

**SECOND ANNUAL EVALUATION OF
INDIANA'S CRIMINAL CODE REFORMS**

**SUBMITTED TO THE
INDIANA CRIMINAL JUSTICE INSTITUTE**

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Executive Summary

Indiana Governor Mike Pence is fond of saying that Indiana should be the “worst state in which to commit a crime, but the best state for second chances.” Indiana’s criminal justice reforms endeavor to meet this goal, as well as to form the Indiana criminal justice system around “principles of reformation, and not of vindictive justice,” as outlined in Article 1, Section 18 of the Indiana State Constitution. Pursuant to House Enrolled Act (HEA) 1006 (2014), the Indiana Criminal Justice Institute is required annually to gather data and analyze the impact of Indiana’s criminal code reform to ensure restorative justice. In early 2015, the Indiana Criminal Justice Institute commissioned the Sagamore Institute to conduct the initial study; this report is the second survey and analysis of the extant data.

In the preparation of this report, the Sagamore Institute has received invaluable cooperation and the provision of data and information from several key sources, including but not limited to the Indiana Evidence-Based Decision-Making working group, the Indiana Judicial Center, representatives of the executive, legislative, and judicial branches, prosecutors and public defenders, law enforcement, community correction officers, and other stakeholders in an effort to insure that the concerns of each are heard. It is important to note that many of HEA 1006’s policy changes took effect less than two years ago, and several significant changes took effect only six months ago. Moreover, many of the changes at the local level, which together constitute some of the most significant parts of HEA 1006’s reforms, are just beginning to be felt. It will take several more years for significant changes to be seen. For these reasons, this early study can only observe preliminary trends.

First, this report aims to establish a baseline understanding of the Indiana criminal justice system’s status in June 2014, immediately before HEA 1006 took effect. Key findings show relatively high recidivism rates, with high projections for both prison population and costs. Two years after the implementation of HEA 1006, some of this growth has been averted. All levels of felony show movement away from Department of Correction sentences and towards local rehabilitation or community corrections. Level 6

offenders are serving fewer offender-days than their Class D predecessors. Yet, more dangerous offenders are still receiving their due time, as higher-level felons are serving relatively longer prison sentences. As sentencing under the new Level felonies continues to replace the old Class felonies, it appears these trends will continue.

Next, the report focuses on eleven key areas of analysis specifically enumerated by statute for review. Some of the more prominent agencies and organizations working to improve the Indiana criminal justice system include the Justice Reinvestment Advisory Committee, a group charged with overseeing funding for community corrections, probation departments, and county jails, and working to facilitate county use of evidence-based practices. Problem-solving courts increasingly address mental health and addiction issues, and reentry programs are proving to be effective at reducing recidivism. In the coming year, however, more work should be done to solidify these gains.

Last year, this report recommended key steps for moving forward: creating a centralized data management system to facilitate information sharing, allowing for one personal identification number to follow an offender through the criminal justice process, solidifying pretrial release practices, and standardizing county jail data collection. The State has mostly pursued other reforms, although some of these have been addressed in part, as discussed in greater detail below.

The report makes further recommendations this year regarding probation reforms, re-entry facilitation and funding, and jail inspections and data collection. By following up with past recommendations and pursuing these new suggestions as well, Indiana can solidify its trajectory towards a truly reformatory criminal justice system that balances offender needs, public safety, cost, and community development.

I. Introduction

About six years ago, Indiana leaders took the first steps toward significant and widespread criminal justice reform. The result of their work was introduced in the General Assembly in 2013 as House Bill 1006, which is aptly summarized by five purposes identified in provisions enacted in 2014:

This title shall be construed in accordance with its general purposes, to: . . .

- (5) reduce crime by promoting the use of evidence based best practices for rehabilitation of offenders in a community setting;
- (6) keep dangerous offenders in prison by avoiding the use of scarce prison space for nonviolent offenders;
- (7) give judges maximum discretion to impose sentences based on a consideration of all the circumstances related to the offense;
- (8) maintain proportionality of penalties across the criminal code, with like sentences for like crimes;
- (9) make the lengths of sentences served by offenders more certain for victims.

Ind. Code § 35-32-1-1 (as amended by Public Law 168-2014, Section 52).

Many different Indiana organizations and citizens, inspired by the legislative reforms of HEA 1006 and motivated by the changes other states were pursuing, began working to bring about other changes in Indiana's criminal justice system. This report includes an account of some of these efforts. One benefit of these efforts is the pursuit of criminal justice reform by many different entities in many different parts of Indiana. The only downside is a procedural one impacting the authors and readers of this report: due to the multiplication of efforts, it is increasingly difficult to decipher which changes have been brought about by Indiana's criminal code reforms and which spring from the many ancillary efforts. Nevertheless, the much greater good flowing from the multiplication of efforts is not only entirely necessary but also a very good sign for the State of Indiana, which needs such widespread change.

One of the provisions in the 2014 code reform was a requirement that the Indiana Criminal Justice Institute (ICJI) “monitor and evaluate criminal code reform.” Ind. Code § 5-2-6-24(b).¹ The Indiana Criminal Justice Institute is required to collect and analyze information annually and to prepare a report to the Governor and the legislature discussing the impact of the reforms in about eleven areas (see sidebar). Ind. Code § 5-2-6-24.

As it did last year, the Indiana Criminal Justice Institute commissioned the Sagamore Institute to conduct this study. Similar to the challenges of last year, when the reforms were barely felt and only nominally visible, this second report cannot issue a complete verdict on the law’s full effects. Instead, it seeks to broaden the baseline against which future reports can measure the progress of Indiana’s code reforms and make certain limited observations about trends appearing in the most recent data.

In approaching the second annual report on Indiana’s criminal code reforms, Sagamore once again conducted interviews with representatives of the executive, legislative, and judicial branches,

Required Elements of ICJI’s Criminal Code Reform Report

(Ind. Code § 5-2-6-24):

(c) The institute shall annually gather data and analyze the impact of criminal code reform on:

- (1) local units of government;
- (2) the department of correction; and
- (3) the judicial center.

...

(e) The report required under this section must:

- (1) include an analysis of:
 - (A) the effect of criminal code reform on:
 - (i) county jails;
 - (ii) community corrections programs;
 - (iii) probation departments; and
 - (iv) courts;
 - (B) recidivism rates;
 - (C) reentry court programs; and
 - (D) data relevant to the availability and effectiveness of mental health and addiction programs for persons who are at risk of entering the criminal justice system, who are in the criminal justice system, and who have left the criminal justice system; and
- (2) track the number of requests for sentence modification that are set for hearing by the court, including the relief granted by the court, if any. . .

...

(h) Based on its analysis, the institute shall include recommendations to improve the criminal justice system in Indiana, with particular emphasis being placed on recommendations that relate to sentencing policies and reform.

(i) The institute shall include research data relevant to its analysis and recommendations in the report.

¹ The statute specifically defines “criminal code reform” as the “statutory provisions relating to criminal law enacted by P.L.158-2013 and HEA 1006-2014.” Ind. Code § 5-2-6-24(a).

prosecutors and the public defenders, and law enforcement and community corrections, at the State and local level. Sagamore researchers also visited multiple Indiana prisons and spoke with administrators as well as the men and women incarcerated there. All of these conversations helped identify how the code reforms are working – and not working – in the Indiana justice system. Finally, Sagamore has worked with the data experts from across the state’s criminal justice system to detect emerging trends and outcomes of Indiana’s criminal code reforms.

Part II of this Report recounts the story of how HEA 1006 was enacted, retold here because of its relevance to the purpose and importance of these reforms. Part III expands on the baseline provided by last year’s report in an effort to establish fixed conditions, as of July 1, 2014 – the date on which HEA 1006’s reforms took effect – against which future reports may evaluate the State’s progress in its ongoing reforms.

Part IV briefly recounts the five “emerging trends” discussed in last year’s report and explains how they appear based on the data from the last twelve months. This Part also discusses three new trends apparent from the data from the last twelve months. In compliance with Indiana Code Section § 5-2-6-24, Part V then considers the eleven main areas at which the state’s justice reforms are to be measured and discusses the trends and data relevant to each.

Part VI briefly recounts the four recommendations proposed in last year’s report and identifies what progress, if any, has been made on each. Part VII then presents new recommendations that the General Assembly should address in 2017.

II. Indiana's Criminal Justice Reforms

The legislative history of HEA 1006 helps explain its purpose and context. Additionally, its story is more complex than most other legislation, spread out as it is over the course of three legislative sessions. For these reasons, this report recounts that story.

Before 2013, the last comprehensive review of the Indiana Criminal Code began when Governor Otis Bowen signed an executive order in 1973 reorganizing the Indiana Criminal Law Study Commission. The Commission began reworking the Criminal Code that same year and finished a proposed final draft in October 1974. The revised Criminal Code took effect January 1, 1976.

Since that time, the Criminal Code has been amended almost every year, but no comprehensive review has since been attempted. Too often, amendments were drafted with little attempt to coordinate with existing statutes. The style and format of new criminal statutes were also often inconsistent with existing ones. As a result, terms were often undefined or in conflict with definitions used elsewhere in the Code, and clarity and predictability were undermined.² Moreover, there was a growing concern that many crimes carried disproportionate sentences and that Indiana's prisons could be used more effectively.

To address these concerns, a Criminal Code Evaluation Commission was appointed in 2010, and it met regularly from 2010 through 2012. Also in 2010, Governor Mitch Daniels, Supreme Court Chief Justice Randall Shepard, Attorney General Gregory Zoeller, House Speaker Patrick Bauer, and Senate President Pro Tempore David Long commissioned the Pew Center on the States' Public Safety Performance Project ("Pew") to collect the research and data that was to be evaluated by the Criminal Code Evaluation Commission. Pew's objective was to decrease the state's spending on corrections by utilizing a justice reinvestment approach. Pew worked in partnership with the Council of

² See Steven Johnson, former Executive Director, Indiana Prosecuting Attorneys Council, Presentation to Criminal Code Evaluation Commission on October 26, 2012, Ex. 1.

State Governments Justice Center in order to create policies that would allow for an increase in public safety while simultaneously sending fewer people to state prisons.

The Council of State Governments Justice Center aimed to complete three unique phases on behalf of Indiana policymakers. First, it aimed to systematically evaluate Indiana's crime, arrest, conviction, jail, prison, probation, and parole supervision data. Second, it sought to help Indiana put potential policies and justice reinvestment plans into action. Third, it attempted to quantify the effects of these enacted policies and plans by providing policymakers with up-to-date information regarding prison populations and recidivism rates.

Indiana also founded a Justice Reinvestment Steering Committee whose members represented all three branches of government and both parties. This Committee was assigned to evaluate the research and findings of Pew and the Council of State Governments Justice Center with a goal of decreasing corrections spending and using those savings to fund policies that would decrease crime and increase public safety. The Committee coordinated this evaluation with the Criminal Code Evaluation Commission.

The Council of State Governments Justice Center projected that in order to house the additional number of prisoners, estimated by the Indiana Department of Correction to increase from 28,474 people in 2010 to 34,794 people in 2017, it would cost the state an extra \$991,200,000 from 2010 to 2017. This included construction costs and annual operating costs for additional prisons.

Shortly after Pew and the Council of State Governments Justice Center completed their report on prison population, Senator Brent Steele introduced legislation on prison sentencing reform to the Senate. Titled Senate Bill 561 (2011), the legislature required the Department of Correction to “determine the average daily marginal cost of incarcerating an offender,” to “determine the average length of stay for a Class D felony offender,” and to “administer an incentive and disincentive program for counties to reduce the number of Class D felony offenders.”³ Any savings realized by having a

³ Senate Bill 561 (2011), available at <http://www.in.gov/legislative/bills/2011/SB/SB0561.3.html> (last visited June 17, 2016).

decreased amount of Class D felony offenders was to be given to local rehabilitation efforts. Steele explained the justice reinvestment bill would free up space in prisons for violent criminals, rather than those convicted of minor crimes. It passed the Senate with a vote of 46-3, but failed to pass upon reaching the House of Representatives.

One of the hallmarks of the justice reinvestment approach was a heavy emphasis on data and evidence-based decision-making. To meet the need for data, the General Assembly, Indiana courts, and the Indiana Department of Correction took concrete action to collect, store, and transmit certain data and documents to make procedures more efficient and allow for more accurate data. During the 2012 legislative session, the General Assembly enacted Indiana Code § 35-38-1-31, which provided that when a court imposed a felony sentence involving a commitment to the Department of Correction, “the court shall complete an abstract of judgment in an electronic format approved by the Department of Correction and the Division of State Court Administration.” Abstracts of Judgment were already used and required by the courts to be completed for all Department of Correction commitments, but the new statute added additional requirements and data elements that were not found in the previous Abstract of Judgment documents.

Shortly after the General Assembly enacted this legislation, the Indiana Supreme Court amended the Indiana Criminal Rules of Procedure to include the abstract of judgement provision (Rule 15.2). To make this more feasible for trial courts, the Supreme Court developed the electronic Abstract of Judgment Application in INcite, under the direction of the Records Management Committee.

As a result of this legislation and rule, statewide conviction and sentencing data is readily available to the courts, legislators, and other policymakers through the electronic abstracts of judgment. Additionally, trial courts have a standardized, electronic method for transmitting sentencing information for offenders committed to the Department of Correction.

To address the need for criminal code reform, the Criminal Code Evaluation Commission devoted thousands of hours to studying the criminal code, researching

alternatives, hearing expert testimony, and drafting proposed legislation. By October 2012, the Criminal Code Evaluation Commission had completed draft legislation that drew heavily upon the 2011 proposed legislation, Senate Bill 561, and that would become, when bill numbers were assigned in the 2013 legislative session, House Bill 1006. Representative Gregory Steuerwald was designated as the author of the bill and introduced the proposed legislation.

Among its significant changes to the Indiana criminal code, House Bill 1006 completely restructured Indiana's felony system. It took Class A felonies ("FA"), Class B felonies ("FB"), Class C felonies ("FC"), and Class D felonies ("FD") and reassigned them into six Levels of enumerated felonies: Level 1 felonies ("F1"), Level 2 felonies ("F2"), Level 3 felonies ("F3"), Level 4 felonies ("F4"), Level 5 felonies ("F5"), and Level 6 felonies ("F6").

The criminal code reform legislation passed both chambers, albeit in a slightly different form. After the conference committee members worked out a compromise, the House approved the final bill by a vote of 86-10, while the Senate approved it by a vote of 34-15. Governor Pence signed the bill on May 6, 2013, and it was enacted as Public Law 158 on May 13, 2013.

Due to the complexity and scope of HEA 1006, the General Assembly provided that the legislation would not take effect until July 1, 2014. This delay allowed the Legislature to propose further amendments and corrections during the 2014 legislative session. Indeed, the Legislative Services Agency found dozens of "conflicts" between HEA 1006 and other legislation enacted in 2013.⁴

The General Assembly also realized that it would need further time to calculate how much additional funding would be needed to implement the law. As the bill was being considered in March 2013, the Department of Correction released a report that surprised legislators: the report concluded that the bill, which included tougher sentences for violent and sex crimes and which reduced credit time for good behavior, would

⁴ See Craig Mortell, Report to the Criminal Law and Sentencing Policy Study Committee, August 15, 2013, at p. 2 and Ex. 1.

increase Indiana's rate of incarceration by seventy percent over the next twenty years. This report conflicted with the Legislative Services Agency's analysis, which indicated that HEA 1006 would cause a small increase before leading to a significant decrease in the prison population.

Therefore, in the interim between the 2013 and the 2014 legislative sessions, two different studies were completed in an attempt to ascertain the fiscal impact of HEA 1006. A study by Applied Research Services, Inc. concluded that while HEA 1006's offense reclassification and new sentencing ranges would lead to shorter sentences, the new seventy-five percent time-served requirement⁵ would increase the overall amount of time inmates would serve.⁶

In contrast, a study by American Institutes for Research concluded that HEA 1006 could lead to a reduction in the prison population, but only if Indiana made deliberate efforts to divert 14,000 offenders annually from the Department of Correction and to manage them at the local level.⁷ This effort, the American Institutes for Research study explained, would require the General Assembly to budget an additional \$10.5 million annually to cover shifting treatment and management of offenders to local communities.⁸

Based on these findings from the Applied Research Services and American Institutes for Research studies, the 2014 General Assembly introduced House Bill 1006, along with additional proposed legislation. This version included a variety of reforms regarding sentencing modification and suspension, and included a requirement for the court to explain the reason for any sentence that differed from the presumptive sentence.

⁵ Before HEA 1006 took effect, Indiana allowed most types of offenders to receive one day of credit for every day served; thus, an offender sentenced to serve ten years in the Department of Correction could expect to only serve five years. One of the provisions of HEA 1006, however, changed this requirement for most offenders, providing instead that an offender receives one day of credit for every three days imprisoned for a crime or confined while awaiting trial or sentencing. See Ind. Code § 35-50-6-3.1.

⁶ John Speir, Tammy Meredith, Kevin Baldwin, and Sharon Johnson, "Analysis of Fiscal Impact of House Enrolled Act 1006 Criminal Code Reform," *Applied Research Services, Inc.*, December 6, 2013, p. 7.

⁷ Roger Jarjoura, Nathan J. Zaugg, Konrad A. Haight, "Assessing the Local Fiscal Impact of HEA 1006: Evaluating the Indiana Alternative Sentencing Law," *American Institutes for Research*, January 5, 2014, p. 6, 96-100,

<http://www.air.org/sites/default/files/downloads/report/Assessing%20the%20Local%20Fiscal%20Impact%20of%20HEA%201006.pdf>.

⁸ *Id.*, p. 2, 100.

This version also amended credit time provisions and the credit class system. The bill included a number of fiscal reforms, such as requiring the Department of Correction to estimate the amount of cost savings realized for the fiscal year from the reduction in individuals in custody as a result of sentencing reform and return such savings to the counties for community corrections programs or to the judicial conference of Indiana to provide financial aid to probation services. The 2014 legislation also required the Indiana Criminal Justice Institute to monitor and evaluate criminal justice reform, the basis for this report.

In 2015, the General Assembly enacted additional legislation intended to insure that community corrections and local mental health were adequately funded. House Bill 1001 approved funding for community corrections in the amount of \$52,299,753 in 2015 and \$63,424,747 in 2016. The Legislature also approved \$30 million for mental health and addiction services between the two years. The bill established the Justice Reinvestment Advisory Council, whose purpose is to review local corrections programs, grants, and the process to award grants. The Department of Correction would be required to compile certain information and submit reports to the budget committee as well as to the Justice Reinvestment Advisory Council. The Division of Mental Health and Addiction, the Department of Correction, and the corrections advisory board would submit grant applications to the Justice Reinvestment Advisory Council for review. The Justice Reinvestment Advisory Council would then meet to work with the Department of Correction and the Division of Mental Health and Addiction to establish grant criteria and make recommendations concerning the awarding of grants.

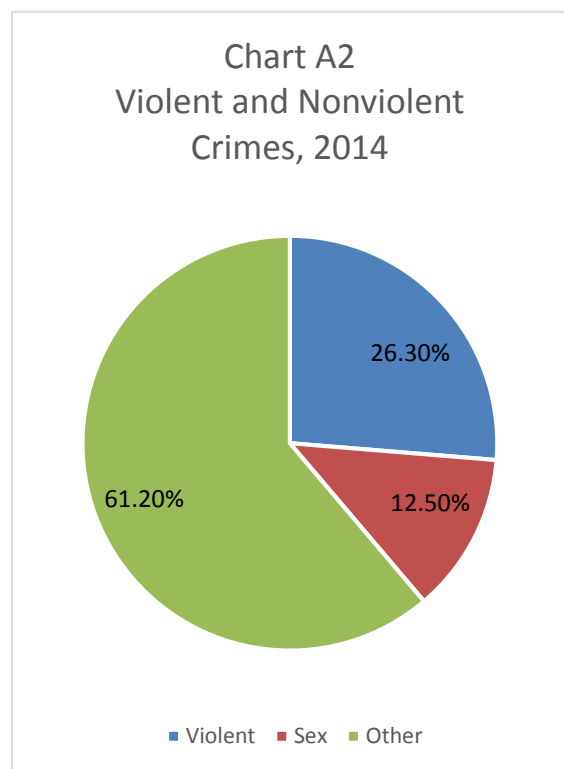
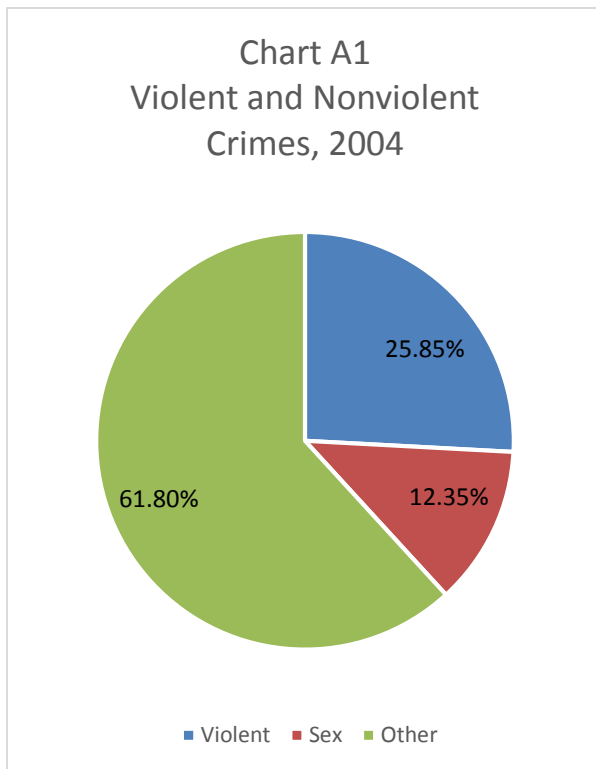
The bill also established the mental health and addiction forensic treatment services account, which allows the Division of Mental Health and Addiction to use funds from the account to fund grants and vouchers for treatment services. The 2015 bill made permanent the provisions created in the 2013 and 2014 bills that permitted the Department of Correction to award grants from operational savings related to HEA 1006, but required that the funds could only be used for corrections or court supervised

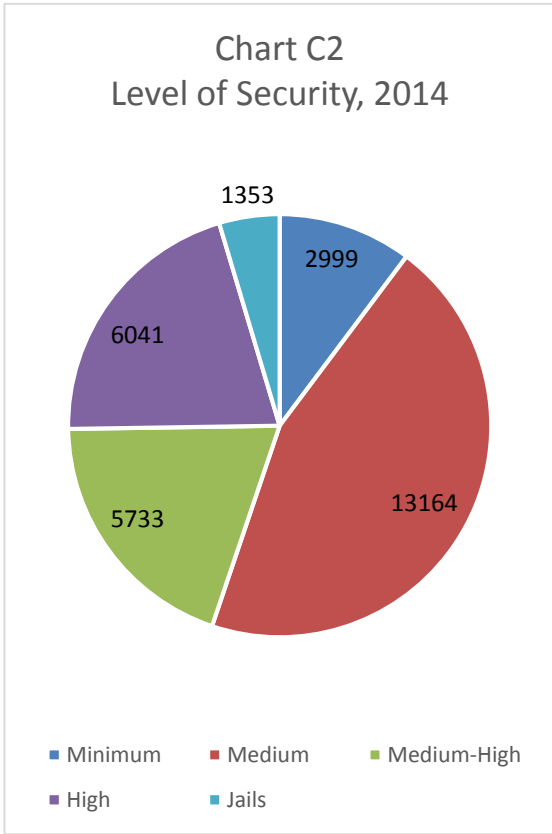
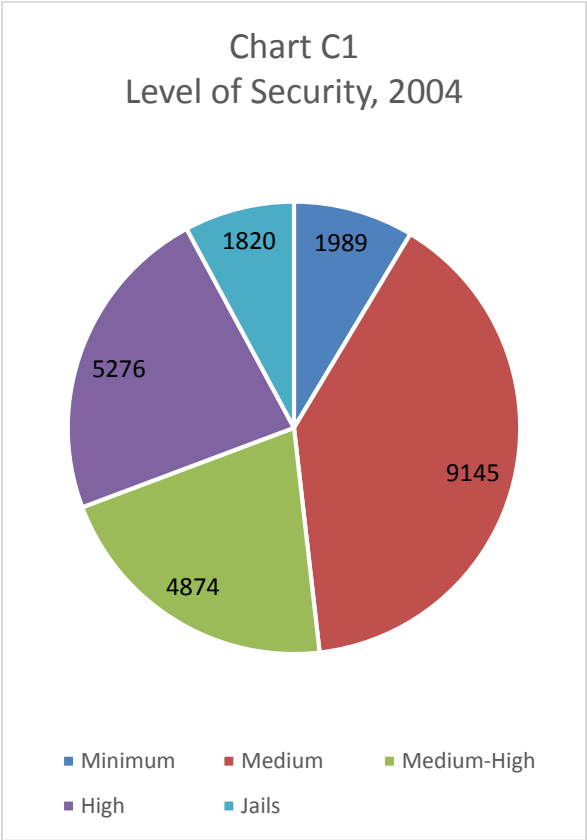
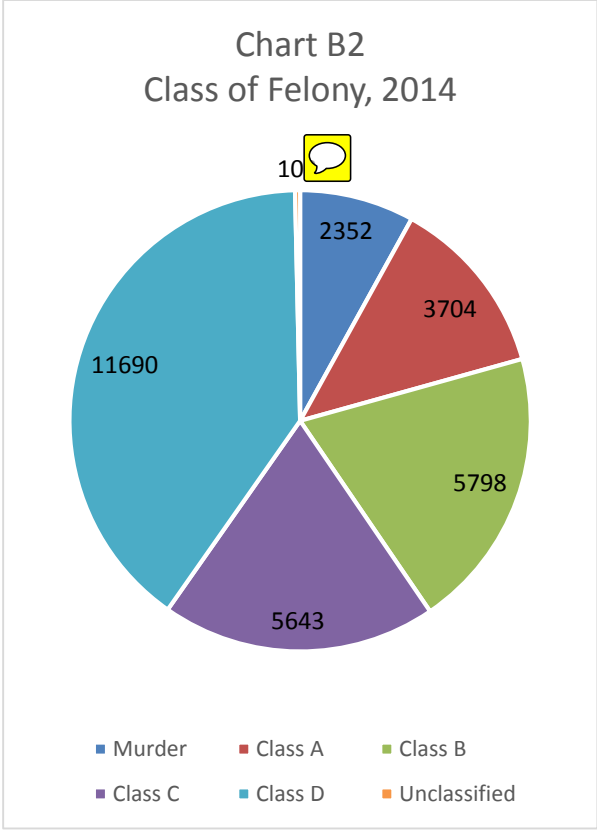
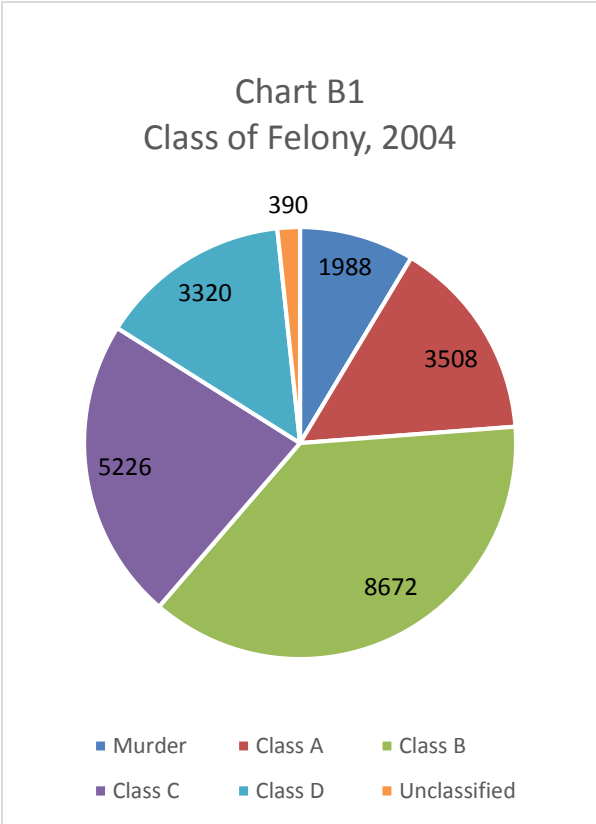
recidivism reduction programs. Finally, the bill required that certain funds may not be used to construct or renovate corrections facilities.

III. Baseline Data: The Condition of Indiana Criminal Justice on July 1, 2014

Before analyzing HEA 1006’s effects on Indiana’s criminal justice system, it is necessary to consider the system’s condition before the bill took effect. This report largely examines data from 2004, ten years before the bill was introduced, and from 2014, immediately before the legislation took effect.

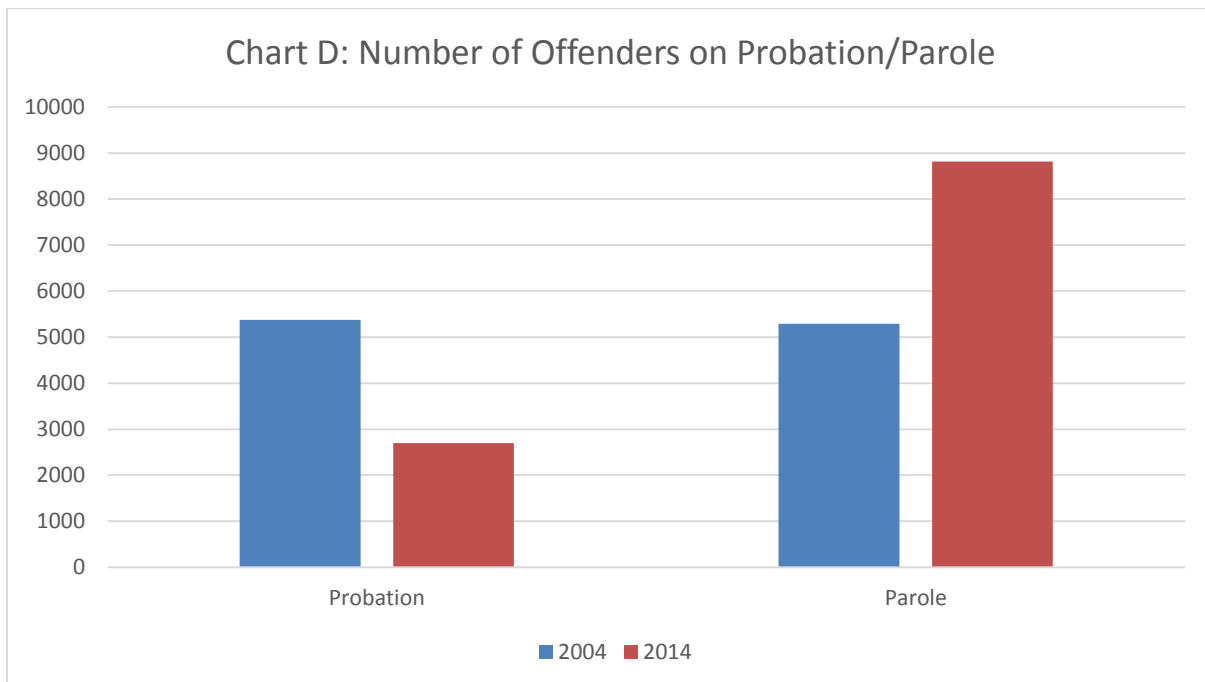
First, it is necessary to note the scope of the criminal justice system. In 1994, 18,703 Hoosiers were incarcerated. The prison population rose from 23,104 in 2004 to 29,290 in 2014. The incarceration rate (number of inmates per 100,000 citizens) was 51.76 and 60.21 in 2004 and 2014, respectively. The charts below describe the Indiana prison population broken into various demographics in 2004 and 2014.



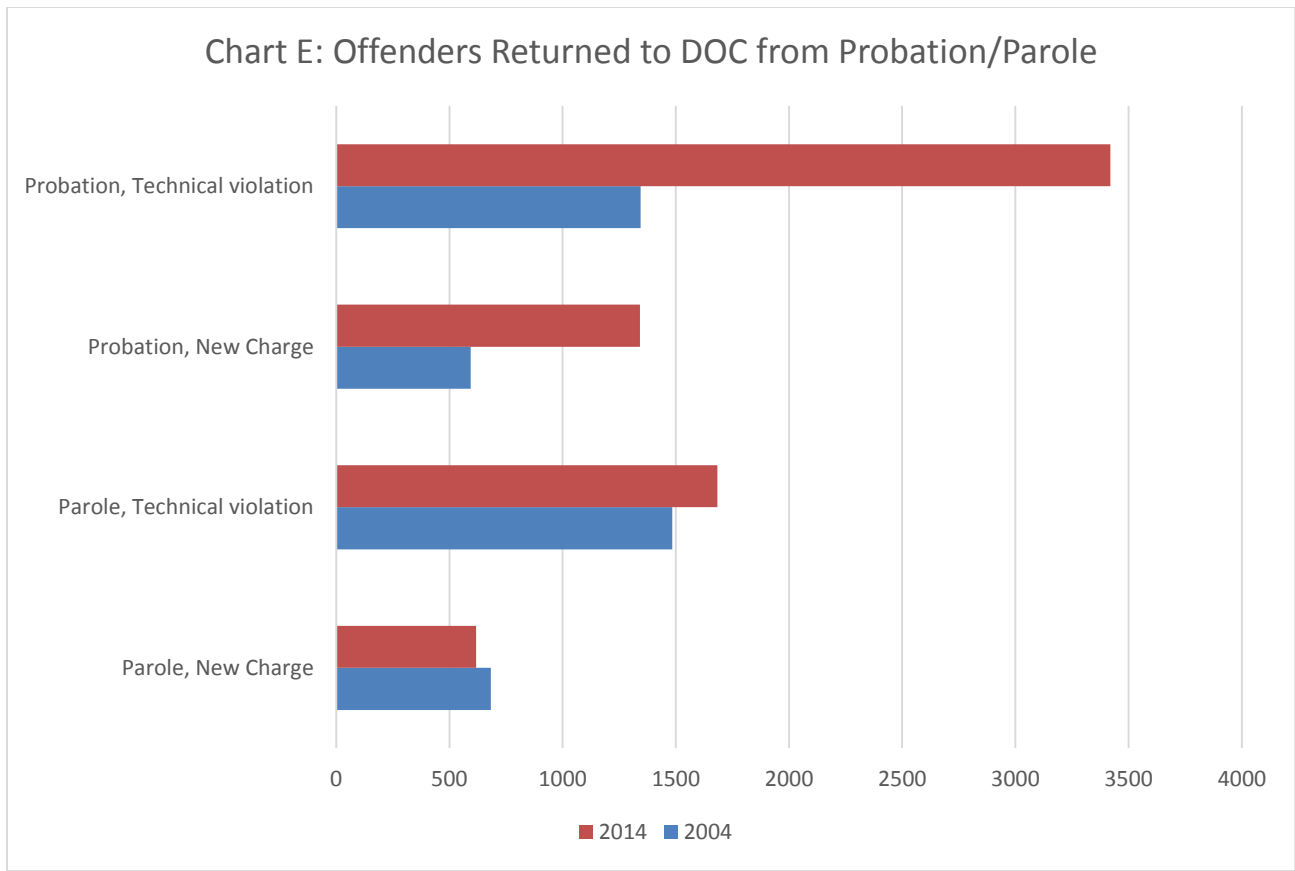


The prison population was overwhelmingly male, a commonality in prisons throughout the country. In a state where 86.1% of the civilian population is white, 60.4% of the prison population was white. Most incarcerated persons were serving time for nonviolent crimes as opposed to violent or sex crimes, and in 2014, about half were within the lightest two levels of security. Most prisoners lived in medium-security conditions.

The next step is to examine the population characteristics of those on probation or parole. Chart D illustrates how many offenders were on probation or parole in 2004 and 2014.

