

State of Indiana

Justice Reinvestment Advisory Council



Report on Community Corrections Code Review
December 1, 2021

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Foreword

By: Justice Christopher M. Goff

To my friends and colleagues at the Indiana Department of Correction, and throughout Indiana's criminal justice system, thank you for your contributions to this important Report. Your collaborative efforts have allowed us to fulfill our statutory charge to review Indiana's community corrections statutes and to improve operations through evidence based practices. As we complete that statutory charge, it is appropriate to remind ourselves this work is, of necessity, ongoing in nature. To that end, I offer my observations about how Indiana's community supervision system developed to this date, why the system should be considered successful, and how we can continue to improve it.

As the body of this Report explains, community corrections, as we now understand it, began in Indiana in 1979. But it became an indispensable part of our criminal justice system much more recently. In 2015, Indiana revised its criminal code and, as part of that revision, shifted responsibility for supervising thousands of low-level felons from a single statewide institution (the Indiana Department of Correction) to 92 different counties (and often multiple agencies within those counties).

The challenges created by this shift, for both the Department of Correction and our local communities, were enormous. Imagine, for example, how difficult it would be for a company like General Motors to shift responsibility for manufacturing full-size trucks from its factory in Roanoke, Indiana to 92 different shops, one in each Indiana County. Imagine each of those shops had the responsibility to manufacture all the GM trucks sold in their community. Imagine none of them were provided sufficient funding to manufacture the trucks or complete instructions on how to make them. And imagine GM retained responsibility to provide quality assurance for all trucks manufactured throughout the state. Although my example probably overstates the challenges deinstitutionalization created, it's not that far off. And it should leave you asking, why did we do that? In large part, the answer was cost.

The United States incarcerates people at a higher rate than most other countries and, while the degree to which incarceration is used has been debated, everyone agrees that it is expensive. Recognizing this, a nationwide movement called the Justice Reinvestment Initiative (JRI) was born. JRI is a public-private partnership between the U.S. Department of Justice, The Pew Charitable Trust, Council of State Governments, and other technical assistance providers. JRI's goal is to reform criminal justice systems to realize cost savings and reinvest those savings in local communities. States join JRI by forming a multi-party, multi-branch, and multi-disciplinary group of statewide leaders in their criminal justice systems. These groups then work together with criminal justice policy experts provided by JRI. Their work includes comprehensive reviews of the state's criminal justice system and implementation of evidence based and best practices to improve outcomes and reduce recidivism. As part of Indiana's criminal code reform, the General Assembly established the Indiana

Justice Reinvestment Advisory Council (State JRAC) as a mechanism to continue reviewing and improving the criminal justice system.

Since its creation, State JRAC has completed significant work to ensure public safety and community well-being throughout Indiana's Community-Based Supervision System. This work includes, but is certainly not limited to: conducting statewide mapping of Indiana's criminal justice system; completing a comprehensive report on bail reform throughout the state; overseeing millions of dollars in grants to counties seeking to improve their community supervision systems; and, most recently, reviewing our community corrections statutes and developing comprehensive technical assistance for our newly created Local JRACs. All this work has been a continuous collaborative effort among and between Indiana's state-level criminal justice stakeholders. It has not been easy, but it has allowed State JRAC and its constituent members to better understand how our criminal justice system, and each of its component parts, functions. It has fostered a common understanding of evidence based and best practices and how those practices can be implemented in every Indiana county, allowing for reasonable deviations among local practices.

In submitting this Report, we have been charged with making recommendations to improve operations with evidence based practices. I believe Indiana can and will improve operations in and among our various community supervision systems through our renewed commitment to JRI, as demonstrated by the unanimous passage of the Local JRAC Statute. It will not happen overnight, but, over time, our Local JRACs will provide an effective forum for community leaders to understand how and why they came to have a stake in Indiana's community supervision system. Once they understand their roles as stakeholders in the system, they will be more invested in its success. This will enable State JRAC to do what it was intended to do: assist local justice stakeholders in the implementation of evidence based and best practices and reinvest scarce criminal justice resources in communities to improve safety and community well-being.

Executive Summary

During the 2021 legislative session, the Department of Correction sought authorization to have a review of community corrections code provisions. As a result, H.E.A. 1068-2021 directed the Justice Reinvestment Advisory Council (JRAC) to study community corrections statutes and make recommendations to the Department of Correction to improve community corrections operations with evidence based practices. To conduct this review, the Justice Reinvestment Advisory Council established a multidisciplinary workgroup.

During its seven meetings, the workgroup reviewed the statutes in a systematic way to allow each stakeholder the opportunity to provide input into the topics and recommendations outlined in this report. Over the course of the review, the diverse and complex framework for community corrections brought to light the challenges currently facing agencies and emphasized the opportunities for improving operations while enhancing the implementation of evidence based practices across the state. The review process revealed the importance of the local and regional Justice Reinvestment Advisory Councils created in the same legislation directing this review and emphasized the importance of the Justice Reinvestment Advisory Council's expanded role in supporting these efforts.

The recommendations in this report outline immediate opportunities for action as well as long term goals. Immediate opportunities include establishing a Local Justice Reinvestment Advisory Council Workgroup and establishing commissary fund code provisions for community corrections.

The long term recommendations categorize numerous topics within six larger categories:

- Definitions (containing four topics)
- Scope of community corrections and general provisions (containing ten topics)
- Program placement, eligibility, and rules (containing eleven topics)
- Audit, oversight, and data (containing eight topics)
- Funding (containing fourteen topics)
- State and local collaboration (containing four topics)

Each topic outlined within these categories demonstrates the necessity for further, in-depth review by a multi-disciplinary stakeholder group to prepare proposals that meet the expectations for both state and local justice system partners. Taking action on these proposals will require several strategies and approaches for effective implementation.

The Justice Reinvestment Advisory Council will continue to review the long term recommendations and leverage the newly formed connections with local and regional Justice Reinvestment Advisory Councils to garner a greater understanding of the needs of our criminal justice system and inform these on-going efforts.

The Justice Reinvestment Advisory Council and the workgroup are grateful to the Indiana Office of Court Services for providing staff support to the workgroup with assistance from Justice Christopher Goff's staff. The workgroup appreciates Jenny Bauer, April Dubree, Michelle Goodman, Angie Hensley, and Michelle Shorter for their time and effort in supporting this review.

Workgroup Members and Participants

The [Justice Reinvestment Advisory Council](#) established a workgroup to review community corrections code provisions. The workgroup held seven, two-hour meetings between May and November 2021. The following workgroup members and interested stakeholders provided their knowledge and experience resulting in a rich dialogue regarding community corrections:

Hon. Christopher Goff, Chair
Indiana Supreme Court

Mary Kay Hudson
Indiana Office of Court Services

Margaux Auxier
Indiana Department of Correction

Douglas Huntsinger
Office of Governor Eric J. Holcomb

Kristen Banschbach
Indiana Department of Correction

Amy Karozos
Indiana State Public Defender

Christine Blessinger
Indiana Department of Correction

Megan Little
Indiana Department of Correction

Therese Brown
Association of Indiana Counties

Sarah Lochner
Probation Officers Professional Association of Indiana

Ward Byers
Marshall County Community Corrections

Steve Luce
Indiana Sheriffs' Association

Jay Chaudhary
Division of Mental Health and Addiction

Andrew Maternowski
Indiana Public Defenders Council

Kim Churchward
Allen County Community Corrections

Dan Mawhorr
Indiana Sheriffs' Association

Brett Clark
Indiana Sheriffs' Association

Chris Naylor
Indiana Prosecuting Attorneys Council

Bernice Corley
Indiana Public Defenders Council

Jim Oliver
Indiana Prosecuting Attorneys Council

Chris Cunningham
Grant County Community Corrections

Hon. Mark Spitzer
Indiana Judges Association

Elizabeth Darlage
Indiana Department of Correction

Shelby Thomas
Office of Governor Eric J. Holcomb

Amber Finnegan
Indiana Association of Community Corrections Act
Counties

Briony Towler
Indiana State Budget Agency

Kirsten Haney
Indiana State Budget Agency

Ralph Watson
Hamilton County Community Corrections

Troy Hatfield
Probation Officers Professional Association of Indiana

William Watson
Vigo County Community Corrections

Overview of Statutory Charge

[House Enrolled Act 1068 \(P.L. 30-2021\)](#) established local and regional justice reinvestment advisory councils. Section 6 of this legislation directed the Justice Reinvestment Advisory Council, established by [Ind. Code § 33-38-9.5-2](#), to review the community corrections code provisions, make recommendations to improve operations with evidence based practices, and submit a final report containing its findings to the Department of Correction by December 1, 2021.

