

Jail Overcrowding Task Force



2019 Report

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Executive Summary

The Jail Overcrowding Task Force was charged with studying why some Indiana jails are overcrowded and what can be done to ease or eliminate jail overcrowding. Also, the Task Force was asked to provide Indiana's Sheriffs and their communities with recommended solutions to address the jail overcrowding factors and increase the use of evidence-based programs to reduce recidivism for the jail population. To accomplish this mission, the Task Force held three regional meetings where it received informative presentations from a myriad of different stakeholders as well as public testimony. The regional meeting webcasts and PowerPoint presentations are archived on the [Task Force's web page](#). In addition, the Task Force solicited written public comments on the Task Force's website, which was available 24 hours a day.

The information gathered throughout the last 148 days underscored the challenges that our Indiana Sheriffs face every day, some unique to their particular counties and others common to every county in Indiana. Indiana Sheriffs are charged with ensuring secure jails and holding inmates who are both awaiting trial and who are serving their sentences. In addition, they face ongoing challenges with and an increasing number of inmates with severe mental health issues and substance use disorders. In addition, many sheriffs have, with community support, implemented numerous programs for inmates, both those in jail pretrial and post sentence, to increase the likelihood that the inmate does not return to the criminal justice system. Many of these programs are successful but are often unique to a particular county.

The Task Force concludes that real solutions to jail overcrowding and successful jail programming will most often be specific to each county and that there is no "quick fix".

Nonetheless, reducing jail overcrowding while promoting, supporting and enhancing programs within Indiana's jails in a manner that does not diminish public safety must involve strong partnerships with Indiana Sheriffs and their counties through a combination of state and local funding, identification of best practices and promising programs, use of real time data and interfaces among criminal justice stakeholders and other risk reducing initiatives.

Achieving success will require intentional collaboration and coordination at both the state and local level along with subsequent study, data analysis, and process review. These recommendations provide a framework to implement sound strategies targeted to address the jail population concerns and expand access to evidence-based programs and services to reduce recidivism.

Every Task Force member has been grateful to serve, and each looks forward to collaborating on the next steps. Hoosiers are indeed different. Together we can do better and together we can do more.

The Task Force acknowledges the contributions of those listed below for their assistance with regional meetings and providing staff support throughout this process:

- Location hosts: Association of Indiana Counties – French Lick; Professor Nicole Doctor and Ivy Tech Community College – Valparaiso; President John S. Pistole, Lisa Ragsdale and Anderson University – Anderson; and
- Staff support and meeting logistics: Office of Judicial Administration staff – Mary Kay Hudson, Michelle Goodman, Jenny Kidwell, Jenny Bauer, and Lindsey Borschel; Indiana Supreme Court Sheriffs and Indiana State Police.

Jail Overcrowding Task Force Members

Hon. Steven H. David, *Chair*
[Indiana Supreme Court](#)
(Chief Justice's Designee)

Rep. Greg Steuerwald
[Indiana House District 40](#)

Rep. Ragen Hatcher
[Indiana House District 3](#)

Sen. Mike Gaskill
[Indiana Senate District 26](#)

Sen. J.D. Ford
[Indiana Senate District 29](#)

Tracy A. Brown
Tippecanoe County Commissioner
Appointee of [Association of Indiana Counties](#)

Douglas Huntsinger
[Office of the Governor](#)

Ralph Watson
[Indiana Association of Community Corrections Act Counties](#)

Commissioner Robert Carter
[Indiana Department of Correction](#)

David Powell
[Indiana Prosecuting Attorneys Council](#)

Bernice Corley
[Indiana Public Defender Council](#)

Sheriff Brett Clark
Hendricks County
Appointee of [Indiana Sheriffs' Association](#)

Superintendent Doug Carter
[Indiana State Police](#)

Hon. Christopher Goff ¹
[Indiana Supreme Court](#)

¹ Justice Goff regularly participated in the Task Force meetings.

Overview of Statutory Charge

[House Enrolled Act 1065; P.L. 239-2019](#) established the Jail Overcrowding Task Force comprised of 13 members charged with the following responsibilities:

- Conduct a statewide review of jail overcrowding to identify common reasons and possible local, regional, and statewide solutions.
- Study the issue of how to reduce recidivism for convicted felons in county jails by offering programs that address:
 - mental health and drug and alcohol treatment services;
 - educational programs; and
 - other evidence-based programs designed to reduce recidivism.
- Submit a report to the governor, chief justice, and legislative council not later than December 1, 2019.