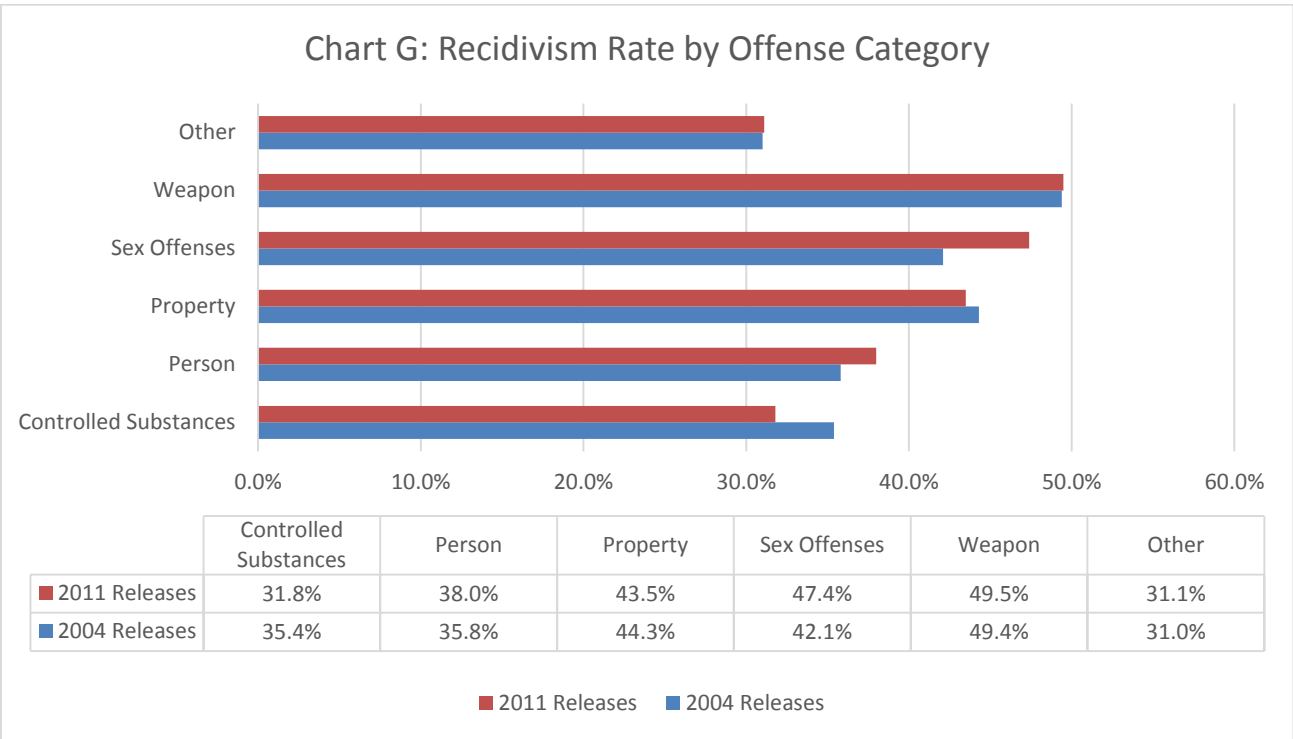
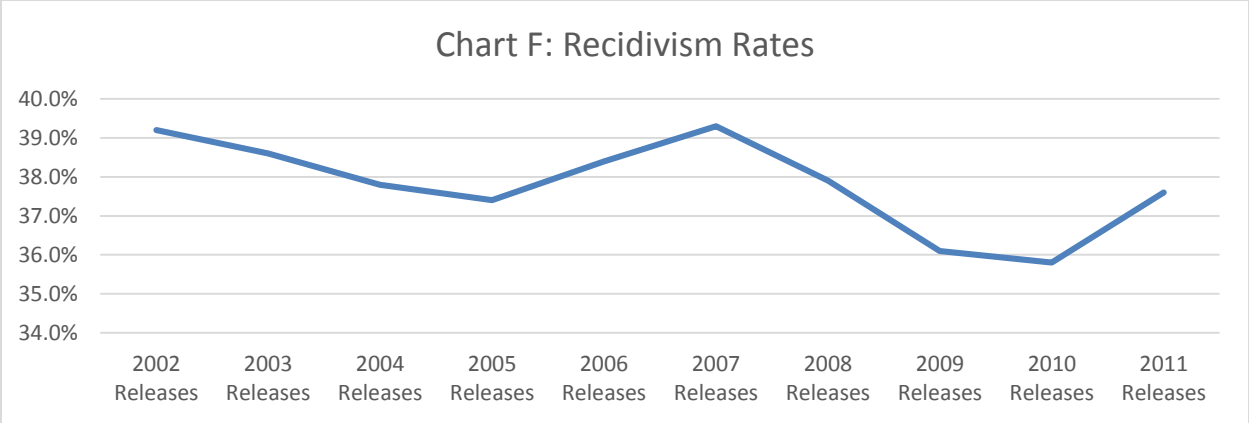


When offenders on probation or parole commit a new crime or fail to meet a requirement of their probation or parole, their status may be revoked, in which case they may be required return to the Department of Correction. In 2004, 38.5% of those on probation or parole were recommitted to the Department of Correction, and in 2014 that number was much higher at 61.3%. Many probationers and parolees were recommitted on technical violations as opposed to new crimes. The Chart E below illustrates the number of offenders recommitted to the Department of Correction and why.



One of the key measures of a state’s criminal justice system is its recidivism rate – how likely an offender is to re-offend after being released. The Department of Correction defines recidivism as “a return to incarceration within three years of the offender’s date of release from a state correctional institution.”⁹ Therefore, an individual who is rearrested but not reincarcerated is not considered a recidivist, and neither is an individual reincarcerated after four years. In Indiana, recidivism rates have seen a general decrease since 2002, although even at its most dramatic point the change is less than 5%. The charts below show overall recidivism rates, as well as recidivism rates for individual offense categories.

⁹ Indiana Department of Correction, 2015 Adult Recidivism Rates (available at http://www.in.gov/idoc/files/2015_Adult_Recidivism_Summary.pdf) (last visited June 21, 2016).

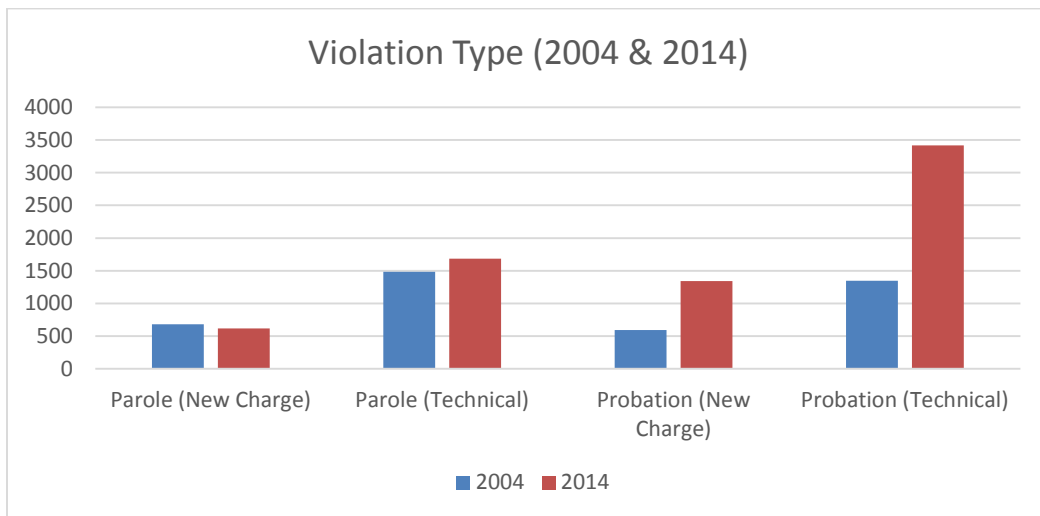


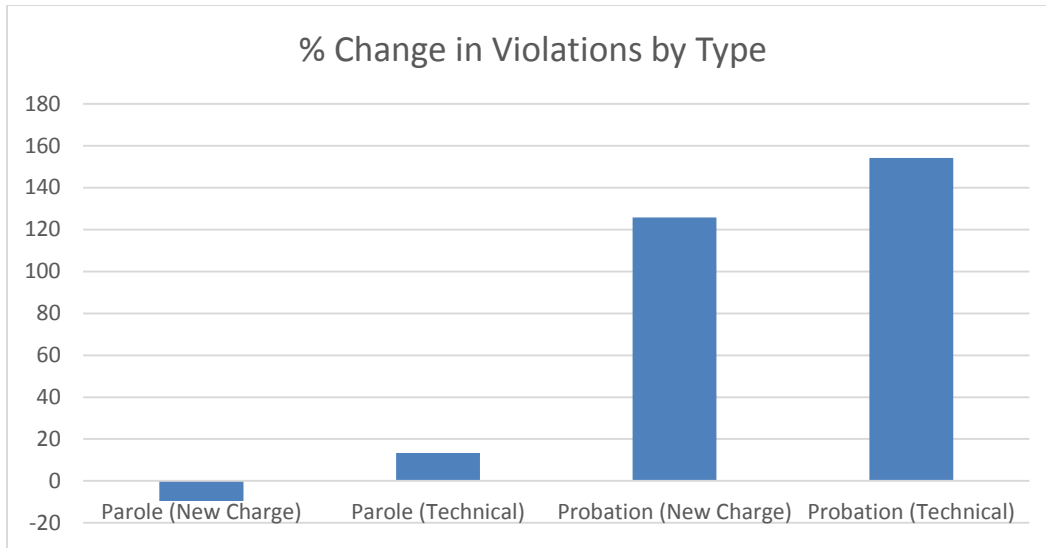
Overall, in 2004 and 2014, males and minorities were overrepresented in the prison system, parole and probation violations were increasing, and recidivism was too high. In 2004, Indiana spent \$548,229,424.00 on corrections, and in 2014, this number increased to \$707,926,551.00, a spending increase of \$440.80 per capita.

Finally, there is the compositional question of parole violations. Obviously, reduction in parole violations should always be a goal of criminal justice reform, but in order to **do** successfully achieve this end, we must understand the causes of the violations. To that end, we can examine baseline trends in probation and parole

violations, checking to see how many were due to new charges versus how many were due to technical violations prior to 2014. The data for this can be seen below:

Violation Type	2004	2014	Change (2004-2014)	% Change
Parole (New Charge)	683	618	-65	-10
Parole (Technical)	1,485	1,684	199	13
Probation (New Charge)	594	1,341	747	126
Probation (Technical)	1,345	3,419	2074	154





As can be seen from the above charts and table, the baseline data suggest that in 2014, the most problematic violations were probation violations, given that from 2004 to 2014, probation violations (both due to new charges and technical violations) had skyrocketed, both seeing a more than 100% increase in that ten-year period, as compared to a much lower increase in parole violations (mostly technical). A few conclusions can be drawn from this.

First, it would appear that technical violations are the most important target of reform, as there were more technical violations in the case of both parole and probation violations, and in both cases, technical violations saw a greater spike from 2004 to 2014. Also, it appears that probation violations were experiencing the greatest increase from 2004-2014, further pointing to probation as a sector worthy of targeting for reform. As will be discussed later in our report, we believe that many initiatives exist or are currently in their pilot stage that could help to specifically target controlling the burgeoning probation violations, especially specifically technical violations, seen leading up to 2014.

IV. Where We Are Now: The Status of Emerging Trends

From the data available last year, it appeared that five trends were emerging. First, the number of offenders that were charged and sentenced under the revised criminal code was growing steadily, while offenses under the old code were diminishing in number.

Second, sentencing patterns suggested a diversion of felony offenders away from incarceration at the Department of Correction. Third, the goal of the criminal code reforms to revise property and substance offenses sentences appeared to be paying dividends, as the number of offender-days at the Department of Correction for property offenders was falling. Fourth, the number of probation revocations showed some signs of decreasing under the revised criminal code. Finally, perhaps in part due to the increase in suspendible sentences, the number of executed days in average sentences appeared to be falling.

As discussed in greater detail below, the data available this year seems to confirm that each of these trends is continuing. The data also suggest three additional trends. The first new trend, like the first trend last year, is obvious and expected: due to the change in the law requiring Level 6 offenders to stay at county jails (except in very limited circumstances), the population of Level 6 offenders at the Department of Correction is falling rapidly. Second, Level 6 offenders appear to be receiving shorter sentences than Class D offenders. Third, several interrelated trends are emerging due to the sentencing modifications of HEA 1006: (a) thanks largely to the new seventy-five percent time-served requirement under HEA 1006, executed days are higher on new Level felonies, and (b) substance offenders are increasingly being sentenced under lower Level felonies, meaning that substance offenders will, as a whole, spend less time incarcerated.

Thus, in greater detail, the five trends from last year and the three new trends from this year are as follows.

- 1. Offenders are Increasingly Being Charged and Convicted under the New Felony Classifications.**

The first trend last year was completely expected – offenders were being charged, convicted, and sentenced under the new felony classification and sentencing scheme. This trend has obviously continued. Since July 2014, there has been a steady increase in F1-F6 cases on aggregate since their inception in July of 2014. While F1-F5 cases have grown concomitantly with F6 cases, the magnitude of F6 case growth has outpaced the growth in F1-F5 cases, with 2,212 F6 cases in April of 2016, as compared to only 653

F1-F5 cases in that same month. Conversely, the number of FA-FC and FD cases has steadily declined since July 2014, when there were 2878 registered FD cases and 1195 FA-FC cases. The continuous decline in FD and FA-FC cases since July 2014 appears to be relatively linear in nature, and the most recent data from April 2016 shows 428 FA-FC cases and 517 FD cases to be greatly reduced since July 2014. Convictions for F6 offenders rose from 895 in February 2015 to 2,212 in April 2016. Meanwhile, the number of FD convictions fell from 1,470 in February 2015 to 517 in March 2016. *See Chart 1 and Table 1.*

In terms of macro-level trends regardless of case type, there appears to be little difference in the total number of cases between April 2015—in which there were 3,719 total—and April 2016—in which there were 3,810. The variance between monthly grand totals of all cases regardless of case-type also appears to remain stable. The one potential exception is the large drop in total cases between October of 2014 and November of 2014, in which the grand total of cases went from 4,116 (October) to 3,027 (November)—this being the most drastic intra-monthly change in the entire spread from 2014-2016.¹⁰

¹⁰ This year, Sagamore delved into deeper statistical analysis of the available data than last year, including tests for statistical significance, more robust trend-checks, and additional efforts directed at more effective data visualization. As such, in all tables we included custom formatting with proportional bar charts, trend-lines, correlation coefficients and Sparkline graphs, along with both 1 and 2-tailed p-values.

As can be seen, the table data are separated from the statistical information by an orange separator labeled “Statistical Tests and Sparkline Graphs.” Below the R value is the R² value for each of the respective columns, color coded by relative strength of correlation. The color coordination is done with a red/yellow/green spectrum, with the more vibrant red indicating the strongest correlation, whereas the lighter green represents the weakest correlation.

Below the R and R² values are standard Sparkline graphs for each column’s data, in most cases corresponding to the variable represented in the column over time (i.e. the number of F6 Abstracts each month over the time period for which data is available). These Sparkline Graphs are meant to provide the reader with a general notion of the directionality of any trends apparent in the data.

Finally, below the Sparkline Graphs are the p-values (both 1 and 2-tailed) for each column’s data. Given the relative paucity of available data in some cases, we opted for the most restrictive confidence interval selection—0.01 p-value threshold for statistical significance. As such, the p-values are color-coded based on whether we were able to reject the null hypothesis, with those p-values shaded in red indicating that the correlation identified above is, in fact, statistically significant.

Chart I:
All Abstracts 2/1/2015-3/31/2016

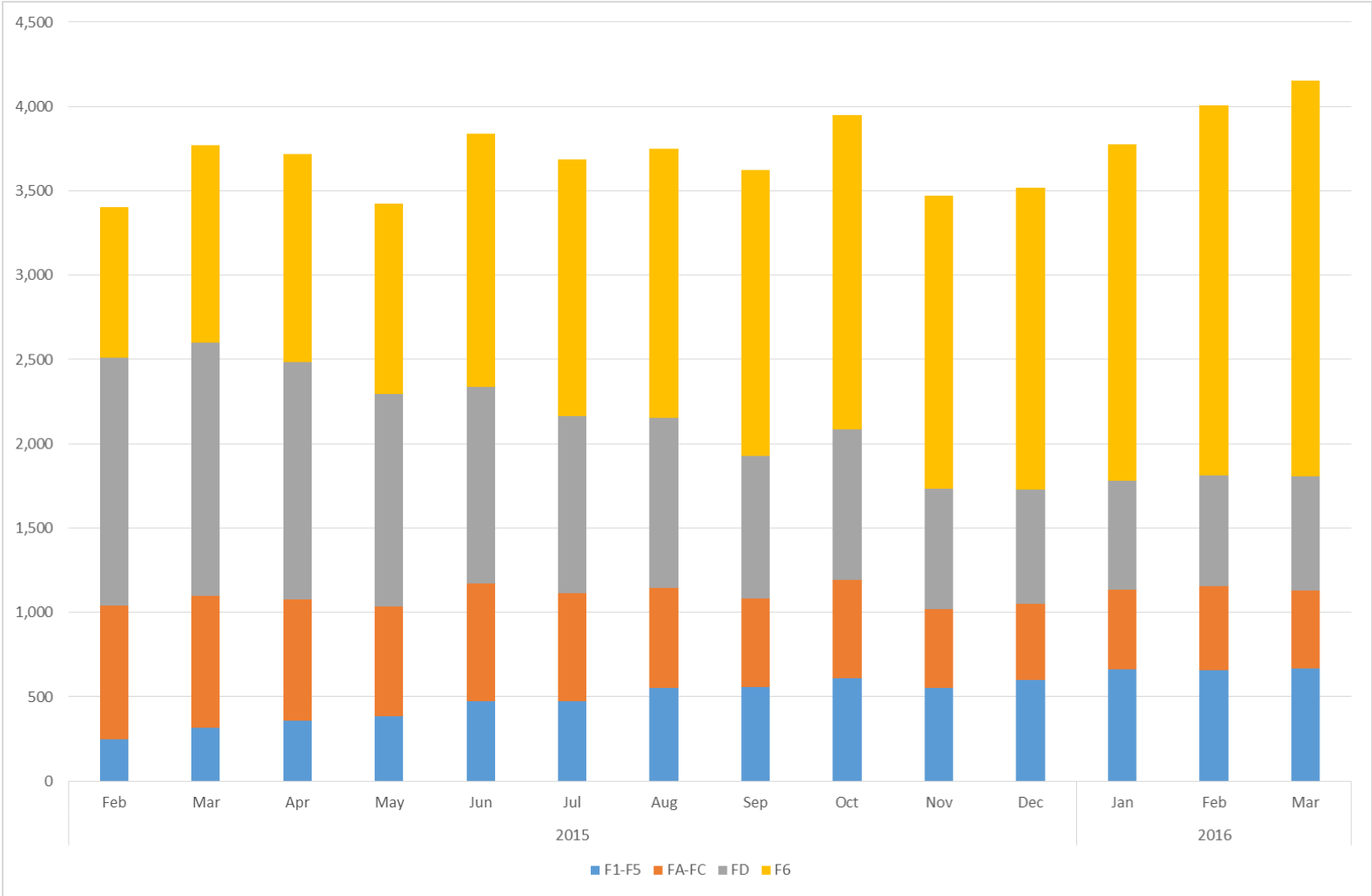


TABLE 1: Count of All Abstracts (March 2015 - April 2016)					
	FA-FC	F1-F5	FD	F6	Grand Total
Month					
Mar-15	783	314	1,504	1,166	3,767
Apr-15	724	356	1,402	1,237	3,719
May-15	652	385	1,258	1,128	3,423
Jun-15	697	475	1,167	1,499	3,838
Jul-15	639	474	1,051	1,517	3,681
Aug-15	596	551	1,008	1,593	3,748
Sep-15	528	556	843	1,693	3,620
Oct-15	584	609	892	1,862	3,947
Nov-15	470	551	711	1,737	3,469
Dec-15	456	597	676	1,788	3,517
Jan-16	472	661	646	1,995	3,774
Feb-16	495	659	658	2,198	4,010
Mar-16	460	671	683	2,350	4,164
Apr-16	428	653	517	2,212	3,810
Grand Total	7,984	7,512	13,016	23,975	52,487
Statistical Tests and Sparkline Graphs					
R value	-0.944937646	0.949895653	-0.966249945	0.967208957	0.398964922
R^2 value	0.892907155	0.902301751	0.933638957	0.935493166	0.159173009
Sparklines					
1 tail p-value	0.00000018	0.00000001	0.00000001	0.00000001	0.07881495
2 tail p-value	0.00000036	0.00000021	0.00000002	0.00000002	0.1576299

Chart 1 and Table 1 show the total number of abstracts completed by month from 3/1/2015 to 4/31/2016. The columns are divided into sections representing combined FA, FB, and FC cases; FD cases; F1, F2, F3, F4, and F5 cases; and F6 cases. The graph shows the new “level” felonies overtaking the old “class” felonies as a percentage of cases disposed.

Although the number of FD abstracts has been relatively stable for the past several months, over 65% of the D Felony abstracts and 63% of the A through C Felony abstracts in March 2016 were Revocation abstracts. Chart 2 and Table 2 (below) show only original abstracts, which is a better indicator of how the remaining old felony cases are moving through the system.

Chart 2:
Original Abstracts 2/1/2015 – 3/31/2016

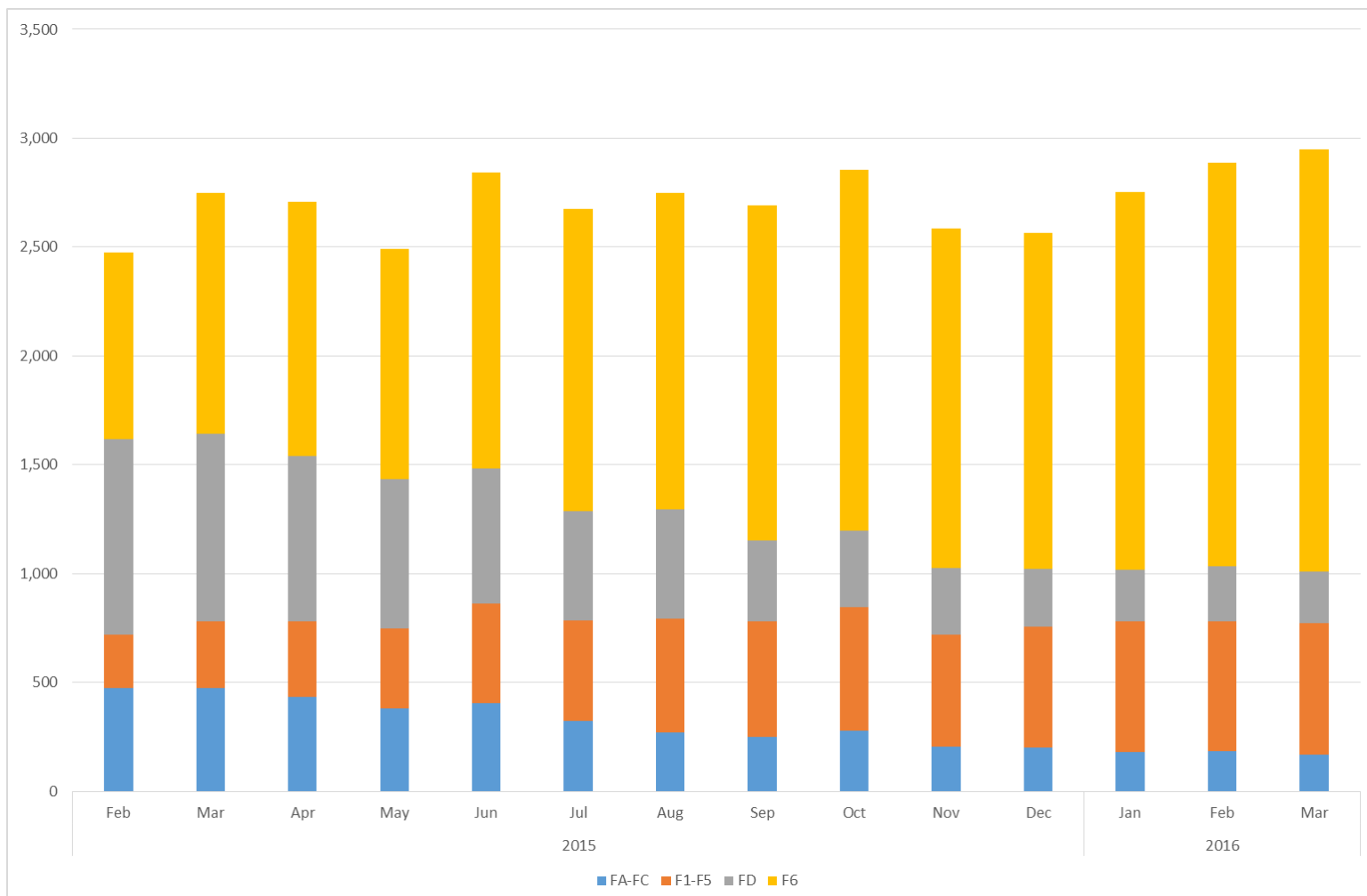


TABLE 2 : Count of Original Abstracts (March 2015 - April 2016)					
Month	FA-FC	F1-F5	FD	F6	Grand Total
Mar-15	474	306	860	1107	2,747
Apr-15	434	348	757	1167	2,706
May-15	382	368	683	1057	2,490
Jun-15	406	457	620	1358	2,841
Jul-15	323	458	503	1388	2,672
Aug-15	271	519	505	1452	2,747
Sep-15	252	526	374	1537	2,689
Oct-15	280	566	349	1659	2,854
Nov-15	206	515	305	1560	2,586
Dec-15	201	554	263	1545	2,563
Jan-16	182	599	237	1734	2,752
Feb-16	183	595	255	1855	2,888
Mar-16	167	607	239	1945	2,958
Apr-16	162	589	182	1855	2,788
Grand Total	3923	7007	6132	21219	38,281
Statistical Tests and Sparkline Graphs					
R value	-0.959981686	-0.939904233	-0.962296213	0.957935595	0.381028105
R^2 value	0.921564838	0.883419966	0.926014001	0.917640605	0.145182417
Sparklines					
1 tail p-value	0.00000003	0.00000062	0.00000002	0.00000004	0.08945782
2 tail p-value	0.00000006	0.00000125	0.00000004	0.00000007	0.17891563

Chart 2 shows original abstracts from 2/1/2015 – 3/31/2016. It is formatted in the same style as Chart 1, but does not include revocation abstracts. In both Tables 1 and 2, a clear inverse relationship exists between the trend in FA-FC Abstracts and F1-F5 Abstracts, with a marked decrease in FA-FC abstracts since March 2015 and, conversely, a periodic increase in F1-F5 Abstracts since March 2015, both to a statistically significant degree. (For a more striking demonstration

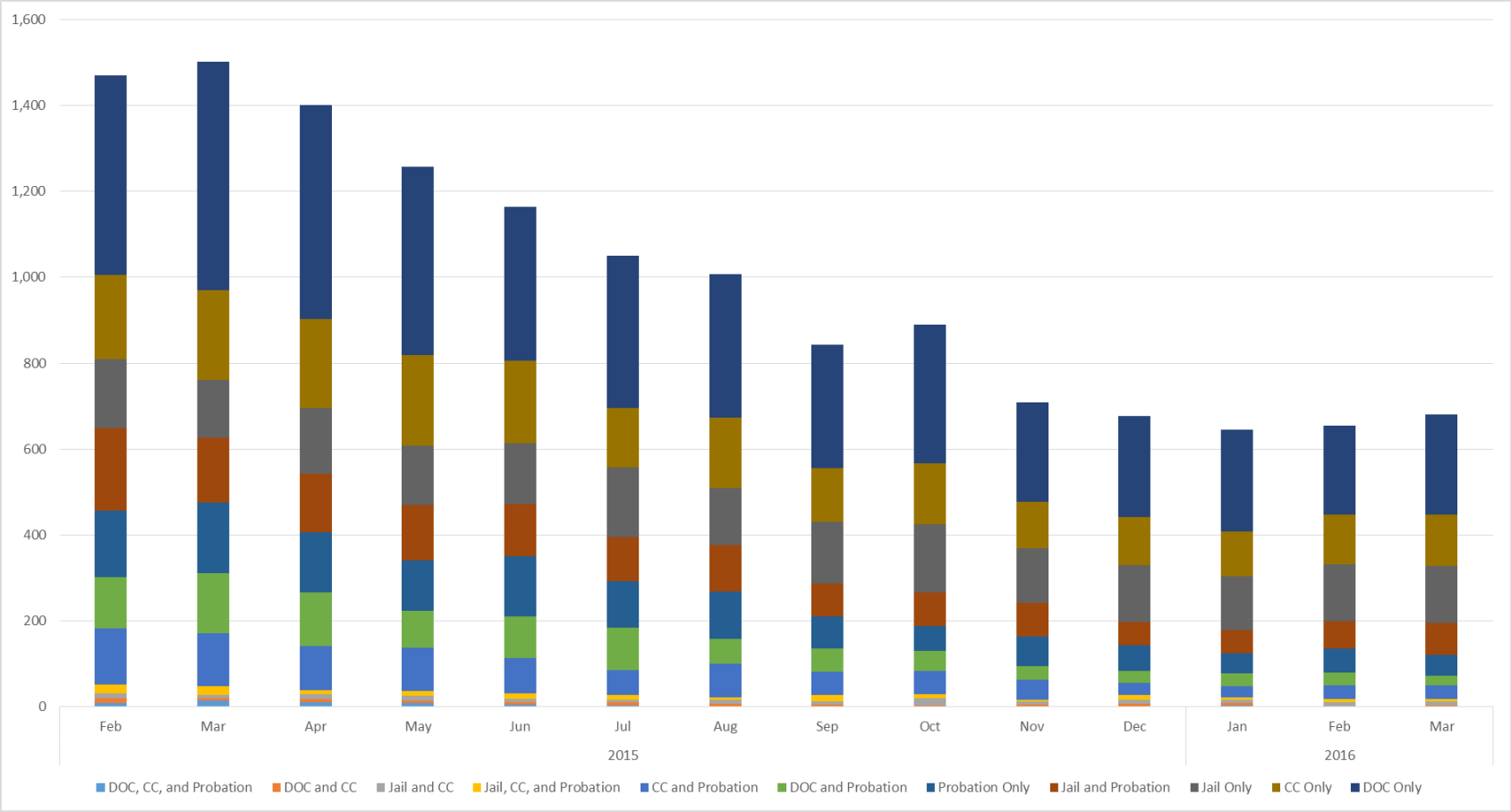
of the fall in FD convictions and placements, and for the increase in F6 convictions and placements, see Charts and Tables 3-6, below.)

2. All Levels of Offenders Are Increasingly Sentenced Away From Department of Correction.

Last year's data from completed abstracts indicated that progress was being made toward one of the goals of HEA 1006: fewer FD and F6 offenders were being placed in the Department of Correction. Instead, more offenders were being placed in local programs, including jail, probation, and community corrections. In the first three months of 2014, an average of 762 offenders was sentenced to the Department of Correction only. In comparison, in the first three months of 2015, an average of 655 offenders was committed to the Department of Correction only – a decrease of 107 offenders per month. Correspondingly, the numbers of offenders committed to community corrections grew: in the same periods, offenders sentenced to jail only grew slightly from 207 to 227 per month, and offenders committed to community corrections grew from an average of 300 to 311.

This trend continued throughout 2015, as the following tables and charts demonstrate. Of course, due to the new requirement that F6 offenders may not be placed in the Department of Correction after January 1, 2016, one would expect a significant drop-off in Department of Correction placements, but the decline in Department of Correction placements identified last year continued steadily even before this deadline. *See Charts 3 through 7 and Tables 3 through 7.*

Chart 3:
 FD Abstracts 2/1/2015 to 3/31/2016
 Total Placements



Since February of 2015, there is a notable downward trend in total abstracts completed on FD felonies, dropping from 1,470 in February of 2015 to 517 in April of 2016. Commitments solely to the Department of Correction (“DOC Only”) spiked in popularity in March 2015 at 532, and have since been on a relatively steady decline, ending at 164 in April of 2016. At the same time, “DOC Only” placements are still the most common, followed by “Jail Only” (127) and commitments solely to community corrections (“CC Only”) (91). This order of top 3 most prevalent placement types is a slight deviation from February of 2015, as since February of 2015, “CC Only” placements have gone from the second most popular placement type to the third (now behind “Jail Only”). Finally, whereas in February of 2015 the number of placements into “CC Only,” “Jail Only,” “Jail and Probation,” “Probation Only,” “DOC and Probation,” and “CC and Probation” were relatively close to one another (all between 119 and 195), this relatively proportional share of placements is no longer as uniform today, with placements into “CC and Probation,” “DOC and Probation,” “Probation Only,” and “Jail and Probation” all decreasing by a great proportion relative to the decrease in “Jail Only,” “CC Only,” and “DOC Only” placements. This difference is marginal at best, but could be worth exploring further.

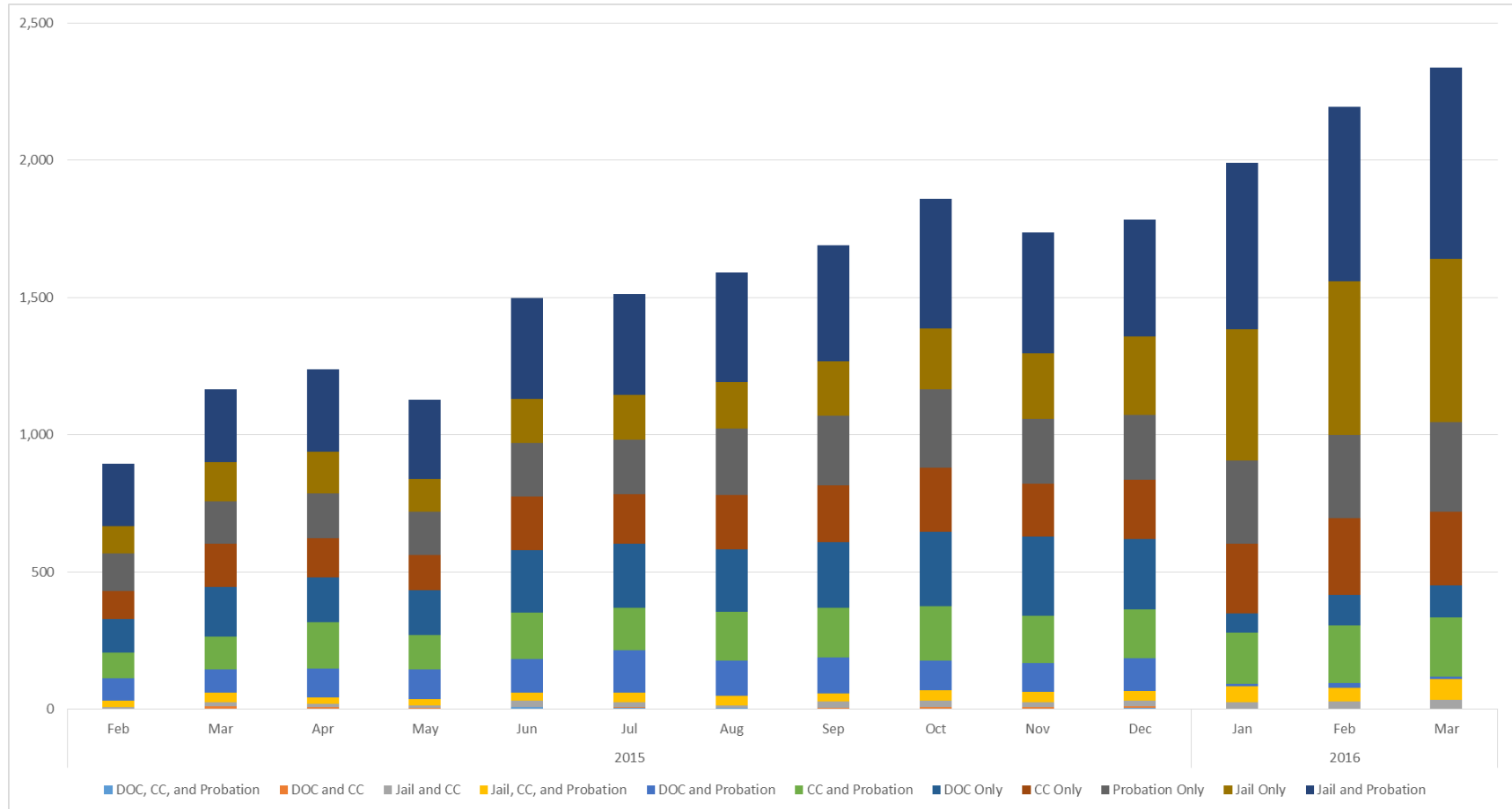
No significant outliers appear to exist, although the total FD Abstract Placements have seen a slight and persistent intra-monthly increase since January of 2016, increasing marginally from 645 in January to 658 in February and 683 in March. More data will be needed before determining if this will continue, making January a point of inflection, but this cannot yet be said definitively. That said, this trend is by no means consistent, with a significant decline occurring in April of 2016, in which the FD abstract placements dropped from 683 to 517.

Table 3 (below) shows the total number of abstracts completed on FD felonies each month from 3/1/2015 to 4/31/2016. Because a large percentage of these abstracts are for revocations, Department of Correction commitments may seem overrepresented, since those offenders have already failed community supervision.