Overview of Community Corrections in Indiana

Community Corrections in Indiana began in 1979 when the Community Corrections Act, [Ind. Code § 11-12](#), became law. This Act provided a structure to permit placement of individuals in a new community supervision program as an alternative to incarceration at the Department of Correction. Indiana Code requires a county or group of counties to adopt an ordinance to establish a community correction program and establish the community corrections advisory board in accordance with the statutory list of members. The community corrections advisory board carries out several duties in overseeing the operations of a community corrections program. Over time, community corrections programs have evolved to meet the needs of local criminal justice populations. The adoption of evidence based practices and statutory amendments have altered the scope of community corrections programs. For example, Indiana's criminal reform efforts diverted additional felony offenders away from the Department of Correction to community supervision agencies, resulting in an expanded community supervision population.

Some community corrections programs operate as a stand-alone agency while others operate in a combined agency with the local probation department. With stand-alone community supervision agencies, individuals may be supervised simultaneously by more than one agency within the county. Supervision by multiple agencies can also occur when an individual is supervised on sentences from multiple counties at the same time. Individuals with multiple supervisions may be subject to various conditions that are not always consistent, creating complexities in service delivery and compliance monitoring¹.

Community corrections programs, depending on their local community corrections plan and available resources, can provide a variety of supervision levels and services. The levels of supervision range in intensity and include residential placements (e.g., work release), home detention, electronic monitoring, day reporting, and office and field visits. Examples of services provided either within the community corrections program or by referral from the community corrections program include programs that address criminal thinking with cognitive and skills based interventions, treatment services for mental health and substance use disorders, educational programs, and employment programs.

¹ For more information on Community Corrections Programs, see: <https://www.in.gov/idoc/community-corrections/>. For more information on Probation, see: <https://www.in.gov/courts/iocs/probation/>. For more information on Court Alcohol and Drug Programs, see: <https://www.in.gov/courts/iocs/cadp/>. For more information on Problem Solving Court Programs, see: <https://www.in.gov/courts/iocs/pscourts/>. For more information on pre-trial release, see: <https://www.in.gov/courts/iocs/pretrial/>.

Funding sources for community correction programs come from county general funds, state grant funds awarded by the [Department of Correction Community Corrections Division](#), and project income from participant user fees. Ind. Code § 11-12-2-1 creates a mechanism to allow additional funds for community supervision agencies from the Department's operational cost savings from the criminal code reform efforts, but these savings have not been realized to support the increased populations to be served at the local level. The amount of funding and proportion from each of these categories varies for each program across the state. In addition, if the local community corrections program provides a supervision component that receives certification from the Indiana Office of Court Services (IOCS) (e.g., pre-trial, problem-solving courts) the program may apply for additional grant funding from IOCS. Other grant sources may also be available to community corrections programs from other agencies, such as the Indiana Criminal Justice Institute.

With the appropriation of grant funding, the granting agency has oversight of the specific grant awarded to the local community correction programs. The ultimate oversight of community corrections operations is the responsibility of the local community corrections advisory board. Agencies awarding grants can also provide information, training, and guidance as needed to aid with program implementation if requested.

Currently, 89 counties have community corrections programs, including seven regional programs. A map can be found in Appendix 1 showing the participating counties, as well as the programs currently receiving state grant funds from the Department of Correction. For more information on community corrections, please review the Community Corrections Program Overview contained in Appendix 2.

The structure of community corrections within Ind. Code § 11-12 promotes local community program design. With local program design and a 30-year history of statutory amendments, community corrections programs have resulted in a multifaceted, and sometimes perplexing structure to administer. On the local level, differing community program designs can result in inconsistent services to individuals across Indiana, and could raise access to justice concerns².

Overview of Meetings

The workgroup's initial meeting on May 21, 2021, commenced with a review of the statutory charge and a discussion of member expectations. The meetings held on June 15, July 1, and July 22, 2021, focused on a systematic review of the following statutory and administrative code provisions:

- [Ind. Code § 11-12](#) Community Corrections
 - [Chapter 1](#): Locally and Regionally Operated Community Corrections
 - [Chapter 2](#): State Grants to Counties for Community Corrections and Charges to Participating Counties for Confined Offenders
 - [Chapter 3](#): State Operated Community Corrections
 - [Chapter 3.7](#): Forensic Diversion Program
 - [Chapter 5](#): County Jails Work/Temporary Release
 - [Chapter 7](#): Community Corrections Home Detention Fund

² Access to justice, for purposes of this report, refers to access and availability of services and programs as well as barriers associated with accessing services and programs (e.g., fees, eligibility criteria, transfers between supervision programs, etc.).

- [Chapter 8](#): Interstate Compact on Community Correction Transfers
- [Chapter 9](#): Interstate Community Corrections Hearings
- [Chapter 10](#): Community Transition Program
- [Ind. Code § 35-38](#) Proceedings following dismissal, verdict, or finding
 - [Chapter 2.5](#): Home Detention
 - [Chapter 2.6](#): Direct Placement in Community Corrections Program
- Other related provisions:
 - [Ind. Code § 11-11-5](#): Conduct and Discipline
 - [Ind. Code § 11-13-1-4](#): Probation Department, annual compilation of statistical information; contents
 - [Ind. Code § 33-38-9.5](#): Justice Reinvestment Advisory Council
- [Indiana Administrative Code](#)
 - [IAC § 210 IAC 2-1-1 through 2-2-1](#)

During the review process, each stakeholder was asked to identify what currently works well with community corrections programs and areas for improvement while considering the perspectives of state-level stakeholders, local-level stakeholders, community corrections program participants, and fiscal bodies. This discussion also acknowledged the considerations involved when multiple community supervision agencies simultaneously supervise the same individuals. The result of this discussion outlined numerous opportunities for improvement within six main categories. These categories included:

- Definitions
- Scope of community corrections and general provisions
- Program placement, eligibility, and rules
- Audit, oversight, and data
- Funding
- State and local collaboration

The August 11, September 14, and October 8, 2021, meetings focused on assessing the possible strategies for addressing the identified topics. The strategies identified included: legislative proposals, administrative rule proposals, policy matters, training matters, and technical assistance. Most areas discussed were associated with multiple strategies due to the complexity of these topics. This dialogue also included prioritizing items for immediate action and identifying areas where further discussion or additional stakeholder input is required to develop viable, sound proposals.

Throughout these meetings, members and participants were encouraged to provide written recommendations on key areas of interest to allow the workgroup to review the concepts in more detail.

The final workgroup meeting was held on November 19, 2021, to discuss and finalize the recommendations for approval by the Justice Reinvestment Advisory Council.

On November 30, 2021, the Justice Reinvestment Advisory Council reviewed this report and approved its submission to the Department of Correction as required by the statute.

