




DECEMBER
2020

INDIANA CRIMINAL CODE REFORM

ANNUAL EVALUATION

PREPARED BY THE INDIANA CRIMINAL JUSTICE INSTITUTE AND THE JUSTICE REINVESTMENT ADVISORY COUNCIL



Indiana Criminal Justice Institute's Research Division
Christine Reynolds, Research Division Director
Meagan Brant, Research Manager
Kaitlyn Christian, Research Associate
Katie Schwipps, Research Associate

Justice Reinvestment Advisory Council
Jennifer Bauer, Staff Attorney

Guided by a Board of Trustees representing all components of Indiana's criminal and juvenile justice systems, the Indiana Criminal Justice Institute (ICJI) serves as the state's planning agency for criminal justice, juvenile justice, traffic safety, and victim services. The ICJI develops long-range strategies for the effective administration of Indiana's criminal and juvenile justice systems and administers federal and state funds to carry out these strategies. The ICJI also serves as Indiana's Statistical Analysis Center (SAC). The SAC's primary mission is compiling, analyzing, and disseminating data on a variety of criminal justice and public safety-related topics. The information produced by the SAC serves a vital role in effectively managing, planning, and creating policy for Indiana's many public service endeavors.

The purpose of the Justice Reinvestment Advisory Council (JRAC) is to review policies, promote state and local collaboration, and provide assistance for use of evidence-based practices in community-based, and a variety of other, alternatives and recidivism reduction programs.¹

The 2020 Annual Evaluation of the Criminal Code Reform report was prepared for Governor Eric J. Holcomb, Chief Justice Loretta H. Rush, and the Indiana General Assembly Legislative Council and submitted on December 1, 2020.

Acknowledgments:

This report would not have been possible without the contributions of the executive teams and boards of the Indiana Criminal Justice Institute and the Justice Reinvestment Advisory Council, in collaboration with the Indiana Court Technology, Indiana Office of Court Services, the Indiana Department of Correction, the Indiana Family and Social Services Administration, the Indiana Sheriffs' Association, the Indiana Supreme Court, and the Indiana Prosecuting Attorneys Council to obtain data and information for this report.

¹ Learn more about JRAC here: <https://www.in.gov/justice/>





TABLE *of* CONTENTS

04

LETTER FROM THE DIRECTOR

05

EXECUTIVE SUMMARY

07

INTRODUCTION

09

COVID-19 IMPACT ON PRISON
AND JAIL POPULATIONS

10

NEW LEGISLATION

12

COURT DATA

17

DEPARTMENT OF CORRECTION AND
COMMUNITY CORRECTIONS DATA

23

JAIL DATA

25

MENTAL HEALTH AND SUBSTANCE USE
PROGRAM EFFECTIVENESS

28

CONCLUSION

28

RECOMMENDATIONS

Letter from the Director



It is with great pleasure that the Indiana Criminal Justice Institute, in collaboration with the Justice Reinvestment Advisory Council, submit the 2020 Annual Criminal Code Reform Evaluation pursuant to IC 5-2-6-24.

This is the sixth year of the Annual Criminal Code Reform Evaluation, and the third year it has been done in conjunction with the Justice Reinvestment Advisory Council. It represents the culmination of countless hours of quantitative and qualitative data analysis and collaborations with state and local partners. Unlike past reports, the 2020 report focuses only on data and information from 2019 up through June 30, 2020.

This report, like the previous, covers many topics, ranging from jail overcrowding and the development of specialty courts to behavioral and mental health services. However, one main point of note is the attempt to address the impact of COVID-19 on the criminal justice system. Arguably, this has been one of the most challenging issues facing both the state's and the nation's criminal justice system today. This report intends to address many of these areas in a way that allows Indiana's policymakers and stakeholders to develop public safety policies based on sound data and meaningful analysis.

Although none of the issues we're facing today have easy solutions, our hope is that this report, combined with the diligent efforts of Indiana's criminal justice community, will lead to progress, as Indiana remains committed to enhancing and developing the best criminal justice system in the nation. I would like to commend all of the individuals and organizations that contributed to this report, as well as the professionals who work in, or are involved with, taking our justice system to the next level. Their passion, dedication and hard work truly sets Indiana apart.

If you have questions about this report, please don't hesitate to contact ICJI at 317-232-1233.

Respectfully,

Devon McDonald

A handwritten signature in blue ink, appearing to read "Devon McDonald". The signature is fluid and cursive, written over a light blue horizontal line.

Indiana Criminal Justice Institute
Executive Director



EXECUTIVE SUMMARY

In 2013, the Indiana General Assembly introduced House Enrolled Act 1006 – an act to amend the Indiana Code concerning criminal law and procedure. The provisions were officially set and codified as Public Law 158 on July 1, 2014. The Indiana Criminal Justice Institute (ICJI) and the Justice Reinvestment Advisory Council (JRAC) were tasked to annually evaluate the effects of the criminal code reform on the criminal justice system. Most provisions have been met in some capacity. This report represents the sixth annual evaluation of House Enrolled Act 1006. It is important to note that, due to the novel coronavirus (COVID-19) global pandemic beginning in March of 2020, data presented in this report may not accurately reflect previously identified trends.

Various legislation took effect on July 1, 2020, addressing jail overcrowding, pre-trial release, and collecting jail data. The ICJI's Behavioral Health Division also introduced recovery language into the statute further operationalizing programs that may be funded. This change will likely affect the development of recovery generally, and for criminal justice-involved individuals specifically. Largely, the effects of these changes have yet to be realized.

To determine the effects of the criminal code reform on the courts, prisons, jails, and other community-based alternatives to incarceration, data was obtained from Indiana Court Technology and the Indiana Department of Correction (IDOC). Data gathered from Court Technology demonstrates new filings, abstracts of judgment (original, revocations, sentence modifications, and appeals), and sentence placements (jail, probation, IDOC, community corrections, or some combination), as well as information about probation and problem-solving courts. Data gathered from the IDOC outlines admissions and releases (including parole, probation, and community transition program), facilities capacity, and recidivism, as well as information about jail population, capacity, and programs. Finally, information about the availability and effectiveness of mental health and substance use programs was provided by the above entities, as well as the Indiana Family and Social Services Administration's (FSSA) Division of Mental Health and Addiction (DMHA), and associated research partners.

There were 73,614 new criminal felony filings in SFY20, where F6 filings comprised three-quarters of the total. Further, the top 10 felonies filed across 2019 and the first half of 2020 were all F6 offenses (e.g., possession, theft, and domestic battery). Original abstracts of judgment are on the rise after a decline due to the COVID-19 pandemic, and 75% of those abstracts represent F6 offenses. Additionally, F6s held in jail have been on the rise since the first peak of the pandemic, and F6s held in jail awaiting the IDOC more than doubled when comparing the first month of SFY20 to the last. These data in tandem clearly demonstrate that the Indiana criminal justice system is disproportionately inundated with individuals with low-level felony sentences; in large part, these felons are being placed in jail, therefore impacting



jails the most. Seventy-nine percent of all sentences did not include an IDOC placement, and only 8% of F6s are being placed in the IDOC, which reduced the amount of low-level, non-violent felons in prison. There were only 176 (0.24%) new criminal felony filings under the legacy criminal code, demonstrating successful assimilation to the new felony classification system. Finally, 4,452 motions to suspend or reduce a felony sentence, or a sentence modification, were filed, where about a quarter were granted and another 30% were denied, allowing judges more discretion.

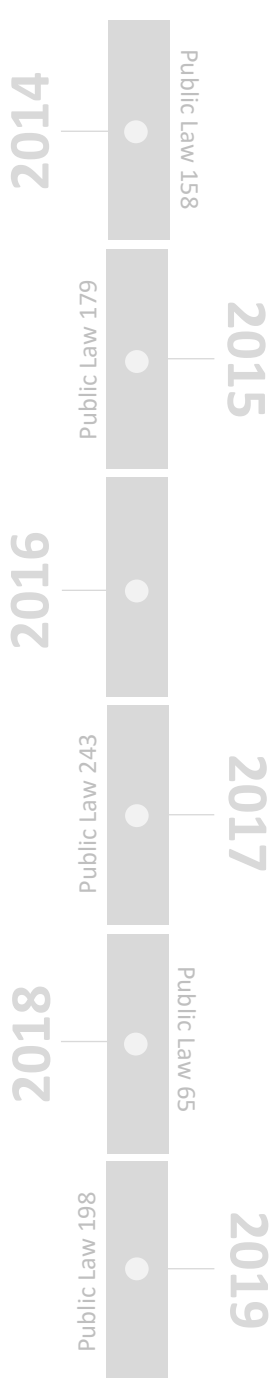
HEA 1006 envisioned the increased usage of community-based programming to promote rehabilitation of offenders within their communities as well as decrease the usage of state and local facilities. Comparing the first and last months of SFY20, there have been decreases in probation supervisions (reported by both the courts and the IDOC) and releases to parole, while community transition program (CTP) utilization has remained unchanged. A dwindling usage of community-based alternatives to incarceration may correlate with the high utilization rates of jails; minimum-, medium-, maximum-security prisons; and re-entry facilities across the state, but could merely be an effect of the pandemic. On average in 2019, jails were at 92% capacity where 80% is considered the standard maximum capacity. When looking at jails individually, 27 (29%) are operating at a utilization rate between 80% and 99% and 37 (40%) are operating at a utilization rate of 100% or more. Male and female prison utilization rates decreased over the course of SFY20; however, this is likely attributable to the COVID-19 pandemic. Before May of 2020, male minimum-, medium-, and maximum-security prisons, as well as female medium-security prisons consistently operated at a utilization rate of 90% or more.

“Treatment courts are the single most successful intervention in our nation’s history for leading people living with substance use and mental health disorders out of the justice system and into lives of recovery and stability.”

– National Association of Drug Court Professionals

An important aspect of the criminal code reform was to redistribute funds to the local level for the rehabilitation of offenders to decrease recidivism and enhance public safety. This was operationalized by funding mental health and substance use programs both within facilities and the local community. There have been a wide variety of resources made available to the general population and the criminal justice involved population alike who need mental health and/or substance use programming. For the criminal justice population, involvement in, and especially completion of, programs that address mental health and substance use seem to reduce recidivism. According to the National Association of Drug Court Professionals (NADCP), “treatment courts are the single most successful intervention in our nation’s history for leading people living with substance use and mental health disorders out of the justice system and into lives of recovery and stability.” Indiana has taken a similar approach through the use of problem-solving courts. Largely, exposure to substance use programming in the IDOC reduces one year rearrest rates. Additionally, offenders involved in the Recovery Works program see lesser one-, two-, and three-year recidivism rates. At present, there is no system in place to capture the effectiveness of mental health or substance use programming in jails, nor is there a system in place to capture the effectiveness of mental health programming in the IDOC.