TABLE 3: FD Abstracts 3/1/2015 - 4/30/2016												
Month	DOC Only	DOC and Probation	DOC and CC	DOC, CC, and Probation	CC Only	Probation Only	CC and Probation	Jail, CC, and Probation	Jail and CC	Jail and Probation	Jail Only	Grand Total
Mar-15	532	140	5	14	208	164	124	20	9	151	134	1501
Apr-15	500	125	7	11	206	140	102	10	11	136	153	1401
May-15	439	87	5	9	212	116	100	11	12	129	138	1258
Jun-15	358	96	6	5	193	140	83	13	7	121	142	1164
Jul-15	356	98	6	4	138	108	58	12	6	103	162	1051
Aug-15	334	57	5	2	166	111	79	6	9	108	131	1008
Sep-15	287	55	3	2	124	74	54	15	7	77	144	842
Oct-15	324	45	4		141	58	55	10	15	79	158	889
Nov-15	231	33	4	1	108	68	46	3	8	79	127	708
Dec-15	235	28	4	2	111	60	28	11	10	54	133	676
Jan-16	237	30	5	3	104	46	27	4	9	55	125	645
Feb-16	207	30	1	1	116	56	34	7	9	63	134	658
Mar-16	234	22	3	1	120	49	32	5	9	75	133	683
Apr-16	164	14	1	1	91	41	29	3	1	45	127	517
Grand Total	4438	860	59	56	2038	1231	851	130	122	1275	1941	13001
Statistical Tests and Sparkline Graphs												
R value	-0.949531	-0.946175	-0.788296	-0.835382	-0.908686	-0.941626	-0.937061	-0.733901	-0.330103	-0.939396	-0.477599	-0.966042
R ² value	0.901610	0.895247	0.621411	0.697862	0.825710	0.886660	0.878083	0.538611	0.108968	0.882465	0.228101	0.933238
Sparklines												
1 tail p-value	0.000000	0.000000	0.000406	0.000100	0.000003	0.000000	0.000000	0.001404	0.124528	0.000000	0.042110	0.000000
2 tail p-value	0.000000	0.000000	0.000812	0.000200	0.000007	0.000001	0.000001	0.002808	0.249057	0.000001	0.084219	0.000000

Table 3 above shows an obvious and statistically significant downwards trend in total FD Abstracts from 3/1/2015 to 4/30/2016. The only cases where statistically significant trends aren't visible are in "Jail and CC" and "Jail Only" FD Abstracts.

Chart 4:
F6 Abstracts 2/1/2015 to 3/31/2016
Total Placements



Since February 2015, the grand total of abstracts completed on F6 felonies has been steadily on the rise, going from 895 in February 2015 to 2,337 in March of 2016. The increase appears relatively linear and constant over that range, with brief dips between April 2015 and May 2015, and again between October 2015 and November 2015. “Jail and Probation” is still the most common placement (with 696 placements in March 2016), shortly followed by “Jail Only” (596 in March 2016). The increasing preponderance of “Jail Only” placements is a visible trend since February 2015. See Chart and Table 4. Table 4 shows the total number of abstracts completed on F6 felonies each month from 2/1/2015 to 3/31/2016. In previous documents, the FD and F6 abstracts were combined on one slide; in this document they are separated into two slides.

Month	DOC Only	DOC and Probation	DOC and CC	DOC, CC, and Probation	CC Only	Probation Only	CC and Probation	Jail, CC, and Probation	Jail and CC	Jail and Probation	Jail Only	Grand Total
Mar-15	181	85	7	3	158	155	119	35	15	267	141	1166
Apr-15	165	107	5	3	143	161	167	24	10	298	154	1237
May-15	164	108	3	3	129	155	125	23	8	287	122	1127
Jun-15	227	123	1	7	196	196	168	28	24	366	162	1498
Jul-15	233	155	1	6	180	199	155	33	19	368	163	1512
Aug-15	226	128	1	4	200	242	178	35	9	399	169	1591
Sep-15	240	131	3	2	206	253	180	31	22	424	198	1690
Oct-15	271	108	5	3	236	285	197	39	22	472	221	1859
Nov-15	287	105	6	2	193	236	173	39	16	440	240	1737
Dec-15	256	119	5	5	215	238	177	35	22	428	286	1786
Jan-16	70	8		1	253	303	184	61	23	606	481	1990
Feb-16	112	17	3		280	305	210	51	24	633	558	2193
Mar-16	117	9	2		269	326	215	76	33	700	598	2345
Apr-16	87	11			269	318	167	51	29	729	544	2205
Grand Total	2636	1214	42	39	2927	3372	2415	561	276	6417	4037	23936
Statistical Tests and Sparkline Graphs												
R value	-0.387866	-0.695613	-0.135788	-0.284482	0.918674	0.942746	0.726744	0.798684	0.756421	0.952031	0.898358	0.967191
R^2 value	0.150440	0.483877	0.018438	0.080930	0.843963	0.888770	0.528157	0.637897	0.572172	0.906363	0.807046	0.935459
Sparklines												
1 tail p-value	0.085332	0.002859	0.321842	0.162198	0.000002	0.000000	0.001618	0.000907	0.000871	0.000000	0.000006	0.000000
2 tail p-value	0.170665	0.005737	0.643684	0.324395	0.000004	0.000000	0.003237	0.000613	0.001743	0.000000	0.000013	0.000000

Chart 5: FD Abstracts 2/1/2015 to 3/31/2016
Original Abstracts

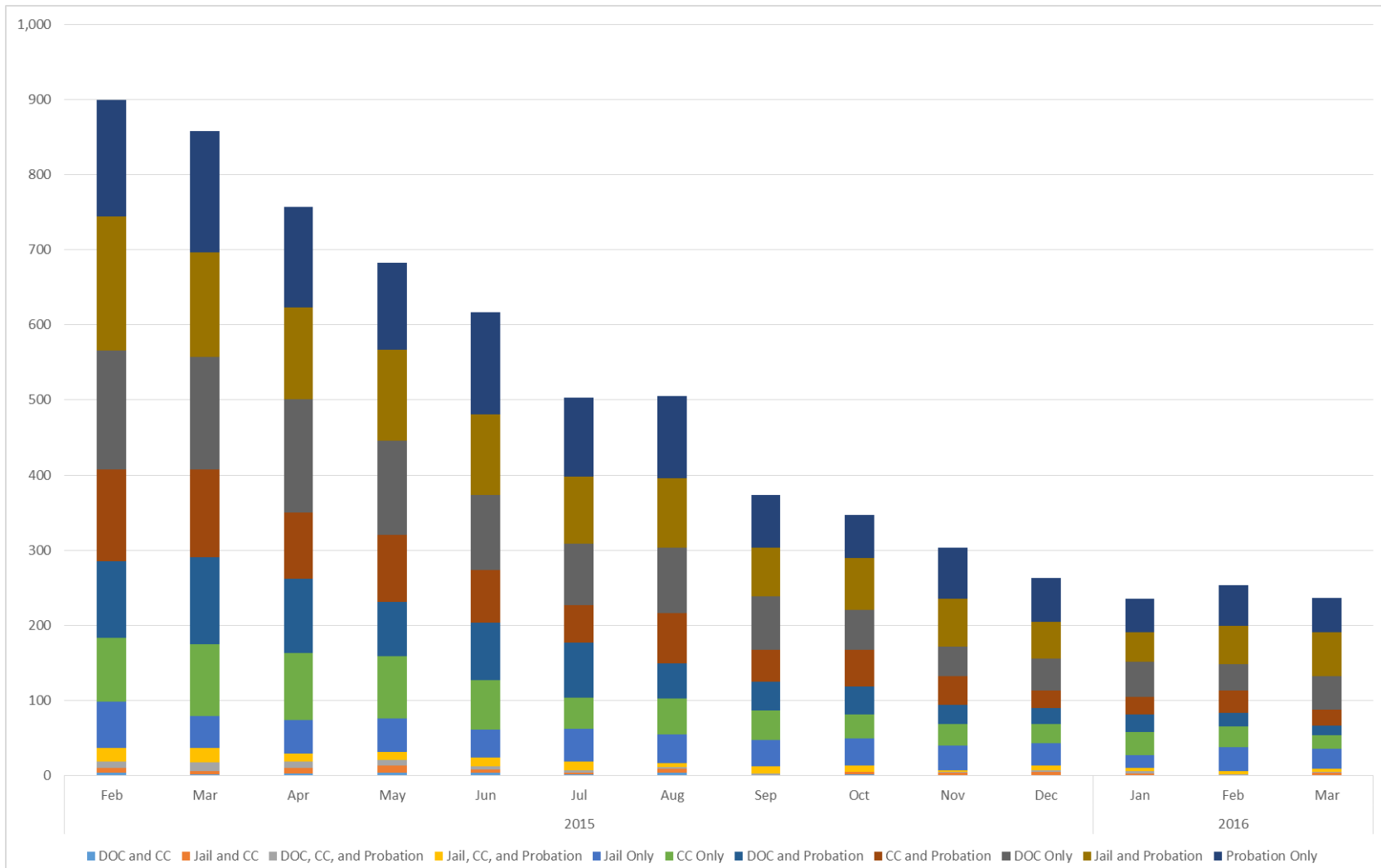
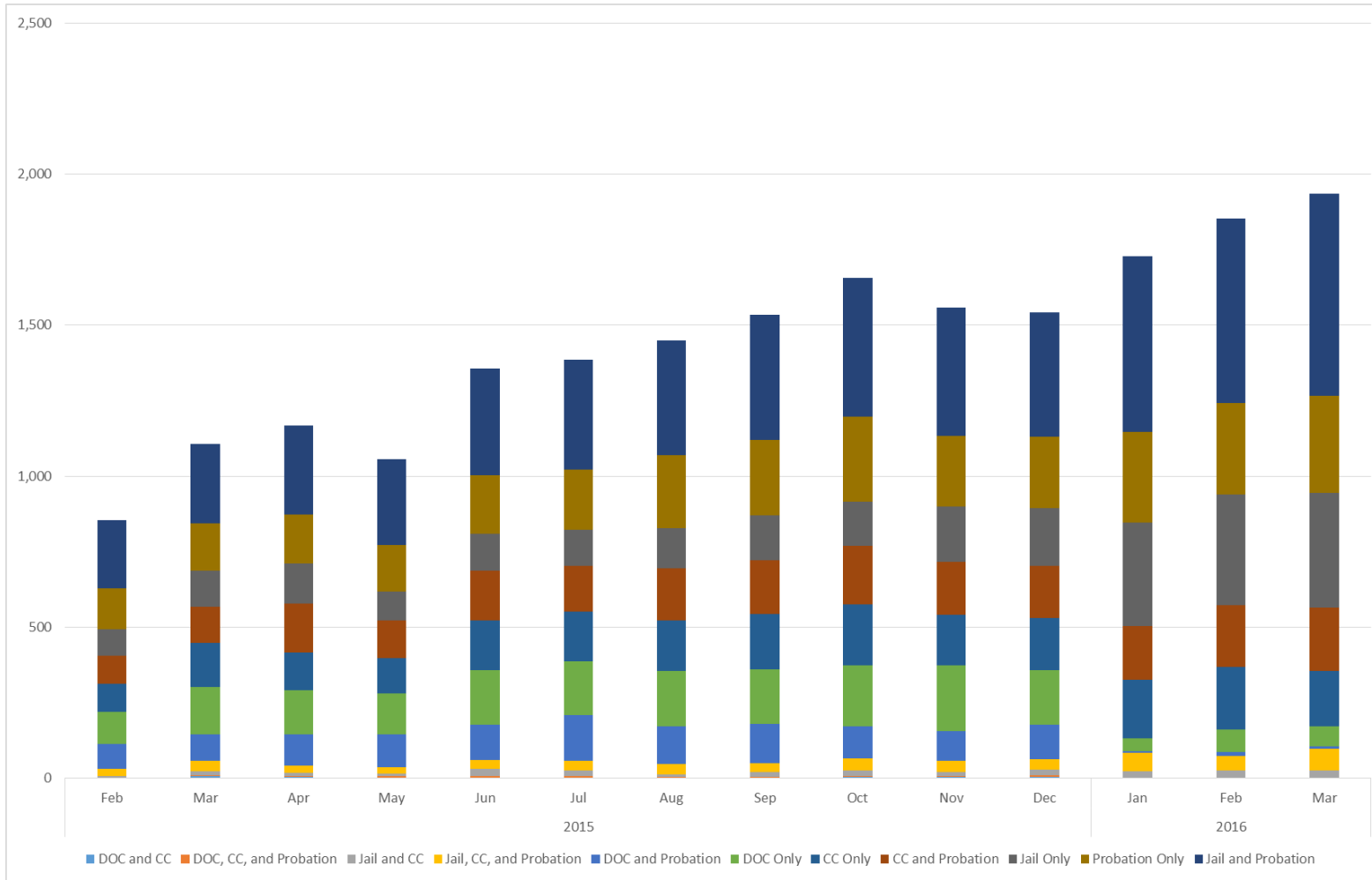


Table 5

Count of Abstracts												
	DOC and CC	Jail and CC	DOC, CC, and Probation	Jail, CC, and Probation	Jail Only	CC Only	DOC and Probation	CC and Probation	DOC Only	Jail and Probation	Probation Only	Grand Total
2015												
Feb	4	6	9	18	61	85	102	123	158	178	155	899
Mar	2	4	12	19	42	96	116	117	149	139	162	858
Apr	3	7	9	10	45	89	99	88	151	122	134	757
May	4	10	7	11	44	83	72	89	126	121	116	683
Jun	4	4	4	12	37	66	77	70	100	107	136	617
Jul	2	2	3	12	43	42	73	50	82	89	105	503
Aug	4	5	2	6	38	48	46	67	87	93	109	505
Sep		1	2	9	36	39	38	43	71	64	71	374
Oct	2	3		9	36	31	38	49	53	69	57	347
Nov	1	3	1	2	33	29	25	38	40	64	67	303
Dec	1	4	2	6	30	26	21	23	43	49	58	263
2016												
Jan	1	2	3	4	17	31	24	23	47	39	45	236
Feb		1	1	4	32	28	18	29	35	51	54	253
Mar	1	3	1	4	27	18	13	21	44	59	46	237
Grand Total	29	55	56	126	521	711	762	830	1,186	1,244	1,315	6,835

Chart 6: F6 Abstracts 2/1/2015 to 3/31/2016
Original Abstracts

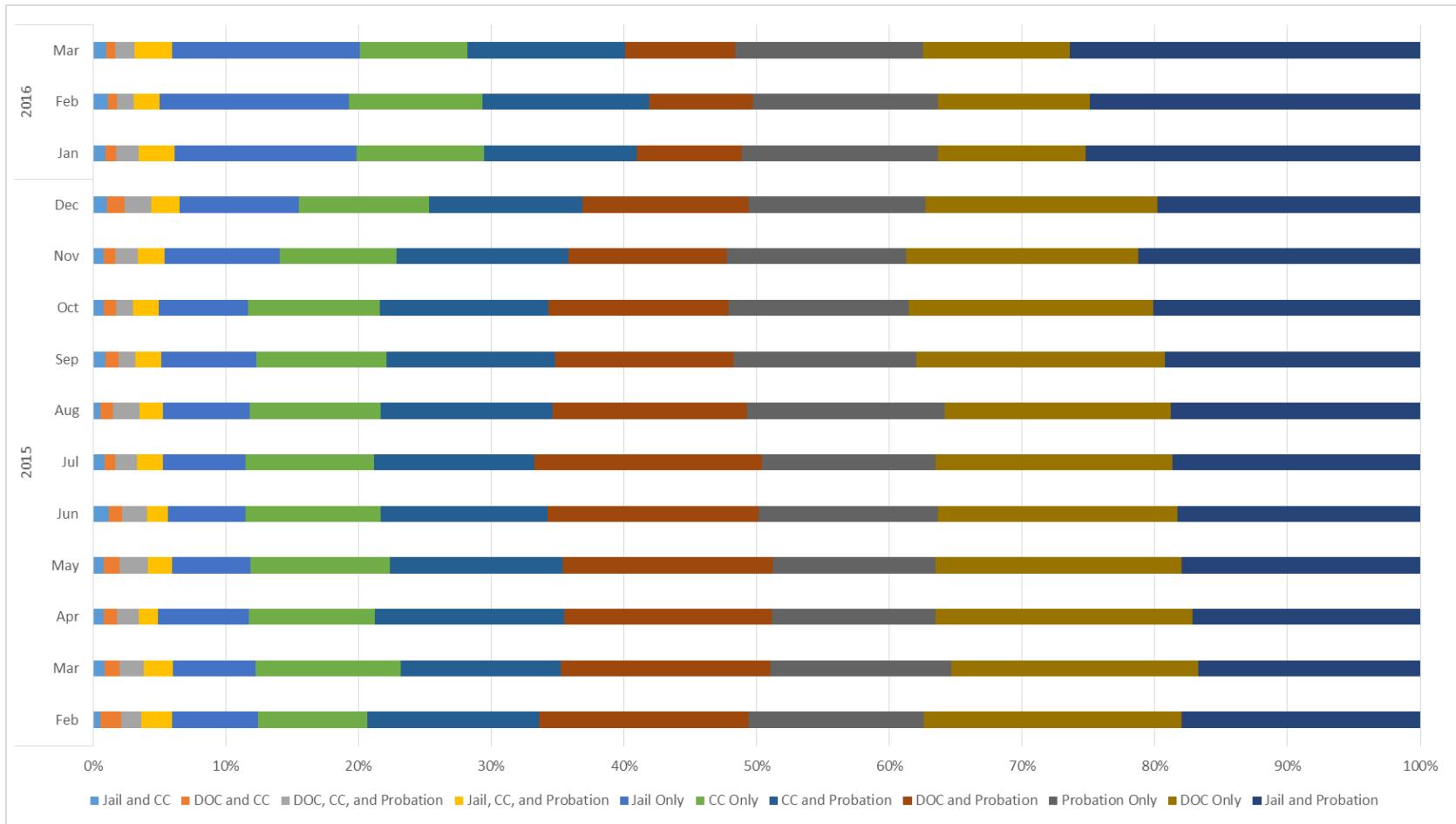


Tables 5-6, along with their corresponding charts, show the confirmation of the trends previously identified—a concomitant increase in non-Department of Correction placements / abstracts and a decrease in most commitments involving a Department of Correction placement. This trend is substantiated in Tables 5-6 across total and original abstracts.

Table 6

Count of Abstracts												
	DOC and CC	DOC, CC, and Probation	Jail and CC	Jail, CC, and Probation	DOC and Probation	DOC Only	CC Only	CC and Probation	Jail Only	Probation Only	Jail and Probation	Grand Total
2015												
Feb		1	6	25	82	106	92	93	89	134	227	855
Mar	6	3	15	35	85	157	148	119	120	155	264	1,107
Apr	4	3	10	24	104	147	123	163	134	161	294	1,167
May	3	3	8	23	108	137	115	125	96	155	283	1,056
Jun	1	7	24	28	118	180	164	164	122	196	353	1,357
Jul	1	6	18	33	152	178	163	153	119	199	362	1,384
Aug	1	4	8	35	125	181	167	175	131	242	381	1,450
Sep	2	2	17	30	128	182	183	178	148	250	415	1,535
Oct	4	3	19	39	107	202	202	192	146	284	458	1,656
Nov	5	2	13	37	98	218	169	173	183	236	425	1,559
Dec	5	5	19	35	113	180	174	172	191	237	412	1,543
2016												
Jan		1	21	61	6	42	194	179	343	300	582	1,729
Feb	2		23	49	14	73	207	204	368	303	609	1,852
Mar	2		24	71	8	66	184	210	380	322	667	1,934
Grand Total	36	40	225	525	1,248	2,049	2,285	2,300	2,570	3,174	5,732	20,184

Chart 7:
2/1/2015-3/31/2016 Original Abstracts
Percentage of Placements

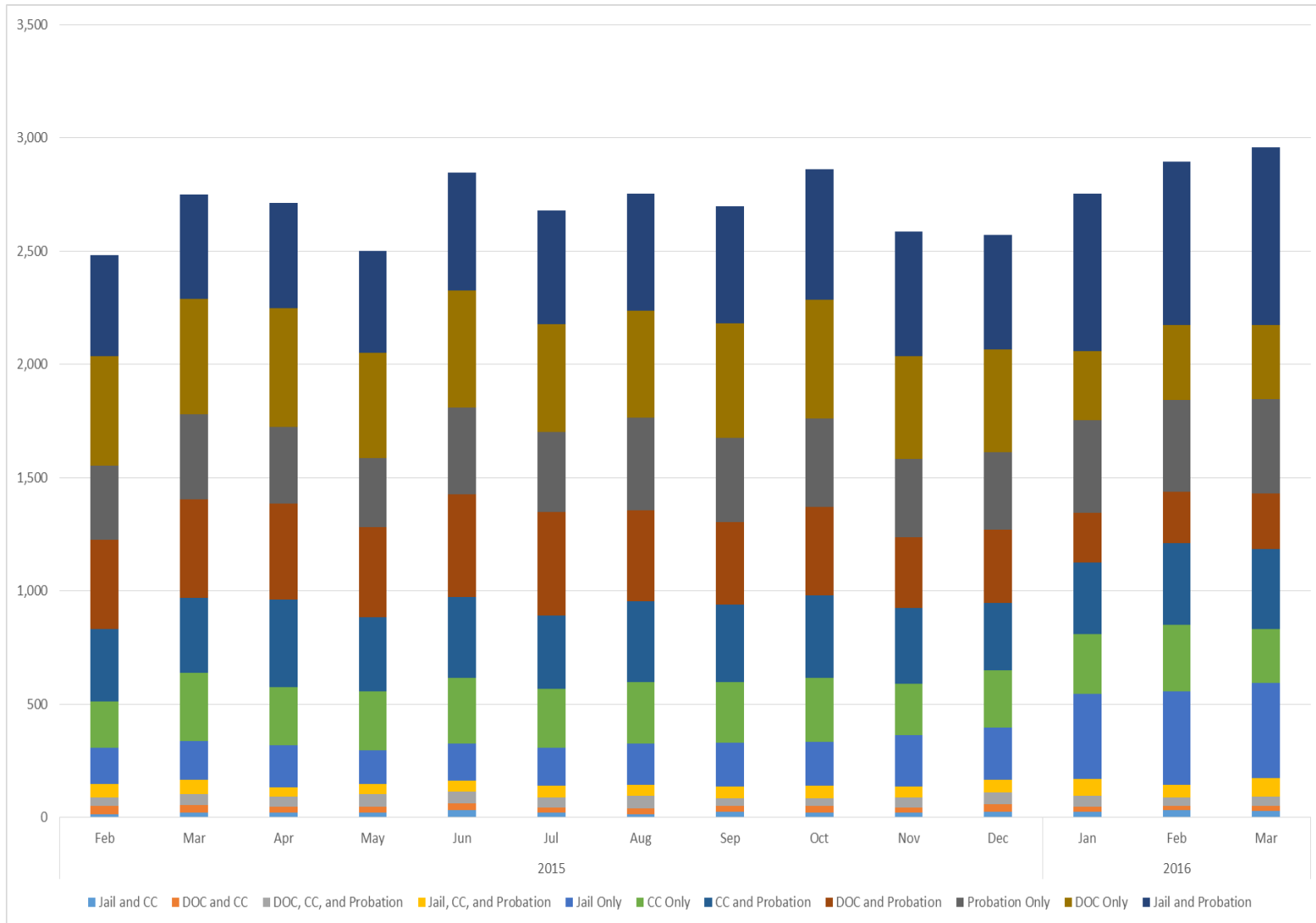


Last year's report observed an "increase in the placements in all categories not involving a [Department of Correction] placement, and a decrease in most commitments involving a [Department of Correction] placement." The continuation of this trend appears substantiated in the data we have presented here as well. What can be said for certain is that the "DOC and Probation" abstract count has dropped significantly from a high point of 17.13% in July of 2015 to 8.28% in March of 2016, with the significant drop occurring at the turn of the 2016 New Year (as one would expect with the full implementation of the provision that the Department of Correction may not accept F6 offenders after January 1, 2016). For the same reasons, there was a large drop in "DOC Only" abstract count at the turn of the New Year (17.52% in December 2015 to 11.14% in January of 2016), and a large uptick in "Jail and Probation" abstract count at the same time (from 19.77% in December of 2015 to 25.21% in January of 2016), as can be seen in Chart 7 and Table 7.

Table 7 (below) represents data for all felonies, including FD/F6. On the preceding page each bar represents 100% of the abstracts completed in that month, and shows the percentage of each placement type. Fewer people are going to the Department of Correction and more are placed locally. From Table 7, we see a visible and statistically significant downwards trend in "DOC Only" and "DOC and Probation" percentage share of placements, tracking inversely against a concomitant periodic increase in "Jail and Probation" and "Jail Only's" percentage share of placements. In both cases, the most drastic acceleration of the respective trends occurred at the turn of the 2016 New Year. A statistically significant downward trend for all Department of Correction related placements would likely have been visible were it not for the outliers clustered at and around December 2015.

TABLE 7: 3/1/2015-4/30/2016 Original Abstracts (Percentage of Placement)											
Month	DOC Only	DOC and Probation	DOC and CC	DOC, CC, and Probation	CC Only	Probation Only	CC and Probation	Jail, CC, and Probation	Jail and CC	Jail and Probation	Jail Only
Mar-15	18.58%	15.78%	1.13%	1.82%	10.94%	13.63%	12.07%	2.25%	0.84%	16.76%	6.22%
Apr-15	19.36%	15.63%	0.96%	1.66%	9.51%	12.35%	14.27%	1.44%	0.81%	17.15%	6.86%
May-15	18.52%	15.88%	1.16%	2.16%	10.44%	12.24%	13.04%	1.80%	0.80%	18.00%	5.96%
Jun-15	18.05%	15.91%	0.98%	1.90%	10.22%	13.52%	12.54%	1.62%	1.16%	18.30%	5.80%
Jul-15	17.86%	17.15%	0.86%	1.61%	9.68%	13.04%	12.07%	1.94%	0.82%	18.72%	6.24%
Aug-15	17.01%	14.65%	0.98%	2.00%	9.85%	14.90%	12.98%	1.78%	0.51%	18.79%	6.54%
Sep-15	18.77%	13.46%	0.96%	1.30%	9.79%	13.76%	12.69%	1.93%	0.93%	19.25%	7.16%
Oct-15	18.43%	13.53%	0.98%	1.26%	9.93%	13.64%	12.73%	1.92%	0.77%	20.10%	6.71%
Nov-15	17.50%	11.97%	0.85%	1.70%	8.81%	13.48%	12.94%	2.01%	0.81%	21.28%	8.65%
Dec-15	17.57%	12.51%	1.32%	2.06%	9.76%	13.33%	11.58%	2.10%	1.01%	19.78%	8.98%
Jan-16	11.14%	7.91%	0.80%	1.74%	9.61%	14.76%	11.50%	2.68%	0.91%	25.24%	13.71%
Feb-16	11.48%	7.81%	0.73%	1.28%	9.99%	14.00%	12.62%	1.94%	1.07%	24.85%	14.24%
Mar-16	11.12%	8.25%	0.77%	1.42%	8.02%	14.15%	11.79%	2.86%	0.94%	26.52%	14.15%
Apr-16	10.22%	7.96%	0.65%	1.15%	9.18%	14.99%	11.26%	2.33%	0.90%	28.65%	12.73%
Grand Total	16.03%	12.68%	0.93%	1.64%	9.69%	13.72%	12.43%	2.05%	0.88%	21.04%	8.92%
Statistical Tests and Sparkline Graphs											
R value	-0.836029997	-0.918430134	-0.585002944	-0.540375723	-0.654525093	0.646866169	-0.595725404	0.637203371	0.274885872	0.926206286	0.868536632
R^2 value	0.698946155	0.843513912	0.342228444	0.292005922	0.428403098	0.41843584	0.354888757	0.406028135	0.075562243	0.857858085	0.754355881
Sparklines											
1 tail p-value	0.00009768	0.00000178	0.01399196	0.02304205	0.00554603	0.00620532	0.01229184	0.00712305	0.17077345	0.00000099	0.00002791
2 tail p-value	0.00019536	0.00000357	0.02798392	0.04608409	0.01109206	0.01241065	0.02458367	0.01424609	0.3415469	0.00000199	0.00005583

Chart 8: 2/1/2015 – 3/31/2016 Placements, All Felonies, Original Sentence



There appears to be no significant trend (upwards or downwards) in the data behind Chart 8 which continuously spans from January 2014-March 2016 (*see* Chart 9, p. 33, 2015 Report, in conjunction with Table 8 below), *with one exception*. There is no marked alteration in the compositional breakdown and the total felonies appear to remain constant as well, oscillating around a rough (estimated) baseline of 2,500. The most notable outlier appears to be the drop that occurred in all felony placements between October of 2015 and November 2015, but such a large intra-month change has not occurred again since then; hence, it could be said that the 2015-2016 was less erratic in its intra-monthly oscillations.

The exception to the otherwise unremarkable trends is that in each category of placement where the Department of Correction is one of or the only placement, placements have fallen between February 2015 and March 2016. Thus, this Chart and Table also reinforce the general movement away from Department of Correction placements when other options are available.

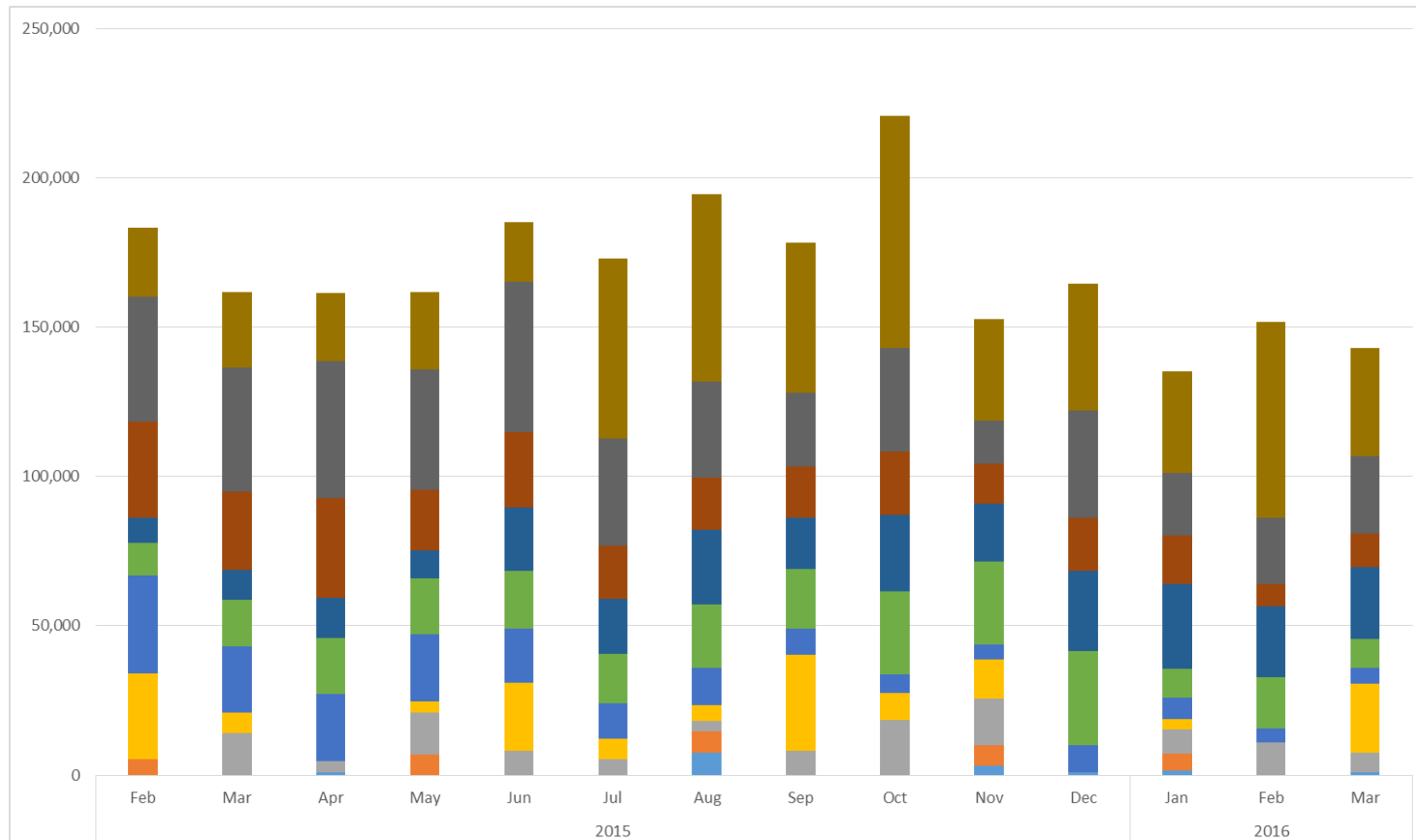
Table 8

Number of Abstracts	Jail and CC	DOC and CC	DOC, CC, and Probation	Jail, CC, and Probation	Jail Only	CC Only	CC and Probation	DOC and Probation	Probation Only	DOC Only	Jail and Probation	Grand Total
2015												
Feb	14	38	38	57	162	204	320	392	328	482	446	2,481
Mar	23	31	50	62	170	301	332	434	376	511	461	2,751
Apr	22	26	45	39	186	258	387	424	335	525	466	2,713
May	20	29	54	45	149	261	326	397	306	463	449	2,499
Jun	33	28	54	46	165	290	357	453	385	514	521	2,846
Jul	22	23	43	52	167	260	324	459	350	478	500	2,678
Aug	14	27	55	49	180	271	357	403	410	469	517	2,752
Sep	25	26	35	52	193	266	342	363	372	506	519	2,699
Oct	22	28	35	56	192	284	365	387	390	527	575	2,861
Nov	21	22	44	51	224	228	335	310	349	453	550	2,587
Dec	25	34	53	54	232	252	298	322	343	451	507	2,571
2016												
Jan	25	22	48	74	375	266	317	218	407	307	695	2,754
Feb	31	21	37	56	413	291	363	225	404	332	720	2,893
Mar	28	22	42	83	419	239	352	245	418	327	782	2,957
Grand Total	325	377	633	776	3,227	3,671	4,775	5,032	5,173	6,345	7,708	38,042

3. As Intended, Property and Substance Offenders Are Receiving Shorter Sentences.

One of the key efforts of HEA 1006 was an effort to sentence property crimes more proportionally and to reduce the penalty for many substance-related crimes. Initial results last year suggested that due to sentencing changes for burglary and theft, there would be a significant decrease in the number of total offender-days sentenced to the Department of Correction.

Chart 9: Property Offense Original Abstracts 2/1/2015-3/31/2016
 Total Offender-Days sentenced to Department of Correction
 Broken down by Offense Level, Adjusted to reflect Credit Time



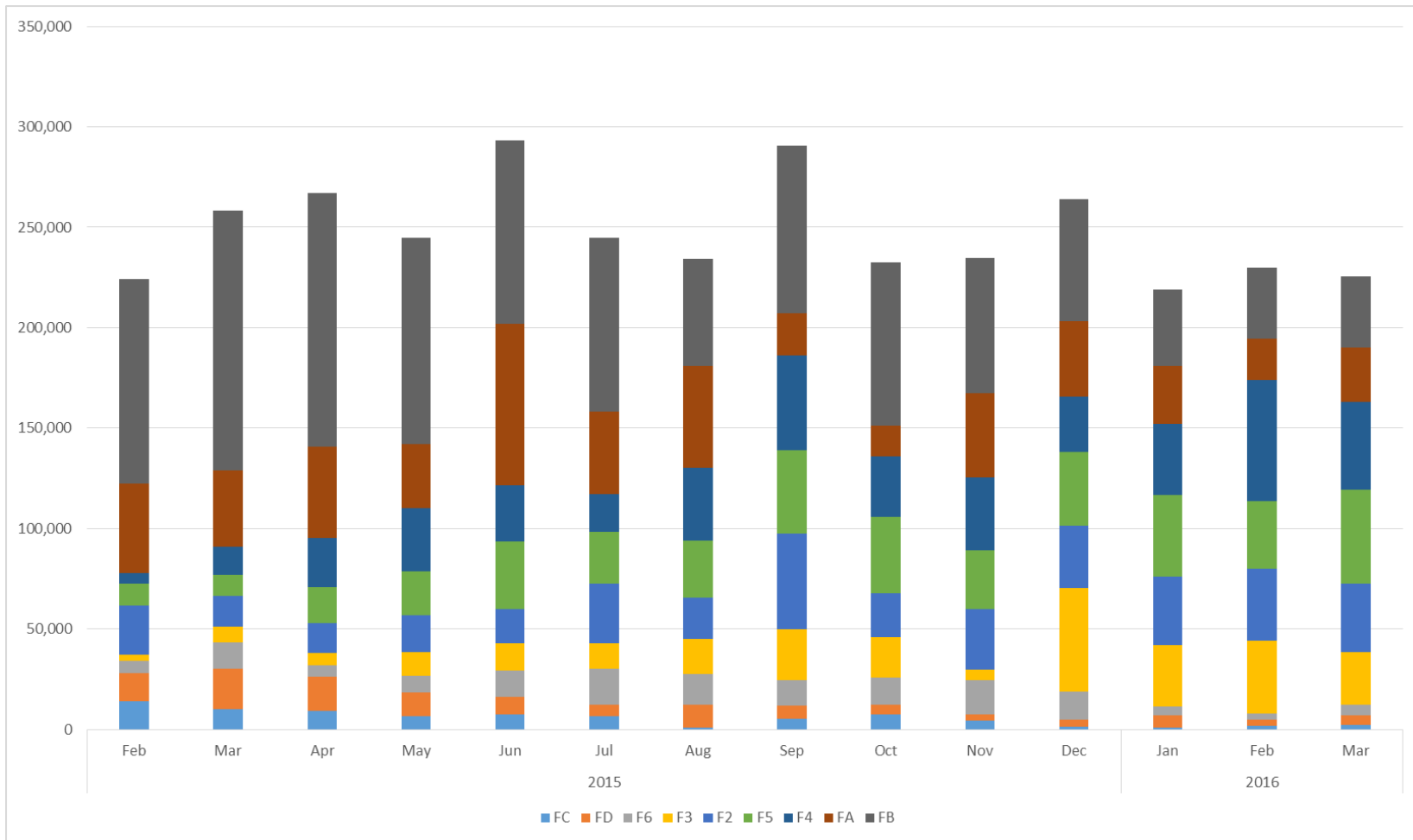
This trend may continue this year, but additional data is needed. *See Chart and Table 9.*

Oscillations in total offender-days sentenced to the Department of Correction are visible in numerous categories (FA, F1, F2, F3) in Table 9, below. At the same time, a statistically significant downwards trend appears in FB, FC, and FD offender-days, tracing inversely against a statistically significant increase in F5 Total Offender Days to the Department of Correction. It would appear that FB offender-days were replaced by F4 offender-days as most prevalent type between June and July of 2015, but aside from this, little else seems remarkable.











