Release and the EBDM Pretrial Work Group merged in order to guide and direct the committee's pretrial pilot project. The goal of the pretrial pilot project is to identify resources needed to implement legal and evidence based pretrial practices to study the impact of those practices on pretrial outcomes.

Ind. Criminal Rule 26

In 2016, the Indiana Supreme Court adopted [Criminal Rule 26](#). Under the rule, the Supreme Court urges Indiana courts to "utilize the results of an evidence-based risk assessment" when "determining whether an arrestee presents a substantial risk of flight or danger to self or other persons or to the public." The Supreme Court also encourages courts to release arrestees who do not present a flight or public safety risk without monetary bail or surety "subject to such restrictions and conditions as determined by the court." Ind. Criminal Rule 26 was effective in

the pretrial pilot sites in 2016 and is effective statewide on January 1, 2020. In 2017, the Indiana General Assembly codified Ind. Criminal Rule 26 under Ind. Code 35-33-8-3.8.

Pretrial Pilot Project Counties

The Indiana EBDM Pretrial Pilot Project began in 2016. Eleven counties volunteered to participate in this pilot project, including:

- Allen
- Bartholomew
- Grant
- Hamilton
- Hendricks
- Jefferson
- Monroe
- Porter
- St. Joseph
- Starke
- Tipton

The Indiana Pretrial Pilot Project Framework

Based on NIC's EBDM framework, current pretrial research, and NIC's [Essential Elements of a High Functioning Pretrial System and Agency](#), the state policy team developed a list of expectations to guide the pilot sites' implementation of legal and evidence-based pretrial practices:

1. Guided by a collaborative team process, Indiana pretrial pilot sites will develop and implement pretrial pilot projects within the context of the National Institute of Corrections Evidence Based Decision Making (EBDM) Framework.
2. The following stakeholders will be invited to become members of the local collaborative team:
 - a. Law Enforcement Officials
 - b. Pretrial Officials
 - c. Victim Service Providers

- d. Prosecutors
- e. Defense Attorneys
- f. Jail Administrators
- g. Court Administrators
- h. Judges (all criminal court judges are strongly encouraged to actively participate)
- i. Probation/Parole/Community Corrections Officials
- j. City/County Managers/Commissioners/County Councils
- k. Behavioral Health and Human Service Representatives
- l. Local teams are encouraged to invite faith-based organizations, and/or other key community stakeholders.

In selecting stakeholder representation and collaborative team members, each team should ensure the representation is also diverse in nature (e.g. minority representation, gender diversity, etc.)

3. The team will work together collaboratively on all aspects of the development and implementation of the pretrial pilot project.
4. The team will work collaboratively with their local counterparts, the EBDM State Policy Team, and their assigned technical assistance provider(s) in the development, implementation, and enhancement of their pretrial pilot projects.
5. The team is encouraged to discuss, agree upon, and document a set of principles to guide their pretrial work. The following guiding principles have been developed by the EBDM State Policy Team:
 - a. Indiana's pretrial system should strive to:
 - Maximize public safety
 - Maximize court appearance
 - Maximize pretrial release

b. Indiana's pretrial system should:

- Be fair. A pretrial system that is fair is not based on ability to pay (bond and supervision fees), but instead is based on the assessment of objective factors relevant to public safety and court appearance
- Reduce harm. A pretrial system that reduces harm protects the public from those who pose a danger to the community, while reducing the detention of those whose risk to public safety may actually be increased as a result of pretrial detention
- Be informed. A pretrial system that is informed is guided by social science research along with comprehensive case-specific information
- Be cost-effective. A pretrial system that is cost-effective reserves expensive jail resources for those who pose a danger to public safety and utilizes non-detention-based interventions (e.g., mental health/substance abuse services, pretrial supervision) for those who can be safely managed in the community

6. The team will participate in the cross-site efforts to collect and analyze data in order to establish baseline information about pre-pilot pretrial practices and their impact and the impact of the pilot projects.

7. Pretrial pilot sites are encouraged to review their bond schedule(s) and agree upon a single bond schedule for use within the county. When developing local bond schedules, sites should be mindful that the purpose of bond is to ensure appearance, not to collect fines, costs, and fees.

8. Pretrial pilot sites will operate a risk-informed pretrial system. All pilot sites will use the Indiana Risk Assessment System – Pretrial Assessment Tool (IRAS-PAT). Pilot sites may use additional assessment tools and information as they determine appropriate (e.g., criminal history, supplemental tools to assess violence, substance abuse and mental health assessment information, a secondary risk assessment tool). Sites must establish a policy and procedure that identifies when the assessment is administered and who or what agency administers the assessment.

9. Pretrial pilot sites will develop and implement processes to verify the accuracy of the information obtained to score the risk assessment (e.g., NCIC records check, collateral contacts, etc.), to document the verification sources, and to report whether data has been verified.

10. Assessors will be credentialed in the administration and scoring of the IRAS-PAT as well as any other tools used to assess pretrial risk. Assessors will also participate in periodic training and recertification activities pursuant to the Indiana Risk Assessment Policy.

11. Pretrial pilot sites will develop and implement a local quality assurance protocol to assure the integrity of the administration, scoring, and use of the risk assessment tool(s).

12. Pretrial pilot sites will utilize a common pretrial assessment report form. This form will be developed by the EBDM State Policy Team, with input from representatives from the pilot sites. Initially the form will be developed in “paper and pencil” format. Ultimately the form will be developed in INcite to enable local and cross-site data collection and analysis.

13. Pretrial pilot sites will develop and implement a court reminder system. The method used will be locally determined.

14. Pretrial pilot sites will develop and implement a “look-back” process to identify defendants who remain in detention past the point at which release was expected to have occurred.

15. Pretrial pilot sites will develop and implement a differential supervision approach for those defendants on pretrial release. The EBDM State Policy Team will develop a model that can be tailored to meet local pilot sites’ needs and resource capacity.

16. Pretrial pilot sites will develop and implement a structured method to respond to pretrial misconduct (i.e., rule infractions, FTA, new arrests). The EBDM State Policy Team will develop a model that can be tailored to meet local pilot sites’ needs and resource capacity.

17. For arrestees who remain in custody, pretrial pilot sites will establish a speedy, meaningful first appearance during which all parties (court, prosecution, defense counsel) are present and the pretrial report is reviewed.

18. Pretrial pilot sites will work collaboratively with their state partners to educate colleagues and the broader community on the goals and values of Indiana’s pretrial justice system.

19. Each of the pilot sites will develop a written protocol to document adherence to these principles.

20. Each of the pilot sites will establish a process for reviewing critical incidents (as defined by the pilot site) to determine any need to adjust local pretrial release policies and procedures.

To provide courts guidance on implementing evidence-based pretrial practices, the EBDM Pretrial Work Group developed a set of sample pretrial documents. Jurisdictions may revise these documents to meet local needs. These sample documents include:

- A Pretrial Interview Advisement form developed for pretrial staff conducting the IRAS- PAT to ensure that arrestees are aware of the purposes for which the assessment information will be used.
- A Pretrial Services Report form developed to guide pretrial officers summarize for the court and parties the relevant findings from the IRAS-PAT and collateral information check to guide release decision-making.
- A Pretrial Release Matrix and sample violent offense list developed as a starting point from which each court may begin to make evidence-based release decisions. The matrix factors in the arresting offense, use of a risk assessment tool and suggested supervision strategies based on risk.
- A Pretrial Response Violation Matrix developed to assist courts and pretrial officers respond appropriately to violations of pretrial supervision conditions.

Copies of these forms are available in the Indiana [Pretrial Practices Manual](#)

A summary of the pretrial pilot site activities is available in **Appendix C**.

Indiana Pretrial Data Collection and Evaluation Project

Pretrial Data

The pretrial pilot sites collect data to assist researchers in completing an IRAS-PAT validation study for each site and to aid in future studies related to pretrial supervision practices. A list of the pretrial data collection points is available in the [Indiana Pretrial Practice Manual](#).¹³ IRAS-PAT scores for all agencies administering the assessment tool are stored in INCite. Counties collect pretrial supervision data in one of several systems, including the Supervised Release System (SRS)¹⁴ housed in INCite, Odyssey Supervision, Quest, or another locally-developed data base. Court case disposition data is captured in the county's trial court case management system. Ten of the eleven pretrial pilot sites use Odyssey as the court's case management system.

Pretrial Performance Measures

The EBDM Pretrial Work adopted the following performance measures for the pilot sites:¹⁵

- **Appearance rate:** The percentage of supervised defendants who make all pretrial scheduled court appearances. Failure to appear is only counted for those where a warrant was issued by the court for failure to appear.¹⁶
- **Safety Rate:** The percentage of supervised defendants who are not charged with a new offense during the pretrial stage.¹⁷
- **Concurrence Rate:** The ratio of defendants whose supervision level or detention status corresponds with their assessed risk of pretrial misconduct.¹⁸

¹³ Due to the variation in data collection capabilities across pilot sites, data collection practices may vary. All pilot sites have agreed to collect these data points to the extent their existing systems can capture this information.

¹⁴ The Supervised Release System (SRS) is a web-based community supervision database developed and deployed by Trial Court Technology with support from the Indiana Department of Correction. SRS is linked to Odyssey case manager and captures supervision data for probation departments, community corrections agencies, problem-solving courts, and pretrial services.

¹⁵ A county's ability to report on individual measures may be limited depending on their pretrial data collection system.

¹⁶ In 2019, Trial Court Technology added "failure to appear" as a warrant type in Odyssey, which permits counties to easily track non-appearance rates for pretrial defendants.

¹⁷ Some counties are calculating safety rates based on new arrests, rather than new charges, during the pretrial period.

¹⁸ This is also measured in some pilot sites as the rate in which the court follows pretrial services release and supervision recommendations.

- **Completion Rate:** The percentage of released defendants who remained under pretrial release supervision until disposition.
- **Pretrial Detainee Length of Stay:** The average length of stay in jail for pretrial detainees who are eligible by statute for pretrial release. This can only be calculated for those screened for pretrial release and excludes those who bond out prior to screening. This performance measure is only applicable to counties using the Supervised Release System for pretrial data collection.
- **Time on Pretrial Supervision:** Time between the pretrial agency's assumption of supervision and the end of program supervision.
- **Caseload Ratio:** The number of supervised defendants divided by the number of case managers.
- **Release Rate:** The percentage of pretrial defendants who are eligible for release and who secure release. This can only be calculated for those screened for pretrial release and excludes those who bond out prior to screening.

The pretrial pilot sites are encouraged to review this information with their local policy teams as a method for monitoring pretrial outcomes. For example, Monroe County's pretrial policy team routinely reviews its established performance measures. In October 2019, Monroe County reported an overall appearance rate of 92.6 percent and an overall safety rate (defined as no new arrest during the pretrial period) of 79.2 percent since the pilot's inception in 2016. For low risk arrestees over the same time period, Monroe County reported a 95.7 percent appearance rate and a safety rate of 91.3 percent. Monroe County's pretrial performance measures may be found in **Appendix D**.

Pretrial Pilot Evaluation Activities

- **Process Evaluation.** In 2017, Dr. Bradley Ray and Dr. Eric Grommon completed a [process evaluation of pilot site implementation of the IRAS-PAT](#). The study noted that the overall pretrial risk categories identified in the pilot sites was consistent with national trends: the majority of the arrestees assessed during the study period were low risk (38.6 percent) and moderate risk (49.3 percent) for pretrial failure (i.e., failure to appear for a court hearing and rearrest during the pretrial period). The study also noted barriers to implementing the IRAS-PAT included local concerns regarding the validity and predictive ability of the IRAS-PAT and the resources needed to administer the tool.

- **IRAS-PAT Validation Study.** In 2017, the Indiana Office of Court Services contracted with Dr. Bradley Ray and Dr. Evan Lowder to conduct a validation study of the IRAS-PAT in the 11 pretrial pilot sites.¹⁹ To date, Dr. Ray and Dr. Lowder have completed IRAS-PAT validation studies in [Monroe](#) and [Hamilton](#) Counties. Both studies indicate the IRAS-PAT accurately predicts pretrial misconduct (defined as failure to appear during the pretrial period and/or any arrest during the pretrial period), meaning the higher an arrestee’s risk score, the more likely the arrestees with fail to appear or be rearrested during the pretrial period.

Dr. Ray and Dr. Lowder are working with the other nine pilot sites to collect necessary data to complete a validation study across all sites. It is important to note that, because of significant variation in the data collection and reporting capabilities of jail management data systems, access to jail data (for tracking release dates, length of stay, and rearrests) is a challenge across the pilot sites.

- **National Institute of Justice Supervision Outcome Study.** Dr. Evan Lowder, through a grant funded by the National Institute of Justice, is conducting an evaluation of pretrial supervision outcomes in four of the pretrial pilot sites: Allen, Hamilton, Hendricks and Monroe Counties. Data from this evaluation will provide information on best practices in pretrial supervision. Preliminary study results are expected to be available by June 2020.

¹⁹ At the time of the initial validation study contract, Dr. Ray and Dr. Lowder were affiliated with the Center for Criminal Justice Research at Indiana University Purdue University School of Environmental and Public Affairs. In 2019, Dr. Ray transitioned to Wayne State University School of Social Work and Dr. Lowder transitioned to George Mason University Department of Criminology, Law and Society.

Summary of Pretrial Funding Sources

Sources of pretrial funding vary by county, with the primary funding being grants, Public Defense Fund reimbursement, county general funds, pretrial services fees, and project income. Below is a summary of state level grant funding that supports pretrial services and supervision.

Indiana Department of Correction

In Fiscal Year (FY) 2020, 27 of Indiana's 92 counties received approximately \$3.5M in funding from the Indiana Department of Correction to support pretrial services and/or supervision through a community correction agency, probation department, or a stand-alone pretrial services agency.²⁰

Counties funded under this program include: Bartholomew, Boone, Cass, Decatur, DeKalb, Delaware, Hamilton, Harrison, Lake, LaPorte, Madison, Marion, Monroe, Morgan, Noble, Perry, Pulaski, Putnam, Ripley, Rush, St. Joseph, Spencer, Starke, Tipton, Union, Vigo, and Wabash.

Indiana Supreme Court

In 2019, the Indiana Supreme Court awarded pretrial grants to 14 counties totaling \$1.6M. Activities funded under these grants varied by county, but examples include pretrial services staff to conduct pretrial risk assessment and pretrial supervision duties, defense counsel appearance at initial hearing, and deputy prosecutor appearance at initial hearing.

Counties funded under this program include: Allen, Bartholomew, Clark, Grant, Hamilton, Jefferson, Madison, Marion, Monroe, St. Joseph, Starke, Tipton, and Vigo.

Division of Mental Health and Addiction

In 2019, under the Family and Social Services Administration State Opioid Response Grant and in partnership with the Indiana Office of Court Services, the Division of Mental Health and Addiction funded grants to 14 counties for pretrial-related activities totaling \$599,797. The maximum grant awarded under this project was \$60,000 for a 12-month period. In 2020, counties may apply for a second-year award of up to an additional \$60,000.

²⁰ Eighteen counties estimated less than 10 percent of the total grant funds awarded will support pretrial services or supervision. Those counties were not included in this figure.

Counties funded under this program include: Brown, Dearborn, Harrison, Howard, Huntington, Lawrence, Marion, Marshall, Miami, Ohio, Orange, Rush, Steuben, Warren, and Warrick.

Indiana Public Defender Commission

The Indiana Public Defender Commission reimburses counties participating in the Public Defense Fund reimbursement program for up to 40 percent of felony and juvenile expenses. [Sixty counties](#) are currently eligible for reimbursement from the commission.

Six pretrial pilot sites (Allen, Grant, Hendricks, Jefferson, Monroe, St. Joseph) participate in the program and are eligible for reimbursement of public defender services at initial hearings on felony cases.

Pretrial Training and Technical Assistance

Since joining NIC's Evidence Based Decision Making Initiative, the Indiana EBDM Policy Team and its member agencies and organizations have hosted a number of education and training programs on Ind. Criminal Rule 26, the pretrial pilot project, and evidence-based pretrial practices. These trainings have ranged in length from a 75-minute breakout session up to a four-day intensive training. Agencies and organizations that have hosted these trainings include:

- Association of Indiana Counties
- Indiana Association of Community Corrections Act Counties
- Indiana Department of Correction
- Indiana Office of Court Services
- Indiana Prosecuting Attorneys Council
- Indiana Public Defender Council
- Indiana Sheriff's Association
- Probation Officers Professional Association of Indiana

In October 2019, Indiana hosted a [Pretrial Summit](#) to convene county-based teams engaged in pretrial reform. The Summit was a partnership among the Indiana Supreme Court, Indiana Department of Correction, Association of Indiana Counties, Indiana Public Defender Council, Indiana Prosecuting Attorneys Council, Indiana Sheriffs' Association, and the Indiana Criminal Justice Institute. Over 700 criminal justice professionals representing ninety-one counties attended the summit.