Based on findings in this report and prior reports, the ICJI and the JRAC outline that enhancing the criminal justice data ecosystem; investing in forensic mental health and substance use programs, as well as other programming which may mitigate risk factors to recidivating; and helping offenders successfully re-assimilate into their communities will ensure that the provisions of House Enrolled Act 1006 are not just met, but advanced.



INTRODUCTION

In 2013, the Indiana General Assembly introduced House Enrolled Act 1006 – an act to amend the Indiana Code concerning criminal law and procedure. The provisions were officially set and codified as Public Law 158 on July 1, 2014.² House Enrolled Act 1006 may be referred to as any of the following throughout this report: the criminal code reform, 1006, HEA 1006, House Bill 1006, and HB 1006.

In short, HEA 1006 aimed to:

- » reduce crime and enhance public safety by locally rehabilitating offenders;
- » reserve scarce prison space for dangerous offenders, and redistribute realized savings to county-level services;
- » restructure the felony system, revise sentencing schemes, and operationalize offenses to maintain proportionality in penalties;
- » ensure judges have maximum discretion, removing mandatory minimums and expanding suspendible sentences; and,
- » provide victims of crime certainty in the length of their offender’s sentence through capped credit time.

Legislative action has been taken in the years after the passing of 1006 amending parts of these original attributes – Governor approved changes (2014),³ Public Law 179 (2015),⁴ Public Law 243 (2017),⁵ Public Law 65 (2018),⁶ and Public Law 198 (2019).⁷

The Indiana Criminal Justice Institute (ICJI) was tasked to annually evaluate the effects of the criminal code reform on the criminal justice system in accordance with IC 5-2-6-24. Annual reports were outsourced to the Sagamore Institute in years 2015 and 2016. In 2017, the ICJI conducted its first evaluation. Since 2018, the ICJI has prepared the annual report in conjunction with the Justice Reinvestment Advisory Council (JRAC) in accordance with IC 33-38-9.5-2.⁸ High-level findings throughout the duration of this report are identified below.

As expected, offenders are increasingly being charged under the new felony code.⁹ The new felony code changes are contributing in part to an increase in the average number of prison days offenders are required to serve leading to a decrease in the

² To learn more, visit <https://legiscan.com/IN/bill/HB1006/2013>.

³ To learn more, visit <https://legiscan.com/IN/bill/HB1006/2014>.

⁴ To learn more, visit <https://legiscan.com/IN/bill/HB1006/2015>.

⁵ To learn more, visit <https://legiscan.com/IN/bill/HB1006/2017>.

⁶ To learn more, visit <https://legiscan.com/IN/bill/HB1006/2018>.

⁷ To learn more, visit <https://legiscan.com/IN/bill/HB1006/2019>.

⁸ The JRAC has contributed to further the understanding of the effects of the 2014 criminal code reform by co-authoring a report titled Bail Reform and Pretrial Issues. This report can be found here: <https://www.in.gov/justice/files/jrac-2019-bail-pretrial-report.pdf>

⁹ The new felony code assigns offenses with levels of classification ranging from a F1 to a F6. The legacy code utilized lesser classifications (4 as opposed to 6) and designated them as classes A – D. A F1 is considered the most severe, where an F6 (also referred to as Level 6 Felony or low-level felony) is considered the least severe punishment.



number of free prison beds. This is because felons are serving longer stints of their sentence to ensure certainty for victims, and the prisons continually admit new offenders. Overall, however, felons, particularly those low-level F6 felons, are less prevalent in the prison system. Jail overcrowding has become extremely concerning as F6s are being diverted from prison to the jails. Similarly, there has been an increased usage of jails and community-based alternatives particularly by those low-level felons who have been redirected from the prison system. There have been demonstrated decreases in non-suspendible sentences, and substance offenders receiving less severe sentences under the new felony code. Alternatives to incarceration programs have been invested in at higher proportions than pre-1006. However, according to data obtained from previous focus group projects, criminal justice stakeholders say it's still not enough. Professionals have also reported an increase in offender risk levels as well as substance use, misuse, and abuse, or substance use disorder among offenders. Prior reports, as well as a longitudinal analysis of data since the enactment of HEA 1006, are available on the ICJI's website.¹⁰

This report represents the sixth evaluation of the criminal code reform. The purpose of this report is to present recent revisions to legislation pertaining to the criminal code reform and evaluate the original provisions' effects on the Indiana criminal justice system. Data and information that support the demonstrated effects in this report derive from a variety of local and state entities and will cover the most recent year of data – the state fiscal year 2020 (SFY20, July 1, 2019 – June 30, 2020). It is important to note that, due to the novel coronavirus (COVID-19) global pandemic beginning in March of 2020, data presented in this report may not accurately reflect previously identified trends.

Aside from tracking the evolution of the criminal justice system post-HEA 1006, this report serves as a tribute to the hardworking individuals who are part of both public and private entities that work within and intersect with the criminal justice system. These individuals have tenaciously carried out the provisions of HEA 1006.



¹⁰ Past reports can be found here: <https://www.in.gov/cji/grant-opportunities/reports/>



COVID-19 IMPACT ON PRISON & JAIL POPULATIONS

During the spring months of 2020, Indiana saw a decrease in the incarcerated population that mirrored a decrease seen in many other states. Various organizations have since conducted research indicating that COVID-19 was the driving force behind much of this decline.

The Vera Institute of Justice published a report with data collected from 1,309 jail jurisdictions from counties across the United States. Analysis and extrapolation of the data showed that overall the jail population declined by nearly one quarter between the middle of March and the beginning of June, while the prison population decreased by nearly 10 percent.¹¹ While these numbers show a decrease in the number of individuals incarcerated at the end of the spring, they do not indicate a lasting trend. A report by the Prison Policy Initiative, which routinely tracks the population of 668 jails around the country, showed that 71% of those jails had begun to see increases in their populations again by the end of July, and 84 jails had a higher population of inmates at the end of July than they had in March.¹² The same report found that state prisons were much slower to reduce their populations than local jails had been, a finding that is consistent with the findings of the Vera Institute.¹³ The Public Policy Institute at Indiana University Purdue University Indianapolis (IUPUI) reports that a study of 11 counties in Indiana showed all 11 having decreases in their incarcerated populations between February 1, 2020, and April 14, 2020.¹⁴ The smallest decrease was seen in Clinton County, with a change of 8.2%, while Putnam County had the largest decrease with a change of 36.2%. Overall, the sample 11 counties experienced a 20% reduction in the jail population.¹⁵

On June 19, 2020, JRAC voted to review the impact of the COVID-19 pandemic on local jail populations. Self-reported data from Indiana's jails indicate that many experienced population reductions from mid-March through July, some of which were significant. To better understand factors influencing local jail populations during this time, a subcommittee contacted criminal justice stakeholders in several counties to identify local strategies and collaborative efforts undertaken to help manage the jail population during the pandemic.¹⁶ The subcommittee presented a

¹¹ Heiss, J., Hinds, O., Schattner-Elmaleh, E., & Wallace-Lee, J. (2020, August). The scale of the COVID-19-related jail population decline. Vera Institute of Justice. Retrieved from <https://www.vera.org/downloads/publications/the-scale-of-covid-19-jail-population-decline.pdf>.

¹² Widra, E. & Wagner, P. (2020, August). Jails and prisons have reduced their populations in the face of the pandemic, but not enough to save lives. Prison Policy Institute. Retrieved from <https://www.prisonpolicy.org/blog/2020/08/05/jails-vs-prisons-update-2/>.

¹³ Ibid

¹⁴ Public Policy Institute. (2020, June). U.S. and Indiana county jail populations during the COVID-19 pandemic. Retrieved from <https://scholarworks.iupui.edu/bitstream/handle/1805/23471/Issue20-C20.pdf?sequence=1&isAllowed=y>.

¹⁵ Ibid

¹⁶ Participating counties included: Cass, Grant, Hamilton, Huntington, Martin, Monroe, Montgomery, St. Joseph, Vanderburgh, Vigo and Wayne

preliminary report to JRAC in October highlighting some local conditions to lower jail populations, including increased use of citation in lieu of arrest, temporary suspension of warrant service, and fewer warrants issued for failure to appear and community supervision violations. The subcommittee will submit a final report to JRAC in December.

The sudden population reductions seen across the country in early 2020 can be attributed to a variety of practices employed across different locales. Many cities and municipalities, such as Philadelphia and Hilton Head, amended normal operations in March when the pandemic first peaked. This included measures to limit the number of people being arrested for petty crimes and infractions, relying on warnings and fines instead.¹⁷ In addition to reducing the number of new incarcerations, many states also worked to release incarcerated individuals who met certain criteria. The Equal Justice Initiative reported that the New Jersey Legislature passed legislation to allow for the early release of close to 20% of the state's prison population that was already within a year of finishing their sentence.¹⁸ The Governor of California also issued an order that allowed almost 8,000 inmates to be released if they were deemed nonviolent offenders.¹⁹ At the beginning of the pandemic, the Indiana Supreme Court issued Administrative Rule 17 for trial courts statewide that allowed for reasonable tolling²⁰ and, in some cases, virtual court meetings. This order led to a shutdown of many courts for a period, thereby reducing the number of new individuals being sentenced to prison or jail in Indiana. The order also allowed courts to review placements of nonviolent inmates and juveniles, to modify sentences or order temporary releases from jail.²¹

NEW LEGISLATION

Legislation impacting HEA 1006 went into effect on July 1, 2020:

- » updates to the JRAC including the edict to study jail overcrowding;²²
- » changes to requirements for Local Coordinating Councils (LCC) focusing on treatment and recovery maintenance;
- » expansion of educational credits for individuals incarcerated with the Department of Correction with the goal of reducing rates of recidivism;
- » changes to the classification of certain motor vehicle infractions;
- » the creation of a requirement for the ICJI to collect data concerning jail population and other statistics and provide that data to the Management Performance Hub (MPH); and
- » the creation of a requirement for the ICJI to collect data on the rates of individuals released pretrial, with an emphasis on whether they were released with or without money bail and rearrested before disposition of charges.

