

APPENDIX C

BKD Report

**JAIL CAPACITY DATA ANALYTICS STRATEGIC PLAN FOR THE
CITY OF INDIANAPOLIS – MARION COUNTY**

October 20, 2016



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1. Cover Letter and Executive Summary

Marion County Criminal Justice Planning Council
200 E. Washington Street
Indianapolis, IN 46201

Members of the Marion County Criminal Justice Planning Council:

We appreciate the opportunity to serve the Consolidated City of Indianapolis and Marion County (“City” or “City-County” or “County”) through the completion of this jail population data analytics project. Huron Consulting, Inc.’s (“Huron”) work for the City in 2014 focused on the potential impact of House Enrolled Act 1006 (“HEA 1006”) on the jail population, as well as the degree to which data can inform decisions about pretrial detentions. As part of that project, Huron preliminarily identified examples of data which could potentially inform criminal justice stakeholder decisions regarding pretrial detentions and, thus, mitigate demand on the Marion County Jail’s (“the Jail”) resources.

BKD, LLP (“BKD”) was engaged for a follow-on project to draft a plan to introduce decision support tools into the criminal justice process to alleviate demand on the County’s jail resources, while maintaining or improving public safety. Funding for this project was provided by the Indiana Criminal Justice Institute (“ICJI”). The two major components of this effort were to identify key data-driven insights that have bearing on the jail population issue and to develop a roadmap for a data analytics tool or tools that could inform the decisions made by criminal justice process stakeholders. The options contained in this Strategic Plan are a result of our approach to assist the County to:

- Understand the problem by identifying and prioritizing the critical issues, processes, and challenges driving the number of incarcerated individuals in the City;
- Assess the current state of the City’s processes and plan for solutions that improve on the problem;
- Determine the data that are available and applicable to the problem;
- Determine key areas of focus that have the potential to impact the jail capacity problem;
- Investigate key questions in those areas of focus;
- Analyze the data provided by the City; and
- Develop conclusions.

The Marion County justice system is complex and deals with many different challenges, including serious demands on its capacity. **Those tasks are made harder due to the current lack of extensive system communication across the different software platforms used by various stakeholders.** Moving from a smaller number of systems (JUSTIS and JIMS) to a greater number of separate software packages

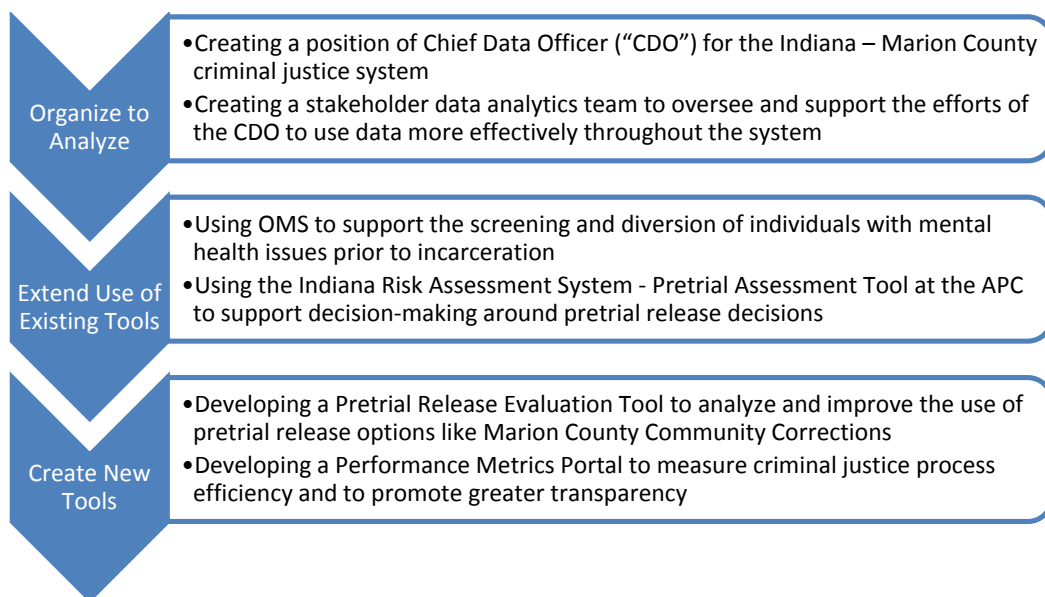
for each major stakeholders (Courts, Prosecutor, Defender, Jail) was driven by state-level perspectives. While there are definite benefits to this approach, there are also significant losses. Specifically, stakeholders in the state’s largest city have lost the ability to look across the entirety of the criminal justice system due to the different platforms each major stakeholder is operating. Additionally, much historical data has been corrupted or is otherwise not easily accessible.