In addition to formal education and training programs, representatives from the Indiana Supreme Court, Indiana Prosecuting Attorneys Council, Indiana Public Defender Council, and Indiana Office of Court Services have conducted site visits to multiple counties to assist with their pretrial planning efforts. Examples of counties that have requested on-site training or technical assistance include Adams, Dearborn, Dekalb, Madison, Owen, Whitley, and Vigo.

In 2018, the Indiana Supreme Court authorized the development of a Pretrial Services certification program. Beginning January 2020, the Indiana Office of Court Services will administer the certification program under the guidance of the Pretrial Work Group. The Pretrial Services certification program, modeled after Indiana's [Problem Solving Court certification program](#), will assist counties in developing and administering evidence-based pretrial services. Participation in the certification program is voluntary; counties that do not seek certification may administer pretrial services programs under current statutory authority.

Council Findings and Recommendations on Bail Reform and Pretrial Issues

Upon review of Indiana’s current bail reform and pretrial issues, and in consultation with the Indiana Evidence Based Decision Making Initiative Pretrial Work Group, the Justice Reinvestment Advisory Council makes the findings and recommendations described below.

The Council recognizes that several recommendations will require additional state and local resources to implement. Consequently, the Council acknowledges that a more detailed review of the fiscal impact and possible funding sources is necessary. The Council is willing to assist in that review.

The Council’s recommendations cover five key policy and practice areas, including:

1. State and local collaboration
2. Data and evaluation
3. Community and jail-based behavioral health interventions
4. Training and technical assistance
5. Legal and evidence-based pretrial practices

State and Local Collaboration

Council Findings:

- Indiana is a national leader in undertaking initial steps towards comprehensive, state-wide reform efforts to improve pretrial outcomes, which include maximizing release, maximizing court appearances, and maximizing public safety.
- The Indiana General Assembly, through codifying Ind. Criminal Rule 26 and directing the Council’s review of bail reform and pretrial issues, has demonstrated a commitment to support state and local pretrial reform efforts.
- The Indiana Department of Correction, the Division of Mental Health and Addiction, and the Indiana Supreme Court have provided financial support to the pretrial pilot sites and other Indiana counties undertaking pretrial reform efforts. This includes grant funding for pretrial officers, defense counsel and deputy prosecutors at initial hearings, behavioral health providers to conduct screening

and assessment for arrestees, training and technical assistance, and pretrial data collection and evaluation.

- Continued collaboration among the Indiana General Assembly, the Justice Reinvestment Advisory Council, the Indiana Evidence Based Decision Making Policy Team, the Pretrial Work Group, and local pretrial policy teams is critical to sustain and expand Indiana's pretrial reform efforts.

Council Recommendations:

To enhance state and local collaboration, the General Assembly should enact a legislative proposal from the Justice Reinvestment Advisory Council, which is supported by the Indiana Evidence Based Decision Making Policy Team, to formally incorporate the Indiana Evidence Based Decision Making Policy Team and its accompanying workgroups into the Justice Reinvestment Advisory Council structure.

Data and Evaluation

Council Findings:

- Indiana does not have a consistent method across counties for managing and reporting statewide, real-time, jail data. As a result, Indiana is not able to monitor trends in pretrial jail populations with fidelity.
- The Indiana Department of Correction, in partnership with the Indiana Criminal Justice Institute, has begun the process for implementing a new unified, statewide victim notification system for use by all Indiana Sheriffs' Offices and the Department of Correction.
- Recent jail surveys conducted by the Indiana Sheriffs' Association indicate many county jail populations consist of a high percentage of pretrial detainees.
- Research conducted to date indicates that the IRAS-PAT has strong to moderate predictive validity when assessing risk for failure to appear and re-arrest during the pretrial stage.
- The Supervised Release System pretrial module, developed by the Indiana Office of Trial Court Technology with support from the Indiana Department of Correction, has the capacity to collect the data needed to evaluate local pretrial supervision outcomes.
- Additional research is needed to determine what release types and supervision strategies are most effective in mitigating moderate and high-risk arrestees' risk for pretrial failure. Once complete, this research may be used to develop model pretrial release and supervision policies.

Council Recommendations:

- All sheriffs' offices should be required to provide clearly defined, specific, real-time data relevant to the jail population. Real-time jail data should be communicated via interfaces with the Odyssey Court Case Management System, the Indiana Prosecutor Case Management System, the Public Defender Information System, the Supervised Release System used by community supervision agencies, and the Department of Correction.
- The Justice Reinvestment Advisory Council should develop a multi-year strategic plan for evaluating Indiana's pretrial reform efforts and measuring local and statewide pretrial outcomes.

Community and Jail-based Behavioral Health Interventions

Council Findings:

- Counties face significant challenges in providing access to community and jail-based interventions for persons with serious mental illness and persons at risk for opioid overdose, leading to a high percentage of pretrial detainees presenting with untreated (or undertreated) bipolar disorder, major depression, schizophrenia, and substance use disorder.
- Lengthy periods of pretrial detention may interfere with an arrestee's ability to access evidence-based treatment services, including psychiatric medications and medication assisted treatment for opioid use disorder, and other evidence-based substance use disorder treatments.

Council Recommendations:

- Increase access to community-based behavioral health services that support the full range of needs for the criminal justice population, including recovery residences, medication assisted treatment, and psychiatric services.
- The General Assembly should appropriate funding to support the misdemeanor Recovery Works pilot project authorized in IC 12-23-19-2(d).

Training and Technical Assistance

Council Findings:

- Coordinated, multidisciplinary training and technical assistance opportunities are needed to support initial and sustained implementation of evidenced based pretrial practices across the state.

Council Recommendations:

- Provide resources to support county-level assessments of current practices and behavioral health resources at each stage of the pretrial process, including citation and arrest procedures, bail and release decisions, initial hearing procedures, pretrial supervision, responses to pretrial misconduct, data collection and managements practices, criminal case processing practices, jail population management practices, and other local policies.
- Provide financial resources to support state and county-level training and technical assistance in the following areas:
 - Forming a collaborative policy team
 - Providing training to local criminal justice system on legal and evidence based pretrial practices
 - Conducting a local pretrial system assessment
 - Developing evidence based pretrial policies and procedures
 - Implementing consistent data collection procedures
 - Conducting on-going review and evaluation of pretrial outcomes
- Provide financial resources to support the Indiana Office of Court Services' Pretrial Services Program certification process.

Legal and Evidence Based Pretrial Practices

Council Findings:

- Local pretrial practices frequently include charge-based monetary bail schedules that do not consider an arrestee's likelihood of appearance or rearrest during the pretrial period. This approach may result in low and moderate risk arrestees who are unable to post bond being detained pretrial and high-risk arrestees who are able to post bond being released without pretrial supervision.
- Indiana does not have a clear legal framework to preventively detain pretrial defendants who pose a risk of harm to themselves or the community.

- Several states are facing legal challenges to pretrial release systems that rely on secure financial conditions.
- Most counties do not have sufficient local funding to support the staffing needed to effectively implement legal and evidence based pretrial services. Examples of local staffing needs include pretrial assessment and supervision officers and defense attorneys and deputy prosecutors to attend initial hearings.

Council Recommendations:

- Pursuant to Ind. Criminal Rule 26 (effective January 1, 2020) and Ind. Code 35-33-8-3.8, Indiana counties should utilize the results of an evidence-based risk assessment, if available, and other relevant information to determine whether an arrestee presents a substantial risk of flight, danger to themselves, or danger to the public.
- The Justice Reinvestment Advisory Council should be directed to study Indiana's legal framework relative to pretrial preventive detention.
- The Indiana General Assembly should amend Ind. Code 35-33-8-3.3 to permit pretrial supervision fees to be used by court operated pretrial service agencies and community corrections agencies, in addition to probation departments.
- Increase financial resources to support local pretrial services.
- Increase financial resources to support defense counsel and deputy prosecutor appearance at initial hearings.
- Increase financial resources to support defense counsel representation for indigent defendants in misdemeanor cases.

Conclusion

The Justice Reinvestment Advisory Council extends its thanks and appreciation to the Indiana General Assembly for the opportunity to conduct this review. The Council is willing to assist with any activities needed to further explore or implement the recommendations contained in this report.

**Appendix A Indiana Risk
Assessment System Pretrial
Assessment Tool**

The Indiana Risk Assessment System (IRAS) is designed to provide information to assist in making decisions regarding the risks and needs of offenders and youth at appropriate stages of the criminal justice system. These instruments provide information that is useful in developing sentencing and dispositional reports for the court to aid in identifying appropriate conditions and referrals for offenders as a part of these processes. These instruments are also used by agencies to assist with supervision, case planning, and offender and youth management.

These risk assessment documents are provided for informational purposes only. Assessments may only be completed and used by properly trained and certified individuals as required by the policies adopted by the Board of Directors of the Indiana Judicial Conference. These materials are subject to future revisions deemed appropriate by the University of Cincinnati in coordination with the Judicial Conference of Indiana and the Indiana Department of Correction.

Any questions regarding these materials or their use in Indiana should be directed to Michelle Goodman, Indiana Office of Court Services, by email: michelle.goodman@courts.in.gov.

INDIANA RISK ASSESSMENT SYSTEM: PRETRIAL ASSESSMENT TOOL (IRAS-PAT)

Name: _____

Date of Assessment: _____

Case#: _____

Name of Assessor: _____

Pretrial Items		Verified	
1.	Age at First Arrest 0=33 or older 1=Under 33	<input type="text"/>	<input type="checkbox"/>
2.	Number of Failure-to-Appear Warrants Past 24 Months 0=None 1=One Warrant for FTA 2=Two or More FTA Warrants	<input type="text"/>	<input type="checkbox"/>
3.	Three or more Prior Jail Incarcerations 0=No 1=Yes	<input type="text"/>	<input type="checkbox"/>
4.	Employed at the Time of Arrest 0= Yes, Full-time 1= Yes, Part-time 2= Not Employed	<input type="text"/>	<input type="checkbox"/>
5.	Residential Stability 0=Lived at Current Residence Past Six Months 1=Not Lived at Same Residence	<input type="text"/>	<input type="checkbox"/>
6.	Illegal Drug Use During Past Six Months 0=No 1=Yes	<input type="text"/>	<input type="checkbox"/>
7.	Severe Drug Use Problem 0=No 1=Yes	<input type="text"/>	<input type="checkbox"/>
Total Score:		<input type="text"/>	

Scores	Rating	% of Failures	% of Failure to Appear	% of New Arrest
0-2	Low	5%	5%	0%
3-5	Moderate	18%	12%	7%
6+	High	29%	15%	17%

Please State Reason if Professional Override:

Reason for Override (note: overrides should not be based solely on offense):

Other Areas of Concern. Check all that Apply:

- Low Intelligence*
- Physical Handicap
- Reading and Writing Limitations*
- Mental Health Issues*
- No Desire to Change/Participate in Programs*
- Transportation
- Child Care
- Language
- Ethnicity
- Cultural Barriers
- History of Abuse/Neglect
- Interpersonal Anxiety
- Other _____

*If these items are checked it is strongly recommended that further assessment be conducted to determine level or severity.

Indiana Risk Assessment System – Pretrial Assessment Tool (IRAS-PAT) Scoring Guide

Center for Criminal Justice Research
University of Cincinnati
School of Criminal Justice
PO Box 210389
Cincinnati, Ohio 45221-0389

Introduction

The following scoring guide is intended to be a user's guide for the Indiana Risk Assessment System – Pretrial Assessment Tool (IRAS-PAT), which was developed by the Center for Criminal Justice Research at the University of Cincinnati. The scoring guide will give a brief overview of the assessment tool followed by an item-by-item explanation of scoring criteria.

Overview of the Pretrial Assessment Tool (PAT)

The Pretrial Assessment Tool (PAT) was designed to be quick to administer, but at the same time be predictive of both a defendant's failure-to-appear and risk of violating pretrial probation with a new offense. In keeping with the idea of brevity, the PAT consists of seven risk variables in three dimensions (criminal history, employment and residential stability, and drug use). The tool can be administered in 10-15 minutes and involves a face-to-face interview with the defendant with some questions of the interview being verified through official records (i.e., criminal history variables, employment, etc). Based on scores of these items, cut-points have been constructed to differentiate between groups that are low, medium, and high risk to violate pretrial supervision (Failure-to-Appear or new arrest). The pretrial assessment was designed to seamlessly contribute to more comprehensive assessments at later stages of the criminal justice system (probation, intake classification, and community release following incarceration).

Accuracy of Information

An accurate assessment requires accurate information. There are several sources of information that should be used: official records, offender interview, and collateral sources. Remember the following tips:

- Ask the right questions in the right way – follow the questionnaire.
- Use effective interviewing techniques – probe and allow offender to talk.
- Get the quality and depth of information needed – take your time and do not rush.
- Get collaboration from collateral sources – when in doubt, double check information.

- Score accurately – double check scoring, follow scoring guide, and consult with supervisor if in doubt about an item.

Verification of Information

While verification of assessment items is optimal, there are times when the assessment determination must be calculated and reported without the ability to subsequently verify reported information. The following things should be kept in mind when verifying information:

- Use official records to collect and verify information whenever possible; however, each assessment item does not need to be validated in order for the assessment to be scored. Although verification is optimal, the scoring of the PAT is not dependent upon verification of every item in the assessment.
- Unless verification from official files/employment records directly refutes the information provided, the default scoring should be the information provided by the defendant.

Scoring

Each assessment item is scored using specific criteria that is gathered through the interview and review of the defendant’s file. Based on these criteria, the defendant is assigned a score ranging from 0 to 2 depending on the item. The total score is a summed product of each of the individual items creating a range between 0-9. The higher the score, the greater the risk the individual poses. Individuals who score between 0-2 are classified as low risk defendants, 3-5 as medium risk, and 6-9 as high risk defendants. The following cutoff scores and failure rates have been established for this instrument:

Risk Categories and Expected Rates of Failure by Type of Failure

Score	Risk Level	% Fail-to-Appear	% New Arrest	% Failure (any type)
0-2	Low	5%	0%	5%
3-5	Moderate	12%	7%	18%
6+	High	15%	17%	30%

General Assessment Information

- **Arrest vs. Conviction:** Items which ask about arrests are inquiring to times the offender was taken into custody for a misdemeanor or felony, regardless of the final disposition. There are a variety of reasons why a charge might not become a conviction: dismissal, court diversion in lieu of conviction, etc. For clarification, convictions are findings of guilt by a court which results in a criminal record.
- **Prior:** Items which ask about prior incidents are inquiring about events which occurred *before* the current offense. Current offenses should not be considered when scoring these items. For example, an offender who is being assessed for their third conviction would only have two prior convictions.

- **Current:** Items which ask about current behavior should focus on the last six month period prior to the assessment, unless otherwise stated.
- **Incarceration:** Items which ask about prior incarcerations in a secure correctional facility are inquiring about custodial sentences imposed as punishment upon conviction. Jail incarceration which result from pretrial detention or other non-court issued confinement should not be scored as a yes. Jail stays resulting from probation violations should be counted in this question.

PRETRIAL ASSESSMENT TOOL ITEMS

1. Age of the defendant at first arrest. If unknown, use first conviction.

Score this question as a 1 if the defendant's age at first arrest was 32 or under, and score as 0 if over 32. Note that, as mentioned above, arrests are inquiring to the first time the defendant was taken into custody, for a misdemeanor or felony, regardless of the cases final disposition. If the defendant does not remember or a discrepancy exists, use available official criminal history to determine the age that the defendant was first convicted of either a misdemeanor or a felony. Note: As stated, to score this as a 1 the defendant must have been taken into custody.

2. How many failure-to-appear warrants have been filed in the last 24 months?

The range of scoring for this item is 0 to 2 depending on the number of warrants issued for failure-to-appear. Score this question as a 0 if the defendant has never had a warrant for failure-to-appear for an adult case or if the warrants were over two years from the date of the assessment. Score this question as a 1 if the defendant has a single warrant for failure-to-appear within the last 24 months, and score as a 2 if there are two or more. Only consider *adult criminal cases*.