Overview of Meetings

The Task Force's initial meeting was held on August 1, 2019, in Indianapolis to review the statutory charge and discuss member expectations. At the meeting on August 23, 2019, in Indianapolis the Task Force discussed the following topics: (1) availability of jail data, including two local examples of population data and trends, (2) regional meeting dates, locations, and logistical considerations, and (3) areas of focus for the regional meetings, process for public testimony, and specific presentation topics.

The first regional meeting was held on September 30, 2019, in French Lick. The presentations were provided by the Association of Indiana Counties, the Indiana Sheriffs' Association, and the Office of Judicial Administration. The Task Force also received public testimony from eight individuals.

The second regional meeting was held on October 30, 2019, in Valparaiso. The presentations were provided by the Office of Attorney General, Justice Reinvestment Advisory Council and the Evidence Based Decision Making Initiative Pretrial Workgroup, Jail Medical Service Providers, and the Porter County Criminal Justice System. There were also two individuals who provided public testimony.

The final regional meeting was held on November 6, 2019, in Anderson. The presentations were provided by the Division of Mental Health and Addiction, Indiana Sheriffs' Association, Indiana Prosecuting Attorneys Council, Indiana Public Defender Council, the Probation Officers Professional Association and the Indiana Association of Community Corrections Act Counties. Public testimony was also provided by two individuals.

The final meeting of the Task Force was held on November 25, 2019 in Indianapolis to discuss and approve recommendations for the final report.

Links to Relevant Resources and Information

In addition to the links provided elsewhere in this report, below are additional resources:

- [Justice Reinvestment Advisory Council](#)
- [Division of Mental Health and Addiction](#)
 - [Recovery Works](#)
- [Department of Correction Community Correction Division](#)
 - [Grants and HEA 1006 Grants](#)
- [Indiana Office of Judicial Administration](#)
 - [Pretrial Release](#)
 - [Text notification reminders](#)
 - [Supervised Release System](#)
- [Probation Officers Professional Association of Indiana](#)
- [National Institute of Corrections](#)
 - [Evidence Based Decision Making Initiative](#)
 - [Evidence Based Practices Resources](#)

Task Force Findings and Recommendations

Findings

The Task Force now makes the following findings based on the information presented and knowledge from their collective professional experience:

1. While many counties are experiencing jail overcrowding, some counties are not faced with those same conditions. Numerous factors contribute to jail overcrowding, but the number of factors and the degree to which these factors contribute to local jail populations vary by county. Although not an exhaustive list, county jail populations are impacted by:
 - a. the age and size of existing facilities,
 - b. shifts in inmate population, including shifts in the number of male and female inmates,
 - c. high percentages of inmates with mental health and addiction issues,
 - d. availability of treatment facilities and mental health beds at the state and local level,
 - e. types of holds and combination of holds keeping inmates from being released (i.e. pretrial, serving executed sentence, supervision violations, holds for other counties or jurisdictions, etc.),
 - f. bond amounts when individuals are of limited means;
 - g. increase in number of Level 6 filings,
 - h. the number of pretrial detainees,
 - i. length of time for case processing,
 - j. plea agreements and sentencing practices,
 - k. the number of community supervision violations and revocations, and
 - l. varying procedures for periodic review of inmate status.

2. The lack of real time jail data and the use of unconnected, multiple jail management systems impedes the ability for state and local criminal justice partners to collect accurate data and fully analyze specific characteristics of the jail populations in a timely, efficient manner to identify and address population trends.

