

Pretrial Release Committee

Meeting Agenda

February 11, 2022 @ 9:30 a.m. (EST)

Location: Via Zoom

I. Welcome and Introductions

Committee Chair, Judge Mark Spitzer, called the meeting to order and welcomed members and guests. Persons in attendance were as follows:

Committee Members:

- Judge Mark Spitzer, Committee Chair, Grant Circuit Court
- Troy Hatfield, Deputy Chief Probation Officer, Monroe County
- Stephanie Ruggles, Pretrial Coordinator, Hamilton County
- Judge Mark Smith, Hendricks Superior Court No. 4
- Judge Gail Bardach, Hamilton Superior Court No. 6
- Judge Daniel Moore, Tippecanoe Superior Court No. 7
- Magistrate Jason Custer, Allen Superior Courts
- Courtney Curtis, Assistant Executive Director, IPAC
- Christine Kerl, Chief Probation Officer, Marion County Superior Probation
- Bernice Corley, Executive Director, Indiana Public Defenders Council
- Judge Lori Quillen, Owen Circuit Court No. 1
- Judge Mary Ellen Diekhoff, Monroe Circuit Court No. 5
- Shelby Bear, Pretrial Director, Jefferson County Court Services

Additional Attendees:

- Devon McDonald, Director, Indiana Criminal Justice Institute
- Melissa Stephenson, Director, Grant County Correctional Services
- Senior Judge Thomas Felts, Indiana Office of Court Services
- Dr. Evan Lowder, Assistant Professor, George Mason University
- Chuck Phillips, Pretrial Coordinator, Starke County
- Vickie Becker, Prosecutor, Elkhart County
- Melanie Golumbeck, Porter County

IOCS staff in attendance included: Mary Kay Hudson, Diane Mains, Angie Hensley, Jamie Bergacs, Chris Biehn, Diane Haver, Janelle Johnson, Brittany Simmons, Kevin Riley, Lora Moeller, Nicole Wesling, Reilly Sommers, and Tori Williams.

II. Approval of December 3, 2021 Meeting Minutes

The December 3, 2021 meeting minutes were presented. Members of the Pretrial Release Committee unanimously approved the meeting minutes with the correction that Larry Landis does not represent IPAC.

III. NIJ Study and Validation Update

Dr. Lowder reported that the NIJ grant was not funded and no further action is required. Reviewers of the grant reported concern with the impact of intervention on voluntary conditions during pretrial period. Dr. Lowder plans to look towards new grant opportunities beginning January 2023. Updated letters of support will be requested of committee members when applicable.

Dr. Lowder reported positive findings on the validation studies for Tipton County and St. Joseph County. Dr. Lowder anticipates the comprehensive predictive validity of the IRAS report will be completed by June 2022.

Mary Kay Hudson reported that violence predictability has been an area of study over several years and within several environments. JRAC has committed to talking with the University of Cincinnati in this area. The University of Cincinnati is willing to present to the Pretrial Release Committee regarding available tools for predicting violence and the pros and cons of each in practice. Dr. Lowder expressed support in facilitating this presentation and discussion with the committee. The committee approved having the presentation to occur during a future committee meeting. Any specific areas of discussion that committee members wish for the presentation to cover may be sent to Mary Kay Hudson.

IV. DeWees v. IN Supreme Court Opinion

Judge Spitzer reported that the opinion on the DeWees v Indiana Supreme Court, as authored by Justice Goff, will be law moving forward. Judge Spitzer advised that future judicial trainings will address this opinion and its role in practice. No members of the committee voiced concern regarding the DeWees opinion.

V. Data Subcommittee Update

Troy Hatfield reported that the Data Subcommittee is on the verge of wrapping up the performance measures analysis. Troy Hatfield brought questions to the committee that may aim to enhance the data collected at the local level. He noted it will take the addition of new practices to gather the data from all jurisdictions. Troy Hatfield asked the Pretrial Release Committee for support in efforts to secure funding that would enhance SRS to ensure accurate and timely data collection. Potential barriers in local jurisdictions that inhibit data collection, such as timely arrest records, were discussed. Members of the Pretrial Release Committee noted considerations that included the potential of placing too many tasks on already overloaded staff members, questions on the state's utilization of the new data, and how the data could be utilized to impact proposed legislation. Mary Kay Hudson identified challenges such as the inability of a standing system to compute the enhanced data reports contemplated by the Pretrial Release Committee. Judge Spitzer proposed a two-tier approach, including the minimal need to achieve certification and aspirational goals pursued. Support was provided by the Pretrial Release Committee for the Data Subcommittee to pursue funding and resources for continued data enhancement initiatives.

