

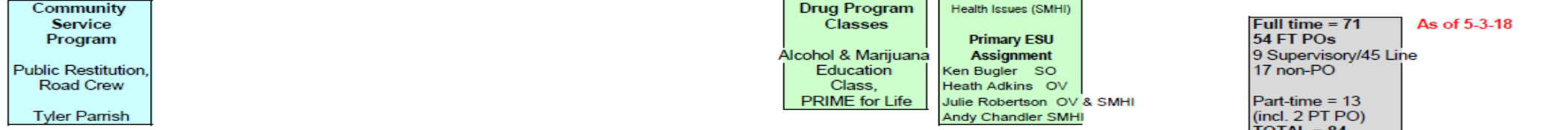
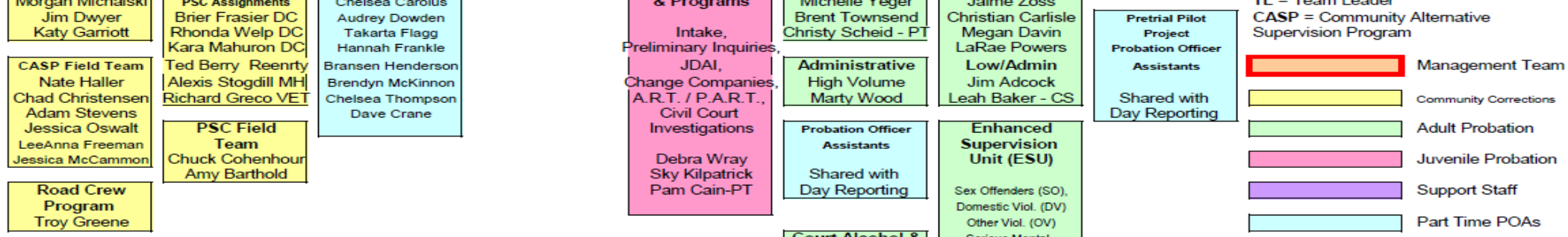
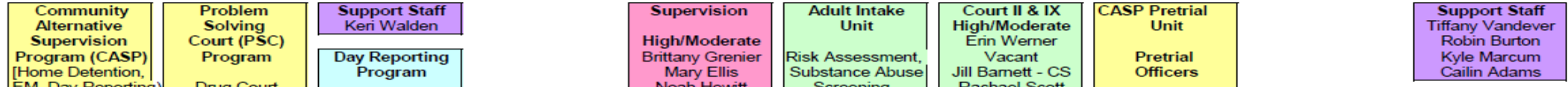
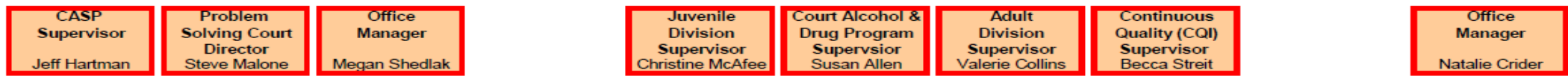
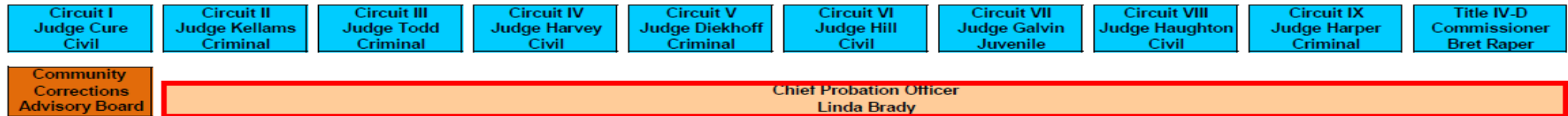
# The New Face of Monroe County Community Supervision

**Monroe County Council Work Session**    **May 22, 2018**

**Hon. Mary Ellen Diekhoff,**  
Presiding Judge  
Monroe Circuit Court

# Monroe Circuit Court Probation Department

# PROBATION DEPARTMENT ORGANIZATIONAL CHART



EM= Electronic Monitoring  
 JDAI = Juv. Detention Alternatives Initiative  
 CQI = Continuous Quality Improvement  
 ART = Aggression Replacement Training  
 CS = Child Support  
 TL = Team Leader  
 CASP = Community Alternative Supervision Program

- Management Team
- Community Corrections
- Adult Probation
- Juvenile Probation
- Support Staff
- Part Time POAs

As of 5-3-18



2,993 adults

2017: Assessed and/or supervised



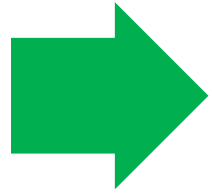
3,425 adult criminal cases

2017: Assessed and/or supervised



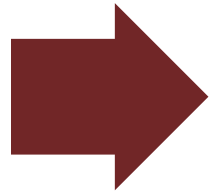
80% completed

2017: Misdemeanor and felony probation supervisions closed without revocation. **Success!**



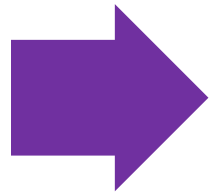
\$201,804

2017: Restitution collected on behalf of victims



**\$962,721 user fees collected**

2017: 60% overall collection rate



**\$1.4 million**

2017: Grant monies obtained

# Monroe Circuit Court Probation Department

## Mission and Philosophy



## ***MISSION***

*To promote a safer community by intervening in the lives of offenders, holding them accountable, and serving as a catalyst for positive change.*

## Pretrial & Presentence

### Pretrial Program

- Risk assessment
- Monitoring
- Reminders of Court hearings

### Presentence Investigations

- Risk assessment
- Substance abuse assessment
- Alternative sentencing options provided to Court

## Post-sentence

### Supervision

- Case plans to address criminal risks
- Supervision strategies according to risk & needs (low/moderate/high)
- In-office appointments
- Home/work contacts
- Cognitive behavioral tools to teach problem solving
- Incentives to reinforce positive behavior
- Continuum of sanctions for violations

## Reentry

### Post-prison/Post-Jail Sentence

- Community Transition Program (CTP)
- Reentry Court Program

## Community Corrections

### Problem Solving Court

- Guilty Plea
- 1-2 year program
- Dismissal of conviction upon successful completion

### Community Corrections

- Home Detention
- Intensive Supervision
- Electronic Monitoring
- Day Reporting
- Drug Testing
- Community Service Program

### Sentencing

- Department of Correction (DOC) Commitments
- 9.8 per 10,000 (Monroe Co)
- 18.5 per 10,000 (Indiana)



# Monroe Circuit Court Probation Department

## TERMINOLOGY



## ***EVIDENCE BASED PRACTICES (EBP)***

*Use of current, scientific evidence from research to guide efficient & effective correctional services.*

***EBP Goal*** = reduce re-offending (recidivism) & risk to community

*ALL programs & services must be based on EBP principles.*

# Criminogenic Risk Factors

Dynamic/changeable **risk factors** proven by research to affect recidivism.