¹⁷ Dewan, S., Swales, V., & Vigdor, N. (2020, March 22). Police tread lightly as pandemic spreads. The New York Times. Retrieved from <https://www.nytimes.com/2020/03/22/us/coronavirus-police.html>.

¹⁸ Equal Justice Initiative. (2020, August 21). Covid-19's impact on people in prison. Retrieved from [https://eji.org/news/covid-19s-impact-on-people-in-prison/#:~:text=Incarcerated%20people%20are%20infected%20by,\(29%20deaths%20per%20100%2C000\)](https://eji.org/news/covid-19s-impact-on-people-in-prison/#:~:text=Incarcerated%20people%20are%20infected%20by,(29%20deaths%20per%20100%2C000).).

¹⁹ Ibid

²⁰ A legal doctrine that allows courts to pause procedures for a set amount of time.

²¹ Administrative rule 17 retrieved from <https://www.in.gov/judiciary/files/order-other-2020-20S-CB-123c.pdf>

²² Learn more about the Jail Overcrowding Taskforce here: <https://www.in.gov/judiciary/iocs/3874.htm>



Prior reports, as well as a longitudinal analysis of data since the enactment of HEA 1006, are available on the ICJI's [website](http://www.in.gov/cji/grant-opportunities/reports). Direct link: www.in.gov/cji/grant-opportunities/reports.




COURT DATA

This section outlines sentence modifications, shifts in where certain offenders are placed, and changes in the usage of alternative programs like probation and problem-solving courts, as it relates to the changes under 1006. It also outlines counts and observed patterns across these data. It should be noted, beginning in March 2020 through June 2020, courts in Indiana suspended criminal trials and other operations due to the national COVID-19 pandemic. This suspension of operations will show decreases in the data throughout this section.

NEW FILINGS

A criminal charge brought by the prosecutor’s office is referred to as a new filing. Table 1 below shows the number of new felony-level filings for SFY20. A total of 73,614 new criminal felony cases were filed. F6 filings made up most felony filings at just over 74% and F5s were the second highest at 14%.

Table 1 New Criminal Filings, SFY20



Felony-Level	New Filings	Percent
Murder	268	0.4%
F1	554	0.8%
F2	1,826	2.5%
F3	2,310	3.1%
F4	3,259	4.4%
F5	10,608	14.4%
F6	54,613	74.2%
FA - FD	176	0.2%
Totals	73,614	100%

The top ten felony filings have all been F6s (see Table 2). The number of felony filings is projected to decrease in 2020, likely a result of the pandemic. In 2019, five of the top ten felony filings were substance-related (possession of methamphetamine, syringe possession, narcotics possession, common nuisance, and operating while intoxicated). In 2020, four of the top ten felony filings are substance related. Additionally, domestic battery and strangulation are in the top ten filings. These crimes often involve substance use issues.²³ This data stresses the importance of having substance use programs and resources available for felony offenders.

²³ As found in ICJI’s Domestic Violence in Indiana – 2017 Offender Overview report <https://www.in.gov/cji/grant-opportunities/reports/>.

Table 2 Top 10 Felony Offenses, 2019-2020

	2019	2020 (Jan - June)
1	Possession of Methamphetamine	Possession of Methamphetamine
2	Syringe Possession	Syringe Possession
3	Theft with Prior	Theft with Prior
4	Possession of Narcotic	Domestic Battery
5	Domestic Battery	Possession of Narcotic
6	Theft	Theft
7	Strangulation	Strangulation
8	Auto Theft	Resisting Law Enforcement
9	Common Nuisance	Auto Theft
10	Operating While Intoxicated	Operating While Intoxicated

Source: IPAC

ABSTRACT OF JUDGMENT COUNTS

An abstract of judgment is a living document completed for offenders convicted of a felony that involves a sentence to the IDOC; this also includes F6s sentenced to jail. Figure 1 below shows the total number of abstracts monthly in SFY20. Total abstracts fluctuated slightly from month to month until the pandemic struck, which resulted in a noticeable decline. The period reflecting March to April saw the biggest decline (111%) in total abstracts. Abstracts began increasing in May and continued to increase in June. Original abstracts account for 70.5% of all abstracts, revocations make up 26%, and sentence modifications 3.5%.

Figure 1 Monthly Abstract of Judgment

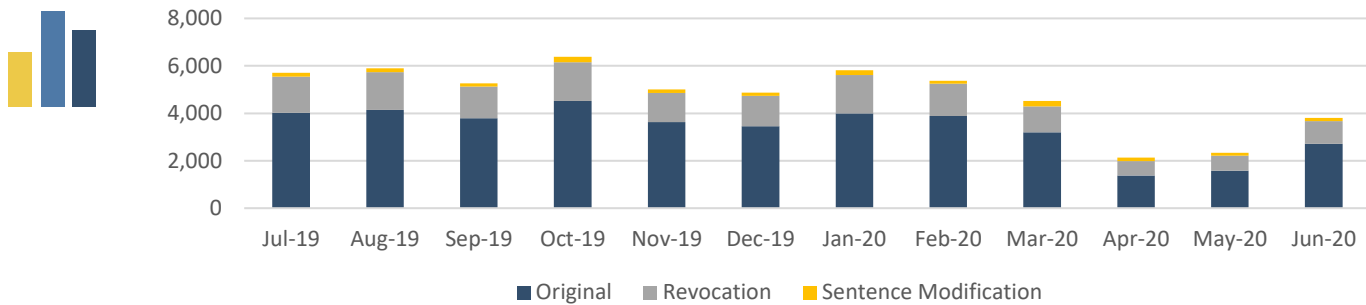


Table 3 shows the total number of original abstracts for SFY20. F6s constitute 75% of all abstracts or convictions. F5s are the second most common felony-level at 14%.

Table 3 Original Abstracts by Felony-Level, SFY20

Felony-Level	Count	Percent
MR	96	0.2%
F1	144	0.4%
F2	542	1.3%
F3	1,191	3.0%
F4	2,017	5.0%
F5	5,695	14.1%
F6	30,170	74.9%
FA	38	0.1%
FB	48	0.1%
FC	93	0.2%
FD	242	0.6%
Total	40,291	100.0%

A sentence modification motion is a request to the court to suspend or reduce the sentence of a felony conviction. Offenders may request a sentence modification at any point while serving their sentence. IC 35-38-1-17 specifies the eligibility and requirements to request a sentence modification. During SFY20, 4,452 sentence modification motions were filed. Nearly 30% were denied and 23.5% were granted. The rest of the motions are pending. Requests for sentence modifications have increased 119% since the enactment of HEA 1006 and 14% from the previous year. However, the percent granted (~22%) and denied (~31%) has remained about the same each year.

PLACEMENT

Placement refers to the type of sentence (jail, probation, IDOC, or community corrections) an offender received following conviction. Table 4 below shows that jail is the most frequently given sentence at 24%, followed by jail and probation (21%) and IDOC (14%). Overall, 79% of the sentences did not include an IDOC placement. This is in line with HEA 1006’s goal of reducing the number of offenders sentenced to prison.

Table 4 Placement Type Monthly, SFY20

Month	Jail	Jail and Prob	DOC	Prob	CC only	CC and Prob	DOC and Prob	Jail, CC, and Prob	Jail and CC	DOC, CC, and Prob	DOC and CC	No Placement	Total
Jul-19	1,273	1,193	750	767	623	385	278	97	74	51	33	10	5,534
Aug-19	1,357	1,269	868	734	553	357	303	81	78	72	36	17	5,725
Sep-19	1,187	1,113	641	682	567	375	291	83	78	58	33	13	5,121
Oct-19	1,474	1,261	850	905	680	411	285	72	99	69	40	8	6,154
Nov-19	1,094	1,041	677	692	522	344	240	73	75	44	32	16	4,850
Dec-19	1,178	1,003	706	592	484	319	237	64	58	47	28	9	4,725
Jan-20	1,361	1,172	785	791	584	375	275	73	89	53	34	19	5,611
Feb-20	1,336	1,095	674	742	497	391	257	71	83	54	27	14	5,241
Mar-20	1,090	876	610	595	384	256	253	79	56	41	28	16	4,284
Apr-20	588	410	328	220	160	82	119	24	22	23	9	0	1,985
May-20	579	419	337	266	191	141	163	27	26	30	24	8	2,211
Jun-20	862	754	432	555	388	299	195	75	42	30	21	9	3,662
Total	13,379	11,606	7,658	7,541	5,633	3,735	2,896	819	780	572	345	139	55,103

Before the enactment of HEA 1006, FDs were commonly sentenced to the IDOC. Now, F6s (the equivalent of FD under the new code) are sentenced to the IDOC in limited circumstances. F6s make up 75% of the placements and are most often sentenced to jail, probation, or community corrections. Out of all the placements for SFY20, FDs and F6s constitute 95% of the jail only placements. Table 5 on the next page shows where FDs and F6s were placed during SFY20. These data demonstrate that 31% of FDs and F6s are placed in jail, 26% in jail and probation, 16% in probation only, and 11% in community corrections. Only 8% of these offenders received a placement in an IDOC facility.

Table 5 Placement Type for F6s and FDs, SFY20

Placement Type	Count
Jail	12,720
Jail and Probation	10,614
Probation	6,527
Community Corrections	4,508
IDOC	2,909
Community Corrections and Probation	2,274
Jail and Community Corrections	677
Jail, Community Corrections, and Probation	664
IDOC and Probation	255
No Placement	127
IDOC and Community Corrections	45
IDOC, Community Corrections, and Probation	37
Total	41,357

PROBATION

Probation is a court-imposed sentence that releases a convicted person into the community, subject to certain conditions. The total number of adult offenders on probation has decreased since the 1st quarter of 2020, with an overall 11% decrease for SFY20. The number of new felony supervisions saw a 43% decline from the 3rd quarter of 2019 to the 2nd quarter of 2020. For new felony supervisions received, substance offenses made up 39.5% of offenders on probation.

Table 6 Felony Adult Supervisions Quarterly, SFY20

	Quarter Supervision Received			
	2019 Q3	2019 Q4	2020 Q1	2020 Q2
Total Current Supervisions	58,318	59,214	56,991	52,575
Total Felony Supervisions Received	10,534	9,662	9,572	6,001
Felony Supervisions Received, Substance Use	4,209	3,919	3,952	2,054

There are different methods of release, including discharged (completed probation), revoked for a new offense, revoked for a technical violation (e.g., repeated refusal to engage in treatment), absconded (whereabouts are currently unknown), and other. As shown in Table 7 below, 48% of offenders released from probation have completed their probation sentence. Thirteen percent of probationers had their probation revoked due to committing a new offense prior to completing the probation sentence, and 14% for a technical violation. Fourteen percent of offenders were discharged for other reasons, and 11% absconded prior to probation completion.