The Central Role of Local Community Stakeholders

In 2015, the General Assembly enacted Ind. Code § 33-38-9.5, commonly known as the State JRAC Statute. One purpose of the State JRAC Statute is to oversee the reinvestment of any savings realized by the State when it shifted responsibility for supervising most low-level felons from the Department of Correction to local communities. Indiana has greatly benefited from this legislation, with millions of dollars granted to local communities. It has been instrumental in reforming pretrial practices throughout the state and in assessing issues related to jail overcrowding. And it has fostered mutual understanding and respect among and between state-level justice stakeholders.

Despite this progress, deinstitutionalization at the state level has presented challenges at the community level. What's needed, then, are strong local partnerships among justice stakeholders. This involves inter-agency cooperation, consensus over procedures and practices, and a common understanding of how the system's component parts function together. But these challenges have created unprecedented opportunities to make our system better.

The Local JRAC Statute (Ind. Code § 33-38-9.5-4), signed into law earlier this year, is a gateway to those opportunities, opening the door for communities to build strong local partnerships among justice stakeholders. Under this statute, local stakeholders can convene regular meetings and review systemic practices. In addition, the statute provides a direct link between Local JRACs and the State JRAC. This link will allow the State JRAC to be more responsive to the needs of individual communities as they implement and maintain effective community supervision programs and as they seek to improve community well-being.

Where applicable, the recommendations that follow emphasize the central role of local communities in the decision-making process.

Recommendations

The Justice Reinvestment Advisory Council makes the following recommendations to the Department of Correction to consider in improving community corrections operations consistent with evidence based practices:

- A. Initial Recommendations: The recommendations in this section encompass the expanded role of the Justice Reinvestment Advisory Council with the establishment of local and regional Justice Reinvestment Advisory Councils and address items of immediate concern as identified by the workgroup for this study.
 1. Local JRAC: The Department of Correction should continue to work to align its technical assistance efforts with the state Justice Reinvestment Advisory Council in establishing ongoing relationships with the newly formed local and regional Justice Reinvestment Advisory Councils through the Local Justice Reinvestment Advisory Council Workgroup. This Workgroup, under the state Justice Reinvestment Advisory Council, would:
 - a. Allow for continued collaboration among stakeholders at the local and state level and provide a forum to share key concerns.

- b. Provide needed support and technical assistance at the local level to assist with enhanced implementation of evidence based practices.
- c. Respond to questions with input from a multidisciplinary team.
- d. Provide a range of acceptable solutions to issues considering the legal requirements, current research on evidence based practices, opportunities for innovation, and the need for flexibility to address local issues.
- e. Provide a framework to assist local and regional Justice Reinvestment Advisory Councils in conducting a local system review to document current processes and practices through system mapping, identifying system gaps and areas for improvement, and developing plans to close these gaps and improve the overall justice system. An excerpt of a system review map can be found in Appendix 3.
- f. Continue to foster alignment of practices and procedures among and between the Department of Correction and Local Advisory Boards/Local JRACs to increase fidelity to statutory charges.

The establishment of local and regional Justice Reinvestment Advisory Councils and the expanded requirement for support from the Justice Reinvestment Advisory Council provides a unique opportunity to collaborate on improving the work of community corrections at the local level.

2. Legislation: The Department of Correction should consider legislation to establish a commissary fund within Ind. Code § 11-12 to be used with the operations of residential facilities under community corrections programs. Currently, these programs model their commissary fund practices after the statutory provisions for sheriff departments. In pursuing this proposal, consideration should be given to reestablishing the authorization in Ind. Code § 11-12 for community corrections to operate residential facilities.
- B. Long term recommendations: This section encompasses topics that should undergo further study for proposals. This will allow for sufficient time to better understand the scope of the issues at the local level and permit broader feedback on these proposals to avoid unintended consequences. In addition, each topic engages multiple strategies necessary to implement improvements and accounts for varying levels of available resources and the interrelationship with other similarly complex topics.

The areas identified for improvement during this review fall into six general categories and a compilation of the topics within these categories are included below:

- Definitions
 - Clearly define terms (e.g., agency, program, component, services, supervision responsibilities, evidence based practices, etc.) and avoid confusion with the same or similar terms from other fields. Terms should be used consistently within Title 11 and Title 35 to aid in understanding the framework and scope of community corrections, and the connection with available sentencing options. Ensure terms are current and align with use of rehabilitative measures while maintaining local flexibility and opportunities for innovation in the future.

- Differentiate between the operation of and coordination of programs and services, and evidence based practices and supervision strategies while ensuring sufficient authorization for programs, especially in relation to the direct commitment statutes.
- Differentiate between community corrections responsibilities and clinical services provided by treatment providers.
- Explore the concept of a universal supervision agency with standard roles and definitions, as well as standard professional credentials, job descriptions, and continuing education requirements for community correction directors or other community correction roles. This would be important for creating a more universal community supervision role or a credentialed community corrections specialist.
- Scope of community corrections and general provisions
 - Determine what services, programs, and supervision strategies are included within the scope of community corrections and how those areas relate to funding priorities, data collection/reporting, and other evaluation/audit requirements while addressing any variations between juvenile and adult community corrections programs/services.
 - Consider whether the different models of community corrections based on local autonomy unintentionally causes access to justice issues³ and whether more centralization could address access inequities.
 - Maintain flexibility for local criminal justice stakeholders to provide programs and services to address locally identified needs (i.e., including pre-trial, diversion, etc.) and flexibility with establishing the eligibility criteria for clients within the defined target population (i.e., felony, misdemeanor, etc.) while establishing a baseline of services available regardless of an individual's county of residence.
 - Determine where overlapping authority exists with other supervision agencies (i.e., supervision by multiple agencies – probation, parole, community corrections, overlapping responsibilities on transfer cases, etc.) as well as limitations on scope of duties that create barriers (i.e., role of probation and community corrections when community corrections is ordered as a condition of probation).
 - Determine if special language is needed to establish/designate physical locations of certain programs/services (i.e., work release/residential, day reporting).
 - Recognize the need for education at the local level on the scope and role of the Department of Correction in funding and oversight of community corrections compared to the scope of local oversight of programs/services by advisory boards.
 - Explore opportunities for multidisciplinary teams to assist with technical assistance and promote enhanced local collaboration.
 - Consider stakeholder education for advisory board members, especially new members, to better understand the role and value of community corrections and related processes.

³ Access to justice, for purposes of this report, refers to access and availability of services and programs as well as barriers associated with accessing services and programs (e.g., fees, eligibility criteria, transfers between supervision programs, etc.).

- Provide guidance on the establishment and role of the advisory board in coordinating community corrections operations and aligning with the work of other local criminal justice stakeholders and funders (e.g., local coordinating council, probation, problem solving courts, etc.) and highlight the option to serve as the local Justice Reinvestment Advisory Council.
- Address requirements to share information with law enforcement and possible information gaps.
- Program placement, eligibility, and rules
 - Consider scope of community corrections programs as a sentencing option and alternative to incarceration at the state and local level for adults and juveniles and related statutory authorizations (i.e., direct commitment statutes in conjunction with authority for more suspended sentences).
 - Update provisions related to the direct commitment statutes to provide clarity regarding executed or suspended time for direct placement, the application of credit time and deprivation of time, the application of these statutes since more sentences can now be suspended (compared to pre-2014 sentencing provisions), and process for placement on home detention while on direct placement in community corrections. Case law should be reviewed to ensure clarity is provided within the proposal.
 - Address overlap for individuals placed on probation and community corrections that result from dual supervision, application of user fees, etc.
 - Consider aligning code provisions related to disciplinary procedures with evidence based practices (responsive to risk, responsivity, and therapeutic adjustments) without negatively impacting an individual's access to basic needs and appropriate medical and mental health treatment services.
 - Review current code provisions specifying community corrections program participants are individually responsible for their own medical care and recovery service expenses while ensuring access to needed care.
 - Ensure the application of community correction code provisions is not limited to direct commitments to community corrections and Community Transition Program clients but covers all participants. If looking toward a universal community supervision framework this may also cover parole supervision and jail work release programs.
 - Assess the continued need for separate forensic diversion statutes in addition to the expanded authorization for problem-solving court eligibility, Recovery Works eligibility, and lack of dedicated funding sources in Ind. Code §11-12-3.7. Explore any impact on sentencing statutes if these provisions are removed.
 - Ensure coordination between the Division of Mental Health and Addiction, the Department of Correction, and local community corrections programs on the availability of treatment services while maintaining any authorization to provide necessary services and treatment to address identified criminogenic needs.
 - Determine whether some provisions, such as local community correction plans or screening criteria for services, should remain in statute to ensure individual needs

