

Hamilton County Community Corrections Advisory Board Meeting Minutes February 2, 2023

The following members were present: Gail Bardach, Brad Beaver, Kim Christman, Michelle Corrao, Honorable Paul Felix, Angela Frazier, dianna Huddleston, Kija Ireland, Dan Pflieger, Dan Stevens, and Madonna Wagoner. Victoria Parker was also in attendance as a proxy for Amanda Hartman.

A quorum was present. Executive Director Ralph Watson was also in attendance. Madonna Wagoner called the meeting to order.

Madonna Wagoner called for the approval of the December meeting minutes. Kija Ireland made a motion to approve the minutes as presented. Angela Frazier seconded the motion and it passed unanimously.

Following a summary by Mr. Watson, Madonna Wagoner called for approval of the November, December, and 13th month fiscal reports. Gail Bardach made a motion to approve the reports as presented. Honorable Paul Felix seconded the motion and it passed unanimously.

Honorable Paul Felix inquired about collections from the collection agency. He inquired about possibly doing income withholding for participants who have jobs but are currently in arrears on payments. Mr. Watson reported that we had looked at the option in the past, but we can explore it again if the board would like. He explained the concerns expressed when we first considered it and it would require support from a number of different stakeholders. Honorable Paul Felix requested the Board have further discussion on the matter and that he was going to speak with Judges at their next meeting to discuss possible court sanctions when the arrearage exceeds a certain amount. Mr. Watson reported that he would have additional fee collection data for the next meeting.

Public Comment

There were no public comments.

Director's Report

A written report was included with the Board information provided for the meeting and Mr. Watson briefly reviewed the report.

Old Business

There was no old business on the agenda.

New Business

Mr. Watson provided a handout with the year-end fiscal year summary for 2022. He noted that we ended 2022 under budget in the Project Income fund, which was primarily due to positions being vacant and our inability to find suitable candidates. However, our Project Income expenditures for 2022 still exceeded the amount of revenue we collected for the year. He also noted that we expended the entire amount of our Indiana Department of Corrections (IDOC) grant award. This was the first time he could recall this occurring and it was primarily due to the restructuring of our budget during the 2022 grant application process.

The IDOC recently released a projected timeline for 2024 grant application process. Per the timeline they plan to release the grant instructions and the application in late February with a due date in late April. Unfortunately, The Hamilton County Council is not expected to release their 2024 budget instructions until May, resulting in the agency likely having to submit a grant application with a proposed budget using 2023 compensation and benefit

costs. Upon receiving budget approval from the County Council, the agency would then need to request permission from the IDOC to revise the 2024 proposed budget within the grant application.

Mr. Watson provided several updates related to the agency's Electronic Monitoring Level of Supervision (EM). The agency has transitioned all EM participants to Global Positioning System (GPS) devices as required by recent statutory updates. In addition, all Transdermal Alcohol Devices (TAD) have been decommissioned due to changes in cellular technology. Our equipment provider has released a replacement TAD, however, with the local criminal justice system generally requiring offenders placed on TAD to also be on EM the replacement equipment is not an option, as it does not have GPS technology. If we were to use a TAD, the offender would also need to wear a GPS device in addition to the TAD. This would not only result in a significant expense to the agency and the offender, but also be cumbersome and bring about other challenges. After consultation with the Courts that primarily ordered TAD, as well as the Prosecutor at the time, it was determined that those offenders requiring EM and alcohol monitoring would be issued a GPS device and be required to carry with them a SoberLink device, which tests for alcohol. In addition to the Level of Supervision changes Mr. Watson explained some new reporting requirements that were announced. The State Justice Reinvestment Advisory Council (JRAC) is going to be requiring any agency providing EM supervision submit a quarterly report that includes information regarding the total number of individuals "tracked" using GPS; the total number of "tracked" individuals released from supervision and the reasons for the release; the total fees charged to a "tracked" individual as well as the total fees collected; and, the total number of false locations alerts for "tracked" individuals. This report is in addition to those required by the IDOC as part of the Community Corrections Grant program.

It was noted that in 2019 the agency participated in a pilot project that was a collaboration between the University of Cincinnati (UC) and the IDOC, during which they assessed levels of supervision using the *Correctional Program Checklist (CPC)* to measure an agency's adherence to Evidence Based Practices (EBP). As part of the pilot project, they reviewed our Residential Level of Supervision. Last year the IDOC announced that they were going to be implementing the CPC and would begin using it with all agencies receiving community corrections grants. We were recently informed that they wish to schedule an assessment of our Electronic Monitoring Level of Supervision. On February 1st we had a "pre-site" call with IDOC and UC to discuss expectations and provide preliminary information. The site visit is tentatively scheduled for May 23rd. Mr. Watson briefly described the various measures assessed during the process and the overall scoring method.