3. Did the defendant have 3 or more prior jail and/or prison incarcerations?

Score this question as a 0 if the defendant has had 2 or fewer previous jail and/or prison incarcerations including sentences to a secure correctional facility imposed upon sentencing. Score this question as a 1 if the defendant has had three or more jail/prison incarcerations imposed upon sentencing. Jail incarcerations resulting from pretrial detention or other non-court issued confinement should not be considered when scoring this item. Any sentence in which the defendant spent time in jail, regardless of duration, should be counted. Jail sentences that are credited due to pretrial detention should also be counted, even if the credit is for the entirety of the sentence.

4. Was the defendant employed at the time of arrest?

The range of scoring for this item is 0 to 2 depending on the employment status of the defendant at the time of arrest. Score as a 0 if the individual is employed full-time (40 hours or more a week) or is verifiably disabled and unable to work, is retired and existing on a pension, or currently attending a school full time (or part-time schooling co-occurring with a part-time job). If the individual works part-time (between 10 and 39 hours a week) the defendant should receive a score

of 1. A score of 2 is assigned to those individuals who work less than 10 hours per week, or if their hours are inconsistent from week-to-week.

Considerations:

- If the individual works seasonally (i.e., construction) or intermittently, but the income covers expenses year round, score this question as 0.
- If the individual is a homemaker or whose job is to maintain the house and care for dependents, score this item as 0.
- If the individual reports being self employed and the assessor is unable to verify this before final determination is required, score this individual as a 2 (i.e., unemployed).

5. Residential Stability: Was the defendant at the current residence for the last 6 months?

Score this item as 0 if the offender has lived at the current residence over the past 6 months. If the individual has lived in multiple residencies or if living arrangements have otherwise not been stable (such as sleeping on a friend's couch, no permanent address, being constantly thrown out of the house, or is homeless), score as a 1.

Specific considerations:

- When a defendant reports living in a family owned housing unit (i.e. parental owned home), determine if the housing situation is a temporary adjustment due to circumstances or if the defendant is maintaining stable residence at that location.
- Clarify that time at residence is when the defendant personally lived in the home, not the duration when the family/parents have owned/lived in the home.

6. Defendant reported drug use in last 6 months.

Score this question as a 1 if the individual self reports *illegal* drug use (not alcohol use or legally prescribed medication taken in accordance to directions) in the last six months, or if there are official records (i.e., urinalysis results) that indicate that such use occurred. Official possession charges can be indicators of use, but inquiries should be made into the specifics of the charge as the assessment item is about drug use in the last 6 months, not drug dealing or drug selling. Score as 0 if there is no evidence of illegal drug use in the last 6 months.

7. Severe drug-related problems in the last 6 months.

This question addresses the severity of drug use related problems of the defendant during the past six months. Those defendants whose illegal drug use has caused serious problems in the past six months (legal, employment, family, health, etc.) or that self-report severe drug related problems should be scored a 1. Individuals who have not used illegal drugs in the past six months or who do not appear to have a severe drug-related problem should be scored a 0. This item can be scored from official information or self report. If self report score from the following question:

“Please rate yourself on a scale of 1 (none/not at all) to 5 (Lots of problems). Drug use has caused problems in my life in the last 6 months.”

An individual who reports a score of 1-3 (i.e., no drug related problems or slight problems) should be assigned an assessment score of 0 for this question, while defendants who self report a 4 or 5 should be given a score of 1.

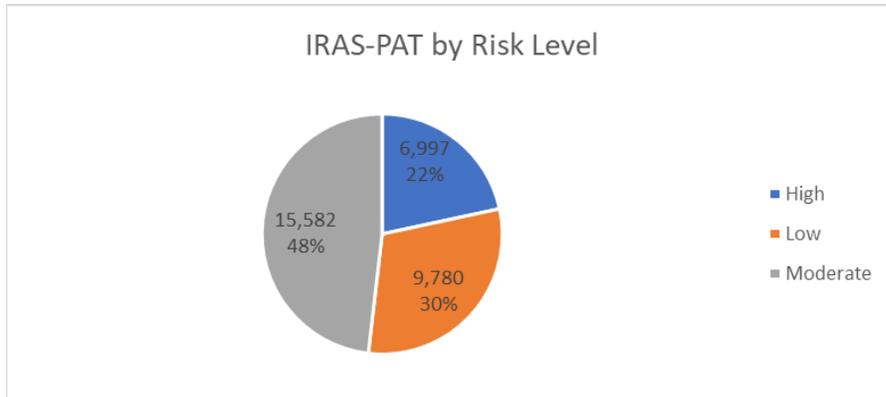
Considerations:

- If an individual’s official record contradicts the self reported statements, default to use the official record (e.g., urinalysis, drug abuse convictions, etc.). For instance, if the defendant denies use, but official records indicate recent problems due to use, default to the official records.
- Look for indicators of major disruption to the offender’s life due to drug abuse. For example, problems holding or obtaining a job, health or relationship problems due to drug use, or legal problems related to drug use.
- This question should focus on drug *use* problems, and should not be scored for individuals who have family, employment, or legal problems due to the illegal selling or manufacturing of illicit narcotics unless they are also users.

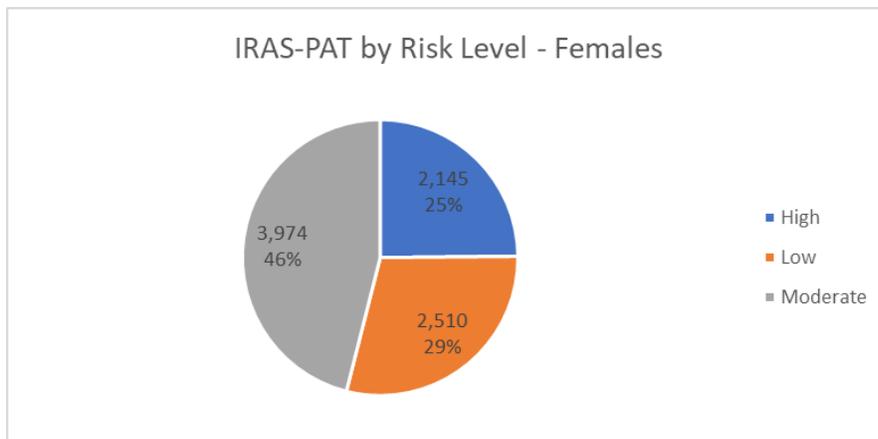
Appendix B
Indiana IRAS-PAT Risk Level
Distribution

Statewide numbers IRAS-PAT July 1, 2018 – September 30, 2019

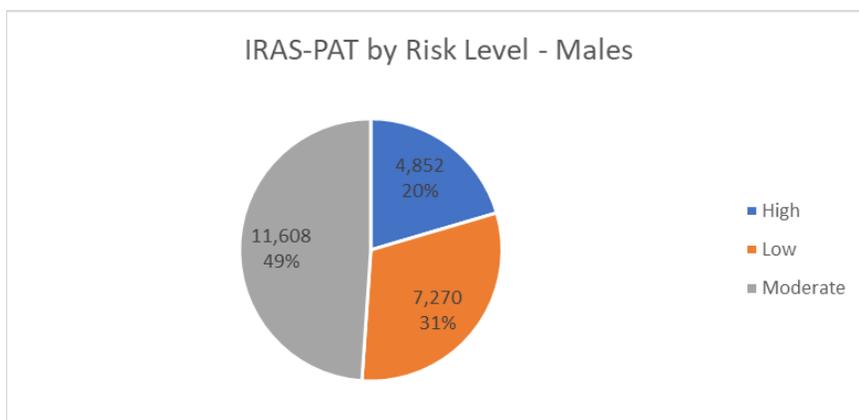
Total number = 32,359



Total Females = 8,629

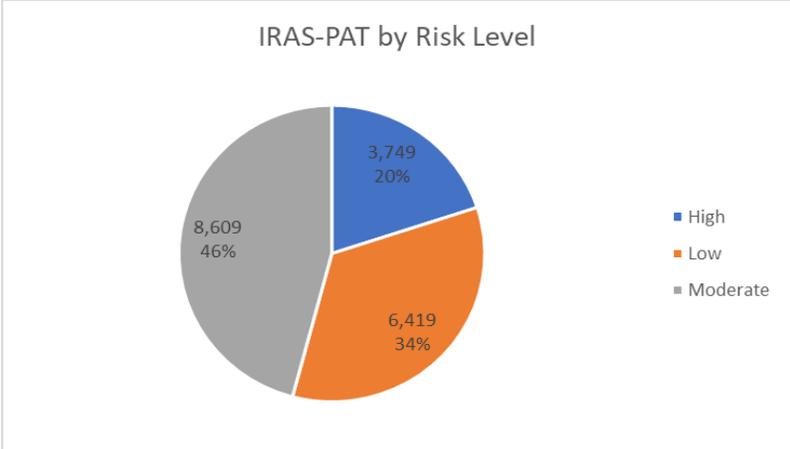


Total Males = 23,730

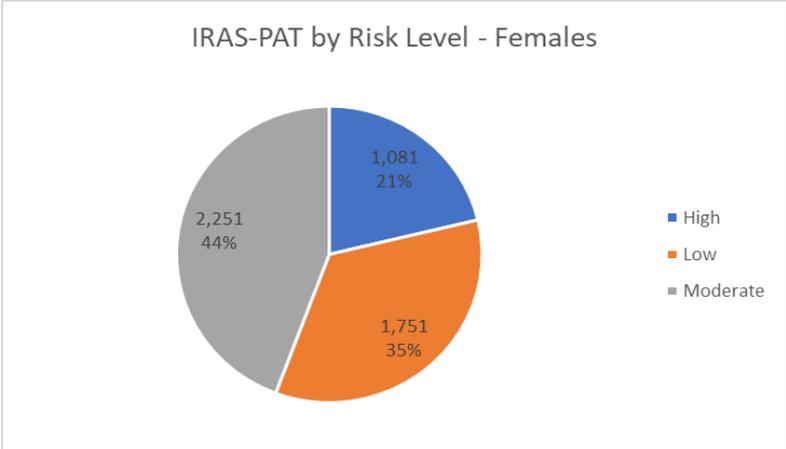


Pilot County numbers IRAS-PAT July 1, 2018 – September 30, 2019

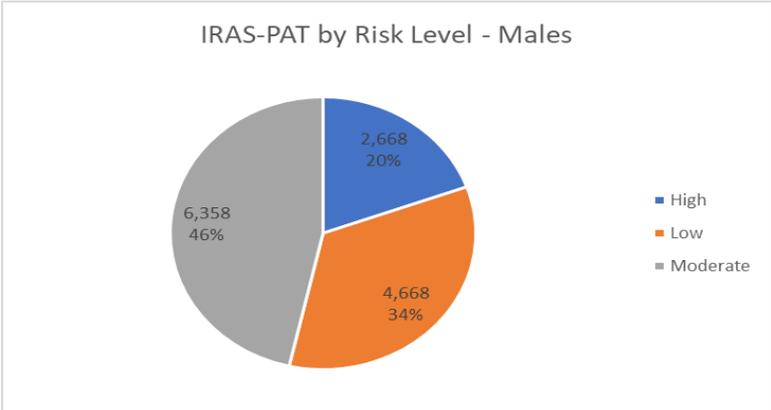
Total number = 18,777 (Represents 58.03% of statewide total)



Total Females = 5,083



Total Males = 13,694



Appendix C
Indiana Pretrial Pilot
Practices

Allen County

Est. 2015 Population: 368,450

Contact Information:

- Judge Dave Zent, Allen Superior Court
- Jeff Yoder, Executive Director, Allen Superior Court Criminal Division Services (CDS),
Telephone: 260-449-7134

Pilot Project Start Date:

March 15, 2016

Target Population:

Felonies 3-6 warrantless arrests, straight felony warrant cases, felony OWI, and Habitual Traffic Violators. Exclusions include: Arrestees currently under pretrial supervision/probation/parole; arrestees charged with murder/treason; arrestees charged with rape/criminal deviate conduct/child molesting; and arrestees charged with death of a person during the commission of an offense.

Risk Assessment and Collateral Information:

IRAS-PAT is the primary tool administered by CDS Pretrial Services Officers at the Allen County Jail for release and supervision decision-making. A generic supplemental no-interview criminal history/prior FTA's tool that the court finds relevant is used for ancillary information.

Assessments are administered pre-initial hearing on pilot population within 24 hours of arrest unless arrest occurs on the weekend. CDS is not currently not staffed on weekends. The IRAS-PAT is administered post-initial hearing for defendants outside the target population who post bond. The IRAS-PAT has been used for pretrial *supervision* purposes since October 2011. Defendants who satisfy their bond per the bond schedule continue to be assessed for supervision purposes.

Release and Bond Schedules:

Low or Moderate Risk on IRAS-PAT = Release on Recognizance (ROR). If High Risk = hold with bond and adhere to the county bond schedule.

Initial Hearing:

Initial hearings are held on weekdays (Monday at 1:30 pm, Tuesday – Friday at 9:30 am). Initial hearings held within 24 hours of arrest unless arrest occurs on the weekend. The public defender has an opportunity to consult with defendants prior to the initial hearing and is

assigned to represent defendants for the initial hearing. Deputy prosecutors are assigned to all initial hearings. The judge and parties receive a copy of (1) the IRAS-PAT assessment tool with risk score and level of risk; and (2) the results of a supplemental criminal history (including prior FTAs) non-interview tool prior to initial hearing.

Supervision:

CDS pretrial staff supervise defendants based on risk level. Minimum standards remain applicable to all released individuals. However, the magnitude of supervision and monitoring as it relates to special conditions, frequency of reporting and case management is tailored around a defendant's assessed risk.

Court Notification System:

Allen County uses the Odyssey text notification system wherein all criminal defendants are sent court reminders via text message five days and again one day prior to their court date.

Violation Response:

Low, medium or high response based on risk and severity of violation.

Funding:

- An Indiana Supreme Court grant (\$89,578) for:
 - Two pretrial staff: \$85,508
 - Meetings/Travel/Training: \$4,070
- County general funds (\$325,585) cover four full-time pretrial services staff.

Bartholomew County
Est. 2015 Population: 81,162

Contact Information:

- Magistrate Joseph Meek, Bartholomew Superior Court,
- Kim Maus, Assistant Chief Probation, Officer, Bartholomew Court Services, Telephone: 812-379-1640

Pilot Project Start Date:

July 1, 2016

Target Population:

All pretrial arrestees except for Department of Correction holds, probation violators, parole violators, out-of-county warrants, and Immigration and Customs Enforcement holds.

Risk Assessment and Collateral Information:

- PROXY Tool is administered following arrest, during or shortly after book-in by jail staff, when charges are not yet on file. Note: Law enforcement does utilize a cite and release process. If no charges are filed within 48 hours of arrest or a hold is not instituted, arrestee is Release on Recognizance (ROR) regardless of PROXY score.
- IRAS-PAT is administered by pretrial probation officer on individuals arrested on a warrant or after charges are filed following arrest within 18-24 hours.
- Other information used with the assessment is recent FTAs and current community supervision status.

Release and Bond Schedules:

Arrestees may be ROR per release matrix following administration of the Proxy. Arrestees may be released per the release matrix with or without conditions following the administration of the IRAS-PAT. Defendants may bond out after hearing with or without supervision conditions. Bartholomew County has a single cash bond schedule.

Initial Hearing:

Anyone not ROR will have a report completed by a pretrial officer. This report contains risk information, criminal history/FTA history and a recommendation for release. Copies are provided to the court, prosecutor and defense attorney of record, if applicable. First appearance court began in July 2017 on limited basis but was suspended 07/01/2019. Courts currently fit initial hearings into calendar as needed.

Supervision:

Standard conditions with or without electronic monitoring. Additional conditions may be imposed. Pretrial probation officers supervise pretrial releases with conditions.

Court Notification System:

Text and/or email notification is used through Odyssey.

Violation Response:

New offenses committed while on pretrial supervision result in violation being filed with court. Significant technical violations result in a memo to Court.

Funding:

- Indiana Department of Correction grant
 - \$70,000 salaries (2 pretrial officers)
 - \$53,000 fringe benefits (2 pretrial officers)
 - \$10,000 data collection contract
- Indiana Supreme Court grant
 - \$3256.77 public defender
 - \$1743.23 training
- Project Income/User Fees
 - \$6876 salaries (pretrial officers)
 - \$22,588 (coordinator – representing portion of assistant chief probation officer salary)

Grant County
Est. 2015 Population: 67,979

Contact Information:

- Judge Mark Spitzer Grant Circuit Court
- Lakisha Fisher, Pretrial Release Coordinator, Telephone: 765-662-9861 ext. #4161

Pilot Project Start Date:

August 2017

Target Population:

Persons detained for a criminal offense in the Grant County Jail under the jurisdiction of Grant County Circuit and Superior Courts undergo pretrial release screening if they are unable to post bond. The exception to this is murder and treason.