- VI. Education Subcommittee Update
Bernice Corley reported no updates to share from the Education Subcommittee.
- VII. Pretrial Coordinators Subcommittee Update
Stephanie Ruggles reported that the Pretrial Coordinators Subcommittee recommends all pretrial agencies implement a critical incident policy. Four key elements of each local policy should include: (1) the definition of a “critical incident”, (2) composition of a team, (3) information to be discussed, including review of the incident and suggestions for improvement, and (4) identification of a designated spokesperson for each pretrial agency. The subcommittee requested input from the committee regarding the implementation of this policy as either a rule requirement for pretrial certification or as a general recommendation. The matter will be placed as an agenda item during the April 2022 Pretrial Release Committee Meeting and will include a vote as to whether this policy should be incorporated as a certification requirement or general recommendation.
- VIII. Preventative Detention Study Subcommittee
Judge Smith reported that the Preventative Detention Study Subcommittee met on January 28, 2022. After lengthy discussion, the group determined it is not the responsibility of the Pretrial Release Committee to put forth amendment recommendations, but they should remain aware of any related matters that may be used to inform future discussions. The next subcommittee meeting is scheduled for March 1, 2022, at which time the group will examine the Uniform Detention Act with the intent to provide feedback to the committee.
- IX. Legislative Update
Diane Mains provided the legislative update of the Indiana General Assembly. House Bill 1300 passed in the House and will be heard by the Senate Courts and Criminal Code Committee on Feb 15, 2022. Senate Bill 6 and Senate Bill 8 do not have a scheduled hearing. Senate Bill 9 will be heard next week.
- X. Certification Update
Jamie Bergacs reported a total of 42 counties have either a certified pretrial agency or are in the certification planning stages. The 42 counties include 12 certified agencies and 30 in the planning stages. Those agencies certified include seven provisionally certified and five fully certified.
- XI. Local JRAC Update
Judge Spitzer reported that several local JRAC training sessions have occurred across multiple jurisdictions and acknowledged seeing more counties implementing local JRAC teams. Angie Hensley added that the online resource for local JRACs continues to add helpful information and grant information to counties interested.
- XII. IOCS Grants Update

Angie Hensley reported that IOCS received 4.4 million dollars in grant requests. Collaboration between IOCS and DOC included the consideration of merging grant applications so that counties will not be required to write duplicative grant requests for two separate agencies.

Angie Hensley reported that IOCS changed their funding schedule to a calendar year to align with DOC. The first quarter distributions went out late and the second quarter distributions are scheduled to be released in March. Funding requests for public defender services were disbursed for the entire year. Judge Spitzer requested that the notification of grant awards be released earlier.

It was proposed that the need for increased pretrial funding be presented to the Supreme Court and local JRACs. The next Pretrial Release Committee agenda will include a follow-up discussion.

XIII. Other Business

Stephanie Ruggles suggested that the pretrial fees statute may be dated. She asked if the matter had been taken into consideration at the legislative level. As reported, the current statute was written prior to pre-trial program implementation. Stephanie Ruggles reported that the Pretrial Coordinator Subcommittee will review the current statute and report its findings during the Pretrial Release Committee meeting in April.

Magistrate Custer called attention to the public opinion of no-cash bond and whether the Pretrial Release Committee should be responsible for releasing information that provides positive explanation of Indiana's pretrial release initiative. A messaging campaign to the public regarding the pretrial initiative was considered. A meeting was proposed to discuss media communication strategies and the results of that meeting will be brought to the next Pretrial Release Committee meeting.

XIV. Adjourn

Judge Spitzer adjourned the Pretrial Release Committee Meeting.

Pretrial Release Committee
April 8, 2022 @ 9:30 a.m. (EST)
Location: Via Zoom

- I. Call to Order Judge Spitzer
Committee Chair, Judge Mark Spitzer, called the meeting to order and welcomed members and guests. Persons in attendance were as follows:

Committee Members:

- Judge Mark Spitzer, Committee Chair, Grant Circuit Court
- Troy Hatfield, Deputy Chief Probation Officer, Monroe County
- Shelby Bear, Pretrial Coordinator, Jefferson County
- Magistrate Jason Custer, Allen Superior Courts
- Judge Maryellen Diekhoff, Monroe Circuit Court, Division 5
- Christine Kerl, Marion County Superior Court Chief Probation Officer
- Judge Lori Quillen, Owen Circuit Court No. 1
- Stephanie Ruggles, Hamilton County Pretrial Services Director
- Courtney Curtis, Executive Director, IPAC
- Judge Mark Smith, Hendricks Superior No. 4

Additional Attendees:

- Chris Cunningham, Grant County Community Corrections Director
- Chuck Phillips, Starke County Pretrial Coordinator
- William Carmichael, American Surety Company
- Marianne Halbert, NAMI Indiana Criminal Justice Director
- Dr. Evan Lowder, George Masson University Assistant Professor
- Melissa Stephenson, Grant County Correctional Services Director
- Michelle Goodman, IOCS Staff Attorney

IOCS Staff in attendance included: Angie Hensley, Diane Mains, Jamie Bergacs, Chris Biehn, Rachael McKee, Janelle Johnson, Diane Haver, Nicole Wesling, Kevin Riley, Lora Moeller, Traci Collyard, Reilly Sommers, Tori Williams, and April Simmons

- I. Approval of February 11, 2022, Meeting Minutes Judge Spitzer
The February 11, 2022, meeting minutes were presented. Members of the Pretrial Release Committee unanimously approved the meeting minutes.