Table 7 Adult Felony Offenders Released from Probation by Type Quarterly, SFY20

	Quarter Released from Probation				
	2019 Q3	2019 Q4	2020 Q1	2020 Q2	Total
Completed	5,453	4,563	5,067	4,127	19,210
Revoked New Offense	1,522	1,460	1,481	824	5,287
Revoked Technical	1,592	1,516	1,510	698	5,316
Absconded	1,178	1,174	1,165	984	4,501
Other	1,397	1,326	1,801	1,024	5,548
Total	11,142	10,039	11,024	7,657	39,862

PROBLEM-SOLVING COURTS

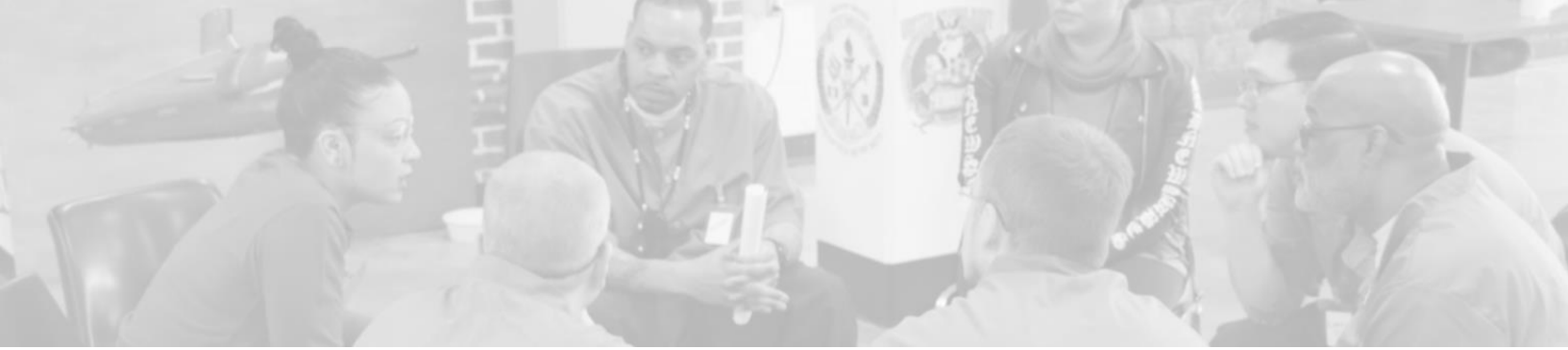
Many counties decided to implement problem-solving courts to, not only help with increased caseloads and resolution of cases, but to provide alternative sentencing options to offenders. Problem-solving courts address specific offenses or needs and often, upon successful completion, the offender will have the conviction dropped to a misdemeanor or dismissed. Research conducted by the National Institute of Justice (NIJ) has shown offenders who complete a problem-solving court program often have a lower rate of recidivism, a reduction in drug relapse, and report less criminal activity. Additionally, NIJ’s research found that drug courts are most effective when serving offenders who are assessed as high-risk to re-offend and in high need of services.²⁴

In Indiana, 40% of all certified problem-solving courts are drug courts. However, many problem-solving courts despite their official designation address substance use concerns. In 2019, Indiana problem-solving courts reported serving 4,129 participants with over 50% being F6 offenders. As of November 2020, there were 114 problem-solving courts in 54 counties and 14 in planning stages in 9 counties. The table below displays the total number of each type of problem-solving court.

Table 8 Total Problem-Solving Courts

Type of Problem-Solving Court	Total	Planning Stages
Adult Drug Court	46	5
Veterans Court	28	0
Family Recovery	14	7
Re-entry Court	11	0
Mental Health	8	1
Juvenile Drug Court	1	1
Juvenile Problem-Solving Court	2	0
Domestic Violence Court	1	0
Adult Problem-Solving Court	1	0
Truancy	1	0
Operating Vehicle While Intoxicated	1	0
Total	114	14

²⁴ Haskins, Paul A. (2019, September). Problem-Solving Court: Fighting Crime by Treating the Offender. National Institute of Justice. Retrieved from <https://nij.ojp.gov/topics/articles/problem-solving-courts-fighting-crime-treating-offender>



DEPARTMENT OF CORRECTION & COMMUNITY CORRECTIONS DATA

HEA 1006 impacted the IDOC offender population by changing the statute to state that a person convicted of an F6 may not be committed to the IDOC unless the offender:

- » has been committed due to violating a condition of probation, parole, or community corrections by committing a new offense;
- » is convicted of an F6 and that sentence is ordered to be served consecutively to the sentence for another felony;
- » is convicted of an F6 that is enhanced by an additional fixed term or has received an enhanced sentence;
- » the person's earliest release date is greater than 365 days; or
- » the commitment is due to an agreement made between the sheriff and the IDOC.

Generally, F6 offenders will serve at least 50% of their sentence and F1 – F5 offenders will serve at least 75% of their sentence. HEA 1006 also expanded the types of programs that are available to offenders in the IDOC which may award them with credit time. Pre-1006, offenders were able to receive credit time for substance use and education programs only. Post-1006, there is an expanded list of programs for which an offender may receive credit. This expansion helps reduce recidivism and decrease the prison population.

Because many F6s are no longer eligible for the IDOC, the Indiana General Assembly appropriated an additional \$25 million to the Community Corrections Division for grant funding. Grants are now eligible to additional local criminal justice entities like probation departments, court recidivism reduction programs, prosecutor's diversion programs, and jail treatment programs in order to address the influx of Level 6 felons. In addition to the awarded grant funding, the entities use other state, federal, and local funds to support their operations. In FY19, and with the guidance of the JRAC, \$66.8 million was awarded to 173 entities. For FY20, \$69.6 million is being recommended to grant out.

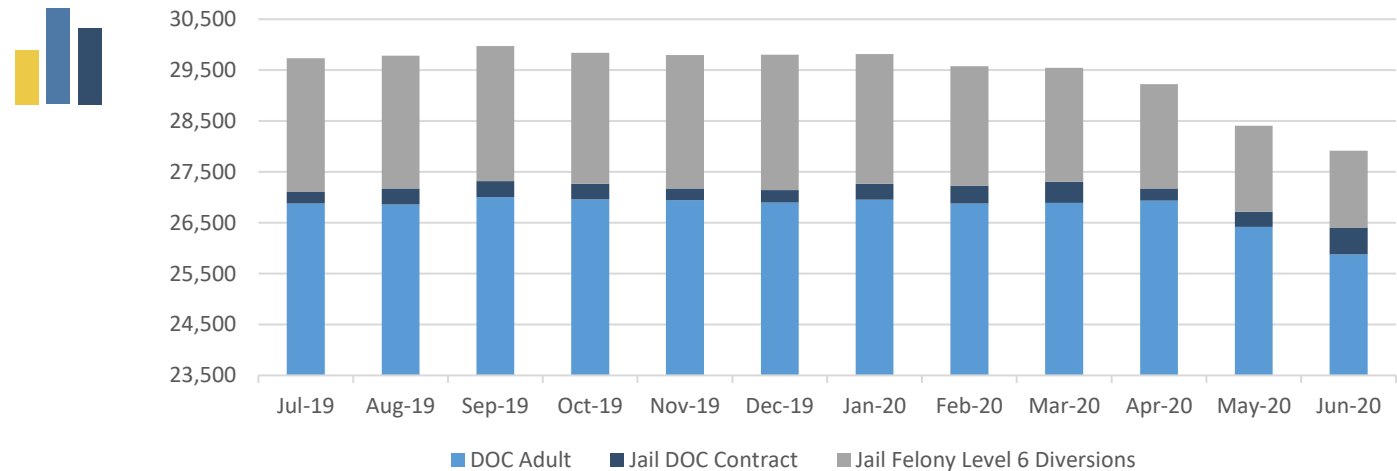
TOTAL ADULT OFFENDER POPULATION

The total adult offender population is the average number of adult offenders under any commitment to the IDOC, which includes the IDOC facilities, county hold jail beds, and F6 diversions.

Prior 1006 reports published by the ICJI show that after 1006 was enacted in 2014, the facility offender population continually decreased until the 1st half of 2017. Since the second half of 2017, offender populations have continued to rise well into 2020 with the total IDOC offender population averaging

29,451 for the SFY20. Of the 29,451 total offender population, 26,791 (91%) are in the IDOC facilities, 316 (1%) are in county jails waiting to be admitted into the IDOC, and 2,344 (8%) are in jails as F6 diversions. The figure below shows a month by month breakdown of total IDOC offender populations.

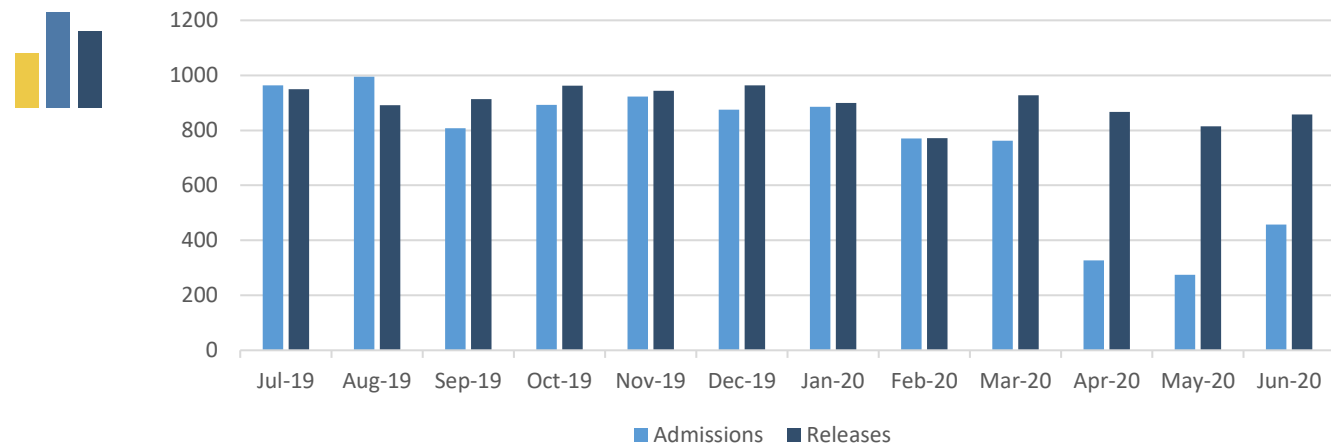
Figure 2 Total IDOC Offender Population, SFY20



ADMISSIONS AND RELEASES

The figure below illustrates monthly adult admissions and releases for prisons and IDOC contracted facilities. An admission is when an offender enters the custody or jurisdiction of the IDOC. A release is when an offender leaves the custody or jurisdiction of the IDOC. Releases have been decreasing since the enactment of HEA 1006, with a 41% decline over the 5-year period. This trend continued in SFY20, despite the spike in releases during the COVID-19 pandemic, as shown below. Admissions have fluctuated from July 2019 to June 2020, ranging from just over 200 (May 2020) to 1,000 (August 2019).