- are addressed and update the code language to be more current while keeping sections that provide the necessary framework for providing services.
- Review the authorization statutes for work release to ensure it can be operated by community corrections and ensure the availability of services to participants within the work release program. Review the scope of eligibility requirements for work release considering the local needs in setting criteria to address fairness and public safety concerns of all criminal justice stakeholders in addition to the statutory provisions.
 - Review the issue of transfers between jurisdictions.
- Audit, oversight, and data
 - Assess whether current review processes versus broader certification review practices would provide a more sustainable method for program review and oversight. Explore more universal performance measures.
 - Consider the ability to develop program standards and a method for reporting program effectiveness with both adult and juvenile programs.
 - Consider audit oversight for monitoring adherence to evidence based practices, due process requirements, reviewing impermissible practices, and grievance procedures.
 - Consider developing data-collection methods and standards to allow local justice stakeholders to determine where funding should be directed.
 - Consider need for data and information from community corrections agencies, keeping in mind the need to eliminate duplicative reporting requirements and account for the different placement categories within community corrections.
 - Assess the available data from existing systems and current report requirements.
 - Track mental health and substance use disorder information, violation types (reasons), basis for credit time revocations, types of imposed conditions, and assessed fees.
 - Consider the data needed for monitoring/audits as well as grant requirements with a focus on program outcomes.
 - Funding
 - Enhance ability to ensure state funds are fully utilized for available program capacities.
 - Enhance understanding of funding sources for community corrections, costs associated with available services/programs, and what services/programs are available in each area along with eligibility criteria to allow for better decisions locally as well as with individual clients.
 - Review costs and services/programs across jurisdictions to identify opportunities for alignment.
 - Review the program data and associated program costs to aid in making resource recommendations for community correction programs.
 - When overlapping authority exists, account for challenges in program reviews related to the Department of Correction funding versus other program aspects overseen by other agencies/funding sources.

- Consider keeping references related to grant funding priorities separate from the general role and scope of community corrections to allow maximum flexibility.
- Consider the role of the county council, county executive, and county fiscal bodies in working with community corrections and provide more direction and education on the meaning of consultation, reviewing and approving budget for community corrections as it relates to grant funds and local funding, etc. Technical assistance should be provided to help entities address best practices with funding and benefits, including information related to county budgeting processes.
- Consider the impacts on community corrections programs and staff (as county employees) due to the availability of financial support from local and state resources along with any limitations within policy and statute associated with these funds.
- Consider better outlining the roles and responsibilities between the state and local level and more clearly outline the benefits for consistently supporting community corrections. Some of these provisions may be outlined in the grant contracts and should be outlined as a partnership framework.
- Consider addressing the cost saving provision in statute to provide funding via this provision to support effective delivery of community supervision services. Maintain the options for seeking grant funding and expand the scope of using project income and user fees to further support other grant funded programs or services.
- Consider enhanced coordination with other partners (i.e., Division of Mental Health and Addiction, Justice Reinvestment Advisory Council, Local Justice Reinvestment Advisory Councils, etc.) to provide funding for services and program oversight.
- Address funding and user fees within provisions of administrative code to allow for flexibility with future amendments.
- Consider a separate advisory group to study and review the funding formula.
- Review long-term appropriations to support work release programs.
- State and local collaboration
 - Identify methods for local criminal justice partners to elevate/communicate issues to the state level to assist in addressing concerns and implementing expansive strategies, especially considering establishment of local JRACs.
 - Consider a multi-disciplinary, advisory group to be in place to address concerns, issues, or grievances on a more regular, routine basis.
 - When community corrections statutes reference programs and services that are under the oversight of other agencies, ensure there is sufficient collaboration and resources for those programs and services to be administered effectively (i.e., the relationship in the community corrections code to the work of Division of Mental Health and Addiction in overseeing treatment services).
 - Consider aligning advisory boards and local JRAC more directly with the idea that local JRACs can identify gaps and work to address them locally as well as communicate to JRAC to assess if state level solutions are needed thereby enhancing collaboration between state and local level.

Stakeholders also provided written proposals for consideration on direct commitments to community corrections, definitions, pretrial credit time, eliminating violation of home detention as basis for escape charges, and fee waivers. After discussion, the workgroup determined additional time was necessary to address considerations raised by other stakeholders or gather additional input prior to finalizing these proposals. The Justice Reinvestment Advisory Council will continue to review stakeholder proposals and seek additional input before recommending future action.

In considering these recommendations, the workgroup also recognized the connections between this study and the Evidence Based Decision Making Initiative, now incorporated into the work of the Justice Reinvestment Advisory Council, as well as recommendations from the [Jail Overcrowding Task Force Report](#) and the [Justice Reinvestment Advisory Council Report on Bail Reform and Pretrial Issues](#). This connection demonstrates the importance of continued state-level review and coordination on state and local criminal justice issues.

Conclusion

The community correction code review provides valuable insight into the great work of community corrections programs. The code provisions and community corrections operations are complex and require multidisciplinary stakeholder engagement to make system changes. The Justice Reinvestment Advisory Council remains committed to collaboration with stakeholders and new local and regional Justice Reinvestment Advisory Councils to improve Indiana's criminal justice system. Seeking out these improvements will result in more effective community corrections programs and improved outcomes for the program participants as well as the overall community.

Appendix

- Department of Correction Community Corrections Grant Funded Entities
- Department of Correction Community Corrections Program Overview
- System mapping examples and narrative template with resource links

Appendix 1: Department of Correction Community Corrections Grant Funded Entities



INDIANA DEPARTMENT OF CORRECTION 2021 JUSTICE REINVESTMENT GRANT FUNDED ENTITIES

MAP LEGEND

- Community Corrections
- Stand Alone Work Release
- Jail-Based Work Release

89 Community Corrections Counties

Adams	DeKalb	Henry	Madison	Porter	Tippecanoe
Allen	Delaware	Howard	Marion	Posey	Tipton
Bartholomew	Dubois	Huntington	Marshall	Pulaski	Union
Blackford	Elkhart	Jackson	Martin	Putnam	Vanderburgh
Boone	Fayette	Jasper	Miami	Randolph	Vermillion
Brown	Floyd	Jay	Monroe	Ripley	Vigo
Carroll	Fountain	Jefferson	Montgomery	Rush	Wabash
Cass	Fulton	Jennings	Morgan	Scott	Warren
Clark	Gibson	Johnson	Noble	Shelby	Warrick
Clay	Grant	Knox	Ohio	Spencer	Washington
Clinton	Greene	Kosciusko	Orange	St. Joseph	Wayne
Crawford	Hamilton	LaGrange	Owen	Starke	Wells
Daviess	Hancock	Lake	Parke	Steuben	White
Dearborn	Harrison	LaPorte	Perry	Sullivan	Whitley
Decatur	Hendricks	Lawrence	Pike	Switzerland	