Mr. Watson provided a copy of the *2022 Performance Measures Final Report*. In that year the IDOC only required one performance measure, as opposed to the three that had been required in the past. In 2022 our agency's performance measure was to reduce technical violations by 10%. We reduced them by 32% during 2022. The agency's proposed performance measures for 2023 will be presented for approval at the March Board meeting. In 2023 the IDOC will once again require 3 performance measures.

During the December Board meeting Mr. Watson noted that there were two areas of possible legislation that could be a concern based on reports issued by the State Justice Reinvestment Advisory Council. They were changes in the Community Corrections Advisory Board membership and changes to the electronic monitoring statute. At this time the Indiana Association of Community Corrections Act Counties (IACCAC) legislative committee is not reporting any proposed legislation directly related to those reports, and Mr. Watson has not discovered anything either. There are several pieces of legislation that IACCAC is following closely due to the possible direct impact on Community Corrections agencies. A summary of the legislation is below:

- SB 179 - Home detention. Provides that a court may not order a person convicted of a: (1) Level 1 felony; or (2) crime subject to certain enhancements; to a community corrections program. Allows a court to place a person in a community corrections program as an alternative to commitment to the county jail or department of correction. Repeals a requirement that a court suspend the sentence for a person placed in a community corrections program. Specifies that a person sentenced to work release in a community corrections program receives one day of accrued time for each day the person is confined on work release. (Current law only specifies that a person on home detention earns accrued time.) Provides that the violation of a home detention placement term constitutes the crime of escape under certain circumstances. Makes

technical changes. This has passed the Senate and was referred to the House. An emergency was declared for this Act.

- SB 286 - Credit time. Provides that a habitual offender is not entitled to good time credit. Permits a person placed on pretrial home detention to earn accrued time and good time credit in the same manner as other persons on home detention but provides that specified misconduct will result in the deprivation of all accrued time earned on pretrial. Originally assigned to Committee of Corrections and Criminal Law but recently reassigned to Committee on Appropriations in the House
- SB 445 - Electronic monitoring standards. Requires the justice reinvestment advisory council (JRAC) to develop electronic monitoring standards and submit an annual report as to the standards. Requires the JRAC to conduct a workload study of local supervising agencies concerning electronic monitoring and home detention, make certain findings, and submit a report to the legislative council not later than July 1, 2025. Makes an appropriation to conduct the workload study. Provides that a contract employee of a supervising agency is required to notify the supervising agency of certain actions with respect to a tracked individual not later than 12 hours after the action occurs. Requires this notification to be sent within 15 minutes if the tracked individual is serving a sentence for a crime of violence or a crime of domestic or sexual violence. Specifies that a supervising agency must include in a quarterly report the number of tracked individuals who are on parole supervision and the number of false location alerts, device malfunctions, or both. Provides that a local supervising agency and the division of parole services shall report directly to the local JRAC each quarter. Requires the statewide JRAC to transmit an annual electronic report to the legislative council and to the judicial conference of Indiana not later than March 15 of each year. Assigned to Committee on Corrections and Criminal Law.
- SB 470 - Basis for escape. Removes a violation of a home detention order as a basis for committing the crime of escape. Assigned to Committee on Corrections and Criminal Law
- HB 1098 - Elimination of credit time. Provides that a habitual violent offender is not entitled to good time credit. Assigned to Committee on Courts and Criminal Code.
- HB 1269 - Interim studies of the criminal justice system. Establishes the criminal justice study committee to conduct a comprehensive study of the criminal justice system in the 2023 and 2024 interims. Establishes a permanent criminal justice reform commission to study sentencing, corrections, services provided to offenders, and other topics affecting the criminal justice system. Assigned to Committee on Courts and Criminal Code.
- HB 1287 - Home detention. Allows a court to place a person convicted of certain crimes directly in a community corrections program. Provides that a violation of certain terms of a community corrections program placement constitutes escape. Repeals the offense of unauthorized absence from home detention, a Class A misdemeanor. Repeals a provision that requires the court to suspend a period of an individual's sentence if placed in a community corrections program. Provides that if a person on home detention knowingly and intentionally: (1) leaves the person's home; (2) remains outside of the person's home; or (3) travels to an unauthorized location; in violation of the home detention order and without written permission commits escape, a Level 6 felony. Provides that the court may only suspend a part of a sentence that is in excess of the minimum sentence for a juvenile adjudication for an act that would constitute a felony if committed by an adult. Makes conforming changes. Assigned to Committee on Courts and Criminal Code.

There was no further business to be presented and Madonna Wagoner adjourned the meeting. The next meeting will be **March 2nd at noon.**