

# Justice Reinvestment Advisory Council

## Meeting Minutes

### October 28, 2020

The Justice Reinvestment Advisory Council met by video conference on October 28, 2020. Justice Christopher Goff chaired the meeting. The Advisory Council met 1:00 p.m.-3:00 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
- 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
- Christine Traina, proxy for 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; Lena Hackett from Community Solutions; Rhiannon Edwards from Public Advocates in Community Re-entry; and Michelle Shorter from Justice Goff's Chambers attended the meeting as guests.

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

**4. Approval of minutes.** Bernice Corley made a motion to approve the minutes of the September 25, 2020 meeting and Ralph Watson seconded the motion. The Council approved the motion unanimously.

**5. Report from Quick Response Group.**

**a) Case studies on local jail populations.** Mary Kay Hudson reported the Quick Response Group's progress with the 11 counties identified for case study on the jail populations during the pandemic. The group has contacted local stakeholders in Cass, Grant, Hamilton, Huntington, Martin, Monroe, Montgomery, St. Joseph, Vanderburgh, Vigo, and Wayne to learn about practices that may have contributed to a change in the jail populations. She noted that several counties increased use of cite and release in lieu of arrest and home detention instead of jail for violations, and plan to continue these practices. According to Ms. Hudson, the overall theme from stakeholders was that decreases in jail populations do not relate to a single practice, with local practices being both intentional and unintentional. Bernice Corley highlighted that many public defenders reported the need for CR 26 assistance. Adam McQueen highlighted that chief probation officers would like to see the continued use of virtual hearings. Ralph Watson highlighted that community corrections directors see jail populations as a multi-faceted challenge. Chris Naylor highlighted that interviews with prosecutors confirmed Indiana has an asymmetrical system and counties struggle with collaboration. Ms. Hudson reported that the group will present its report at the November JRAC meeting.

**b) Legislative proposals.**

i. Driving while suspended workgroup. Chris Naylor reported that the legislation on driver's license suspensions has broad support. The goal of the legislation is to reduce suspensions for failure to appear for a traffic ticket, failure to pay a traffic ticket, and failure to insure. Sen. Tallian made a motion to support the draft legislation and

Judge Spitzer seconded the motion. Devon McDonald, Chris Blessinger, Kirsten Haney, and Jay Chaudhary abstained from the vote. The motion carried unanimously.

- ii. Local JRAC Policy Teams. Mary Kay Hudson reported that the Office of Judicial Administration worked with Rep. Frye on a draft bill to create local JRAC policy teams. The amendment adds new sections to IC 33-38-9.5 on membership, duties, and data collection. The Advisory Council members discussed local pushback on the mandatory aspect of the amendment, crossover with community corrections advisory boards, and a template for annual reports. Ms. Hudson reported that OJA will continue to work with Rep. Frye on the language in the draft bill and present to members at the November JRAC meeting.
- iii. Proposed amendments to IC 35-33-8-8.3. Sen. Karen Tallian reported that she worked with Bernice Corley and Chris Naylor to draft amendments to IC 35-33-8-8.3 on bail. The Advisory Council discussed county inequities in pretrial release, presumptive release, county bond schedules, and pretrial services. Justice Goff suggested that Sen. Tallian work with Mary Kay Hudson and Judge Spitzer on the language of the amendment. The Advisory Council tabled discussion of the amendment to the November meeting.

**6. FY 22-23 budget forecast.** Sen. Karen Tallian reported that there is nothing new to share on the FY 22-23 budget forecast. Kirsten Haney reported that the next revenue forecast is scheduled for December 16<sup>th</sup>.

**7. Member reports.**

- a) **Indiana Public Defender Council**—Bernice Corley highlighted the recent police shooting of a mentally ill man in Philadelphia.
- b) **Indiana Prosecuting Attorneys Council**—Chris Naylor reported that IPAC is looking forward to the mental health mapping interviews conducted by OJA and the National Center for State Courts.
- c) **Division of Mental Health and Addiction**—Jay Chaudhary reported that DMHA looks forward to more mental health courts and can connect courts with mental health providers. Mr. Chaudhary also reported that the Recovery Works evaluation shows decreased recidivism for participants.

DMHA is also working with the Sheriffs' Association to move inmates to inpatient treatment to restore competence for trial.

- d) Indiana Department of Correction**—Chris Blessinger reported that DOC awards \$70M in community corrections grants. DOC would like JRAC support to review and update the community corrections statutes. Bernice Corley made a motion for JRAC to examine the DOC and community corrections statutes and support legislative changes in 2022. Doug Huntsinger seconded the motion, which carried unanimously.
- e) Office of Judicial Administration**—Mary Kay Hudson reported OJA is starting the mental health mapping project with the National Center for State Courts by conducting state and local interview with constituent groups that include prosecutors, public defenders, sheriffs, probation and community corrections, judges, DOC and parole, county executives, legislators, and community mental health centers. NSCS will report findings and recommendations by the end of the year. Ms. Hudson also reported OJA is helping with local court pandemic response.
- f) Indiana Criminal Justice Institute**—Devon McDonald reported that ICJI is currently scoring the proposals for the victim notification system and jail data projects. He expects the projects to begin in early 2021. Mr. McDonald also reported CJI will post today its annual report on juveniles under adult court jurisdiction. CJI is also working on a report for criminal defendants released on recognizance and low bond amounts.
- g) Indiana Association of Community Corrections Act Counties**—Ralph Watson reported that IACCAC members recently received notice from DOC on FY21 community supervision grant awards. Mr. Watson also reported that IACCAC scheduled a virtual training in November.
- h) Probation Officers Professional Association of Indiana**—No report.
- i) State Budget Agency**—Kirsten Haney reported that SBA met with all state agencies regarding budgets. SBA is waiting for the new revenue forecast to move forward on the budget.
- j) Association of Indiana Counties**—Christine Traina reported that AIC is working with the Finance Authority on law enforcement salary reimbursement.

**k) Indiana Judges Association**—No report.

**l) Indiana Public Defender Commission**—Mark Rutherford reported that the Commission is pleased with the recommendation by the Interim Study Committee on Corrections and Criminal Code to increase public defense funding. Mr. Rutherford also reported that Sen. Ford will sponsor the draft bill to reimburse commission counties for misdemeanor public defense services.

**m) House Courts and Criminal Code Committee**—Rep. McNamara reported that the Interim Study Committee on Corrections and Criminal Code adopted its final report. The report recommends increased funding for pretrial and mental health and addiction services for criminal justice involved persons, including the public defense fund. Rep. Hatcher reported that she plans to work on juvenile waiver issues during the legislative session.

**n) Senate Corrections and Criminal Law Committee**—No report.

**o) Governor**—Doug Huntsinger reported that the Commission to Combat Drug Abuse is scheduled to meet on November 12. Dr. Brad Ray will report on the recent evaluation of the Recovery Works program.

**8. Marion County Re-entry Coalition Presentation.** Lena Hackett from Community Solutions and Rhiannon Edwards from Public Advocates in Community Re-entry presented an overview of the Marion County Re-entry Coalition. Ms. Hackett coordinates MCRC and reported that the United States Justice Department has identified the program as a “promising practice.” Ms. Hackett highlighted agency collaboration, recidivism rates, disproportionate racial impact, pretrial services, and mental health. Ms. Edwards reported that housing and technology are barriers for clients.

**9. Next Meeting Date.** The next Council meeting is November 16 at 9:30 a.m.

Respectfully submitted,

Jenny Bauer  
Office of Court Services