3. The use of multiple jail management systems limits the ability to reliably aggregate data due to a lack of standard data definitions and standard reporting requirements as well as various data entry practices.
4. The data systems in use by the jails, prosecutors, defense attorneys, courts, and supervision agencies lack connectivity that could enhance communication and knowledge of inmates' status within the system. Gaps in this level of information sharing can result in failure to appear warrants if courts cannot verify the person is being held in another county jail or court hearings may need to be continued to allow sufficient time to plan for individuals to be transported from other counties.
5. Some criminal justice data is only available by compiling survey responses, which only provides a snapshot of information (e.g. jail population characteristics) while other data is collected for specific purposes or limited populations (e.g. sentencing abstracts). Data provided through these methods merely expose symptoms of issues but are not detailed enough to address the underlying causes and trends or evaluate adjustments in policy or procedure to appropriately address the causes.
6. Resources available within each county vary widely and these system inputs directly impact the ability to support a range of alternatives to incarceration, a full continuum of treatment and service options within the community and secure facilities, and appropriate staffing levels for criminal justice stakeholders and providers to provide effective, efficient case processing, supervision, treatment programs and supporting services for individuals in the criminal justice system.
7. Criminal justice involved individuals experience gaps and delays in accessing treatment services when Medicaid and Veterans Administration benefits are terminated during incarceration. Additional gaps in service delivery occur as individuals are transferred between and among facilities and community-based programs.

The wide range of considerations to address these and other factors contributing to jail overcrowding requires collaboration and evaluation by multiple stakeholders within the state and local criminal justice systems. Any solutions to address jail overcrowding must target the specific needs and challenges faced by the criminal justice stakeholders and community partners.

Recommendations

The Task Force makes the following recommendations:

- A. Initial Recommendations: The first two recommendations of the Task Force are critical to any subsequent efforts to sustain on-going review and analysis of jail population trends and address need areas:
1. The General Assembly should enact a legislative proposal from the Justice Reinvestment Advisory Council, which is supported by the Evidence Based Decision Making Policy Team, to formally incorporate Evidence Based Decision Making Team and accompanying workgroups into the Justice Reinvestment Advisory Council structure.
 2. This Jail Overcrowding Task Force should transition to a workgroup under the Justice Reinvestment Advisory Council to continue evaluating and assessing jail overcrowding and related issues, assist with identifying and implementing evidence based best practices, and providing education and technical assistance to counties.

Implementing these recommendations quickly will provide a structure and framework to establish best practices, conduct system reviews, develop model policies, and provide technical assistance emphasizing the necessary collaboration between state and local stakeholders. These recommendations build upon the current statutory charge for the Justice Reinvestment Advisory Council to review and evaluate local correctional programs (including county jails) and to promote development of incarceration alternatives and recidivism reduction programs. The Justice Reinvestment Advisory Council currently collaborates with the Indiana Evidence Based Decision Making Policy Team, comprised of state and local criminal justice stakeholder representatives, and its workgroups.

- B. Short-term and Long-term Recommendations: This section of recommendations is organized within broad categories and labeled as short-term (items which can be completed within a one to two-year timeframe) and long-term (items that address more complex system issues, which require on-going strategies or cannot be completed in a two-year timeframe) to aid in prioritizing action by state and local stakeholders and informing policy decisions and funding. The Task Force agrees to the following:

1. Data and Evaluation:

i. Short-term –

1. The Indiana Department of Correction, in partnership with the Indiana Criminal Justice Institute, should continue with the RFP process for enhancing a unified, statewide victim notification system for use by all Indiana Sheriffs' Departments and Department of Correction. Expanding on this effort, all jails should be required to provide clearly defined, specific, real time data relevant to the jail population. Real time jail data should be communicated via interfaces with the Odyssey Court Case Management System, the Indiana Prosecutor Case Management System, the Public Defender Information System, the Supervised Release System used by community supervision agencies, and the Department of Correction.

ii. Long-term –

1. Criminal justice stakeholders should use this statewide jail data system as a component for measuring recidivism and conducting research and evaluation on key performance measures and program outcomes.

Implementing these recommendations will increase communication among stakeholders regarding a person's jail status, improve the ability to aggregate information on the jail population to identify trends and problems that contribute to jail overcrowding, allow for more accurately measuring recidivism, and conducting on-going research and evaluation of key performance measures and program outcomes.

