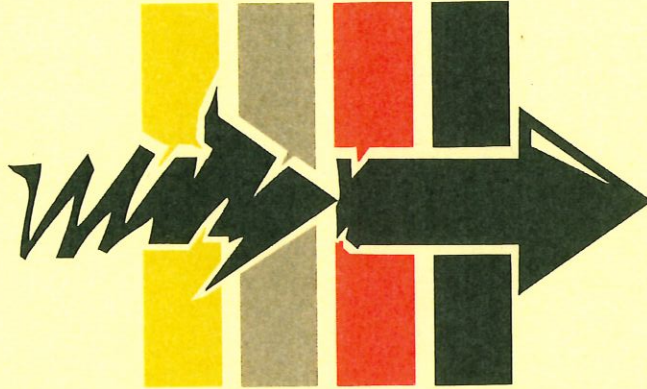


Excerpt pgs. 36-40



**Indiana Correction Advisory
Committee:**

Final Report

**A Long-Range Plan for
Indiana's Criminal Justice
System**

July 1, 1990

**Final Report to
Governor Evan Bayh
and Members,
Indiana General Assembly**

5. Residential Components

Counties that elect to participate in Community Corrections are obligated to keep first-time nonviolent C and D felony offenders, and, if the county has a residential component, the county is penalized with a "charge-back" for sending those offenders to the Department of Correction. There is no charge back to the county for commitments to the Department if that residential component is full. 23 counties have state-funded residential components in which the offender leaves the center for a period of time during the day to work, seek employment, or participate in educational or vocational endeavors. As a committee we feel that the development of residential components should be fostered. We feel that if counties have access to a county or regional residential unit, a greater percentage of offenders may be diverted from the state prison system.

At present there are no standards regarding size of a residential component relative to the county's population or historical commitment rate. Conceivably, a county of 500,000 could have only five full beds and not be 'charged' even though sending a substantial number of offenders to the Department, while a neighboring county of 60,000 could have twenty beds and be 'charged' for sending offenders to the Department while having vacancies in its residential unit. We recommend that standards be developed to guide the future establishment of residential components, whether in newly participating counties or in those community corrections counties which currently do not have residential components. We recommend that those standards take into consideration the general population of the county in which the program is housed, and that standards for regional residential centers be developed.

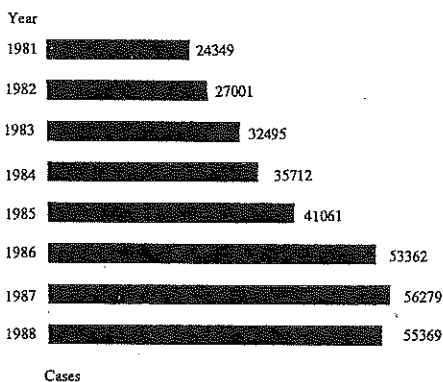
Estimated Fiscal Impact
The Department of Correction spent

\$5,001,949 in fiscal year 1988-89 to fund adult community corrections programs in 34 counties. Combined populations in those counties comprise approximately 65% of the state's total population. Projecting those annual costs to cover the remaining non-participating counties, we estimate the total additional cost at \$2,999,643. This figure is based solely on existing funding levels projected to cover an additional 35% of the state's general population. It should be noted that under the current funding amount used in this cost projection, several additional and/or enhanced program components requested by existing community corrections counties were denied approval due to lack of available funds. Moreover, the projected costs do not account for any changes which may be made in terms of standardized residential components. For these reasons, the projected costs of state-wide coverage are conservative estimates.

E. Finding

The probation system in Indiana serves the overwhelming majority of offenders in the criminal justice system. Mandated by statute, and funded entirely through local funds, probation offices are responsible for investigating and supervising both adult and juvenile offenders. There were 648 probation officers throughout the state in 1988, with counties allotting \$16,275,176 for probation services in 1988. On average, probation staff turns over completely — 100% — every five years. From 1981 to 1988, the number of offenders who have received probation rose 127%, and the average probation caseload for adults and juveniles for 1988 was 111.5 cases per officer. Some probation officers currently report having caseloads as high as 350 people.

Probation Received



Source: Indiana Judicial Report

Recommendation:

Probation Overview

Probation supervision in Indiana has many roles. The primary responsibility is the supervision of the offender in the community in lieu of incarceration. The level and intensity of this supervision is based in part on the perceived risk of the offender (risk assessments are done in many departments) and the number of offenders who need to be supervised. Standards for supervision have been adopted, and the Indiana Judicial Center is currently working on a statewide risk assessment model and the development of workload/caseload standards. Criticism of the adequacy of probation supervision by one officer supervising 350 felony offenders is warranted. Standardization of workload/caseload measures will eliminate this problem and increase the level of supervision. We support the Judicial Center's efforts in this area.