TABLE 9: 3/1/2015-4/30/2016 Total Offender-Days Sentenced to DOC Broken Down by Offense Level Adjusted to Reflect Credit Time											
Month	FA	FB	FC	FD	F1	F2	F3	F4	F5	F6	Grand Total
Mar-15	6,940	41,633	26,103	22,144	0	13,970	0	25,245	9,862	15,800	161,697
Apr-15	0	45,745	33,422	22,449	0	3,561	1,096	22,941	13,352	18,930	161,498
May-15	3,652	40,083	20,218	22,484	6,848	14,244	0	26,159	9,388	18,777	161,854
Jun-15	23,193	50,000	25,500	18,107	0	8,218	0	20,081	21,166	19,167	185,432
Jul-15	6,757	35,792	17,804	11,952	0	5,479	0	60,418	18,281	16,566	173,050
Aug-15	5,479	32,141	17,368	12,428	7,122	3,287	7,670	62,704	24,952	21,199	194,351
Sep-15	32,141	24,471	17,348	8,696	0	8,218	0	50,397	16,958	20,044	178,272
Oct-15	9,131	34,697	21,152	6,109	0	18,353	0	77,748	25,514	27,925	220,629
Nov-15	13,149	14,608	13,185	5,148	6,574	15,340	3,287	33,901	19,498	27,668	152,359
Dec-15	0	35,976	17,895	9,214	0	0	858	42,494	26,843	31,317	164,596
Jan-16	3,468	21,001	16,091	7,255	5,479	8,218	1,644	33,850	28,460	9,559	135,024
Feb-16	0	22,188	7,406	4,717	0	10,957	0	65,761	23,654	17,162	151,845
Mar-16	22,828	25,930	11,134	5,392	0	6,574	1,096	37,958	24,009	10,129	145,048
Apr-16	0	5,752	13,861	5,620	0	25,202	1,096	50,228	30,360	8,481	140,599
Grand Total	126,736	430,019	258,488	161,714	26,023	141,622	16,746	609,886	292,296	262,724	2,326,253
Statistical Tests and Sparkline Graphs											
R value	-0.039506974	-0.810849438	-0.820474339	-0.903263428	-0.074220362	0.229295309	0.074656871	0.404646228	0.828633015	-0.231000822	-0.409910437
R^2 value	0.001560801	0.657476811	0.673178141	0.81588482	0.005508662	0.052576339	0.005573648	0.163738569	0.686632674	0.05336138	0.168026567
Sparklines											
1 tail p-value	0.4466749	0.00022247	0.00016459	0.00000481	0.40048464	0.21519355	0.39989224	0.07562725	0.00012503	0.21343042	0.07275234
2 tail p-value	0.8933498	0.00044494	0.00032919	0.00000961	0.80096927	0.43038711	0.79978447	0.15125449	0.00025005	0.42686084	0.14550467

Chart 10 and Table 10 represent Burglary and Theft offenses. Penalties were reduced for both under HEA 1006. The number of days sentenced for Level felonies exceeded the number of days for Class felonies in July 2015 with a large increase in the number of F4 sentences accompanied by a large decrease in the number of FB sentences.

Chart 10:
 Substance Offenses Original Abstracts 2/1/2015-3/31/2016
 Total Offender-Days sentenced to Department of Correction
 Broken down by Offense Type, Adjusted to reflect Credit Time



These data display downwards and statistically significant trends in FB and FD Offender Days, as well as upwards and statistically significant trends visible in F2, F3, F4, and F5 Offender Days, with a notable spike occurring in F2 Offender Days and plummet in FC and F6 Offender Days at the turn of the 2016 New Year.. On the whole, the data indicate that Offender Days Sentenced to the Department of Correction are decreasing to a statistically significant degree (p-value 0.005).

TABLE 10: Original Abstracts 3/1/2015-4/30/2016 Total Offender-Days Sentenced to DOC by Offense Type Adjusted to Reflect Credit Time										
Month	FA	FB	FC	FD	F2	F3	F4	F5	F6	Grand Total
Mar-15	38,167	127,138	12,794	20,558	9,922	7,942	13,955	10,483	12,794	253,753
Apr-15	45,290	126,096	6,032	16,881	9,163	6,026	24,602	17,786	6,032	257,908
May-15	31,774	102,691	8,422	11,622	6,574	12,053	31,715	21,569	8,422	234,842
Jun-15	80,361	91,130	13,028	8,909	7,305	13,660	28,850	33,545	13,028	289,316
Jul-15	41,150	86,719	17,904	5,594	6,757	12,601	18,462	25,838	17,904	232,927
Aug-15	51,122	53,259	15,134	11,386	1,103	17,256	36,019	28,304	15,134	228,717
Sep-15	20,819	83,424	12,899	6,260	5,478	25,058	47,252	41,554	12,899	255,642
Oct-15	14,956	81,398	13,478	4,980	7,395	19,858	30,543	37,851	13,478	223,936
Nov-15	42,003	67,385	16,738	3,400	4,289	5,479	36,251	29,178	16,738	221,460
Dec-15	37,435	60,880	14,179	3,508	1,278	51,356	27,347	36,819	14,179	246,981
Jan-16	29,032	37,964	1,096	5,931	34,241	30,318	35,331	40,569	4,474	218,955
Feb-16	20,453	35,517	1,780	3,207	35,608	36,430	60,209	33,950	3,141	230,295
Mar-16	27,028	35,578	2,374	4,697	34,041	26,297	43,598	46,819	5,113	225,544
Apr-16	37,254	20,670	1,461	2,889	29,265	24,652	43,443	33,602	4,577	197,815
Grand Total	516,843	1,009,848	65,975	109,819	380,365	288,987	477,074	437,867	147,914	3,434,692
Statistical Tests and Sparkline Graphs										
R value	-0.412494701	-0.943410053	-0.518111791	-0.837968964	0.671475742	0.663505573	0.70940947	0.774203173	-0.431254918	-0.660160062
R^2 value	0.170151879	0.890022527	0.268439828	0.702191985	0.450879672	0.440239645	0.503261796	0.599390552	0.185980804	0.435811308
Sparklines										
1 tail p-value	0.07141175	0.00000021	0.02885747	0.00009148	0.00427924	0.00483997	0.00224537	0.00057657	0.06185609	0.00509803
2 tail p-value	0.14282351	0.00000042	0.05771494	0.00018296	0.00855849	0.00967994	0.00449073	0.00115314	0.12371217	0.01019606

Penalties were reduced across the board for substance abuse offenses. All minimum sentences for these offenses may be suspended. In August 2015 the number of days executed for Level felonies exceeded the number of days sentenced for Class felonies. The FB and FA column numbers should continue to drop significantly as these offenses wash out of the system.

4. Impact on Probation Revocations

Last year it was observed that Indiana's criminal code sentencing reforms seemed to be influencing probation revocations. When the court revokes a placement on any type of community correction on a felony case, a revocation abstract is completed. . The abstract revocation data last year indicated that since January 2014, there were several sharp reductions in the percentage of revocations resulting in commitments to the Department of Correction, countered by corresponding increases therein. Charts and Tables 11 through 14 below indicate a reduction in revocations leading to placement at the Department of Correction, but additional study is required to draw any further effective conclusions on the impact of probation revocations under HEA 1006. In all likelihood, more time must pass for further data collection and a larger sample size.

Chart 11:
 Total D Felony Abstracts Completed on Revocations for Technical Violations
 2/1/2015-3/31/2016

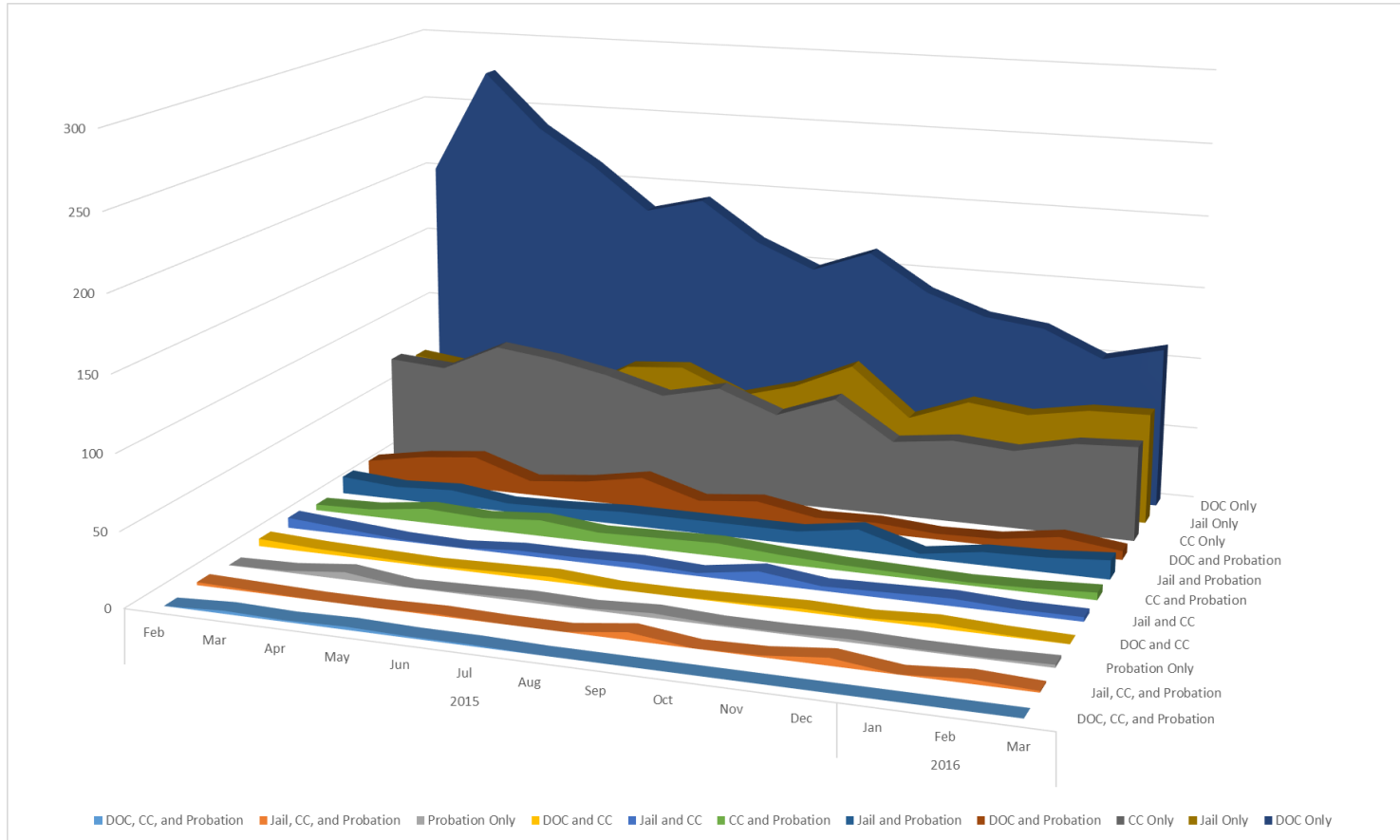


Table 11

Number of Abstracts												
	DOC, CC, and Probation	Jail, CC, and Probation	Probation Only	DOC and CC	Jail and CC	CC and Probation	Jail and Probation	DOC and Probation	CC Only	Jail Only	DOC Only	Grand Total
2015												
Feb		2		5	7	4	12	12	77	70	202	391
Mar	2	1	1	3	4	5	9	19	74	65	275	458
Apr	1		5	2	1	10	11	23	93	75	237	458
May	2			1		8	6	10	88	54	212	381
Jun	1	1	1	2	3	11	7	14	80	76	182	378
Jul	1		2	3	3	7	9	21	69	79	192	386
Aug			1		4	8	9	9	78	62	165	336
Sep		5	3		2	9	9	13	63	73	148	325
Oct			1	1	8	6	9	6	78	91	163	363
Nov		1	1	2	3	4	15	7	52	58	138	281
Dec		5	2	1	4	3	3	4	57	73	124	276
2016												
Jan			1	3	5	2	9	5	54	68	119	266
Feb		3	1	1	3	3	10	11	63	75	101	271
Mar		1	2		3	5	13	6	65	76	111	282
Grand Total	7	19	21	24	50	85	131	160	991	995	2,369	4,852

Chart 12
 Revocation Abstracts 2/1/2015 - 3/31/2016

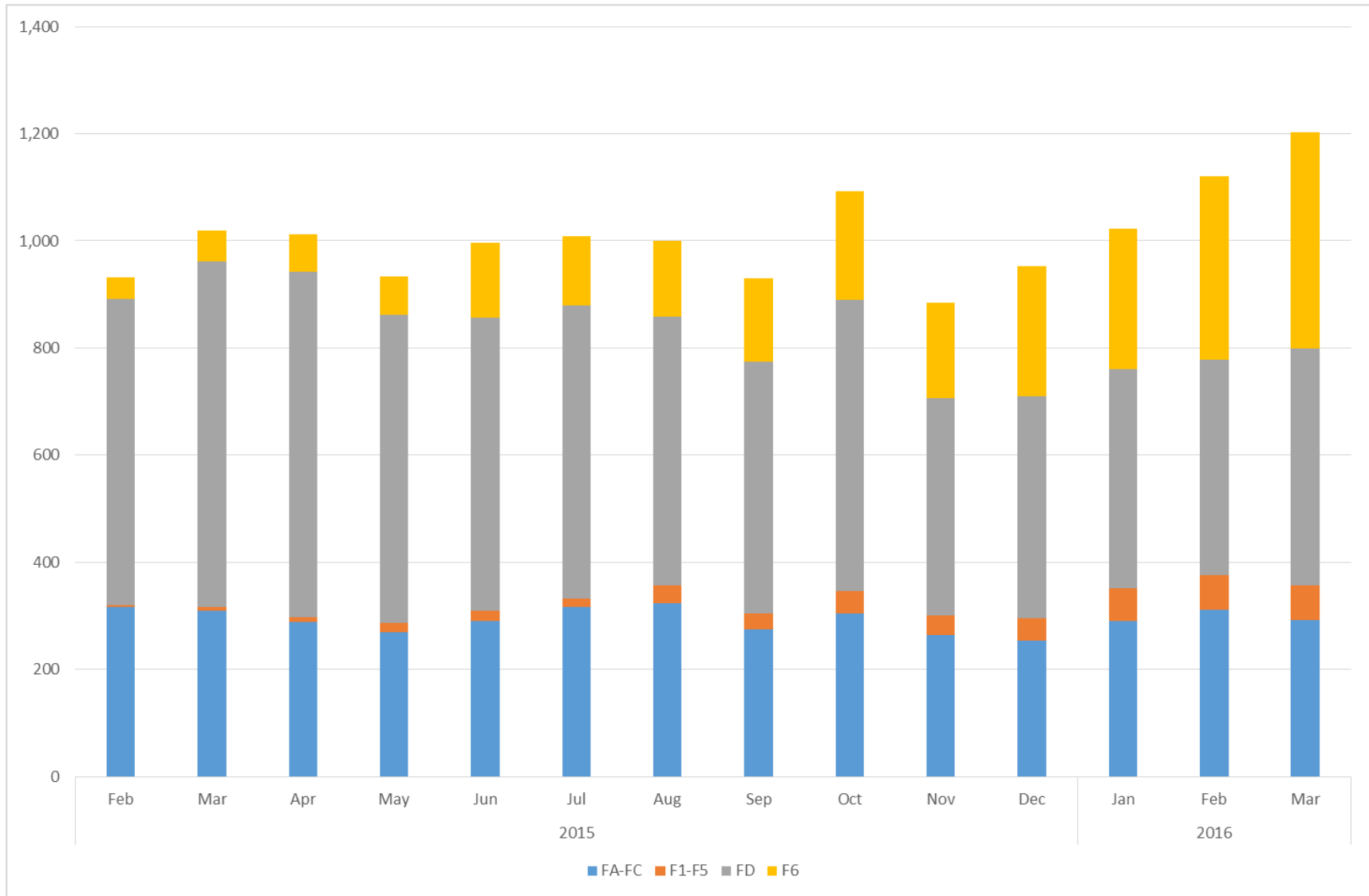


Table 12

Count of Abstracts					
	FA-FC	F1-F5	FD	F6	Grand Total
2015					
Feb	316	4	571	40	931
Mar	309	8	644	59	1,020
Apr	289	8	645	70	1,012
May	270	17	575	71	933
Jun	291	18	547	141	997
Jul	316	16	548	129	1,009
Aug	324	32	503	141	1,000
Sep	275	30	469	156	930
Oct	304	43	543	203	1,093
Nov	264	36	407	177	884
Dec	253	43	413	243	952
2016					
Jan	290	62	409	261	1,022
Feb	312	64	402	343	1,121
Mar	292	64	443	403	1,202
Grand Total	4,105	445	7,119	2,437	14,106

Chart 13
 FD Abstracts 2/1/2015 to 3/31/2016
 Revocation Abstracts

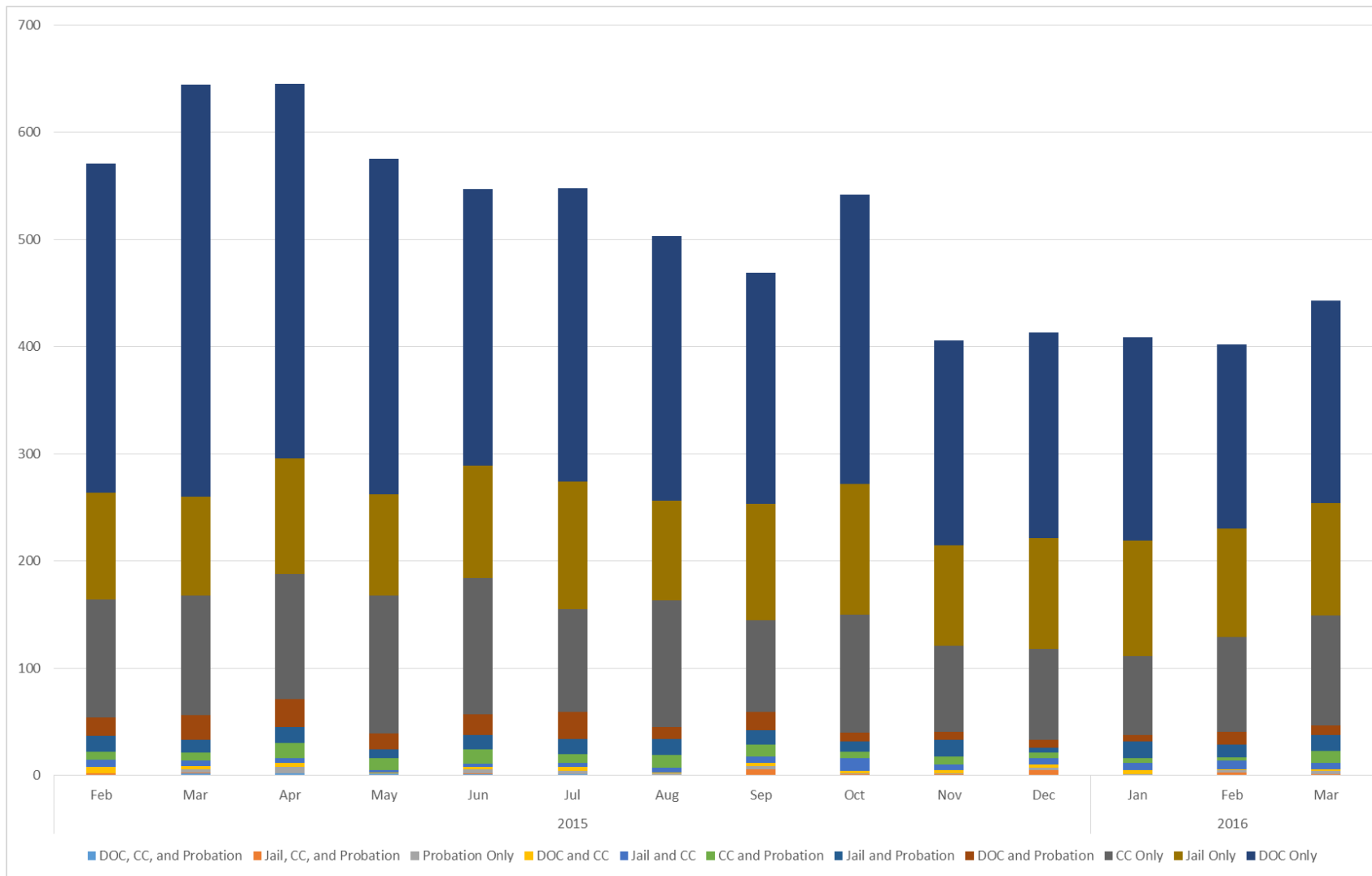


Table 13

Count of Abstracts												
	DOC, CC, and Probation	Jail, CC, and Probation	Probation Only	DOC and CC	Jail and CC	CC and Probation	Jail and Probation	DOC and Probation	CC Only	Jail Only	DOC Only	Grand Total
2015												
Feb		2		6	7	7	15	17	110	100	307	571
Mar	2	1	3	3	5	7	12	23	112	92	384	644
Apr	2		6	4	4	14	15	26	117	108	349	645
May	2			1	2	11	8	15	129	94	313	575
Jun	1	1	4	2	3	13	14	19	127	105	258	547
Jul	1		3	4	4	8	14	25	96	119	274	548
Aug			2	1	4	12	15	11	118	93	247	503
Sep		6	3	3	6	11	13	17	86	108	216	469
Oct		1	1	2	12	6	10	8	110	122	270	542
Nov		1	1	3	5	8	15	8	80	94	191	406
Dec		5	2	3	6	5	5	7	85	103	192	413
2016												
Jan			1	4	7	4	16	6	73	108	190	409
Feb		3	2	1	8	3	12	12	88	101	172	402
Mar		1	3	2	6	11	15	9	102	105	189	443
Grand Total	8	21	31	39	79	120	179	203	1,433	1,452	3,552	7,117

Chart 14
 F6 Abstracts 2/1/2015 to 3/31/2016
 Revocation Abstracts

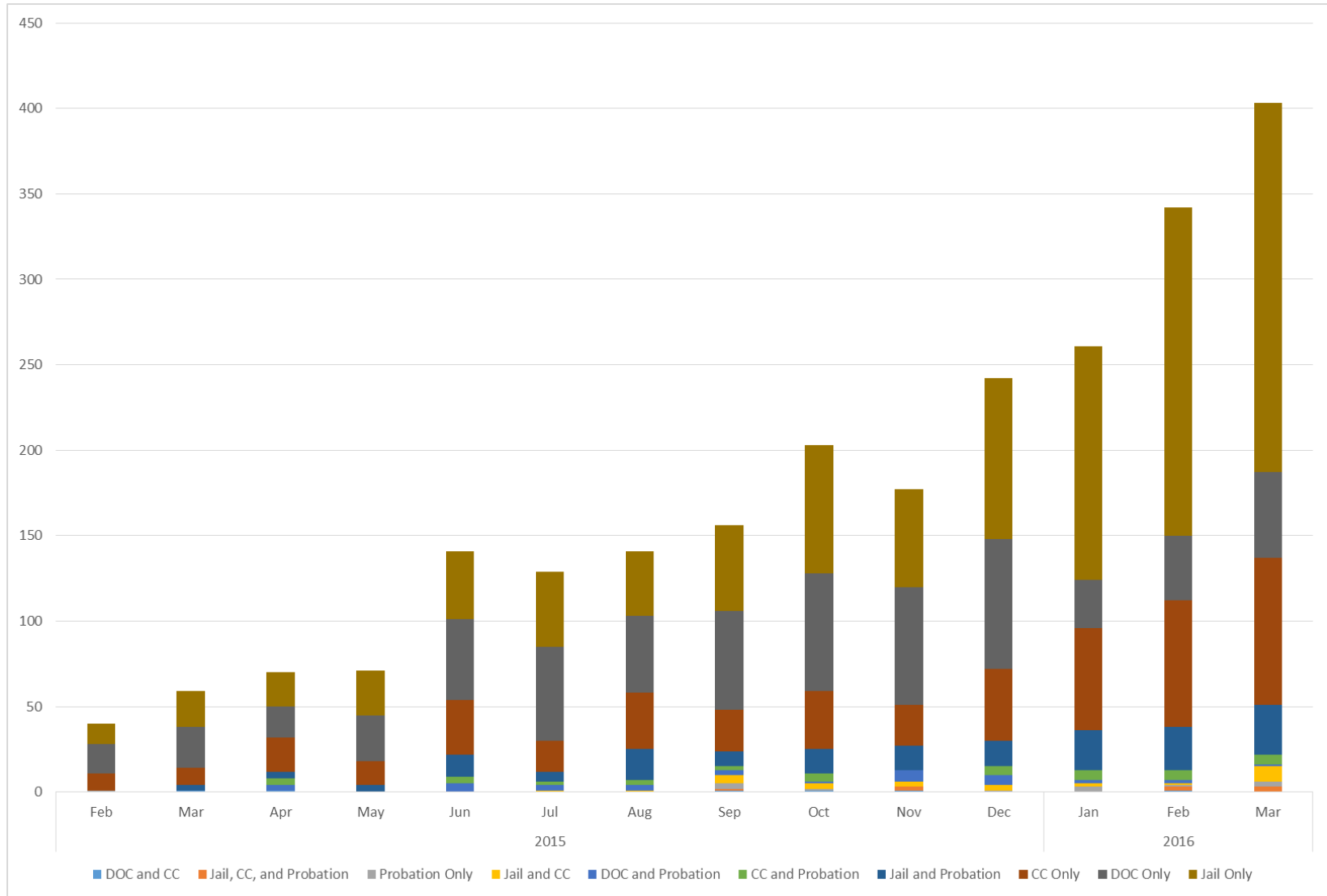


Table 14

Count of Abstracts											
	DOC and CC	Jail, CC, and Probation	Probation Only	Jail and CC	DOC and Probation	CC and Probation	Jail and Probation	CC Only	DOC Only	Jail Only	Grand Total
2015											
Feb			1					10	17	12	40
Mar	1						3	10	24	21	59
Apr	1				3	4	4	20	18	20	70
May							4	14	27	26	71
Jun					5	4	13	32	47	40	141
Jul				1	3	2	6	18	55	44	129
Aug				1	3	3	18	33	45	38	141
Sep	1	1	3	5	3	2	9	24	58	50	156
Oct	1		1	3	1	5	14	34	69	75	203
Nov	1	2		3	7		14	24	69	57	177
Dec			1	3	6	5	15	42	76	94	242
2016											
Jan			3	2	2	6	23	60	28	137	261
Feb	1	2	1	1	2	6	25	74	38	192	342
Mar		3	3	9	1	6	29	86	50	216	403
Grand Total	6	8	13	28	36	43	177	481	621	1,022	2,435

5. High Percentages of Offenses Continue to be Suspendible Offenses.

Another significant feature of HEA 1006 is that many offenses that were formerly non-suspendible may now be suspended. By way of background, once an offender is convicted, a probation officer prepares a pre-sentence investigation report (PSI) before the offender is sentenced. The probation officer indicates whether the offense is non-suspendible.¹¹ If an offense is non-suspendible, the court may suspend only that portion of the sentence that is in excess of the minimum; in other words, the court must sentence the person to at least the minimum amount of executed time. HEA 1006 eliminated many situations in which an offense is non-suspendible.

¹¹ An offense may be non-suspendible under one of three statutes: Indiana Code §§ 35-50-2-2, 35-50-2-2.1 or 35-50-2.2.

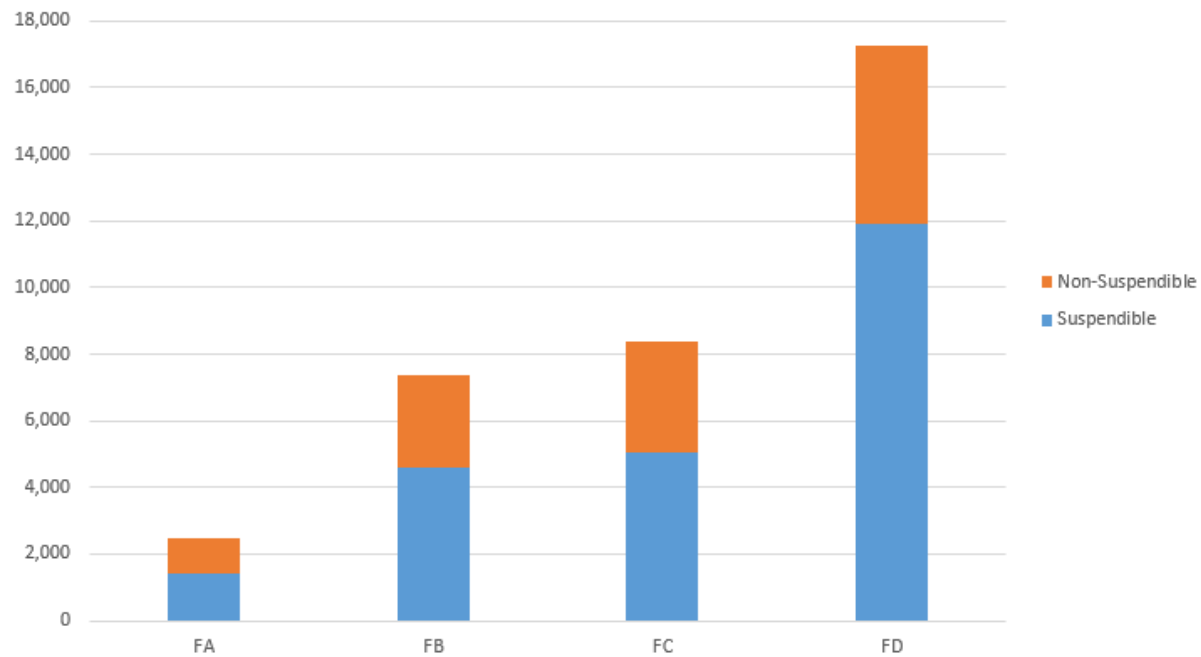
An analysis of the pre-sentence reports completed between July 1, 2012 and May 28, 2015 was recently completed, with the results in the charts and tables below. Most striking is the contrast between the percentage of sentences before and after July 1, 2014, when HEA 1006 took effect. This difference suggests that courts may be much more likely to suspend sentences of all types, not just the lower-level F6 felonies, and that as a result incarceration rates may be shorter, as the following charts and tables illustrate.

Chart 14 and its accompanying table illustrate the *number* of suspendible versus non-suspendible sentences from January 2012 through June 2013, broken down by felony type.

Chart 15 and its accompanying table cover the same amount of time, but illustrate and document the *percentages* of suspendible versus non-suspendible.

