

**Pretrial Release Committee
Meeting Minutes
February 23, 2024 @ 9:30 a.m. (EST)
Zoom**

1. Call to Order

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

Committee Members: Shelby Bear, Judge Vicki Carmichael, ISP Superintendent Douglas Carter, Judge Mary Ellen Diekhoff, Christine Kerl, Judge Dan Moore, Judge David Najjar, Judge Mark Spitzer, and Magistrate Matthew Symons

Staff: Jamie Bergacs, Chris Biehn, Traci Collyard, Maja Grgic, Diane Mains, Lora Moeller, Natasha Phillis, Kevin Riley, David Sexton and Nicole Wesling

2. Approval of November 17, 2023, Meeting Minutes

The November 17, 2023, meeting minutes were presented and unanimously approved.

3. Pretrial Mapping Review

Chris Biehn presented the pretrial process map for review and comment. Chris explained the Indiana pretrial process map attempts to map the process and decision points of a certified pretrial agency, which varies significantly from the map originally developed in 2015. Judge Spitzer asked Committee members to provide feedback to Chris by March 8, 2024, for inclusion in the state map being developed by the Justice Reinvestment Advisory Council.

4. Pretrial Training Planning Discussion

Judge Spitzer reported a session regarding pretrial will be held at the Spring Judicial College on Wednesday, April 10, 2024, from 1:30 p.m.-3:00 p.m. Judge Moore, Judge Najjar, and Judge Diekhoff volunteered to assist in developing and presenting a 90-minute panel discussion based on the Essential Elements. Diane Mains will serve as staff support. Judge Spitzer will send panel members some starting content.

5. 2024 Legislative Session Update

Diane Mains presented the 2024 Legislative Session update. She provided a synopsis of the following bills: HB 1418, SB 70, SB 179 and SB 290. HB 1418 passed out of the Senate Corrections and Criminal Law Committee. SB 70 passed the House on third reading, 93-0. SB 179 passed out of the House Courts and Criminal Code Committee and was referred to the House Ways and Means Committee. SB 290 is currently pending with the House Courts and Criminal Code Committee. The last House Courts and Criminal Code Committee meeting will be held on Monday, February 26, 2024.

6. Data Subcommittee Update

Chris Biehn reported that the data subcommittee is continuing to meet to resolve problem cases in the pretrial data. The root cause of problem cases in the pretrial data appears to be stemming from the varied data collection practices. Data quality on safety rate and appearance rate appears to be high. IOCT has made progress on a pretrial data dashboard which will present real time pretrial data. Chris also noted that IOCS is engaging with Dr. Evan Lowder on a pretrial practices research project. Dr. Lowder is also working on a project to study racial disparities in pretrial release programs in three counties.

7. Coordinator's Subcommittee Update

Shelby Bear reported the subcommittee last met February 7, 2024. She reported that they discussed process evaluations and data problem cases. The subcommittee plans to meet again within a couple of months. Approximately 20-30 coordinators attend these meetings.

8. Education Subcommittee Update

Traci Collyard reported that there are 17 people registered for the April 5, 2024, Pretrial Staff Orientation. A DEI overview on-demand course has been launched and added to Pretrial, Problem-Solving Court, and Probation orientations. Pretrial Coordinator's Orientation is scheduled for Aug 5, 2024. Lastly, the Justice Services Conference is scheduled for May 8-10, 2024.

9. Certification Update

David Sexton reported that there are 41 pretrial agencies, 12 are in the planning stages and 27 are certified. Since the last committee meeting Boone and Elkhart

Counties have been provisionally certified, and Pulaski and Howard Counties have been fully certified. Of the 12 counties currently in the planning stages, IOCS has completed the provisional site visit and is awaiting corrective action from four counties. A provisional site visit is scheduled with Marshall County.

10. Other Business

Judge Spitzer noted that Criminal Rule 26 has been renumbered to Criminal Rule 2.6 as part of a restructuring of the Rules on Criminal Procedure. He also noted that he shared feedback from the Committee on the proposed constitutional amendment. That discussion did not result in any changes to the proposed amendment in this legislative session. The Committee will continue to monitor SB 70 developments on the Bail and Release Review Commission.

Judge Moore raised some questions about the implication of the recent Supreme Court decision in *Spells v. State*. Diane Mains to pull the opinion for distribution to members in advance of the discussion at the next meeting.

11. Adjourn

Judge Spitzer adjourned the meeting at approximately 10:10 a.m. EST

2024 Meeting Dates:

- May 17- via zoom
- August 23- in-person (location TBD)
- November 15- via zoom