Risk Assessment and Collateral Information:

Pretrial assessors utilize the IRAS-PAT at to assess eligible detainees for release decision-making. The tool is administered within 24 hours or the next business day following arrest. The overall score and recommended supervision level is provided to the court via a summary report. This report is also provided to the prosecutor and defense. The ODARA assessment tool is also used in cases involving domestic violence/battery.

Release and Bond Schedules:

Grant County utilizes a release matrix that affords low risk arrestees the opportunity for release on their own recognizance, release with conditions, or release with money bail. The matrix is incorporated into the county's bond schedule. With some exceptions, pretrial release staff has the authority to release non-violent Felony Level 6 and non-violent Misdemeanor cases.

Initial Hearing:

The defendant remaining in custody appears for a meaningful first appearance hearing within 48 hours of jail admission during which all parties (defendant, judge, defense attorney, prosecutor, and pretrial Release staff) are present and the pretrial report is reviewed. The judicial officer will determine whether and under what conditions the defendant will be released pending subsequent hearings or if the bond will remain according to Grant County Bond Schedule.

Supervision:

Upon completion of a pretrial release assessment, assessors utilize a matrix to match the appropriate supervision level consistent with the level of risk. Release conditions are individualized to maximize court appearances and public safety.

Court Notification System:

Defendants receive automated text messages or email reminders of their upcoming court event (i.e., court date, time, and location). Reminders are sent at 5 days and again at 1 day before the court date. The reminder system is provided by Odyssey.

Violation Response:

When the defendant is not compliant with supervision and release conditions, pretrial staff responds according to the violation matrix. Responses range from verbal reprimand to notice filed with the court requesting a warrant based on the severity of the violation. Considerations to violations include: risk level of the defendant and severity of the violation committed.

Funding:

An Indiana Supreme Court grant (\$247,689) funds three pretrial staff salaries and benefits and criminal defense representation at \$80 per hour and training.

Hamilton County
Est. 2015 Population: 309,697

Contact Information:

- Judge Gail Bardach, Hamilton Superior Court #6
- Stephanie Ruggles, Director, Hamilton County Pretrial Services. Phone: 317-776-6427

Pilot Project Start Date:

June 2016

Target Population:

All warrantless arrestees and those with warrants and an order from the court to assess for pretrial.

Risk Assessment and Collateral Information:

A person is eligible for screening upon being booked into the Hamilton County Jail unless the person is booked in for an alcohol related offense or lacks the capacity to provide a valid risk assessment due to the effects of drugs, chemical withdrawal, or a mental or emotional condition. A person booked in for an alcohol related offense becomes eligible for screening pursuant to the chart established for release eligibility in I.C. 35-33-1-6. A person that lacks the capacity to provide a valid risk assessment becomes eligible for screening when he/she regains that capacity. The screening analyst shall assess those persons detained within eight hours of their arrest or within eight hours of being eligible for screening under paragraph two of IC 35-33-1-6.

If a person is not screened within eight hours of being eligible for screening, that person shall be released/detained in accordance with the Hamilton County Bond Schedule already in effect.

The screening analyst shall use at least one State approved pretrial risk assessment instrument and such other risk assessment instrument(s) that may be approved and required by the judges of the Circuit and Superior Courts of Hamilton County.

Release and Bond Schedules:

Hamilton County has one bond schedule utilizing both surety and cash and is utilized when pretrial staff are not available to assess individuals. A Pretrial Release Matrix is used to determine the level of supervision while on pretrial release. This matrix incorporates the IRAS-PAT score and level of offense.

Initial Hearing:

A hearing is held the next business day following arrest for those detained. Those released according to the local pretrial release matrix are given a summons to appear within 7-10 days for their initial hearing. Defendants who are detained are provided an opportunity to consult with defense counsel prior to the hearing. Both the prosecutor and defense counsel participate in the hearing. A pretrial summary report containing the defendant's demographic information, charge, offense level, risk information (as it pertains to the local release matrix) and supervision release level is completed. There is also a section for additional comments. The specific IRAS-PAT level along with any additional risk assessment instruments that are utilized are also included. Summaries are sent to the court, prosecutor's office and defense attorney via email prior to the hearing and this information is considered during the hearing.

Supervision:

Pretrial staff supervise defendants on pretrial release utilizing a supervision matrix based on the assessed risk of the defendant.

Court Notification System:

Utilizes the Trial Court Technology Hearing Notification System that pulls information from Odyssey and Supervised Release System (SRS). A text message is sent five days prior to the hearing date and one day prior to the hearing date.

Violation Response:

A Pretrial Violations Matrix is utilized to determine the severity of the violation and the response.

Funding:

- Indiana Department of Correction grant (\$193,725) for partial salaries and benefits for three staff persons
- Indiana Supreme Court grant (\$155,768) for salaries/benefits for one staff person, defense attorneys at initial appearance and to cover IDOC shortfall for personnel
- County general (\$213,302) for salaries/benefits for director and one other staff person
- In-kind support from local sheriff's, probation and community corrections departments

Hendricks County
Est. 2015 Population: 158,192

Contact Information:

- Judge Stephenie LeMay-Luken
- Catherine Haines, Court Administrator
- Susan Bentley, Chief Probation Officer

Pilot Project Start Date:

October 2017

Target Population:

All arrestees

Risk Assessment and Collateral Information:

Hendricks County has used the IRAS-PAT since January 2014. Since October 16, 2017, the IRAS-PAT is administered on all in-custody arrestees, Monday – Friday, 6:30 am – 2:30 pm. A supplemental assessment tool is also administered. These assessments are conducted by pretrial services officers.

Release and Bond Schedules:

Hendricks County has a single bond schedule utilizing both surety and cash deposits. Since October 16, 2017, the courts have adopted a single pretrial release schedule allowing for certain arrestees to be released on own recognizance pretrial.

Initial Hearing:

Initial hearings are held Monday through Friday at 1:00 pm. A magistrate and deputy prosecutor attend. Pretrial services officers are responsible for distributing pretrial assessment reports to all stakeholders in advance of initial hearings.

Supervision:

Since November 2017, the courts have adopted a single pretrial supervision matrix. Defendants may be ordered to basic, moderate, or enhanced pretrial supervision.

Court Notification System:

The courts use the Odyssey text messaging reminder system to send text messages to remind defendants about upcoming hearings.

Violation Response:

Since November 2017, the courts have adopted a single pretrial sanctions matrix. This matrix authorizes pretrial services officers to administer graduated sanctions in response to the severity of the defendant's violation.

Funding:

- County general funds pay salary and fringe benefits (\$64,886) for one pretrial services officer.
- An Indiana Supreme Court grant (\$174,298) pays the salary and benefits for two pretrial services officers.

Jefferson County
Est. 2015 Population: 32,416

Contact Information:

- Judge Mike Hensley, Jefferson Superior Court
- Judge DJ Mote, Jefferson Circuit Court
- Magistrate Nancy Jacobs
- Amber Finnegan, Executive Director, Jefferson County Court Services, Phone (812) 265-8911
- Shelby Bear, Pretrial Director Jefferson County Court Services, Phone: (812) 265-8921

Pilot Project Start Date:

January 1, 2017

Target Population:

Any new arrestee who qualifies under Ind. Criminal Rule 26.

Risk Assessment and Collateral Information:

Pretrial services officers administer the IRAS-PAT and mental health screeners within 24 hours of arrest, including weekends. Pretrial services officers also administer the ODARA and the Danger Assessment in domestic violence cases.

Release and Bond Schedules:

Jefferson County has a single bond schedule utilizing cash deposits. Release decisions incorporate risk level and severity of offense.

Initial Hearing:

Hearings are held on Monday, Wednesday, and Friday in Superior Court and Circuit Court. Defendants are brought over from the jail a half an hour before their hearing and at that time talk with the defense counsel. If they are released from jail, they come to court an hour early for assessment and to meet with defense counsel and pretrial services if they have not had an assessment completed. Both the defense attorney and the prosecution participate in the hearing. All parties (the court, prosecutor and defense attorney) receive a written report, the IRAS-PAT questions and how they were answered, the matrix of release and a client advisement of rights for the assessment prior to hearing.

Supervision:

Pretrial service officers follow a supervision matrix that incorporates risk level and security level. Supervision is conducted by designated pretrial services officers.

Court Notification System:

All released defendants receive text message reminders of court dates three days and one day prior to the hearing.

Violation Response:

Jefferson County follows a violations matrix that ranges from verbal reprimand to notice filed with the court for a warrant, bond review or bail revocation based on the severity of misconduct.

Funding:

- Indiana Supreme Court grant (\$192,070) supporting the director and a case manager salary and benefits; public defender contract; prosecutor contract; training and data for notifications.
- Indiana Department of Correction grant for one case manager position.
- In-kind support from Jefferson County Community Corrections for office space and utilities.

Monroe County
Est. 2015 Population: 144,705

Contact Information:

- Hon. Mary Ellen Diekhoff
- Hon. Valeri Haughton
- Hon. Christine Talley Haseman
- Hon. Darcie Fawcett
- Linda Brady, Chief Probation Officer, Phone: (812) 349-2648
- Troy Hatfield, Deputy Chief Probation Officer, Phone: (812) 349-2008
- Becca Streit, Probation Supervisor, Phone: (812)349-2656

Pilot Project Start Date:

October 2016

Target Population:

All felony and misdemeanor arrestees. Exclusions: probationers, parolees, arrestees under other types of community supervision, and individuals arrested on writ of attachment or a warrant from another jurisdiction.

Risk Assessment and Collateral Information:

- Initially screened by jail staff to determine monetary bond eligibility.
- If arrestee is released pursuant to bond schedule, the arrestee signs a promise to appear in the Probation Department office for pretrial intake and assessment on the next business day.
- Arrestees who are ineligible or unable to post bond are assessed by pretrial probation officers using the IRAS-PAT within one business day of arrest (if arrested over a weekend, arrestee is assessed on Monday).
- Collateral information reported includes: criminal history, employment, residence, current supervision status, current charges, and victim involvement.

Release and Bond Schedules:

Monroe County has a single bond schedule utilizing both surety and cash deposits.

Initial Hearing:

Initial Hearings are held weekdays at 1:30 pm. Pretrial staff provide a Pretrial Services Report to the court and the parties prior to the hearing. A prosecutor, public defender and pretrial probation officers are present at every initial hearing.

Supervision:

Pretrial monitoring level is based on a defendant's IRAS risk and type of charged offense. All defendants who receive monitored pretrial conditions receive telephone and text notifications of required in-person meetings with a pretrial officer. The court may also include additional conditions of pretrial monitoring such as day reporting or electronic monitoring.

Court Notification System:

All released defendants receive telephone and text notifications of court hearings.

Violation Response:

Pretrial monitoring violations are divided into minor, moderate and severe violations with suggested responses for each category of violation.

Funding:

- Indiana Supreme Court grant (\$152,558) supporting a probation officer, probation officer assistant and public defender services.
- Indiana Department of Correction grant (\$342,043) supporting five probation officer salaries and benefits.
- Project income (\$44,326) pretrial user fees are used to support probation officer salaries and benefits.

Porter County
Est. 2015 Population: 167,688

Contact Information:

- Judge Michael Drenth, Porter County Superior Court #3
- Tammy O’Neill, Executive Director, Porter County PACT, Telephone: 219-462-1127
- Melanie Golumbeck, Chief Probation Officer, Porter County Probation Department, Telephone: 219-465-3426

Pilot Project Start Date:

March 2017

Target Population:

All felony and misdemeanor arrestees who have not posted bond prior to an initial hearing.

Risk Assessment and Collateral Information:

IRAS-PAT is conducted by community corrections staff following jail book-in. This is done within 24 hours of arrests made on weekdays and within 72 hours of arrests made on the weekend. The IRAS-PAT date, score and level are shared in a Pretrial Services Report prepared by community corrections and provided to the Court, prosecutor, public defender and the Probation Department prior to the initial hearing. For domestic violence cases, a court may order a domestic violence evaluation, which includes an ODARA assessment that is completed within 72 hours of the initial hearing.

Release and Bond Schedules:

Porter County has multiple bond schedules utilizing cash or surety deposits. A Release and Supervision Matrix incorporating risk level and the arresting offense is used to determine release.

Initial Hearing:

Hearings are held within 24-48 hours of arrest as scheduled by each Court. Prior to the hearing, a Pretrial Service Report prepared by community corrections is submitted to the Court, prosecutor, public defender and the Probation Department. Defendants are provided with the opportunity to consult with counsel prior to the hearing. Both defense counsel and a prosecutor are present at the hearings.

Supervision:

A Release and Supervision Matrix that incorporates risk level and arresting offense is used to determine supervision levels. Designated pretrial officers from the Probation Department supervise defendants according to the matrix or as specified by the Court. Release conditions are individualized by the Court to maximize court appearance and public safety. Screeners for mental health issues and substance abuse are available for use by pretrial officers to provide referrals for treatment.

Court Notification System:

Porter County uses the Odyssey text notification system wherein defendants are sent court reminders via text message five days and again one day prior to their court date.

Violation Response:

A Violations Matrix that considers the severity of violation is used to determine the response to a violation. Minor violations are addressed without Court intervention but repeated or severe violations, including new arrest violations, are referred to the Court for review.

Funding:

- IOCS grant (\$153,343) for three full-time pretrial supervision officers, a jail officer, training and office supplies.
- DOC grant (\$115,211) for a full-time and part-time assessor and contract public defender per diem.

St. Joseph County
Est. 2015 Population: 268,411

Contact Information:

- Judge Elizabeth Hurley
- Judge Jeffrey Sanford
- Jesse Carlton, Chief Probation Officer, St. Joseph County Probation, Telephone: 574-235-5158
- Sharon McBride, Director, DuComb Center, Telephone: 574-236-2121

Pilot Project Start Date:

July 2016

Target Population:

Current priority is felony arrestees. The project will expand to include misdemeanants who are not released under current misdemeanor bond schedule which includes a presumptive Release on Recognizance (ROR) for most misdemeanor offenses.

Risk Assessment and Collateral Information:

Community Corrections staff complete an in-person interview with defendants in custody while Pretrial Services Probation Officers gather additional information and score IRAS-PAT to produce a report. Collateral information provided at the initial hearing includes: criminal history (NCIC), existence of No Contact/Protective Orders, any outstanding CHINS cases and probation records. Probation administers a DV-specific risk assessment (the ODARA) when requested by the Court.

Release and Bond Schedules:

Misdemeanor Bond Schedule provides presumptive ROR for most misdemeanor arrestees.

Initial Hearing:

Initial hearing takes place within 48 hours of arrest (unless the state requests an extension to file Probable Cause). Dedicated pretrial Public Defenders consult with defendant prior to hearing. Prosecution and Public Defender are present at initial hearings. Pretrial report distributed to parties prior to hearing. The pretrial report includes criminal history, broken down by type of offense: our county workgroup developed the report to highlight certain offenses that were of particular concern. These "Public Safety Offenses" include crimes against law enforcement and crimes involving domestic violence. The report includes the risk level

determined by the IRAS-PAT, but neither the score itself nor the assessment are provided to the court/parties.

Supervision:

The county has developed a supervision matrix, probation officers within the Pretrial Division provide supervision. When GPS is ordered, community corrections officers provide monitoring services.

Court Notification System:

St. Joseph County uses the Odyssey text notification system wherein defendants are sent court reminders via text message five days and again one day prior to their court date.

Violation Response:

Supervision Matrix and Violations Response protocol have been developed, with graduated supervision options and sanctions based on the severity of the violation. Working to finalize procedure for reporting violations to the Court.

Funding:

- IOCS grant (\$207,000) for probation supervisor and probation officer salaries and benefits plus \$50,000 for contracted public defense.
- IDOC grant (\$167,793) for three probation officer salaries and benefits.

Starke

Est. 2015 Population: 22,958

Contact Information:

- Judge Kim Hall, Starke Circuit Court
- Shawn Mattraw, Chief Probation Officer, Starke County Probation Dept., (574) 772-9151
- Charles Phillips, Pretrial Services Officer, Starke County Probation Dept., (574) 771-9154

Pilot Project Start Date:

January 2016

Target Population:

Felony and misdemeanor arrestees.

Risk Assessment and Collateral Information:

IRAS-PAT administered following completion of the booking process by the pretrial officer.

Collateral information considered includes: criminal history check, FTA check, warrant check and questionnaire developed by the probation department. As supplemental tools, the TCU Drug Screen 5 and Opioid Supplement are administered. Pretrial Services Officer verifies employment and residency, when applicable. If a victim is involved, a report will be provided by the Victims Right's Advocate from the Prosecuting Attorney's Office to be included in the recommendation.