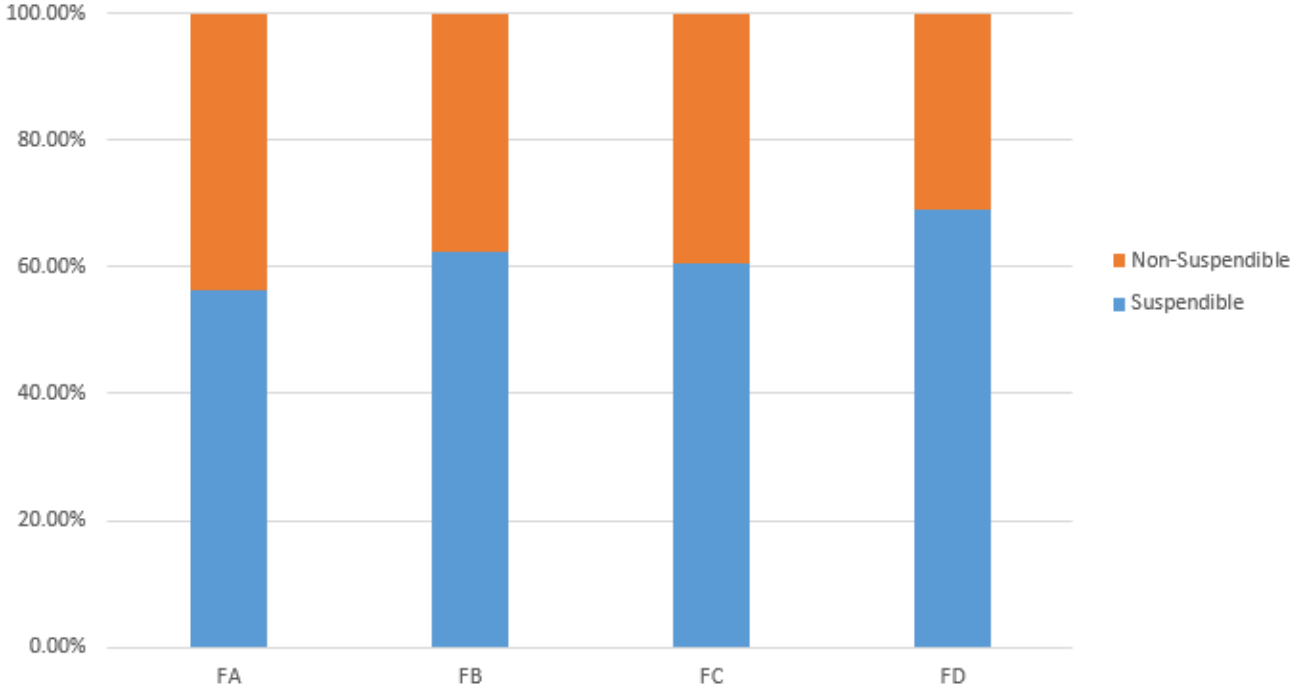
Suspendible v. Non-Suspendible Sentences,
January 2012 through June 2013

Chart 14



Count of PSIs			
	Suspendible	Non-Suspendible	Grand Total
FA	1,398	1,084	2,482
FB	4,579	2,778	7,357
FC	5,058	3,302	8,360
FD	11,917	5,362	17,279
Grand Total	22,952	12,526	35,478

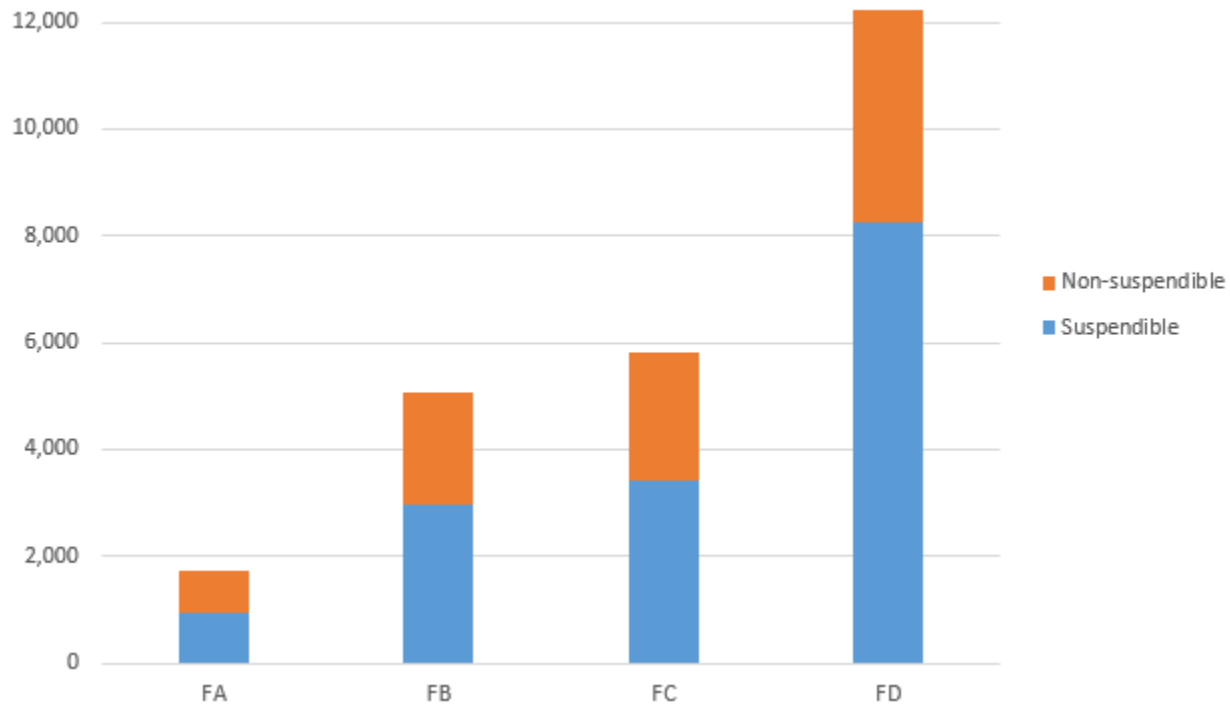
Suspendible v. Non-Suspendible Sentences,
 January 2012 through June 2013
 Chart 15



	Suspendible	Non-Suspendible	Grand Total
FA	56.33%	43.67%	100.00%
FB	62.24%	37.76%	100.00%
FC	60.50%	39.50%	100.00%
FD	68.97%	31.03%	100.00%
Grand Total	64.69%	35.31%	100.00%

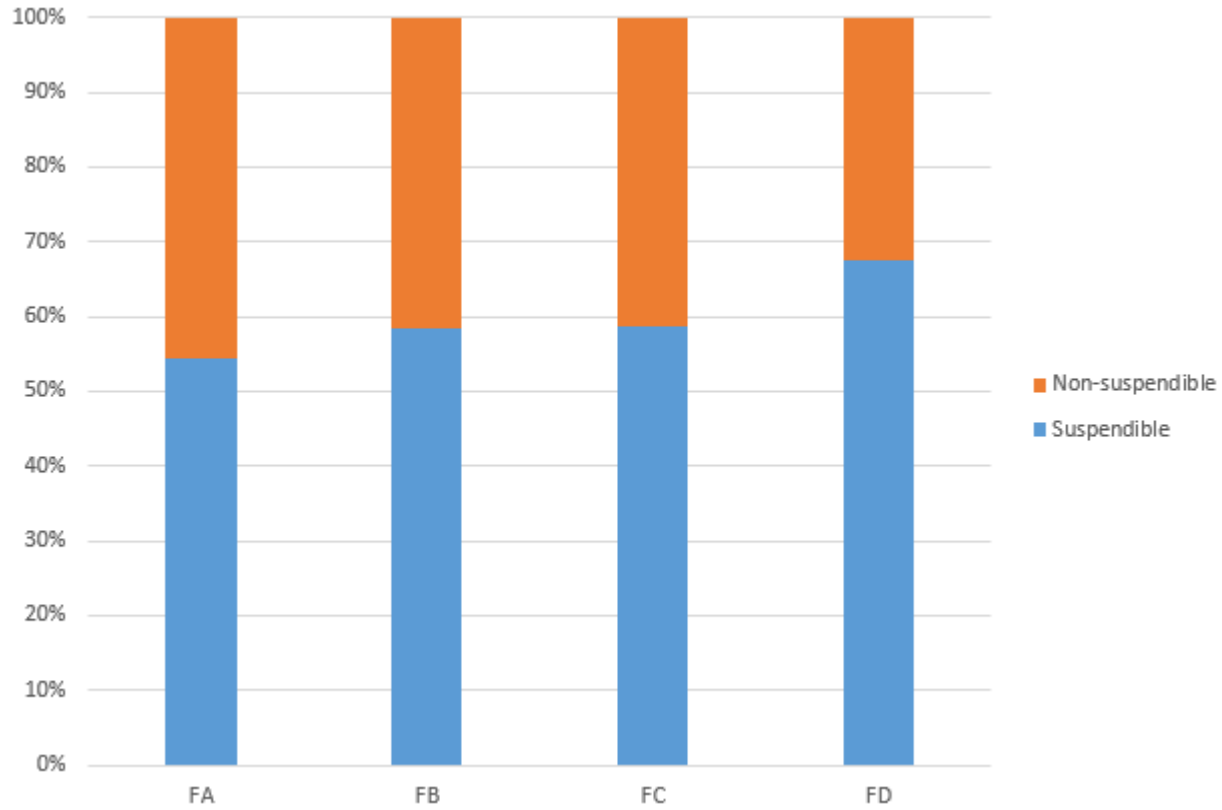
Charts 16 and 17, below, provide suspendibility numbers that are very similar to the numbers (adjusted for differences in time) and percentages to Charts 14 and 15 above. Indeed, the percentages between Charts 15 and 17 are all within four percentage points or less of each other.

Chart 16: Suspendibility, July 2013 through June 2014



Count of Cases			
	Suspendible	Non-suspendible	Grand Total
FA	929	782	1,711
FB	2,960	2,108	5,068
FC	3,419	2,397	5,816
FD	8,253	3,971	12,224
Grand Total	15,561	9,258	24,819

Chart 17: Suspendibility, July 2013 through June 2014, Percentages



Percent of Cases			
	Suspendible	Non-suspendible	Grand Total
FA	54.30%	45.70%	100.00%
FB	58.41%	41.59%	100.00%
FC	58.79%	41.21%	100.00%
FD	67.51%	32.49%	100.00%
Grand Total	62.70%	37.30%	100.00%

In Chart 18, however, which covers June 1, 2015, to March 31, 2016, the difference is readily apparent, both between types of offenses and between the first four charts in this section.

Chart 18: Suspendibility post HEA 1006
6/1/2015 – 3/31/2016

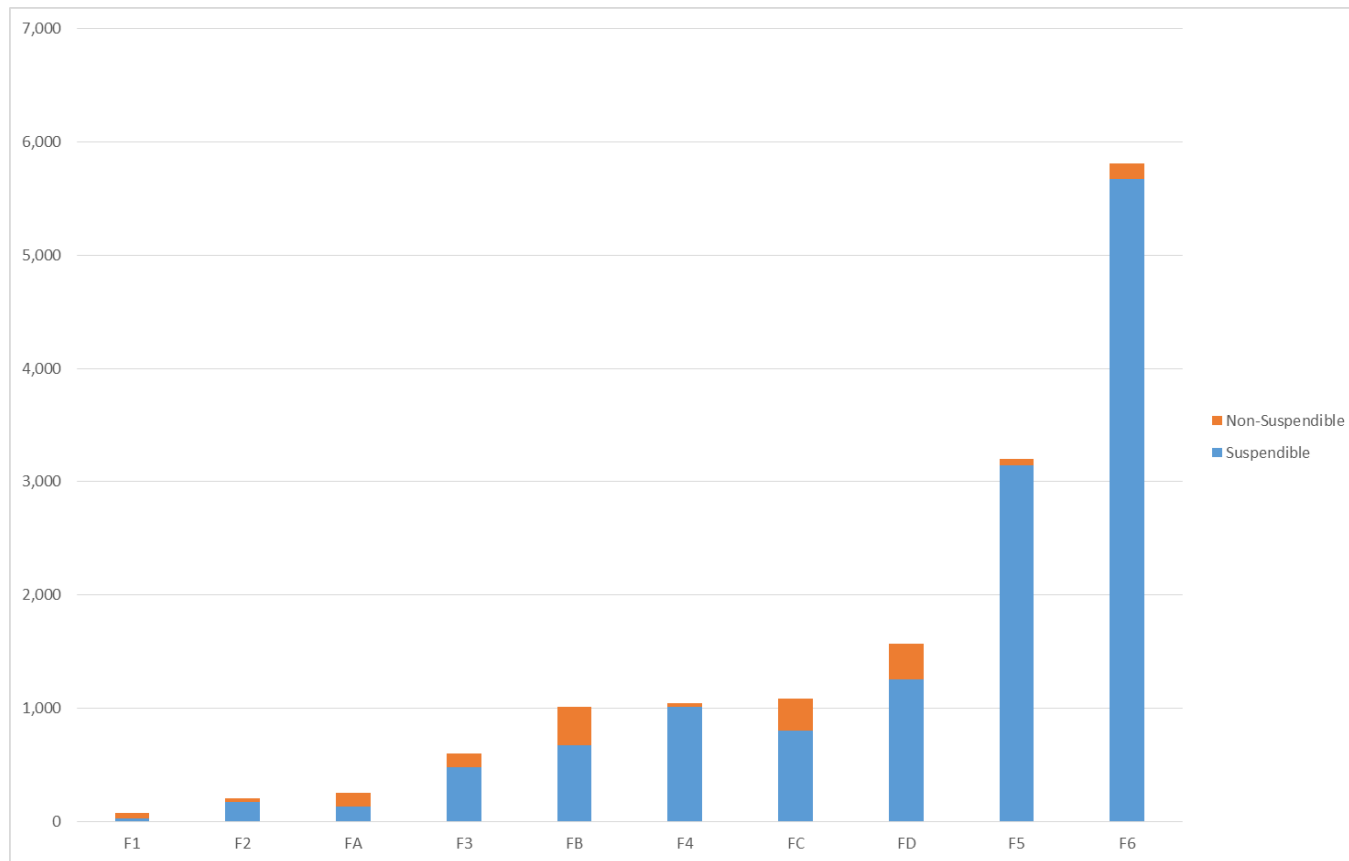


Table 18

Count of Cases			
	Suspendible	Non-Suspendible	Grand Total
F1	29	43	72
F2	174	27	201
FA	132	116	248
F3	477	125	602
FB	673	342	1,015
F4	1,013	32	1,045
FC	797	287	1,084
FD	1,255	311	1,566
F5	3,141	60	3,201
F6	5,674	140	5,814
Grand Total	13,365	1,483	14,848

Chart 19: Suspending post-HEA 1006, Percentages
6/1/2015 - 3/31/2016

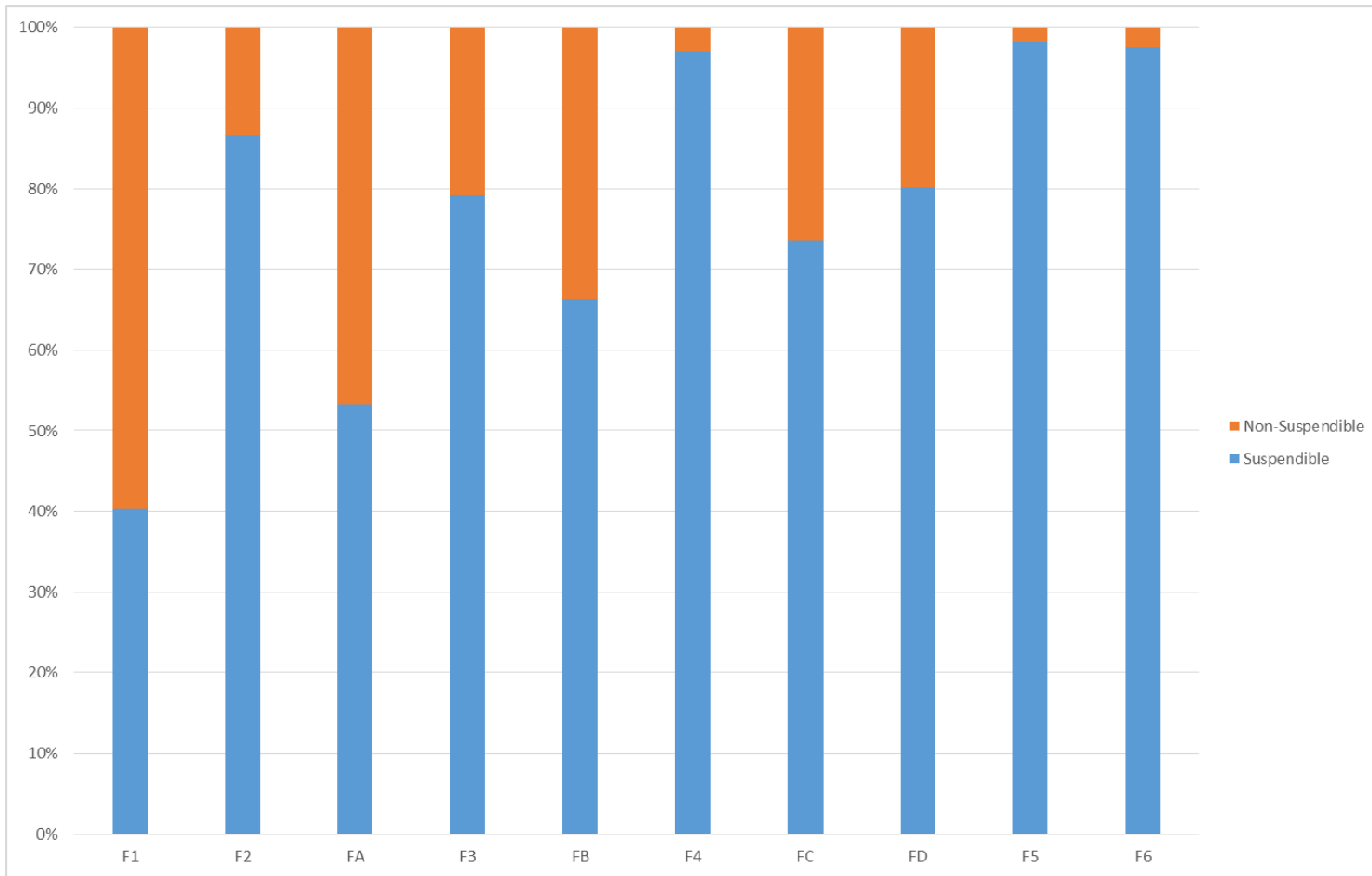


Table 19

Count of Cases			
	Suspendible	Non-Suspendible	Grand Total
F1	40.28%	59.72%	100.00%
F2	86.57%	13.43%	100.00%
FA	53.23%	46.77%	100.00%
F3	79.24%	20.76%	100.00%
FB	66.31%	33.69%	100.00%
F4	96.94%	3.06%	100.00%
FC	73.52%	26.48%	100.00%
FD	80.14%	19.86%	100.00%
F5	98.13%	1.87%	100.00%
F6	97.59%	2.41%	100.00%
Grand Total	90.01%	9.99%	100.00%

Chart 19 shows the same data as Chart 18, but depicts percentages instead of numbers. What is less obvious – and more important – is how much of an impact the increase of suspendible sentences will have. Chart 20 compares the average sentences between suspendible and non-suspendible sentences for offenders committed to the Department of Correction. As would be expected, sentences that are suspendible are shorter on average than those that are not. Further study will be required, however, to ascertain how frequently and to what extent courts post-HEA 1006 actually suspend sentences compared to pre-HEA 1006.

Chart 20: Average Sentences (Executed Days in DOC/Jail adjusted for Credit Time)
6/1/2015 - 3/31/2016

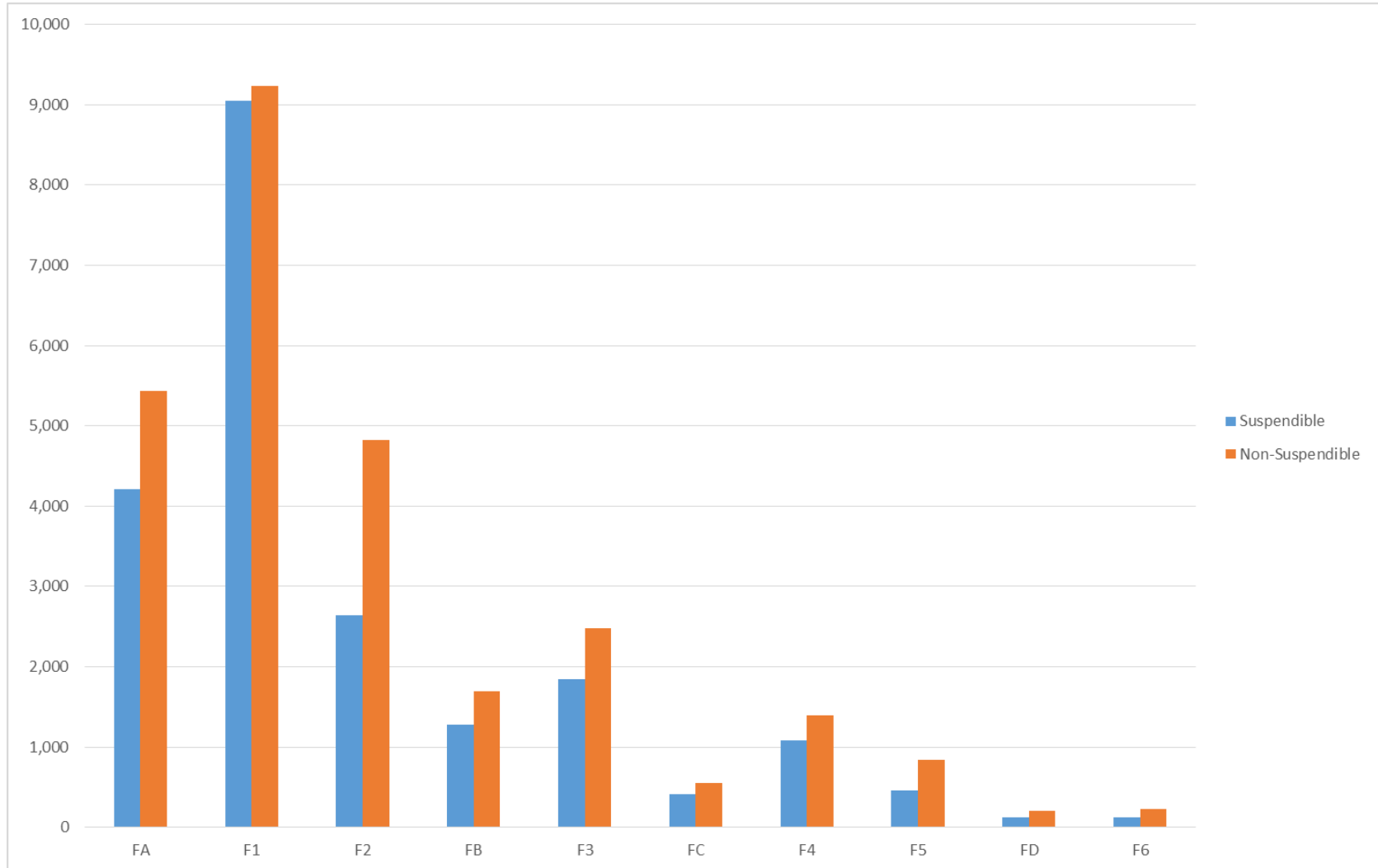


Table 20

Average Executed Days		
	Suspendible	Non-Suspendible
FA	4,215	5,437
F1	9,054	9,237
F2	2,641	4,818
FB	1,276	1,698
F3	1,844	2,480
FC	409	556
F4	1,087	1,395
F5	458	841
FD	129	200
F6	121	228
Grand Total	504	1,616

Chart and Table 20 show the average sentences on cases that had PSIs completed from June 1, 2015, to March 31, 2016, and original abstracts with Department of Correction commitments. The “Grand Total” is the average sentence length of all sentences in each column.

6. Many Fewer Level 6 Offenders Are Going to Department of Correction.

Turning to the three new trends that may be observed this year, one of the standout reforms of HEA 1006 is its requirement that low-level offenders remain in their communities instead of being sent off to a Department of Correction facility. The latest iteration of HEA 1006 mandated that starting January 1, 2016, all individuals convicted of a Level 6 offense would remain in their respective communities and be sentenced to the county jail, community corrections, work release, probation, or some combination thereof.

Chart and Table 21 show the total number of Class D and Level 6 abstracts completed from 3/1/2015-4/30/2016. They also display the adjusted number of offender-days associated with these abstracts. On Chart 21, the total number of abstracts is shown by the orange line with the Y axis displayed on the right; the number of offender-days adjusted to reflect credit time is shown by the blue columns with the Y axis displayed on the left. Table 21 provides the numbers from which Chart 21 was drawn.

Chart 21: 3/1/2015-4/30/2016 FD and F6 Abstracts with DOC Commitment
Total Abstracts and Number of Offender-days

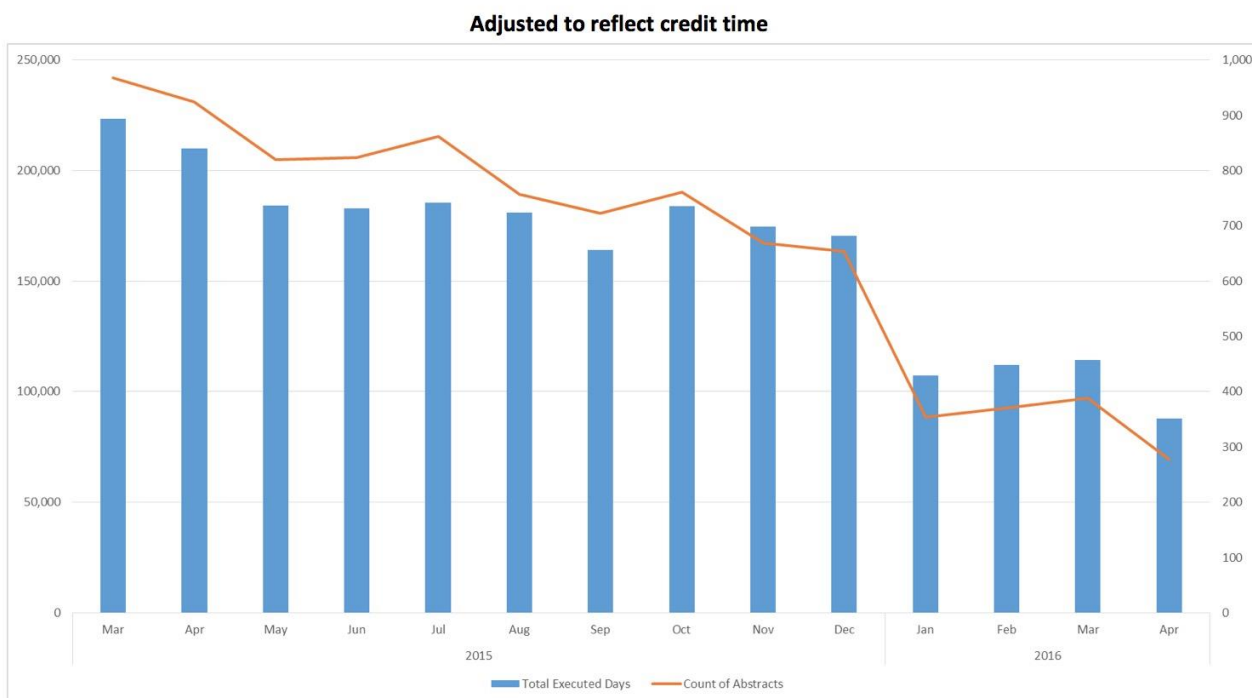


TABLE 21: 3/1/2015-4/30/2016 FD and F6 Abstracts with DOC Commitment

Month	Total Executed Days	Count of Abstracts
Mar-15	223,495	967
Apr-15	210,002	924
May-15	184,105	819
Jun-15	182,827	823
Jul-15	185,421	862
Aug-15	181,124	757
Sep-15	164,042	723
Oct-15	183,803	761
Nov-15	174,562	669
Dec-15	170,598	654
Jan-16	107,160	354
Feb-16	112,006	371
Mar-16	114,225	388
Apr-16	87,863	278
Grand Total	2,281,234	9,350

Statistical Tests and Sparkline Graphs

R value	-0.911469992	0.984745043
R^2 value	0.830777546	0.969722799

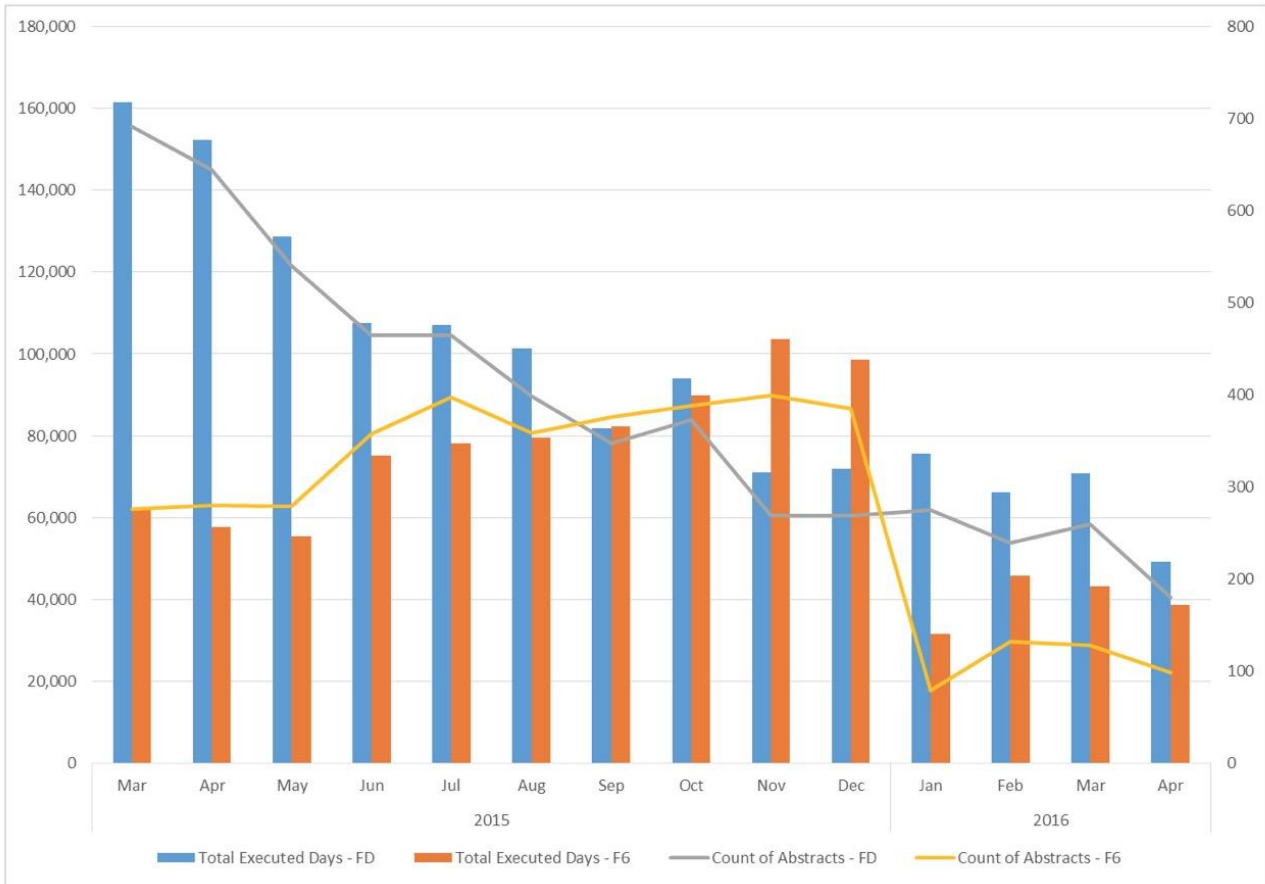


1 tail p-value	0.00000288	0
2 tail p-value	0.00000576	0





Chart 22 and Table 22 show the same trend—an obvious decrease in total executed days and count of FD and F6 Abstracts with Department of Correction Commitment since March 2015 to April 2016, statistically significant to greatest degree—but with FD and F6 abstracts separated to illustrate the change in F6 destinations. On Chart 22, the influence of the change in the law is easily visible between December 2015 and January 2016 – both the number of F6 abstracts and the number of F6 offender-days plummet, with a drop of more than seventy-five percent. Table 22 provides the numbers from which Chart 22 was drawn.

**Chart 22: 3/1/2015-4/30/2016 FD and F6 Abstracts (separated) with DOC Commitment
Total Abstracts and Number of Offender-days**

Adjusted to reflect credit time



As can be seen from the above chart, as well as Table 22, below, there is a noticeable plummet in F6 Abstracts and Total Executed Days, again at the turn of the 2016 New Year. We can furthermore discern a steady and statistically significant decline in FD Abstracts and Total Executed Days since March 2015.

TABLE 22: 3/1/2015-4/30/2016 FD and F6 Abstracts (separated) with DOC Commitment (Total Days and Abstracts)				
Month	Total Executed Days		Count of Abstracts	
	FD	F6	FD	F6
Mar-15	161,535	61,960	691	276
Apr-15	152,319	57,684	644	280
May-15	128,766	55,339	540	279
Jun-15	107,646	75,181	465	358
Jul-15	107,139	78,282	465	397
Aug-15	101,469	79,655	398	359
Sep-15	81,804	82,238	347	376
Oct-15	94,011	89,792	373	388
Nov-15	70,945	103,616	269	400
Dec-15	72,070	98,529	269	385
Jan-16	75,611	31,548	275	79
Feb-16	66,181	45,826	239	132
Mar-16	70,903	43,323	260	128
Apr-16	49,204	38,659	180	98
Grand Total	1,339,602	941,632	5,415	3,935
Statistical Tests and Sparkline Graphs				
R value	-0.940437627	0.040137724	-0.956625068	-0.54510765
R^2 value	0.88442293	0.001611037	0.91513152	0.29714235
Sparklines				
1 tail p-value	0.00000028	0.44582892	0.00000004	0.02190669
2 tail p-value	0.00000057	0.89165785	0.00000009	0.04381338

7. Level 6 Offenders Are Receiving Shorter Sentences than Class D Offenders.

As the number of offenders sentenced under the revised sentencing scheme grows with each passing month, the number of abstracts and total executed time necessarily grows. Chart 23 visually displays this steady growth, along with the similar decrease in FD abstracts and total executed time.

What is more interesting is a trend not available in Chart 23 but illustrated in Table 23, which includes a different calculation: the difference between average sentence length of Class D felony sentences and Level 6 sentences. The average sentence length of a class D felony in April 2016 was 135.2 days, while the average sentence length of a level 6 felony was 87.9 days – around 2/3 the time.

Chart 23: 3/1/2015-4/30/2016 FD and F6 Abstracts (separated)
Total Abstracts and Number of Offender-days
Adjusted to reflect credit time

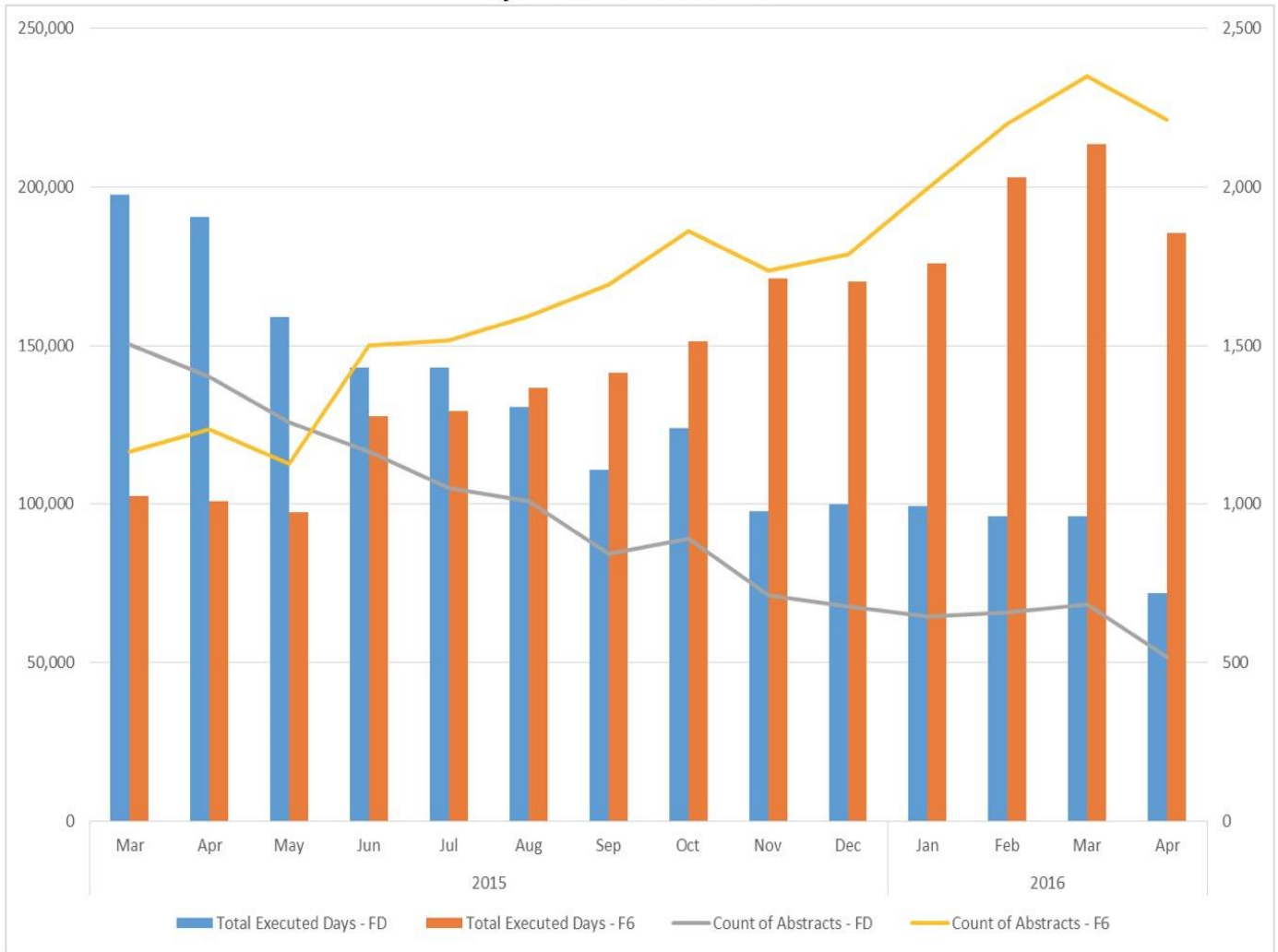


TABLE 23: 1/1/2015-4/30/2016 Total FD and F6 Abstracts and Offender-Days Adjusted to Reflect Credit Time					Average Length	
	Executed Days		Count of Abstracts		FD	F6
	FD	F6	FD	F6		
Month						
Mar-15	197,609	102,358	1,504	1,166	131.4	87.8
Apr-15	190,393	100,879	1,402	1,237	135.8	81.6
May-15	158,982	97,560	1,258	1,128	126.4	86.5
Jun-15	143,146	127,695	1,167	1,499	122.7	85.2
Jul-15	143,116	129,247	1,051	1,517	136.2	85.2
Aug-15	130,700	136,560	1,008	1,593	129.7	85.7
Sep-15	110,677	141,523	843	1,693	131.3	83.6
Oct-15	123,870	151,440	892	1,862	138.9	81.3
Nov-15	97,761	171,178	711	1,737	137.5	98.5
Dec-15	100,121	170,253	676	1,788	148.1	95.2
Jan-16	99,311	175,740	646	1,995	153.7	88.1
Feb-16	96,264	203,082	658	2,198	146.3	92.4
Mar-16	96,051	213,431	683	2,350	140.6	90.8
Apr-16	71,826	185,306	517	2,212	138.9	83.8
Grand Total	1,759,825	2,106,252	13,016	23,975	135.2	87.9
Statistical Tests and Sparkline Graphs						
R value	-0.947558732	-0.890616829	-0.966249945	0.967208957	0.68019685	0.495485613
R^2 value	0.897867551	0.793198336	0.933638957	0.935493166	0.462667755	0.245505993
Sparklines						
1-tail p-value	0.00000013	0.00000974	0.00000001	0.00000001	0.00371586	0.03580129
2-tail p-value	0.00000027	0.00001948	0.00000002	0.00000002	0.00743173	0.07160259

From Table 23, above, we can discern a steady and statistically significant decrease in FD Executed Days and FD Count of Abstracts adjusted to reflect credit time, with the converse trend—statistically significant increase—seen in F6 Abstracts and Executed Days since March 2015. Average Length of both FD and F6 sentences appear stagnant, with a weak but still statistically significant upwards trend in FD sentence average length, perhaps attributable to the spike around January 2016.

8. Credit Time and Proportionality

Once again, Chart 24 and Table 24 portray both obvious and less obvious trends. In Chart 24, growth of abstracts in the new felony level system is clearly demonstrated by the rising, gray, count of abstracts line, as well as by the rise of the blue felony-level executed days. Conversely, the decline of the felony class abstracts and executed days is also evident.

