

Justice Reinvestment Advisory Council

Meeting Minutes

February 26, 2021

The Justice Reinvestment Advisory Council met by video conference on February 26, 2021. Justice Christopher Goff chaired the meeting. The Advisory Council met 10:00 a.m. to 11:45 a.m.

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

- Chris Naylor, executive director of the Indiana Prosecuting Attorneys Council
- Jay Chaudhary, director of the Department of Mental Health and Addiction
- Sheriff Brett Clark, 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
- Amber Finnegan, 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
- Rep. Wendy McNamara; chair of the House Courts and Criminal Code Committee
- Doug Huntsinger; designee for the governor

2. Guests. Cris Johnson, Director of the Indiana Office of Management and Budget; and Madeline Carter, Center for Effective Public Policy

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

4. **Approval of minutes.** Judge Mark Spitzer made a motion to approve the minutes of the January 29, 2021 meeting and Doug Huntsinger seconded the motion. The motion carried unanimously.

5. **Indiana Coronavirus Relief.** Cris Johnston, director of the Indiana Office of Management and Budget presented information on Indiana's coronavirus relief packages. He reported that approximately \$5 billion will be received or pass through Indiana state government to local entities from the federal Coronavirus Aid, Relief, and Economic Security Act (CARES) and the Coronavirus Response and Relief Supplemental Appropriations Act. The eligible uses for the \$2.4 billion from the US Treasury Coronavirus Relief Fund are necessary expenditures due to the COVID-19 public health emergency (incurred between March 1, 2020 and December 31, 2021 and not accounted for in most recently approved budget). Mr. Johnston explained that revenue replacement is not a permitted use with the Coronavirus Relief Fund. He stated that the major program areas for the CRF are public health response; economic and business relief; local government, community, and individual assistance; and direct response recovery. The public health response includes testing, contact tracing, personal protective equipment (business, nonprofits, schools, state hospitals), and financial assistance to nursing facilities and home health providers. The economic and business relief includes work force development, unemployment insurance, small business restart, and employer training grants. The local government, community, and individual assistance relief includes rental assistance, financial support for local governments, and arts and cultural events grants. The direct response recovery includes payroll reimbursement, health and safety measures, and information technology assistance for state agencies.

Mr. Johnston also reported that the second round of federal coronavirus-related relief passed in December 2020 includes additional funding for education, healthcare, and housing assistance. Future actions include reconciling/adjusting programs for remaining funds, implementing the December 2020 legislation, monitoring future federal legislation, and federal reporting. Justice Goff thanked Mr. Johnston for the presentation, noting that his work helped keep courts open during the pandemic.

6. **EBDM Initiative Review.** Madeline Carter from the Center for Effective Public Policy presented a summary of the National Institute of Corrections Evidence Based Decision Making Initiative. She reported that the EBDM Initiative is ten years old and the early phases included development of the framework and pilot projects (which included Indiana's own Grant County). Indiana's State Team

participated in Phase III and IV on planning and implementation. Ms. Carter further reported that current efforts involve a review survey for previous EBDM participants and a case study of Indiana's participation. According to Ms. Carter, the case study will show the potential of multi-disciplinary collaboration and celebrate accomplishments. She stated that the case study will require a small project team to assemble documents, conduct remote interviews, vet written materials, and coordinate a webinar if conducted. The Council members discussed the case study and agreed it is important to pay it forward to other states and be transparent about the long, challenging work. Justice Goff asked the Council to consider the request for the Justice Reinvestment Advisory Council to participate in the NIC/EBDM project on sustainability. Devon McDonald made a motion to that effect and Judge Spitzer seconded the motion. The motion carried unanimously. Justice Goff also asked the Council to consider the second request to create an Indiana project team for the case study. Judge Spitzer made a motion to that effect and Devon McDonald seconded the motion. The motion carried unanimously. Justice Goff asked Council members to reach out to Mary Kay Hudson if interested in participating on the project team.

7. Legislative Report.

- a) HB 1068 on local justice reinvestment advisory councils.** Mary Kay Hudson reported the House passed the bill and referred it to the Senate Corrections and Criminal Law Committee. She stated that Rep. Frye will appreciate testimony in support of the bill in the Senate. The Council members discussed State technical assistance to counties, data reporting requirements, and possible funding. Justice Goff noted that the local JRAC groups will have a positive effect on public safety and on the smart allocation of resources.
- b) SB 217 on determination of competency to stand trial.** Mary Kay Hudson reported the bill did not get a hearing in the Senate. She stated there is room for competency discussions as the Council re-engages with the EBDM process. Sheriff Clark noted that HB1127 on mental health and forensic treatment could serve as a vehicle for competency restoration. Jay Chaudhary reported that as the competency restoration pilots in jail and community setting move forward, it has become clear that competency restoration beyond the pilot counties will require statutory changes. He noted that a statutory safe harbor is likely necessary for involuntary medication in outpatient commitments and it may be for the best that SB 217 did not advance. He sees an opportunity for a much more comprehensive effort in the next legislative session.