While Indianapolis – Marion County is pursuing additional communication across the different software platforms used by stakeholders, the ability to extract and analyze data to provide insight on system challenges is limited. **In short, improving the quality of, access to, and analysis of criminal justice data shows promise to equip stakeholders to better address the demands of the future.**

Our experience with assisting clients in addressing public sector issues over the past few decades demonstrates that providing a series of hard and fast recommendations that “must” be implemented to achieve particular goals is rarely helpful. The Marion County criminal justice system is made up of many stakeholders and includes multiple elected officials ultimately accountable to the public. Our approach, therefore, is to present in this Strategic Plan certain “options” for consideration. Our hope is that a good portion of these options bear strong consideration by the stakeholders and, once refined and implemented, can contribute to the continuous improvement of the Marion County criminal justice system and mitigation of the demand on Jail resources.

We have developed 30 options that warrant consideration for enabling the Marion County criminal justice system to better address jail capacity issues which are identified and described in this document (Sections 6 and 7) and summarized in Appendix 1. Some are process-focused, and others are policy-focused. Some of those that specifically involve the **improved use of data and analytics tools** include:

Figure 1-1, Options Involving Data Analytics



The options presented in this Strategic Plan are based on **extensive interviews with local stakeholders**, the **application of analytical tools to the Marion County datasets** provided by the various stakeholders,

as well as a **review of peer-reviewed research from other communities**. As previously discussed, a potential third phase of work would involve structuring the various types of data, developing a working model, and the calibration/deployment of the tools described in this Strategic Plan.

We look forward to discussing the insights and the Strategic Plan with you and the other stakeholders at your earliest convenience. Thank you.

BKD, LLP

A handwritten signature in black ink that reads "BKD, LLP". The letters are stylized and slanted to the right.

October 20, 2016

2. Engagement Background

According to a previous study conducted by Huron, 84 percent of the individuals incarcerated at the Jail were awaiting trial as of June 2014.¹ Additionally, in 2014, HEA 1006 was passed with the intent of diverting “low level offenders out of state prisons and into community-based programs.”² The already crowded conditions at the Marion County Jail, coupled with the influx of more sentenced offenders as a result of HEA 1006, indicates the likelihood of continuing severe strains on Jail resources for the foreseeable future. In fact, the original Huron assessment estimated that HEA 1006 would require anywhere from 109 to 468 additional jail beds in the Marion County system.³

Continuing the work previously completed by Huron in June 2014, **BKD, LLP** was engaged to assist the City-County in identifying **specific and actionable opportunities to use data analytics to alleviate the demand on jail resources**. Those opportunities were to be validated and included in a strategic plan (“the Strategic Plan”) that proposes a path to developing and implementing an information technology tool or tools that can support decision-making by stakeholders such as the police, the sheriff, courts, and corrections personnel. Based on the information included in this Strategic Plan, the City may move forward with developing, testing, and implementing the tools to achieve the desired outcomes.

