

# Justice Reinvestment Advisory Council

## Meeting Minutes

### October 28, 2022

The Justice Reinvestment Advisory Council met on October 28, 2022, at 1:00-2:25 p.m. in the Office of Judicial Administration Conference Center in Indianapolis. Justice Christopher Goff chaired the meeting.

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

- Bernice Corley, executive director of Indiana Public Defender Council
- Elizabeth Darlage, proxy for the commissioner of the Indiana Department of Correction
- Cody Wilson, proxy for the State Budget Director
- Bill Watson, president of Indiana Association of Community Corrections Act Counties
- Susan Bentley, proxy for president of Probation Officers Professional Association of Indiana
- David Bottorff, executive director of Association of Indiana Counties
- Andrew Cullen, proxy for the chair of Indiana Public Defender Commission
- Zoe Frantz, president, and CEO of Indiana Council of Community Mental Health Centers (by zoom)
- Chris Naylor, executive director of Indiana Prosecuting Attorneys Council
- Devon McDonald, executive director of Indiana Criminal Justice Institute
- Doug Huntsinger, designee for governor
- Jay Chaudhary, executive director of Division of Mental Health and Addiction
- Steve McCaffrey, president and CEO of Mental Health America of Indiana
- Steve Luce, proxy for president of Indiana Sheriffs' Association

**2. Members absent.** The following members did not attend the meeting:

- Mary Kay Hudson, designee for chief administrative officer of Office of Judicial Administration
- Judge Mark Spitzer, designee for president of Indiana Judges Association
- Rep. Wendy McNamara, chair of House Courts and Criminal Code Committee
- Sen. Mike Young, chair of Senate Corrections and Criminal Law Committee
- Rep. Ragen Hatcher, ranking minority member of House Courts and Criminal Code Committee

- Sen. Rodney Pol, ranking minority member of Senate Corrections and Criminal Law Committee
3. **Guests.** The following attended the meeting as guests: Rep. Randy Frye (House District 67), Amber Fystro (Indiana House of Representatives), Amy Karozos (State Public Defender Office), and Margaux Auxier (Indiana Department of Correction).
  4. **Staff.** Michelle Goodman and April Dubree attended as staff from the Office of Judicial Administration.
  5. **Approval of minutes.** Doug Huntsinger moved to approve the September 23, 2022, meeting minutes and Jay Chaudhary seconded. The minutes were approved unanimously by a roll call vote.
  6. **Workgroup Reports.**
    - a) **Racial Equity.** Bernice Corley reported the workgroup initially thought there were some challenges within the pilot counties regarding data collection, but they are now moving forward within the four counties. Dr. Lowder has prepared preliminary equity measures for the workgroup's feedback, which will be deployed to the pilot counties in mid-November to begin data collection on these measures. A draft report on this phase of the project will be provided to the workgroup for consideration in December. After the workgroup approves the report, it will be presented to JRAC for consideration. Chris Naylor referenced the work of the Court's Commission on Race and Equity and their support for Dr. Lowder's work. Ms. Corley said they have been collaborating with the Commission's Court Processes workgroup during this work.
    - b) **Local JRAC.** Justice Goff reported the workgroup met October 20 to review the Behavioral Health Focus Group Report, which included three counties' local recommendations and a crosswalk between those and the Behavioral Health Commission report. The workgroup accepted the report as the local's perspective. Justice Goff thanked everyone for their work, especially the local counties Hendricks, Bartholomew, and Porter. Andrew Cullen moved to accept this report as the local's perspective and Bernice Corley seconded. After a roll call vote, the motion passed unanimously.

Michelle Goodman next reported that the workgroup is continuing to receive requests for technical assistance and working with the Center for Effective Public Policy on those requests. CEPP is working with Miami County today. In addition, CEPP is working to develop an online workspace to help support technical assistance and provide resources to help further the local work. The

resources will include written materials, linked information, webinars, and videos. These resources can also be used to help with new stakeholder education and orientation. Also, National Institute of Correction has published *Sustaining the EBDM Model: The Indiana Story*, which many JRAC members helped prepare the content and it is available on-line. Justice Goff also thanked Rep. Frye for authoring the Local JRAC bill and his contributions to this work.

