

# Justice Reinvestment Advisory Council

## Meeting Minutes

### January 27, 2023

The Justice Reinvestment Advisory Council met on January 27, 2023, at 10:00-11:45 a.m. in Capital 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
- Liz Darlage, proxy for the commissioner of the Indiana Department of Correction
- Mary Kay Hudson, designee for chief administrative officer of Office of Judicial Administration
- Cory Wilson, proxy for State Budget Director
- Sheriff Randy Retter, president of Indiana Sheriffs' Association
- Troy Hatfield, president of Probation Officers Professional Association of Indiana
- David Bottorff, executive director of Association of Indiana Counties
- Andrew Cullen, proxy for chair of Indiana Public Defender Commission (by video)
- Judge Mark Spitzer, designee for president of Indiana Judges Association
- Zoe Frantz, president and CEO of Indiana Council of Community Mental Health Centers
- Sen. Rodney Pol, ranking minority member of Senate Corrections and Criminal Law Committee (by video)
- Chris Naylor, executive director of Indiana Prosecuting Attorneys Council
- Devon McDonald, executive director of Indiana Criminal Justice Institute
- Doug Huntsinger, designee for governor
- Dr. Kory Cary, proxy for executive director of Division of Mental Health and Addiction
- Steve McCaffrey, president and CEO of Mental Health America of Indiana
- Ashley Steven, president of Indiana Association of Community Corrections Act Counties

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

- Rep. Wendy McNamara, chair of House Courts and Criminal Code Committee

- Sen. Aaron Freeman, chair of Senate Corrections and Criminal Law Committee
- Rep. Ragen Hatcher, ranking minority member of House Courts and Criminal Code Committee

**3. Guests.** The following attended the meeting as guests: Dr. Evan Lowder from George Mason University School of Criminology, Law, and Society; Dalton Haney from the Indiana Department of Correction; and Rachael Ehlich from the Governor's Office.

**4. Staff.** Jenny Bauer, April Dubree, David Sexton, Diane Mains, and Jamie Bergacs attended as staff from the Office of Judicial Administration.

**5. Approval of minutes.** Doug Huntsinger moved to approve the November 18, 2022, meeting minutes and Mark Spitzer seconded. The minutes were approved unanimously.

**6. Workgroup Reports.**

**a) Racial Equity Workgroup.** Bernice Corley reported the Workgroup met in early January and received an update from Dr. Evan Lowder on the counties participating in the research project and the first two study reports of the project. Dr. Lowder reported that the first study provides a baseline understanding of racial disparities across various stages of criminal-legal processing by identifying a list of racial equity metrics and reporting on these metrics by race across four local jurisdictions. The report proposes 40 metrics across seven stages of criminal-legal processing, with heavy emphasis on front-end decision making. Dr. Lowder also reported that the second report is a prospective study of the drivers of racial disparities in the criminal justice system. The research team developed and validated a 12-item Relative Disadvantage Tool measuring four domains: Early Family Relationships, Early Criminal-Legal System Exposure, Systemic Barriers, and Well-Being and worked with local jails to develop site-specific plans for prospective data collection. The research team will track outcomes for individuals over a multi-year period using administrative data. Bernice Corley reported that data-sharing agreements is the next step to use the tool. Devon McDonald made a motion to approve the data metrics and Mary Kay Hudson seconded the motion. The motion carried unanimously by roll call vote. Ms. Hudson also reported that Dr. Lowder's contract is with the Office of Court Services and funded by the Indiana Public Defender Council. She highlighted that the data

collection instrument includes compensation for jails and more funding is needed.

- b) Local JRAC Workgroup.** Justice Goff reported that the Workgroup meet in January to discuss the Local JRAC annual report and review that technical assistance contract with the Center for Effective Public Policy. Mary Kay Hudson reported the draft 2022 annual report is ready for review. The focus of the report is on local JRAC functioning rather than data. Zoe Frantz made a motion to approve the draft report and Mark Spitzer seconded. The motion carried unanimously by roll call vote. Judge Spitzer recommended re-assuring local JRAC's that it is okay if they are not hitting all of the benchmarks yet. Justice Goff will send a letter with the report form to encourage open and transparent answers, with an aspiration toward prioritizing change targets.

Mary Kay Hudson also reported that Madeline Carter retired from CEPP and the new contact is Richard Stroker. CEPP submitted a new proposed contract to continue providing technical assistance. The contract provides flexibility with technical assistance for locals and continues development of an on-line workspace to support local JRAC's. The Office of Judicial Administration has money in the budget to cover the \$300,000 contract amount. Ms. Hudson made a motion for JRAC to approve the contract and incorporate other areas as needed and Cory Wilson seconded. The motion carried unanimously by roll call vote.