Release and Bond Schedules:

Two bond schedules (county and city) are used with surety and cash deposits accepted. A release matrix has been developed for felony offenders only. The matrix is designed to follow the IRAS scoring system and classification. There are those individuals, based upon the matrix, that may be released prior to appearing before the court. Those individuals are provided a court date for their initial hearing and contact information is entered into Odyssey for the purpose of notifications.

Initial Hearing:

Hearings are held on Wednesdays and Fridays no later than five calendar days following arrest. A pretrial services officer completes a recommendation form that includes the IRAS-PAT risk level, criminal history, FTA information, prior treatment, warrant information, and release recommendation based upon the developed matrix. This packet also includes a copy of the

IRAS-PAT. The recommendation and included information is shared with the court, public defender, and state. Starke County provides a public defender for all initial hearings.

Supervision: Starke County has developed a matrix. Supervision provided by the probation department and/or community corrections. Supervision status is constantly reviewed and adjusted as the situation of defendant changes.

Court Notification System:

Starke County uses a web-based program for all pretrial individuals, which contacts defendants via phone, text, and email. The court staff uses the program available through Odyssey for offenders as well.

Violation Response:

Starke County has developed a matrix to guide responses to pretrial violations, which is followed by probation and community corrections.

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Funding:

- An Indiana Department of Correction grant (\$66,500) funds a portion of the pretrial services officer.
- An Indiana Office of Court Services (IOCS) grant (\$74,000) funds the portion of the pretrial services officer salary not covered by the IDOC grant. The IOCS grant also funds the public defender at the initial hearing, drug screening, technology upgrades, equipment and other program needs.

Tipton County
Est. 2015 Population: 15,267

Contact Information:

- Judge Thomas Lett, Tipton Circuit Court
- Tracy Regnier, Executive Director, Tipton County Community Corrections,
Phone: (765) 675-3565

Pilot Project Start Date:

October 2016

Target Population:

All arrestees

Risk Assessment and Collateral Information:

Jail staff conduct a PROXY assessment during the booking process. A community corrections screening office conducts an IRAS-PAT within 72 hours of arrest. Arrestees not released pursuant to the PROXY or IRAS-PAT are held until court convenes and a release hearing can be held. Collateral information considered by the court includes criminal history and arrestee contact information.

Release and Bond Schedules:

The court does not routinely impose a monetary bond; only in exceptional cases utilizing a bond schedule. The court accepts surety and cash deposits. The PROXY risk level determines whether an arrestee is release or detained until a hearing. Low-risk defendants are released Release on Recognizance (ROR), sign a promise to appear and are instructed to report to community corrections within 24 hours to provide contact information. the IRAS-PAT risk level determines the supervision conditions upon release. Tipton County's release matrix considers the defendant's IRAS-PAT risk level and arresting offense.

Initial Hearing:

If a defendant is held, the defendant appears for a hearing at the next available court date. Initial hearings are held every Monday, Wednesday, and Friday morning. If a defendant is released, the defendant's initial hearing is held 30 days after release. At initial hearing, the pretrial officer verbally reports the IRAS-PAT risk level on the record. The pretrial officer does not submit a written report and a copy of the IRAS-PAT is not made available. Additional information specific to the case is given through testimony, if requested.

Supervision:

Community corrections staff provide pretrial supervision. The supervision matrix considers the defendant's risk level and arresting offense. Three supervision levels are used: Level 1 – call in every two weeks and monthly criminal history check; Level 2 – call in and 1 in-person meeting every month and monthly background check; and Level 3 – 2 call ins and 2 in-person meetings every month and a monthly criminal history check.

Standard release conditions include: appear for all court hearings, do not leave the state without court permission, do not commit or be arrested for a new crime, and notify court and attorney of address changes within 24 hours of change. Additional conditions may be imposed, which may include electronic monitoring, drug testing, alcohol monitoring, etc.

Court Notification System:

Tipton is using Odyssey for reminders. Text messages are sent five days prior and one day prior to a court hearing, as well as when continuances are granted.

Violation Response:

Tipton County has developed a violation response matrix. Major violations include absconding, positive drug screens, or new arrest. These violations will be reported to the court for further response. Minor violations include missed calls or missed office visits. The response to these violations will be handled administratively.

Funding:

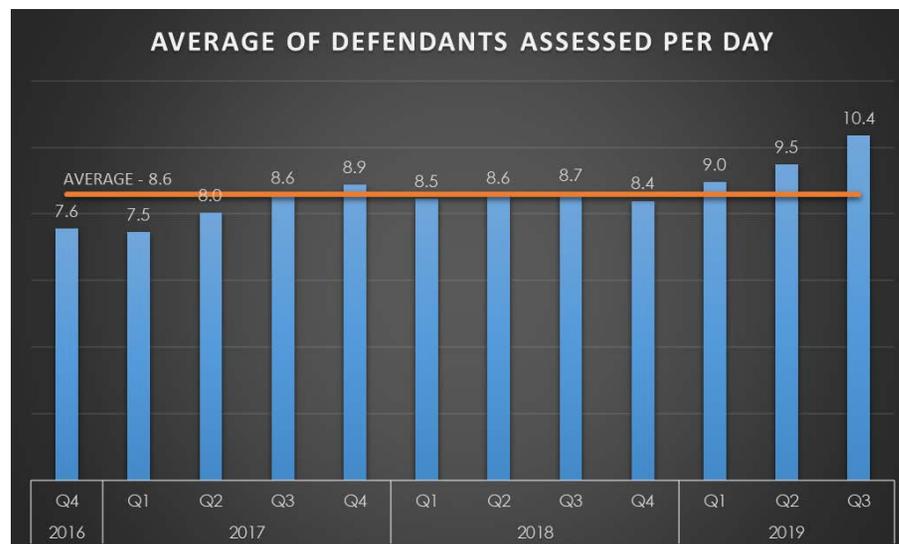
- An Indiana Office of Court Services grant (\$21,900) and an Indiana Department of Correction grant (\$68,632) fund a pretrial officer, the public defender, training, and office equipment.

Appendix D
Monroe County Pretrial
Performance Measures

MONROE CIRCUIT COURT
 PRETRIAL SERVICES STATISTICS
 October 2016 – September 2019

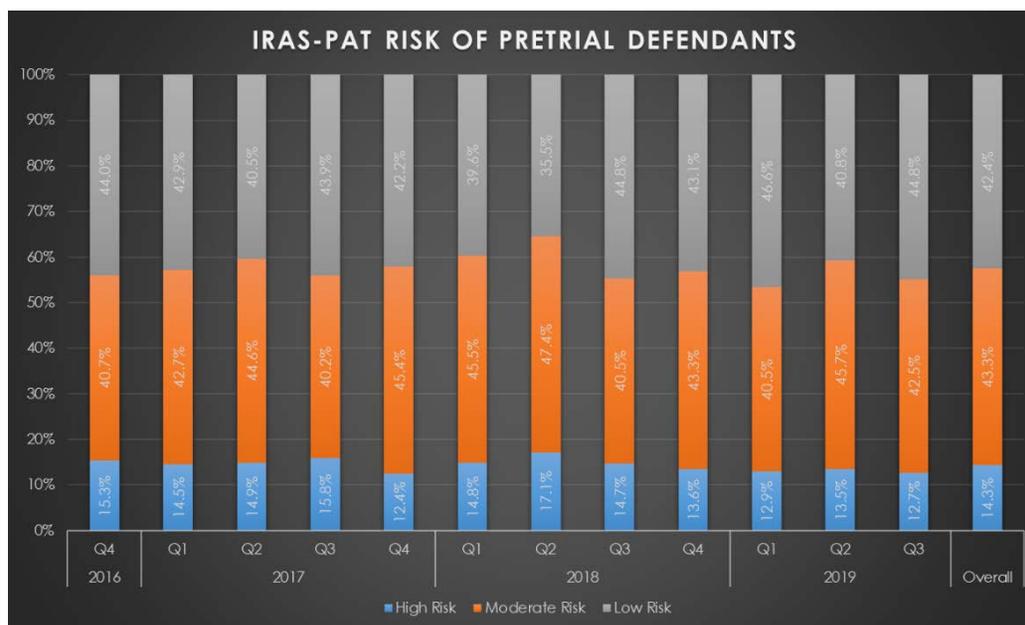
Target Population – All felony and misdemeanor arrestees. Exclusions: probationers, parolees, arrestees under other types of community supervision, and individuals arrested on writ of attachment or a warrant from another jurisdiction.

	2016	2017				2018				2019			Overall
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	
Total Defendants in Target Population	438	462	506	531	515	516	540	545	495	546	588	663	6345
Average Number of Defendants Assessed per Day	7.6	7.5	8.0	8.6	8.9	8.5	8.6	8.7	8.4	9.0	9.5	10.4	8.6
Total Pretrial Cases Completed from Target Population	44	145	243	263	356	365	401	410	439	375	458	394	3893



Risk Assessment – All defendants in the target population are assessed for pretrial risk using the Indiana Risk Assessment System – Pretrial Assessment Tool (IRAS-PAT). The IRAS-PAT measures a person’s likelihood of failing to appear in court or being arrested during the pretrial phase of the person’s criminal case. Defendants are assessed after arrest and before an initial hearing while still in custody or after release from jail.

	2016	2017				2018				2019			Overall
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	
High Risk	15.3%	14.5%	14.9%	15.8%	12.4%	14.8%	17.1%	14.7%	13.6%	12.9%	13.5%	12.7%	14.3%
Moderate Risk	40.7%	42.7%	44.6%	40.2%	45.4%	45.5%	47.4%	40.5%	43.3%	40.5%	45.7%	42.5%	43.3%
Low Risk	44.0%	42.9%	40.5%	43.9%	42.2%	39.6%	35.5%	44.8%	43.1%	46.6%	40.8%	44.8%	42.4%



	2016	2017				2018				2019			Overall
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	
Felony	41.1%	44.7%	46.2%	41.1%	45.7%	46.6%	49.3%	41.7%	44.0%	45.9%	41.5%	42.0%	44.1%
High Risk	21.1%	18.6%	17.3%	23.1%	17.2%	19.2%	20.6%	20.5%	18.2%	18.3%	19.0%	16.4%	19.1%
Moderate Risk	43.8%	48.8%	51.4%	47.9%	52.4%	52.5%	50.9%	46.6%	47.5%	48.6%	51.0%	46.6%	49.1%
Low Risk	35.1%	32.6%	31.3%	29.0%	30.4%	28.3%	28.5%	32.9%	34.3%	33.1%	30.0%	37.0%	31.8%
Misdemeanor	58.9%	55.3%	53.8%	58.9%	54.3%	53.4%	50.7%	58.3%	56.0%	54.1%	58.5%	58.0%	55.9%
High Risk	9.1%	12.8%	10.7%	10.4%	9.8%	11.6%	11.0%	9.5%	9.3%	9.1%	9.2%	8.7%	10.0%
Moderate Risk	38.5%	32.7%	40.3%	35.8%	39.7%	38.0%	41.8%	36.8%	38.0%	34.5%	39.7%	41.1%	38.2%
Low Risk	52.4%	54.5%	49.0%	53.8%	50.5%	50.4%	47.2%	53.7%	52.7%	56.4%	51.1%	50.2%	51.8%

	2016	2017				2018				2019			Overall
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	
F1	0.0%	0.6%	0.2%	0.0%	0.7%	0.5%	0.3%	0.2%	0.7%	0.2%	0.5%	0.7%	0.4%
High Risk	0.0%	0.0%	0.0%	0.0%	25.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	20.0%	7.4%
Moderate Risk	0.0%	66.7%	100.0%	0.0%	75.0%	66.7%	100.0%	0.0%	100.0%	0.0%	0.0%	0.0%	51.9%
Low Risk	0.0%	33.3%	0.0%	0.0%	0.0%	33.3%	0.0%	100.0%	0.0%	100.0%	100.0%	80.0%	40.7%
F2	1.3%	1.5%	0.6%	0.9%	1.6%	1.6%	1.0%	0.2%	1.3%	1.5%	0.6%	0.3%	1.0%
High Risk	33.3%	14.3%	33.3%	0.0%	22.2%	33.3%	33.3%	0.0%	28.6%	0.0%	0.0%	0.0%	19.1%
Moderate Risk	50.0%	57.1%	66.7%	80.0%	44.5%	44.5%	50.0%	100.0%	57.1%	55.6%	100.0%	50.0%	57.4%
Low Risk	16.7%	28.6%	0.0%	20.0%	33.3%	22.2%	16.7%	0.0%	14.3%	44.4%	0.0%	50.0%	23.5%
F3	2.5%	1.9%	1.3%	0.9%	2.2%	1.5%	1.5%	2.0%	1.3%	3.5%	1.1%	1.0%	1.7%
High Risk	27.3%	0.0%	14.3%	20.0%	8.3%	0.0%	44.4%	25.0%	0.0%	0.0%	28.6%	14.2%	13.9%
Moderate Risk	45.4%	55.6%	57.1%	40.0%	75.0%	87.5%	44.4%	33.3%	85.7%	66.7%	57.1%	42.9%	58.3%
Low Risk	27.3%	44.4%	28.6%	40.0%	16.7%	12.5%	11.2%	41.7%	14.3%	33.3%	14.3%	42.9%	27.8%
F4	2.0%	3.1%	1.9%	3.4%	2.4%	2.7%	2.9%	2.3%	2.1%	1.5%	1.7%	2.3%	2.3%
High Risk	11.1%	40.0%	30.0%	21.1%	30.8%	40.0%	29.4%	7.1%	45.5%	22.2%	36.4%	43.8%	30.2%
Moderate Risk	66.7%	33.3%	60.0%	63.1%	38.4%	53.3%	47.1%	57.1%	36.4%	66.7%	45.5%	43.8%	50.3%
Low Risk	22.2%	26.7%	10.0%	15.8%	30.8%	6.7%	23.5%	35.8%	18.1%	11.1%	18.1%	12.4%	19.5%
F5	4.9%	7.7%	6.1%	6.5%	4.6%	5.5%	8.6%	5.5%	6.9%	6.8%	6.5%	8.1%	6.5%
High Risk	31.8%	16.2%	21.2%	21.6%	20.0%	23.3%	17.6%	12.1%	16.2%	24.4%	22.0%	14.3%	19.4%
Moderate Risk	40.9%	56.8%	57.6%	48.6%	60.0%	56.7%	52.9%	42.4%	32.4%	51.2%	46.3%	48.2%	49.4%
Low Risk	27.3%	27.0%	21.2%	29.8%	20.0%	20.0%	29.5%	45.5%	51.4%	24.4%	31.7%	37.5%	31.2%
F6	30.1%	29.8%	36.2%	29.3%	34.2%	34.7%	34.9%	31.5%	31.6%	32.4%	31.1%	29.5%	32.1%
High Risk	19.3%	18.9%	15.9%	24.7%	16.0%	17.4%	19.4%	22.9%	17.8%	19.4%	17.8%	15.1%	18.6%
Moderate Risk	41.5%	46.9%	49.2%	44.6%	50.8%	50.5%	50.5%	47.3%	48.5%	45.4%	51.8%	47.3%	48.1%
Low Risk	39.2%	34.2%	34.9%	30.7%	33.2%	32.1%	30.1%	29.8%	33.7%	35.2%	30.4%	37.6%	33.3%
MA	42.0%	39.8%	39.1%	41.3%	41.0%	41.3%	39.7%	43.4%	42.8%	42.3%	44.7%	43.3%	41.8%
High Risk	9.0%	12.6%	13.7%	7.7%	8.5%	10.6%	10.3%	10.0%	10.5%	9.4%	8.5%	7.6%	9.7%
Moderate Risk	35.6%	30.9%	39.8%	38.5%	39.3%	42.0%	42.7%	36.3%	38.0%	33.2%	38.9%	42.9%	38.4%
Low Risk	55.4%	56.5%	46.5%	53.8%	52.2%	47.4%	47.0%	53.7%	51.5%	57.4%	52.6%	49.5%	51.9%
MB	12.9%	14.0%	10.9%	13.9%	10.8%	8.6%	8.8%	12.2%	10.8%	9.3%	10.6%	10.4%	11.0%
High Risk	10.4%	13.4%	1.6%	20.3%	16.9%	19.1%	15.4%	6.8%	5.2%	10.7%	11.9%	13.9%	12.2%
Moderate Risk	51.7%	38.8%	49.2%	31.6%	39.0%	27.7%	36.5%	41.1%	37.9%	41.1%	43.3%	40.3%	39.9%
Low Risk	37.9%	47.8%	49.2%	48.1%	44.1%	53.2%	48.1%	52.1%	56.9%	48.2%	44.8%	45.8%	47.9%
MC	4.3%	1.6%	3.7%	3.8%	2.5%	3.6%	2.3%	2.7%	2.5%	2.5%	3.2%	4.4%	3.2%
High Risk	5.3%	12.5%	5.0%	4.6%	0.0%	5.3%	7.6%	12.5%	7.7%	0.0%	10.0%	6.5%	6.1%
Moderate Risk	26.3%	25.0%	20.0%	22.7%	50.0%	15.8%	46.2%	25.0%	38.5%	31.3%	40.0%	25.8%	29.4%
Low Risk	68.4%	62.5%	75.0%	72.7%	50.0%	78.9%	46.2%	62.5%	53.8%	68.7%	50.0%	67.7%	64.5%

Concurrence Rate – The percentage of defendants in the target population whose pretrial release order corresponds with the locally established pretrial release guide, last revised on May 16, 2018 (below).