- II. Validation Studies – Tipton and St. Joseph Dr. Lowder
Dr. Lowder updated the committee on the results of the validation studies for both Tipton and St. Joseph counties. She reported that Tipton County’s study sample included 152 of the 274 IRAS-PAT assessments administered and St. Joseph’s study sample included 1086 of the 3,167 IRAS-PAT assessments administered. Both studies produced positive results, rating “good” to “excellent” levels of accuracy. Dr. Lowder noted the following findings in specific: validity was predictable for the high-

risk population included in the study, and decreased stability in results for a smaller sample size. Variability was noted to be driven by a low number of very high-risk population sample size. Dr. Lowder noted St. Joseph County's validation study results boasted the best findings thus far in their validation studies. Tipton County's sample for high-risk participants was small, thus potentially producing unstable results. The validation studies thus far conclude that the IRAS-PAT seems to be performing well, with the highest accuracy for prediction of failure-to-appear. Committee members moved and seconded to publish the validation studies on the IOCS website.

III. Critical Incidents as Policy

Judge Spitzer

Judge Spitzer recapped a discussion from the February Pretrial Committee meeting regarding the implementation of critical incidents as policy. He summarized the four key elements of a critical incident policy as defined by the Pretrial Coordinators Subcommittee. The Pretrial Committee discussed whether the critical incident policy should be included as part of the certification process or as a general recommendation to pretrial agencies. Members concluded that the development of a critical incident policy should be included as part of certification and incorporated into the Pretrial Release Rules. It was noted that agencies would benefit from having a plan in place to expedite a response in the event of an incident occurring and having a designated spokesperson for these situations is important. All members were in favor of this motion with none opposed. Judge Spitzer will work with staff on this proposed rule change and language to add Critical Incident Policy to Section 12 of the Pretrial Services Rules.

IV. Increased Funding Requests to the Supreme Court and JRAC

Judge Spitzer

The need for increased Pretrial funding was discussed. It was explained that Chief Justice Rush has noted in the past that funding requests should be brought to her attention so she may take them before the General Assembly. The Committee members reported it is time to make that request. As Committee Chair, Judge Spitzer will write a formal letter of need on behalf of the Pretrial Release Committee to the Chief Justice and to the Justice Reinvestment Advisory Council Chair.

Angie Hensley reported that most requests Indiana Office of Court Services receives are for personnel and public defender representation. Continued collaboration with local counties will aid in determining specific funding needs for Pretrial initiatives. As the next legislative session is the budget session, requests for funding are due by June or July for the following year. Grant requests from the Indiana Office of Court Services are due May 6, so a comprehensive report will include 2023 requests to support pretrial. These reports will be provided to the Justice Reinvestment Advisory Council (JRAC) to demonstrate need for increased funding. Committee members moved and seconded that Judge Spitzer will draft the letter, send it, and provide copies to the committee at the next meeting.

- V. IOCS Grants Update Angie Hensley
 Angie Hensley reported that four pretrial grant applications have been received for the 2023 calendar year. She meets biweekly with representatives from the Department of Corrections (DOC) for continued communication regarding the grants and their statuses.
- VI. Preventative Detention Study Subcommittee Update Judge Smith
 Judge Smith reported on updates from the Preventative Detention Study Subcommittee. The subcommittee last met on March 18 via Zoom for their second meeting. The subcommittee remains in continued conversation regarding the long-term tasks of the team and the product that will be produced. The subcommittee will meet next on June 10, 2023, in person, following the next Pretrial Release Committee Meeting.
- VII. Data Subcommittee Update Troy Hatfield
 Troy Hatfield shared the most recent draft of outcome and performance measures produced by the Data Subcommittee. The committee members are invited to review the report and share feedback. The minimum datapoints needed pursuant to certification and the recommended minimum datapoints are included. The comprehensive report details an enhanced data collection set and includes the extra points not required by the State but which are beneficial for enhanced data collection. A definition section of all measurements and datapoints is also included.
- The Data Subcommittee will utilize feedback from committee members and construct an on-demand training course. This course will provide training for local pretrial staff, will demonstrate the importance of data collection, and explain why this information is necessary. Lisa Thompson offered to work on the Supervised Release System (SRS) components of data collection to aid the facilitation of inputting this data into the online portal.
- Troy Hatfield asked the committee to review the documents shared for discussion at the next Pretrial Release Committee meeting. In the interim, Troy will communicate with his team to determine whether a rule change is needed to accommodate these data collection measures.
- VIII. Education Subcommittee Update Diane Haver
 Diane Haver reported that the Education Subcommittee has not met since the last Pretrial Committee Meeting. It was reported that the second Pretrial Staff Orientation occurred on April 4, 2022, via Zoom. A total of 34 participants were present, two of whom are IOCS staff members. A total of 13 counties were represented during the training. Diane reminded the committee that the Justice Services Conference will be held in person on May 4-6 at the Indiana Convention Center. The conference will include five breakout sessions with content relevant to pretrial.
- IX. Pretrial Coordinators Subcommittee Update Stephanie Ruggles
 Stephanie Ruggles reported no major updates from the Pretrial Coordinators

Subcommittee. The subcommittee is next scheduled to meet on May 18, 2022. The group will discuss the pretrial fees statute during the next meeting.