## Top 4

- Antisocial attitudes & beliefs
- Antisocial peers
- Antisocial personality or temperament
- Family and/or marital factors

## Next 4 Factors Correlated with Risk

- Substance abuse
- Employment
- Education/school
- Leisure and/or recreation

## Not Criminogenic

- Anxiety
- Low Self Esteem
- Mental Health Issues
- Medical Needs
- Creative Abilities
- Physical Conditioning

# Case Plans & Services Target Risk Factors that Can Be Changed



- ▷ *Gain* employment
- ▷ *Gain* GED /education
- ▷ *Gain* financial stability
- ▷ *Gain* better living conditions
- ▷ *Gain* pro-social support
- ▷ *Gain* sobriety
- ▷ *Change* attitudes, values & beliefs

# Probation Supervision with EBP

- ▷ **RISK:** determined by Indiana Risk Assessment System (**IRAS**) (validated actuarial tool) (Risk = risk to re-offend)
- ▷ **RISK ASSESSMENT DRIVES CASE PLANS:** focus on **TOP 3** individually determined risk factors
- ▷ **CASE PLAN REFERRAL TO SERVICES:** referrals/services focus on **risk reduction**
- ▷ **SUPERVISION LEVEL :** persons supervised according to risk (higher the risk, higher the supervision)
- ▷ **INCENTIVES/SANCTIONS (4:1 – actual 5:1):**
  - **Incentives** - used to **reinforce positive behavior** (certificates of completion, bus passes, weekly “fish bowl drawings”)
  - **Continuum of graduated sanctions** (to respond to violations and non-complaint behavior)

# Probation

- A **sentence** of imprisonment that is **suspended**, up to 1 year for misdemeanors; felons generally 1 -3 years, 2 years average, sometimes many years (20). Sentence is served under community supervision (probation).
- Probation is conditional freedom granted by judge to a convicted offender, as long as person meets certain conditions of behavior (privilege/grace of court, not a right).

# Community Corrections

Also known as *community-based corrections*:

- A range of sentencing options that permit convicted offenders to remain in the community under conditional supervision as an **alternative to jail/prison**.
- In Monroe County, Home Detention and Day Reporting. Work Release ended 2009.
- Community Corrections is a division of the Probation Department in Monroe County.

# Pretrial

- Defendants charged with committing crimes.
- **Presumption of innocence.**
- Indiana Constitution guarantees right to bail (exceptions: Murder & Treason)



# Problem Solving Court Program

- Participants **plead guilty**.
- Sentence is **deferred** contingent upon successful completion of the program.
- Upon successful completion, charges are **dismissed**.
- Unsuccessful terminations → sentencing.

# Monroe Circuit Court Probation Department

## PROBATION OFFICER DUTIES & RESPONSIBILITIES

# Probation Officers

- **Indiana:** Probation is the community-based corrections arm of the judiciary.
- Probation Officers (POs) are considered the “eyes & ears” of the Court in the community.
- Probation Officers SAME AS Case Managers (in Monroe Co.)
- Two primary duties of POs:
  - Investigate* and *supervise* persons charged with or convicted of crimes.
- POs enforce Court orders, advise of progress, & file violations.

# Public Safety and Recidivism Reduction

- POs are **public safety officers**, protecting the public by helping to reduce recidivism.
- POs direct clients to **services** to help them avoid future re-offending such as:
  - substance abuse/mental health treatment
  - cognitive behavioral programs
  - housing programs
  - employment/jobs programs

# Monroe Circuit Court Probation Department

## ADULT PROGRAMS AND SERVICES

# Pretrial Supervision

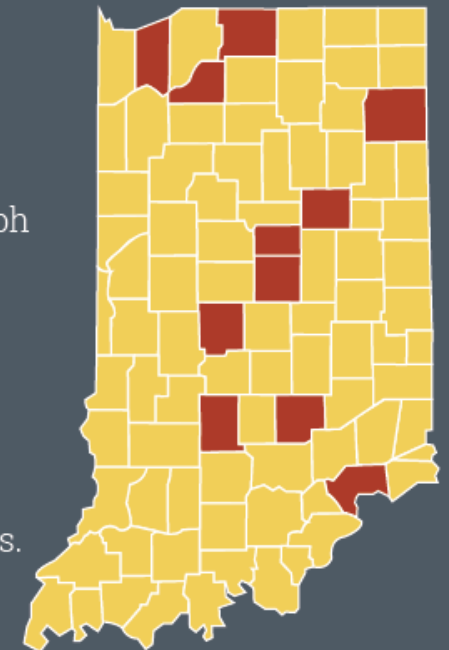
- Started October 2016
- **Pretrial Supervision Goals: 3 M's**
  - MAXIMIZE public safety (offending while case is pending)
  - MAXIMIZE court appearance rates
  - MAXIMIZE release & appropriate use of release conditions

## Pilot Counties

- |                |               |
|----------------|---------------|
| 1. Allen       | 7. Monroe     |
| 2. Bartholomew | 8. Porter     |
| 3. Grant       | 9. St. Joseph |
| 4. Hamilton    | 10. Starke    |
| 5. Hendricks   | 11. Tipton    |
| 6. Jefferson   |               |

Several additional counties are working to implement legal and evidence-based pretrial practices.

 11 counties participating in a pretrial release pilot project



# Pretrial Supervision (continued)

- Defendants booked into Monroe County Jail charged with new crimes are evaluated by Pretrial POs (except Murder).
- Arrestees may bond out of jail per local Bail Schedule.
- If released, must appear at Probation office next business day to complete assessment.
- Defendants unable to post monetary bail evaluated by Pretrial POs in the jail the morning following their arrest.

# Pretrial Supervision (continued)

## Pretrial Assessment - Pretrial POs:

- Conduct face-to-face interview with arrestees (in jail or in probation office).
- Verify information about defendant (address, phone number, employment/school status).
- Investigate defendant's criminal history.
- Complete Indiana Risk Assessment Pretrial Tool (IRAS-PAT).
  - IRAS-PAT measures a defendant's risk for being arrested for a new offense and failing to appear at court hearings during the pretrial phase of a criminal case.



# Pretrial Supervision (continued)

## Pretrial Services Report - Pretrial POs

- File Pretrial Services Report with Court by 12:00 noon prior to defendant's first court appearance/Initial Hearing (IH).
- Make recommendations to Court re: pretrial release conditions
  - Recommendation is based on risk score (per IRAS-PAT), current charges, and defendant's criminal history.