**CHART 24: 3/1/2015-4/30/2016 F1-F5 and FA-FC Abstract (separated) with DOC Commitment
Total Abstracts and Number of Offender-days
Adjusted to reflect credit time**

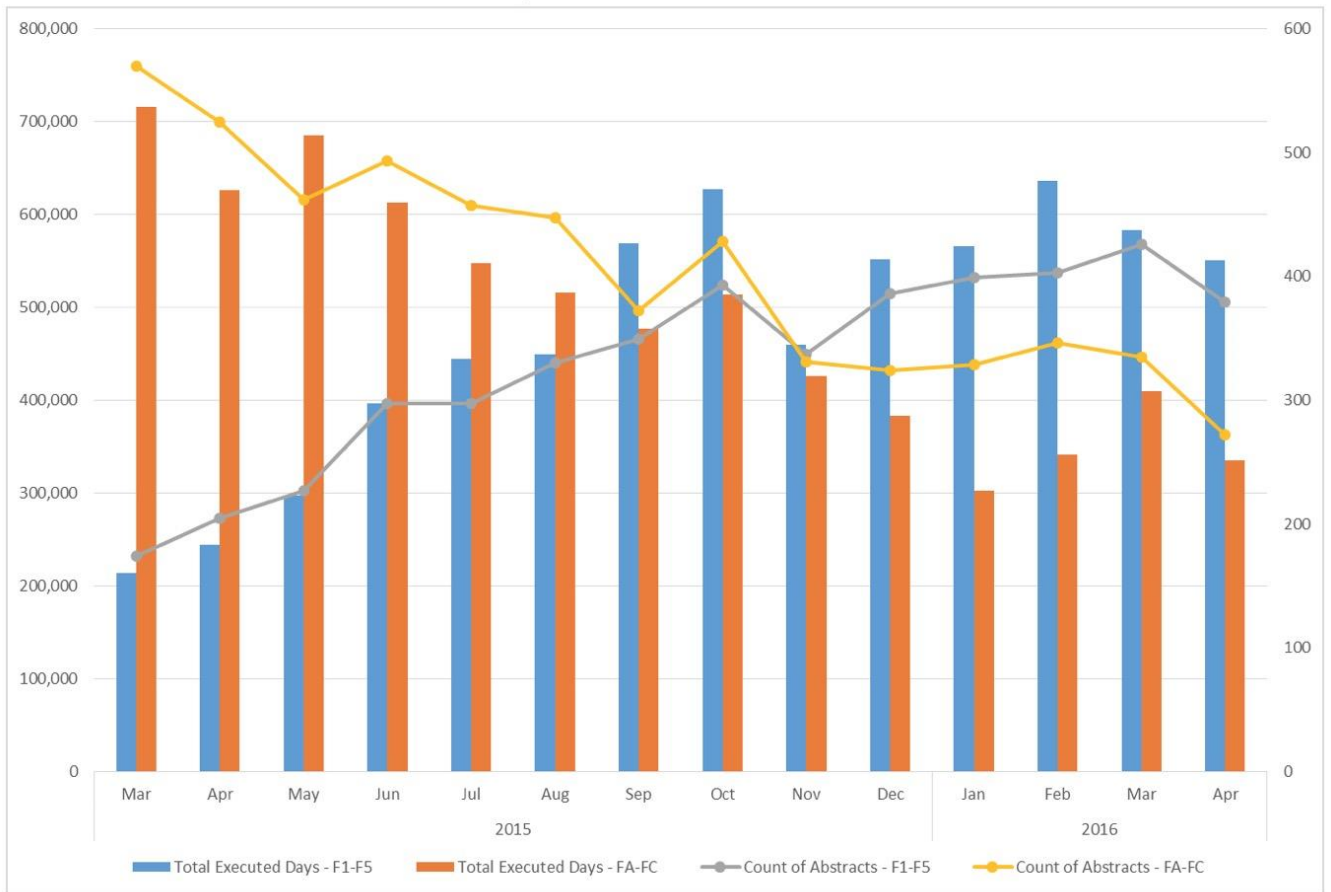


Table 24, however, reveals additional information. Most obviously from the table itself, sentences for F1 to F5 level offenses seem to be increasing in length, and this is especially noticeable in comparison to average lengths of sentences for FA-FC felony sentences. In March 2015, the average length of an FA-FC sentence was 1257 days, versus 1226 for a F1-F5 sentence. The next month, the average length was only one day different. Since then, however, FA-FC sentences have been shorter, and the difference has been increasing by a marginally statistically significant degree (p-value 0.009).

TABLE 24: 3/1/2015-4/30/2016 F1-F5 and FA-FC Abstracts (separated) with DOC Commitment Adjusted to Reflect Credit Time										
Month	Executed Days		Count of Abstracts		Average			Total Executed Days	Total Count of Abstracts	Average
	FA-FC	F1-F5	FA-FC	F1-F5	FA-FC	F1-F5	F1-F5 Shorter By			
Mar-15	716,300	213,277	570	174	1257	1226	31	929,577	744	1249
Apr-15	625,609	244,128	525	205	1192	1191	1	869,737	730	1191
May-15	685,534	297,090	462	227	1484	1309	175	982,624	689	1426
Jun-15	612,460	396,715	493	297	1242	1336	-93	1,009,175	790	1277
Jul-15	547,066	444,628	457	297	1197	1497	-300	991,694	754	1315
Aug-15	515,663	449,083	447	330	1154	1361	-207	964,746	777	1242
Sep-15	477,403	569,057	372	349	1283	1631	-347	1,046,461	721	1451
Oct-15	513,421	627,555	428	393	1200	1597	-397	1,140,977	821	1390
Nov-15	425,700	459,330	331	337	1286	1363	-77	885,030	668	1325
Dec-15	382,757	551,245	324	386	1181	1428	-247	934,002	710	1315
Jan-16	303,034	566,220	329	399	921	1419	-498	869,254	728	1194
Feb-16	341,627	636,246	346	403	987	1579	-591	977,873	749	1306
Mar-16	409,501	583,405	335	426	1222	1369	-147	992,905	761	1305
Apr-16	334,739	550,909	272	379	1231	1454	-223	885,648	651	1360
Grand Total	6,890,814	6,588,888	5,691	4,602	1211	1432	-221	13,479,702	10,293	1310
Statistical Tests and Sparkline Graphs										
R value	-0.94331754	0.859674699	-0.943576886	0.915533734	-0.452461518	0.528789122	-0.614076356	-0.081782415	-0.239350044	0.141817062
R^2 value	0.889847981	0.739040587	0.890337339	0.838202019	0.204721425	0.279617935	0.377089771	0.006688363	0.057288443	0.020112079
Sparklines										
1 tail p-value	0.00000021	0.00004046	0.00000021	0.00000218	0.05216509	0.02594134	0.00974945	0.39063817	0.20497735	0.3143382
2 tail p-value	0.00000042	0.00008092	0.00000042	0.00000436	0.10433018	0.05188269	0.0194989	0.78127635	0.40995471	0.62867639

Dave Williams, Project Manager for Court Technology, provides additional information not evident from but related to the information in this table:

We see higher totals of executed days with the new Level felonies, which is to be expected because the offenders are serving 75% of their sentences instead of 50% with the old Class felonies. . . . Breaking these levels down further, over the past 14 months the average sentence to the DOC for a Class A Felony was 4,331 days compared to 4,855 days for Level 1 and 2 felonies; the average sentence to the DOC for a Class B Felony was 1,246 days compared to 1,797 days for Level 3 and 4 Felonies; the average sentence for Class C Felonies was 596 days compared to 776 days for Level 5 felonies; and the average DOC sentence for Class D Felonies was 246 days compared to 233 days for Level 6 felonies.

Id. Mr. Williams identifies another gem in his analysis of the composition of the higher-level felonies, pre- and post-HEA 1006 implementation. One of the reforms of HEA 1006 decreased the severity of many offenses, particularly with regard to substance abuse.

Thus, he finds that:

The effect of downgrading substance offenses is striking: in 2014, 57% of all A Felony convictions and 51% of all B Felony convictions were substance related, while in 2016, only 2% of F2 and 7% of F3 and F4 convictions were substance related. These convictions are now found in the lower level offenses: 12% of F5 offenses and 51% of F6 offenses were substance related in 2016.

Although it is still very early in the process, these trends begin to suggest what impact the new sentencing laws will have on the Department of Correction.

V. Expanding Our View: Eleven Key Areas for Evaluating Our Reforms

As the Introduction to this report notes, the 2014 legislation following HEA 1006 required the collection and evaluation of information about the code reform and its effects. Indiana Code § 5-2-6-24 highlights eleven key areas for review, which are analyzed and summarized below.

1. Local Units of Government

The General Assembly enacted certain provisions pertaining to local units of government, including but not limited to the following. Legislation appropriated grant funding and other resources from the Department of Correction to local counties to establish and operate community corrections programs and court supervised recidivism reduction programs, with a particular focus on programs that provide alternative sentencing projects for persons with mental illness, addictive disorders, intellectual disabilities, and developmental disabilities (Ind. Code §§ 11-12-2-1; 11-12-2-4; 11-12-2-5). Another statute permitted the judicial conference of Indiana to arrange conferences or workshops to assist in education, coordination, and delivery of probation and community corrections services, and permitted the county to pay for the related expenses of community corrections officers and employees (Ind. Code § 11-13-1-10). Finally, the Legislature enacted a provision providing that money in a county's extradition and sheriff's assistance fund shall remain in that fund at the end of a calendar year (Ind. Code § 35-33-14-4). Because most, if not all, of these provisions, however, are discussed elsewhere in this Report, no further elaboration or analysis is necessary at this point.

2. Department of Correction

A. General Provisions

As enumerated in the section above regarding local government funding, the General Assembly enacted provisions affecting the Department of Correction by appropriating grant funding and other resources from the Department of Correction to local counties. And once again, as in Subsection 1, these provisions apply more specifically and are discussed in greater detail in further sections below.¹²

B. Diversion of F6s away from the Department of Correction

One of the HEA 1006's reforms has had a profound impact not only on low-level offenders and their respective counties, but also on the Department of Correction. As of January 1, 2016, no F6 offenders may be incarcerated at the Department of Correction, with limited exceptions. Instead, such offenders must remain at the county level.

In fact, fewer offenders truly are being committed to the Department of Correction. In the early spring 2016, drug crime admits to the Department of Correction were down 27% and drug dealing sentences were reduced 38%. Furthermore, current inmate levels were down 25% since the year before.¹³

C. Increased Costs

The authors and supporters of HEA 1006 hoped that allowing low-level offenders to remain at the county level would decrease the costs of incarceration. According to Department of Correction officials, however, this has not been the case, for several reasons. The average cost for the Department of Correction to incarcerate an individual is about \$55 per day. Overhead costs, such as paying for guards, for heat or cooling, and for the facility itself consume about \$45 of that \$55. Thus, when the Department of Correction "loses" an F6 offender to the county, the Department of Correction saves about \$10 per person per day.

¹² See Part V, 3.B., below.

¹³ "Criminal Justice in Indiana: Impact of 2006," *Indiana Prosecuting Attorneys Council*, presented by David N. Powell, Spring 2016.sent

Nevertheless, the Department of Correction must pay the county a per diem of \$35 per day while the county incarcerates the individual. The Department of Correction must also pay any medical expenses the person incurs while he is staying at the county jail. This latter expense can quickly accumulate; while inmates are at the Department of Correction, they are covered by a flat-rate, \$8 per day agreement that the Department of Correction has negotiated with a medical provider. Once the individual stays at the county, any expenses he incurs will quickly far surpass the medical rates the Department of Correction would otherwise have paid.¹⁴

At some point, when enough individuals convicted of F6s no longer need to be housed by the Department of Correction, it should be able to close a facility and increase its savings, such as it was recently able to do with its Henryville facility in Clark County.¹⁵ Department of Correction officials stated that the move would save the State about \$2.25 million dollars.¹⁶ How soon additional closures could occur or how much could be saved is not known and has not yet been calculated, according to Department of Correction officials. Nevertheless, other states such as Michigan have seen their prison population fall without a significant savings, so Indiana should be careful not to follow a similar path.¹⁷

3. Judicial Center

The legislature rightly recognized that the Indiana Judicial Center is one of the key players in the Indiana criminal justice system, with its leaders and staff involved both in the day to day promotion of justice as well as justice reforms. Two of the Judicial Center's key projects are the Indiana Evidence-Based Decision Making Committee and the Justice Reinvestment Advisory Council.

¹⁴ "Criminal Justice in Indiana: Impact of 2006," *Indiana Prosecuting Attorneys Council*, presented by David N. Powell, Spring 2016.

¹⁵ Madeline Buckley, "Closing Indiana Prison to Save \$2.25M, Officials Say," *Courier Journal*, June 1, 2016 (available at <http://www.courier-journal.com/story/news/local/indiana/2016/06/01/henryville-correctional-facility-close/85256156/>) (last visited June 21, 2016).

¹⁶ *Id.*

¹⁷ See "Criminal Justice in Indiana: Impact of 2006," *Indiana Prosecuting Attorneys Council*, presented by David N. Powell, Spring 2016.

A. Evidence-Based Decision Making Committee

Evidence-Based Decision Making is one of the many projects that The National Institute of Corrections is responsible for overseeing.¹⁸ The National Institute of Corrections is a federal intergovernmental agency within the U.S. Department of Justice Federal Bureau of Prisons. It provides federal, state, and local level correction agencies with training, information, services and assistance related to program or policy development. The National Institute of Corrections awards grant funding for initiating their programs.

The national Evidence-Based Decision Making program was launched in 2008. Its initiatives focus on improving correctional methods based on twenty years of research. The National Institute of Corrections' intent is to provide clear evidence-based recommendations to local criminal justice policy makers. Local communities armed with information from evidence-based research will have the tools to interrupt the cycle of repeat offenders and deter the initial conviction of crimes.

Notably, Grant County is one of seven sites participating in the fifth phase of the national Evidence-Based Decision Making initiative, which Grant County commenced in August 2010.¹⁹ (The other six national sites are located in five different states.) In addition, the Indiana Judicial Center sponsors the Evidence-Based Decision Making Committee in Indiana, which is led by Justice Steven H. David. This team focuses on criminal justice policies both state-wide and in the following counties: Bartholomew County, Hamilton County, Hendricks County, Jefferson County, Porter County, Tipton County, and Grant County.

B. Justice Reinvestment Advisory Council

The Indiana General Assembly established the Justice Reinvestment Advisory Council (“the Council”) during the 2015 legislative session, effective July 1, 2015 (Ind.

¹⁸ “What is EBDM?” *National Institute of Corrections*, 2016, <http://nicic.gov/ebdm>.

¹⁹ “Grant County Community Corrections: Annual Report,” 2009-2010, <http://communitycorrections.grant.in.datapitstop.us/DATA/REPORTS/FLD00001/00001492.PDF>; “Grant County, Indiana,” *Evidence-Based Decision Making in Local Criminal Justice Systems Initiative*, last visited June 9, 2016, <http://ebdmoneless.org/grant-county-indiana/>.

Code § 33-38-9.5). The members of the Council include professionals from all branches of government, as well as the community corrections and probation officer professional associations. The Council's purpose is to develop incarceration alternatives and recidivism reduction programs at the county and community level. The Council achieves these goals by promoting the development of probation services, problem solving courts, mental health treatment, substance abuse treatment, programs providing for court supervision, probation, or pretrial diversion, community corrections, evidence-based recidivism reduction programs for currently incarcerated persons, and other alternatives to incarceration. The Council conducts state level reviews of local corrections programs, county jails, and probation services. It also reviews the processes that the Department of Correction and the Division of Mental Health and Addiction use to award grants. Therefore, the Council has a significant voice in ensuring that evidence-based practices are being applied across the state. Additionally, these funding approvals empower counties to reduce recidivism and improve community corrections and reentry procedures.

The Council received \$10 million and \$20 million new dollars in 2015 and 2016 respectively²⁰ to award to local community corrections, and approves Department of Correction-recommended grants. In their April 22, 2016 meeting, the Council reviewed grant recommendations for 77 requests representing 156 county programs for a total of \$29.1 million.²¹ In making these recommendations, the Department of Correction considered readiness, capacity, and a funding formula based on county population. The Department of Correction used a fixed salary of \$35,000 plus benefits when granting funds for new positions, so some counties received more funds than requested.²² It also earmarked \$500,000 to train prosecutors in evidence-based practices and appropriate target populations, \$2,000,000 for new work release programs, and \$700,000 for home

²⁰ "Criminal Justice in Indiana: Impact of 2006," *Indiana Prosecuting Attorneys Council*, presented by David N. Powell, Spring 2016.

²¹ Jennifer Bauer, "Meeting Minutes," *Justice Reinvestment Advisory Council*, April 22, 2016, <http://www.in.gov/justice/files/jrac-2016-0422-minutes.pdf>

²² *Id.*

detention in Marion County.²³ Detailed information about the Department of Correction’s recommendations can be found below.

Figure 1. Additional Funding Requested Under HEA 1006²⁴

Eligible Entity	Number of Applicants	Total Amount Requested
Community Corrections	69	\$18,246,280.76
<i>Jail Treatment</i>	25	\$2,411,496.00
Probation	42	\$5,641,306.61
Prosecutor’s Diversion	6	\$638,038.24
Court Recidivism Reduction Program <i>Includes 3 Veteran Court Programs</i>	14	\$2,204,224.00
Total	156	\$29,141,645.55

Figure 2. Total Amount Awarded²⁵

Eligible Entity	Number of Applicants	Total Amount Awarded
Community Corrections	112	\$8,526,416.00
<i>Jail Treatment</i>	16	\$1,638,062.00
Probation	50	\$3,436,200.00
Prosecutor’s Diversion	3	\$213,000.00
Court Recidivism Reduction Program	19	\$1,258,423.00
Total	200	\$16,707,163.00

Figure 3. Example Breakdown for Eligible Entity²⁶

²³ “FY2017 HEA 1006 Grant Funding Distribution,” *Indiana Department of Correction*, accessed June 17, 2016, <http://www.in.gov/justice/files/jrac-2016-grant-summary.pdf>

²⁴ “FY2017 HEA 1006 Grant Funding Distribution,” *Indiana Department of Correction*, accessed June 17, 2016, <http://www.in.gov/justice/files/jrac-2016-grant-summary.pdf>.

²⁵ *Id.*

²⁶ *Id.*

Probation	
New Staff:	
Probation Officers	48
Part Time (Position to be determined by agency based on priority)	2
	Total: 50
Total Amount Recommended for Probation: \$3,436,200.00	

All Department of Correction grant recommendations were approved by the Council and subsequently by Department of Correction Commissioner Bruce Lemmon. To review a complete list of all individual grants approved, please see Appendix A.

4. County Jails

All but one of the 92 Indiana counties have a county jail run by the county sheriff. Because HEA 1006 requires F6 offenders to be placed in either the county jail or on community corrections, probation, or work release, the county jail has a very important role under HEA 1006.

A. Data

The Department of Correction conducts annual jail inspections of each of the state's county jails and provides this information to the Indiana Sheriff's Association. A count of jail beds and populations is taken during the inspection. The most recent inspections yield the data in the table on the following two pages, which consists of each county jail's capacity and available beds, along with other inmate statistics, such as gender, and jail information, such as how many inmates are waiting for transfer to the Department of Correction or being held for the Federal Government or U.S. Immigration and Customs Enforcement. This collection of jail inspections reveals that although the State had about 4,778 unoccupied beds, out of a total of 20,825, about thirty jails were either at or above capacity or were at or above ninety percent capacity. Fifteen more jails were at or above eighty percent of all their beds being filled.

The jail inspection table on the pages 81-82 also indicates whether the jail has GED programs, substance abuse programs, or special education services. According to the Inspection data, 64 jails offer GED programs, 80 offer substance abuse assistance, and 89 offer special education.

On page 83 is a second table of information about the Indiana jails. In addition to the jail inspection surveys, this year the Indiana Sheriff's Association coordinated with the Indiana Criminal Justice Institute to complete a more thorough survey of Indiana's jails. The Indiana Sheriff's Association and the Indiana Criminal Justice Institute worked together to create a survey inquiring about more than ninety types of information. As of this writing, the Indiana Sheriff's Association has received about fifty responses to the survey. Certain parts of the survey, relevant to jail population and composition, are excerpted from that survey and reproduced in the table on page 83.

CO #	COUNTY	GEN POP BEDS	% OF BEDS FILLED	TOTAL INMATES	AVAIL BEDS	ADULT MALE	ADULT FEM	SENT TO CO TIME	SENT TO WR	DOC BED AGRMT	DOC HELD	TO DOC AWAIT TRANS	FED/ ICE Inmates	G E D	SUB ABUS	SPEC ED SVCS
1	ADAMS	60	108%	65	-5	47	18	21	0	0	0	3	1	N	Y	Y
2	ALLEN	741	90%	668	73	578	90	68	0	0	0	8	83	N	Y	Y
3	BARTHOLO.	362	43%	157	205	126	31	0	0	0	5	5	1	Y	Y	Y
4	BENTON	54	43%	23	31	21	2	10	3	0	0	0	0	N	N	N
5	BLACKFORD	80	28%	22	58	20	2	5	0	40	12	0	0	Y	Y	Y
6	BOONE	222	57%	126	96	106	20	15	7	0	0	4	2	Y	Y	Y
7	BROWN	117	31%	36	81	31	5	11	4	0	4	0	0	Y	Y	Y
8	CARROLL	34	109%	37	-3	28	9	3	0	0	0	2	0	N	Y	Y
9	CASS	208	68%	142	66	121	21	34	0	5	2	1	0	Y	Y	Y
10	CLARK	482	89%	427	55	347	80	0	0	90	31	31	10	Y	Y	Y
11	CLAY	170	73%	124	63	109	15	0	0	12	11	0	57	Y	N	Y
12	CLINTON	222	60%	133	89	114	19	18	9	35	36	30	0	Y	Y	Y
13	CRAWFORD	81	47%	38	43	33	5	3	0	50	11	0	0	Y	Y	Y
14	DAVISS	218	46%	101	117	81	20	17	41	30	4	0	0	Y	Y	Y
15	DEARBORN	424	60%	254	170	187	67	24	3	0	0	30	0	N	Y	Y
16	DECATUR	66	108%	71	-5	57	14	0	0	0	0	5	0	Y	N	Y
17	DEKALB	105	70%	73	32	57	16	35	0	0	2	2	0	Y	Y	Y
18	DELAWARE	221	106%	234	-13	194	40	18	0	0	0	0	2	Y	Y	Y
19	DUBOIS	84	93%	78	6	66	12	29	0	0	0	0	0	N	Y	Y
20	ELKHART	1002	59%	591	411	518	73	0	0	250	9	0	0	N	Y	Y
21	FAYETTE	114	117%	133	-19	114	19	8	0	0	0	9	0	Y	Y	Y
22	FLOYD	234	118%	275	-41	226	49	33	0	0	0	8	6	Y	Y	Y
23	FOUNTAIN	25	80%	20	5	18	2	2	0	0	0	1	0	N	Y	Y
24	FRANKLIN	75	21%	16	59	12	4	1	1	0	0	0	0	N	Y	Y
25	FULTON	88	80%	70	18	59	11	2	0	10	0	2	0	Y	Y	Y
26	GIBSON	120	81%	97	23	82	15	62	0	14	2	0	1	N	N	Y
27	GRANT	274	88%	241	33	212	29	39	2	0	0	4	0	N	N	Y
28	GREENE	84	89%	75	8	67	8	26	0	15	11	0	0	Y	Y	Y
29	HAMILTON	296	102%	302	-6	245	57	77	0	0	0	37	0	Y	Y	Y
30	HANCOCK	157	84%	132	25	99	33	62	0	0	1	0	0	N	Y	Y
31	HARRISON	175	70%	123	52	97	26	11	3	0	0	4	0	N	Y	Y
32	HENDRICKS	252	100%	253	-1	210	43	39	0	0	0	13	0	Y	Y	Y
33	HENRY	116	60%	70	46	58	12	8	0	35	3	0	0	Y	Y	Y
34	HOWARD	364	94%	342	22	267	75	28	0	0	9	6	1	N	Y	Y
35	HUNTINGTON	99	125%	124	-25	92	32	105	0	0	8	3	0	Y	Y	Y
36	JACKSON	172	116%	200	-28	151	49	41	0	0	0	4	1	Y	Y	Y
37	JASPER	120	46%	55	65	46	9	12	0	0	6	2	0	Y	Y	Y
38	JAY	140	52%	73	67	52	21	25	0	25	1	1	0	Y	Y	Y
39	JEFFERSON	109	91%	99	10	82	17	1	0	0	0	2	0	Y	Y	Y
40	JENNINGS	122	105%	128	-6	100	28	21	11	0	0	6	0	Y	Y	Y
41	JOHNSON	322	92%	295	27	214	81	54	0	0	0	8	0	N	Y	Y
42	KNOX	214	79%	169	45	144	25	40	0	47	0	0	0	Y	Y	Y
43	KOSCIUSKO	331	88%	290	41	246	44	150	50	0	2	15	0	Y	Y	Y
44	LAGRANGE	242	32%	77	165	66	11	19	8	85	8	2	0	Y	Y	Y
45	LAKE	1009	70%	711	298	637	74	19	0	35	19	19	32	Y	Y	Y
46	LAPORTE	368	88%	323	45	277	46	64	28	0	0	14	0	N	Y	Y
47	LAWRENCE	168	82%	137	20	95	42	0	0	30	2	0	0	Y	Y	Y
48	MADISON	207	83%	171	36	120	51	14	5	0	0	0	0	Y	Y	Y

CO #	COUNTY	GEN POP BEDS	% OF BEDS FILLED	TOTAL INMATES	AVAIL BEDS	ADULT MALE	ADULT FEM	SENT TO CO TIME	SENT TO WR	DOC BED AGRMT	DOC HELD	TO DOC AWAIT TRANS	FED/ ICE Inmates	G E D	SUB ABUS	SPEC ED SVCS
49	MARION	1135	90%	1021	114	802	219	82	0	0	9	46	31	Y	Y	Y
49a	MARION II	1030	107%	1103	-73	1103	0	0	0	0	0	0	0	N	Y	Y
50	MARSHALL	239	52%	125	114	90	35	8	0	0	18	18	0	N	N	N
51	MARTIN	60	92%	55	5	45	10	0	0	30	3	0	0	Y	N	Y
52	MIAMI	240	45%	109	131	86	23	0	0	20	2	2	0	N	Y	Y
53	MONROE	287	92%	263	24	230	33	13	0	0	0	7	0	Y	Y	Y
54	MONTGOM.	224	82%	183	41	145	38	15	3	45	11	8	1	Y	Y	Y
55	MORGAN	439	68%	297	142	243	54	88	10	10	15	12	0	Y	N	Y
56	NEWTON	77	51%	39	38	30	9	5	0	10	1	1	0	Y	Y	Y
57	NOBLE	263	32%	85	178	79	6	17	1	55	12	12	3	Y	Y	Y
58	OHIO															
59	ORANGE	92	66%	61	31	54	7	0	8	8	9	0	0	Y	N	Y
60	OWEN	72	89%	64	8	57	7	2	0	8	6	0	0	Y	Y	Y
61	PARKE	92	67%	62	30	57	5	41	0	30	4	0	0	Y	Y	Y
62	PERRY	143	34%	48	95	42	6	0	0	0	2	0	0	Y	Y	Y
63	PIKE	74	49%	36	26	27	9	10	0	40	3	0	0	Y	Y	Y
64	PORTER	449	91%	410	39	345	65	58	0	0	9	9	40	N	Y	Y
65	POSEY	62	81%	50	12	40	10	18	0	21	3	0	0	Y	Y	Y
67	PULASKI	128	48%	61	67	59	2	35	17	60	0	0	0	Y	Y	Y
66	PUTNAM	155	61%	94	61	78	16	0	0	80	24	0	0	N	Y	Y
68	RANDOLPH	77	110%	85	-8	72	13	45	18	0	0	1	1	N	Y	Y
69	RIPLEY	124	62%	77	47	61	16	27	3	45	10	0	0	N	Y	Y
70	RUSH	46	74%	34	12	23	11	5	0	6	3	0	0	N	N	Y
72	SCOTT	64	167%	107	-43	76	31	8	0	0	0	2	0	Y	Y	Y
73	SHELBY	203	81%	165	38	119	46	14	2	20	2	0	0	Y	N	Y
74	SPENCER	71	96%	68	3	53	15	3	0	30	0	0	0	Y	Y	Y
71	ST JOSEPH	829	68%	564	265	503	61	135	0	0	0	17	80	Y	Y	Y
75	STARKE	148	55%	81	67	63	18	0	0	0	0	4	0	N	Y	Y
76	STEUBEN	175	52%	91	84	79	12	28	0	14	6	3	0	Y	Y	Y
77	SULLIVAN	56	61%	34	22	29	5	10	3	0	0	2	0	Y	Y	Y
78	SWITZER.	60	77%	46	14	41	5	0	2	0	0	4	0	N	Y	Y
79	TIPPECANOE	553	63%	349	204	289	60	22	0	90	33	33	0	Y	Y	Y
80	TIPTON	27	130%	35	-8	29	6	6	0	0	0	0	0	Y	Y	Y
81	UNION	10	170%	17	-7	12	5	0	0	0	0	0	0	N	Y	Y
82	VANDERB.	553	114%	631	-78	535	96	48	0	0	0	56	0	Y	Y	Y
83	VERMILLION	74	104%	77	-3	70	7	0	4	30	7	0	0	Y	Y	Y
84	VIGO	267	86%	230	37	209	21	0	0	0	0	3	0	Y	Y	N
85	WABASH	72	124%	89	-17	69	20	18	0	0	0	8	0	Y	Y	Y
86	WARREN	42	14%	6	36	6	0	1	0	16	0	0	0	Y	Y	Y
87	WARRICK	126	62%	78	48	68	10	15	1	55	8	0	0	Y	Y	Y
88	WASHING.	258	40%	103	155	93	10	0	0	0	0	5	0	N	N	Y
89	WAYNE	416	53%	219	197	174	45	31	0	20	20	0	0	Y	Y	Y
90	WELLS	94	90%	85	9	68	17	22	1	30	1	0	3	Y	Y	Y
91	WHITE	165	65%	108	57	92	16	34	32	25	6	4	1	Y	Y	Y
92	WHITLEY	104	97%	101	3	76	25	18	0	15	0	0	0	Y	Y	Y
	TOTAL	20825.0	~	16047	4771	13450	2597	2156	280	1621	426	538	357	64	80	89

Jail Capacity										
County	Jail Capacity	Total Number of Inmates (12/31/15)	How many level sentenced ?	How many level awaiting trial?	How many have applied for medicaid?	How many are probation violations?	How many are failure to appear?	How many are misdemeanant ?	How many are civil commitment ?	DOC Inmates Held
Adams	60									
Benton	50		7	1	0	9	0	2	0	2
Blackford	80		6	12		3	0	3	0	6
Brown	117									
Carroll	34	26	3	3	20	6	2	12	0	2
Cass	208		UNK	UNK	UNK	UNK	UNK	UNK	none	
Dekalb	105	96	15	19	96	13	5	12	1	
Dubois	84	62	14	8	22	6	1	17	1	0
Elkhart	1050	672	2	105	n/a	2	N/A	63	18	16
Fayette	114		3	3		21		12	0	11
Floyd	234	8	0	UNK	UNK	0	UNK	0	0	
Fountain	75	31			25					12
Fulton	87	67	4	55	20	10	5	0	3	8
Gibson	120	99	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0
Grant	274	278	12	68	0	97	23	7	6	5
Greene	84	66	2	21	3	14	1	6	1	2
Hamilton	296	233	36	75	1	29	17	65	2	35
Hancock	157	167	26	4	?	67	11	112	?	2
Hendricks	250	236	26	55		40	30	28	11	18
Henry	110		1	38	25	8	5	38	0	1
Jasper	120	68								0
Johnson	322	284	17	35	0			122	0	3
Knox	225	204	9	9	102	46	22	95		7
Kosciusko	305									
Laporte	368	328	16-Jail	65	65	103	28	42	0	7
Lawrence	168	110	8	28	25	18	8	17	1	2
Madison	207	225	1		85	16	0	8	1	6
MarionII										
MarionI		106	4	27		1		9	1	6
Marshall	239						1			
Monroe		224	20	81	197	67		135	9	12
Montgomery		343	13	22	0	79	21	146	8	3
Morgan		38	2	12	18	2	75	6	0	0
Newton	77	102	10	9	N/A	29	3	20	30	10
Noble	262						4			
Perry	132	36	1	10	55	0	7	10	0	1
Pike	74		6	8	5	5	6	6	0	0
Porter	449	376								10
Putnam	155	103			ALL					5
Randolph	107	94	8	18	0	9	10	6	0	
Ripley	102		6							2
Scott	117									
Shelby	203						273			0
Spencer			11	156	193	430		1049	11	3
Steuben	178						8			
St. Joseph		1095	16	31	0	16		33	7	0
Tipton	27	21	4	6	0	2	5	4	0	0
Vanderburgh	512		29	94	0	35	14	45	1	
Wabash	72	82	11	34	0	UNK	UNK	UNK	UNK	5
Warrick	126	79	4	29	27	3	3	4	0	6
Wells	94		4							2
Whitley	104	186	UNK	UNK	0	26	UNK	69	1	1
Total	8334	6145	341	1141	984	1212	588	2203	113	211

B. Committee to Study Evidence-Based Pretrial Release

Although not a direct responsibility of the county jail or its sheriff, the work of the Committee to Study Evidence-Based Pretrial Release has a very significant impact on the county jail. Under the current system, data regarding the status of jail inmates are not easily established. Nevertheless, some estimates place the number of individuals incarcerated in a local jail who are awaiting trial – and thus presumed innocent – to be as high as forty percent. This has ramifications not only for the presumed-innocent individual but also for the offenders who may be placed at the jail to serve out their sentences.

The purpose of the Evidence-Based Pretrial Release Committee is to examine risk-assessment tools used by courts around the country in order to determine which defendants should be released before trial, thereby freeing up beds in the county jail. The primary reason for this initiative is to retain the judiciary’s decision-making ability regarding pretrial release (i.e., releasing defendants on their own recognizance) in light of several attempts to change how judges handle pretrial release and bail. A second reason for the initiative is to conform to the foundational principle that defendants are “innocent until proven guilty” and therefore should not remain in jail longer than necessary. The Committee to Study Evidence-Based Pre-trial Release was founded by former Chief Justice Dickson in December 2013.

C. Healthy Indiana Plan (HIP 2.0)

HIP 2.0 is Governor Pence’s extension of the original HIP that has been in operation since 2008. In January 2015, Indiana was federally approved for three years to implement HIP 2.0, a public health care. For those that are not disabled, HIP 2.0 replaces traditional Medicaid because it is for lower income adults aged 19-64 (“lower income” here being 100-133% of the Federal poverty level).

The program takes shape in one of three different plans: (1) a plan that relies on employer contribution; (2) a cost share program that allows access to dental and vision services and; (3) a basic plan that mandates co-payments for all services and requires a

monthly contribution of \$1-\$25 into a Personal Wellness and Responsibility (POWER) account. Hospital assessment fees, cigarette taxes, and federal funds mostly fund HIP 2.0.