*The goal of this project was to develop a **plan for a tool** (or tools) that would put the **right information**, in the **right hands**, at the **right stage** of the process to enable stakeholders to make decisions that **mitigate demand on jail resources**.*

To better understand the City’s problem, BKD began the project by conducting interviews with key stakeholders in the Marion County criminal justice process to identify the primary decision points affecting the number of detained individuals. Particular attention was placed on the areas where data analytics tools and approaches could potentially aid decision making. Through a survey of and discussions with the selected members of the Jail Analytics Steering Committee (the “Steering Committee”), **the members of the Steering Committee identified three key areas of focus for this Strategic Plan:**

- Opportunities to **divert arrestees with non-serious, treatable mental health conditions** to non-jail alternatives
- Opportunities to **improve the use of Marion County Community Corrections (“MCCC”)** for both pretrial arrestees and those sentenced
- Opportunities to **improve the efficiency of criminal justice system processes**

¹ Process Evaluation and Data Analytics Report, Prepared by Huron Consulting Services LLC for MARION COUNTY, INDIANA, June 20, 2014.

² Hayden, M. (2014) “New sentencing laws prompt worries around state.”
http://www.tribstar.com/news/local_news/new-sentencing-laws-prompt-worries-across-indiana/article_815b6feb-0b85-5e46-8341-813d8a46b7f2.html

³ HEA 1006 Analysis: Marion County Jail Population Impact Study, Prepared by Huron Consulting Services LLC for Marion County, Indiana, June 2, 2014.

From these areas of focus, the BKD team began interviews with subject matter experts (“SMEs”) from throughout the Indianapolis-Marion County criminal justice system to gain a greater understanding of the policies, processes, and resources involved.

At the same time the process assessment work was being performed, the BKD team conducted meetings with custodians of the various data systems to identify, prioritize, and request data sets that could be used for the analytics work. Analysis of the data received, coupled with the information from the process assessment interviews for the three key focus areas and the national research, generated the insights and Strategic Plan contained in this report.

The BKD team primarily responsible for the effort included Directors Mike Brink and Jeremy Clopton, Senior Managing Consultants Lanny Morrow and Jamie Shell, and Associate Consultant Molly Martin. Jane Wiseman, an independent contractor serving as a BKD team resource and an SME in criminal justice process reform issues with a Master’s in Public Policy from Harvard University’s Kennedy School of Government, provided crucial expert input. We relied on her expertise, experience, and research throughout the document.

BKD placed full reliance upon information provided for review or through conversations with relevant parties inclusive of City management, employees, and external stakeholders. We are not responsible for the accuracy and completeness of the information provided and are not responsible to investigate or verify it.

This engagement was not designed to prevent or discover errors, misrepresentations, fraud or illegal acts. We have not been engaged to provide an opinion with respect to the effectiveness of the City’s internal controls or the City’s compliance with its policies, procedures and applicable laws and regulations.

3. Assessment Process Description

3.1. Oversight

Given the large number of stakeholders involved in the criminal justice process, it was essential to provide regular updates to and seek input from a wide variety of Marion County leaders and stakeholders. These included the following:

3.1.1. Criminal Justice Planning Council

The Marion County Criminal Justice Planning Council (“CJPC”) meets monthly and is comprised of the Public Defender, the Prosecutor, the City Controller, the Mayor, two City Council members, the County Clerk, the Sheriff, and the Presiding Judge of the Marion County Superior Court. Prosecutor Terry Curry is the current chairperson of the CJPC. The BKD team provided monthly updates to the CJPC on the status of the project and took direction from the group.

3.1.2. Criminal Court Judges

With the permission of Judge Jose Salinas, the BKD team provided two updates to the judges of the Marion County Criminal Court during the term of the project.

