



# Snapshot of Pretrial Justice Reform: Indiana

Pretrial Justice Brief 6\*

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## Background and Initial Work

Indiana leaders embarked on pretrial justice reform efforts in 2013, following the adoption of the first major revision of the state Criminal Code in over 35 years. To examine alternative options to the use of traditional money bail for determining pretrial release, Chief Justice Brent Dickson led the Indiana Supreme Court to establish in December of 2013 a Committee to Study Evidence-Based Pretrial Release.<sup>1</sup> The Committee was created to study the validated pretrial risk assessment tools currently available, report back to the Court on the advisability of using such tools to inform pretrial release decisions, and make recommendations on any modifications to court rules and/or procedures that would facilitate implementation of such an approach in Indiana. Between December of 2013 and April of 2014, the Supreme Court appointed fifteen members to the Committee, including three Superior Court judges, two Circuit Court judges, Chief Probation Officers from four counties, two members of the state legislature, and four prosecuting and defense attorneys.

Following the formation of the Supreme Court Committee to Study Evidence-Based Pretrial Release, the following key events advanced pretrial justice reform efforts in Indiana:

- In June 2014, seven members of the Committee to Study Evidence-Based Pretrial Release attended the National Center for State Courts' Pretrial Justice Policy Forum in Washington, DC. The Indiana team included two judges, two probation officials, a prosecuting attorney, and two state legislators from the Committee, as well as two Indiana Judicial Center employees who provide staff assistance to the Committee. The Forum provided an opportunity for the team to hear from experts about various pretrial issues and to develop an action plan to build on ongoing efforts to promote the use of pretrial risk assessment information statewide. While in the DC area to attend the Forum, Indiana team members also visited the District of Columbia Pretrial Services Agency to participate in an information exchange.<sup>2</sup>
- In December 2014, Chief Justice Loretta Rush issued an order requesting that the Supreme Court Committee to Study Evidence-Based Pretrial Release establish a pilot project in more than one county to study "the feasibility, efficacy, economics, and methodologies for consideration and/or use in" a pretrial release system in which the results of a validated

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\* This Brief was prepared by Jennifer Elek of the National Center for State Courts' Pretrial Justice Center for Courts. The author gratefully acknowledges Ms. Mary Kay Hudson, the Indiana Judicial Center Director of Court Services, for her willingness to participate in an interview and share her experiences for this Brief. The Pretrial Justice Center ([www.ncsc.org/pjcc](http://www.ncsc.org/pjcc)) provides information and tools, offers education and technical assistance, facilitates cross-state learning and collaboration, and promotes the use of evidence-based pretrial practices for courts across the country. It works closely with the Conference of Chief Justices, the Conference of State Court Administrators and other national court organizations to implement pretrial justice reform. The Center is supported by the Public Welfare Foundation (PWF). Points of view or opinions expressed in the Brief are those of the authors and do not necessarily represent the official position of the NCSC or PWF.

pretrial risk assessment tool are used to inform pretrial release decisions.

### Recent Activities

Indiana continues to make progress toward pretrial justice reforms as one important part of broader evidence-based reforms at key decision points throughout the criminal justice system. Court leaders are currently working to coordinate pretrial justice reform efforts with other complementary justice initiatives. Examples of these efforts include the following activities:

- Indiana submitted in November 2014 an application to participate in Phase V of the National Institute of Corrections' (NIC) Evidence Based Decision Making (EBDM) in State and Local Criminal Justice Systems Initiative and was one of three states selected in March 2015. Indiana is receiving training and technical assistance from NIC over a twelve-month period to support state planning efforts that will apply evidence-based criminal justice decision-making principles to practice.<sup>3</sup> Overseeing Indiana's involvement in Phase V of the EBDM initiative is a state policy team, staffed by the Indiana Judicial Center and chaired by Justice Steven H. David, that is currently working with local criminal justice policy teams from six counties across the state.<sup>4</sup>
- The state Committee to Study Evidence-Based Pretrial Release is working with the state and local criminal justice EBDM policy teams to assess all key decision points from arrest to discharge and identify opportunities for increased efficiencies and improvements in outcomes.
- Several counties involved in the state EBDM initiative have expressed interest in participating in the Indiana Supreme Court's pretrial release pilot project. Currently, pretrial

practices in Indiana vary significantly by county in resources and staffing available, whether and what type of pretrial risk assessment is used, whether probation or an independent entity provides services, and the type and extent of services. With the state and local criminal justice EBDM policy teams, the Committee to Study Evidence-Based Pretrial Release is working toward making recommendations to the Supreme Court that will define the parameters of pilot site participation in the upcoming project. The Committee is also seeking input on these guidelines from other counties across the state that have expressed interest in participating in the project.<sup>5</sup>

### Moving Forward

Indiana's pretrial justice reform efforts have benefited from the close collaboration of state leaders and local stakeholders who, through coordinated planning and research activities, are working together to build a thoughtful and well-informed strategy for promoting pretrial justice and other evidence-based reforms in the state. With the active support of the former and current Chief Justices and the Indiana Judicial Center, lessons learned from EBDM innovations in local jurisdictions, and technical assistance from NIC, Indiana has laid a strong foundation from which to advance pretrial justice reforms.

Next steps for Indiana's pretrial justice reform effort include the following immediate activities as they prepare to launch the Supreme Court's pretrial release pilot project:

- As part of the continued efforts of the Committee to Study Evidence-Based Pretrial Release to develop recommendations for the Indiana Supreme Court regarding the parameters of the pretrial release pilot project,



the Committee will review available pretrial assessment tools. Currently, Indiana counties have access to a system of risk assessment tools developed and validated for the state by University of Cincinnati researchers for use at various criminal justice decision points, including pretrial. This Indiana Risk Assessment System (IRAS) is supported by an automated application and database system developed and maintained by the state's Court Technology division.<sup>6</sup>

- Indiana anticipates pursuing an opportunity for continued training and technical assistance with NIC as a Phase VI site of the EBDM initiative. Phase VI is designed to provide seed sites with NIC support for the implementation of plans developed in the current phase of the EBDM initiative and requires interested states to undergo a competitive application process in early 2016.

## Endnotes

<sup>1</sup> Odendahl, M. (2014, July 30). Supreme Court committee studying alternatives to bail. *The Indiana Lawyer*, available at <http://www.theindianalawyer.com/supreme-court-committee-studying-alternatives-to-bail/PARAMS/article/34739>.

<sup>2</sup> McMahon, M. (2014, June 26). Chief Justice Dickson establishes Indiana Committee to Study Evidence-Based Pretrial Release. *Indiana Court Times*, available at <http://indianacourts.us/times/2014/06/chief-justice-dickson-establishes-indiana-committee-to-study-evidence-based-pretrial-release/>.

<sup>3</sup> National Institute of Corrections (2010). *A framework for evidence-based decision making in local criminal justice systems* (3<sup>rd</sup> ed.). Silver Spring, MD: Center for

Effective Public Policy, available at <http://cepp.com/documents/EBDM%20Framework.pdf>.

<sup>4</sup> Indiana counties include Bartholomew, Hamilton, Hendricks, Jefferson, Porter, and Tipton. See <http://nicic.gov/ebdm>.

<sup>5</sup> The Committee is seeking input from all counties that have expressed interest in participating as a pilot site, including counties that are not presently involved in the NIC EBDM initiative.

<sup>6</sup> See <http://www.in.gov/judiciary/admin/2675.htm>. See also Goodman, M. & Thompson, L. (2011). Indiana's new risk assessment tools: what you should know. *Indiana Court Times*, available at <http://indianacourts.us/times/2011/04/risk-assessment/>.