IRAS – PAT Risk Level	Offense Level			
	Non-violent Misdemeanor	Non-violent Felony	Violent Offenses	Murder & Treason
Low	Release on Recognizance; Telephonic Notification	Release on Recognizance; Telephonic Notification	Release on Recognizance; Monitoring Level 1	Not Eligible for Bail
Moderate	Release on Recognizance; Telephonic Notification	Release on Recognizance; Monitoring Level 1	Release on Recognizance; Monitoring Level 2	Not Eligible for Bail
High	Release on Recognizance; Telephonic Notification	Release on Recognizance; Monitoring Level 2	Release on Recognizance; Monitoring Level 3	Not Eligible for Bail

*A recommendation to HOLD (in previously pending cases) shall be provided to the court when:

- The defendant is currently on telephonic notification and is arrested for a new VIOLENT FELONY OFFENSE; or
- The defendant is currently on telephonic notification and now has THREE PENDING OFFENSES (to include pending cases from other jurisdictions).

Telephonic Notification: Defendant will only receive telephone and text court reminders. No face-to-face appointments.

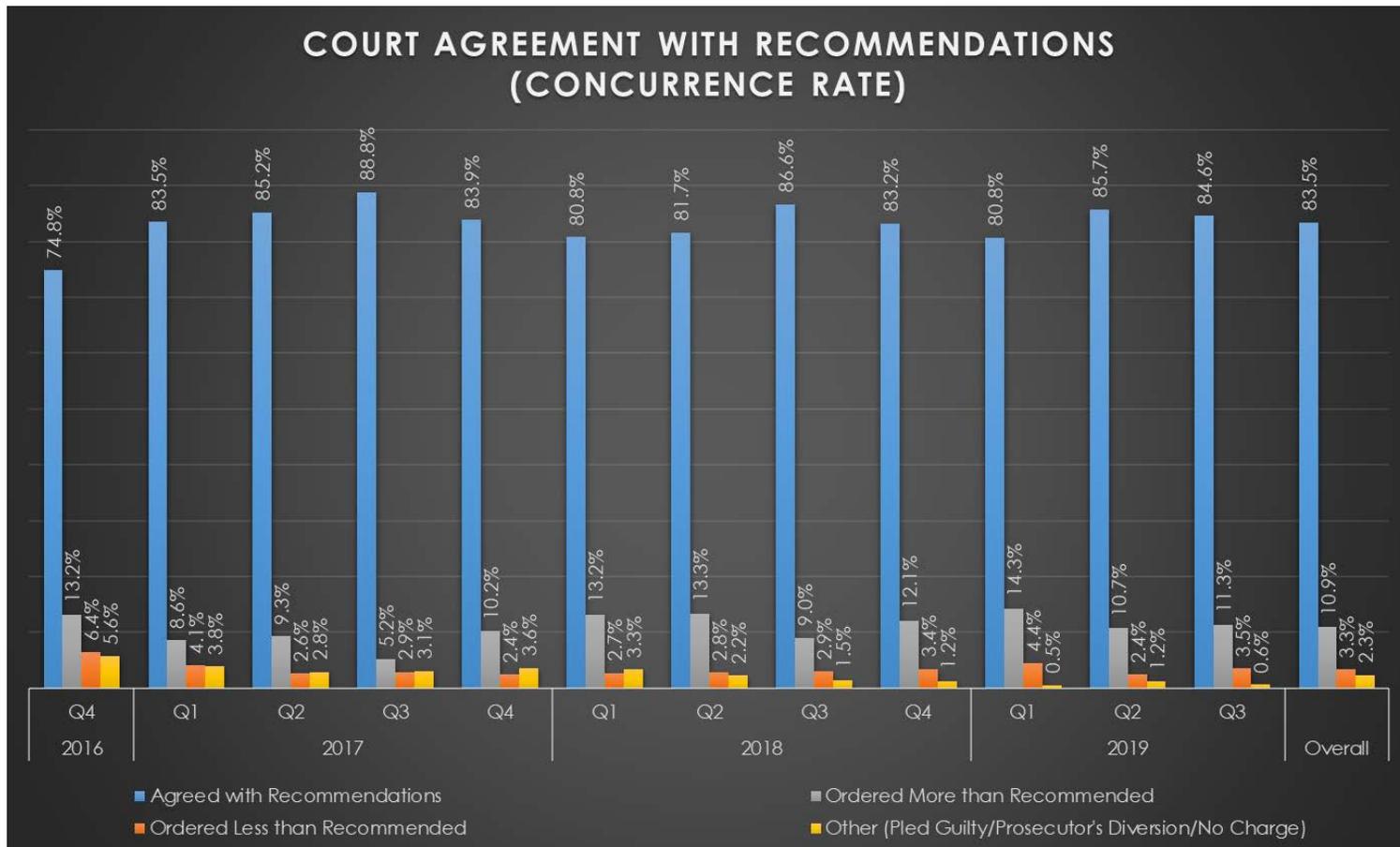
Monitoring Level 1 (Low): At least one face-to-face appointment with a pretrial case manager every month.

Monitoring Level 2 (Moderate): At least one (1) face-to-face appointment AND one other form of contact with a pretrial case manager every month.

Monitoring Level 3 (High): At least two (2) face-to-face appointments with a pretrial case manager every month.

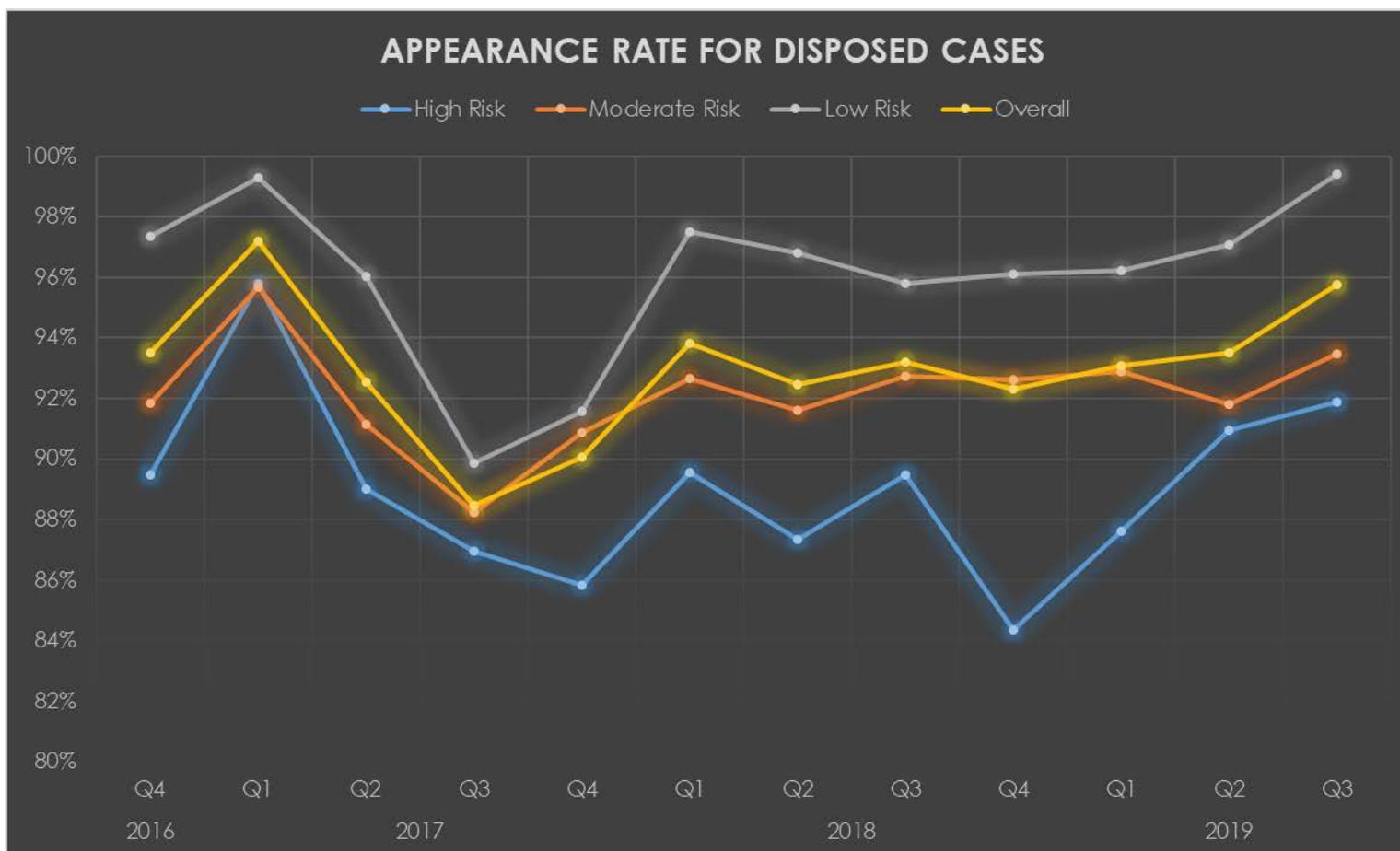
Each monitoring level shall receive telephonic notifications, monthly criminal record checks, and additional release conditions if ordered by a court. Additional release conditions may include, but are not limited to: kiosk reporting; day reporting; home/work contacts; electronically monitored curfew, exclusion zones, or alcohol testing; home detention; and drug testing.

	2016	2017				2018				2019			Overall
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	
Agreed with Recommendations	74.8%	83.5%	85.2%	88.8%	83.9%	80.8%	81.7%	86.6%	83.2%	80.8%	85.7%	84.6%	83.5%
Ordered Less than Recommended	6.4%	4.1%	2.6%	2.9%	2.4%	2.7%	2.8%	2.9%	3.4%	4.4%	2.4%	3.5%	3.3%
Ordered More than Recommended	13.2%	8.6%	9.3%	5.2%	10.2%	13.2%	13.3%	9.0%	12.1%	14.3%	10.7%	11.3%	10.9%
Other (Pled Guilty/Diversion/No Charge)	5.6%	3.8%	2.8%	3.1%	3.6%	3.3%	2.2%	1.5%	1.2%	0.5%	1.2%	0.6%	2.3%



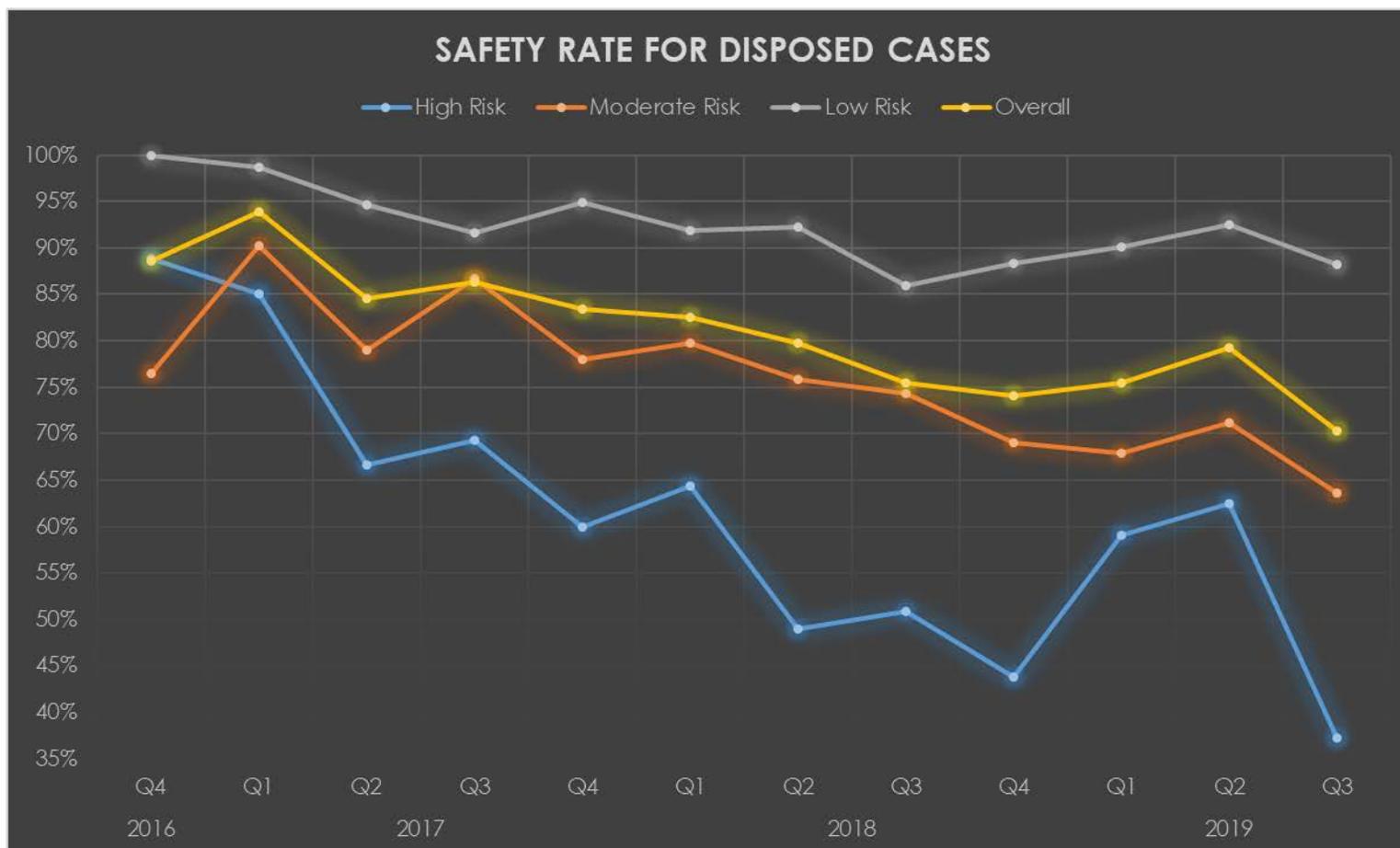
Appearance Rate – The percentage of defendants in the target population whose case is disposed and who appeared at each scheduled hearing during the quarter indicated while their case was pending. This includes all hearings after the initial hearing until case disposition.