2. Behavioral Health treatment, programs, and services:

i. Short-term –

1. The General Assembly should consider pursuing legislation to amend the criteria for termination of Medicaid upon incarceration.
2. Sheriffs, the Indiana Department of Correction, community supervision staff and treatment providers should guide and assist individuals leaving incarceration in completing and submitting Medicaid benefit applications. For example, the use of a community

corrections case manager in the Porter County jail connects the inmate with assistance in preparing for reentry.

ii. Long-term –

1. The Division of Mental Health and Addiction, Community Mental Health Centers and local treatment providers should continue to expand access to evidence based treatment services along the continuum of the criminal justice system, including the full range of medication assisted treatment (MAT), within the community, jails, and Department of Correction. All treatment programs should have established eligibility criteria to guide placement decisions, so individuals are receiving the proper services without solely relying on secure settings for service delivery. For example, crisis centers should be available within local communities to help stabilize individuals in acute crisis and connecting them to appropriate resources. Currently, Boone, Tippecanoe, and Vigo Counties are implementing jail treatment services in partnership with the Division of Mental Health and Addiction.
2. The Division of Mental Health and Addiction, Community Mental Health Centers and local treatment providers should continue to increase access and improve processes for providing behavioral health services to individuals, including those diagnosed with severe mental illness (schizophrenia, bipolar disorder, and major depression), severe substance use disorders, and those who lack competency. For example, Marion County Mental Health Court has two full time recovery coaches to connect clients with different organizations and systems using a recovery-oriented model. The investigator for the Tippecanoe County Public Defender's Office reviews cases to identify individuals with mental health needs and coordinates with jail staff, jail medical team, and mental health service providers to address individual needs.
3. Sheriffs, the Indiana Department of Correction, the Division of Mental Health and Addiction, community supervision agencies, and treatment providers should establish partnerships and develop procedures to coordinate an individual's access to behavioral health treatment programs and services along the continuum of the justice system. A case manager from community corrections is embedded in

the Porter County jail to provide case management and connect the person with community supervision and provider services. Also, Grant County uses a jail re-entry coordinator to identify individuals for community-based programs.

Implementing these recommendations will decrease the delay for individuals to receive treatment services to address their behavioral health needs, allow individuals to receive clinically appropriate services regardless of their criminal justice placement or status, and create a more seamless transition between services within facilities and community-based services for individual as they move through the criminal justice system.

3. Case Processing:

i. Short-term –

1. Criminal Justice stakeholders should reduce reliance on arrest warrants for non-violent offenders, both pretrial and post-conviction, by developing cite and release procedures, using release matrices, and implementing strategies to prevent failures to appear such as text notification reminders. The Evidence Based Decision Making Policy Team and its Pretrial Workgroup have published a [best practice manual for pretrial release](#) and supervision decisions discussing release matrices and text notification reminders. Eleven pilot sites have been working to implement these practices, which can inform the work in other counties. As of November 25, 2019, 55 counties already use [text notification reminders](#) for court hearings. Also see, the Justice Reinvestment Advisory Council's Pretrial Report.
2. Prosecutors should expand prosecutor diversion programs and support pilot programs that include providing treatment services as a main component. Currently, the Indiana Prosecuting Attorneys Council and the Evidence Based Decision Making Risk Reduction Workgroup is developing framework for felony diversion programs to prepare for future pilot activities.

ii. Long-term –

1. Criminal Justice stakeholders should support making public defenders available at initial hearings to aid in release decisions while considering funding and training resources. The pretrial pilot sites

can serve as examples for ensuring public defense attorneys for initial hearings.

2. Criminal Justice stakeholders should develop procedures to divert severely mentally ill individuals away from the criminal justice system through early mental health screenings and assessments.

Implementing these recommendations will allow for more informed release decisions, reduce opportunities for indigent individuals to be held pretrial solely based on the inability to pay bond, allow non-violent offenders to maintain their connections to the community (e.g. employment, housing, etc.), reduce instances for failures to appear, expand diversion opportunities so individuals can engage in services for those within the criminal justice system as well as those who can be treated without criminal justice involvement.