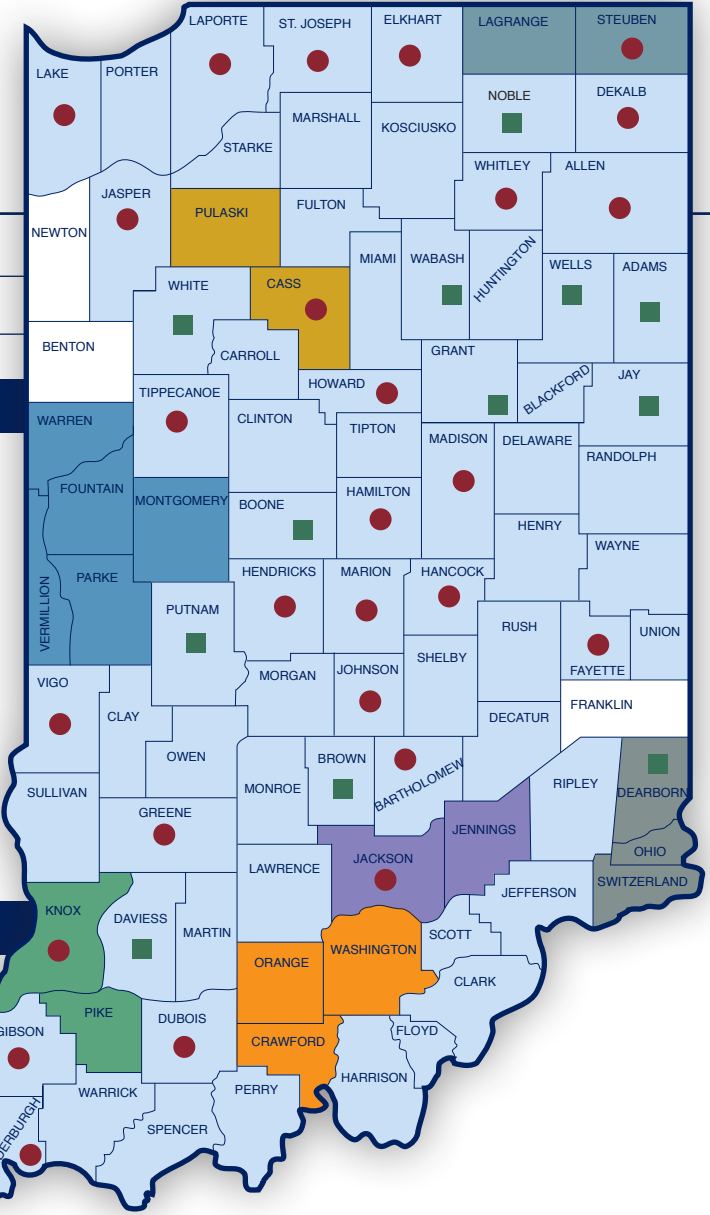
7 Regional Community Correctional Agencies

- Cass* Pulaski Community Corrections
- Hoosier Hills PACT (Crawford, Orange, Washington*)
- Jackson* Jennings Community Corrections
- Northeast Indiana Community Corrections (LaGrange, Steuben*)
- Southeast Regional Community Corrections (Dearborn*, Ohio, Switzerland)
- Wabash Valley Regional Community Corrections (Knox*, Pike)
- West Central Regional Community Corrections (Fountain*, Montgomery, Parke, Vermillion, Warren)

* denotes fiscal body

27 Stand Alone Community Corrections Work Release

Allen	Elkhart	Hancock	Johnson	Madison	Tippecanoe
Bartholomew	Fayette	Hendricks	Knox	Marion	Vanderburgh
Cass	Gibson	Howard	Lake	St. Joseph	Vigo
DeKalb	Greene	Jackson	LaPorte	Steuben	Whitley
Dubois	Hamilton	Jasper			



13 Jail-Based Community Corrections Work Release

Adams	Daviess	Jay	Putnam
Boone	Dearborn	Noble	Wabash
Brown	Grant	Posey	Wells
			White

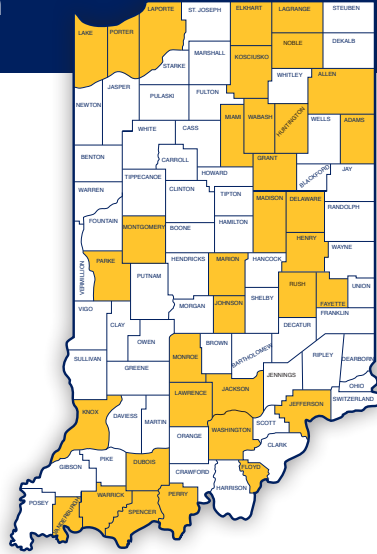
NOTE: Community Corrections agency utilizes jail beds set aside for Work Release participants under Community Corrections supervision.



INDIANA DEPARTMENT OF CORRECTION 2021 JUSTICE REINVESTMENT GRANT FUNDED ENTITIES

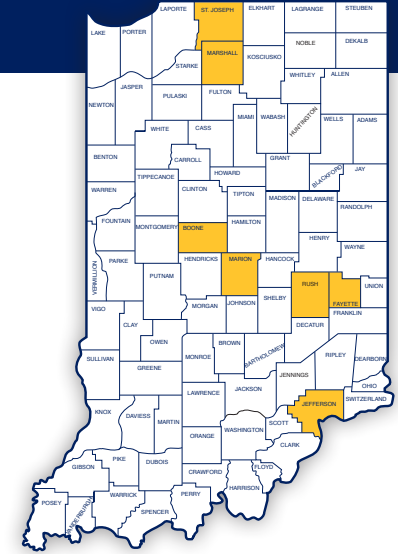
49 Problem Solving Courts / Court Recidivism Reduction Programs

- | | |
|----------------------|----------------------|
| Adams | LaPorte |
| Allen: 3 programs | Lawrence: 2 programs |
| Delaware: 2 programs | Madison: 3 programs |
| Dubois | Marion: 3 programs |
| Elkhart | Miami |
| Fayette | Monroe: 2 programs |
| Floyd | Montgomery |
| Grant | Noble |
| Henry | Parke |
| Huntington | Perry |
| Jackson | Porter: 2 programs |
| Jefferson | Rush |
| Johnson: 2 programs | Spencer |
| Knox | Vanderburgh |
| Kosciusko | Wabash: 2 programs |
| Lake: 4 programs | Warrick |
| LaGrange | Washington |



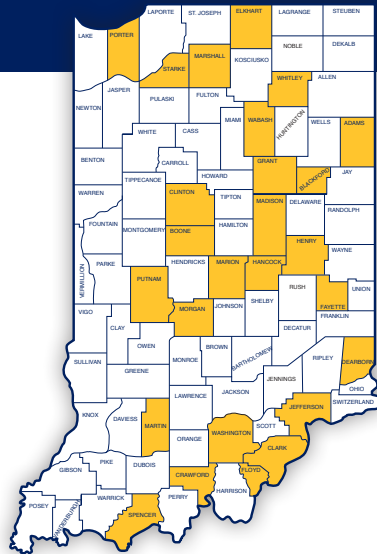
7 Prosecutor's Diversion Programs

- | | |
|-----------|------------|
| Boone | Marshall |
| Fayette | Rush |
| Jefferson | St. Joseph |
| Marion | |