HIP 2.0 is applicable to county jails in that it can be effectively used to help cover the medical expenses of jail inmates. As part of entry processing, offenders are either assisted with or taught how to apply for HIP 2.0 benefits.²⁷

5. Community Correction Programs

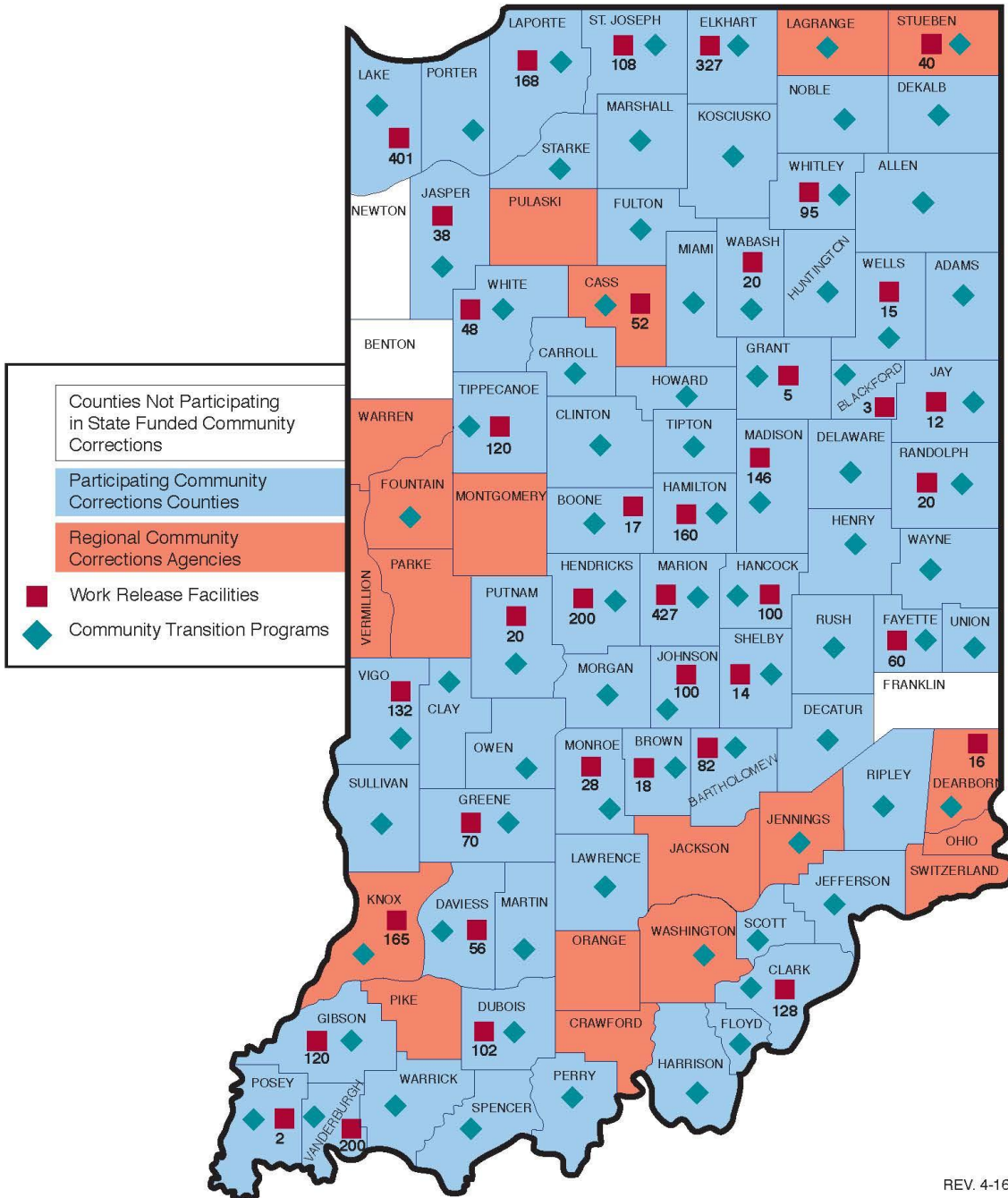
Community corrections programs take many forms, from work release programs to more standard probation or parole systems to halfway houses. The following illustration depicts which counties have community correction and work release facilities. The numbers vary slightly from those seen in the “Jail Inspection” chart above on pages 81-82 due to the fact that the “Jail Inspection” chart reports all community corrections programs, whereas the map below shows only programs with a physical location in the county.

²⁷ Letter to Mr. Joseph Moser from the Department of Health and Human Services (Jan. 27, 2015) available at http://www.in.gov/fssa/hip/files/IN_HIP_2.0_CMS_Approval_Ltr_1_27_15.pdf; *Inmates will be Signed Up for Medicaid*, WBIW.COM (July 29, 2015), <http://www.wbiw.com/local/archive/2015/07/post-227.php>; “Criminal Justice in Indiana: Impact of 2006,” *Indiana Prosecuting Attorneys Council*, presented by David N. Powell, Spring 2016.

Community Corrections Agencies

County Program Participation Map

April, 2016



6. Probation Departments

Along with county jails, probation departments are one of the parties significantly affected by the emphasized goal of HEA 1006 that low-level offenders stay in their communities after conviction, either to be placed in the jail or to be supervised by their county probation department. As described above (see Charts and Tables 11-14 and accompanying text discussing probation revocations), probation departments must supervise offenders who are either directly placed on probation or who have been placed on probation following another placement. Probation departments will continue to see an increased workload, requiring additional resources and efficient structures.

A. Probation Incentives and Violation-Related Sanctions

One such structure involves probation incentives and violation sanctions, which are two key strategies to both reducing prison population size and recidivism. Often, probation officers are required to begin the revocation process immediately upon noticing a technical violation, a contributing factor to the high percentage of technical violators sent back to state prison. Instead, violation sanctions, such as increased time on probation, increased officer contact, or overnights in county jails, provide officers flexibility to respond to their probationer's needs appropriately, reducing the likelihood of prison return.²⁸ Probation incentives encourage probationers to meet their requirements through possibilities of reduced time on probation, less frequent officer contact, transportation or drug test vouchers, and other such bonuses. Research shows that integrated use of sanctions and incentives (at a ratio of 1:4 to provide sufficient positive reinforcement) reduces recidivism,²⁹ and thus the potential implementation of a similar combination should play a role in criminal justice reform discussions.

Indiana law has made significant strides in the pursuit of such concomitant use of sanctions and incentives. To assist with probation officers' challenging work, the

²⁸ Tony Fabelo, Geraldine Nagy, and Seth Prins, "A Ten-Step Guide to Transforming Probation Departments to Reduce Recidivism," *Justice Center: The Council of State Governments and Bureau of Justice Assistance*, 2011, p. 26-27, https://issuu.com/csgjustice/docs/a_ten-step_guide_to_transforming_probation_departm?layout=http://skin.issuu.com/v/light/layout.xml&showFlipBtn=true&e=2448066/1639277

²⁹ *Id.*

Probation Incentives and Violations Sanctions Project was created in 2012 and began as a pilot program in 2013, funded by the Indiana Criminal Justice Institute. The pilot program is a collaboration between the University of Cincinnati and a work group comprised of Indiana probation officers, public defenders, prosecutors, and judges. In the pilot program, probation officers are given the ability to limit a nonviolent offender's time in jail. The goal is to make room in prisons for criminals that are larger threats to the public, to reduce the costs for corrections, and to reduce recidivism. The Project occurs in two phases. Phase one included Allen, Lawrence, and Pulaski counties. Phase two includes Bartholomew, Hamilton, Miami, Marion (juvenile), Wabash, and Wayne counties. The pilot locations are using evidence-based methods in determining what incentives and sanctions to use for each offender.

Furthermore, the Indiana Judicial Conference (IJC)³⁰ is charged with creating a "schedule of progressive probation incentives and violation sanctions, including judicial review procedures" under Indiana Code § 11-13-1-8. A complete schedule such as the one the Code suggests has significant benefits, the greatest being accountability and standardization within the flexibility sanctions and incentives provide officers.³¹ By legislating such an initiative, Indiana recognizes the value of sanctions and incentives in reducing both recidivism and prison populations.

This creation of the aforementioned schedule has not yet been achieved, but marked steps are being taken by the IJC with an eye towards this goal. Sagamore spoke with staff at the IJC and was told that, pursuant to the directive in Indiana Code § 11-13-1-8, the IJC established a relatively small 10-county pre-pilot project for developing and implementing the sanctions and incentives schedule targeted by the Indiana Code provision. This pre-pilot project then continued with the solidification of a 6-county pilot program, involving the probation departments of Wabash, Wayne, Hamilton,

³⁰ The Indiana Judicial Conference "of all full-time judges, both trial and appellate, as voting members, and magistrates, senior judges, and retired judges who serve as special judges as non-voting members." 2015 Staff Agency Report, Judicial Conference of Indiana (available at <http://www.in.gov/judiciary/center/files/2015-center-agency-report.pdf>).

³¹ *Id.*

Bartholomew, Miami, and Marion Juvenile. The goal of the pilot program is thus to train various stakeholders at the county level—judges, prosecutors, etc.—in the importance of comprehending the principles of behavioral modification and the critical value of positive reinforcement. Then, after data collection and thorough analysis of the research yielded by the pilot program, IJC intends to establish a set of principles—just as directed by Indiana Code § 11-13-1-8—which would then be applied to all counties. This does appear to be relatively far off, and Sagamore was told that the pilot program has been collecting data for about 5 months, with the grant funding the project ending soon. Furthermore, it appears as though they will continue collecting more data into the summer, and a final report from the researcher should be complete in August.

After August 2016, the goal then becomes to expand the program incrementally. As we discovered, the training involves almost all stakeholders in the probation department, and while this means that more groups are involved, thus increasing the odds of a successful implementation, it also means that implementation takes longer, making for a slower process, and explaining in part why the explicit directive of Indiana Code § 11-13-1-8 has yet to be met. Finally, we were told that at this point it is too early to say what exactly this program needs in order to accelerate and see wider implementation. Further resourcing could prove a boon, but we believe that waiting until the initial report is complete in August 2016 is the most appropriate recommendation moving forward, as anything else would be speculation.

In summary, while initial steps have been taken by the IJC towards the completion of a schedule of sanctions and incentives to be implemented state-wide as per their directive in Indiana Code § 11-13-1-8, much more has yet to be done. First, a graduated sanction and incentive schedule has not been created. Even as of 2014, the IJC's Probation Standards include no mention of a uniform platform detailing sanctions or incentives, with no future date set for establishing one.³² Second, without uniform sanctions and incentives, the Probation Incentives and Violation Sanctions Project's two

³² "Indiana Probation Standards," *Indiana Judicial Center*, March 7, 2014, <http://www.in.gov/judiciary/probation/files/prob-standards-standards.pdf>.

pilot programs have little practical use, as they are designed to practice the theory. In the realm of probation incentives and violation sanctions, Indiana has not finished the process it began, but the aforementioned IJC pilot program is a heartening beginning.

B. Risk Assessment

An important aspect of reducing recidivism and improving public safety involves matching state resources with offenders' needs. Research on how to best use limited state resources within the criminal justice system developed the "Risk-Needs-Responsivity" principle, which determines that those with higher risk of recidivating and those with the greatest needs are most responsive to each dollar of state resources, so state resources should be allocated towards higher-risk individuals.³³ In order to follow this principle, Indiana implemented a risk-needs assessment in 2010-2011, the Indiana Risk Assessment System (IRAS) and the Indiana Youth Assessment System (IYAS).³⁴ This comprehensive risk assessment tool evaluates adult offenders or juveniles throughout the criminal justice process, and an online database (called INcite) stores information from structured interviews, allowing for consistent information to follow an offender throughout the process.³⁵ The goal of the tool is to assess an offender's likelihood to recidivate, so that more resources can be directed towards higher-risk offenders. A 2013 review of the assessment validated the predictive power of the model in all categories examined.³⁶

Currently, the IRAS/IYAS is administered at five distinct points through different mechanisms, three of which are relevant to probation and parole: a **Community Supervision Screener** to filter low-risk offenders and determine if a full risks assessment

³³ Pamela M. Casey, Roger K. Warren, and Jennifer K. Elek, "Using Offender Risks and Needs Assessment Information at Sentencing: Guidance for Courts from a National Working Group," *National Center for State Courts*, 2011, p. 4-6, <http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Sentencing%20Probation/RNA%20Guide%20Final.ashx>

³⁴ Michelle Goodman and Lisa Thompson, "Indiana's New Risk Assessment Tools: What You Should Know," *Indiana Court Times*, April 13, 2011, <http://indianacourts.us/times/2011/04/risk-assessment/>

³⁵ "Indiana Justice Model: Indiana Risk Factor Assessment & Case Plan Component," *Indiana Department of Correction*, accessed June 17, 2016, <https://secure.in.gov/idoc/2900.htm>

³⁶ Edward Latessa, Brian Lovins, and Matthew Makarios, "Validation of the Indiana Risk Assessment System: Final Report," *University of Cincinnati School of Criminal Justice*, April 2013, <https://secure.in.gov/judiciary/pscourts/files/prob-risk-iras-final.pdf>.

is necessary; a **Community Supervision Tool** applied every twelve months to determine eligibility for and requirements of community supervision based on risk to re-offend; and a **Reentry Tool** to evaluate risk to re-offend immediately prior to release from prison (the other two assessment mechanisms are a **Pre-Trial Tool** to evaluate an offenders' risk of re-offending pre-trial or failing to appear in court and a **Prison Intake Tool** to identify risk to re-offend and criminogenic needs upon prison admittance).³⁷ These assessment tools point towards high-risk offenders who need more intensive probation or parole requirements, and low-risk offenders who need less. Overall, Indiana houses an effective, helpful risk assessment tool to use state resources towards the offenders who have the most to gain.

C. Smartphone Monitoring

For low-risk offenders, intensive probation requirements can actually lead to increased technical violation compared to less intensive requirements.³⁸ For this reason, research into less intensive probationary monitoring methods can have a significant financial payoff. For example, recent innovations in cell phone monitoring are promising, making use of technology with which offenders are likely already familiar.³⁹

Cell phone monitoring programs hope to replace older methods of surveillance and monitoring such as the ankle bracelet.⁴⁰ Initial scholarly research supports the notion that cell phone integration into the probationary process reduces recidivism,⁴¹ showing a

³⁷ "Indiana Risk Assessment System," *University of Cincinnati*, April 23, 2010, [http://www.pretial.org/download/risk-assessment/Indiana%20Risk%20Assessment%20System%20\(April%202010\).pdf](http://www.pretial.org/download/risk-assessment/Indiana%20Risk%20Assessment%20System%20(April%202010).pdf)

³⁸ Petersilia, Joan, and Susan Turner. "Comparing intensive and regular supervision for high-risk probationers: Early results from an experiment in California." *Crime & Delinquency* 36, no. 1 (1990): 87-111.

³⁹ Two examples of companies offering such technology are Outreach Smartphone Monitoring (<http://www.osmnow.com/>) and SCRAM Systems (<https://www.scramsystems.com/programs/community-supervision/probation/>).

⁴⁰ Morse, Julie. "Wearing An Electronic Monitoring Device Might Be Worse Than Jail Time — Pacific Standard". 2015. *Medium*. Accessed June 17 2016. <https://psmag.com/wearing-an-electronic-monitoring-device-might-be-worse-than-jail-time-5ed65f503b2d#.x8twm5ozc>.

⁴¹ Burraston, Bert O., David J. Cherrington, and Stephen J. Bahr. "Reducing Juvenile Recidivism With Cognitive Training and a Cell Phone Follow-Up An Evaluation of the RealVictory Program." *International journal of offender therapy and comparative criminology* 56, no. 1 (2012): 61-80.

51% lower re-arrest rate in those who used cell-phone monitoring. In Indiana, companies have begun testing precisely such technology. Several pilot programs have begun testing such practices in Indiana. This kind of technology is still relatively new, and thus replete with potential pitfalls that have yet to be comprehensively identified, so the pilot programs should be followed closely in order to ascertain whether or not such theoretically beneficial monitoring systems are cost-effective, accurate, and efficacious in practice.

Such programs help reduce the stigma of outdated technology for monitoring probationers. They provide offenders with a resource that they can carry with them all the time (a smartphone application—Android and iOS) to notify them of drug tests, court dates, therapy or class appointments as well as provide positive reinforcement when they are being compliant. This type of mobile monitoring technology has the ability to more closely evaluate an offender's progress and make adjustments as needed. Companies that provide these technologies and services have been recognized multiple times by the American Bar Association Journal,⁴² the *Denver Post*,⁴³ and more. The primary reasons for optimism at this time are scalability and customizability, cost-effectiveness, innovative positive reinforcement techniques, future biometric integration, and rehabilitative features.

In terms of scalability, some such technology is software-based, including both a mobile phone application for probationers and a web application for probation officers and other monitoring parties. This allows for a high degree of scalability and the ability to work with thousands of offenders without significant cost. The needed hardware is readily available at most electronics stores. Such systems are also readily customizable, providing individual probation officers significant flexibility in interacting with and

⁴² Dysart, Joe. 2016. "Drug-Offender Monitoring Comes To The Smartphone," *ABA Journal*. Accessed June 17 2016.

http://www.abajournal.com/magazine/article/drug_offender_monitoring_comes_to_the_smartphone.

⁴³ Phillips, Noelle. 2015. "Monitoring Ex-Cons After They Get Out Of Jail? There's An App For That". *The Denver Post*. Accessed June 17 2016. <http://www.denverpost.com/2015/07/03/monitoring-ex-cons-after-they-get-out-of-jail-theres-an-app-for-that/>.

managing their assigned probationers. At the same time, the probation office can delegate some supervisory tasks to the technology company as desired, reducing labor-intensity. The cost-effectiveness of such technology is quite staggering in theory; because the supplying companies can provide as little as the software alone, and do not typically produce their own proprietary hardware, thus ensuring that their price point remains low. In some evaluations, supplying companies are able to provide services markedly below even the lowest average daily costs of surveillance programs that include ankle-bracelets.

Another intriguing feature of such technology is the integration of positive reinforcement methods that are fully customizable by the probation officer. Point values (both positive and negative) can be assigned to various events, such as missing a deadline or check-in (negative) or attending a counseling meeting, an Alcoholics Anonymous event, etc. (positive). The accrual of such points over time leads to a points balance for the offender, which—while psychologically reinforcing good behavior—can also be redeemed for rewards such as groceries coupons, bus passes, etc., at the discretion of the probation officer. The customizability of these features is an avenue for exciting future expansion, but more time is needed to analyze the data from pilot programs to ensure the effects of such positive reinforcement on recidivism and other key metrics are largely positive.

Furthermore, such technology appears to be ready-made for integration with future advancement in biotechnology—a burgeoning sector as of late. As an example, one company employing such technology is currently planning the incorporation of a biometric smart-wristband—technology which, at present, is used for identification and remote tethering of the individual to their smartphone, but in the future, could also be used to test the individual for various substances such as illicit drugs and prescription medication. These kinds of technologies could reduce accountability concerns over whether individuals use the application appropriately.

Finally, such technology integrates with other rehabilitative features. The application includes GPS locations and directions to, for example, nearby shelters, and is again fully customizable by the probation officers and any other administrative

monitoring party. As such, a whole host of resources—from job skills training to shelters of diverse types—can be consolidated in one location for probationers to access whenever they need.

Mobile monitoring technology it is still relatively new; the earliest filing date for a patent pertaining to such technology dated only back to 2002. This patent belonged to Gold Post Technologies, Inc., a Las Vegas-based company who pioneered the notion of remote monitoring systems for probation surveillance and other criminal justice applications. Gold Post Technologies (GPT) and their monitoring system, Probesmart, present an informative case study of the implementation of such remote monitoring systems. Glenn Rouse, GPT’s Vice President of Sales, discussed in an interview with Sagamore just how difficult the implementation of such technology had proven. At present, GPT’s remote monitoring system is not active anywhere in the US, which Rouse attributed to the widespread failure of most probation offices across the US to keep up with trends such as digitalization, pointing to a surprising preference still to this day for pen-and-paper recording. The other problem Rouse identified was that of sunk cost biases amongst those who managed a state’s criminal justice IT systems: once they implement a new type of database or system, they are reluctant to invest in new technology for fear of disrupting the status quo. In short, remote monitoring systems can be incredibly effective if the original system is adequately modernized and if the administration in charge is not tethered to the status quo due to perceived sunk costs.

7. Courts

Although all Indiana criminal courts are widely impacted by the reforms of HEA 1006, this report focuses on the impact that problem-solving courts may have on these reforms. Problem-solving courts began to be used nationally in the 1990s to accommodate offenders with specific needs and problems that were not or could not be adequately addressed in traditional courts. In 2010, Indiana enacted Indiana Code Section 33-23-16-8, which defines problem-solving courts as ones that “provid[e] a process for immediate and highly structured judicial intervention for eligible individuals. Such courts employ certain features, including:

- (1) Enhanced information to improve decision making,
- (2) Engaging the community to assist with problem solving,
- (3) Collaboration with social service providers and other stakeholders,
- (4) Linking participants with community services based on risk and needs,
- (5) Participant accountability, and
- (6) Evaluating the effectiveness of operations continuously.⁴⁴

Problem-solving courts promote outcomes benefiting the offender, the victim, and society. Early results from studies analyzing problem-solving courts strongly suggest that such courts are having a positive impact on the lives of offenders and victims and in some instances are reducing jail and prison costs. In general, problem-solving courts share the following elements:

- **Focus on Outcomes.** Problem-solving courts are designed to provide positive case outcomes for victims, society and the offender (e.g., reducing recidivism or creating safer communities).
- **System Change.** Problem-solving courts promote reform in how the government responds to problems such as drug addiction and mental illness.
- **Judicial Involvement.** Judges take a more hands-on approach to addressing problems and changing behaviors of defendants.
- **Collaboration.** Problem-solving courts work with external parties to achieve certain goals (e.g., developing partnerships with mental health providers).
- **Non-traditional Roles.** These courts and their personnel take on roles or processes not common in traditional courts. For example, some problem-solving courts are less adversarial than traditional criminal justice processing.

⁴⁴ Ind. Code 33-23-16-8

- **Screening and Assessment.** Use of screening and assessment tools to identify appropriate individuals for the court is common.
- **Early identification of potential candidates.** Use of screening and assessment tools to determine a defendant’s eligibility for the problem-solving court usually occurs early in a defendant’s involvement with criminal justice processing.

The Indiana Judicial Center certifies all problem-solving courts established under Indiana Code Chapter 33-23-16, including drug courts, reentry courts, mental health courts, family dependency treatment courts and veterans’ courts. The purpose of the certification process is to ensure the courts are operating in accordance with state statutes, and evidence-based practices. Indiana Judicial Center staff conducts certification reviews every three years; the reviewers analyze case files, interview the problem-solving court team members, conduct a focus group of participants, and observe the team staffing and court sessions. Through the review process, Indiana Judicial Center provides the courts assistance in obtaining compliance with the problem solving court statutes, rules and evidence-based practices.

Indiana currently has 70 certified problem-solving courts, about half of which are adult drug courts. The problem-solving court rules are developed by the Judicial Conference Problem Solving Courts committee and are adopted by the Judicial Conference Board of Directors.⁴⁵

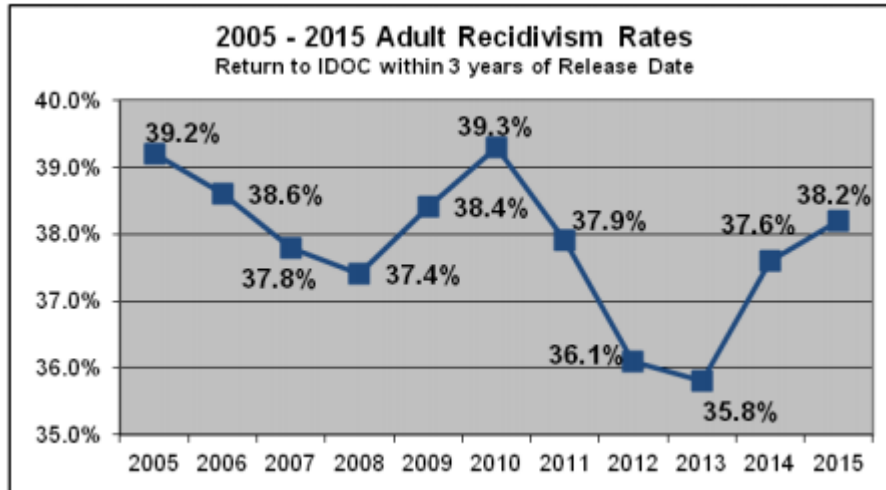
8. Recidivism Rates

As discussed above, the Department of Correction defines recidivism as “a return to incarceration within three years of the offender’s date of release from a state correctional institution.”⁴⁶ In the Department of Correction’s most recent study of offenders, the 2015 recidivism rates increased slightly, as depicted in the following chart:⁴⁷

⁴⁵ For more information, see *About PSCs*, IN.GOV, <http://www.in.gov/judiciary/center/2330.htm>.

⁴⁶ Indiana Department of Correction, 2015 Adult Recidivism Rates (available at http://www.in.gov/idoc/files/2015_Adult_Recidivism_Summary.pdf) (last visited June 21, 2016).

⁴⁷ *Id.*



Thus, for offenders who were released in 2012, 38.2% were reincarcerated at a Department of Correction facility within three years of their release date for either a new conviction or for a violation of the terms of their post-release conditions (a technical violation).⁴⁸

The 2015 Department of Correction Recidivism report also includes the following observations:

- Male offenders had a higher recidivism rate when compared to female offenders. Of male offenders released in 2012, 39.8% returned to the Department of Correction, versus 28.9% of female releases.
- The recidivism rate for African American offenders decreased to 40.2%, compared to 38.2% for Caucasian offenders and 19.4% for Hispanic offenders, both of which increased slightly.
- The younger the offender is at the time he/she is released, the more likely they are to return to the Department of Correction. Also, offenders serving less than 5 years with Department of Correction represent over 90% of all recidivists.
- Of all offenders who recidivated, approximately 50.1% returned to Department of Correction for the commission of a new crime, compared to approximately 49.9% for a technical rule violation of post-release supervision.
- Offenders who had zero conduct violations during their incarceration period were over 26.4% less likely to recidivate

⁴⁸ *Id.*

when compared to offenders who had at least one conduct violation.

- Offenders who received visits from family or friends while incarcerated were 16.3% less likely to recidivate compared to those offenders who did not receive any visits.
- Those offenders who participated in a work release program were more than 37% less likely to return to prison when compared to offenders who did not partake in a work release program.⁴⁹

Addressing recidivism is a significant priority for the Department of Correction. Some of its re-entry programs have proven to be successful at reducing recidivism. For example, the Rockville Correctional Facility (a female facility) provides a twelve-week re-entry class to all inmates prior to their release which focuses on securing employment, GED assistance, information on health issues, and information about dealing with technology. Graduates of the program have proven to have lower rates of recidivism.

Another program focusing on teaching offenders life- and work-skills is also proving successful at reducing recidivism rates. The Prison Enterprise Network (PEN) Programs provide jobs to Indiana offenders while they are detained. Offenders produce goods or provide services while in the confines of a Department of Correction location. PEN provides services to private companies that have company products manufactured, refurbished, or packaged within the correctional facility by offenders. Offenders are paid the state minimum wage for their work for private organizations. The PEN program's graduates have a 24.2% recidivism rate, while the Department of Correction as a whole has a significantly higher recidivism rate.

9. Reentry Court Programs

This report has discussed the problem that a significant portion of offenders returned to the Department of Correction -- 37% in 2014⁵⁰ -- are not arrested on a new charge, but rather for a technical violation of their probation or parole requirements. While technical violations sometimes signal a true regression on the part of the offender,

⁴⁹ *Id.*

⁵⁰ "Criminal Justice in Indiana: Impact of 2006," *Indiana Prosecuting Attorneys Council*, presented by David N. Powell, Spring 2016.

such as a drug test coming back positive, structural issues are much more likely to lead to broken probation/parole.⁵¹

First, probation and parole are expensive endeavors for an offender. Requirements often include regular drug tests (which cost the offender around \$13 each)⁵², soft costs like transportation to visit a parole officer, and larger costs like child support, which is commonly a probation requirement. Second, compounding this issue, ex-offenders often have a difficult time finding employment. Most private employers require applicants to disclose previous felonies, immediately almost if not entirely disqualifying ex-offenders' applications. Additionally, offenders who have served a long sentence or were incarcerated at a young age lack necessary job skills. Even if hired, frequent drug tests, meetings with probation officers, required attendance at recovery programs, and other time commitments make it extremely difficult to keep a traditional job. These factors and more make it difficult for many ex-offenders to pay for probation fees and costs, leading to technical violations and reentry into the prison system.

Thus, individuals who have been incarcerated and who start out on probation frequently find themselves in a never ending loop where the only way out is reincarceration. This leads to high recidivism rates and significant taxpayer expenses (some estimates say that the average cost of reincarceration for offenders with technical violations is around \$33,800 per offender).⁵³ Not only is reincarceration expensive for the taxpayers, but also it is poor for community and individual health, as repetitive destructive cycles inhibit progressive growth and flourishing.

Indiana's court systems, however, are beginning to respond with innovative solutions that break down the cycle of prison and probation through employment. One such initiative, RecycleForce, works with county, state and federal courts to help

⁵¹ Peggy B. Burke, John P. Bellasai, and Mary A. Toborg, "Parole Violation and Revocation: Lessons for Policy Development," *Center for Effective Public Policy*, January 1992, <http://static.nicic.gov/Library/010447.pdf>

⁵² Susan Brin Hyatt, "Closing Recidivism's Revolving Door: Year One of Work Court at RecycleForce," *RecycleForce*, May 2015, p. 10.

⁵³ Qtd in Susan Brin Hyatt, "Closing Recidivism's Revolving Door: Year One of Work Court at RecycleForce," *RecycleForce*, May 2015, p. 8.

individuals emerging from incarceration. RecycleForce is a “unique social enterprise focused on job creation through recycling to effectively reduce the return to prison rate through employment.”⁵⁴ RecycleForce recognizes the difficulty of moving straight from prison to permanent employment in the private sector, so it provides transitional employment through a 16-week alternative program for ex-offenders. Rather than returning to prison, ex-offenders recycle old mechanical equipment for precious metals, learning valuable job skills and benefitting from peer-mentoring and other social support. RecycleForce has repeatedly proved to be an effective means to break the reimprisonment cycle and reduce recidivism by attacking its root causes.

Other programs like RecycleForce run throughout Indiana. Blue Jacket, an organization based out of Fort Wayne, hosts a Career Academy which ex-offenders attend to learn job skills. This 40-hour, two-week long, rigorous program expects participants to wear business attire, arrive punctually, and complete assignments. The organization provides tools like a professional clothes bank to lower barriers for participation, and it connects graduates with employers who see their skills hands-on.⁵⁵ Similarly, Goodwill Industries of Central Indiana’s New Beginnings Program places ex-offenders in a six-month paid internship, complete with training, full-time work days, mentorship, monthly evaluations, and transition to full-time employment at Goodwill or elsewhere.⁵⁶

Keys to Work is an organization that connects returning citizens with temporary or full-time work through both direct hire and temp-to-hire avenues, focusing on positions in administration, light industrial work, sanitation, and hospitality.⁵⁷ The Indy Ten Point Coalition works more broadly in crime prevention through relationship-building, homicide support, and crime-scene intervention. However, their staff is composed of ex-

⁵⁴ RecycleForce: Return to Prison and Employment Outcome Report, p. 1.

⁵⁵ “Training,” *Blue Jacket*, accessed June 18, 2016, <http://www.bluejacketinc.org/training>.

⁵⁶ “New Beginnings,” *Goodwill Industries of Central Indiana*, accessed June 18, 2016, <http://www.goodwillindy.org/employment-services/#newbeginnings>.

⁵⁷ “For Job Seekers,” *Keys to Work*, accessed June 18, 2016, http://keystowork.com/2013/job_seekers.html.

offenders, providing not only a reliable job, but meaningful work restoring their community and “fixing up what they once messed up.”⁵⁸

By directing offenders towards organizations like these, courts facilitate training and connecting returning citizens towards employment. The incentive to return to crime is greatly reduced and each individual has the chance to build society upward and propel it forward.

10. Availability and Effectiveness of Mental Health and Addiction Programs

The public is starting to understand something that criminal justice insiders have long recognized: treatment, not incarceration, is what those with addiction and mental health disorders need. Such treatment not only more effectively helps these individuals, but it also reduces incarceration numbers and related costs.⁵⁹ Treating, as opposed to merely incarcerating, those with mental health needs and addiction problems reduces recidivism in Indiana by 20%,⁶⁰ so providing mental health and addiction programs has a significant benefit.

The benefits of such programs are compounded by the large percentage of Indiana prisoners who experience such difficulties. Compared to 5.4% of the general public who are considered to be “seriously mentally ill,” 14.5% of men and 31% of women in jails, 16% of people in prison, 9% of those on probation, and 7% of those on parole are classified to be “seriously mentally ill.”⁶¹ Addiction is an even greater concern, experienced by 53% of state and 45% of federal prisoners, 75% of recidivists, and 68% of jail inmates, compared to only 8.8% of the general public.⁶² In order to appropriately address the pervasive problems of drug addiction and high rates of recidivism, Indiana has established several programs for further research and treatment implementation.

⁵⁸ “What We Do,” *Ten Point Coalition Indianapolis*, accessed June 18, 2016, <http://www.indytenpoint.com/#!faith-walk---programs/cee5>.

⁵⁹ Jessica M. Eaglin, “Neorehabilitation and Indiana’s Sentencing Reform Dilemma” (2013), *Articles by Maurer Faculty*, Paper 1664, <http://www.repository.law.indiana.edu/facpub/1664>.

⁶⁰ *Id.*

⁶¹ “[Division of Mental Health and Addiction] Presentation for Criminal Justice Providers,” *Indiana Association of Community Corrections Act Counties*, presented by Sara Cozad and Angela Boarman, September 15, 2014, http://iaccac.net/web_documents/cj_providers.pdf.

⁶² *Id.*

i. Governor's Task Force on Drug Enforcement, Treatment, and Prevention

In September 2015, Governor Pence established the Governor's Task Force on Drug Enforcement, Treatment, and Prevention by executive order. Governor Pence was motivated to eliminate the rise in overdose-related incidents that has occurred in the last decade. Therefore, the purpose for this group of experts is to evaluate the rising drug problems in Indiana. These experts are assessing available resources in three areas: law enforcement, drug treatment resources, and preventative programs of drug abuse. They are working to identify effective policies and programs, any holes in these areas, and possible improvements that can close these gaps.

The Task Force is comprised of twenty-three professionals who were appointed by the Governor, including law enforcement, legal practitioners, medical practitioners, and elected legislative members from across Indiana.⁶³ This Task Force has remained committed, meeting every month at different locations around Indiana to discuss different series of specific mental health or addiction programs, either in operation in Indiana or as examples for possible implementation in the future. All past meetings, including their presentations, agendas, and video recordings, can be found on the Drug Enforcement Treatment and Prevention webpage.⁶⁴

ii. Indiana Attorney General's Prescription Drug Abuse Prevention Task Force

Alongside Governor Pence's far-reaching research effort, the Indiana Attorney General's Prescription Drug Abuse Prevention Task Force was established in 2012, by Indiana Attorney General Greg Zoeller. The task force's mission is to significantly reduce the abuse of controlled prescription drugs and to decrease the number of deaths associated with these drugs in Indiana. The task force consists of about 100 members including state legislators, law enforcement, health and medical professionals, pharmacists, federal, state and local government agencies, educators, advocates, and treatment providers. In addition, a significant number of working-group volunteers have

⁶⁴ See <http://www.in.gov/gtfdetp/2409.htm>

contributed to the efforts of the task force. The task force is composed of the following core committees: Education, Enforcement, INSPECT, Take Back, and Treatment & Recovery.

1. The *Education* committee's objective is to develop materials about appropriate prescribing practices and appropriate use of controlled substances for medical providers and the public. Dr. Deborah McMahan developed a set of best practices in 2013 to help medical providers, which includes guidelines on compliance with Indiana laws governing the prescribing of opioids to manage chronic non-terminal pain patients. In addition, the Education committee engages in outreach and aids in public awareness.
2. The *Enforcement* committee's goals are to target the criminal prescribing and diversion of prescription drugs that occurs through doctor shopping and illicit drug prescribing clinics. Furthermore, this committee was involved with updating Senate Enrolled Act 227: Enhanced Lifeline Law, which removed legal barriers for first responders to have the ability to utilize the antidote to save patients' lives. It also helped pass Senate Bill 406: Aaron's Law, which allows the general public to administer naloxone to a friend or family person who is experiencing an opioid overdose.
3. The *INSPECT* Committee works to ensure sustainability and access to Indiana's Prescription Drug Monitoring Program. The Medical Licensing Board's chronic pain rules require a physician to run an INSPECT report at the onset of a treatment plan and annually thereafter. Further studies should be done to evaluate the feasibility of requiring practitioners to use INSPECT to check for patient controlled substance prescription histories before generating any prescriptions for such substances, every time they are prescribed.
4. The *Take Back* committee increases the availability of disposal sites for unused controlled substances. One initiative that this committee participates in is the Yellow Jug Old Drug program, which allows for safe disposal of unwanted drugs.

5. The *Treatment & Recovery* committee works to improve access to treatment and recovery for those suffering from addiction. It does so by addressing the workforce shortage of addiction treatment professionals and lack of adequate insurance coverage for addiction treatment services and medications.⁶⁵

Building upon the Prescription Drug Abuse Prevention Task Force's goals to decrease the prevalence of drug abuse and drug overdoses, Indiana has also implemented two addiction programs, Medication Assisted Therapy and Syringe Access Programing(SAP), that specifically work to reduce both overall drug abuse and deaths caused by dangerous methods of drug intake.

iii. Medication Assisted Therapy

Medication Assisted Therapy (MAT) is defined as the use of medication (e.g., methadone) and behavioral therapy to treat substance abuse. It is used to treat those addicted to opioid-type narcotics that are not made with opium. Other MAT drugs that are commonly used are suboxone, Vivitrol, and subutex.