3.1.3. Jail Analytics Steering Committee

Throughout the term of the project, the BKD team met regularly with a Steering Committee made up of 14 leading officials involved in the criminal justice process, including:

- Louis Dezelan, Colonel, Marion County Sheriff’s Department

- JT Parker, Chief of Staff, Prosecuting Attorney’s Council
- Amitav Thamba, Chief Technology Officer, Marion Superior Court
- Russell Hollis, Deputy Director, Marion County Clerk
- Emily VanOsdol, Court Administrator, Marion Superior Court
- Hope Tribble, Director, Office of Audit and Performance
- Walter Hughes, Six Sigma Master Black Belt, Office of Audit and Performance
- David Rimstidt, Chief Deputy Prosecutor, Marion County Prosecutor’s Office
- Mike Medler, Director, Forensic Services Agency
- Bob Hill and Ann Sutton, Marion County Public Defender Agency
- Polly Beeson, Director, Arrestee Processing Center
- Tim Moriarty, Special Counsel, Mayor’s Office
- Christine Kerl, Chief Probation Officer, Marion Superior Court Probation Department
- John Deiter, Executive Director, Marion County Community Corrections

This group served to provide project oversight, guidance, and edits to the Strategic Plan.

3.2. Data Request

Prior to June 2014, the major stakeholders in the Marion County criminal justice process used a common application, JUSTIS. At that time, the Jail used the Jail Information Management System (“JIMS”). Beginning in 2014, those stakeholders began to transition to separate applications as a result of State requirements.

As a crucial component of this data analytics project, data sources related to the County’s criminal justice processes were identified and requested. The data was then analyzed to confirm and supplement the initial findings described by staff, Steering Committee members, and other stakeholders through interviews.

Data from the following systems were formally requested and provided: the Marion County Sheriff’s Offender Management System (“OMS”), the Indiana Prosecutor Case Management System (“INPCMS”), the Odyssey Case Management System (“Odyssey”), and Marion County Community Corrections’ program, Informer (“Informer”). For all systems, BKD’s request was made for three years’ worth of data, from January 1, 2013, through December 31, 2015. However, due to the transition from JUSTIS and JIMS to the separate systems in June of 2014, much of the data from prior to that time was not usable. At the same time, the BKD team was directed that there is no reliable source of the pre-June 2014 data that can be accessed.⁴ Therefore, the data used in this Strategic plan essentially represents approximately 18 months’ worth of data, from June 2014 to December 2015, except where specifically noted otherwise.

Each data source required its own set of request processes and permissions, sometimes requiring multiple steps. The BKD team worked with individuals at the City, County, State, and the Indiana Prosecuting Attorneys’ Council (“IPAC”) to obtain the required data. The data sets reviewed include the following:

⁴ Steering Committee meeting March 3, 2016.

Table 3.2 – 1, Data Sources Used

Data Source	Agency Primarily Used by	Date Formally Requested	Date Received	Approximate # of Records
OMS	Marion County Sheriff’s Office	2/9/2016	3/4/2016	156,000 records in Case Master table and 390,000 records in supplemental tables
INPCMS	Marion County Prosecutor	3/7/2016	3/18/2016	124,500 in Case Master table, and 3,200,000 records in supplemental tables
Odyssey	Marion County Superior Court	3/14/2016	5/5/2016	112,800 records in Case Info table, and 699,000 records in supplemental tables
Informer	Marion County Community Corrections	4/13/2016	5/6/2016	51,300 records in Participant Info table, and 400,000 records in supplemental tables

Additional consideration was given to requesting data from the Marion County Public Defender’s system, (“PDIS”). However, after a cursory review of the system, the BKD team determined that such request would not add sufficient marginal value to the analysis to justify the level of effort to request, receive, and analyze the data. That is, much of the information contained in PDIS would be received through the request of the other systems, like Odyssey and INPCMS.