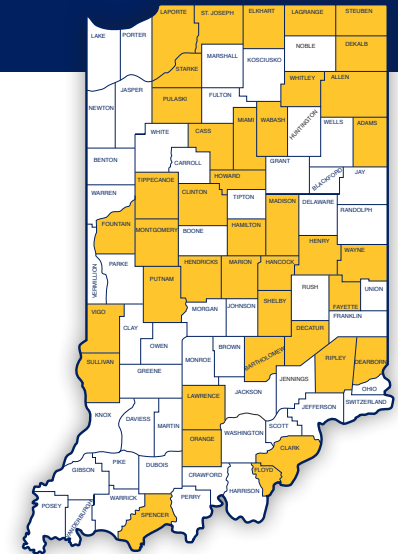
26 Jail Treatment Programs

- | | | |
|-----------|-----------|------------|
| Adams | Floyd | Morgan |
| Blackford | Grant | Porter |
| Boone | Hancock | Putnam |
| Clark | Henry | Spencer |
| Clinton | Jefferson | Starke |
| Crawford | Madison | Wabash |
| Dearborn | Marion | Washington |
| Elkhart | Marshall | Whitley |
| Fayette | Martin | |



40 Probation Departments

- | | | |
|-------------|------------|------------|
| Adams | Hamilton | Pulaski |
| Allen | Hancock | Putnam |
| Bartholomew | Hendricks | Ripley |
| Cass | Henry | Shelby |
| Clark | Howard | Spencer |
| Clinton | LaGrange | St. Joseph |
| Dearborn | LaPorte | Starke |
| Decatur | Lawrence | Steuben |
| DeKalb | Madison | Sullivan |
| Elkhart | Marion | Tippecanoe |
| Fayette | Miami | Vigo |
| Floyd | Montgomery | Wabash |
| Fountain | Orange | Wayne |
| | | Whitley |



Appendix 2: Department of Correction Community Corrections Program Overview



Community Corrections Program Overview

"Community corrections program" defined under 11-12-1-1:

" means a community based program that provides preventive services, services to offenders, services to persons charged with a crime or an act of delinquency, services to persons diverted from the criminal or delinquency process, services to persons sentenced to imprisonment, or services to victims of crime or delinquency, and is operated under a community corrections plan of a county and funded at least in part by the state subsidy provided in IC 11-12-2."

Q: What is a Community Corrections Program?

- Community Corrections is a community-based supervision agency used for the primary purpose of providing sentencing alternatives for felony offenders in lieu of incarceration. Community Corrections serves an important role in rehabilitation through transitional programming and as an intermediate sanction for Parole, Probation, Courts, and other community-based supervision or programs.
- Community Corrections serves 3 critical roles in the criminal justice system.
 - **Sentence Alternative:** Community Corrections is community-based supervision that serves as a sentencing or placement alternative to incarceration, allowing restricted privileges and access to the community during which time evidence-based interventions are establishing long-term behavior change.
 - **Intermediate Sanction:** As an important element of best practices, Community Corrections serves as an intermediate sanction for Parole, Probation, Courts, and other community-based supervision or programs. The Levels of Supervision within a Community Corrections agency are often utilized to apply graduated sanctions by phasing and individual into more restrictive Levels of Supervision in lieu of a revocation, jail, or return to prison.
 - **Re-Entry & Transitional Services:** Community Corrections agencies may contract with the Indiana Department of Correction (IDOC) to provide re-entry & transitional services for IDOC's Work Release program. Agencies are also able to assist IDOC offenders transitioning back into their communities by supervising offenders who are participating in the Community Transition Program.

Q: How are Community Corrections programs established?

[Authority IC 11-12](#)

- The Community Corrections Act was established in 1979. Due to each county's unique needs, varying resources, and priorities within their criminal justice system, the Community Corrections Act requires that their local jurisdiction establish a community-based board of criminal justice stakeholders to oversee, monitor, and evaluate the programs.
- The community-based board, known as the Community Corrections Advisory Board, is established through a county ordinance, by laws, and an approved IDOC Community Corrections Plan.

Q: What is a Community Corrections Advisory Board?

- The Community Corrections Advisory Board is a community based board comprised of local criminal justice department heads or designees and stakeholders of the local criminal justice departments including a victim, former Community Corrections participant, and treatment/service provider representation. The membership and authority is outlined under IC 11-12-2.
- The Community Corrections Advisory Board primary duties consist of:
 - Appointing the Community Corrections Director;
 - Formulation of a Community Corrections Plan which is a comprehensive operational overview of the structure, administration, program elements, and program capacity;



- Applying for and administering Community Corrections grant funding;
- Administration of the program budget and expenses including applying for and administering the Community Corrections and Justice Reinvestment Grant Funding provided by the Department and user fees;
- Report and assess the effectiveness of the programs on an annual basis and determine if the program should continue with the appointed Community Corrections Director; and
- Support, monitor, and evaluate the Community Corrections Program on its effectiveness of programs and services provided and determine if they should continue.

Q: What is a Community Corrections Plan?

- The Community Corrections Plan is a comprehensive operational overview of the structure, administration, monitoring, goals, budget, and evaluation of a local community corrections agency.
- For funding purposes, the approved Community Corrections Plan is summarized through IDOC's grant application process and its required supplemental documentation.

Q: How are Community Corrections Programs funded?

- Community Corrections programs are supported, at least in part, by the Community Corrections and Justice Reinvestment Grants administered by the Department's Community Corrections Division.
- The Department receives a state appropriation from the Indiana General Assembly that is administered by IDOC's Community Corrections Division as outlined in IC 11-12. The purpose of funds are to encourage counties to develop a coordinated local corrections-criminal justice system and provide effective alternatives to imprisonment at the state level.
- Under IC 11-12-2-2, grants are made available to established Community Corrections Advisory Boards to fund:
 - *Operations of a Community Corrections Program*
 - *Operations of a Court Supervised Recidivism Reduction Program (Problem Solving Court)*
- Grant funds are also available to provide support or supplemental funding to:
 - *Probation Departments*
 - *Pretrial Diversion Programs*
 - *Jail Treatment Programs*
- While there is no required match for funding, Community Corrections budgets are often supplemented through county general funds, user fees collected from the program, and other grants

Q: Who is referred to Community Corrections?

- Under IC 35-38-2.6-4.2, the Community Corrections Advisory Board establishes the program's eligibility criteria and collaborates with their criminal justice partners to ensure the target population is placed and participants are appropriate for the program. The Community Corrections target population consists of moderate to very high-risk felony offenders (primarily referred to as participants) who, without a Community Corrections program, would be incarcerated.

Cases are referred through:

- Community Corrections sentence under the Direct Placement statute IC 35-38-2.6-4.2
- Community Corrections sentence under the Direct Placement statute IC 35-38-2.6-4.2
- As a condition of a Probation sentence for:
 - monitoring
 - as a graduated sanction alternative to jail in lieu of or resulting from a court order.
 - a collaborative resource effort for services, programming, or treatment.
- Community Transition Program under IC 11-10-11.5



- IDOC State Work Release Contract

Q: What types of supervision does Community Corrections provide?

- Under IC 35-38-2.6-2: Community Corrections consists of the following:
 - residential and work release programs, electronic monitoring (home detention) programs, day treatment, or day reporting programs
- Due to targeting high risk felony populations, Community Corrections provides a more restrictive supervision environment than that of traditional probation or parole. In alignment with best practices, the supervision levels provide options to increase or reduce supervision between case management, electronic monitoring, and residential center or work release placement.
 - **Residential Center** (Also known as work release): A secure facility which allows participants limited access to the community for job searching, employment, programs, treatments, services, errands, or incentives.
 - **24/7 Electronic Monitoring** through:
 - **GPS monitoring device** that tracks the participants whereabouts and alerts the Community Corrections program if the participant removes the device, enters a victim zone, or any established restricted zone.
 - **Home Detention monitoring device** which allows the participant limited access to the community for job searching, employment, programs, treatments, services, errands, or incentives. The device is zoned to the participant's residence and the participant is only able to leave with an approved schedule acknowledged by the device. The Community Corrections program is alerted if the participant leaves the home unscheduled or does not return by the established curfew.
 - **Intensive Case Management Supervision:** (Also known as Day Reporting/Day Treatment*) A highly structured component using risk-based supervision, case management, graduated sanctions, incentives, treatment, and services coordination at a central location to assist offenders in rehabilitation.