8. Member reports.

- a) **Probation Officers Professional Association of Indiana**—Adam McQueen reported POPAI is preparing for its orientation for new chief probation officers. The orientation provides information on administrative duties such as budgeting and human resources.

- b) **Governor**—Doug Huntsinger reported on a few issues related to substance use disorder. He travelled to Anderson where Aspire is opening Mockingbird Hill in March. It is an 88-bed facility that will have a component for the criminal justice system to send individuals for treatment. This ties into court use of the sequential intercept model. Mr. Huntsinger also reported that treatment facilities are opening to more capacity as the vaccination process continues. He hopes to get peer recovery coaches back soon for court, medical, and other intervention points.

- c) **House Courts and Criminal Code Committee**—Rep. McNamara reported that the House Courts and Criminal Code Committee and the Senate Corrections and Criminal Code Committee will not meet next week. She plans to prioritize bills in a few days. Rep. McNamara also reported that the Juvenile Justice Reform Committee will meet in April to report preliminary findings. She said some of the common themes of the report focus on difficulty with data collection and definitions between counties.

- d) **Indiana Judges Association**—No report

- e) **Association of Indiana Counties**—David Bottorff reported that the federal coronavirus relief bill currently pending allows for revenue replacement. He recommended that Council members consider how to document loss of revenue, including court fees from reduced court activity during the pandemic.

- f) **Indiana Association of Community Corrections Act Counties**—Amber Finnegan reported that IACCAC's executive committee met recently to update the strategic plan and develop goals to enhance professionalism, training, and communication. She requested that JRAC include community corrections directors in any review of the community corrections code as directed in HB 1006.

- g) Indiana Criminal Justice Institute**—Devon McDonald reported that ICJI is in the process of awarding the contract for the victim notification project. He noted that the jail data transformation project award should follow soon. Mr. McDonald is hopeful that in the next year ICJI can start pulling data into a central location.
- h) Office of Judicial Administration**—Mary Kay Hudson reported that the Office of Court Services and the Office of Court Technology are working on a CJI-funded grant project with the Indiana Sheriffs' Association to enhance criminal history data. As part of this project, Court Technology will build a custom jail management system as part of the grant project. Five counties will work with Court Technology to pilot the new jail management system: Howard, Vigo, Hendricks, Dubois, and Grant. Court Technology will meet soon with a group of sheriffs, jail commanders, and community supervision representatives to gather requirements for a system that will interface with the Court's Odyssey Case Management System and possibly other data management systems. Ms. Hudson also reported that the Sheriff's Association invited IOCS and Court Technology to their April conference to speak about the project. She also noted that IOCS and DOC are meeting regularly to discuss various items of interest to probation and community corrections, with communication to counties on grants and funding opportunities as the current topic. She thanked Angie Hensley and Kristen Banschbach for their efforts.
- i) Indiana Department of Correction**—Chris Blessinger reported that DOC is mourning the death of a staff member who was killed by an inmate at the Indiana State Prison. Another staff member is in the hospital with injuries suffered in the same incident. She stated that DOC welcomes input from community corrections members on the community corrections code review. Ms. Blessinger also reported that 788 inmates have received their first COVID-19 vaccine and 425 are completely vaccinated, based on community standards for eligibility.
- j) Indiana Sheriffs' Association**—Sheriff Clark reported that jails have had success with Covid-19 testing and noted the next challenge will be vaccinating inmates. He thanked DOC Chief Medical Officer Dr. Dauss for her assistance in educating sheriffs. Sheriff Clark also reported that jail numbers are starting to go up and will likely continue to go up as jury trials resume. The Sheriffs' Association is encouraging continued use of cite and release as a lesson learned from early in the pandemic. He also

noted that ISA has worked on HB 1006 and the bill has broad support. Sheriff Clark also suggested looking at the result of jails enrolling inmates in Medicaid and the Healthy Indiana Plan. He would like data to see if the program has been successful.

- k) Division of Mental Health and Addiction**—Jay Chaudhary reported that one area of focus for DMHA has been building out alternatives to competency restoration. He said the process is slow and complicated. Mr. Chaudhary also reported that the Behavioral Health Commission is meeting today and can be watched on live stream.
 - l) Indiana Prosecuting Attorneys Council**—Chris Naylor reported there are several prosecutors working with county teams on the pretrial certification process. He thanked Mary Kay Hudson for her help with questions that come up during the process.
- 9. Other business.** Justice Goff noted that the Council has been meeting monthly during the legislative session and does not have meetings scheduled after the April meeting. He asked for recommendations on the frequency of meetings for the remainder of the year. Mary Kay Hudson suggested meeting every other month to allow the workgroups time to meet. The Council agreed to the proposal for bi-monthly meetings.

10. Next Meeting Date. The next Council meeting is April 23 at 10 a.m.

Respectfully submitted,

Jenny Bauer
Office of Court Services