



STATE OF INDIANA
Department of Correction

Indiana Government Center—South

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Eric J. Holcomb
Governor

Robert E. Carter Jr.
Commissioner

September 11, 2020

Mr. Zachary Q. Jackson
Director, Indiana State Budget Agency
Indiana Statehouse, Room 212
Indianapolis, IN 46204

Re.: IDOC Overview – Budget Transmittal Letter
FY 22/23 Biennium

Dear Director Jackson,

As Commissioner of the Indiana Department of Correction (IDOC), I respectfully submit this overview in support of the IDOC's budget request for the biennium beginning July 1, 2021 and ending June 30, 2023. I have included: (1) A description of the overarching services provided by the IDOC, how the Department is structured, and the agency's KPIs; (2) An explanation of the accomplishments made and the challenges faced by IDOC over the last biennium, with a summary of the programs that were changed or reduced; and (3) A description of the objectives for next biennium with a deeper discussion of the significant challenges IDOC expects to face, including recommendations on ways to address these challenges, and a summary of the budgetary changes the IDOC is requesting in order to best meet the needs of its mission, and to advance the priorities established by the Executive Branch.

This letter describes how the IDOC is progressing through the dynamic times caused by COVID-19. It details how the stabilizing impact of Indiana's 2013-2015 sentencing reform efforts are coming to an end, and once again Indiana's prison population is increasing. As things stand, the prison population will continue to grow for the foreseeable future, to exceed optimal capacity limits by autumn of 2022. Rather than proposing construction of a large new facility to accommodate this expanded population, several alternative recommendations for addressing this growth are included within this communication. This letter also highlights IDOC's challenge in attracting and retaining quality employees, and how that impacts facility vacancy rates. Also highlighted is the Department's efforts to

comply with a federal court ordered settlement of a class action lawsuit calling for mandatory universal treatment of imprisoned people that have contracted the Hepatitis C virus, and the plan to provide them with a curative treatment.

Most importantly, this communication provides a deeper look into the IDOC, how it operates, and the primary services it provides to protect the citizens of Indiana.

The Department of Correction’s Overarching Mission – Protect the People of Indiana

It is the job of law enforcement to arrest those that cross those criminal lines established by the General Assembly. It is the court’s responsibility to oversee due process hearings to sift out those who are guilty beyond reasonable doubt, then to impose an appropriate punishment (also established by the General Assembly.) The worst of these criminals (e.g., those convicted of murder, rape, child molestation, armed robbery, drug dealing, and such as that) are sent to prison. In this environment, it is the IDOC’s responsibility to ensure that these serious criminals do not reoffend during their period of incarceration, and to reduce their chances of reoffending after they are released. This overarching responsibility is reflected in the IDOC’s mission and vision statements, which read:

Mission

We promote public safety by providing meaningful, effective opportunities for successful re-entry.

Vision

As the model of best correctional practices, we strive to return productive citizens to our communities and inspire a culture of accountability, integrity, and professionalism.

The abovementioned statements are also consistent with Indiana’s Constitution, which reads:

Art.I, Section XVIII

The penal code shall be founded on the principles of reformation, and not vindictive justice.

To protect the citizens of Indiana, over 5,800 state employees, 1,800 contractual staff, and hundreds of intermittent volunteers supervise, serve and treat more than 25,000 felons, and 300 adjudicated delinquents, 24 hours a day, seven days a week, all year long, holidays included. IDOC also operates Indiana’s Parole Services, which supervises more than 6,200 parolees across the State.

IDOC also supports several county-based correctional services and sentencing alternatives. With guidance from the Justice Reinvestment Advisory Council (“JRAC”), each year the IDOC provides up to

\$72.45 million to Indiana counties to support community correction programs. IDOC also makes payments to counties for the cost of incarcerating persons convicted of felonies in county jails. Last fiscal year, IDOC paid more than \$30 million to counties for this purpose, \$25.3 million of which was paid using a new advance-pay formula approach for F6 felons. Additionally, a lump sum payment is made to each county (totaling \$4.15 million statewide) to help defray the cost of managing those convicted of misdemeanors.

IDOC's Organizational Structure

The Department can be divided into four primary divisions: Operations (custody), Reentry, Youth Services, and Administrative support. Custody is the largest division in IDOC and utilizes a military style command structure starting with the correctional officer (CO), then sergeant, lieutenant, captain and major. In addition to custody, the Operations Division includes IDOC's emergency response operations, offender classifications, parole services, jail inspections, investigations and Correctional Police Officers, and staff development and training.