3.3. Interviews

BKD conducted interviews with key stakeholders to better understand the three focus areas that the Steering Committee had identified. The intention of these interviews was to identify the primary decision points impacting the overall number of jailed individuals. Beyond the discussions at the Steering Committee meetings, the following stakeholders were interviewed:

Table 3.3 – 1, Project Interviewees

Individual	Position	Organization	Date
Bryan Roach	Deputy Chief	Indianapolis Metropolitan Police Department	2/8/2016
Ann Sutton	Chief Counsel	Marion County Public Defender Agency	2/11/2016
John Deiter	Executive Director	Marion County Community Corrections	2/18/2016

Pauline Beeson	Director	Arrestee Processing Center	2/18/2016, 2/26/2016, 4/26/2016
Christine Kerl	Chief Probation Officer	Marion Superior Court Probation Department	3/1/2016
Carlita Hobert	Court Coordinator	Marion County Mental Health Court	3/2/2016, 6/27/2016
David Hampton	Deputy Mayor	City of Indianapolis	3/14/2016
Louis Dezelan	Colonel	Marion County Sherriff's Office	4/21/2016
Megan Andrews	Nurse	Correct Care Solutions	4/21/2016
Jose Salinas	Presiding Judge, Marion County Criminal Court	Marion County Superior Court	5/9/2016
Fady Qaddoura, Tim Moriarty, Kathy Davis	Controller, Special Counsel to the Mayor, and Systems Advisor to the Mayor	City of Indianapolis	5/19/2016
Margaret Payne	CEO	Eskenazi Midtown Mental Health	5/19/2016
David Rimstidt	Chief Deputy Prosecutor	Marion County Prosecutor	6/16/2016
Andrew Fogle	Deputy Prosecutor	Marion County Prosecutor	6/16/2016, 6/27/2016
Brad Ray	Assistant Professor	IUPUI SPEA	6/23/2016
Kevin Tichenor	Problem Solving Courts Project Coordinator	Marion County Prosecutor	6/27/2016

4. The Marion County Jail Capacity Issue

4.1. Statement of the Problem

Without any change in existing procedures, the Marion County Jail faces a significant and sustained capacity issue. With a capacity of 2,507 individuals across three separate facilities, the Jail has been over 90 percent capacity for most of the period from January 1, 2016, to the present.⁵ In comparison to the years of 2014 and 2015, the population is substantially higher. **This is despite the fact that the Average Length of Stay (“ALOS”) in December of 2015 was significantly less (~15%) than in June of 2014, as detailed in section 4.3.2 below.** For much of the time since the beginning of 2016,

⁵ Colonel Dezelan, 6/27/2016.

members of the informal working group of criminal justice stakeholders known as the “Thursday Afternoon Group” (“TAG”) have considered the Jail capacity numbers to be at a “critical” level.

To mitigate demand on Jail resources, the Marion County Sheriff has sent sentenced individuals serving time under HEA 1006 (currently 131)⁶ to be held at the Elkhart County, Indiana jail, approximately 160 miles from Indianapolis.⁷ This is an understandable but suboptimal situation in that this distance impedes family connections, and research demonstrates that family visits during incarceration and strong family ties, generally, help individuals desist from crime upon release.⁸

The current approximate capacity and population are as follows:⁹

Table 4.1 – 1, Jail Capacity and Population

Facility	Capacity	Population	Number Below Capacity
Jail I	1,135	1,153	-18
Jail II	1,233	1,245	-12
City-County Building	139	143	-4
Other Counties		131	
Total	2,507	2,672	

Given HEA 1006 and current levels of crime in Indianapolis, there is no indication that the Jail population will be substantially and sustainably reduced in the absence of changes to the criminal justice process.

4.2. High Level Process Overview

As with all major urban areas, the Marion County criminal justice process is complex and has evolved over many decades of operations. A few of the major criminal justice process components are described below. For a quantitative overview of the number of individuals involved in the process in 2015, see section 4.3.1.