INDIANA RISK ASSESSMENT SYSTEM: PRETRIAL ASSESSMENT TOOL (IRAS-PAT)			
Name: _____		Date of Assessment: _____	
Case#: _____		Name of Assessor: _____	
Pretrial Items			Verified
1.	Age at First Arrest 0=33 or older 1=Under 33	<input type="text"/>	<input type="checkbox"/>
2.	Number of Failure-to-Appear Warrants Past 24 Months 0=None 1=One Warrant for FTA 2=Two or More FTA Warrants	<input type="text"/>	<input type="checkbox"/>
3.	Three or more Prior Jail Incarcerations 0=No 1=Yes	<input type="text"/>	<input type="checkbox"/>
4.	Employed at the Time of Arrest 0= Yes, Full-time 1= Yes, Part-time 2= Not Employed	<input type="text"/>	<input type="checkbox"/>
5.	Residential Stability 0=Lived at Current Residence Past Six Months 1=Not Lived at Same Residence	<input type="text"/>	<input type="checkbox"/>
6.	Illegal Drug Use During Past Six Months 0=No 1=Yes	<input type="text"/>	<input type="checkbox"/>
7.	Severe Drug Use Problem 0=No 1=Yes	<input type="text"/>	<input type="checkbox"/>
Total Score:			<input type="text"/>

# Pretrial Supervision (continued)

## Initial Hearing - Judge may:

- Release defendant from jail “OR” (on recognizance) or maintain/lower/raise bail.
- Release defendant on pretrial monitoring.
- For defendants who have bonded out of jail before the IH, they may add pretrial monitoring requirements.

# Pretrial Supervision (continued)

## Pretrial Release Conditions

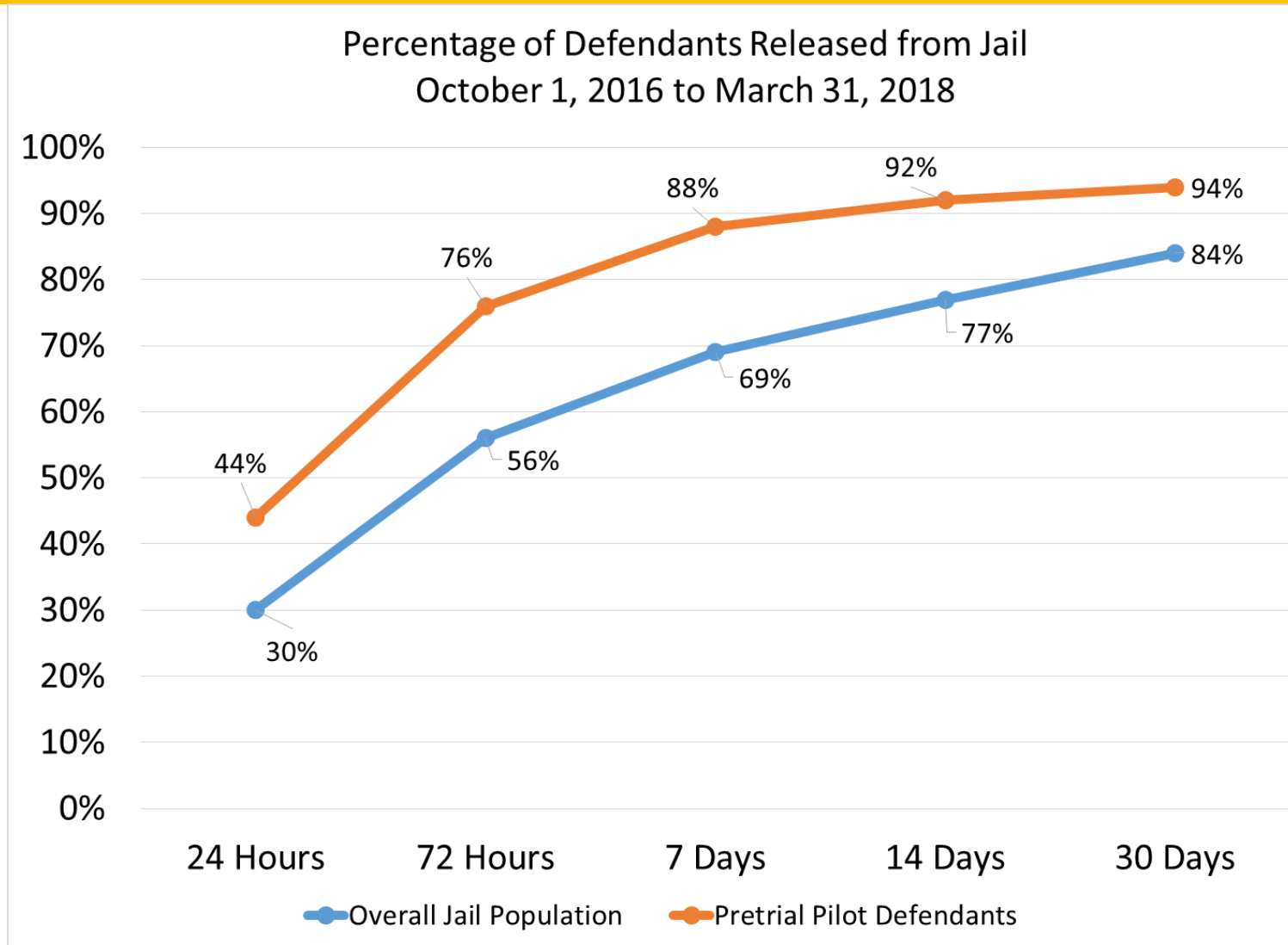
- All pretrial defendants receive notification reminders (i.e., phone call & text messages) prior to their next Court date.
- Court can impose additional conditions such as:
  - reporting to a PO;
  - participation in services (mental health/substance abuse. treatment);
  - drug/alcohol testing;
  - daily reporting; and/or
  - Home Detention (with or without electronic monitoring).

# Pretrial Supervision (continued)

## Local Pretrial Release Data – October 2016 thru March 2018:

- Assessed 2,864 defendants
  - High risk – 15% (Statewide – 18%)
  - Moderate risk – 43% (Statewide – 46%)
  - Low risk – 42% (Statewide – 36%)
- Appearance Rate – 92% (Jefferson County – 90%)
- Safety Rate (Percent NOT charged with new offense)
  - High risk – 69% (Hamilton County – 42%)
  - Moderate risk – 81% (Hamilton County – 67%)
  - Low risk – 94% (Hamilton County – 91%)

# Pretrial Supervision (continued)



# Adult Probation and Court Alcohol & Drug Program

The entire Adult Division is a state-certified Court Alcohol & Drug Program.

All Adult POs receive extensive training in alcohol/drug abuse and addiction.

Program provides educational programs:

- Alcohol Education School (AES)
- Prime for Life (PRI) (cognitive behavioral substance education program)

# Adult Probation and Court Alcohol & Drug Program (continued)

## Investigation /Intake Unit - POs:

- Conduct **assessments** using Indiana Risk Assessment System (IRAS) to identify criminogenic risk factors and needs.
- Conduct **alcohol/drug assessments** and make appropriate referrals for intervention.
- Develop **case plan** that addresses person's risk to recidivate and **makes referrals** for services.