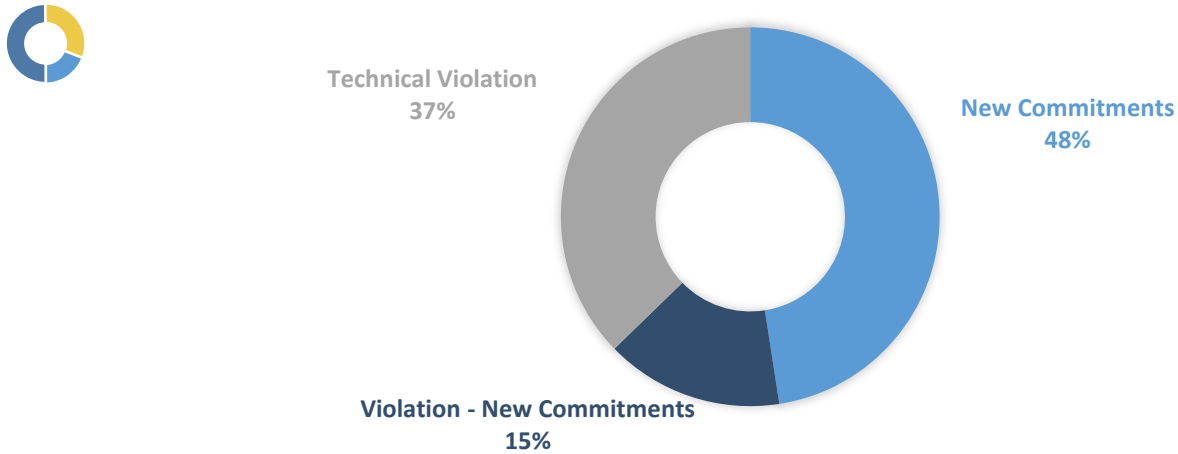
Figure 3 Monthly Admissions & Releases, SFY20



The figure on the next page shows admissions by type of commitment. New commitments are offenders who are being committed to the IDOC on a new sentence. Violation-new commitments are those offenders who were under community supervision including probation, parole, and community transitions program (CTP) and violate the terms of their community supervision by committing a new

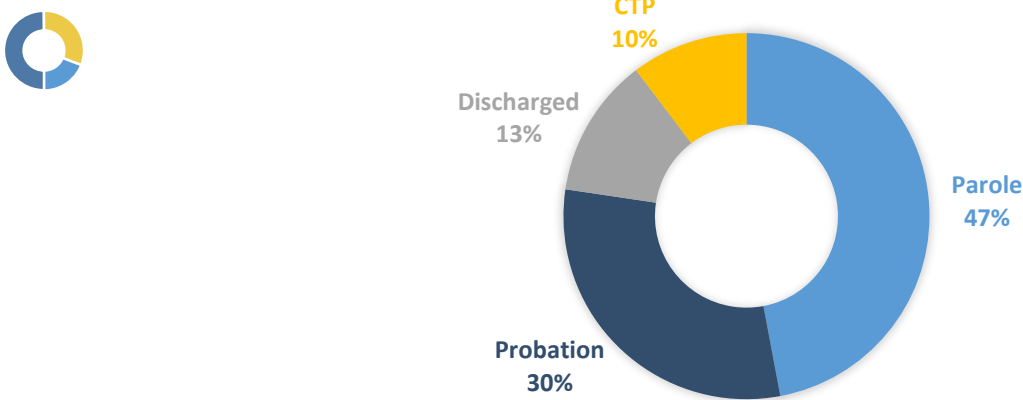
offense. These individuals are returning to the IDOC to serve a new sentence and may also have concurrent and/or consecutive sentences to serve. Technical violations show the offenders who were returned to the IDOC for violating the terms of community supervision, including probation, parole, or CTP. New commitments made up 48% of all admissions.

Figure 4 Average Admission by Commitment Type, SFY20



Releases by type are shown in the figure below. The discharged category represents offenders released from the IDOC without any further commitment or supervision on any sentence. Parole, probation, and CTP categories represent offenders who are being released from an IDOC facility to community supervision as part of their release agreement. Parole made up nearly 50% of all releases from the IDOC.

Figure 5 Releases by Type



RECIDIVISM

The IDOC defines recidivism as any offender who returns to IDOC custody within three years of release. Table 9 shows recidivism for SFY20. Felony B offenders had the highest recidivism rate followed closely by misdemeanants and Felony C offenders. The total recidivism rate has increased from 2014 to 2020 by roughly 3%.

Table 9

Recidivism by Offense Level, SFY20

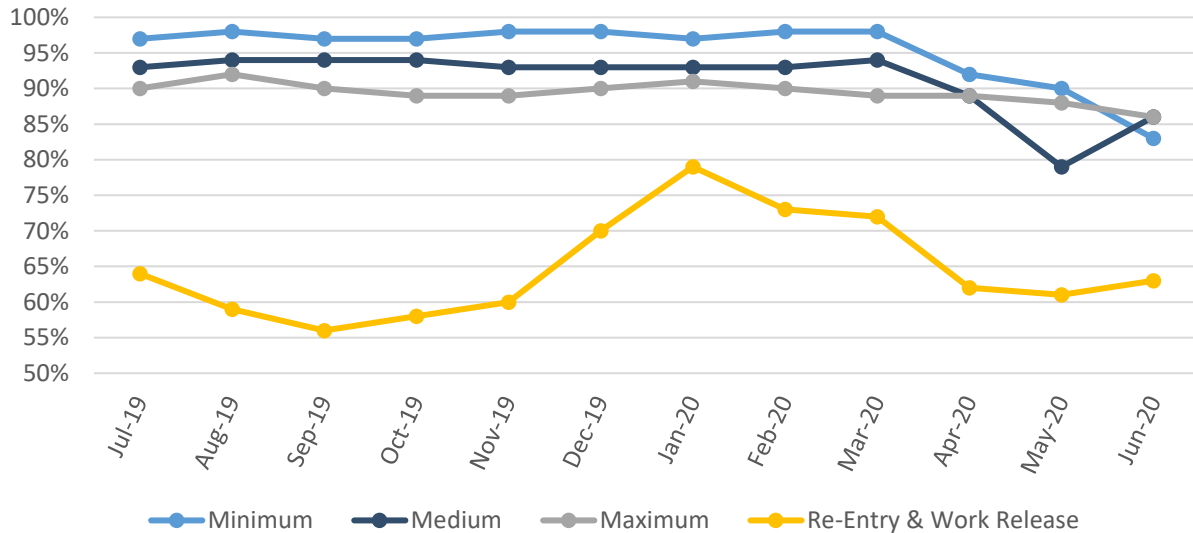
Offense Level	Number Released	Number of Recidivists	Recidivism Rate
Murder	46	9	19.6%
Felony A	523	142	27.2%
Felony B	4,436	1,963	44.3%
Felony C	2,911	1,192	40.9%
Felony D	2,597	662	25.5%
Felony 1	0	0	0%
Felony 2	26	5	0%
Felony 3	86	33	0%
Felony 4	228	95	0%
Felony 5	1,022	383	37.5%
Felony 6	1,263	370	29.3%
Habitual	4	1	25%
Misdemeanor	7	3	42.9%
Total	13,149	4,858	36.95%

FACILITY CAPACITY

Male medium-security facilities operated between 93% and 94% capacity from July 2019 to March 2020. In April 2020, capacity dropped to 89% and dropped again in May to 79%. Capacity began increasing in June, reaching 86%. Male maximum security facilities operated between 88% and 92%, except for June when capacity dropped to 86%. Male minimum-security facilities operated at nearly full capacity from July 2019 to March 2020. In April 2020, capacity dropped to 92% and continued decreasing in the following months, reaching 83% in June 2020. Re-entry/work release fluctuated greatly before trending upward in November 2019, slowly decreasing starting in January 2020, and then dropping sharply in April 2020. Most, if not all, changes in capacity occurring between March 2020 and June 2020 can be attributed to increased releases and lowered admissions resulting from the COVID-19 pandemic.

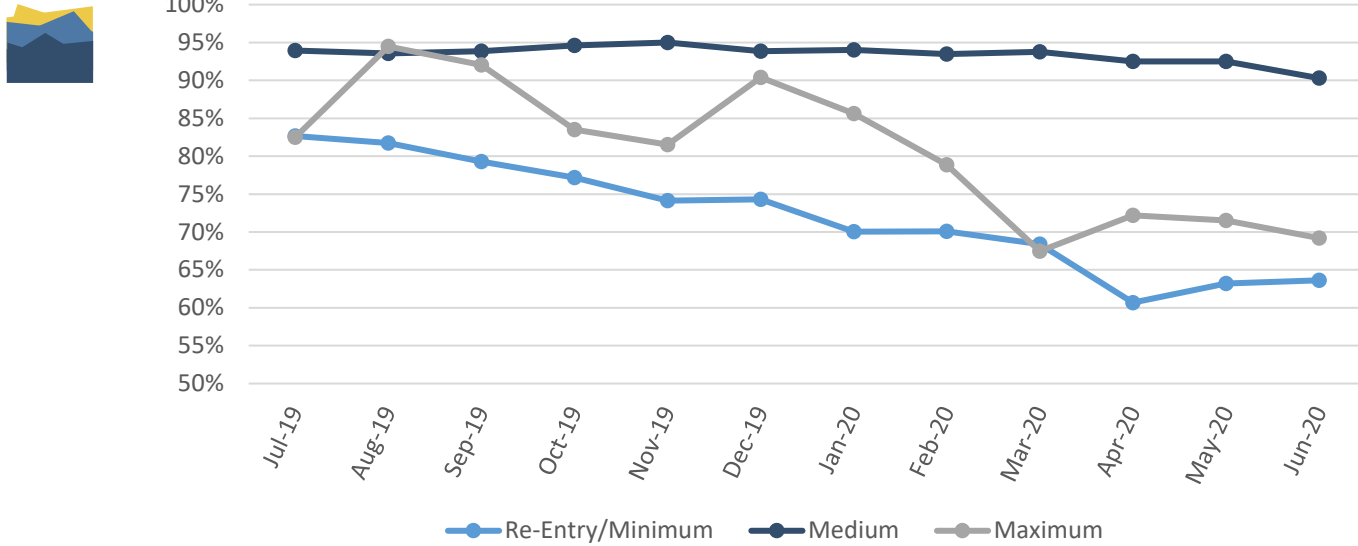
Figure 6

IDOC Adult Male Facility Operational Capacity by Month and Security Level



The figure below shows the operational capacity for adult female IDOC facilities by month from July 2019 to June 2020. Medium-security facilities consistently remained at or over 90% capacity, with a high of 95% in October and November. Minimum-security and re-entry facilities' operational capacity trended downward until April 2020, starting at 83% in July 2019 and reaching the lowest capacity of 61% in April. Capacity began trending back upward in May 2020 and June 2020. Maximum security capacity fluctuated before reaching a low of 67% in March 2020. Capacity increased to 72% for April and May, before falling again in June to 69%.