4.2.1. Initial Contact/Arrest

Individuals suspected of having committed a crime within Marion County (with certain exceptions for included cities) are either summonsed or arrested by the Indianapolis Metropolitan Police Department (“IMPD”). The IMPD, made up of approximately 1,500 officers and operating in six service districts, provides law enforcement for the entire 368.1 square miles of Marion County with the exception of the communities of Lawrence, Speedway, Beech Grove, and Southport.

⁶ Derek Peterson, 10/19/2016.

⁷ Colonel Dezelan’s presentation to the CJPC, 5/9/2016.

⁸ <https://www.ncjrs.gov/pdffiles1/Digitization/112936NCJRS.pdf>

⁹ Data from Derek Peterson, 10/19/2016.

The number of individuals arrested annually during the period of 2012 to 2015 ranged from 49,903 in 2012 to 36,985 in 2014, and averaged 42,861.¹⁰ All arrests by IMPD are tracked in the Interact 911 Reporting Management System.¹¹

4.2.2. Arrestee Processing

Arrested individuals are taken to the Marion County Arrestee Processing Center (“APC”), located at 752 East Market Street. The APC operates around the clock. If a person is arrested for a misdemeanor or for a Felony 6 event, is the subject of charges filed by the Prosecutor, and the arrestee’s arrival and finalized processing occurs during the time that Court 11 is in session, then that person will have his or her “first appearance” in court at the APC. Otherwise, the individual’s case may just receive a judicial review and bond setting (which could result in release) and/or be scheduled for an initial hearing in the housing court.¹²

Each person arrested for an outright arrest is given a bond setting [“own recognizance” (“OR”), bond amount, no bond hold] by a Judicial Officer who is either on premises or on call. The Judicial Officer does a calculation based off of LR 49-CR-00-108 BAIL, Provisional Bail Schedule, or “bail matrix.” Marion County began using a modified bail matrix in December 2015 in an attempt to reduce demand on Jail resources.¹³

Whether someone is to be held at the Jail, released under supervision (to MCCC or Probation), or granted “own recognizance” release, pretrial is a decision made by the judicial officer at the APC or a judge at the housing court.¹⁴

4.2.3. Pretrial Supervised Release

Those individuals who are neither released OR nor incarcerated in the Jail may be monitored either by MCCC or by Probation. MCCC case workers primarily oversee individuals who have already been sentenced. However, the same case workers and technologies can be used to monitor those awaiting trial, some of whom avoid the Jail completely and go straight to MCCC for monitoring. For example, as of February 18, 2016, approximately 670 pretrial individuals were being monitored by MCCC.¹⁵

Individuals assigned to MCCC supervision pretrial receive a GPS device (for electronic monitoring) and are assigned home detention while awaiting their trials. Home visits are also conducted by MCCC case workers for individuals who are monitored pretrial. The number of MCCC employees (most of whom are caseworkers) has increased from approximately 68 in 2014 to 130, which has led to a significant increase in case workers’ availability to perform home visits.¹⁶ MCCC uses Informer and Odyssey to document the events and data surrounding participants.

Marion County Superior Court Probation (“Probation”) provides pretrial services to those that are not ordered to electronic monitoring/home detention. Some individuals are sentenced to pretrial monitoring by Probation for services like drug testing. The number of individuals assigned to Probation pretrial is fairly small, at less than 200 cases as of March 3, 2016.¹⁷ Probation also uses Informer and Odyssey to document the events and data surrounding participants.

¹⁰ Data from Colonel Louis Dezelan presented 4/7/2016.

¹¹ Information from Deputy Chief Bryan Roach, 6/6/2016.

¹² Information from Polly Beeson, 6/23/2016.

¹³ Information from Polly Beeson, 6/2/2016.

¹⁴ Huron report, 6/30/2014.

¹⁵ John Deiter, 2/18/2016.

¹⁶ Ibid.

¹⁷ Christine Kerl, 3/1/2016.

