

Justice Reinvestment Advisory Council

Meeting Minutes

January 29, 2021

The Justice Reinvestment Advisory Council met by video conference on January 29, 2021. Justice Christopher Goff chaired the meeting. The Advisory Council met 1:00 to 2:15 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, proxy 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, proxy 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
- Sen. Karen Tallian; ranking minority member of the Senate Corrections and Criminal Law Committee
- Doug Huntsinger; designee for the governor

2. Staff. Jenny Bauer, April Dubree, Angie Hensley-Langrel, and Michelle Goodman attended as staff.

3. Approval of minutes. Steve Luce made a motion to approve the minutes of the December 11, 2020 meeting and Adam McQueen seconded the motion. The Council approved the motion unanimously.

4. Legislative Update.

- a) **SB 222 on money bail.** Judge Spitzer reported the Judicial Conference Pretrial Committee reviewed SB 222 at the request of Sen. Tallian. The committee sent comments and concerns to Sen. Tallian.
- b) **HB 1068 on local justice reinvestment advisory councils.** Mary Kay Hudson reported the House Courts and Criminal Code Committee amended the bill on January 28 and passed the bill 11-0. Justice Goff thanked the Council members for working on the amendment.
- c) **HB 1467 on community mental health matters.** Jay Chaudhary reported the Indiana Council of Community Mental Health Centers proposed HB 1467. The bill adds two members to JRAC—the president of the Indiana Council of Community Mental Health Centers and the president of Mental Health America Indiana. The bill also adds CMHC’s as telehealth providers.
- d) **SB 217 on determination of competency to stand trial.** Mary Kay Hudson reported the Council members discussed the bill at the December meeting and a small group met yesterday to discuss possible amendments. The group is working with Sen. Sandlin and plans to propose an increase to the presumptive number of competency evaluators per case.
- e) **Other bills of interest.**
 - i. HB 1202 on sentencing. Judge Spitzer reported the Indiana Judges Association is concerned about the mechanics of the provision on sentence modifications.
 - ii. SJR 16 on judicial nominating commission. Judge Spitzer reported IJA is concerned about SJR 16 which would move appellate judicial nominations to the legislative branch.
 - iii. SB 37 on misdemeanor reimbursement. Mark Rutherford reported SB 37 reimburses Public Defender Commission counties for the cost of misdemeanor public defender representation.
 - iv. HB 1006 on law enforcement officers. Steve Luce reported HB 1006 includes \$70M for upgrades to the law enforcement academy. The bill passed out of the House Courts and Criminal Code Committee and was referred to the Ways and Means Committee.
 - v. SB 368 on juvenile justice. Sen. Tallian reported she filed SB 368 on juvenile justice issues. She highlighted bill provisions that prohibit

housing some juvenile arrestees with adult inmates prior to trial, juvenile petitions for modification of sentence after 15 years, automatic expungement for some offenses, and competency determinations. The bill is scheduled in the Senate Corrections and Criminal Law Committee for February 9. Devon McDonald stated CJI may need delayed implementation of the reporting provision for juveniles housed in jail.

- vi. HB 1199 on driving privileges. Chris Naylor reported HB 1199 is making good progress in the House. He appreciates the partnerships on this bill.
- vii. Residential evictions. Sen. Tallian reported she discussed the eviction crisis with Chief Justice Rush. She has a vehicle bill for residential lease evictions and wants to slow down evictions to get them into the Court's settlement program. Mary Kay Hudson will provide information on the program.

5. Report from JRAC Racial Equity Workgroup. Bernice Corley reported the Racial Equity Workgroup met yesterday to perform a data inventory. The Workgroup identified gaps in data and received an overview of the jail data project. The Workgroup is scheduled to meet in February to set a vision for moving forward.

6. FY 2022-23 budget forecast. Kirsten Haney reported the governor's budget was released and the December 2020 revenue forecast is available online. The next revenue forecast is scheduled for April 2021. Ms. Haney stated the forecast has improved and the State Budget Agency was able to restore most of the 15% agency cuts, including DOC's community corrections appropriation. The State Budget Agency will know more about the FY 22-23 budget after the forecast is released.

Sen. Tallian stated the federal government extended the spending of CARES Act funds by an additional year. She noted that guidance on uses for CARES funding is slow and suggested that a list of available funding would be helpful to JRAC.

7. Member reports.

- a) **Indiana Public Defender Council**—Bernice Corley reported the Public Defender Council is focused on the legislative session and online training for public defenders.

- b) Indiana Prosecuting Attorneys Council**—Chris Naylor reported IPAC is preparing for the return of jury trials in March.
- c) Division of Mental Health and Addiction**—Jay Chaudhary reported DMHA is working on competency restoration services for jail inmates, with pilots ready to launch in Vanderburgh and Marion Counties. The pilot for community-based competency restoration services will be conducted in Marion County.
- d) Indiana Sheriffs' Association**—Steve Luce showed the ISA jail survey for the month of January. He reported the following: 19 jails are using Medically Assisted Treatment; ISA is working with the Office of Judicial Administration on a new jail management system; ISA is working on new jail standards.
- e) Indiana Department of Correction**—Chris Blessinger reported DOC is focused on planning for vaccine distribution and following community standards for priority. DOC facility staff are currently receiving vaccines as first responders. Ms. Blessinger also reported that there will be no cuts to community corrections funding based on the improved budget forecast.
- f) Office of Judicial Administration**—Mary Kay Hudson reported OJA is working with ISA on a new jail management system. The new JMS will interface with other systems. In addition, OJA is watching the legislative session and conducting virtual trainings and certification for problem-solving courts and alcohol and drug programs.
- g) Indiana Criminal Justice Institute**—Devon McDonald reported ICJI is busy with the legislative session. He also reported that ICJI continues work on the jail information and data transformation projects.
- h) Indiana Association of Community Corrections Act Counties**—Ralph Watson reported IACCAC members are pleased with the funding announcement for community corrections and look forward to working with DOC.
- i) Probation Officers Professional Association of Indiana**—Adam McQueen reported POPAI members welcome the news on community corrections funding.

- j) **State Budget Agency**—No report.
- k) **Association of Indiana Counties**—David Bottorff reported AIC is focused on the legislative session. He also welcomed the news on community corrections funding for counties.
- l) **Indiana Judges Association**—Judge Spitzer reported IJA is watching the legislative session. He also reported that cases are moving even with the pause on jury trials and judges are focused on how to move forward once trials return in March.
- m) **Indiana Public Defender Commission**—Mark Rutherford reported the Commission appreciates the governor’s budget request for \$2.9M on misdemeanor reimbursement for commission counties.
- n) **Governor**—Doug Huntsinger reported Governor Holcomb is pleased his legislative agenda is moving forward. The legislation includes provisions on telehealth, driving while suspended, syringe services, and COVID response. Mr. Huntsinger also reported overdoses have increased, showing more work is needed with drug prevention, treatment, and recovery. He thanked DMHA and ISA for their work on competency restoration. Judge Spitzer noted the isolation from the pandemic is exacerbating mental health issues and he has seen more relapses in drug court.

8. Next Meeting Date. The next Council meeting is February 26 at 10 a.m.

Respectfully submitted,

Jenny Bauer
Office of Court Services