- c) JRAC Report Workgroup.** Justice Goff reported that the JRAC Reports Workgroup met this morning to review the report on community correction advisory board membership and receive an update on the SEA 9 work specific to electronic monitoring reports. Michelle Goodman provided an overview of the charge as it relates to the community corrections advisory board report and a summary of the feedback received from JRAC as well as the workgroup members in advance of today's meeting. Justice Goff emphasized that the differences among stakeholders on recommendation four included POPAI and IPDC supporting the draft as presented while IJA expressed concerns on reducing the number of judicial officers as members. The workgroup, after considering all comments, still had consensus to keep the recommendations on the number of voting members due to the collaborative nature of the board but made a revision to recommendation four to reflect this discussion to explain that additional non-voting members can still participate within the advisory boards. The amended report was unanimously approved by the workgroup and presented for JRAC's consideration.

Andrew Cullen posed a question regarding considerations to combine Local JRAC and advisory board membership since they are similar and whether smaller counties can meet these requirements or need some level of exception. Justice Goff explained the focus was on reducing membership of advisory boards, which included a review of the mandatory members. There were recent changes to the requirements that include juvenile representatives even if the advisory board is not overseeing juvenile programs or grant funds. The goal with these recommendations is to create a minimum list of members represented by a single voting member of each stakeholder group to encourage collaboration and participation. Everything we are trying to do is to move toward aligning these efforts, but some counties may have existing collaborative groups that function well at the local level. In addition, counties can regionalize under a single advisory board and several advisory boards have already elected to serve as the Local JRAC.

Bill Watson moved to approve the report as presented to JRAC, which was seconded by David Bottorff. The report was unanimously adopted by roll call vote.

Michelle Goodman provided an update on the second assignment to the workgroup regarding electronic monitoring standards and quarterly reports on electronic monitoring supervision. There has also been a sub-committee assisting with the work on standard data definitions for these quarterly reports and review how to collect the information. This work has incorporated collaboration with parole and Indiana Office of Court Technology. The data collection begins January 1, 2023, and quarterly reports will commence at the end of the first quarter. This work is helping inform the study report as well due to the complexity of electronic monitoring supervision. The study recommendations focus on local policy development in key areas through Local JRACs to incorporate unique circumstances within the local jurisdictions and supporting best practice development with JRACs assistance. The proposed report will be presented to JRAC at the November meeting for consideration.

- 7. Legislative Discussion.** Justice Goff introduced Rep. Frye and reported he is working on potential legislation around credit time. Justice Goff asked if there were members who wanted to form a sub-group to provide feedback to Rep. Frye. Chris Naylor, Bernice Corley, and Steve McCaffery agreed to participate in the sub-group. Rep. Frye provided the preliminary draft as well as background on the proposal, which focuses on eliminating credit time for those who critically injure or kill public safety officials. The following questions were discussed: whether other states have similar laws, what is the definition of public safety officer and whether it includes judicial officer, and should the term knowingly injure or kill public safety officer be included in the provision. Justice Goff thanked Rep. Frye for coming to JRAC for input and feedback.

Justice Goff reminded members of the overview of legislation discussed at the Behavioral Health Summit from our legislative partners regarding mental health.

Steve Luce reported on work with Rep. Steuerwald to continue discussing efforts related to diversion, deflection, and 988 with education for law enforcement on these concepts.

Devon McDonald mentioned work on HEA 1359 that ties to community correction advisory boards and asked whether funding for 988 would be available for juvenile services. Jay Chaudhary and Doug Huntsinger explained that 988

services would be available to both adult and juveniles as the focus is to set up a system to provide needed services without duplication of efforts. Devon McDonald also referenced a recent presentation by Dr. Drapeau regarding the work for Medicaid waivers as a part of the resources. Justice Goff referenced the model of having a surcharge to provide resources in a sustainable way and Indiana is still reviewing this funding option.

Devon McDonald expressed concern on whether there would be multiple collaborative groups working that would be duplicated with various funding streams becoming available through grants. Justice Goff mentioned that this is like the discussion on Local JRACs and the ability to leverage all available resources through collaborative meetings.

Chris Naylor inquired as to the amount of the surcharge. Doug Huntsinger reported this aspect is still under discussion but as an example, if there was a \$1 surcharge it would generate approximately \$90 million. Steve McCaffery reported on meetings with Sen. Crider on proposing related legislation. There was discussion on whether the estimated \$90 million is the right amount. The discussion emphasized the complexity of the issue and reminded members that the amount Medicaid will cover must be considered as part of the overall package.

Justice Goff mentioned that the Behavioral Health Commission report was excellent and encouraged members to review the National Judicial Task Force report on mental health as a valuable resource.

Andrew Cullen encouraged discussing with legislators on the need for money to avoid the implications of seeing this as a new tax. The focus is on a voluntary surcharge.