	2016	2017				2018				2019			Overall
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	
High Risk	89.5%	95.8%	89.0%	86.9%	85.8%	89.6%	87.3%	89.5%	84.4%	87.6%	91.0%	91.9%	88.3%
Moderate Risk	91.9%	95.7%	91.1%	88.2%	90.9%	92.7%	91.6%	92.7%	92.6%	92.9%	91.8%	93.5%	91.9%
Low Risk	97.4%	99.3%	96.0%	89.9%	91.6%	97.5%	96.8%	95.8%	96.1%	96.2%	97.1%	99.4%	95.7%
Overall	93.5%	97.2%	92.5%	88.5%	90.1%	93.8%	92.5%	93.2%	92.3%	93.1%	93.5%	95.8%	92.6%



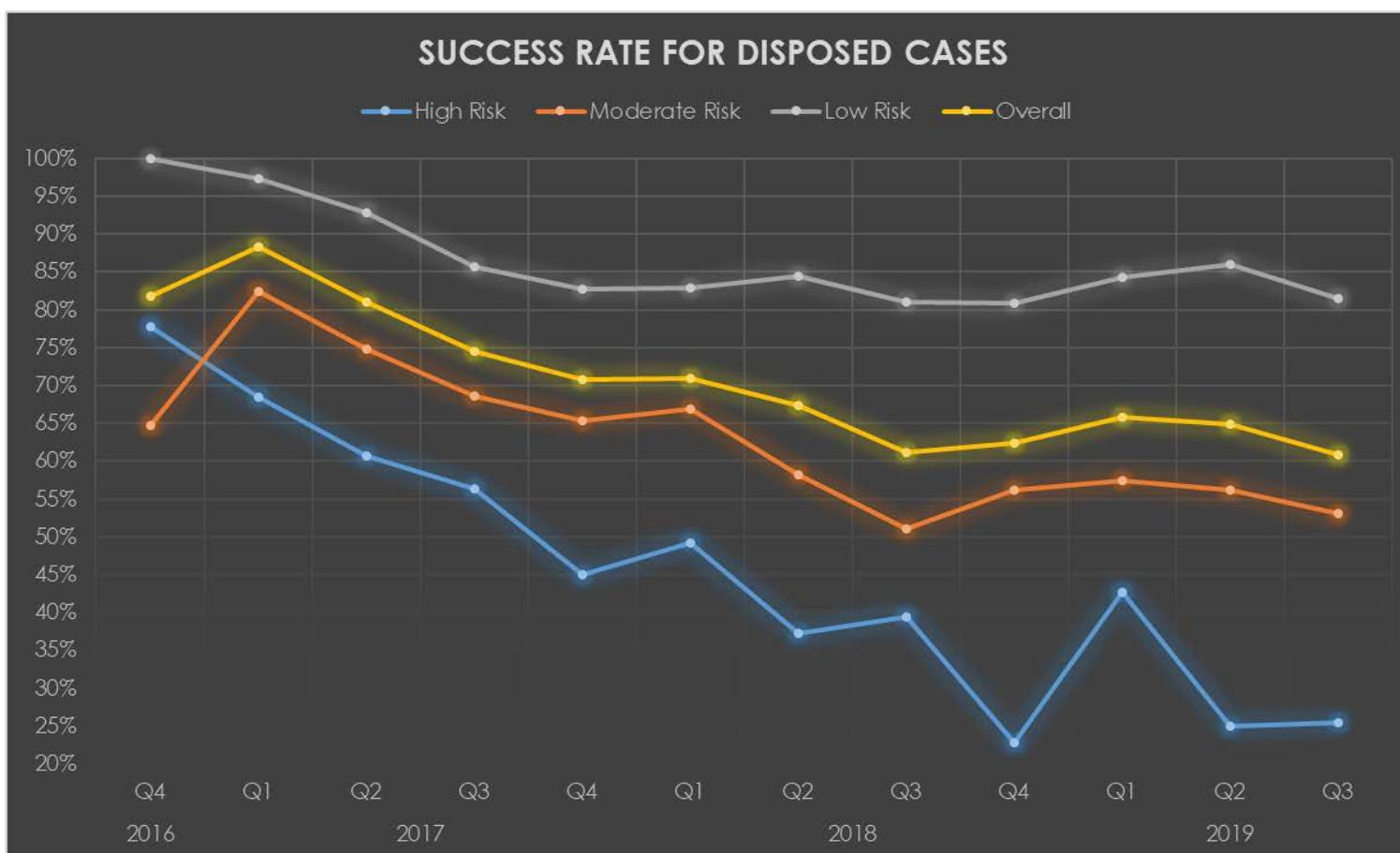
Safety Rate – The percentage of defendants in the target population whose case is disposed in the indicated quarter and who was not arrested for a new offense while their case was pending.

	2016	2017				2018				2019			Overall
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	
High Risk	88.9%	85.0%	66.7%	69.2%	60.0%	64.4%	49.0%	50.8%	43.9%	59.0%	62.5%	37.3%	57.0%
Moderate Risk	76.5%	90.2%	79.0%	86.7%	78.0%	79.7%	75.9%	74.3%	69.1%	67.9%	71.1%	63.6%	74.2%
Low Risk	100.0%	98.7%	94.7%	91.6%	94.9%	91.8%	92.2%	85.9%	88.3%	90.1%	92.5%	88.2%	91.3%
Overall	88.6%	93.8%	84.6%	86.3%	83.4%	82.5%	79.8%	75.4%	74.0%	75.5%	79.3%	70.3%	79.2%



Success Rate – The percentage of defendants in the target population whose case is disposed in the indicated quarter and who was not arrested for a new offense, appeared for all scheduled court hearings, and had no pretrial monitoring violations filed with the court while their case was pending.

	2016	2017				2018				2019			Overall
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	
High Risk	77.8%	68.4%	60.6%	56.4%	45.0%	49.2%	37.3%	39.3%	22.8%	42.6%	25.0%	25.4%	40.1%
Moderate Risk	64.7%	82.4%	74.7%	68.6%	65.4%	66.9%	58.2%	51.1%	56.2%	57.4%	56.2%	53.1%	60.3%
Low Risk	100.0%	97.3%	92.8%	85.7%	82.8%	82.9%	84.4%	81.0%	80.9%	84.2%	86.0%	81.5%	84.7%
Overall	81.8%	88.3%	81.1%	74.5%	70.8%	71.0%	67.3%	61.2%	62.4%	65.9%	64.8%	60.8%	68.0%



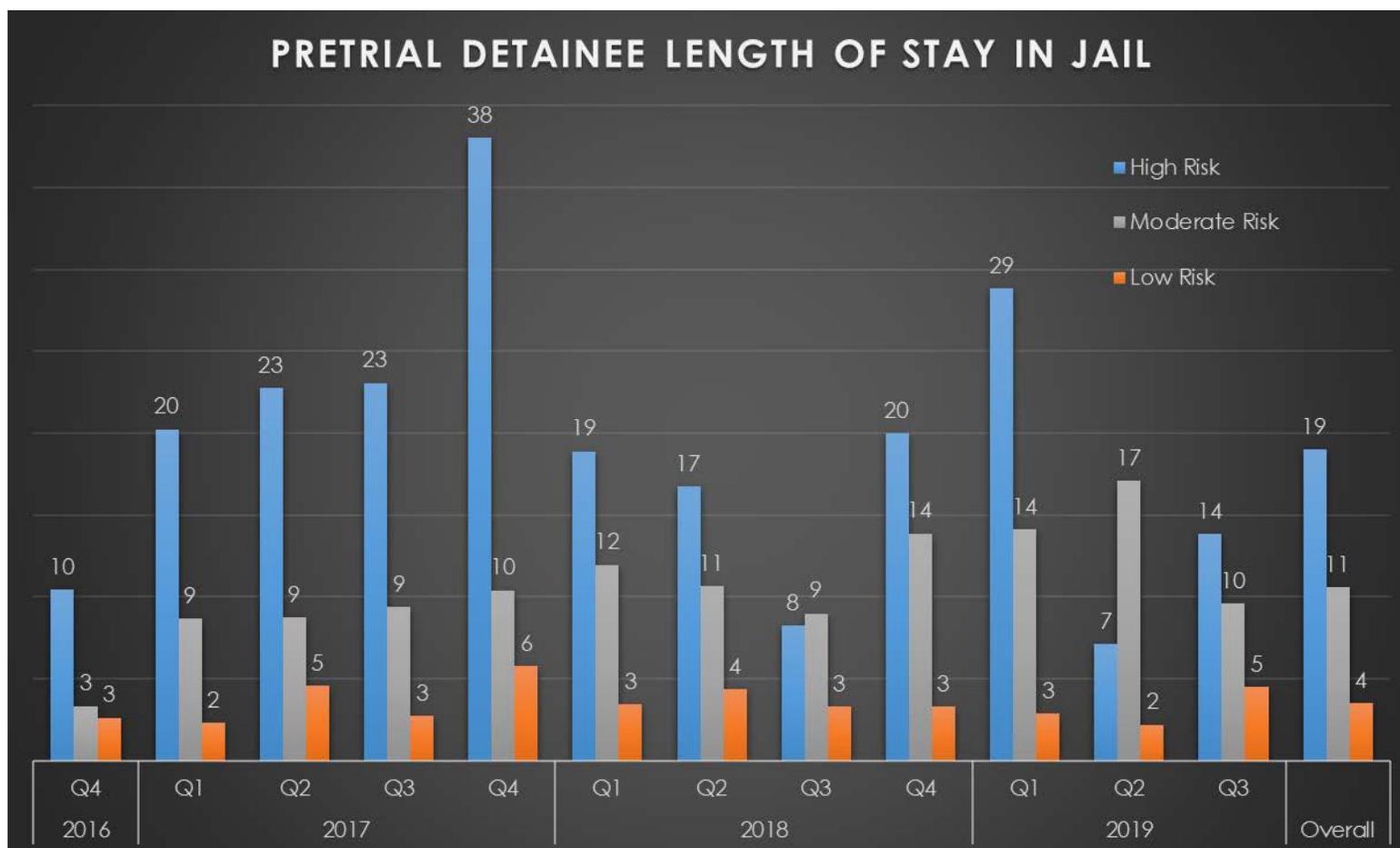
Violation Response Guide – The following represents the type of responses pretrial services officers may employ during the period of pretrial monitoring to address violations without court intervention, last revised November 30, 2017.

	Minor Violations	Moderate Violations	Severe Violations
Type of Violations	<ul style="list-style-type: none"> Defendant fails to report a change in address and/or phone number. Defendant fails to appear for a scheduled appointment. 	<ul style="list-style-type: none"> Defendant fails to report for two (2) consecutive face-to-face appointments AND all other attempts to contact the defendant are unsuccessful. Defendant fails to report for three (3) consecutive day reporting check-ins AND all other attempts to contact the defendant are unsuccessful. 	<ul style="list-style-type: none"> Defendant arrested or charged with a new misdemeanor or felony offense. Defendant violates a victim exclusion zone. Defendant removes electronic monitoring equipment and absconds. Defendant tests positive for alcohol at day reporting or while on electronically monitored alcohol testing. Defendant tests positive for illegal drugs and or medication without a valid prescription.
Type of Responses	<p>Pretrial services officer will address the violation(s) by administering one or more of the following:</p> <ol style="list-style-type: none"> Verbal warning; Written warning; Skill building assignment; Referral to treatment or other services; Change in reporting requirements.* 	<p>Pretrial services officer will file a status report and a notice of non-compliance with the court.</p> <p>A warrant will generally not be requested for low and moderate pretrial risk defendants.</p> <p>A warrant will be requested for high pretrial risk defendants at the discretion of the pretrial services officer.</p>	<p>Pretrial services officer will immediately contact the court to request the issuance of a warrant and will immediately file a notice of non-compliance with the court.</p>

*Pretrial services officers may administratively change community supervision requirements without court approval if the changes do not involve an assessment of fees (i.e. kiosk reporting, daily reporting to community corrections/probation office, increased office appointments, or home/work contacts, etc.). Changes that involve fees must be approved/ordered by the court (i.e. electronically monitored exclusion zones, curfew, or alcohol testing; home detention; day reporting program; or drug testing).

Pretrial Detainee Length of Stay in Jail – The average length of stay in jail for pretrial defendants in the target population who are eligible by statute for pretrial release. The following includes all those in the target population who have been released from jail and is reported in actual days of jail credit.

	2016	2017				2018				2019			Overall
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	
High Risk	10.5	20.2	22.7	23.1	38.0	18.9	16.7	8.3	20.0	28.8	7.1	13.8	19.0
Moderate Risk	3.3	8.7	8.8	9.4	10.4	12.0	10.6	9.0	13.9	14.1	17.1	9.6	10.6
Low Risk	2.6	2.3	4.6	2.7	5.8	3.5	4.4	3.3	3.3	2.9	2.2	4.5	3.5
Overall	5.5	10.4	12.0	11.7	18.1	11.4	10.6	6.9	12.4	15.3	8.8	9.3	11.0

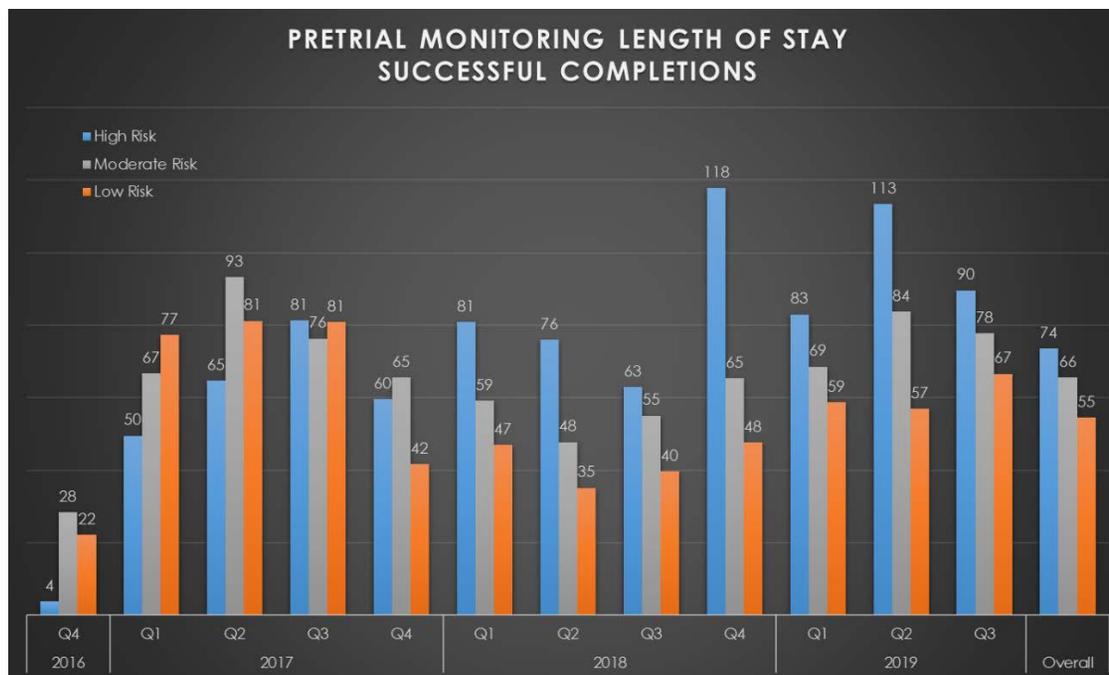


Release Rate – The percentage of pretrial defendants in the target population arrested during the indicated quarter and who were released within the time frame specified.

	2016	2017				2018				2019			Overall
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	
Released Same Day as Arrest													
High Risk	0.0%	3.4%	1.7%	1.2%	0.0%	2.2%	0.0%	2.6%	2.9%	2.5%	1.3%	0.0%	1.5%
Moderate Risk	17.1%	15.3%	11.7%	10.9%	10.3%	9.3%	10.0%	14.1%	15.4%	15.0%	11.7%	14.0%	12.7%
Low Risk	41.6%	45.0%	42.7%	35.3%	34.1%	36.8%	36.2%	35.3%	33.8%	42.7%	39.9%	41.2%	38.7%
Released within Three (3) Days of Arrest													
High Risk	37.8%	36.2%	43.3%	40.7%	31.7%	46.1%	54.4%	57.1%	51.5%	43.0%	36.4%	52.9%	45.2%
Moderate Risk	78.3%	64.4%	70.3%	72.5%	60.3%	65.9%	58.2%	68.0%	70.5%	72.2%	64.1%	67.4%	67.3%
Low Risk	87.6%	94.8%	91.7%	95.3%	85.3%	89.0%	92.7%	84.2%	84.8%	89.4%	90.1%	88.7%	89.3%
Released within Seven (7) Days of Arrest													
High Risk	67.6%	51.7%	56.7%	60.5%	60.0%	76.4%	77.8%	76.6%	73.5%	77.2%	80.5%	76.5%	70.7%
Moderate Risk	91.4%	80.4%	84.2%	90.5%	86.0%	85.4%	82.4%	89.6%	86.8%	88.5%	85.7%	88.1%	86.6%
Low Risk	95.7%	98.4%	96.1%	98.3%	95.9%	98.1%	97.7%	97.4%	97.0%	96.7%	98.8%	96.0%	97.2%
Released within 14 Days of Arrest													
High Risk	83.8%	65.5%	76.7%	75.3%	65.0%	80.9%	90.0%	85.7%	80.9%	84.8%	92.2%	89.4%	81.6%
Moderate Risk	98.7%	91.4%	91.4%	93.8%	91.1%	90.3%	88.9%	94.6%	89.9%	92.3%	91.9%	93.3%	92.1%
Low Risk	97.8%	99.0%	97.1%	99.6%	96.3%	98.1%	99.1%	98.1%	97.8%	98.2%	99.2%	97.3%	98.1%
Released within 30 Days of Arrest													
High Risk	89.2%	81.0%	83.3%	86.4%	68.3%	82.0%	91.1%	90.9%	83.8%	88.6%	94.8%	95.3%	86.8%
Moderate Risk	100.0%	93.9%	93.2%	95.3%	92.5%	92.5%	92.7%	97.1%	93.8%	94.4%	93.4%	95.4%	94.4%
Low Risk	99.5%	99.0%	97.1%	99.6%	98.6%	99.0%	99.1%	98.9%	99.1%	99.3%	99.6%	98.3%	98.9%