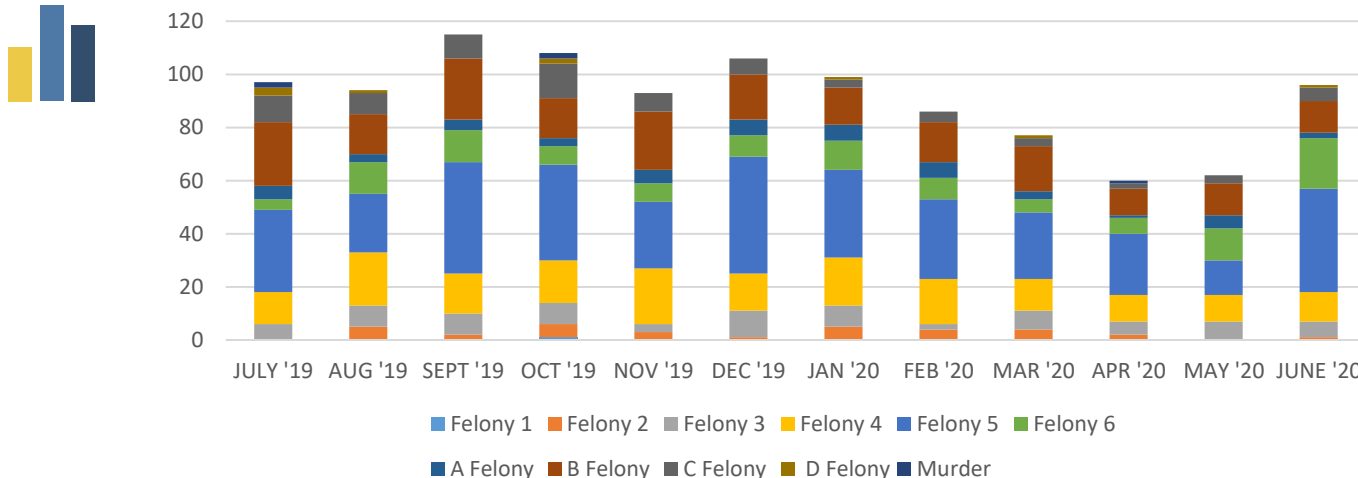
Figure 7 IDOC Adult Female Facility Operational Capacity by Month and Security Level



COMMUNITY TRANSITION PROGRAM

The Community Transition Program (CTP) allows offenders committed to the IDOC to be alternatively assigned to their county’s community corrections program, probation, or court program. Eligibility for CTP is determined by statute. Whether an offender is released to CTP is determined by the court in the offender’s county of conviction. The figure below shows CTP utilization by offense level for the months of July 2019 to June 2020. F5s account for the highest number of offenders utilizing CTP each of the months reported. F1s and those convicted of murder represent the lowest number of offenders utilizing CTP, with only one F1 offender and five offenders convicted of murder, from July 2019 – June 2020.

Figure 8 CTP Utilization by Offense Level, SFY20

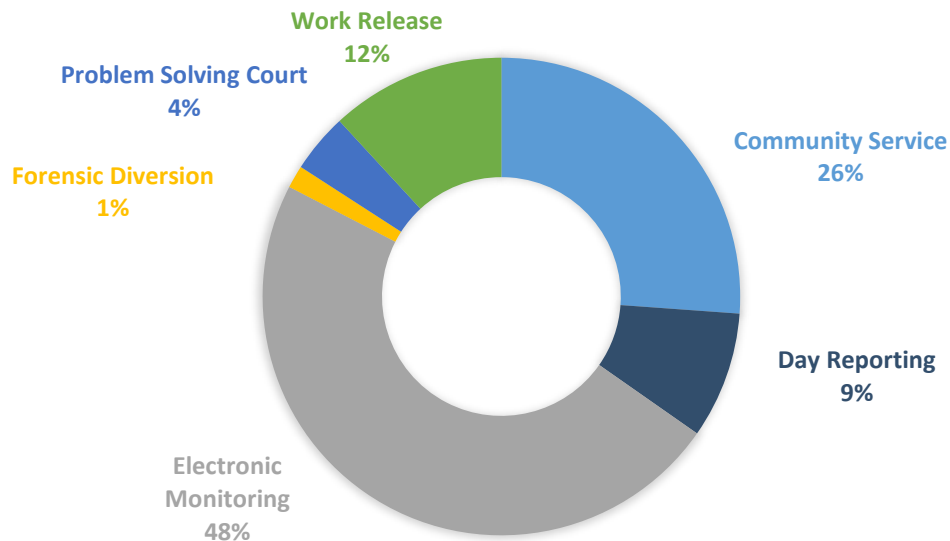


COMMUNITY CORRECTIONS

Community corrections aim to divert felons from the IDOC and reduce the number of low- to medium-risk offenders as a front-end diversion that would be subsidized, at least in part, by the state. The evidence-based programming aims to divert offenders from incarceration by providing those charged with a crime or act of delinquency with several different services. Community corrections operate, in some capacity, in every Indiana county,²⁵ except for Benton, Franklin, and Newton counties.

Community corrections uses many methods to supervise offenders. The figure below shows the average percentage of participants enrolled in each program type for the SFY20. The most common form of supervision used by community corrections is Electronic Monitoring (48%). On average, 26% of all participants are involved in community service supervision, 12% are in work release and 9% are supervised through day reporting, as seen below.

Figure 9 Community Corrections by Supervision Type



According to the IDOC's Community Corrections Division, the most recent recidivism rate for Community Corrections is 11.7%. Recidivism is defined as those who had been released from Community Corrections supervision in 2016 and returned to the IDOC within three years.



²⁵ For a more detailed map about community corrections in Indiana visit <https://secure.in.gov/idoc/2320.htm>.



JAIL DATA

Jails in Indiana use over 20 different jail management systems. A centralized statewide system to collect jail data does not yet exist; thus, it is not possible to extract real-time data from the jails²⁶. To analyze jail capacity and inmate populations, it is necessary to use other means of data collection. To assess the capacity of county jails and the effect that HEA 1006 has had, the ICJI received jail inspection reports for each jail in the state for inspections occurring in 2019. There are 92 jails in 91 counties; Ohio County does not have a jail, and Marion County has two jails. Inmates from Ohio County are mostly housed in Switzerland County. The IDOC conducts annual jail inspections for each jail. The inspection includes the number of operational beds, the inmate population count on the day of the inspection, the number being held and/or transferred to IDOC, the number of inmates being held for the federal government, demographic information, adequate staffing level, and services provided such as GED and substance use counseling. From the inspection report, the ICJI was able to determine the rate of capacity and adequate staffing levels for each jail. It should be noted that jail inspection reports capture the number of incarcerated individuals on the day of the inspection only; they do not give an average daily population nor a range. The jail population is ever-changing, and it is plausible for jails to fluctuate from being over capacity to under capacity several times throughout the year.

Jails were labeled as overcrowded if they exceeded 80% of their available bed capacity. The National Institute of Corrections defines crowding as “when the jail population consistently exceeds design, or *rated*, capacity. However, symptoms of crowding may be apparent much earlier once the jail reaches approximately 80% of rated capacity. At that level, properly housing and managing the diverse jail population begins to become much more difficult because compromises in the jail’s classification system occur.”²⁷ Furthermore, overcrowding may lead to increases in violence; increases in the availability of contraband; and a breakdown in security, maintenance, and other areas. These conditions increase a jail’s liability and may jeopardize the safety and well-being of inmates and staff.²⁸ The Indiana jail inspector has established that a jail should never exceed 80% of its available bed capacity to effectively allow for changes in inmate demographics and characteristics. Jails that exceed 80% of rated capacity could face liability issues and may be classified as non-compliant with Indiana jail standards. Jails that exceed 100% of their available bed capacity are considered overcapacity.

For the benefit of this report, the ICJI chose to include nine variables to paint a stronger picture of the status of the county jails for analysis; the entire inspection report was not utilized. These variables were:

²⁶ It should be noted that IDOC and the ICJI are partnering to enhance the statewide victim notification system to allow for real-time jail population data to be extracted via various interfaces.

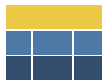
²⁷ Martin, M., & Katsampes, P. (2007, January). *Sheriff’s guide to effective jail operations* (NIC Accession Number 021925), p.23. Washington, DC: US Department of Justice, National Institute of Corrections. Retrieved from <https://s3.amazonaws.com/static.nicic.gov/Library/021925.pdf>

²⁸ Ibid

county, inmate population, capacity rate, jail overcapacity (yes or no), number of inmates sentenced to serve county time, number of inmates being held for IDOC, number of sentenced inmates awaiting transfer to IDOC, number of inmates for US Marshal/ICE, and adequate jail staffing levels (yes or no). The table showing the county breakdown for 2019 can be found in Appendix A.

The table below provides a summary profile of the county jails for 2019 based on data from the jail inspection reports. The jail population was just under 20,100 for an equivalent of 92% capacity. The jail inspection reports show that a majority of jails have experienced overcrowding. A total of 64 jails exceed 80% of capacity on the day of jail inspection, with 37 being over 100% capacity. The capacity rate ranged from a low of 30% to a high of 160%. To review previous years' capacity rates, refer to ICJI's website.