# Adult Probation and Court Alcohol & Drug Program (continued)

## Presentence Investigations (PSI):

- Indiana law requires PSI for Murder & Felonies (Levels 1-5).
- In-depth criminal history.
- Victim impact statement & restitution.
- Defendant history (family, substance use, risk factors).
- Recommendations for sentencing, including **eligibility for alternatives to jail.**



# Adult Probation and Court Alcohol & Drug Program (continued)

Supervision Unit: Intensity of supervision increases by risk level.'

- High / Moderate – 8 POs (60).
- Low/Administrative – 5 POs (150).
- Enhanced Supervision Unit (ESU) - 4 POs:
  - Sex offenders (45);
  - Other violent offenders including Domestic Violence (45);
  - Offenders with Serious Mental Illness who are not eligible for Mental Health Court (40).

# Adult Probation and Court Alcohol & Drug Program (continued)

## Differential Supervision:

- Higher risk probationers receive increased/more frequent supervision contacts by POs in the office, at workplaces/schools, or in their homes.
- POs refer clients to services (Centerstone, Work One, HIRE, etc,) to reduce their risk for reoffending.
- POs use role plays, cognitive behavioral worksheets and homework to teach skills.

# Adult Probation and Court Alcohol & Drug Program (continued)

NAME: \_\_\_\_\_ DATE: 1-8-17

BEEN CLEAN, CONTROL

### Cognitive Model Worksheet

<p><b>EXTERNAL EVENT</b></p> <p>Buddy came over, I had just passed a screen. I let him talk me into smoking because I don't think I'd get screened again.</p>	<p><b>INTERNAL THOUGHTS - "Self-Talk"</b></p> <p>I thought I wouldn't get another screen. I had been clean for the holidays and deserved to celebrate. I don't want to come over often.</p>	<p><b>BEHAVIOR</b></p> <p>I smoked weed</p>	<p><b>CONSEQUENCES</b></p> <p>dirty screens, voluntary jail, hurt relationships, extended probation, loss of respect from myself and some others, feeling stupid and weak.</p>
<p>again</p>	<p><b>REPLACEMENT THOUGHTS</b></p> <p>It is not worth the potential consequences to be high for an hour. You've worked hard at sobriety and it's not something you should throw away. Who takes care of the house &amp; I'm in jail.</p>	<p><b>BEHAVIOR</b></p> <p>I don't smoke</p>	<p><b>CONSEQUENCES</b></p> <p>Feel better about self, screens, and meetings. Less stress, more time doing more important things. Finish probation.</p>

# Adult Probation and Court Alcohol & Drug Program (continued)

NAME:

DATE: 3/1/18

## Cognitive Model Worksheet

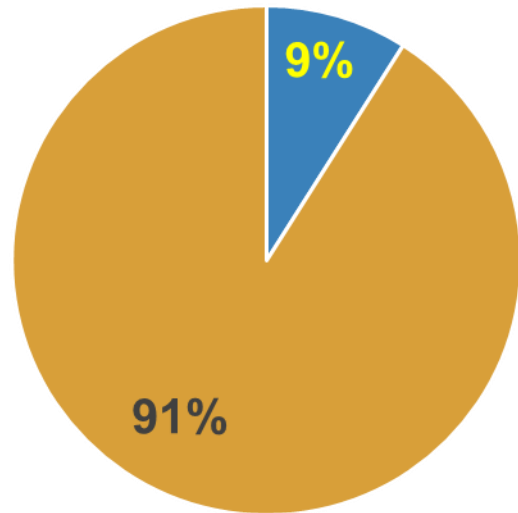
EXTERNAL EVENT	INTERNAL THOUGHTS - "Self-Talk"	BEHAVIOR	CONSEQUENCES
<p>Guy attacking GF</p> <p>Police in to stop it</p> <p>Argument ensued</p>	<p>I'm gonna teach him a lesson</p> <p>- not today</p> <p>- kind of bad people getting away w/ doing bad things</p>	<p>Beat up person</p> <p>Violent</p>	<p>Missed out on last 6 months life</p> <p>6 months jail</p> <p>→ Probation</p> <p>Now has record</p> <p>1st Felony</p>
	<p>REPLACEMENT THOUGHTS</p> <p>observe</p> <p>call police</p> <p>- not my responsibility</p> <p>- other peoples problems</p>	<p>BEHAVIOR</p> <p>No violence</p> <p>not beating someone up</p> <p>not involved</p>	<p>CONSEQUENCES</p> <p>- help situation w/o being involved</p> <p>- not hurting self or others</p> <p>→ resolve issue w/o confrontation</p> <p>- jail</p> <p>- probation</p> <p>- felony</p>