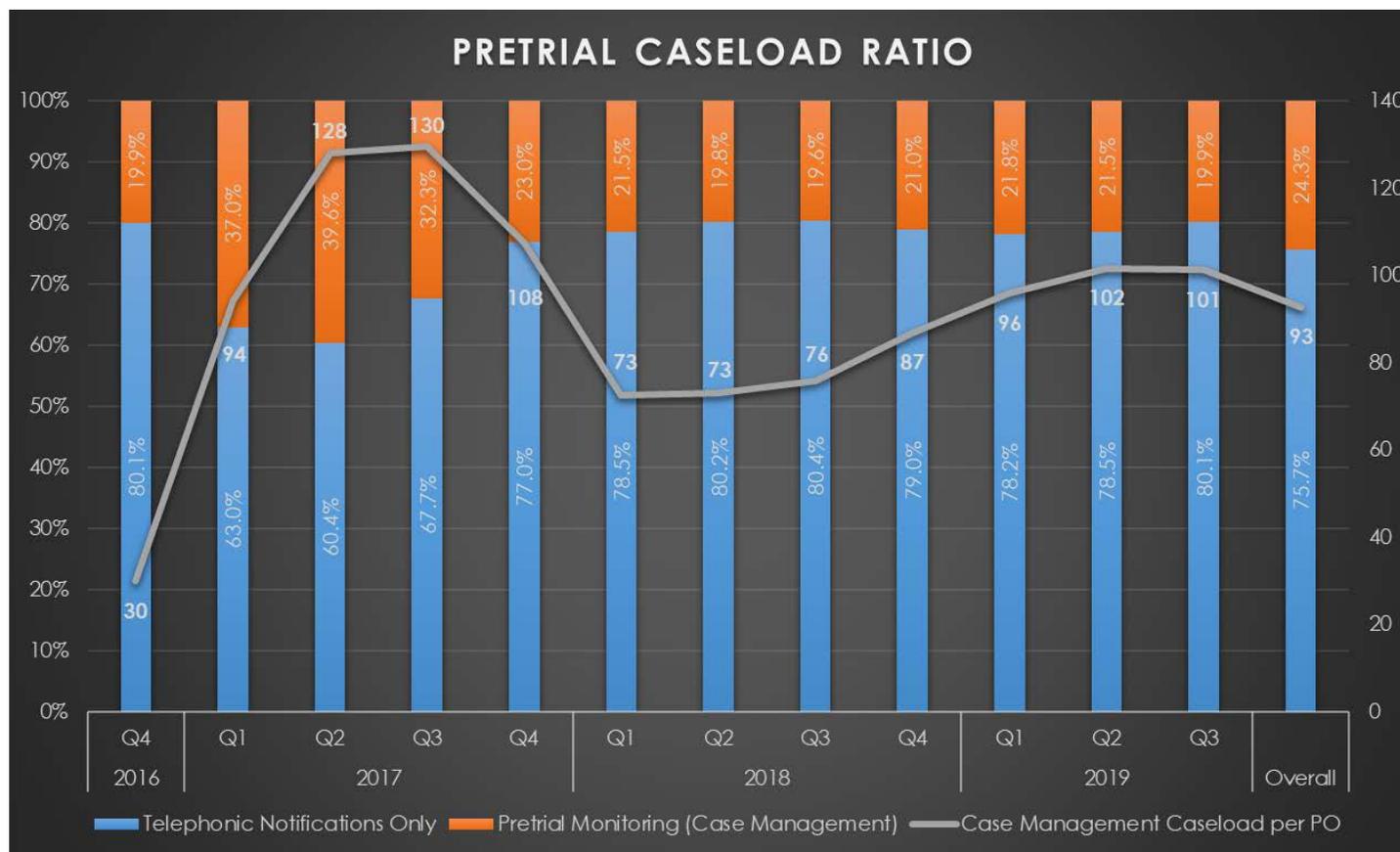
Time on Pretrial Monitoring – The average length of time in days a pretrial defendant in the target population is subject to pretrial monitoring (case management). The number of days is reported in the quarter when the defendant's monitoring ended.

	2016	2017				2018				2019			Overall
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	
Pretrial Monitoring Length of Stay - Successfully Completed													
High Risk	3.8	49.5	64.7	81.2	59.6	80.8	76.0	62.9	117.8	82.9	113.4	89.5	73.5
Moderate Risk	28.3	66.6	93.3	76.3	65.5	59.1	47.7	55.0	65.4	68.5	83.6	77.7	65.6
Low Risk	22.1	77.2	81.2	80.8	41.6	47.0	35.1	39.6	47.5	58.7	56.9	66.5	54.5
Pretrial Monitoring Length of Stay- Unsuccessfully Completed													
High Risk	18.4	33.1	40.8	45.2	40.6	54.2	42.9	39.5	34.1	39.5	45.2	42.9	39.7
Moderate Risk	21.2	56.9	57.3	54.9	46.4	45.1	36.5	43.0	46.7	46.6	40.4	41.8	44.7
Low Risk	8.3	25.7	17.8	64.7	22.1	5.7	30.3	12.0	37.9	25.9	22.7	52.6	27.1
Pretrial Monitoring Length of Stay - All Completions													
High Risk	17.8	40.3	51.5	60.2	48.9	64.8	56.3	53.7	47.0	54.9	61.0	56.5	51.1
Moderate Risk	25.2	61.6	74.8	69.9	58.8	53.1	44.5	49.4	53.4	57.5	58.1	60.4	55.6
Low Risk	26.3	70.4	78.4	75.3	37.0	45.5	33.8	36.9	45.7	51.8	51.7	61.6	51.2

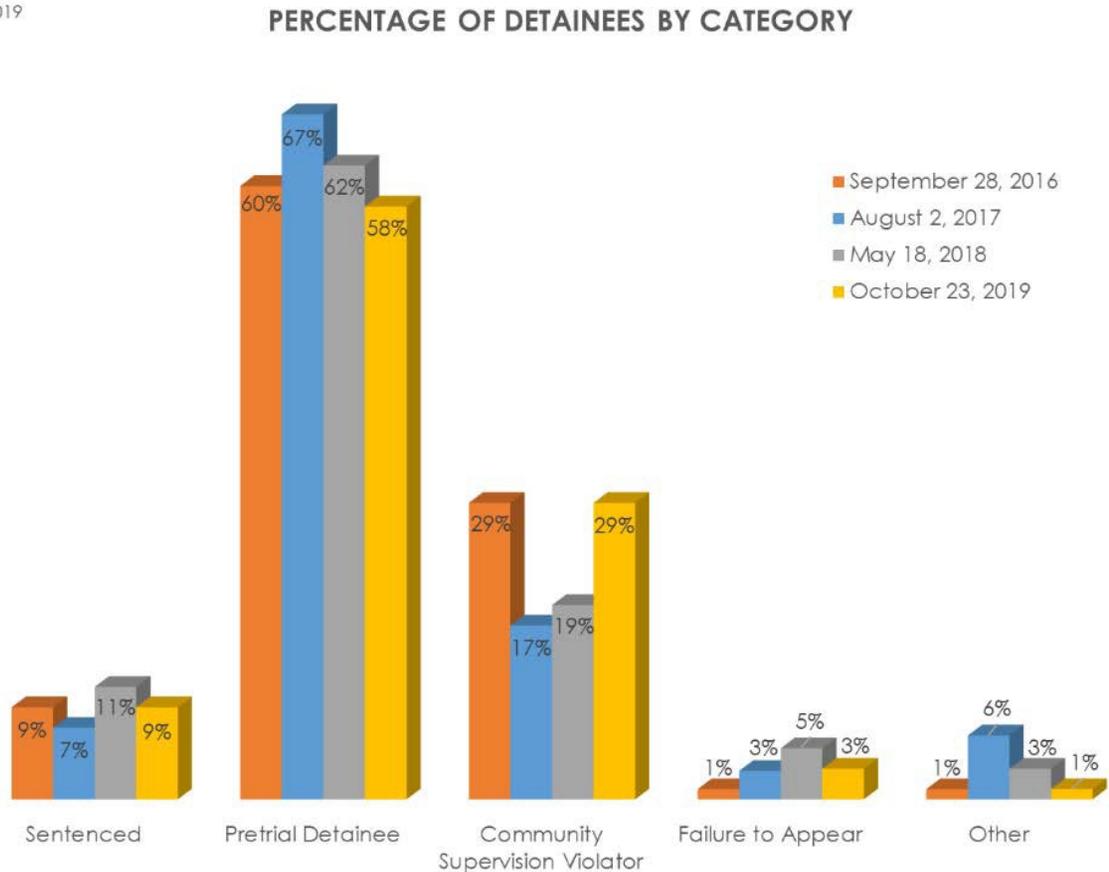
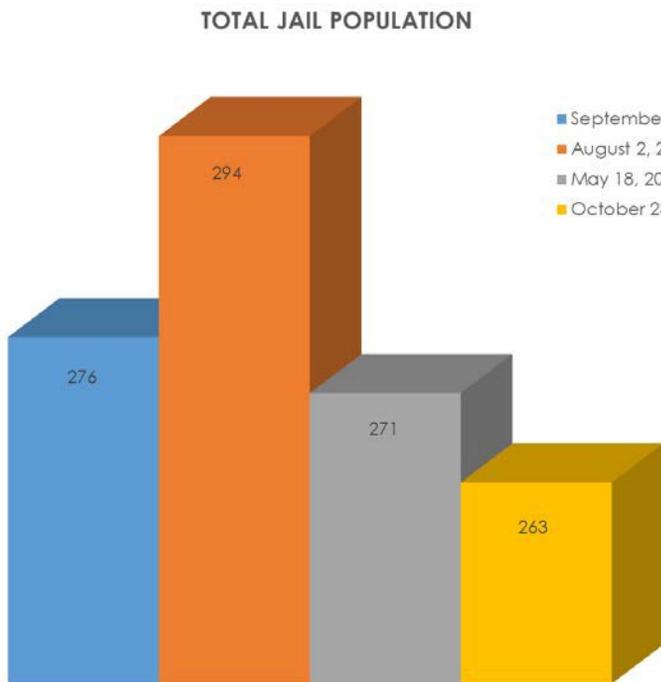


Pretrial Caseload Ratio – The percentage of pretrial defendants in the target population who are subject to pretrial monitoring (case management) versus those who only receive telephonic notifications for scheduled court hearings. Also included are the average number of pretrial defendants being monitored on case management per pretrial services officer. Two pretrial services officers operated from October 2016 thru January 2018 and three officers thereafter.

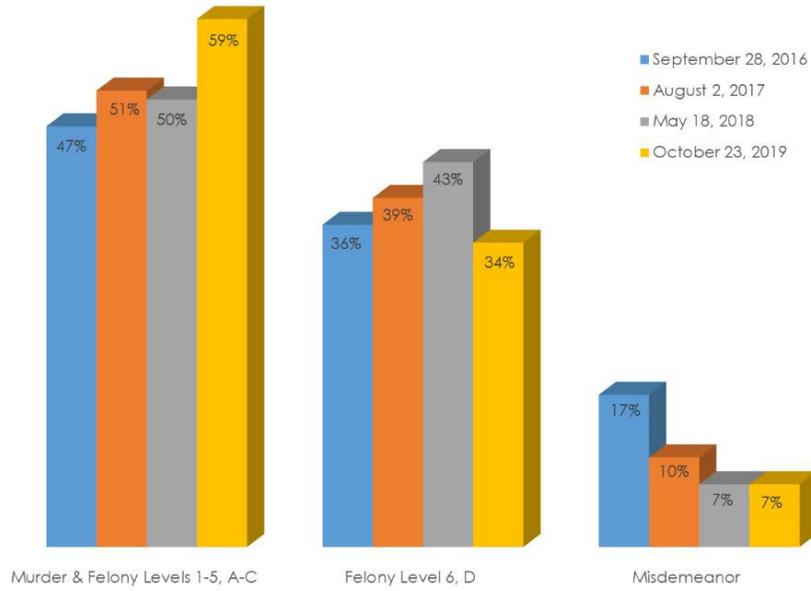
	2016	2017				2018				2019			Overall
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	
Telephonic Notifications Only	80.1%	63.0%	60.4%	67.7%	77.0%	78.5%	80.2%	80.4%	79.0%	78.2%	78.5%	80.1%	75.7%
Pretrial Monitoring (Case Management)	19.9%	37.0%	39.6%	32.3%	23.0%	21.5%	19.8%	19.6%	21.0%	21.8%	21.5%	19.9%	24.3%
Case Management Caseload per Officer	30	94	128	130	108	73	73	76	87	96	102	101	93



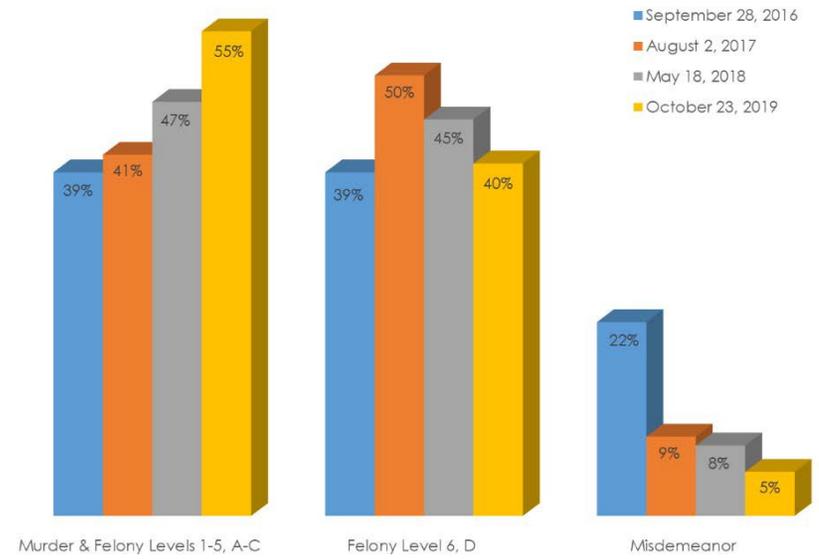
JAIL SNAPSHOT DATA – Snapshot data analyzes the jail population using four dates over the past three years. The oldest date immediately precedes the beginning of our formal pretrial services program. Each detainee was placed in a single category based on the reason they were being held. The following hierarchy was used in each snapshot: (1) sentenced; (2) pretrial detainee; (3) community supervision violator; (4) failure to appear; and (5) other. Thus, if a detainee was being held due to being arrested for a new offense and they were being held due to a violation of community supervision, they were counted as a pretrial detainee.



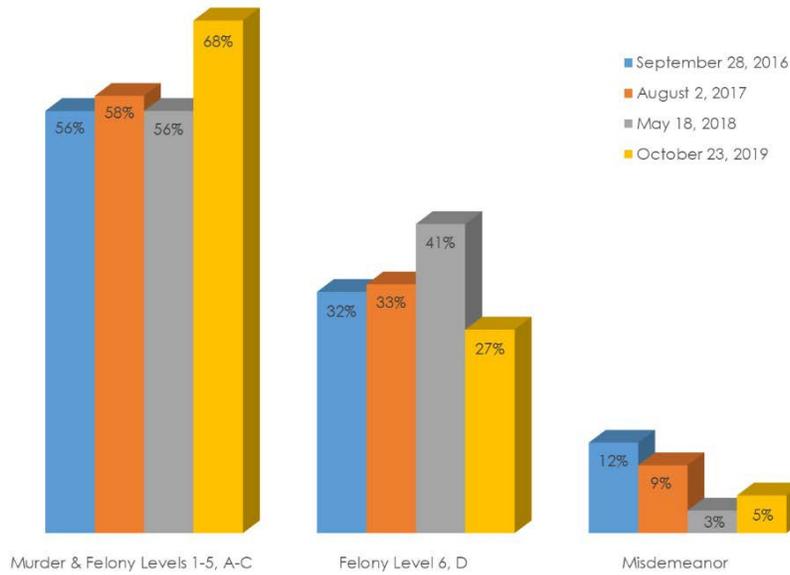
OVERALL JAIL UTILIZATION BY HIGHEST LEVEL OF OFFENSE



COMMUNITY SUPERVISION VIOLATORS BY HIGHEST LEVEL OF OFFENSE



PRETRIAL DETAINEES BY HIGHEST LEVEL OF OFFENSE



PRETRIAL DETAINEES WITH NO HOLDS BY HIGHEST LEVEL OF OFFENSE