**Day Reporting or Day Treatment definitions and practices have changed with new research and improved supervision strategies. Day Reporting typically required daily check in to the center. Best practices show that interventions, treatment, and supervision should be specific to the needs and risk of the individual. The term "day reporting" no longer is applicable as office appointments, check ins, and services vary in frequency to be consistent with best practices.*

Q: What programs, services, or treatment are available in Community Corrections Programs:

- Due to higher risk populations, Community Corrections Programs need more interventions, programs, and treatments to reduce recidivism. Programs vary from county to county based on the program budget, community resources, technological capabilities, human resource policies, and staffing support outlined in their Community Corrections Plan.
- Under the authority of IC 11-12-1-2, Community Corrections Programs may provide evidence-based treatments, services, programs, and practices that are proven to reduce the risk for recidivism.
 - **Cognitive Intervention Programs and Interventions**
 - Research based strategies that reduce criminal thinking (e.g., Moral Reconation Therapy, Thinking for Change, etc.
 - **Treatment and Services**
 - Mental health treatment either in house or through a local provider.
 - Drug or alcohol abuse treatment either in house or through a local provider including:
 - addiction counseling
 - inpatient detoxification
 - medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence



- housing services
- **Educational Programs**
 - High School Equivalency Programs.
 - Skills based education.
 - Skills that are vital to successful re-entry Examples: Resume Classes, Mock Interviews, Job Searches, Time Management, etc.
- Additionally, most Community Corrections agencies provide:
 - **Public Safety Accountability**
 - Field visits are conducted to ensure that the participant is working, living, or visiting approved locations.
 - Home visits are conducted to ensure that the participant is abiding by the program rules by ensuring there is no risk for criminal activity through verification of the resident's home and that there are no weapons or drugs accessible.
 - Random drug testing either conducted in-house or referred out to an external agency to ensure the participant is abiding by the program rules and not engaging in criminal activity.
 - **Stability Services**
 - Wrap around services that as specific to the needs of the individual that assist in successful re-entry (e.g., housing assistance, obtaining an I.D., social security card, or driver's license, transportation assistance, access to medical care through recovery works).

What is the Department's role?

- Under IC 11-12-2-5, The Department may expense up to 3% of the appropriation to provide staffing, training, and technical support to the counties. The Department monitors compliance of the grant funding and measures performance and data outcomes for Community Corrections. While the Department provides state aid and program support, the programs themselves are administered locally. The local Community Corrections Directors report to their local Community Corrections Advisory Board, however Community Corrections staff are county employees. In addition, participants sentenced or referred to Community Corrections are not supervised or managed by the Department, nor does the Department determine who is placed or removed from the program.
- The Department, in partnership with state and local criminal justice agencies and Community Corrections Advisory Boards, work collaboratively to develop community corrections programs utilized by local courts and the Department of Correction (IDOC) to supervise, sanction, and treat offenders in the community as an alternative to incarceration.

What is the difference between Community Corrections and Probation?

- In Indiana, Community Corrections is the intermediate supervision between Probation and incarceration. Community Corrections' primary goal is to divert from prison while as Probation's is to divert from jail.

Appendix 3: System Mapping Examples, Narrative Template with Resource Links

First Contact with Law Enforcement

Indiana State EBDM Team Map
9/13/2015

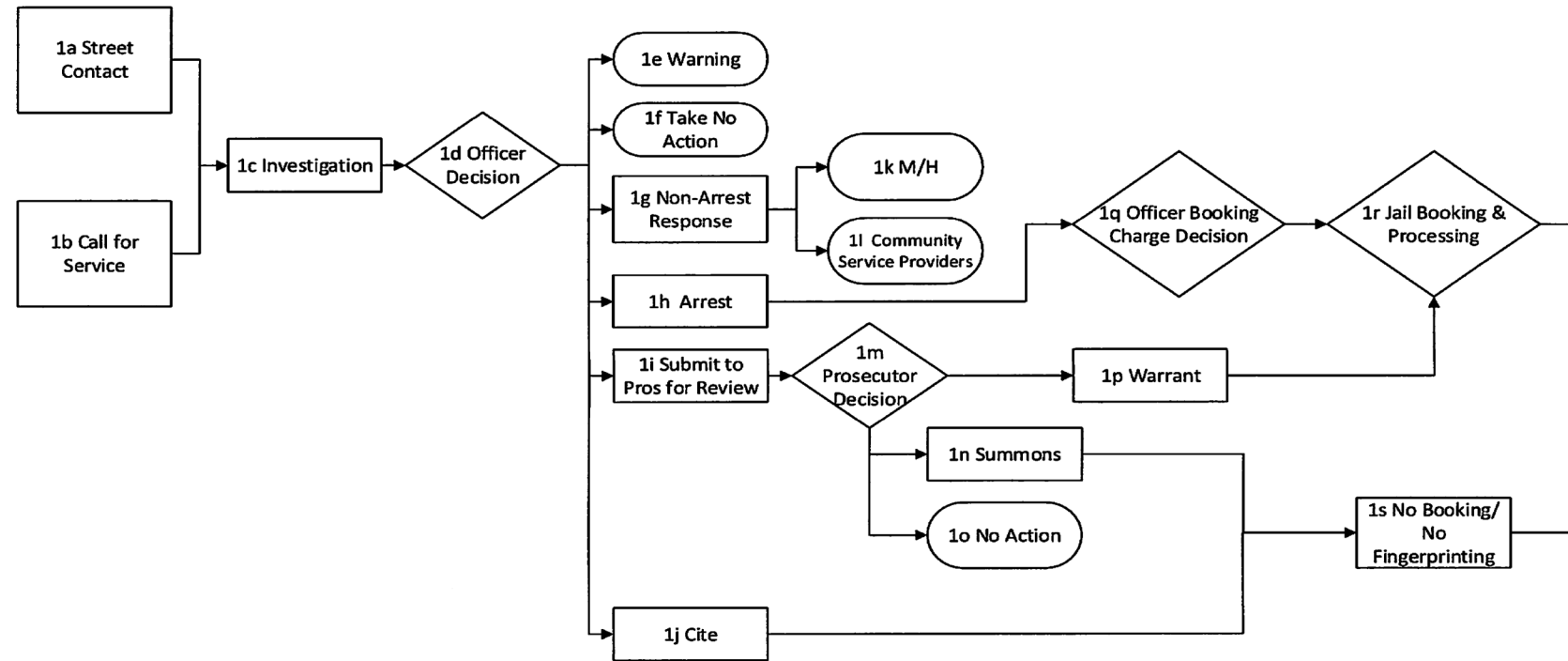
Intercept 1 Examples:

Law Enforcement (1a)

911 Call (1b)

Non-Arrest Response (1g)

- CMHC/in-patient options
- Domestic Violence Services
- Referral to Medical Treatment
- Referral to MH/SUD Treatment
- Emergency Shelter/Housing
- Economic Supports
- Respite Care Options
- Department of Child Services