Take  
Time  
To  
Think

Awareness  
Acceptance

# Adult Probation and Court Alcohol & Drug Program (continued)

1998

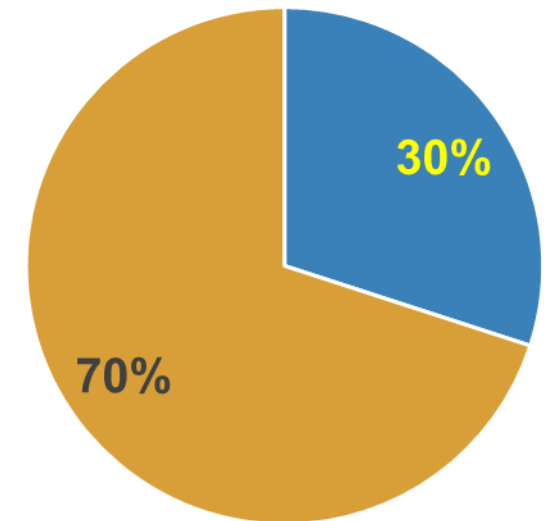


■ Violent ■ Non-Violent

## Adult Probation

Past 20 years:  
Increased # violent offenders

2018



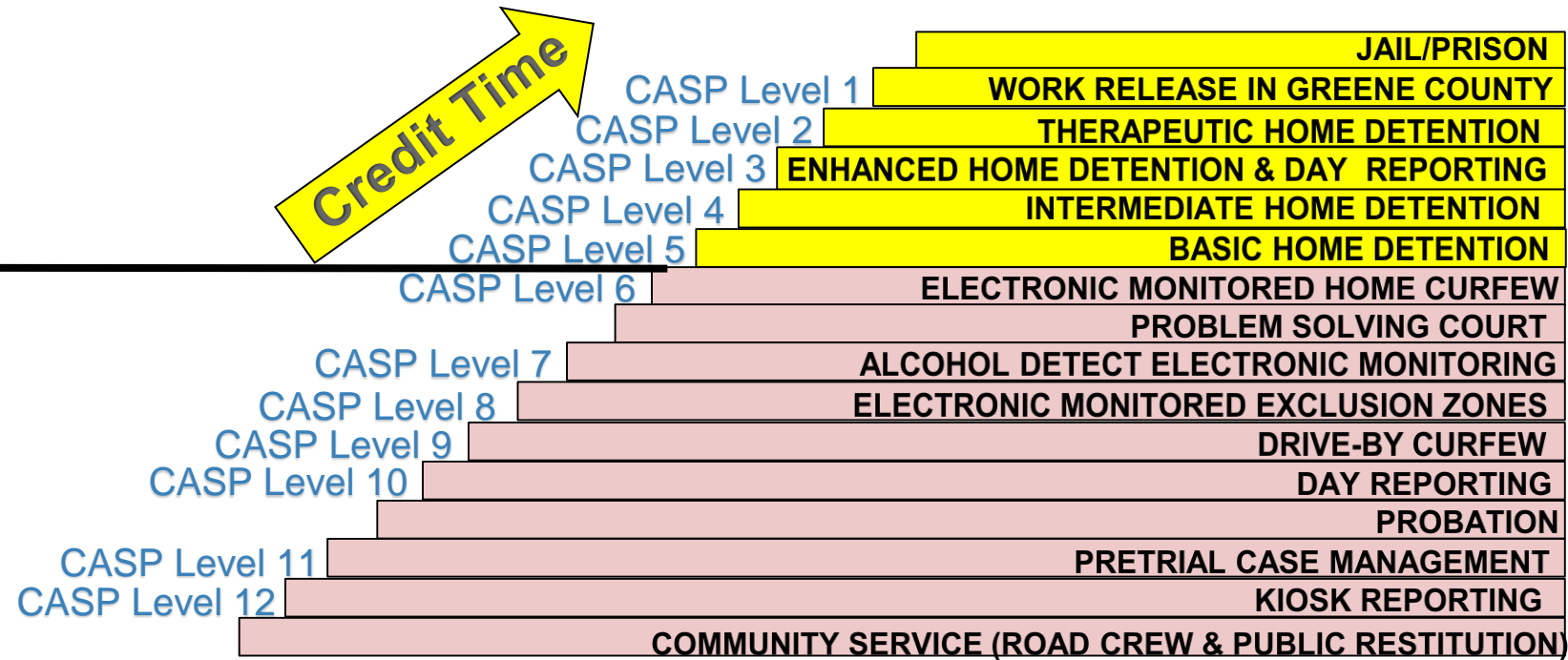
■ Violent ■ Non-Violent

# Community Corrections

## Monroe County Community Corrections Program Components

- Community Alternative Supervision Program (CASP)
  - Various levels of home detention, day reporting & electronic monitoring
- Community Service Program
  - Road Crew
  - Public Restitution
- Community Transition Program (CTP)
- Problem Solving Courts

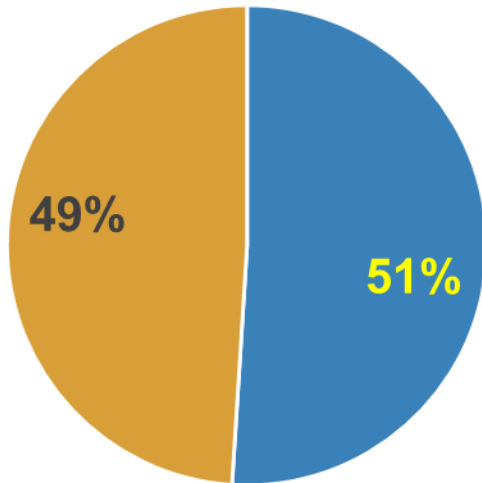
# Community Alternative Supervision Program (CASP)



Continuum of supervision with various levels of Home Detention and Day Reporting, with or without Electronic Monitoring