- c) JRAC Report Workgroup.** Justice Goff reported the full Report Workgroup held its last meeting on November 7<sup>th</sup> to finalize the report required by Senate Enrolled Act 9, which was approved by this Council at the last meeting for submission to Legislative Council. Since then, the SEA 9 sub-committee has continued to meet to finalize the data elements required from the counties and finalized the format for receiving reports. The data elements and instructions were distributed to counties in December. The sub-committee continues to meet to assist the Office of Court Services on substantive report questions as they arise. Mary Kay Hudson reported that Sen. Walker's SB 445 will address some of the items from the SEA 9 report.

## **7. Member reports.**

- a) Senate Corrections and Criminal Law Committee.** Sen. Pol reported that SJR 1 on bail passed out of the committee and passed the Senate on 3<sup>rd</sup> reading with opposition from both parties concerning vagueness. He also reported that there are several proposed bills on credit restriction.

- b) Public Defender Commission.** Andrew Cullen reported the governor proposed new funding for the Commission to begin reimbursement to counties.
- c) Indiana Prosecuting Attorneys Council.** Chris Naylor reported the IPAC winter conference is scheduled for early December and will include training for 20 new prosecutors. The conference will feature a session on Local JRACs.
- d) State Budget Agency.** Cory Wilson reported that SBA is working on budget items and waiting for HB 1001 to start moving through the legislature.
- e) Mental Health America of Indiana.** Steve McCaffrey reported that MHA is involved with SB 1 on behavioral health matters. The bill was heard in the Senate Appropriations Committee recently and held for amendment. He also reported that the General Assembly is discussing the Department of Health and Human Services Centers for Medicare & Medicaid Services' recent Section 1115 Medicaid waiver for California to provide some medical services in correctional facilities.
- f) Indiana Council of Community Mental Health Centers.** Zoe Frantz distributed the Indiana Council's legislative policy document and reported that ICCMHC is hosting a legislative lunch on February 8<sup>th</sup>. She also reported that the Indiana Council's winter meeting is scheduled for February 9-10 and will feature a session by Justice Goff on how State and Local JRAC can build on the mental health summit, a session on competency restoration, and a session on SAMHSA updates. Ms. Frantz further reported that Bernice Corley was invited to speak at the Indiana Council's upcoming Racial Equity and Leadership Committee meeting.
- g) Indiana Judges Association.** Judge Spitzer reported that IJA is watching the 2023 legislative session. He highlighted that SJR 1 on bail will need a complimentary legislative package to go along with the proposed constitutional amendment. He also stated that IJA has concerns with the language in SB 444 on judicial transparency, noting that IJA supports transparency.
- h) Department of Mental Health and Addiction.** Dr. Karey reported that DMHA is watching SB 1 on behavioral health matters and HB 1006 on mental health programs. She also reported that Jay Chaudhary testified about competency to stand trial when the House Courts and Criminal Code Committee heard HB 1194.
- i) Governor's Office.** Doug Huntsinger announced that the governor's office will partner with DMHA on a one-time funding opportunity to local units of government to support evidence-based prevention, treatment, recovery, harm reduction, behavioral health workforce, enforcement, jail treatment, recovery residences, and other services and initiatives across the state. The matching

grant program is part of the National Opioid Settlement and aims to promote innovative, collaborative, community-driven, cross-sector responses to substance use disorder issues. The grant applications are due by the end of February with awards made in May.

**j) Indiana Public Defender Council.** No report.

**k) Department of Correction.** No report.

**l) Indiana Association of Community Corrections Act Counties.** Ashley Stevens reported IACCAC is watching several bills in the General Assembly, highlighting SB 445 on electronic monitoring standards. The IACCAC board meets on February 10.

**m) Association of Indiana Counties.** David Bottorff reported AIC is watching property tax bills in the General Assembly, as well as SJR 1 on bail, HB 1006 on mental health programs, and SB 1 on behavioral health matters. He suggested that Local JRAC's could coordinate a county application for opioid grant funding.

**n) Office of Judicial Administration.** Mary Kay Hudson reported OJA is watching the bills in the General Assembly, highlighting the complicated judicial transparency bill, SB 459 on bail, and the probation bill. She also reported the Office of Court Services is working on contracts with the Center for Effective Public Policy and Dr. Evan Lowder.

**o) Indiana Sheriffs' Association.** Sheriff Retter reported that ISA is watching bills in the General Assembly, noting mental health related bills HB 1006, SB 1, and HB 1194. He also reported that the National Sheriffs Association conference is in Washington, D.C. in early February and the ISA winter conference is scheduled for late February.

**p) Probation Officers Association of Indiana.** Troy Hatfield reported POPAI is watching bills in the General Assembly, noting HB 1144 on state employment of probation officers and SB 445 electronic monitoring standards. He also reported that POPAI is preparing for its annual management institute and will have a session on staff retention by the National Institute of Corrections.

**8. Next Meeting Date.** The next Council meeting is scheduled for March 3, 2023, at 10:00 a.m. in the South Tower of the Capital Center.

Respectfully submitted,

Jenny Bauer  
Office of Court Services