Table 10 Summary Profile of County Jails based on Jail Inspection Reports



	2019	
	Number	Percent
Overcrowded (80% -99.9%)	27	29.3%
Over 100% capacity	37	40.2%
Total over 80% capacity	64	69.6%
Staffing inadequate	88	96%
Total Inmate Population and Capacity Rate	20,098	92%
Number of beds	21,974	--
	Low	High
Utilization Rate Lowest to Highest	30%	160%

While it is not currently possible to access data that would allow for a more current overview of the jail population, another source available is to look at the population trends. Data from the IDOC shows that the jail F6 diversions fluctuated slightly from July 2019 to January 2020. Beginning in February 2020, F6 diversions began to decline through June 2020. The largest declines occurred from April 2020 to May 2020, at 17.5% and from May 2020 to June 2020 at nearly 11%. This timeframe coincides with the first peak of the COVID-19 pandemic. However, from June 2020 to July 2020, the number of F6 diversions increased by approximately 4%, indicating that the decline in population could be short-lived. Table 11 below indicates that the IDOC contracts being held in jail have fluctuated the past year. June 2020 and July 2020 recorded the highest numbers for the year. These groups make up a small portion of the jail population. Without data on the other populations (pretrial, sentenced non F6 diversions, violators, and other) it is difficult to determine if the jail population will continue to rise, contributing to jail overcrowding.

Table 11 Jail IDOC Contract and Felony-Level 6 Diversions Population



Date	Jail IDOC Contract	Jail Felony-Level 6 Diversions	Total
Jul-19	225	2,627	2,852
Aug-19	316	2,611	2,927
Sep-19	314	2,653	2,967
Oct-19	307	2,570	2,877
Nov-19	234	2,621	2,855
Dec-19	245	2,664	2,909
Jan-20	316	2,547	2,863
Feb-20	355	2,343	2,698
Mar-20	414	2,241	2,655
Apr-20	236	2,052	2,288
May-20	297	1,693	1,990
Jun-20	533	1,508	2,041
Jul-20	499	1,564	2,063



MENTAL HEALTH AND SUBSTANCE USE PROGRAM AVAILABILITY & EFFECTIVENESS

This section of the report aims to discuss information relevant to the availability and effectiveness of forensic mental health and substance use programs.²⁹ The jail subsection will reflect information concerning availability only, while the prison and the Indiana Family and Social Services Administration's (FSSA) Division of Mental Health and Addiction's (DMHA) Recovery Works program subsections will reflect both availability and effectiveness information.

JAIL

According to the 2019 jail inspection reports, 79 (87%) county jails offer substance use counseling. This number has not changed from the 2018 count. Further, a survey conducted by the FSSA's DMHA reported that 39 jails of the 59 that responded claimed to offer treatment medications like methadone, buprenorphine, and naltrexone, most of which were being given to pregnant women and to offenders upon their release from the jail.

FSSA's DMHA announced on November 6, 2020, that a series of pilot programs designed to increase access to mental health care for inmates in Indiana county jails are now underway. The first pilot program will provide direct care to jail inmates found to be incompetent to stand trial and who are awaiting placement in the state psychiatric hospital network. This program aims to help restore an individual's competency and therefore quickly resolve a criminal case. It will increase access to mental health/substance use programming and the provisions of 1006. Pilot programs have begun in Marion and Vanderburgh counties serving about 100 individuals so far. Secondly, a community-based restoration pilot program in Marion County is providing competency restoration to individuals whom a court decides are safe to return to the community. Lastly, an inpatient pilot program called Project CREATE (COVID-Related Emergency Access to Therapeutic Environments) will transition appropriate county jail inmates throughout Indiana to partnering inpatient psychiatric providers.³⁰

Finally, according to the Commission to Combat Drug Abuse's Next Level Recovery Progress Report (November 2020), the state in partnership with the Indiana Sheriffs' Association is investing \$4.6 million in implementing evidence-based treatment into jails across the state. Since 2017, 1,517 offenders have

²⁹ Forensic programming refers to programs that target criminal justice-involved clients.

³⁰ See the full announcement here <https://www.in.gov/fssa/files/ICST-Press-Release.pdf>

been referred to a medication-assisted treatment (MAT) program where access to medications is associated with reduced recidivism, decreased overdose rates, and improved health outcomes.

PRISON

Approximately two-thirds of individuals committed to the IDOC have a significant history of substance use. Upon entry into the IDOC, an offender is given an accountability plan that addresses which programs would aid in that individual's successful re-entry into the community. There are a variety of substance use, mental health, cognitive, and social programs (among others) that may be encouraged. Moreover, mental health treatment is made available to all offenders as part of the IDOC's medical contract and can be requested by the offender or a staff member if they notice aberrant behavior.³¹ While there is information available on the use and effectiveness of substance use programming in the IDOC, the same data is not available for mental health programming.

According to substance use disorder treatment completion data provided by the IDOC, FY19 saw 3,377 enrollments and 2,403 successful completions – a 71% success rate. In FY18, there were 3,043 enrollments and 2,202 successful completions; however, there was a slightly higher success rate (72%). These data demonstrate a consistent enrollment and completion pattern, as well as evidence that the accountability plan is successfully connecting offenders with the programs they need.

Not only is substance use programming utilized, and successfully completed at high rates, but it has an impact on recidivism. The IDOC, in conjunction with the Indiana State Police (ISP) and the Management Performance Hub (MPH), discovered that substance use programming has an effect on one year rearrest rates³² across all release types (discharge, community transition program, parole, and probation) and when substance-specific offenses (dealing, possession, methamphetamine, and cocaine or narcotics) were the most serious conviction. In 2019, individuals with dealing, methamphetamine, and cocaine or narcotics convictions who also completed substance use programming were least likely to be rearrested compared to their no programming, programming exposure, and program failure counterparts. This was only true for dealing and cocaine or narcotics convictions the previous year. Individuals with possession convictions had the lowest rearrest rate when having some program exposure; however, there was only a 1% difference between program exposure and completion – 28% and 29% respectively. This pattern also emerged in 2018 for both possession and methamphetamine convictions. There was little difference in rearrest rates for those that completed the program and those who were exposed to the program but did not complete the program. Having no program exposure resulted in the highest rearrest rate across all drug-related convictions. However, rearrest rates for dealing and cocaine or narcotics offenses were the same for no exposure and exposure. This is different from the 2018 trend – failing the program resulted in the highest rearrest rate across all drug offense categories.

The IDOC Transitional Healthcare Division has linked 2,300 released offenders with community-based addiction treatment providers in 2020, where 176 of those individuals were specifically referred to the state's new peer recovery hubs. Beginning in Fall 2020, every offender with a history of substance use disorder is offered a naloxone kit upon release.

³¹ For a full list of services provided by the IDOC visit <https://www.in.gov/idoc/about-idoc/programs3/>.

³² Rearrest rates are calculated based upon the number of individuals released that had an arrest within one year of their release date. Parole violations are not captured in arrest data. Arrest data comes from the Criminal History Repository System, where arrest data comes from the LiveScan system, disposition data are maintained by both prosecutors and the courts using ProLink and Odyssey, respectively.

RECOVERY WORKS

The FSSA's DMHA Recovery Works program provides vouchers to DMHA certified mental health and substance abuse providers in the community to treat criminal justice-involved individuals without insurance or Medicaid. Individuals must be over the age of 18, be a resident of Indiana, have a total household income equal to or less than 200% of the federal income poverty line, and have entered the criminal justice system with a current or prior felony conviction, whether or not they were convicted, and no matter how long ago the charge occurred.

DMHA reported that, through August of 2020, there have been 56,114 total enrollees and \$74,249,129 total expenditures since July 1, 2016. There were 4,078 fewer clients enrolled in SFY20 than SFY19. In the first two months of SFY21, there have been about 514 clients enrolled per month, lower than the monthly average of 785 in SFY20. There were also about \$7.5 million less spent in SFY20 compared to SFY19. However, the dollars spent so far in SFY21 are lower than the SFY20 monthly average – \$721,777 compared to \$1,022,426. The decreases in clients enrolled and dollars spent in SFY20, and so far in SFY 21, are likely attributable to the COVID-19 pandemic. In the first two months of SFY21, the top five services funded were recovery residency, intensive outpatient treatment, re-entry services, individual skills training, and individual mental health treatment. Almost 40% of clients enrolled are from Marion, Vanderburgh, Allen, Vigo, and Elkhart counties, where the top five agencies enrolling clients are N.O.W. Counseling, Lifespring, Park Center, Counseling for Change, Inc., and Lighthouse Recovery.

Recovery Works is now allotting \$250 per consumer for discretionary funding. This funding can be utilized for phone cards; birth certificates or driver's licenses; US Postal Service expenses, or any other expense that can be directly related to eliminating barriers to consumer treatment. In the first two months of SFY 21, Recovery Works funded \$3,983 in discretionary expenses. This IDOC and DMHA funding empowers counties to reduce recidivism and improve community corrections and re-entry procedures.

Recovery Works policy analyses³³ were conducted by the DMHA, the Indiana University Center for Criminal Justice Research, (CCJR), the IU Public Policy Institute (PPI), and researchers from the Center for Behavioral Health and Justice at Wayne State University in 2017, 2018, and 2020. Analyses utilized Recovery Works program data from the Data Assessment Registry Mental Health and Addiction (DARMHA), arrest data from the Indiana State Police (ISP), and incarceration data from the IDOC, suggesting Recovery Works has a positive impact on participants. There were notable increases in employment (2017, 2018), insurance coverage (2017), housing stability (2018), and independent living (2018). There were also demonstrated decreases in arrests, incarcerations, and corresponding rates post-enrollment compared to pre-enrollment. Largely, this holds true one, two, and three years after participants began the program. Therefore, it can be inferred that participant involvement in the Recovery Works program decreases their likelihood of recidivating; however, criminal history, lack of income, and residential instability were identified as risk factors.

The criminal code reform supports substance use prevention efforts, the rehabilitation of offenders, and the successful re-entry of those previously incarcerated. Post-1006, mental health and substance use programs, especially for criminogenic populations, are being invested in and are reducing recidivism and ensuring public safety.

³³ For referenced analyses, visit <https://www.in.gov/fssa/dmha/recovery-works/>.



www.cji.in.gov

Please visit our website for prior reports and a longitudinal analysis of data since the enactment of HEA 1006.