Wide variety exists in the levels of supervision available. This variety allows the offender to be placed on a range consistent with the corrections and safety needs of the community. From non-reporting probation for restitution, to intensive supervision with electronic surveillance, a wide number of offenders can be served.

Probation is the logical alternative to incarceration for many offenders. It is the most cost effective correctional alternative. With adequate resources, probation could maximize effectiveness at the local level and reduce system fragmentation by coordinating the various necessary community based correctional components.

Unlike the prison system with a finite number of beds, there is no cap on the number of offenders referred to probation, and, probation caseloads have recently proliferated throughout the state at alarming rates. As a committee, we suggest that the state consider that the overload of the probation system could

have the anomalous effect of having more offenders sentenced to the Department of Correction as judges are faced with severely strained probation staff. We expect the Judicial Conference workload/caseload measures currently being developed to help address this issue by indicating when more probation officers are needed.

1. Probation Subsidy

Probation officers are county employees who work for the court. They are certified eligible for appointment by the state through the Indiana Judicial Conference, and they are locally funded. In addition to the establishment of certification and training, the Judicial Conference of Indiana also has recently established minimum salary standards. The high turnover rate in probation officers causes substantial costs to accrue to the state, as well as the local criminal justice system in terms of quality of service, training, and program continuity.

The committee recognizes the need for the state to support the correctional services offered to offenders at the local level. It is less expensive for the State to spend money for probation services at the local level than to pay for the cost of incarceration at the state level. Toward this end, the committee recommends the adoption of a subsidy where the State would pay for an increasing proportion of probation officers' salaries established by the Judicial Conference as a means of standardizing probation quality. The proposal would have the State begin with a subsidy level of 16% and would increase the level annually to 32%, 48%, 64%, and capped at 80% in the fifth year. The counties would send to the state 50% of collected user fees allocated for qualified personnel expenses. The state would return to the Counties any excesses over the amount of percentage reimbursement. We suggest that the savings to the state in terms of more quality consistent probation services be

IV. State and Local Government

Figure 4.1

Salary Supplements		
	Counties	Cities & Towns
1992	\$ 2,282,757	\$ 85,354
1993	4,565,514	170,708
1994	6,848,271	256,062
1995	9,131,028	341,416
1996	11,413,785	426,770
Administrative Costs		
1992	\$ 140,100	
1993	122,129	
1994	128,135	
1995	134,647	
1996	141,380	
Total Costs		
1992	\$ 2,508,211	
1993	4,858,351	
1994	7,232,568	
1995	9,607,091	
1996	11,981,934	
User Fee Revenues		
1992	\$ 1,881,755	
1993	1,957,025	
1994	2,035,306	
1995	2,116,718	
1996	2,201,387	
Net Cost		
1992	\$ 626,456	
1993	2,901,326	
1994	5,197,262	
1995	7,490,373	
1996	9,780,547	
Double* User Fee Revenue		
1992	\$ 3,763,510	
1993	3,914,050	
1994	4,070,612	
1995	4,233,436	
1996	4,402,774	

considered, although the cost to the state of probation subsidies at an 80% funding level may, in some counties, outweigh what the counties will be contributing to the state via the collected user fees.

In more comprehensive terms, we support the concept of eventual funding of a state trial court system for the promotion of standardization of courts and their function from county to county, although we did not devote a great deal of time to the issue. Rather, we limited our discussion to the state probation subsidy bill that has been introduced several times in the state legislature. We, as a committee, lend emphatic support to such an introduction and passage in the 1991 legislative session.

Estimated Fiscal Impact

If probation is subsidized as proposed in Senate Bill 49, we estimate the costs to the state as outlined in Figure 4.1.

Salary supplements include the costs of probation officer salaries for counties and cities and towns based on an increasing percentage each year. Administrative costs include the additional costs for the Division of State Court Administration and the Indiana Judicial Conference. Administrative costs are assumed to increase by 5% each year. User fees include 50% of the revenues collected by the probation officers. Revenues from this source are assumed to increase at a 4% annual rate. Net costs are the difference between the user fee revenues and the costs of administering the programs and distributing the salaries.

F. Finding

As of May 7, 1990, there are 6,447 offenders confined in Indiana's jails. Of these, 672 are awaiting transfer to the Indiana Department of Correction, 2,710 are serving jail time as a result of their disposition, and 3,065 are await-

ing disposition. Sixty-five county jails are under federal court order for crowded conditions; six are under federal court imposed population caps.