- 8. Behavioral Health Summit.** Justice Goff reported that the behavioral health summit held on October 21 in Indianapolis was successful with about 1,000 stakeholders present. He thanked the summit partners for their support and contributions. The summit is just one stage of implementation, and the Behavioral Health Commission report outlines next steps. There will be links added to the Local JRAC website to the National Judicial Task Force Report, the State Behavioral Health Report, and other resources provided in advance of the summit.

Zoe Frantz reported that the Community Mental Health Center members have given positive feedback on the summit, and they are excited about future work with 988, certified Community Behavioral Health Clinics, and other efforts. She

thanked Justice Goff and Jay Chaudhary for including them as attendees and presenters at the summit. Justice Goff thanked them for their presentations and involvement as well.

David Bottorff commented that the Summit was excellent and asked if videos of the presentations are available. IOCS reported the videos will be posted after formatting for the website and members will be informed when they are available. Mr. Bottorff suggested sending the videos to Local JRAC members so they have opportunities to watch them if they were not able to attend.

## 9. Member reports.

- a) **Indiana Public Defender Commission.** Andrew Cullen provided a copy of the Commission's annual report. He also reported that the Commission is exploring a name change to the "Commission on Court Appointed Counsel", which would require legislative action, to reduce confusion with work of the Public Defender Council and State Public Defender's Office.
- b) **Association of Indiana Counties.** David Bottorff reported that their new officials training will be held in December and noted the need to educate new members on the work of JRAC. Also, he received an inquiry from a national counterpart on hosting a mental health summit.
- c) **Indiana Prosecuting Attorneys Council.** Chris Naylor reported they have a conference in December with many new members and will be pointing individuals to the JRAC website for information. He was proud to see the work and level of collaboration at the summit as well as hearing from the Florida judge.
- d) **Division of Mental Health and Addiction.** Jay Chaudhary reported that there is a backlog on services for competency restoration. A couple of years ago DMHA began to explore other pathways for restoration services and has the first successful restoration in the alternative setting. The snapshot of the current wait time is now down to 30 days compared to 111 days a couple of years ago. Justice Goff agrees more joint trainings through JRAC should be held to continue work on key issues and build local understanding and capacity.
- e) **Indiana Association of Community Corrections Act Counties.** Bill Watson reported their fall training is in November with Justice Goff and Mary Kay Hudson presenting two sessions. All trainings offered focus on expanding the use of evidence-based practices and treatment services.

- f) Indiana Criminal Justice Institute.** Devon McDonald reported work is continuing on the joint criminal code evaluation report and a draft will be provided at the next meeting even if it is not a final draft. He suggested encouraging collaboration with the Juvenile Justice Oversight Commission since JRAC works on similar issues. Justice Goff would welcome coordination, especially at the local level, to identify priorities and resources.
- g) Indiana Sheriffs' Association.** Steve Luce reported that the new sheriff education is being planned and they are expecting forty-five new sheriffs. He was appreciative to those who agreed to be part of the training agenda. ISA distributed the Behavioral Health Commission's report to all sheriffs and thanked Jay Chaudhary for his participation in working on mental health education with an outside stakeholder group. He reported meeting with the new DOC Commissioner and thanked everyone for the work on the mental health summit.
- h) State Budget Agency.** Cody Wilson reported that the budget committee meeting is scheduled for December, and they are currently reviewing agency submissions for budget hearings. He also reported that the committee visited Westville this week and thanked DOC for the opportunity.
- i) Indiana Public Defender Council.** Bernice Corley thanked everyone for the work on the summit and expressed a desire to keep a sense of energy to continue to have open collaborative dialogue to improve our processes, which is not common in other states.
- j) Mental Health America of Indiana.** Steve McCaffrey reported their annual symposium will be in December, which will be a next step in this process of implementing the recommendations in the Behavioral Health Commission Report. Jay Chaudhary will be a keynote speaker and Lieutenant Governor Suzanne Crouch and panel of Commission members will be present to help advocate for these efforts including 988 funding.
- k) Indiana Council of Community Mental Health Centers.** Zoe Frantz reported on their quarterly meeting, and they have been focusing on certified community mental health clinics with seventeen members grant funded to develop these services. In this brief time, these funds have impacted approximately 15,000 lives to date. She thanked Steve McCaffrey and Jay Chaudhary for their partnership with education and outreach efforts. A legislative reception will be held in February to help further educate on this work.

**10.Next Meeting Date.** The next Council meeting is scheduled for November 18 at 1:30 p.m. in the South Tower of the Capital Center.

Respectfully submitted,

Michelle Goodman  
Office of Court Services