

Justice Reinvestment Advisory Council

Meeting Minutes

September 25, 2020

The Justice Reinvestment Advisory Council met by video conference on September 25, 2020. Justice Christopher Goff chaired the meeting. The Advisory Council met 1:30 p.m.-3:40 p.m.

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

- Bernice Corley, executive director of the Indiana Public Defender Council
- Chris Naylor, executive director of the Indiana Prosecuting Attorneys Council
- Jay Chaudhary, 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
- Rep. Ragen Hatcher, ranking minority member of the House Courts and Criminal Code Committee
- Sen. Karen Tallian, ranking minority member of the Senate Corrections and Criminal Law Committee
- Doug Huntsinger; designee for the governor

- 2. Guests.** Rep. Randy Frye and Matthew Loprete from the Indiana House of Representatives; Angie Hensley and Michelle Goodman from the Office of Court Services; and Michelle Shorter from Justice Goff's Chambers attended the meeting as guests.
- 3. Staff assistance.** Jenny Bauer, April Dubree, and Samantha Goodson provided staff assistance to the Council.
- 4. Approval of minutes.** Adam McQueen made a motion to approve the minutes of the August 12, 2020 meeting and Bernice Corley seconded the motion. The Council approved the motion unanimously.
- 5. Mental Health Mapping.** Mary Kay Hudson reported that with assistance from the National Center for State Courts, the Supreme Court will convene a group of Indiana stakeholders to do a state level assessment of behavioral health services available to justice involved persons. IOCS will work with NCSC to interview state and local stakeholders to identify resources and opportunities following the Sequential Intercept Model. Sen. Tallian asked about the timeline for the report and Rep. McNamara asked for a presentation on the plan at the Interim Study Committee on Court and Criminal Code meeting on October 6. Jay Chaudhary stated that the mapping lines up with DMHA's effort to get Community Mental Health Centers involved with mental health treatment in jails.
- 6. Report from Quick Response Group.**
 - a) Case studies on local jail populations.** Mary Kay Hudson reported that the Quick Response Group identified 11 counties that had reductions in jail populations due to the pandemic. The group is contacting local stakeholders to learn about policies and practices that may have impacted the jails. The counties are Cass, Grant, Hamilton, Huntington, Martin, Monroe, Montgomery, St. Joseph, Vanderburgh, Vigo, and Wayne. She noted that several counties increased use of cite and release in lieu of arrest and plan to continue this practice after the pandemic. Ms. Hudson stated that the group will present a summary of the case studies at the October meeting and highlight local collaboration and the complex, dynamic nature of jail populations.
 - b) IU Jail Report.** Ms. Hudson reported that the Indiana University Public Policy Institute recently published a paper on national and state jails trends during the pandemic. She learned from author Dr. Eric Grommon

that the Indiana jail data came from the NYU Public Safety Lab. Dr. Grommon would like to work with sheriffs on a follow-up report.

c) Law school students and initial hearing representation. Ms. Hudson reported that the Supreme Court's certified legal intern program currently has 200-300 school-sponsored students supervised by attorneys. The students work in areas close to the law schools in Bloomington, Indianapolis, and South Bend. The Council members discussed whether remote supervision would be an option and will check with the Disciplinary Commission. Justice Goff asked the Public Defender Council and the Prosecuting Attorneys Council to reach out to constituents for interest and suggestions to revise the rule and increase capacity.

d) Racial Equity. Bernice Corley reported that she met with Steve Luce and Hendricks County Sheriff Brett Clark to discuss consensus ideas for racial equity in law enforcement. They discussed the following: racial bias training for law enforcement employees, correctional employees, and stakeholders; data to identify and target racial inequities; IRAS-Pretrial Assessment Tool. Steve Luce added that he is working with Rep. Steuerwald on the process to de-certify police officers, improve background checks, and address complaints against officers.

e) Legislative proposals.

i. Driving while suspended workgroup. Chris Naylor reported that the driving while suspended workgroup met recently with Indiana Legal Services. The workgroup drafted a bill that focuses on suspensions for failure to appear, failure to pay a traffic ticket, or failure to insure. Mr. Naylor will distribute the bill to Council members for a vote at the October meeting.

ii. Proposed amendments to IC 35-33-8-8.3. Sen. Karen Tallian reported that she met with Bernice Corley, Chris Naylor, and Legislative Services to discuss amendments to IC 35-33-8-8.3 on bail. The group needs more time to draft the amendment. Justice Goff assigned a small group to review and asked Sen. Tallian to report on the bill at the October meeting.

7. Member discussion of FY 22-23 budget forecast. Sen. Karen Tallian and Kirsten Haney reported on the FY 22-23 budget forecast. Sen. Tallian stated that the FY20 revenue shortfall from delayed income was recovered when taxes were

paid in July. She also stated that the legislature is waiting for federal guidance to use CARES Act funding in the budget for law enforcement and first responders. Kirsten Haney reported that SBA is hopeful that CARES Act funding will cover public safety salary reimbursements.