- X. Legislative Update Diane Mains
Diane Mains provided a legislative update via meeting materials. The update is provided in attachment A.

- XI. Certification Update Jamie Bergacs
Jamie Bergacs reported a total of 42 counties have either a certified pretrial agency or are in the certification planning stages. The 42 counties include 15 certified agencies and 27 in the planning stages. Those agencies certified include ten provisionally certified and five fully certified. Since the last Pretrial Committee Meeting, three additional provisional certifications were issued to: Tipton County, Steuben County, and Adams County.

- XII. Behavior Health Summit Judge Spitzer
Judge Spitzer announced that the Behavioral Health Summit will take place this October. He noted that diversion will be a prime topic of discussion, as well as the underfunded mental health system and how Indiana may improve upon this concern. He encouraged members of the committee to gather their JRAC teams to prepare for the summit. The date for the Behavioral Health Summit is October 21, 2022.

- XIII. Opioid Class Action Settlement Judge Spitzer
Judge Spitzer reported that the Opioid Class Action settlement has been finalized and disbursements may occur as early as May 2022. The money awarded from the settlement will be directed to the Commissioners Budget and Political Subdivisions. Judge Spitzer acknowledged the concern that funds may be spent on initiatives unrelated to Opioid Use Disorder. He encouraged members of the committee to convene a coordinated strategy in their counties to spend the money as intended. The settlement dollars will be audited. Information is limited at this point, but the Governor's office is involved as well as Associations of Counties. More information may be expected in the future. Much of the settlement should go to the justice system, ideally smart justice applications that were impacted by the opioid crisis. Judge Spitzer will inform the committee as more information becomes available. He encourages those with more information to reach out.

- XIV. Other Business
No other business was reported.

- XV. Adjourn
Judge Spitzer adjourned the Pretrial Release Committee meeting.

Public Law 85/Senate Enrolled Act 9 - Electronic Monitoring Standards (Governor signed on 03-11-22)

- Amends IC 11-13-1-4 by removing annual reporting requirements on home detention statistics
- Amends IC 11-13-1-9 to require local JRACs (instead of probation departments) to compile probation data and submit this data annually to the Judicial Conference for delivery to General Assembly
- Adds IC 31-37-2-8, establishing a new delinquent act if a juvenile alleged or adjudicated to be delinquent (1) flees from lawful detention as defined by IC 35-31.5-2-186; (2) violates a home detention order; (3) removes, disables or otherwise interferes with an EM or GPS device; and (4) fails to return to lawful detention following a temporary leave
- Adds IC 33-38-9.5-7, directing the State JRAC to review EM and home detention statutes and recommend EM standards to the Legislative Council no later than December 22, 2022 (effective upon passage; expires January 1, 2023)
- Adds IC 34-30-2-149.7 for EM standards under IC 35-38-2.7
- Adds IC 35-31.5-2-24.7 defining “backup verification method” for the purposes of EM
- Amends IC 35-31.5-2-205, the definition of “monitoring device”
- Adds IC 35-31.5-2-318.5, defining “supervising agency” for the purposes of EM
- Adds IC 35-31.5-2-337.3, defining “tracked individual” for the purposes of EM
- Adds IC 35-31.5-2-352.5, defining “vulnerable victim” for the purposes of EM
- Amends IC 35-33-8-11 to replace “GPS tracking device” with “monitoring device”
- Amends IC 35-38-2.5-2.3 to redefine “constant supervision” of violent offenders for the purposes of EM
- Amends IC 35-38-2-5.3, redefining “monitoring device” and including the Parole Board and pretrial services agencies as entities that may be notified if a home detention order is violated
- Amends IC 35-38-2.5-10, requiring any EM contractor to be in compliance with IC 35-38-2.7
- Amends IC 35-38-2.5-12, requiring probation departments and community corrections supervising violent offenders place on home detention to be in compliance with IC 35-38-2.7
- *Adds IC 35-38-2.7, establishing EM standards
- Amends IC 35-44.1-3-4, the criminal penalty for the Level 6 felony, escape; and specifies that this section does not apply to juveniles

Public Law 147-2022/House Enrolled Act 1300 – Bail (signed by Governor on March 15, 2022)

- Adds IC 27-10-2-4.1, directing the Insurance Commissioner to regulate charitable bail organizations (CBO)
- Adds IC 27-10-2-4.5, creating definitions for CBOs; establishing requirements for and conditions of CBO certification
- Amends IC 33-24-6-3, directing the Office of Judicial Administration to include in its case management system, searchable fields for the name and license number of bail agents who pays bail for an individual described in IC 35-33-8-3.2
- Adds IC 35-33-8-0.6, prohibiting a political subdivision from providing funds for bail
- Adds IC 35-33-8-3.2, requiring the defendant or the individual who provides cash for bail to sign an agreement that includes an advisement that upon conviction, the court may retain all or part of the cash to pay publicly paid costs of representation, fines, costs, fees and restitution ordered by the court; requires the clerk to record the name, address, and bail agent license number of the bail agent or person authorized by the surety posting defendant’s bail in the county court electronic case management system

Pretrial Release Committee

Meeting Minutes

June 10, 2022 @ 9:30 a.m. (EST)

Location: Indiana Supreme Court Conference Room

I. Call to Order

Committee Chair, Judge Mark Spitzer, called the meeting to order and welcomed members and guests.