4. Community Supervision:

i. Short-term –

1. Criminal justice stakeholders should expand Indiana’s pretrial reform initiative to include the use of assessments and evidence based pretrial supervision practices. The Task Force also endorses the Justice Reinvestment Advisory Council’s Pretrial Report prepared pursuant to Section 14 of House Enrolled Act 1065; P.L. 239-2019. For additional information, see the Pretrial Release materials on-line, including the Evidence Based Decision Making Pretrial Workgroup’s [best practices manual](#).
2. Criminal Justice stakeholders should expand and enhance use of graduated incentives and sanctions to address offender behavior while on community supervision, including a range of sanctions that incorporates the use of the continuum of supervisions programs while maintaining focus on necessary therapeutic adjustments. For example, problem solving court eligibility criteria can include individuals in violation status of other community supervision programs to provide increased case management services while incorporating therapeutic responses. The Evidence Based Decision Making Risk Reduction Workgroup, in cooperation with the Indiana Office of Court Services, is working with nine counties to provide technical assistance to implement the [Indiana Minimum Standards for Probation Incentives and Administrative Sanctions Programs](#)

adopted on May 1, 2019. Examples of counties using these best practices include Bartholomew, Hamilton, Lawrence, Wabash, and Wayne counties.

ii. Long-term –

1. Criminal justice stakeholders should expand the availability and capacity of alternatives to incarceration (e.g. problem-solving courts, probation and community corrections, etc.), and the use of evidence based treatment services within the community to reduce reliance on incarceration. Examples of counties with multiple problem-solving courts include Allen, Bartholomew, Delaware, Grant, Hamilton, Marion, Madison, Monroe, Porter, Vanderburgh, and Wabash.

Implementing these recommendations will enable counties to make more informed pretrial release and supervision decisions, allow community supervision agencies to further implement incentives and sanctions to promote behavior change with accountability, increase capacity for individuals to be supervised and receive treatment resources in the community. Examples of counties that have implemented or are expanding implementation of Evidence based practices within community supervision include Allen, Bartholomew, Grant, Hamilton, Hendricks, Monroe, Morgan, Porter, Rush, Vigo, Wabash, and Wayne.

5. Resources:

i. Short-term –

1. The General Assembly should review and study local tax resources, including but not limited to the local jail income tax under IC 6-3.6-6-2.7, and public safety income tax under IC 6-3.6-6-8 to provide additional flexibility to local fiscal bodies so resources can be allocated to address local criminal justice system needs.
2. The General Assembly should appropriate additional funding for the misdemeanor Recovery Works pilot project authorized in IC 12-23-19-2(d).
3. Criminal justice stakeholders should support an increase in community supervision staffing levels to promote risk and needs based community supervision practices. This would include providing

additional resources to the Indiana Department of Correction for the Community Corrections and HEA 1006 grants. Additional staffing will reduce community supervision officer caseload sizes, adding capacity for community supervision agencies to supervise additional Level 6 offenders and other offender populations within the community.

4. The General Assembly should review the reimbursement for felons held within county jails.

ii. Long-term –

1. Criminal justice stakeholders should assess and evaluate the need for resources to support the criminal justice system to efficiently and effectively carryout the purposes of the system. The system needs appropriate resources and capacity to properly address working with individuals engaged in the criminal justice system. Capacity assessments would include jails, prosecutors, public defense, courts, community supervision, jails, and behavior health services available along the continuum of the system.
2. Each stakeholder group should develop and implement a framework to identify where additional resources are necessary to balance workload and key performance measures to evaluate system outcomes. These tools could aid in acquiring the appropriate resources to achieve these outcome measures.

Implementing these recommendations could provide local flexibility in allocating existing revenues to address broader criminal justice needs, increase access to services and treatment, and expand community supervision capacity while allowing for more effective and meaningful supervision.

The above listed recommendations are designed to assist the state and all Indiana counties with addressing the jail population and implementing strategies for reducing recidivism with evidence-based programs and services. The Task Force did not exclude recommendations based solely on fiscal impacts. The Task Force acknowledges implementing these recommendations will involve more detailed analysis and review of fiscal resources to implement sound strategies and solutions targeted to address jail overcrowding and expand access to evidence-based programs and services throughout the criminal justice system to reduce recidivism.

Conclusion

Members of the Task Force wish to commend the efforts of Indiana's Sheriffs who, in many cases, have been doing more with less, and who have individually, and through the Indiana Sheriffs' Association, and with the assistance of their County and often with State assistance, have sought and obtained short term solutions, created programs and services or otherwise undertaken efforts that have distinguished themselves as public servants. Our hope is that these efforts do not go unnoticed and that a concentrated effort be made to expand upon the successes, explore new initiatives and obtain community and state support for increased resources, more options and adequate funding.