Using a case management model system, the Reentry Division first assesses the risks and needs of each offender sent to prison. A plan is then developed to track their progress through various treatment services and rehabilitative programs offered by the IDOC to address their needs. As its name suggests, the reentry division also prepares incarcerated individuals for successful reentry back into the community. In addition to case management, the Reentry Division also oversees offender educational programs, faith-based services, community corrections, and victim services.

The Department's Division of Youth Services includes custody, operational, reentry and programming aspects similar to the adult. However, these services are independent of the adult prisons and specially designed to meet the needs of male and female adjudicated delinquents sent to the IDOC.

Administrative support services include the Department's fiscal management, legal services, construction services, research division, policy management, media and public communications, IT support, legislative and procurement services.

IDOC's Key Performance Indicators

Working with the Performance Management Hub of the Office of Management and Budget, the Department formulated and continuously tracks six high-level key performance indicators (KPIs). These include:

- (1) The average hourly wage of those employed while on parole;
- (2) The number of people with jobs waiting for them before they leave prison;
- (3) Substance Abuse Disorder program completion rates

- (4) Facility custody staff vacancy rates;
- (5) The percentage of general fund appropriation spent FYTD, by month; and
- (6) The recidivism rate, measuring the percentage of incarcerated individuals that return to prison within three years of release

In addition to these dashboard KPIs, IDOC has developed performance measures in virtually every funded service area including, but certainly not limited to:

- The number of certifications awarded to offenders for successful completion of vocation programs, broken down by those that attain certification in high-demand jobs areas
- Changes in department and facility per diem rates
- Case management report cards
- Parole Services report cards, broken down by district
- Educational services report cards
- Facility internal and external audit reports (for compliance with American Correctional Association standards)
- Contractual services surveys and audit reports
- Jail inspection reports
- The number and locations of inmate assaults
- Random inmate drug testing results by facility

In addition to tracking outcomes within the various services areas, the Department's Executive team conducts on-site facility reviews that look at every aspect of each prison and parole district's fiscal accounts, human resource management, operations, treatment and rehabilitative programming, physical plant, and community involvement.

IDOC Accomplishments, Changes, and Challenges

A brief explanation of the more significant accomplishments made by the IDOC thus far in this biennium is provided below. A description of the relevant changes that were made is also included and is followed by a discussion of the main challenges faced by IDOC.

The Bigger Accomplishments

Employing Returning Citizens

During his 2018 State of the State Address, Governor Holcomb challenged IDOC to get more than 1,000 incarcerated individuals certified in high demand jobs before 2020. IDOC not only met this challenge, the Agency exceeded it by more than double. This past year Governor Holcomb presented IDOC with a new and unique challenge. He charged the Department, by 2022, to ensure 500 returning citizens

annually had validated job opportunities waiting for them *before* they are released into the community. Within six months of being presented this challenge, the Department is already halfway to meeting this two-year goal. To help with both these challenges, the Hoosier Initiative for Re-Entry (HIRE) team was transferred from the Department of Workforce Development and today reports to IDOC's Deputy Commissioner of Reentry.

Introducing a new holistic case management approach to Treatment and Programs

As part of Governor Holcomb's legislative package in 2020, the Department assisted in successfully proposing to Indiana's General Assembly a change in law (HEA1120-2020) that authorizes the Department to use a more holistic case management model when awarding credit time to incarcerated individuals for successful rehabilitative program completion. Rather than the piecemeal approach outlined in law for the past 25 years, this new approach incentivizes incarcerated individuals to actively engage in treatment and successfully complete an agenda of educational and program goals established specific to their individual circumstances. This is a major shift that will allow the IDOC to utilize to a greater extent evidence-based practice to reduce risk and recidivism. A blue-ribbon committee of experts from within and outside the agency has been selected to develop plans for implementation.

Rolling out a new facility management system

At the time of this writing, the Department is in the process of rolling out a new management system that will provide much greater efficiency to prison administration. This system not only includes advanced timeclock management, it also incorporates the ability to prioritize the manning of posts, and the equitable management of call-offs, vacations, and other requests made by more than 5,000 employees Departmentwide. This will improve payroll processing and help better utilize the Department's human resources.

The Most Significant Changes

Meeting COVID-19 head-on

Over 80% of 2020 was spent focusing on ways to prevent the introduction and spread of COVID-19 into Indiana's prisons and juvenile correctional facilities. To outline the full list of changes this necessitated is beyond the scope of this letter. A brief summary includes: halting all visitations and volunteer services; curtailing work release and work crews; swiftly isolating and quarantining all symptomatic incarcerated individuals, as well as those who tested positive or those that were in close contact with them; manufacturing the Department's own personal protective equipment (PPE) including masks, shields, gowns, sanitizer and soap for the population and staff; implementing screening procedures before anyone enters facilities and restricting access to areas where vulnerable people live or work; activating the Department's own Technical Response Team and deploying as needed to sanitize facilities as positive cases erupt; institute daily and weekly virtual meetings with all wardens and

department leaders to brief on real-time status and discuss immediate next steps; relocate vulnerable offenders including some who were elderly, and females who were pregnant or who had recently given birth; restricting intake so admissions could be divided into small cohorts, so the Agency can identify those that arrive infected and delay transfer to parent facility to control spread; create videos, electronic messages and social media postings, and facility signage on COVID-19 transmission prevention; and allowing some no cost video visitation and calls between incarcerated individuals and their family and loved ones to provide timely and supportive communication.