Committee Members in attendance:

- Judge Mark Spitzer, Committee Chair, Grant Circuit Court
- Troy Hatfield, Deputy Chief Probation Officer, Monroe County
- Shelby Bear, Pretrial Coordinator, Jefferson County
- Magistrate Jason Custer, Allen Superior Courts
- Christine Kerl, Chief Probation Officer, Marion County Superior Court
- Courtney Curtis, Assistant Executive Director, IPAC
- Judge Mark Smith, Hendricks Superior Court No. 4
- Bernice Corley, Executive Director, Indiana Public Defender Council
- Judge Mary Ellen Diekhoff, Monroe County Circuit Court Div. 5
- Judge Annie Christ, Marion County Superior Court 24
- Devon McDonald, Executive Director, Indiana Criminal Justice Institute
- Judge Daniel Moore, Tippecanoe County Superior Court No. 7

Guests:

- Chris Cunningham, Director, Grant County Community Corrections
- Melissa Stephenson, Director, Grant County Correctional Services
- Lakisha Fisher, Coordinator, Grant County Pretrial Services
- Susan Bentley, Chief Probation Officer, Hendricks County

IOCS Staff in attendance: Chris Biehn, Janelle Johnson, Traci Collyard, Kevin Riley, Nicole Wesling, David Sexton, Diane Mains, Lora Moeller, Mary Kay Hudson, and Michelle Goodman.

II. Approval of April 8, 2022, Meeting Minutes

The April 8, 2022, meeting minutes were presented. The committee unanimously approved the minutes.

III. Rule Revisions

Diane Mains reported on suggested revisions to the Pretrial Services Rules based on feedback and staff experiences through the certification process. IOCS staff to write up text of proposed rule revisions for the Committee's review at the next meeting. The Committee will target finalizing the rules and requesting a public comment period at the December Judicial Conference Board of Directors meeting.

The Committee discussed possible revisions to pretrial fee statutes. Members felt that more education is needed before pursuing any statutory changes. The Committee will work with the Coordinators Subcommittee to study fee issues further.

IV. Increased Funding Requests to SC and JRAC

Judge Spitzer has not had a response yet to letters sent to Chief Justice Rush and Justice Goff requesting more funding resources to support pretrial services. Mary Kay Hudson reported that counties have requested approximately \$3.8 million dollars from IOCS to support pretrial services. IDOC received approximately \$3.1 million in pretrial grant requests. A line-item appropriation from the legislature, similar to the appropriation that funds Veterans Treatment Courts, is being discussed.

V. IOCS Grants Update

Mary Kay Hudson reported IOCS is working to blend funding with IDOC to make grant cycles more convenient to county-level fiscal practices. IDOC is planning to make their grant announcements on July 8, 2022. IOCS's analysis process will take longer, and announcements of awards will likely be after IDOC's. However, IOCS staff will try to make those announcements as soon as possible. Fifty-three counties requested pretrial funds from IOCS and IDOC.

County budget processes vary, and some counties will have their budgets finalized as early as July 1. Mary Kay Hudson indicated that she is advocating for all counties to receive their requested grant dollars, or at least to receive the level of funding received last year.

VI. Preventative Detention Study Subcommittee Update

Judge Smith reported the Preventative Detention Study Subcommittee meeting was held on March 30, 2022, and the subcommittee will meet again today after this Committee meeting. The subcommittee is now weighing the "how" of their work. There was some discussion on potential legislation to be filed in the next legislative session regarding preventative detention.

VII. Data Subcommittee Update

Troy Hatfield reported the Data Subcommittee met 17 times over the last several months to create the performance measures presented to the Committee. Outcome performance measures are similar to the original measures, and the subcommittee included a number of enhanced data points to be reported if possible. It is expected that counties will submit data based on the new performance measures beginning Quarter 2 of 2023. The Committee adopted the performance measures as presented.

VIII. Education Subcommittee Update

Traci Collyard reported that three sessions related to pretrial were offered during the 2022 Justice Services Conference. IOCS is exploring providing pretrial training opportunities throughout the year.

IX. Pretrial Coordinators Subcommittee Update

Shelby Bear reported the Coordinators Subcommittee appreciates the hard work of

Troy Hatfield and the other members of the Data Subcommittee. The subcommittee has discussed SB9 and what changes will be needed in the delivery of pretrial services as a result of statutory changes. Shelby Bear agreed to reach out to the pretrial coordinators to collect information about current fee collection practices and report back to the Committee. This outreach will be used to direct the Committee's future discussions on possible changes to the fees statute.

X. Certification Update

Lora Moeller report that there are currently 29 pretrial services agencies in the planning stages and 15 certified. Six of the 15 certified agencies are provisionally certified and 9 agencies have received their three-year certification.