# Community Corrections

1998

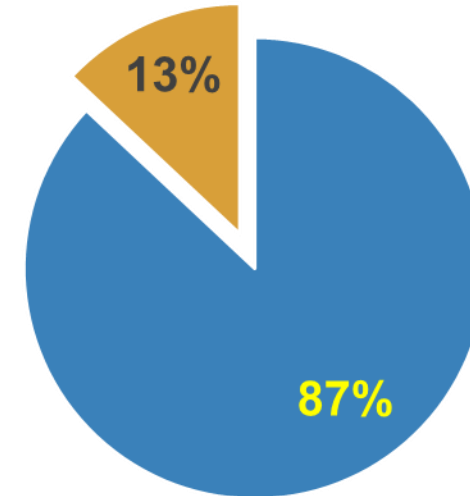


■ Felons ■ Misdemeanants

**CASP**

Home Detention & Day Reporting

2018

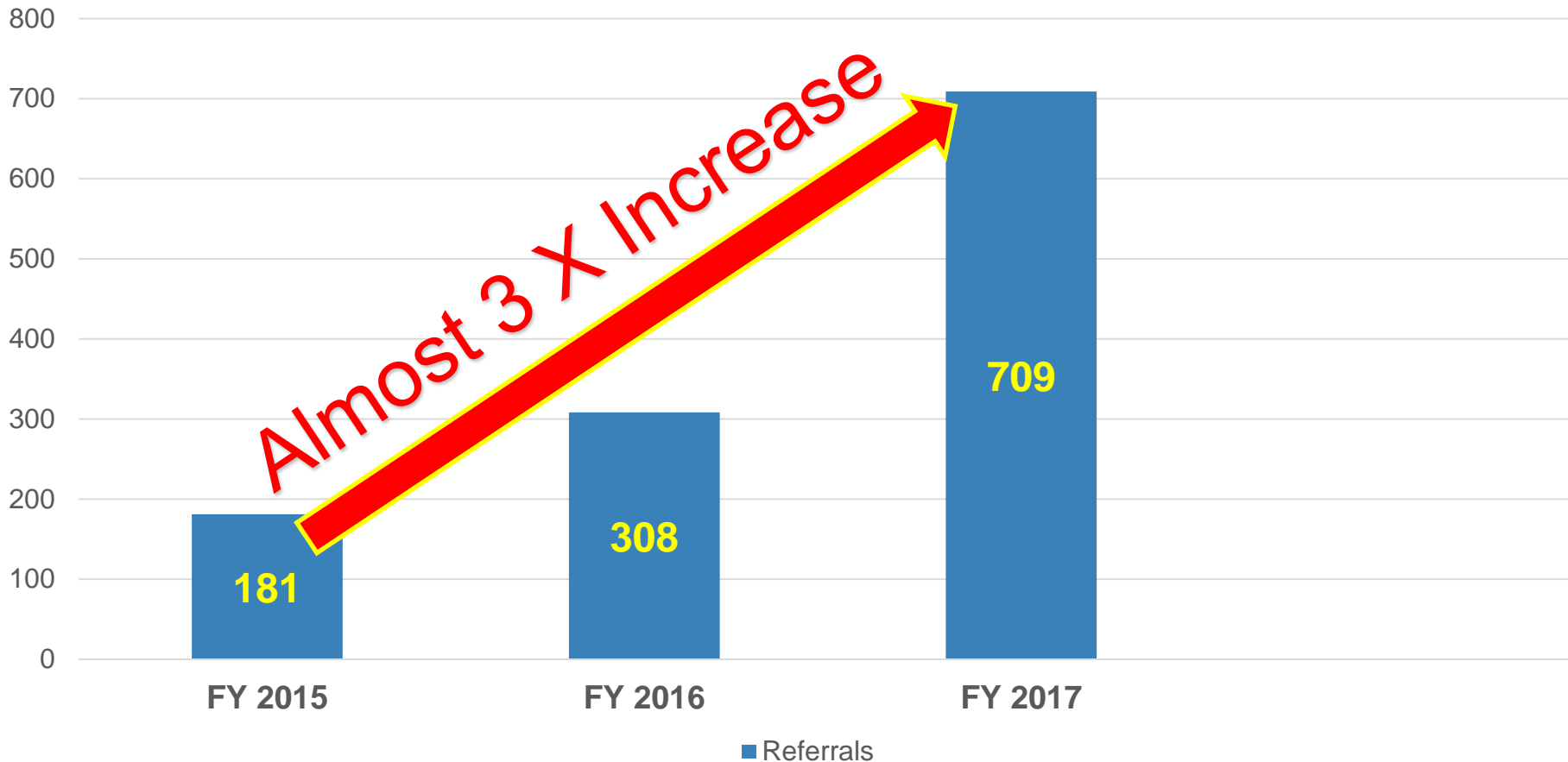


■ Felons ■ Misdemeanants



# Community Corrections

## Level 6 Felons under CASP Supervision



New Indiana law (HEA 1006):  
Level 6 felons **CANNOT** be committed to the DOC (rare exceptions).

# Community Corrections

## Community Service Program:

### Public Restitution and Road Crew

- 2017: 1,757 referrals
- Participants contributed **13,043 labor hours** to Monroe County Government & non-profit agencies.
- **NOT ELIGIBLE** for DOC grant funding.
- 100% user-fee funded.

# Community Corrections

## Drug & Alcohol Testing Program

- **2017: 12,380** urine and saliva drug tests
  - 20% positive rate for adults
  - 4% positive rate for adults on Problem Solving Court Program
- Marijuana most frequent (36% of +)
- Amphetamine/Methamphetamine next frequent (27% of +)
- Opiates (14% of positives)
- Alcohol (14% of positives)
- **50,862** alcohol breath tests (in the office & community)

# Community Corrections

## Community Transition Program (CTP):

- Supervised re-entry from DOC.
- Offender must qualify and be willing to participate; judge's approval required.
- CASP levels of supervision are used (Home Detention & Day Reporting).
- Assistance with obtaining housing, employment, transportation, etc. to help transition to living in the community.
- Reentry Court often accepts CTP referrals.

# Problem Solving Court Program

## 10 Key Components of Effective Drug Courts\*

1. Treatment.
2. Non-adversarial approach. Team.
3. Early identification/entry into program.
4. Continuum of alcohol/drug treatment.
5. Frequent alcohol and other drug testing.
6. Coordinated responses to participants' compliance (incentives and graduated sanctions).
7. Ongoing judicial interaction.
8. Monitoring & evaluation of program goals and effectiveness.
9. Interdisciplinary education for all program Team members.
10. Partnerships with public agencies & community-based organizations.

# Problem Solving Court Program

## Drug Treatment Court (DTC)

- Started by Board of Judges in 1999.
- Participants have extensive substance use problems.
- Typically have failed at previous treatment attempts and/or community supervision.
- Typically 2 year program (may be extended).
- Participant must have 1 year sobriety to qualify for commencement/successful completion.

# Problem Solving Court Program

## DTC Statistics (Nov. 1999 to Feb. 12, 2018)

- 684 clients accepted into program.
- 370 completed successfully.
- 63% success rate (64 currently in program).
- 61 drug free babies born to participants.
- Participants spend fewer days in jail than those who opt-out of the program.
- Only 30% of participants re-offend compared to 49% of those who opt-out of program.

# Problem Solving Court Program

## Monroe County Drug Court Research

Two independent research studies on local drug court confirms that the Monroe County Drug Treatment Court:

- Reduces recidivism by **67%** (2007 outcome evaluation)
- Reduces substance use
- Saves taxpayer money
- Increases public safety



# Problem Solving Court Program

## Mental Health Court

- Started by Board of Judges in 2014.
- Serves individuals with a chronic mental illness, substance dependence, and/or traumatic brain injury.
- Treatment and services for participants generally provided through Centerstone, sometimes Amethyst House.

# Problem Solving Court Program

## Reentry Court

- Started by Board of Judges in 2014.
- Offenders released from DOC to probation or community corrections (some are CTP eligible, no parolees).
- Supervision focus: employment, substance use treatment, and housing support.
- Participants receive extensive case management services to aid in successful transition back to the community.

# Problem Solving Court Program

## Veterans Court

- Started by Board of Judges in 2014.
- Veterans Justice Outreach Representative serves on Team.
- Major areas of focus include employment, substance use, and mental health services.
- Participants receive extensive case management services to aid in successful completion of the program.

# Monroe Circuit Court Probation Department

**VIOLATIONS OF COMMUNITY SUPERVISION**  
How are violations dealt with?

# Probation Violations: Technical and/or New Offense

- ▷ New Offense - Committing a new offense while under probation supervision generally results in PO filing a Probation Violation petition with the Court (a warrant may be requested depending on circumstances).
  - 2017 – 46% of the violations filed with the Court were due to a new offense
- ▷ Technical Violations – Failing to abide by Court Order (testing positive for illicit drug use, missing appointments, failing to attend required treatment, etc.).
  - 2017 – 54% of the violations filed with the Court were due to technical violations only
- ▷ Note – Not all violations filed with the Court result in jail stays or revocation to prison

# Probation Violations (continued)

- Courts have delegated authority to POs to address minor technical violations through Administrative Probation Modifications (APMs).
- POs use Graduated Sanctions Guidelines.
  - Verbal/written warnings;
  - Increasing level of supervision;
  - Requiring curfews;
  - Requiring/increasing drug/alcohol treatment;
  - Imposing Public Restitution or Road Crew;
  - Requiring day reporting or house arrest.
- 2017 – APMs and graduated sanctions were used prior to filing a violation with the Court 38% of the time.