Changing the way counties are funded for diverting F6 offenders:

For two decades prior to sentencing reform, the Department paid counties \$35 per day for every low-level felon sentenced to prison but maintained in local jails. HEA1006 (2013-2015) reemphasized this per diem as it applies to all F6s maintained in jail. The amount allocated was subsequently increased from \$18 million to \$30 million (per diem cap also incrementally increased.) Two serious issues were observed with the traditional per diem approach – (1) it required F6 offenders to be kept in jail for counties to receive funding (exacerbating a jail overcrowding problem in many counties); and (2) billing became difficult to validate and often led to serious delays in payments. To resolve both issues the department switched to a funding formula that ensured no county received less than prior years. It also paid counties upfront, rather than in increments throughout the year, and it no longer necessitated time-consuming billing.

Closing Juvenile Intake Facility

The impact of diversion efforts like the Juvenile Detention Alternative Initiative (JDAI) and juvenile community correction programs has resulted in a drastic reduction in the DOC juvenile population. To promote efficiencies, IDOC closed its intake facility for juvenile males in Logansport to merge those services with the much larger Logansport Juvenile Correctional Facility located within Logansport.

The Big Challenges for IDOC

Attracting and Retaining Corrections Professionals

The biggest challenge faced by IDOC at this time is attracting and retaining qualified custody staff to meet the needs of Indiana's highest security prisons. The American Correctional Association tells us that a 10% vacancy rate is acceptable, but higher percentages can bring risk. Indiana's low unemployment rate has created a highly competitive job atmosphere. Many law enforcement and correctional service providers were competing for the same qualified public safety applicants willing to work in high-risk environments. COVID has made it more difficult to attract new career-minded employees to work in corrections institutions, most of which operate a great distance from Indiana's larger metropolitan areas.

IDOC has taken unprecedented measures to address the threat of expanding staff vacancies in prison. A team of twelve Recruitment and Retention Specialists were hired to work full-time in attracting and retaining the 400+ new employees needed to fill the requisite vacancies. The Department repeatedly hosts on-site and virtual job fairs to attract new people to the field of corrections. Advertisements, public service announcements, job banks, billboards, and roadside signs are being utilized to encourage people to consider employment with the IDOC. Custody vacancy rates at some facilities are higher than ever, and during the public health emergency, IDOC has made great use of Indiana’s National Guard to help bolster perimeter security relieving IDOC’s trained staff to address needs inside the secured perimeter. The Department will continue to look for new ways to meet this challenge.

Providing Curative Treatment to Incarcerated Individuals with Hepatitis C

A federal court ordered settlement resulting from a class action lawsuit requires IDOC to provide universal treatment to thousands of incarcerated individuals that contracted hepatitis C before coming to prison. This treatment is effective, but costly. The Department is in the process of negotiating the most competitive rates for antiviral medications needed to treat these individuals. The aggregate cost of treating all incarcerated patients and complying with the court’s order will require funding beyond IDOC’s typical budget request for medical services.

Next Biennium Objectives and Requests

In line with the Governor’s priorities of improving governmental services, and to meet the challenges described above, the following budget changes are requested to support IDOC’s major objectives for next biennium.

Treatment for Hepatitis C

To comply with federal court ordered settlement to treat incarcerated persons with Hepatitis C, using a curative antiviral medication, as well as other traditional treatment.

Fund	Fiscal Year 2022	Fiscal Year 2023
Hepatitis C Treatment	19,682,000	24,037,000

Continued Operating Expenses for Property at 401 N. Randolph

To provide continued maintenance of the vacated property at 401 N. Randolph Street, Indianapolis, IN.

Fund	Fiscal Year 2022	Fiscal Year 2023
Indianapolis Re-Entry Education Facility	700,000	700,000

Personnel

To continue recruiting and retaining qualified corrections professionals.

Fund	Fiscal Year 2022	Fiscal Year 2023
Facility Operating Funds	30,000,000	30,000,000

Capital Budget

IDOC's biennium capital budget includes eleven projects, all strictly intended to preserve existing Department physical plant operations and assets. It includes no capacity expansion projects, nor supports increases in service levels beyond traditional expectations.