EBDM Initiative, Version 2, 9-9-15



Pretrial

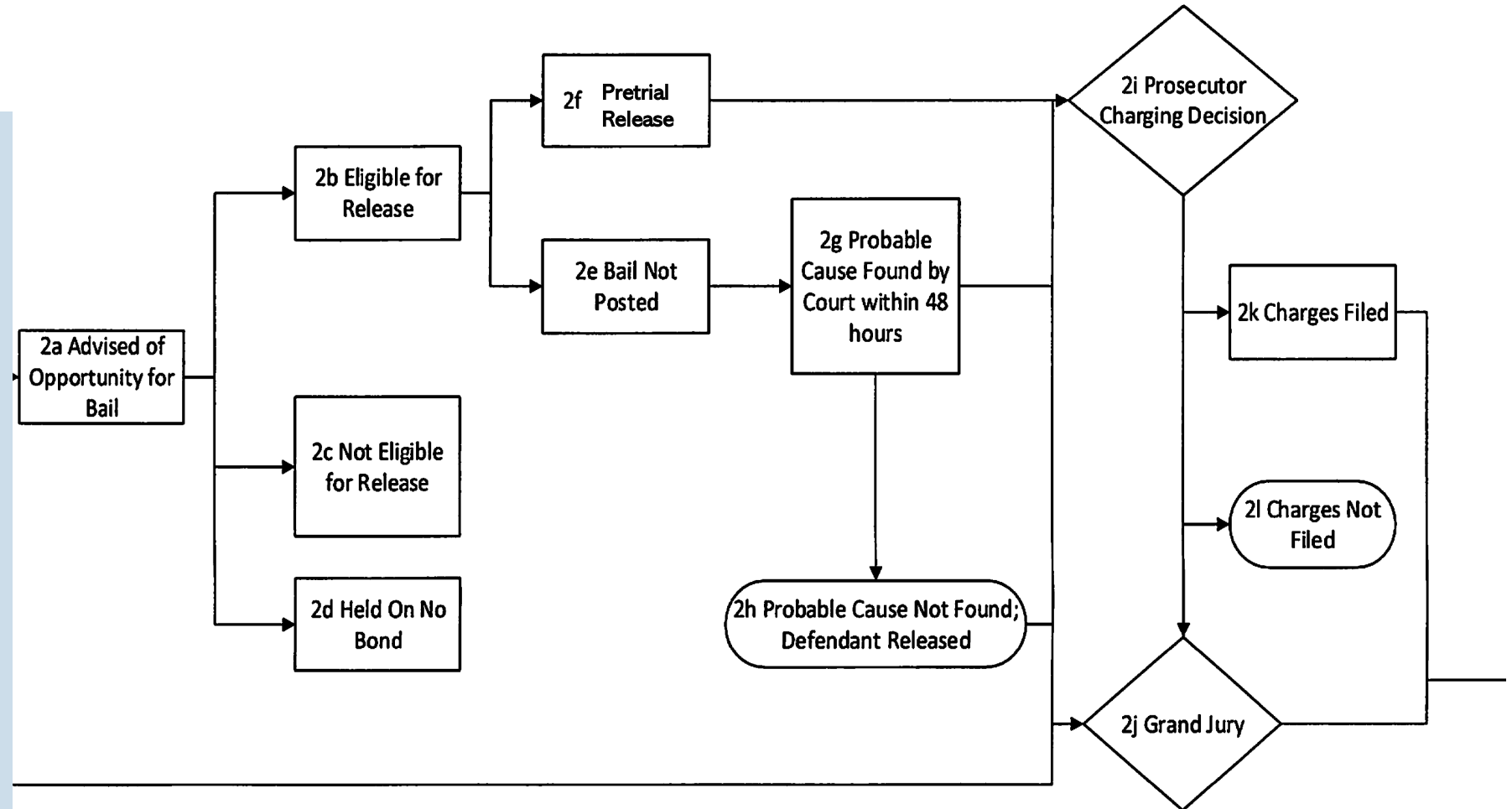
Intercept 2 Examples

Pretrial Release (2f)

- Pretrial Supervision
 - Supervision Conditions
- Community Supports
 - Healthcare
 - MH/SUD Services
 - Shelter/Housing
 - Employment/Education
 - Transportation
 - Social Services

Initial Detention (2c, 2d, 2e)

- Jail Medical options
- Jail MH/SUD options
- Jail Education options



Mapping Narrative Template

Goal: The template is designed to allow the team to:

- Gain understanding as to the importance of each intercept¹
- Outline the current processes and procedures related to each step within intercept map
- Outline the types of services, programs, referrals, and interventions available within each intercept
- Document the key research on practices at each intercept
- Outline the agencies that collect data that can aid in understanding activities within each intercept
- Outline what processes and procedures should be taking place in each intercept
- Identify opportunities for improvement within each intercept

Directions²:

- (1) The team should work together to outline or map the steps involved in each intercept to know entry points, process steps, decision points, end points, and connections to the next intercept. (See prior pages as sample). This allows the full team to understand the discrete steps within an intercept.
- (2) The team would complete this template to document what is happening at each step, catalogue the interventions and services available, assess availability of data, and identifying opportunities for improvements within criminal justice system that align with key research available for this intercept. There will be points that should be more specific than others. For example, in cataloguing interventions and services the team should name the specific service along with details on the eligibility criteria to access those services at that specific intercept. There may also be other criteria or characteristics within the map that will help the team better understand the system as well as the access points and off ramps.
- (3) Once opportunities for improvement are identified, the team can work together to develop action plans to make the desired changes and improvements.

Outline:

Intercept #1: First Contact with Law Enforcement

First Contact with Law Enforcement: *Why is it important?*

First Contact with Law Enforcement: *What currently happens?*

¹ The Sequential Intercept Model (SIM) uses the term intercept, see: [The Sequential Intercept Model \(SIM\) | SAMHSA](#) ; Evidence Based Decision Making Initiative literature refers to decision points, see: [Starter Kit | Evidence Based Decision Making \(nicic.gov\)](#)

² For more information on system mapping, including resources and tips, see: [3a: Developing a System Map | Evidence Based Decision Making \(nicic.gov\)](#)

- 1a Street Contact:
- 1b Call for Service:
- 1c Investigation:
- 1d Officer Decision:
- 1e Warning:
- 1g Non-Arrest Response:
- 1h Arrest:
- 1i Submit to Prosecutor for Review:
- 1j Information and Summons (citation):
- 1m Prosecutor CHARGING Decision:
- 1n Summons:
- 1o No Action:
- 1p Warrant:
- 1q Officer Booking Charge Decision:
- 1r Booking and Processing:
- 1s No Booking/No fingerprinting:

First Contact with Law Enforcement: *What does the research suggest?*

First Contact with Law Enforcement: *What should happen at this decision point?*

First Contact with Law Enforcement: *Data availability:*

- 1a – Street Contact and 1b – Call for Service
- 1c – Investigation
- 1e – Warning
- 1j – Information and Summons (citation)
- 1k – Mental Health
- 1m – Prosecutor Decision
- 1n – Summons
- 1p – Warrant

First Contact with Law Enforcement: *What are the opportunities for improvement?*

Intercept #2: Pretrial

PRETRIAL: *Why is it important?*

PRETRIAL: *What currently happens?*

2a Advised of Opportunity for Bail:

2j Probable Cause not Found, Defendant Released:

2k Prosecutor Charging Decision:

2l Grand Jury:

2m Charges Filed:

2n Charges Not Filed:

2o Initial Hearing:

PRETRIAL: *What does the research suggest?*

PRETRIAL: *What should happen at this decision point?*

PRETRIAL: *Data availability:*

2d – Held on No Bond/OR'd

2f – Bail Posted

2g – Probable Cause Found by Court within 48 hours

2i – Prosecutor Charging Decision

2k – Charges Filed

2l – Charges Not Filed

2j – Grand Jury

3a – Initial Hearing

3f – Indigent – Court Appointed Counsel

3k, l, m, n, o – Bail Review Decisions

PRETRIAL: *What are the opportunities for improvement?*