# Telephonic Warrants

## 24/7 Response to Violations

### Home Detention & Problem Solving Court

- Duty Judge available to conduct probable cause hearings via phone with Probation Supervisor
- Warrants are issued and sent to Central Dispatch
- Probation & Law Enforcement officials coordinate warrant service

# Probation Violations Myths

## Myths

- The jail is full of probationers whose sole violation is failure to pay fees or who have violated their probation by using marijuana.

## Facts

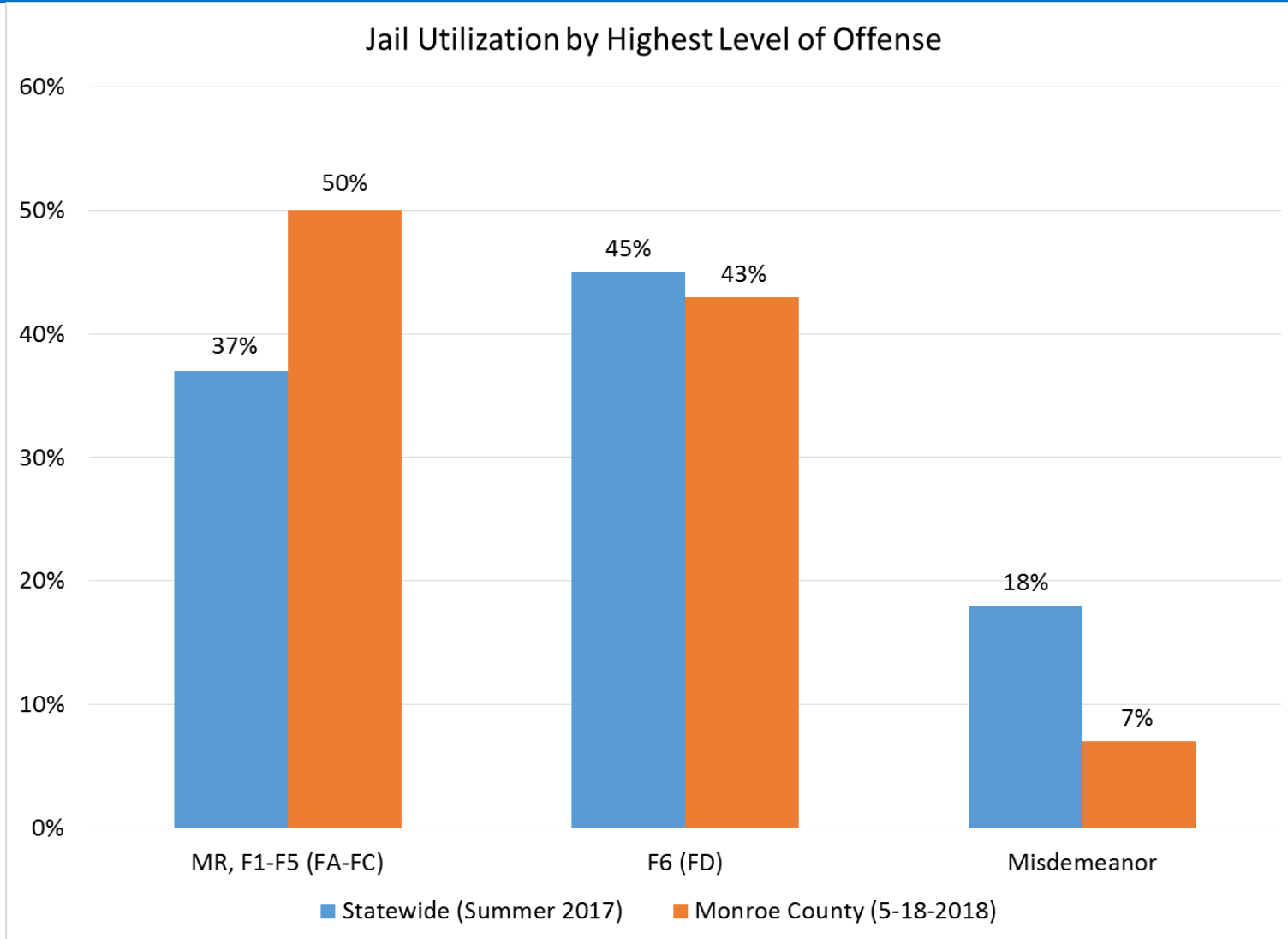
- There are no probationers in jail solely for failing to pay fees or solely for using marijuana.
- The vast majority of probation violators in jail are being held due to the alleged commission of a new offense.



# Collaboration with the Jail

- Vivitrol Program – POs recommend clients for jail Vivitrol program & coordinate post-jail shots in the community with providers.
- New Beginnings - POs recommend clients for program & coordinate post-release treatment in the community; POs follow up and support & enforce court-ordered treatment.
- HIRE - POs recommend clients for HIRE program and other employment programs (POPS with Centerstone, etc. ).