Recommendation:

Establishment of Case Managers

In order to cut down on the number of offenders detained in county jails prior to sentencing, we recommend the establishment of at least one case manager office in each court with criminal jurisdiction. The responsibilities of this case manager would be twofold:

- 1) to monitor and promote case flow within the system, and
- 2) to facilitate release of offenders pending disposition.

To monitor and promote case flow within the system, the case manager would provide information to the chief administrator of the court regarding excessive continuances and other delays. We recommend that the case manager fall under the authority and direction of the court. Criteria specific to each court would be developed to guide the case manager in making a determination as to the number of delays per case that would be excessive, and to prompt the case manager to alert the judge that no more continuances should be allowed.

To facilitate release of offenders who are awaiting trial, the case manager should review intake logs of county jails. Cases in which the offender is in jail awaiting trial should be given docket priority, if at all possible. The responsibility for letting the court know that the offender is in jail, and for expediting disposition of his case, would rest with the case manager.

Estimated Fiscal Impact

If it is determined that a total of 146 case managers are needed throughout the state, at an annual salary of \$20,000 plus .287% fringe, we estimate the first year cost statewide at \$3,758,040 {(146 X

$\$20,000) + .287\% = \$3,758,040\}$.

G. Finding

In every county, probation officers are responsible for the development of Pre-sentence Investigation Reports or Pre-dispositional Reports for all offenders awaiting sentencing. Although this information is critical to appropriate and fair sentencing of the offender, contents and format of these reports vary enormously from county to county.

Recommendation:

Standardization of Pre-sentence Investigation Report Forms

Although the recommendation for development of a standard Pre-sentence Investigation report has already been made by the full committee and is being implemented, what follows is a brief discussion of the recommendation as well as how it is being fulfilled.

Probation officers prepare a pre-sentence investigation report on each felony offender who appears before the court. (For misdemeanor offenders, a pre-sentence investigation report can be developed at the discretion of the court.) Standard information normally provided includes data on current offense(s), past offense(s), and personal information, including education and occupation. The data on past criminal offenses and their disposition is critical to the sentencing judge for a number of reasons, among them the fact that sentence suspendability depends on time passed since the offender was released from supervision under a prior offense. A review of inmate packets in the Department of Correction's active files revealed substantial variation in information provided by various courts. The frequent lack of dates when the offender was released from supervision raises the possibility that courts are not consistently

considering these dates in their sentencing decisions. Because suspendability is set up by statute, it is procedurally important that this information be provided equally and consistently to all sentencing judges.

Additionally, there is information to which probation officers would have more ready access than does intake staff at the Department of Correction, and the inclusion of this information on the Presentence Investigation Report would tremendously help the Department with intake processing. While the standard form will be developed independent of this committee, we ask that the following information be provided on the new forms:

- 1.) Does the offender have a prior felony conviction?
- 2.) Disposition of prior felony conviction.
- 3.) Date of release from supervision for prior felony conviction.
- 4.) For current C felony offenses, have seven years lapsed since the offender's release from supervision for a prior felony conviction?
- 5.) For current D felony offenses, have three years lapsed since the offender's release from supervision for a prior felony conviction?
- 6.) Does the offender have a history of involvement in the mental health system?
- 7.) Does the offender have a history of substance abuse?
- 8.) Has this or, if known, any other court ordered that a mental health assessment of the offender be done by the Department of Mental Health in the past or at current sentencing? If so, a copy of that assessment should accompany the abstract of judgment for use by intake psychiatric staff.

Finally, we recommended that the Department of Correction be allowed input into the development of the form.