XI. Other Business

Diane Mains conveyed that Dr. Lowder is in the final stages of compiling the Vigo County and Starke County validation reports. The updated predictive bias report is also in progress and will be completed by July 31, 2022.

XII. Adjourn

Judge Spitzer asked members about their preference, live vs. remote, for the August 12, 2022, meeting. Members expressed no strong preference. Judge Spitzer decided that the meeting will be held in-person and adjourned the meeting.

Pretrial Release Committee

August 12, 2022
Meeting Minutes

Location: 201 N. Illinois Street
2nd Floor Conference Center, Indianapolis, IN

1. Call to Order

Judge Mark Spitzer called the meeting to order and welcomed members and guests.

Committee members in attendance:

- Troy Hatfield, Deputy Chief Probation Officer, Monroe County
- Shelby Bear, Pretrial Coordinator, Jefferson County
- Magistrate Jason Custer, Allen Superior Courts
- Christine Kerl, Chief Probation Officer, Marion County
- Courtney Curtis, Assistant Executive Director, IPAC
- Judge Mark Smith, Hendricks Superior Court No. 4
- Bernice Corley, Executive Director, Indiana Public Defender Council
- Judge Daniel Moore, Tippecanoe County Superior Court No. 7
- Bill Watson, Pretrial Coordinator Vigo County

Committee members appearing via Zoom:

- Judge Mark Spitzer, Committee Chair, Grant Circuit Court
- Judge Vicki Carmichael, Clark Circuit Court 4

Guest appearing via Zoom:

Dr. Evan Lowder, George Mason University

IOCS staff in attendance: Kevin Riley, Diane Mains, Lora Moeller, Jamie Bergacs, Rachael McKee, Mary Kay Hudson, Michelle Goodman and Senior Judge Tom Felts.

2. Approval of June 10, 2022, Meeting Minutes

The June 10, 2022, meeting minutes were presented. The committee unanimously approved the minutes.

3. Introduction of New Committee Members

Judge Spitzer introduced and welcomed the newly appointed committee members, Judge Vicki Carmichael, Clark Circuit Court 4 and Bill Watson, Pretrial Coordinator, Vigo County.

4. Updated Predictive Bias Report and Vigo and Starke County Validation Reports

Dr. Lowder presented the Updated Predictive Bias Report and Vigo and Starke County Validation Reports. Overall, the validation reports showed fair to good levels

of predictive validity. The overall Updated Predictive Bias Report showed good predictive accuracy and less evidence of predicted bias in the 12-county sample. The committee discussed the results and Dr. Lowder provided clarification. A motion was passed to post studies on the IOCS Pretrial Release website.

5. Rule Revisions

Jamie Bergacs provided a summary of proposed changes to the Pretrial Services Rules. The proposed changes include a definition of critical incident and initial hearing, standardizing the continuing education requirement to be consistent with Probation, Problem-Solving Courts, and Court Administered Alcohol and Drug Programs, and requiring a critical incident policy. The committee provided revised language to be included in the critical incident policy. A motion was passed to take the proposed rules to the Judicial Conference Board of Director's next meeting to seek approval to post for public comment.

6. IOCS Grants Update

Mary Kay Hudson reported that grants submitted to IOCS were approved and award letters should go out next week. A breakdown of the requests and total awards for Veterans Treatment Courts (\$2M in requests, \$1.4M approved), Family Recovery Courts (just under \$2M in requests, \$1.36M approved) and Pretrial Agencies (\$3.68M in requests, \$2.78M approved) was provided to the committee. Judge Spitzer indicated a request for additional community supervision/pretrial funding was made.

7. Preventative Detention Study Subcommittee Update

Judge Smith reported the Preventative Detention Study Subcommittee will meet again today after this committee meeting. Judge Smith indicated that two legislators have reached out regarding preventative detention and would like to work with judges and the committee this legislative session.

8. Data Subcommittee Update

Troy Hatfield reported that with the approval of the performance measures, there is a small group that is working on how to collect data, what changes need to be made for collection consistency and developing a manual for data collection.

Troy also reported at the last JRAC meeting a demo of the new Jail Management System was presented. The subcommittee is working to ensure pretrial data is being collected. A meeting with Donna Edgar of the Indiana Office of Court Technology will be held on August 22, 2022, to further discuss pretrial data collection.

9. Education Subcommittee Update

Bernice Corley reported pretrial staff orientation is scheduled for October 3, 2022. At this time, 37 attendees from 12 counties have registered for the virtual training. Bernice indicated Justice Services Conference planning is already underway and training topics are welcome. Judge Spitzer suggested having a pretrial track at the conference. The subcommittee has decided to meet quarterly.

10. Pretrial Coordinators Subcommittee Update
Per the request of the committee, Shelby Bear agreed to reach out to the pretrial coordinators to collect information about current fee collection practices and report back to the committee. Shelby reported that 15 counties responded. Fees are collected differently across the state. No one indicated needing changes to the fee statute at this time.
11. Certification Update
Lora Moeller reported that there are currently 28 pretrial services agencies in the planning stages and 17 certified for a total of 45 pretrial services agencies. Eight of the 17 certified agencies are provisionally certified and nine agencies have received their three-year certification.
12. Adjourn
Judge Spitzer adjourned the meeting at approximately 10:50 a.m.