MAT is an FDA approved treatment. Its implementation falls under Federal Title 42(1)(A)§8 Certification of Opioid Treatment Programs (OTP). Organizations that operate an OTP must also follow state laws. Non-profit or State programs can administer an OTP, but all organizations must submit an application to Substance Abuse and Mental Health Services Administration (SAMHSA). SAMHSA also monitors OTP organizations to ensure compliance.

In order to qualify as a MAT patient, a person must meet criteria under the Diagnostic and Statistical Manual for Mental Disorders (DSM-IV) and have an addiction to an opioid drug for at least one year, although the required one year may be waived if a patient was released from corrections in the past six months or the patient is pregnant. In most clinics the patient pays or the cost is submitted to insurance for payment.

OTP was developed in 1962 in New York by Dr. Vincent P. Dole, a specialist in metabolism. Dr. Doles' development was based on another doctor's research. The research determined that those suffering from opioid addictions would relapse despite

⁶⁵ See <http://www.in.gov/bitterpill/about.html>

any detoxification or other treatment techniques unless they continued with a small dosage of the opioids. This is how methadone was created, a commonly used drug in MAT.

There is both national and worldwide controversy in the medical field about this type of treatment. For instance, some medical professionals feel that MAT is only regulating an addict's use and not solving it because they are still addicted to an opioid drug, although a legal one. There is also some concern about the long-term effects. However, there are many in the medical field who believe MAT increases an addict's quality of life and provides other benefits to society. Namely, the externality of reduced recidivism could be a precipitate of MAT as many abusers could kick crime-inducing, opioid-type narcotics addictions in favor of more mild and regulated MAT drugs.

MAT is one of many treatment resources listed on BitterPill, an Indiana initiative towards reducing prescription drug abuse.⁶⁶ This website is provided by the State of Indiana and associated with the Prescription Drug Abuse Prevention Task Force mentioned above.

iv. Syringe Exchange Programs (SEP) or Syringe Access Programing (SAP)

While MAT works to fight drug abuse, the Syringe Access Programing focuses its efforts on reducing deaths caused by hazardous drug intake processes. This type of program has been in use for a number of years, in many other areas of the country, with the positive result of lowering the spread of Human immunodeficiency virus (HIV) and Hepatitis C (HEP C). The program typically allows persons to exchange used needles for new ones in a safe manner, and receive information on available drug resources and on drug overdose prevention, often manifesting into lowered recidivism stemming from the program's emphasis on pursuing drug abuse prevention education.

Indiana Code §16-41-7.5 provides that a county may implement a syringe exchange program where a state declaration of a public health emergency has occurred. The emergency must be based on an HIV or a HEP C epidemic caused by the sharing of

⁶⁶ See <http://www.in.gov/bitterpill/resources.html>

needles in drug use. This declaration must be renewed yearly. Indiana legislation passed this law in 2015, but it expires July of 2019.

In general, Indiana counties must seek permission from the Indiana Department of Health before beginning a needle exchange program, but they do not get state funds to buy needles for this type of program. However, the process begins at the county level, where a county's individual conditions indicate a need for SEP. Non-profit or governmental entities may begin the program, but they must work with either a local health department established by Ind. Code § 16-20 or a health and hospital corporation established by Ind. Code § 16-22-8.

The director of either the local health department or health and hospital corporation must declare that there is an epidemic of HEP C or HIV to the county executive body or the municipal legislative body. Then the legislative or executive body must hold a public hearing and officially adopt the declaration. Next, this local governmental body must notify the state health commissioner of their actions and request a state declaration of a public health emergency. If the request for a declaration is approved, the local entity may begin the process of developing a program that must then also be registered with the state health department.

Scott County is the first location in Indiana to be approved and to implement the program. Madison County is the only other county that has been approved thus far. Madison County had plans to implement four locations beginning August 5, 2015. Fayette and Clark Counties have approved SAP in their counties, but are in the process of acquiring state approval. There are at least fourteen other counties in Indiana that are working towards possible SAP implementation.

In coordination with addiction focused programs, other innovations and programs, namely Electronic Remote Accountability Monitoring (ERAM) and the Marion County Mental Health Project aim to attack high recidivism rates by focusing on ex-offender accountability and the provision of mental health services instead of prosecution.

v. Electronic Remote Accountability Monitoring (ERAM)

Engineered to better enforce medication intake by patients (ex-offenders), ERAM is technology that captures pupil response to light to help diagnose drug or alcohol use. An operator on the other side of the ERAM camera watches and documents the person taking the medication. This helps ensure critical doses are not skipped, effectively preventing overdosing or abuse.

ERAM is produced by ABK, a company in Evansville, Indiana. Jake Hillgoth, from ABK, states that this technology will both enhance efficiency in probation offices and increase the accountability of ex-offenders. Hillgoth asserts that ERAM will reduce recidivism and aid re-entry because it makes ex-offenders more accountable.⁶⁷ In an Evansville Courier and Press article, Hillgoth also stated that the program costs \$15-18 per day and will not be available to the general public except through a hospital or other organization.⁶⁸

vi. Marion County Mental Health Project

The Marion County Mental Health Alternative Court (MHAC) is a Voluntary diversion program implemented in January of 2015 to help defenders with mental health issues to engage in treatment services instead of prosecution. The MHAC is run by a board of legal, criminal, and mental health professionals under the leadership of Judge Barbara Crawford. The MHAC operates in a non-adversarial specialty court setting designed to overcome the barriers inherent in traditional systems and traditional professional training. It is overseen by an advisory council, consisting of upper-level criminal justice administrators, law enforcement, and community shareholders.

The unique program provides eligible defendants (felony offenders with a moderate to high Indiana Risk Assessment Scores and a verified mental illness diagnosis) with a series of rewards and sanctions during a minimum of 12 months to motivate

⁶⁷ *Corrisoft and ABK Remote Drug Testing INC. Partner to Create New Mobile Technology for Remote Drug and Alcohol Testing a Winning Combination for Offender Monitoring*, PDF. Lexington: Corrisoft, November 18, 2014.

⁶⁸ Richard Gootee, "ABK Announces Tracking Program for Medication," *Evansville Courier & Press*, August 24, 2015, accessed June 20, 2016, <http://www.courierpress.com/news/local/326006841.html?d=mobile>.

behavioral change. Rewards often take the form of personalized gifts or gift certificates and reduced court attendance, while sanctions include increased court appearances, jail days, and termination from the program for repeated noncompliance.

MHAC was implemented quickly over a period of eight months with the help of funding from the Indiana Judicial Center and the Indiana Department of Correction. The aforementioned Advisory Council was formed in part by the United Way of Central Indiana and Mental Health America for Greater Indianapolis. Of the 12 eligible defendants who opted in to the program, only one had been rearrested for a new crime as of September 2015.

Offenders with mental health issues are over-represented in the criminal justice system. They are “frequent flyers” who take up a disproportionate amount of criminal justice resources. A cautious estimate of MHAC predicts that a 70% recidivism rate would result in about \$1.5 million in savings while a 30% recidivism rate would result in about \$3.5 million in savings.

vii. Summary

Detailed explanations of Indiana’s presently employed and future addiction and mental health programs serve to provide an account of the state’s unified efforts to enhance the infrastructure of the Indiana drug prevention system, to strategically align Indiana’s drug prevention efforts with national initiatives, and to seriously reduce the prevalence of drug abuse and resultant rates of recidivism and overdoses.

11. Requests for Sentence Modification

Among the particular judicial events the legislature required this report to monitor is “the number of requests for sentence modification that are set for hearing by the court, including the relief granted by the court, if any.” Ind. Code § 5-2-6-24(e)(2). The data to complete this task, however, are not readily available for several reasons. First, although the software used to track “events” such as a request for or an order granting a motion to modify includes “modification” events, there are close to a dozen options from which a person can select when recording such an event. Moreover, the person entering the information could also simply select a standard “motion” or “order” event and no

information about the modification would be entered at all. Additionally, not all Indiana counties currently use or have access to the software that would record the modification.⁶⁹

With these caveats, however, this author worked with the data specialist at the Supreme Court's Office of Court Technology to obtain the data to create the following Table and Chart. Approximately 15 counties were selected and the events meeting the specified "modification" criteria are listed here. As more counties adopt appropriate software and more individuals are trained to use the software, the reliability and completeness of this data will hopefully improve.

⁶⁹ For example, in Table 21 below, Marion County did not record any data in 2013 or in the first half of 2014.

Table 21: Selected Indiana County Modification Events

Modification Event ID	Motion to Modify Filed	Order Granting Motion to Modify	Order Denying Motion to Modify	Motion to Modify Sentence Filed	Order Granting Motion to Modify Sentence	Order Granting Motion to Approve Agreement to Modify	Order Denying Motion to Modify Sentence	Motion to Modify Probation Filed	Order of Probation Modification	Grand Total
2013	94	46	21	759	82	12	270	156	435	1875
Allen	15	6	5	196	32	11	130	10	322	727
DeKalb	3			64			40	28		135
Elkhart	28		4	214	12		11	4	12	285
Floyd	13	9		48	5		10	12	9	106
Grant	8	5	1	44	1			2	1	62
Greene	6	2	5	27	4		16			60
Hendricks							1			1
Monroe	11	22	1	54	6		22	94	91	301
Porter	1	1	2	34	5	1	29	1		74
Steuben	9		2	50	2		5	5		73
Blackford		1	1	28	15		6			51
2014	264	108	82	1032	158	7	390	364	566	2971
Allen	9		4	182	19	6	89	10	272	591
DeKalb	5			61			33	14		113
Elkhart	39		11	177	3		44	12	2	288
Floyd	16	6		35	9		7	9	1	83
Grant	4	1		50	5					60
Greene	2	1	2	46	4		17			72
Hendricks	1									1
Marion	132	80	46	223	60	1	99	258	245	1144
Monroe	21	13	4	83	3		45	54	37	260
Morgan	3	2	5	27	5		14		1	57
Porter	1	1		49	12		31		1	95
Steuben	16	1	4	48	8		1	7	5	90
Blackford	2		1	25	16		3			47
Vanderburgh	13	3	5	26	14		7		2	70

	Motion to Modify Filed	Order Granting Motion to Modify	Order Denying Motion to Modify	Motion to Modify Sentence Filed	Order Granting Motion to Modify Sentence	Order Granting Motion to Approve Agreement to Modify	Order Denying Motion to Modify Sentence	Motion to Modify Probation Filed	Order of Probation Modification	Grand Total
2015	499	132	112	1073	204	1	457	311	706	3495
Allen	8			115	30		48	1	294	496
DeKalb	4		1	39			17	3		64
Elkhart	23		2	165	3		31	14	2	240
Floyd	17	4	2	30	4		8	3		68
Grant	3		1	36	1	1				42
Greene	6	1	5	60	8		30	1		111
Hendricks		1			4					5
Marion	353	108	56	261	59		185	249	374	1645
Monroe	10	4	4	53	3		42	31	17	164
Morgan	7	1	26	49	16		29	1	15	144
Porter	5	1	5	41	8		45	5		110
Steuben	15	1		110	6		4	1		137
Blackford		1	1	26	13		7			48
Vanderburgh	48	10	9	88	49		11	2	4	221
2016	162	44	30	439	81	1	170	124	223	1274
Allen	3		1	52	15		33	2	88	194
DeKalb	1			14	1		2			18
Elkhart	5			51	2		5	6		69
Floyd	9	7		7			1	1		25
Grant	1	1		32	3	1	9			47
Greene	2		1	39	4		5	2		53
Hendricks	5			9				1		15
Marion	104	24	22	101	17		65	97	124	554
Monroe	4	5		28	4		10	12	10	73
Morgan	2	2	3	19	11		15		1	53
Porter		1	1	24	3		16	2		47
Steuben	4			31	5		1	1		42
Blackford				5	2		4			11
Vanderburgh	22	4	2	27	14		4			73
Grand Total	1019	330	245	3303	525	21	1287	955	1930	9615

VI. Progress or Not: The Status of 2015's Recommendations

Last year's inaugural report made four recommendations based on research and analysis of available data. The following sections summarize each of the four recommendations and briefly comment on the extent to which they have been implemented.

1. Data Collection, Management, and Sharing

In researching and preparing this report, one major area of difficulty is obtaining the relevant data. The data necessary to analyze the HEA 1006 criminal code revisions is scattered amongst multiple agencies, three branches of government, dozens of case management systems, hundreds of law enforcement bodies, and numerous other sources, with few if any of these data sources communicating easily with one another. Because of the fragmented nature of Indiana's criminal justice data, Indiana agencies cannot readily access the data they need to obtain a more complete picture of the criminal justice system. Time-related inefficiencies tend to occur as agencies spend valuable hours collecting similar information, not realizing it may be already collected and accessible in another system. In addition, cost inefficiencies occur as each organization spends separate IT funds on its own management system, rather than using one system that can be accessed by multiple bodies.⁷⁰ While there are obvious reasons for which certain sources want to retain total autonomous control of their information – confidentiality, control, processes specific to an organization, and concerns over proprietary data – other sources of information are willing to share, but do not have the ability to easily propagate the data to parties interested in receiving it. In light of these inefficiencies, the 2015 Report recommended that more be done to facilitate and encourage the sharing of data between all interested and relevant stakeholders, and that the concept of a centralized data system be at least considered.

⁷⁰ "Indiana Data Exchange Return on Investment," *Crowe Horwath*, October 2011, [http://www.it.ojp.gov/documents/d/idex%20return%20on%20investment%20analysis%20\(2011-10\)final.pdf](http://www.it.ojp.gov/documents/d/idex%20return%20on%20investment%20analysis%20(2011-10)final.pdf)

Indiana’s Evidence-Based Decision Making Committee has begun considering what an integration process could look like for Indiana. It is currently in the brainstorming phase, designing and proposing a logical model for what the state wants to see accomplished. The Committee has applied for additional technical assistance to assess current and future capabilities, and hopes to connect non-confidential data to Indiana’s Management Performance Hub, an open-data initiative out of the Governor’s Office of Management and Budget. Indiana is also pursuing a multi-agency, multi-jurisdiction interoperable Computer Aided Dispatch/Records Management System (CAD/RMS) to serve as a central data backbone, where various agencies “buy in” to the central software as a means of reducing individual IT costs. The CAD/RMS will be first available to dispatch centers of the Indiana State Police, and possibly expand outwards from there. Recognizing the need for a central data hub, the Evidence-Based Decision Making Committee is recommending that the Indiana Criminal Justice Institute serve as a central regulatory body. In this capacity, the Indiana Criminal Justice Institute could either serve as a “go-to agency,” managing data requests between state agencies and keeping track of who stores which data, or as a data hub, housing some centralized data of its own for all agencies to more easily access. In the process of data integration, the Evidence-Based Decision Making Committee should continue pursuing these options with the support of other key government agencies.

As the Evidence-Based Decision Making Committee and the Indiana Criminal Justice Institute consider the path forward toward greater data integration, the example of several of Indiana’s sister states may be instructive. Over the last decade, many other states implemented these systems and provided useful feedback on how to best begin the data integration process. First, most states with integrated Criminal Justice Information Systems have some kind of organization in charge of data integration. Currently, federally-supported but locally-managed organizations called Fusion Centers work to manage criminal intelligence, focusing on reducing violent extremism but with

capabilities for all kinds of crime and public safety functions.⁷¹ While Indiana has a Fusion Center, its specific role and utilities are unclear.⁷² Furthermore, few states use Fusion Centers as a primary base for their criminal justice data integration, preferring instead to create new bodies dedicated solely to information-related functions. For example, before integration, Minnesota had two information management bodies which merged into a single entity with a single executive director.⁷³ Minnesota stresses the importance of a single entity for this role, as inefficient overlap occurred even with two bodies. The more developed state of Tennessee contains one central Criminal Justice Information Systems divided into three subgroups: Tennessee Information Enforcement Systems (TIES) focused on data sharing amongst various stakeholders, the Audit, Compliance, & Sharing department ensuring and building crime reporting systems, and the Statistical Analysis Center conducting specialized research studies.⁷⁴ To house an effective Criminal Justice Information Systems, Indiana would likely need to create an entity charged specifically with data integration rather than attempting to build into current structures.

Second, other states emphasize that in creating such a body, states must work closely with possible data customers and system stakeholders to design a system that meets their needs. Michigan's integration process involved a site visit to the Criminal Justice Information Systems Policy Council as well as meetings with criminal justice

⁷¹ "Guidelines for Establishing and Operating Fusion Centers at the Local, State, Tribal, and Federal Level: Law Enforcement Intelligence Component," *Bureau of Justice Assistance, US Department of Homeland Security, US Department of Justice*, July 2005,

http://www.it.ojp.gov/documents/20050822_fusion_center_guidelines_v1.pdf

⁷² "Indiana Intelligence Fusion Center," *Indiana Department of Homeland Security*, accessed June 14, 2016, <https://secure.in.gov/dhs/2444.htm#>

⁷³ Robert Johnson, Jerry Olson, Kris Rush, David Johnson, Oded Galili, Dana Gotz and Robert Sykora, "Improvement and Reorganization of the BCA's Criminal Justice Information and Integration Functions: Findings and Recommendations," April 23, 2008,

<https://www.leg.state.mn.us/docs/2010/other/100627.pdf>

⁷⁴ "Criminal Justice Information Services (CJIS) Support Center," *Tennessee Bureau of Investigation*, accessed June 14, 2016, <http://www.tn.gov/tbi/article/criminal-justice-information-services-cjis-support-center>

constituents,⁷⁵ and Iowa created an Advisory Board with members from all branches of government and the bureaucracy.⁷⁶ Allowing each body to voice their needs and hear each other's needs fosters an innovative environment, clear mission, and commitment to the implementation process. Iowa emphasizes integration as an "enterprise-wide issue" rather than an issue each organization attacks alone, and so asks each participatory organization to agree to some basic ground rules or expectations about system use.⁷⁷ Minnesota accentuates the importance of a "strong strategic direction for the new organization" and shapes stakeholder expectations towards recognizing integration as an ongoing process with immense value but no direct solution.⁷⁸ Integration is not an easy process, and it is imperative for all parties to be on the same page. Involving stakeholders' various requirements from a Criminal Justice Information System helps the process run smoothly and clearly.

Third, North Dakota provides clear action steps on how to begin the integration process. North Dakota's detailed report suggests a needs assessment on the functional application, technology infrastructure, information sharing capabilities, and other factors of the current information system, followed by strategic issue analyses of the participatory groups involving commitment, willingness to participate, and key needs from the developing system.⁷⁹ North Dakota recommends a technical review detailing how technological systems could integrate and an analysis of how technology goals can support strategic goals.⁸⁰ By beginning with an analysis of the current situation and clearly defining future goals, North Dakota fostered agreement amongst stakeholders on

⁷⁵ "History of Michigan Criminal Justice Information Systems (CJIS) Policy Council – TA Abstract," *IJIS Institute*, August 11, 2005, <https://ijis.get-traction.com/traction#/single&proj=Public&rec=696&drafts=f>

⁷⁶ "State of Iowa Criminal Justice Information System Integration Plan," *URL Integration, Maximus*, August 26, 2005, <https://humanrights.iowa.gov/sites/default/files/media/Iowa%20CJIS%20Plan%20v%200%201%200.pdf>

⁷⁷ *Id.*

⁷⁸ Robert Johnson, Jerry Olson, Kris Rush, David Johnson, Oded Galili, Dana Gotz and Robert Sykora, "Improvement and Reorganization of the BCA's Criminal Justice Information and Integration Functions: Findings and Recommendations," April 23, 2008, <https://www.leg.state.mn.us/docs/2010/other/100627.pdf>

⁷⁹ "State of North Dakota: Criminal Justice Information Sharing Project Implementation Plan," *MTG Management Consultants*, April 17, 2002, <https://www.nd.gov/cjis/about/docs/strategic-plan.pdf>

⁸⁰ *Id.*

what the needs, concerns, and opportunities actually were, creating a strong foundation on which to move forward. As Indiana looks to integrate criminal data to increase efficiency, it should begin with a needs assessment like that conducted in North Dakota.

Finally, reports by these various states make other miscellaneous recommendations worth considering. Most states partnered with a management consulting group, who carried out the research, needs analysis, and proposals documented in the cited reports. Iowa suggests documenting existing information exchanges to identify current workflow, gaps in procedure, and places where automation could improve.⁸¹ North Dakota and Minnesota both used a phased-in implementation scheme where, for example, Minnesota refused to accept any new projects for a period while they loaded current information into the new system.⁸² As Indiana investigates a Criminal Justice Information Systems, helpful ideas such as these and beyond will inform system implementation.

Overall, Indiana is one of a few states without a Criminal Justice Information System, resulting in both time and cost inefficiencies. Other states provide relevant models on how to integrate a large number of systems into a streamlined database while protecting sensitive information and civil rights. First, Indiana should hire a consulting group to perform current systems analysis, discuss vision and goals with various stakeholders, and draw up a proposal for Criminal Justice Information Systems. It should be a new body or part of the Indiana Criminal Justice Institute, having the ability to communicate between existing systems, consolidating information while allowing parties to retain their own process documents and protected systems. With the adoption of a

⁸¹ “State of Iowa Criminal Justice Information System Integration Plan,” *URL Integration, Maximus*, August 26, 2005,

<https://humanrights.iowa.gov/sites/default/files/media/Iowa%20CJIS%20Plan%20v%200%201%200.pdf>

⁸² Robert Johnson, Jerry Olson, Kris Rush, David Johnson, Oded Galili, Dana Gotz and Robert Sykora, “Improvement and Reorganization of the BCA’s Criminal Justice Information and Integration Functions: Findings and Recommendations,” April 23, 2008,

<https://www.leg.state.mn.us/docs/2010/other/100627.pdf>; “State of North Dakota: Criminal Justice Information Sharing Project Implementation Plan,” *MTG Management Consultants*, April 17, 2002, <https://www.nd.gov/cjis/about/docs/strategic-plan.pdf>

Criminal Justice Information Systems, Indiana's criminal justice code reform can have increasing impact and increasing benefit to all Indiana citizens.

2. Assignment of Offender Numbers

Indiana also has a veritable problem when it comes to the assignment of various offender numbers at different stages of the offender's path through the justice system. Over the course of an offender's processing, he/she will be assigned: a transaction control number (TCN), a state identification number (SID), and a Department of Correction number. These offender numbers, however, do not always follow the offender throughout the entirety of the system, leading to inefficiency and potential confusion—for example, the courts do not receive the SID number from either the Indiana State Police or prosecutors. To aid in identification, to help measure recidivism, and to assist with crime reporting statistics, the previous report recommended that an individual's SID follow an individual and be used at every step of the process. The SID should be used at an individual's arrest and booking (if an SID has already been assigned from a previous arrest), charging, prosecution, conviction, and commitment, regardless of whether the individual is sentenced to the Department of Correction, probation, community correction, or work release.

In the year since the report's publication, this question has not been addressed in a substantial manner. Indiana's Evidence-Based Decision Making Committee has focused its identification efforts towards improving the accuracy and completeness of criminal history information using the SID. It has not explored how other agencies could adopt use of this number, though indicated this could be a goal sometime in the future. While it would appear that a more widespread use of the SID (or another standardized identification number) would be of significant benefit to the criminal justice system as a whole, as well as those studying the system and its reforms, it does not appear that integration will happen immanently unless stakeholders deem it a priority.

3. Pretrial Jail Use Reduction

Last year's report made several suggestions pertaining to reform of Indiana's inefficient pretrial jail use, with an eye towards reducing pretrial jail use, including:

increased use of bail, increased probationary measures, as well as release on one's own recognizance. For many offenders, pretrial supervision can be the difference between incarceration and probation at the time of their sentencing, and focusing on supervised release rather than pretrial detention allows the state to save significant resources. We suggested that Indiana follow the example of Washington D.C., where the Pretrial Services Agency for the District of Columbia has emerged as a national leader in establishing effective policies to reduce pretrial jail use and financial bail, while insuring that defendants attend court appearances and promoting public safety. The Indiana Supreme Court likewise hoped to see the establishment of a program like that of Washington, DC., with a focus on pretrial release and reduction of monetary bail use.⁸³ In addition to pretrial jail detention, Indiana should also reconsider use of its jails for non-criminal detention. We suggested that reducing pretrial jail detention and civil incarceration may be an excellent means to free Indiana's jails. By allowing more offenders to be released under supervision, the State should see reduced recidivism, a lowered strain on resources, and an increased ability to concentrate on high-risk offenders.

Last year's report suggested that Indiana explore the possibility of pretrial jail detention reform more thoroughly. We reported that the Supreme Court Committee was requested by the Indiana Supreme Court to conduct an evaluation of possible pretrial release programs in December 2014. Some noteworthy progress towards the exploration of pretrial release programs and other innovations that help reduce pretrial jail detention has been made in the recent year.

The Supreme Court Committee to Study Evidence-Based Pretrial Release was tasked with the development and implementation of one or more pilot projects to assess

⁸³ Chief Justice Loretta Rush, Indiana Supreme Court, *Order on Pretrial Release* (2014) (available at <http://www.in.gov/judiciary/files/order-other-2014-94S00-1412-MS-757.pdf>; last visited June 8, 2015).

the feasibility, efficacy, economics and methodologies of establishing an evidence-based system for pretrial release decisions in Indiana.⁸⁴

Originally, ten counties were interested in participating in a pilot project: Allen, Bartholomew, Hamilton, Hendricks, Jefferson, Monroe, Porter, St. Joseph, Stake and Tipton. These ten counties attended a workshop in November that introduced them to the evidence-based pretrial released system. While no official start date has been set definitively as of yet, the Supreme Court Committee to Study Evidence-Based Pretrial Release was assigned the job of establishing guidelines for the study, and was scheduled to report to the court by February 19, 2016. Every county but Porter County remains on a list of counties interested in the pilot project.

Allen Superior Judge John Surbeck, chairman of the Committee to Study Evidence-Based Pretrial Release, recently stated that the nine interested counties will begin the implementation of the Indiana Risk Assessment System, Pretrial Assessment Tool (IRAS-PAT) in order to evaluate arrestees as soon as they can. It appears as though the formal commencement of the pilot programs has yet to begin, as the interested counties await final directions from the state as to what data they should collect and submit. Another final hurdle to full implementation of the pilot program is the Supreme Court's consideration of a proposal regarding the inmate assessment process, specifically what information from said assessment may be used by the prosecution. We hope to see these hurdles to full implementation of the pilot program cleared as soon as possible in the near future, and look forward to watching the pilot program closely so as to ascertain the effectiveness of the IRAS-PAT, and the process of pretrial release more broadly.

4. Jail Data Collection

Finally, we highlighted the relative paucity of reliable jail data available in Indiana, which is a significant hindrance in the evaluation of policy and the formation of apposite recommendations. Due to varying methods of counting jail beds, and the lack of uniformity in how individual jails may define beds, we recommended that a survey

⁸⁴ See Supreme Court Cause No. 94S00-1312-MS-909 and No. 94S00-1412-MS-757 (issued December 22, 2014).

counting Indiana jail beds—such as the one being conducted by the Indiana Sheriff’s Association—should be implemented as soon as possible. This recommendation is in the process of being fully completed.

VII. Moving Forward: Key Priorities

1. Probation and Parole Reform

Three key recommendations on probation and parole reform refer to the three areas of reform previously discussed. First, in the area of sanctions and violations, the Indiana Judicial Conference should create a progressive schedule for incentives and violations. The addition of a uniform schedule would prevent jail return for technical violations, reducing both jail population size and recidivism rate. In order to encourage the creation of the foundational uniform schedule, the Indiana General Assembly should step in, either to codify the schedule itself or to urge the IJC to do so immediately.⁸⁵ Second, regarding risk assessments, Indiana’s current structure is well-developed and well-researched. Continuing to encourage and incentivize the habitual use of the system, including the online INcite program, will help improve the implementation and accurate use of risk assessments. Additional grant funding to train probation officers in how to complete the assessment will also increase its effectiveness in appropriately matching probation supervision with each offender’s unique risks and needs. Finally, cell phone monitoring programs are promising, but only if certain concerns are addressed by continuing research. Indiana has the unique opportunity to participate and innovate, and pilot programs such as those in Marion County should be further examined.

2. Jail Inspections and Data Storage

As discussed above, the recommendation that more detailed jail data be collected by the Indiana Sheriff’s Association is in the process of being completed. Moreover, it is conferring with the Indiana Criminal Justice Institute regarding the possibility that the

⁸⁵ Drew Kirages, “Reentry Reform in Indiana: HEA 1006 and Its (Much Too Narrow) Focus on Prison Overcrowding,” *Indiana University McKinney School of Law*, 2015, <https://mckinneylaw.iu.edu/ilr/pdf/vol49p209.pdf>

Indiana Criminal Justice Institute would serve as the central repository for the jail data the Indiana Sheriff's Association collects. Each of these steps appear to be important and necessary for the State to effectively measure and evaluate the significant growth of offender populations at the county level due to the reforms of HEA 1006.

Two further changes should also be made. First, as stated above, by statute the Department of Correction is required to complete yearly inspections of all Indiana jails. The Indiana Sheriff's Association and the Department of Correction Department of Correction have discussed re-allocating this responsibility to the Indiana Sheriff's Association. It is in the best interest of the jails, which are managed by the county sheriff, to have an inspection conducted by the Indiana Sheriff's Association, since the it is interested in serving its members as well as possible. It does not appear that the Department of Correction is opposed to this plan. As such, legislation should be drafted either re-allocating this responsibility or permitting the Indiana Sheriff's Association to carry out the inspections instead of the Department of Correction.

Second, the Legislature should also allocate the relatively small funding necessary for the Indiana Criminal Justice Institute to store the collected jail data for the Indiana Sheriff's Association. This has two benefits: it saves the Indiana Sheriff's Association from having to maintain a significant amount of data, but more importantly is centralizes additional data with the Indiana Criminal Justice Institute that will be very important for evaluating Indiana's criminal justice reforms in the future.

3. Re-Entry Reform

While HEA 1006 emphasizes a reduction in recidivism, it could do more with regard to helping ex-offenders re-enter civil society. This report earlier discussed the importance of helping ex-offenders make the transition from incarceration to private life, and many organizations in Indiana work with ex-offenders to find jobs and help them back to their feet. As offenders increasingly remain in their local communities and fewer dollars are spent on prisons, funds can and should be transferred to local programs to help ex-offenders make the transition from incarceration to employment. Because "work is therapy," in the words of one re-entry leader, and because studies demonstrate that ex-

offenders who find and maintain gainful employment are much less likely to recidivate, reentry programs with proven success rates should receive additional funding to most effectively use state dollars towards reducing recidivism.

RecycleForce (RF) is one such program, reducing recidivism and aiding reentry by providing transitional employment for the weeks and months immediately after release from prison. Offenders are initially assigned to RecycleForce for 120 days (4 months), but most stay longer thanks to monthly extensions. Employees work 30 hours per week where possible, and consistent work at RecycleForce provides ex-offenders with reliable income to pay some of the immediate fees of probation/parole. In fact, RecycleForce found in 2014 that about 37% of its employees were paying child support, and in two and a half years, ex-offenders paid over \$300,000 to their families.⁸⁶ This not only allows some ex-offenders to meet the terms of their probation/parole, but also to find meaning and build social capital by supporting their families. Furthermore, RecycleForce has the express purpose of hiring those transitioning out of the prison system, so stigmatization against ex-offenders is not an issue. Finally, RecycleForce provides job training with the opportunity for certificates in areas such as warehouse safety and forklift operator licenses.⁸⁷ Ex-offenders leaving RecycleForce have gained valuable skills as they search for employment elsewhere, providing financial security and community participation that enables and encourages meeting probation/parole requirements and prevents recidivism.

RecycleForce supports ex-offenders meeting their probation/parole requirements. First, they are able to create flexible work hours that work with their employees' other commitments. One employee, Charles Neal, says, "RecycleForce has the opportunity for that type of flexibility. When a person has to go for [drug testing], to make payments, going out looking for a job, RecycleForce is the type of environment where you can allow people to do that kind of thing."⁸⁸ Second, RecycleForce is extremely

⁸⁶ RecycleForce: Return to Prison and Employment Outcome Report, p. 13.

⁸⁷ Susan Brin Hyatt, "Closing Recidivism's Revolving Door: Year One of Work Court at RecycleForce," *RecycleForce*, May 2015, p. 17.

⁸⁸ Susan Brin Hyatt, "Closing Recidivism's Revolving Door: Year One of Work Court at RecycleForce," *RecycleForce*, May 2015, p. 12.

understanding of workers who may have difficulty during this time of transition. RecycleForce doesn't "give up" on anyone – workers are only released for violence on the floor. Tasks like "brooming," or sweeping the floor of the facility, are assigned as discipline for other behavioral issues, and forgiveness is a rhythm of life at RecycleForce. Third, RecycleForce is open for many who may not have a place elsewhere. Indeed, sex offenders have proven to be some of the best workers.

Perhaps most valuably, RecycleForce works to connect its employees with alternative staffing employment, or long-term jobs with companies who also understand their position. Some employees continue to work at RecycleForce – in fact, all of its permanent floor staff are graduates of the program. Others go to G15, a temporary work agency that is a sister organization to RecycleForce. In 2013, 165 RecycleForce employees found long-term employment through alternative staffing.⁸⁹ By providing a flexible working environment and connecting employees to these environments long-term, RecycleForce allows ex-offenders to support the expenses and expectations of probation/parole with a stable job, preventing prison reentry.

Behind all of the theory and structure of the organization, RecycleForce greatly improves reentry in practice. This report previously detailed Indiana's recidivism rate; for reference, the lowest recidivism rate in 2013 was 35.8%. In 2014, RecycleForce reported a three-year recidivism rate of 31.79%, four percentage points lower than the state's record. This is even more impressive when compared to more specialized data. RecycleForce's workers are 79% African-American, and in 2013, the statewide African-American recidivism rate was 40.7%, a ten-point recidivism rate decrease for RecycleForce. RecycleForce is located in Marion County, which since 2008 has seen recidivism rates between 50.1% and 45.9%, giving RecycleForce an edge of fifteen to twenty percentage points. These numbers are significant if not unprecedented, and bode well for the future of RecycleForce as it continues to support ex-offenders' reintegration.

Other organizations, such as Blue Jacket's Career Academy, are experiencing similar results. Located in Fort Wayne, graduates of Blue Jacket's Career Academy

⁸⁹ RecycleForce: Return to Prison and Employment Outcome Report, p. 12.

recidivated at a rate of only 9% in 2012, and 66% were employed three months after graduation.⁹⁰ Other organizations such as Goodwill Industries of Central Indiana and Keys to Work have not conducted or published studies on their programs' recidivism rate.

Reentry is a difficult process—both financially and socially difficult—and too often leads returning citizens right back to prison. Recent initiatives like RecycleForce, Blue Jacket, and others discovered ways to step into this cycle and support reintegration, providing ex-offenders with stable jobs that provide financial resources as well as community support and the hope to move forward. These programs are effective, providing personal skills and stable income that allow returning citizens to meet their probation and parole expectations while contributing to public welfare through taxes, employment, and positive community engagement. Unfortunately, inconsistent funding plagues these organizations and reduces the impact of their work. Due to their immense public benefit, reentry initiatives should receive increased state funding to expand as an important aspect of a criminal justice system that pursues true restoration.

VIII. Conclusion

The Second Annual Evaluation of Indiana's Criminal Code Reforms (2016) opened with the legislative history and context of House Enrolled Act 1006, Indiana's step towards a more reformatory justice system that reduces recidivism, prison population, and taxpayer cost. This report establishes a baseline for the system before the reforms took effect. While recognizing that less than two years' worth of data makes it very difficult to state the impact of the criminal code reforms, this Report analyzes some of the developing trends in the two short years since the reforms took effect. It finds increased use of the new felony levels rather than the former felony classes, a general movement away from incarceration in the Department of Correction for all felonies,

⁹⁰ "Organization Helps Decrease Number of People Returning to Jail," *Blue Jacket*, August 13, 2014, <http://www.bluejacketinc.org/news/organization-helps-decrease-number-of-people-returning-to-jail>

shorter sentences for low level offenders under the new system, and more offender-days imposed for higher-level felonies.

The report examines eleven key areas of criminal justice reform as enumerated by the Indiana Code, emphasizing judicial departments, probation reform, problem-solving courts, reentry programs, and mental health and addiction services. A review of last year's recommendations on data integration, offender identification, pretrial release, and jail data collection finds slight progress, though not as much as hoped, and further recommendations are made for this upcoming year. Indiana should continue to pursue centralized data management, set a uniform probation incentive and violation sanction schedule, continue researching programs like cell phone monitoring, and increase funding for proven reentry programs. These lofty goals require participation from all actors – prosecutors, defenders, local and state police, court systems, executive offices, the General Assembly, researchers, not-for-profits, communities, and above all, citizens. Through communication, research, and humility, much can be done to keep Indiana safe while supporting second chances – in short, working towards true reformatinal justice.