IV. State and Local Government

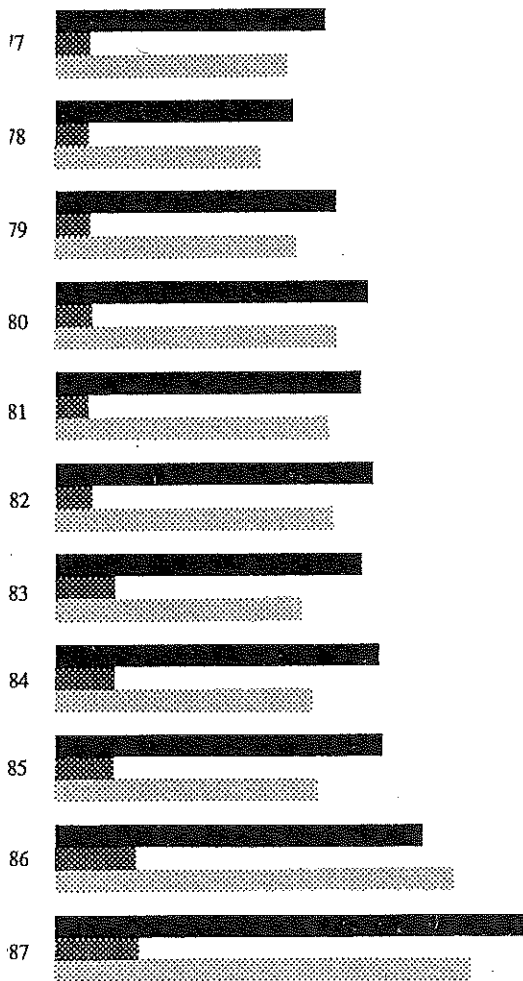
Figure 4.1 Addendum

*If probation user fees are doubled, as was considered during the 1990 legislative session, and the percent remitted by the counties to the state remains at 50%, a doubling of probation user fees submitted from the counties to the state would result. Projecting fiscal impact to the state under this scenario, assuming a 100% probation user fee collection rate, yields the following fiscal impact estimates:

1992	\$ 626,456 (one-time state profit)
1993	2,901,326
1994	5,197,262
1995	7,490,373
1996	9,780,547

**Criminal Cases Filed
1977-1987**

■ Total Cases Filed
■ Felonies
■ Misdemeanors



Year	Total Cases Filed	Felonies	Misdemeanors
1977	120025	15039	104986
1978	106141	15560	90581
1979	124318	16154	108164
1980	140344	17183	123161
1981	137979	16581	121395
1982	142508	17321	125187
1983	138636	28151	110485
1984	143092	28591	114501
1985	145522	26905	118617
1986	165031	35662	129369
1987	223210*	36592**	186618

* = 86% increase from 1977

** = 143% increase from 1977

127% increase D.O.C. population 1977-1987

Source: Indiana Judicial Report

This formal request was sent to the Indiana Judicial Conference in the Fall of 1989. The Judicial Conference of Indiana, which has set probation officer salary scales and is developing probation caseload recommendations, formally agreed to develop a standard PSI, with input from the Department of Correction and other interested parties. Their willingness to develop a form that will be agreeable to all sentencing jurisdictions will greatly promote consistency in the gathering of these data among the various courts, and is a tremendous step toward more uniformity in the delivery of court services.

H. Finding

As a subcommittee we were assigned the task of examining current criminal justice expenditures at the state and local level to determine whether there is any duplication in resources and whether there are any better ways to use what is currently being spent. However, that task has proved almost impossible due to the lack of current and specific local spending information. In short, the question, "how much is each county spending on criminal justice and how do the counties' expenditures compare to each other?" cannot be answered under the present county accounting system.

**Recommendation:
Local Government Expenditures
Review Project**

Every year, the State Board of Tax Commissioners receives county expenditure information by fund from each of the 92 counties. Likewise, the State Board of Accounts audits the expenditures made in each of the counties by fund. Initially, members sought to review the expenditures reported by the counties to determine how much counties are spending on criminal justice services. An exact

determination of how much each county is spending would enable reviewers to compare expenditures from county to county, relative to county populations and relative to activity in arrests, prosecution, probation, community alternatives, etc. These comparisons would serve as a basis upon which future expenditure recommendations could rest, or at minimum would provide county commissioners with an idea of how their county's criminal justice expenditures compared to other counties relative to their county's population and criminal justice activity.

However, a review of the expenditures reported by each of the counties revealed that the counties report expenses so differently, and in such a variety of categories, that comparisons could not be made. Moreover, because expenditures are by fund and not by function, a definitive answer regarding how much one county is spending on criminal justice cannot be made, because the percentage that is spent on criminal justice has to be estimated according to spending categories presented. For example, a county may provide expenditures under the 'Public Employees Retirement Fund,' which provides funding for criminal justice and non-criminal justice county retirees. This figure would have to be broken down according to the percentage of personnel working in criminal justice capacities. However, even this would yield an inaccurate figure, because many positions combine criminal justice and non-criminal justice business. For example, county sheriffs handle civil affairs as well as criminal justice business; likewise, judicial staff and police serve both functions. County budget categories that could provide both criminal justice and non criminal justice services include such funds as Circuit Court, City/Town Hall, Clerk of Court, Communications Departments, Court House, Debt Service, Government Building, Health Insurance, Law Library, Police Department, Pension, Prosecutor,