Future Meeting Dates:

- October 14, to be held via Zoom
- December 2, to be held via Zoom

Pretrial Release Committee Meeting Minutes

October 14, 2022 @ 9:30 a.m. (EST)

Meeting via Zoom

I. Call to Order

Committee Chair, Judge Mark Spitzer called the meeting to order and welcomed members and guests. Persons in attendance were as follows:

Committee Members:

Shelby Bear, Judge Annie Christ, Courtney Curtis, Magistrate Jason Custer, Judge Mary Ellen Diekhoff, Judge Mark Smith, Judge Mark Spitzer, and William Watson

Additional Attendees and Guests:

Vicki Becker, Jesstina Ditton Duncan, Marianne Halbert, Chuck Phillips and Melissa Stephenson

Staff: Jamie Bergacs, Senior Judge Tom Felts, Michelle Goodman, Mary Kay Hudson, Diane Mains, Lora Moeller, Kevin Riley, David Sexton, Reilly Sommers, Lisa Thompson and Nicole Wesling

II. Approval of August 12, 2022, Meeting Minutes

The August 12, 2022, meeting minutes were passed unanimously.

III. Preventative Detention Study Subcommittee Update

Judge Mark Smith delivered an update on the subcommittee. Rep. Steuerwald and Rep. Jeter were unavailable to attend the meeting to discuss pretrial legislation. Judge Smith discussed two pieces of proposed legislation written by LSA and Rep. Jeter to be reviewed by the subcommittee. The subcommittee will also review Sen. Young's proposed legislation. Judge Smith said that the next step is to forward the existing proposals to the subcommittee for review. He hopes to speak with Representatives Steuerwald and Jeter to have a meaningful discussion about goals and next steps. Mary Kay Hudson added that Sen. Freeman has been appointed to the chair of the Corrections and Criminal Law Committee.

IV. Pretrial Services Rules Public Comment Update

On September 7, 2022, the Judicial Conference Board of Directors voted unanimously to allow the updated Pretrial Services Rules to go to public comment. Diane Mains reported that no public comments have been received to date. The public comment period expires on October 19, 2022. After the public comment period ends, the rules will be taken back to the Board of Directors at their December 8, 2022, meeting for adoption. There are no anticipated concerns with adoption by the Board of Directors.

V. Data Subcommittee Update

Diane Mains provided the following update received from Troy Hatfield. It reads as follows:

The Data Subcommittee has continued to work toward data collection instructions and guidelines for SRS users based on the recently approved Outcome and Performance Measures. Lisa Thompson and Dave Williams from Court Technology have been providing tremendous support and guidance to ensure we are successful in collecting the minimum data elements needed. We invited additional pretrial services staff and SRS users from Clark, Owen, Grant, Cass, Carroll, and Bartholomew Counties to gain a greater perspective of practices across Indiana. Our goal is to create a unified and consistent way of collecting pretrial data for SRS users, which is used by the majority of pretrial programs that are certified or pending certification. We look to pilot the recommended changes to SRS over the next few months before requesting that programs begin collecting data on January 1, 2023. As we work through each measure, we have come across a few areas where we will likely recommend minor language changes to the Outcome and Performance Measures for clarity and to support current SRS features and practices.

Lisa Thompson added that working with each individual county has been educational. She hopes that by January the groundwork will have been laid for a more standardized, statewide approach. She noted that the state still needs a way for pretrial programs to submit their data so IOCS and/or IOCT can compile and tabulate that data.

Judge Spitzer asked about data submissions from Probation and Community Corrections. Ms. Thompson confirmed that both submit data to the State through different means.

Diane Mains confirmed that a rule change would not be needed to implement the approved Outcome and Performance Measures.

VI. Education Subcommittee Update

Tabled

VII. Certification Update

Kevin Riley reported since the last committee meeting there have been no significant changes to the number of certified pretrial programs. Twenty-eight programs are still in the planning stage with 17 programs certified. Of the 17 certified, seven have provisional status and the remaining 10 are fully certified. This number will change soon to six provisional and 11 fully certified programs after Bartholomew County Pretrial becomes fully certified.

VIII. Other Business

Judge Spitzer reported that the Disciplinary Commission is working on written guidance for public defenders around conflicts that may arise from being available

for representation at the meaningful first appearance. Judge Spitzer anticipates that, with the guidance, pretrial programs will resolve many of the defense representation issues.

Judge Smith asked about reimbursement for counties from the Public Defender Commission for public defenders assigned to meaningful first appearances. Mary Kay Hudson said that those services are reimbursable across all cases. Judge Diekhoff confirmed that public defenders can be reimbursed for work at the meaningful first appearance.

No other business was raised by members.

IX. Adjourn

Judge Spitzer adjourned the Pretrial Release Committee meeting. The committee's next meeting will be held via Zoom on December 2, 2022.

Pretrial Release Committee

Meeting Minutes

December 2, 2022 @ 9:30 a.m. (EST)

Via Zoom

I. Call to Order

Judge Mark Spitzer called the meeting to order and welcomed members and guests.