8. Member reports.

- a) Probation Officers Professional Association of Indiana**—Adam McQueen reported that 450 probation officers attended the POPAI virtual training institute in mid-September. The officers participated in 6 hours of evidence-based training sessions.

- b) Indiana Association of Community Corrections Act Counties**—Ralph Watson reported that IACCAC members are looking for virtual training opportunities. Members are also waiting for DOC to announce the CY21 community supervision grant awards.

- c) Indiana Criminal Justice Institute**—Devon McDonald reported that ICJI continues to work with the Indiana Sheriffs' Association on the jail data/victim notification project. CJI is working on the annual 1006 report, which includes virtual focus groups due to the pandemic.

- d) Office of Judicial Administration**—Mary Kay Hudson reported that OJA is working to certify pretrial programs and problem-solving courts. The Juvenile Detention Alternative Initiative inter-site conference is next week and includes Lawrence County as a new site. OJA is in year 3 of its partnership with DMHA on \$60,000 opioid grants for screening and referral. Ms. Hudson also reported that the Notre Dame Law School Clinic will provide facilitators for the Supreme Court's landlord/tenant settlement conference program.

- e) Indiana Department of Correction**—Chris Blessinger reported that DOC is still working on the CY 21 community supervision grants and will extend current contracts by 6 months to allow for continued operations. DOC will reach out to counties in the coming weeks about the contract extensions. Ms. Blessinger also report that Angela Sutton is the new deputy commissioner for diversity and development.

- f) Indiana Sheriffs' Association**—Steve Luce reported that ISA published an RFP for the jail data/victim notification project and expects to award the contract in November. The project should be completed in two years. Mr.

Luce also reported that ISA is working on legislation to support bias training and de-certification of law enforcement officers. Sheriff Luce further reported that ISA received Byrne grant funding to create standard policies and procedures for county sheriffs' departments.

- g) Division of Mental Health and Addiction**—Jay Chaudhary reported that the latest Recovery Works program evaluation report shows an effect on recidivism. He also reported that he recently had a great meeting with sheriffs regarding mental health treatment for inmates.
- h) Indiana Prosecuting Attorneys Council**—Chris Naylor reported that IPAC made a presentation to the Interim Study Committee on Courts and Criminal Code, making a pitch for expanded technical assistance for local evidence-based decision making. He also reported that the number of jury trials is starting to increase statewide. IPAC recently hosted a DMHA-supported, multi-disciplinary virtual training that featured Doug Marlowe from the National Association of Drug Court Professionals.
- i) Governor**—Doug Huntsinger reported that the governor's office recently had productive meetings with the Sheriffs Association and DMHA regarding mental health treatment in jails. The groups are close on funding solutions.
- j) House Courts and Criminal Code Committee**—Rep. Wendy McNamara reported that the Interim Study Committee on Courts and Criminal Code met on September 15 to consider consent in rape cases, 1006, pretrial, and sentencing. The Study Committee meets again October 6 at 10 a.m.
- k) Senate Corrections and Criminal Law Committee**—Sen. Tallian reported that she is working with the Public Defender Council on juvenile issues.
- l) Indiana Public Defender Commission**—Mark Rutherford reported that Public Defender Commission analysis shows that a \$2.9M increase is necessary for Commission counties to avoid cuts in reimbursement rates. This analysis also shows that public defender services in Commission counties provide savings to DOC, DCS, and county jails.
- m) Indiana Judges Association**—Judge Mark Spitzer reported that IJA met in early September on resuming court operations and preparation for the 2021 legislative session.

- n) **Association of Indiana Counties**—David Bottorff reported that new flexibility on CARES Act funding is helpful, but there is still \$100M that has not been spent because of restrictions.
- o) **State Budget Agency**—Kirsten Haney reported that SBA is meeting with state agencies regarding budgets. She stated that the budget process is challenging. The governor’s budget will be submitted in January.

9. EBDM Overview. Judge Spitzer and Samantha Goodson presented an overview of Indiana’s Evidence Based Decision Making Initiative. They covered the NIC framework and the concepts of evidence-based knowledge and harm reduction. They also reported that EBDM focused on pretrial, violations, and diversion. Mary Kay Hudson stated that the EBDM State Policy Team originally planned to transfer the broad EBDM concepts to locals and suggested that legislation for resources and technical assistance may help in this regard. Rep. Frye stated that he will work with Ms. Hudson to draft proposed legislation. Justice Goff asked the Council to vote on the proposal at the October meeting.

10. Next Meeting Date. The next Council meeting is October 28 at 1:30 p.m.

Respectfully submitted,

Jenny Bauer
Office of Court Services