CONCLUSION

Due to the tenacious efforts of those who work within and intersect with the Indiana criminal justice system, the provisions of House Enrolled Act 1006 are continuously met. It is evident that strides have been made to decrease the number of offenders who reside in state and local facilities. This has been accomplished by investing in and utilizing a wide array of community-based alternatives to incarceration, as well as making mental health, substance use, and other restorative justice programs a priority for offenders. However, with new solutions come emerging issues. Based on years of research, and how this year's data adds to it, the ICJI and the JRAC have identified a list of recommendations for the consideration of our decision-makers to improve the Indiana criminal justice system. By helping offenders successfully re-enter their communities, recidivism reduction will be actualized, and ultimately, public safety will be secured.

RECOMMENDATIONS

The ICJI and JRAC make the following recommendations:

Improve the criminal justice data ecosystem

As mentioned throughout this and previous reports, there is still a need to continue improving and collecting data from every aspect of the criminal justice system. The ICJI has continuously had to work with several organizations to obtain the available data needed to draft the reports. Both in requesting and receiving the data needed to complete this report, it was apparent the methods by which Indiana tracks criminal justice-related information is fragmented and often duplicative. Primary areas of focus need to be placed on enhancing, gathering, and defining jail data; developing a cohesive criminal justice data repository; scaling back on the number of data systems utilized such as jail management systems and court data systems; enhancing the sharing of data across agencies; and improving evaluation of the available data produced by each system stakeholder.

Implement unified victim notification system to increase understanding of jail overcrowding, utilization of programs and measure recidivism

As outlined in the Jail Overcrowding Task Force's recommendations, implementing a unified statewide victim notification system to extract jail data will improve knowledge of the jail population, allowing for the ability to identify trends and problems that contribute to overcrowding. Additionally, jail data could be used to evaluate jail-based programs and measure recidivism. Specifically, jails could model the Indiana Department of Correction's program tracking model which measures

1

2

3

completion and successful completion of programs and identifies whether involvement in, completion of, or successful completion of a program impacts recidivism.

Reduce jail overcrowding

During the COVID-19 pandemic, stakeholders implemented strategies to reduce the jail population. A case study of 11 counties saw decreases in jail population, during the pandemic, due to increased use of citation in lieu of arrest, increased pretrial release, temporary suspension of warrant service, and fewer warrants issued for failure to appear and community supervision violations. These practices should be reviewed further, implemented statewide and continue to be used regardless of emergency health crisis. Additionally, research on bail reform and pretrial release strategies should continue in order to determine the best practices for types of supervision and release that is most effective for varying types of risk for reoffending.

4

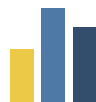
Continue to support forensic mental health and substance use programs during and post-incarceration

The ICJI and the JRAC recommend continuing efforts to enhance the accessibility of community-based mental health and substance use treatment programs that support the full range of needs for the criminal justice population, including recovery residences, medication-assisted treatment, and psychiatric services. It is recommended that these services be offered during and after incarceration, as both impact recidivism. Many entities have a hard time providing these services due to a lack of financial and social resources. Therefore, the State of Indiana and its counties will need to work with service providers and practitioners to address these needs at the local level. Evaluating the time needed to complete mental health and addiction programs could prove valuable when looking at both pretrial release programs and programs offered during post-conviction in the jails, the IDOC, or through Recovery Works.

5

Increase focus on re-entry services for restorative justice

Re-entry continues to be an area needing enhancement in Indiana; however, with the progress of programs like Recovery Works, re-entry of offenders back into society is improving. There continues to be a need for more re-entry programs as a whole. Areas such as employment, housing, transportation, and life skills training after incarceration and reintegration still need improvement. The IDOC has implemented job and life skills training for some offenders, but more work is needed, especially at the local level. Steady and gainful employment combined with secure housing and transportation are key factors that will impact Indiana's recidivism rates.



Appendix A – Jail Inspection Data

County	Inmate Pop.	Num. of Beds	Capacity Rate	Jail Over Capacity*	Num. of Inmates sentenced to serve county time	Num. of inmates being held for DOC	Num. of inmates for US marshal/ICE/Military	Adequate Jail Staffing
Adams**	151	225	67.1%	No	62	18	17	Yes
Allen	863	741	116.5%	Yes	59	115	101	Yes
Bartholomew	224	366	61.2%	No	8	33	0	No
Benton	24	54	44.4%	No	12	0	0	Yes
Blackford**	60	88	68.2%	No	22	13	0	Yes
Boone	189	214	88.3%	Yes	11	15	1	Yes
Brown	35	117	29.9%	No	12	6	0	No
Carroll	30	34	88.2%	Yes	7	6	0	Yes
Cass	236	220	107.3%	Yes	55	41	8	Yes
Clark**	558	588	94.9%	Yes	10	3	25	Yes
Clay	170	170	100.0%	Yes	8	15	1	No
Clinton	148	222	66.7%	No	20	6	6	Yes
Crawford	53	81	65.4%	No	8	5	0	Yes
Daviess	196	218	89.9%	Yes	8	5	0	Yes
Dearborn	281	424	66.3%	No	53	42	0	Yes
Decatur	143	114	125.4%	Yes	3	14	0	Yes
DeKalb	112	105	106.7%	Yes	31	29	0	Yes
Delaware	301	221	136.2%	Yes	8	8	0	Yes
Dubois	102	84	121.4%	Yes	20	4	0	Yes
Elkhart	873	1089	80.2%	Yes	136	40	0	Yes
Fayette	154	114	135.1%	Yes	1	28	0	Yes
Floyd	291	234	124.4%	Yes	11	43	5	Yes
Fountain	27	25	108.0%	Yes	2	3	0	Yes
Franklin	65	75	86.7%	Yes	4	22	0	No
Fulton	73	87	83.9%	Yes	16	14	0	Yes
Gibson	92	120	76.7%	No	15	36	0	Yes
Grant	285	274	104.0%	Yes	21	9	0	Yes
Greene	90	84	107.1%	Yes	4	14	0	Yes
Hamilton**	363	412	88.1%	Yes	59	45	39	Yes
Hancock	230	157	146.5%	Yes	89	62	0	Yes
Harrison	176	173	101.7%	Yes	10	6	0	Yes
Hendricks	280	252	111.1%	Yes	65	46	0	Yes
Henry**	108	76	142.1%	Yes	15	10	0	Yes
Howard	464	364	127.5%	Yes	19	69	0	Yes
Huntington	144	99	145.5%	Yes	39	51	0	Yes
Jackson**	235	248	94.8%	Yes	12	12	0	Yes
Jasper	85	120	70.8%	No	16	3	1	Yes
Jay	124	144	86.1%	Yes	22	13	0	Yes
Jefferson	157	109	144.0%	Yes	2	18	0	Yes
Jennings	158	124	127.4%	Yes	10	21	0	Yes
Johnson	329	322	102.2%	Yes	65	62	0	Yes
Knox	262	214	122.4%	Yes	3	8	60	Yes
Kosciusko	311	302	103.0%	Yes	144	71	0	Yes
LaGrange	115	242	47.5%	No	10	35	0	Yes
Lake	810	1009	80.3%	Yes	31	64	83	Yes
LaPorte	408	368	110.9%	Yes	41	0	0	Yes
Lawrence	175	180	97.2%	Yes	4	10	0	Yes
Madison	267	207	129.0%	Yes	8	12	0	Yes
Marion I	1128	1135	99.4%	Yes	242	138	31	Yes

Marion II**	1228	1233	99.6%	Yes	0	0	0	Yes
Marshall	242	230	105.2%	Yes	8	13	0	Yes
Martin**	71	88	80.7%	Yes	0	0	0	Yes
Miami	157	242	64.9%	No	8	0	0	Yes
Monroe	284	294	96.6%	Yes	6	20	0	Yes
Montgomery	204	224	91.1%	Yes	22	18	0	Yes
Morgan	241	439	54.9%	No	67	54	0	Yes
Newton	42	77	54.5%	No	1	8	0	Yes
Noble	143	263	54.4%	No	22	17	1	Yes
Ohio		---	---	---				---
Orange	98	92	106.5%	Yes	0	6	1	Yes
Owen**	76	78	97.4%	Yes	0	13	0	Yes
Parke	68	92	73.9%	No	0	5	0	Yes
Perry	79	143	55.2%	No	2	5	0	Yes
Pike	75	78	96.2%	Yes	8	6	0	Yes
Porter	331	449	73.7%	No	38	12	53	Yes
Posey	144	208	69.2%	No	0	9	0	Yes
Pulaski	117	128	91.4%	Yes	11	9	18	Yes
Putnam	82	155	52.9%	No	0	13	0	Yes
Randolph	113	108	104.6%	Yes	21	9	0	Yes
Ripley	121	124	97.6%	Yes	0	26	0	Yes
Rush	46	46	100.0%	Yes	1	11	0	Yes
Scott	189	194	97.4%	Yes	4	15	0	Yes
Shelby	169	203	83.3%	Yes	5	23	0	Yes
Spencer	85	79	107.6%	Yes	1	6	0	Yes
St. Joseph	621	830	74.8%	No	114	77	77	Yes
Starke	112	148	75.7%	No	11	9	1	Yes
Steuben	103	178	57.9%	No	43	24	0	Yes
Sullivan	88	56	157.1%	Yes	10	17	0	Yes
Switzerland	48	60	80.0%	Yes	3	2	0	Yes
Tippecanoe**	565	603	93.7%	Yes	22	40	0	Yes
Tipton	24	27	88.9%	Yes	2	2	0	Yes
Union	16	10	160.0%	Yes	0	7	0	Yes
Vanderburgh	576	553	104.2%	Yes	28	152	0	Yes
Vermillion	84	71	118.3%	Yes	2	29	0	Yes
Vigo	288	267	107.9%	Yes	0	8	0	Yes
Wabash	108	72	150.0%	Yes	22	27	1	Yes
Warren	26	42	61.9%	No	3	11	0	Yes
Warrick	88	127	69.3%	No	14	8	1	Yes
Washington	171	240	71.3%	No	14	17	0	Yes
Wayne	310	416	74.5%	No	16	31	0	Yes
Wells	93	94	98.9%	Yes	15	9	3	Yes
White	93	164	56.7%	No	30	14	1	Yes
Whitley	124	104	119.2%	Yes	54	64	0	Yes
State	20,098	21,974	91.5%		2,161	2189	535	

*Jail should never exceed 80% of its available bed capacity to effectively allow for changes in inmate demographics and characteristics. Red highlight indicates over 100% capacity; Green highlight indicates 80-99.9% capacity.

**Increase in number of beds from previous year.