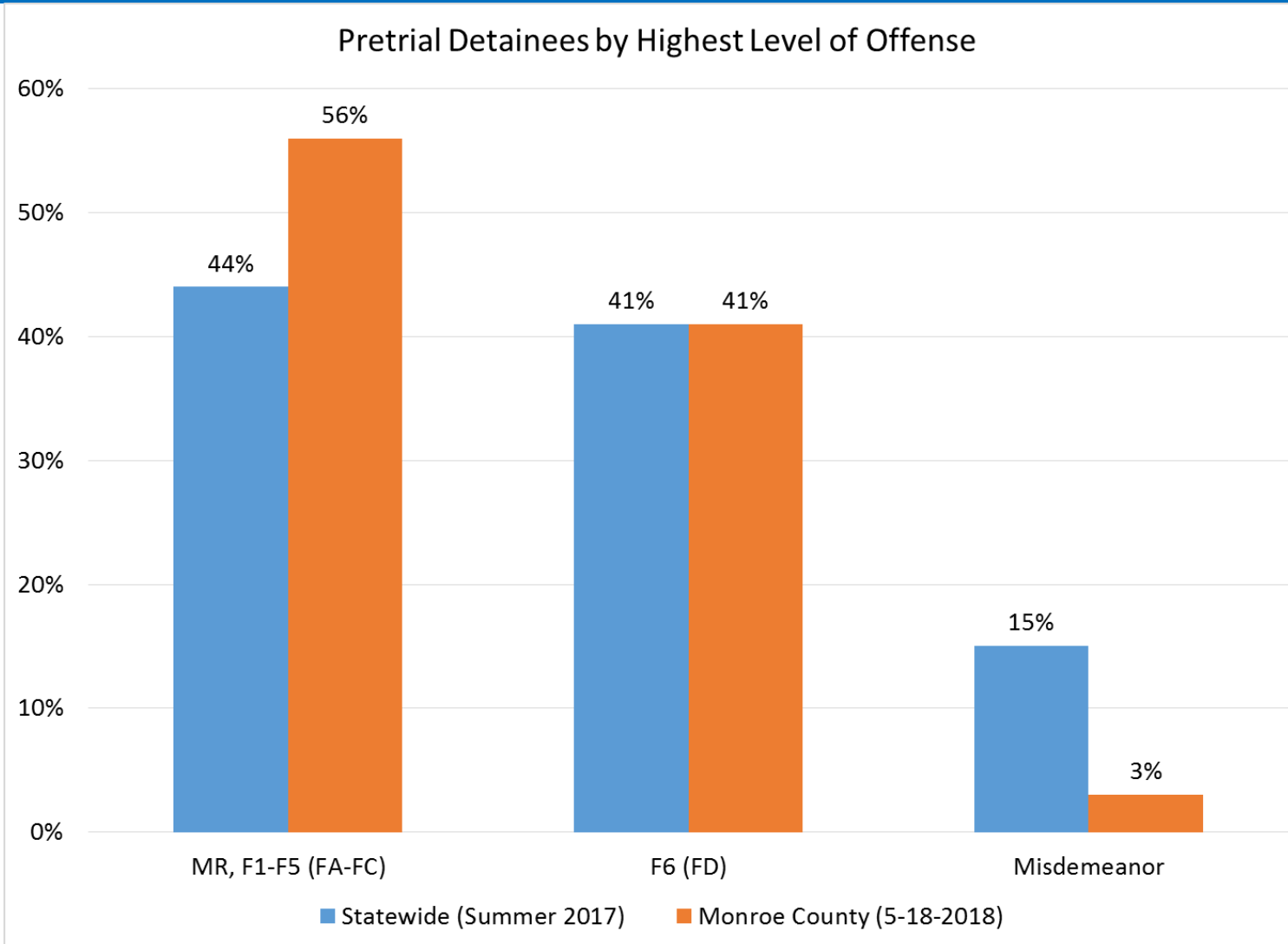
# Jail Utilization



## Who is in our jail?

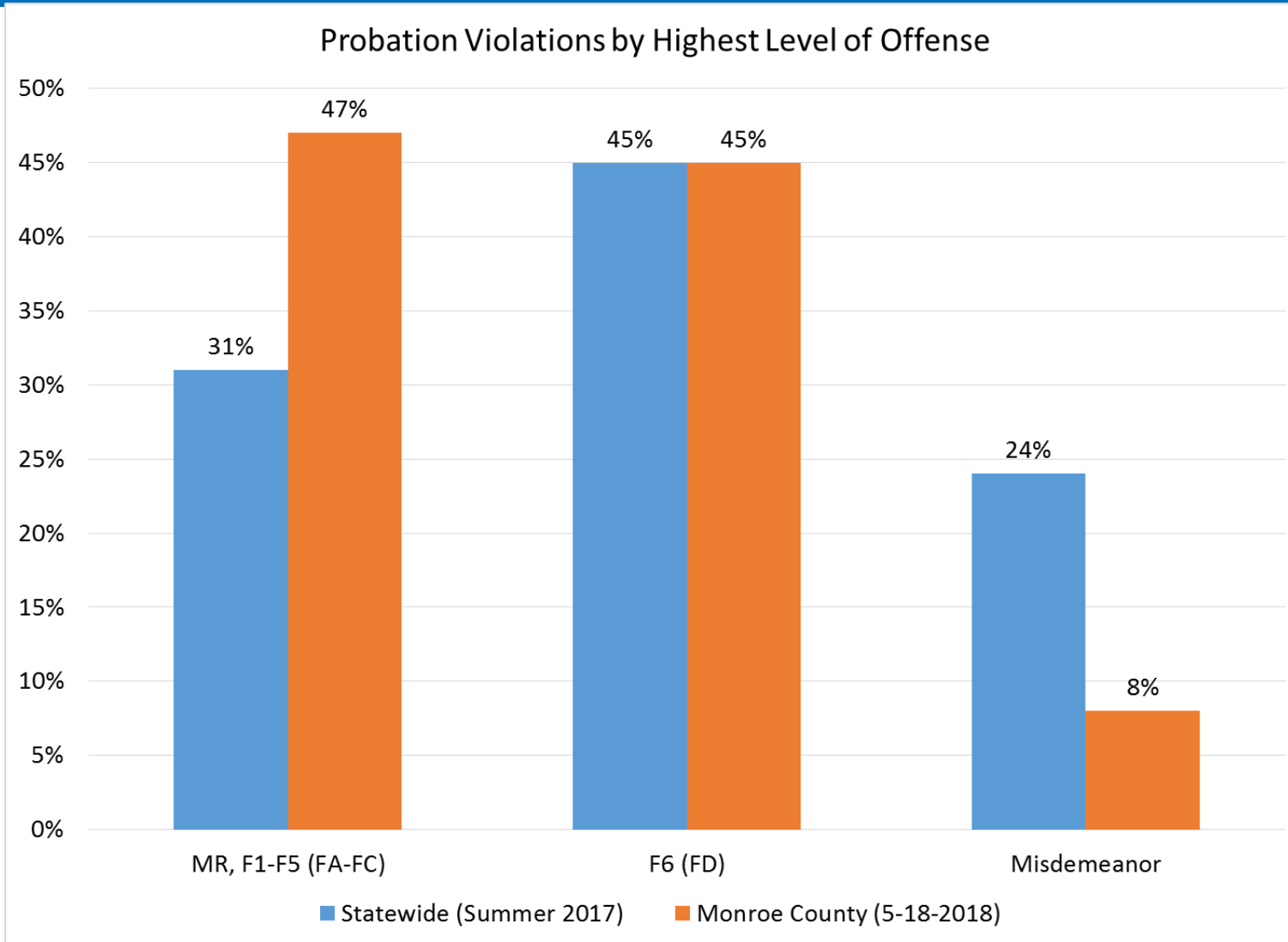
- ▷ 50% of jail population are highest level felons (37% statewide)
- ▷ Only 7% are misdemeanors (18% statewide)

# Jail Utilization (continued)



- Pretrial Detainees
  - ▷ 56% are highest level felons (44% statewide)
  - ▷ Only 3% are misdemeanors (15% statewide)

# Jail Utilization (continued)



## Probation Violations

- ▶ 47% are highest level felons (31% statewide)
- ▶ Only 8% are misdemeanors (24% statewide)

# Thanks!

## Any questions?

You can find me at:

[lbrady@co.monroe.in.us](mailto:lbrady@co.monroe.in.us)

Special thanks to **Tom Rhodes** and **Troy Hatfield!**

[trhodes@co.monroe.in.us](mailto:trhodes@co.monroe.in.us)

[thatfield@co.monroe.in.us](mailto:thatfield@co.monroe.in.us)