

Justice Reinvestment Advisory Council

Meeting Minutes

June 19, 2020

The Justice Reinvestment Advisory Council met by video conference on June 19, 2020. Justice Christopher Goff chaired the meeting and Jenny Bauer acted as secretary. The Advisory Council met 1:30 p.m.-3:25 p.m.

1. Members present. The following members of the Justice Reinvestment Advisory Council were present:

- Bernice Corley, executive director of the Indiana Public Defender Council
- Chris Naylor, executive director of the Indiana Prosecuting Attorneys Council
- Rebecca Buhner, proxy of the Director of the Department of Mental Health and Addiction
- Steve Luce, proxy for the president of the Indiana Sheriffs' Association
- Christine Blessinger, designee for the commissioner of the Indiana Department of Correction
- Mary Kay Hudson, designee for the chief administrative officer of the Office of Judicial Administration
- Devon McDonald, executive director of the Indiana Criminal Justice Institute
- Ralph Watson, designee for the president of the Indiana Association of Community Corrections Act Counties
- Adam McQueen, president of the Probation Officers Professional Association of Indiana
- Kirsten Haney, designee for the State Budget Director
- David Bottorff, executive director of the Association of Indiana Counties
- Judge Mark Spitzer, designee for the president of the Indiana Judges Association
- Mark Rutherford, chair of the Indiana Public Defender Commission
- Rep. Wendy McNamara; chair of the House Courts and Criminal Code Committee
- Doug Huntsinger; designee for the governor

2. Staff assistance. Jenny Bauer and April Dubree provided staff assistance to the Council.

3. Approval of minutes. The Council approved the December 2019 meeting minutes.

4. History of JRAC and Legislative Changes. Jenny Bauer presented a brief history of the Justice Reinvestment Advisory Council. She highlighted that the General Assembly created JRAC in 2015 with nine original members and two original purposes. She also highlighted that JRAC has overseen \$100M in community supervision grants for the Department of Correction and \$70M in Recovery Works expenditures for the Division of Mental Health and Addiction. Ms. Bauer also presented the 2020 legislative amendments to the JRAC statute, which added eight new members and four new duties. She explained that the 2020 amendments incorporate the work of the Jail Overcrowding Task Force and the Evidence Based Decision Making Initiative.

5. Member reports.

- a) **Indiana Public Defender Council**—Bernice Corley thanked Chief Justice Rush for her statement on race and equity. She stated that the Public Defender Council has fielded many calls related to the recent protests. She suggested that JRAC study issues of inequity in the criminal justice system and propose legislative amendments as requested by the Indiana Black Legislative Caucus.
- b) **Indiana Prosecuting Attorneys Council**—Chris Naylor reported that IPAC is helping prosecutors plan to return to normal after the ease of COVID-19 restrictions. He stated that the numbers for charges file and persons arrested decreased significantly since March. Mr. Naylor mentioned that the Innovation Initiative is studying diversions earlier in the process. He also agreed with Ms. Corley's suggestion to study race equity issues.
- c) **Division of Mental Health and Addiction**—Rebecca Buhner reported that DMHA conducted 14 audits of Recovery Works treatment providers in January and February. DMHA did not conduct sight visits in April and May because of COVID-19 restrictions. Recovery Works enrollment dropped to 120 per month (down from 300) because of COVID. In response to treatment barriers presented by the COVID crisis, DMHA provided \$345,000 in assistance to 45 recovery residences, expanded telehealth to 9 jails, and now allots \$250 per person in discretionary funding to assist with items such as phone cards, birth certificates, and drivers licenses. Ms. Buhner also reported that DMHA plans to fund initiatives centered around competency restoration. The three prongs of the initiative are jail-based competency, community-based competency, and discharge support.

- d) **Indiana Sheriffs' Association**—Steve Luce reported that ISA is currently moving its office to Hendricks County. He commended sheriffs for doing great work to mitigate the spread of COVID-19 in jails. He reported that jail populations are down and encouraged use of summons for high volume warrants. He also reported that ISA received a grant for Medically Assisted Treatment and evidence-based treatment in jails and will work with DMHA on implementation.
- e) **Indiana Department of Correction**—Chris Blessinger reported that DOC staff are ready to assist with community supervision grant applications which are due July 17. DOC audits of community supervision grant recipients are currently on hold because of COVID-19 restrictions. Ms. Blessinger noted that DOC is monitoring population trends and looking at inequities. She thanked Dr. Dauss and the executive team for guiding jails, community corrections agencies, and counties through the COVID crisis.
- f) **Office of Judicial Administration**—Mary Kay Hudson reported that OJA is working with courts on emergency petitions to resume operations and developed guidance for remote hearings. She announced that there are now 111 certified problem-solving courts. Ms. Hudson suggested using the Jail Overcrowding Task Force and Bail Reports as a roadmap for action.
- g) **Indiana Criminal Justice Institute**—Devon McDonald reported that ICJI received funding from the Bureau of Justice Assistance to provide COVID funding to counties. He also reported that ICJI is working with the Indiana Sheriffs' Association regarding jail data and plan to conduct a pilot.
- h) **Indiana Association of Community Corrections Act Counties**—Ralph Watson reported that IACCAC cancelled its spring training due to COVID and is currently assisting agencies with DOC grant applications.
- i) **Probation Officers Professional Association of Indiana**—Adam McQueen reported that POPAI cancelled its annual training institute scheduled for September.
- j) **State Budget Agency**—Kirsten Haney reported that SBA is analyzing fiscal data and preparing for the 2021 session of the general assembly. She noted that budget development will be an online process.
- k) **Association of Indiana Counties**—David Bottorff reported that counties are interested in keeping jail populations down. He also reported that AIC is focused on personal protection equipment to safely open courts and county offices.
- l) **Indiana Judges Association**—Judge Mark Spitzer reported that IJA is focused on supporting judges and courts with resuming court operations and collecting information on race and equity. He also talked about the

EBDM goal of harm reduction, noting that Grant County was the first EBDM site in Indiana.

- m) **Indiana Public Defender Commission**—Mark Rutherford reported that the Commission is an opt-in program for reimbursement of public defender costs. He stated that recidivism is decreasing in participant counties.
- n) **House Courts and Criminal Code Committee**—Rep. Wendy McNamara reported that she chairs the Interim Study Committee on Corrections and Criminal Code. The study committee plans to review consent for sexual activity; criminal trends related to sentencing, incarceration, and treatment; and criminal laws on fraud and deception. She also reported that the Study Committee will meet in September and October.
- o) **Governor**—Doug Huntsinger reported that he chairs the Governor’s Commission to Combat Drug Abuse. He thanked DMHA for keeping treatment available during the COVID crisis and noted that combatting the drug epidemic is a priority for Governor Holcomb.

6. Next steps. Justice Goff led a discussion of next steps for JRAC. He suggested that JRAC needs to meet more often and create smaller workgroups for legislative proposals and racial equity issues. Justice Goff stated that Chief Justice Rush would like to see JRAC work on consensus recommendations from the Jail Overcrowding Task Force and strengthening state and local partnerships. Justice Goff made a motion to form a workgroup on racial equity in the justice system and Mark Spitzer seconded the motion. The motion carried unanimously.

7. Other Business. Mary Kay Hudson made a motion to form a quick response workgroup on jail overcrowding and bail, and Ralph Watson seconded the motion. The motion carried unanimously.

8. Next Meeting Date. The next meeting of the Justice Reinvestment Advisory Council is September 25 at 1:30 p.m.

Respectfully submitted,

Jennifer Bauer
Office of Court Services