Persons in attendance were as follows:

Committee Members:

- Judge Mark Spitzer, Committee Chair, Grant Circuit Court
- Shelby Bear, Pretrial Coordinator, Jefferson County
- Judge Vicki Carmichael, Clark Circuit Court
- Judge Annie Christ, Marion Superior Court
- Courtney Curtis, Assistant Executive Director, IPAC
- Magistrate Jason Custer, Allen Superior Court
- Christine Kerl, Chief Probation Officer, Marion County
- Troy Hatfield, Deputy Chief Probation Officer, Monroe County
- Judge Daniel Moore, Tippecanoe Superior Court
- Judge Mark Smith, Hendricks Superior Court

Additional Attendees and Guests:

Chris Cunningham, Jesstina Ditton-Duncan, Melanie Golumbeck, Marianne Halbert, Representative Chris Jeter, Melissa Stephenson, Representative Gregory Steuerwald and Lisa Thompson

IOCS Staff:

Jamie Bergacs, Traci Collyard, Michelle Goodman, Michelle Henkle, Diane Mains, Kevin Riley, David Sexton, Reilly Sommers, Alexis Stogdill, and Nicole Wesling.

II. Approval of October 14, 2022, Meeting Minutes

The October 14, 2022, meeting minutes were presented. The committee unanimously approved the minutes.

III. Preventative Detention Study Subcommittee Update

Judge Spitzer updated the committee on the activities of the subcommittee. The subcommittee received a draft of a constitutional amendment from Rep. Jeter. The Indiana Prosecuting Attorneys Council also submitted a draft amendment for review and comment. The subcommittee submitted comments on the constitutional amendments to Reps. Steuerwald and Jeter for consideration.

The committee and Reps. Steuerwald and Jeter discussed how the committee could be of further assistance with the legislative process. There was also discussion on the

intentions and goals of the constitutional amendments. The committee asked questions and presented concerns regarding narrowing of judicial discretion. Rep. Jeter responded that he understands the concerns raised, and they will go back and review the language with that in mind as the overall goal is to give judges discretion. Rep. Jeter stated that the legislature will continue to send updated drafts to the committee for comments.

IV. Pretrial Practice Manual Revisions

The existing pretrial practice manual has not been revised for several years. Judge Spitzer suggested that work be done to update the pretrial practice manual to bring it in alignment with current practices and ensure it references the pretrial rules. Judge Spitzer recommended that IOCS staff do an initial review to identify areas in need of revision to share with the committee.

The committee approved the initiation of the review and revision of the pretrial practice manual.

Diane Mains volunteered to do an initial review of the pretrial practice manual for discussion at the next committee meeting.

V. Data Subcommittee Update

Troy Hatfield reported that the data subcommittee has been piloting the new data measures with select counties. The data subcommittee will be recommending some changes to be reviewed at the next meeting around data collection. Currently, the subcommittee is working on how the new data will be collected and aggregated statewide.

Lisa Thompson asked how the data collection rollout to the remaining sites will be done. The committee referred this discussion to the coordinators subcommittee. It was also noted that the committee needs to consider how data will be maintained over time. Shelby Bear reported that the coordinators subcommittee will meet in January to discuss updates from the data subcommittee.

IOCT is working to find the best way to collect the county-level data. The data is already in INCite and could be pulled by IOCT at any time. However, IOCT pulling the data directly would bypass the opportunity for counties to review their data before submission. Committee members offered suggestions such as the state announce their intended data pull date giving counties an opportunity to review their data before it is pulled. Troy Hatfield and Shelby Bear were asked to take this suggestion back to their subcommittees for feedback.

VI. Certification Update

Nicole Wesling reported that there are currently 44 pretrial services agencies involved with certification. Twenty-six programs are in the planning stages, 18 are certified. Twelve programs have received full certification and six programs have received provisional certification. One program has withdrawn from the certification process.

IOCS anticipates an increase in the number of provisionally certified programs between now and the next committee meeting.

VII. Other Business

Judge Spitzer referenced the listed meeting dates for 2023.

Marianne Halbert shared that NAMI Indiana's annual meeting will be held on March 10, 2023. DMHA and Justice Goff will be leading plenary sessions. NAMI Indiana will also be bringing Policy Research Associates to Indiana to train CIT committee members in system mapping. Counties will be able to request technical assistance from NAMI Indiana on system mapping after that training is done.

Jamie Bergacs shared that meeting invitations will be sent to members without a Zoom link to reserve the meeting times on the calendar. Zoom links will be added to the meeting invitations a couple weeks in advance of each meeting.

VIII. Judge Spitzer adjourned the meeting at 11:00 a.m. EST

2023 Meeting Schedule:

- February 3, 2023, 9:30 a.m. via Zoom
- March 17, 2023, 9:30 a.m. via Zoom (TENTATIVE based on Legislative Session)
- May 12, 2023, 9:30 a.m. via Zoom
- August 18, 2023, 9:30 a.m. In-Person (Location TBD)
- November 17, 2023, 9:30 a.m. via Zoom