4.2.4. Pretrial Incarceration (Sheriff)

Defendants who are not granted any type of pretrial release are held in the Marion County Jail, located at 40 South Alabama Street. Upon arrival at the Jail, individuals are classified based on various factors including sex, age, severity of charge, mental health condition, and are assigned to one of three facilities – “Jail I” at 40 South Alabama Street, “Jail II” at 730 East Washington St., or the City-County Building at 200 East Washington Street. Descriptive data regarding the population held in the Jail can be found in section 4.3.2. Information regarding the incarcerated individuals is documented in the Sheriff’s OMS system.

4.2.5. Court Processing¹⁸

The specifics of the court process will depend on the type of case. Common elements include jury selection, preliminary instructions, opening statements, presentation of evidence, closing arguments, jury instructions, and jury deliberation and verdict. Descriptive data regarding the court process can be found in section 4.3.3. The process is documented within Odyssey.

4.2.6. Sentencing (Court)¹⁹

Individuals convicted – whether through a guilty plea, plea agreement, or jury verdict – receive a sentence. A judge selects a sentence between statutory minimums and maximums for each class of crime. Juries play the role of determining special sentencing facts in instances of capital and enhanced punishment cases.

The length of time that sentencing takes depends on the complexity and severity of the charges. Those cases that are more complex take considerably longer, while those that are for infractions and misdemeanors take less time. Sentencing usually takes place almost immediately following convictions for infractions and minor misdemeanors.

4.2.7. Jail Sentence

Following the implementation of HEA 1006, those individuals convicted, but whose sentences are for less than twelve months, are remanded to the custody of the Marion County Jail. Since February 1, 2016, the number of HEA 1006 individuals in the Jail has consistently exceeded 100. However, over 80 of such individuals are currently being housed at the Elkhart County jail.²⁰

4.3. Descriptive Data

To understand the Jail capacity issue, it is important to consider the specifics of the individuals who are incarcerated.

4.3.1. Process Population

For a recent year (2015), the number of individuals involved in each stage of the Marion County criminal justice system, based on an attempt to tie together data from the various systems, was as follows:

¹⁸ <https://secure.in.gov/judiciary/2725.htm>

¹⁹ Ibid.

²⁰ Colonel Dezelan, 6/27/2016.

Table 4.3.1 – 1, Arrestees by Criminal Justice Process Stage

Process Stage	Population (2015)
Arrestees	38,301 ²¹ ; or 39,823 ²² unduplicated items from arrest date field of the CASE_ARREST table.
Pretrial Released “O.R.”	14,963 (OMS Bookings data)
Pretrial Released with Supervision – MCCC	4,663 (Odyssey Sentencing Data)
Pretrial Released with Supervision – Probation	736 (Odyssey Sentencing Data)
County Jail	12,223 (Odyssey Sentencing Data)
Indiana Dept. of Corrections	
Case Dismissed	9,800 (Odyssey Case Info Data)
Guilty Plea or Admission	15,454 (Odyssey Case Info Data)
Bench Disposition	972 (Odyssey Case Info Data)
Deferral or Diversion	279 (Odyssey Case Info Data)

4.3.2. Jail Composition Data

In the BKD team’s discussions with stakeholders in interviews and Steering Committee meetings, the question of “just who is in the Jail” was frequently discussed. The Sheriff’s Office has responded by regularly providing data on such topics as overall headcount, number of HEA 1006 individuals, and the demographics of those incarcerated. The metrics that follow, however, are an attempt to provide both greater detail and recent historical perspective on those held at the Jail.

Many of the metrics focus on the ALOS. For the purposes of the analysis, we are generally considering the length of time jailed until the individual is released, as recorded in OMS.

Allocating the Jail population for the months of June 2014 and December 2015 into segments reveals the following distribution based on the number of jail days, by individual. **Overall, a much higher percentage of the population is in the “0 to 24 days” category, representing a larger proportion of individuals staying a shorter period of time in 2015 versus 2014.**

²¹ Colonel Dezelan, 4/7/2016

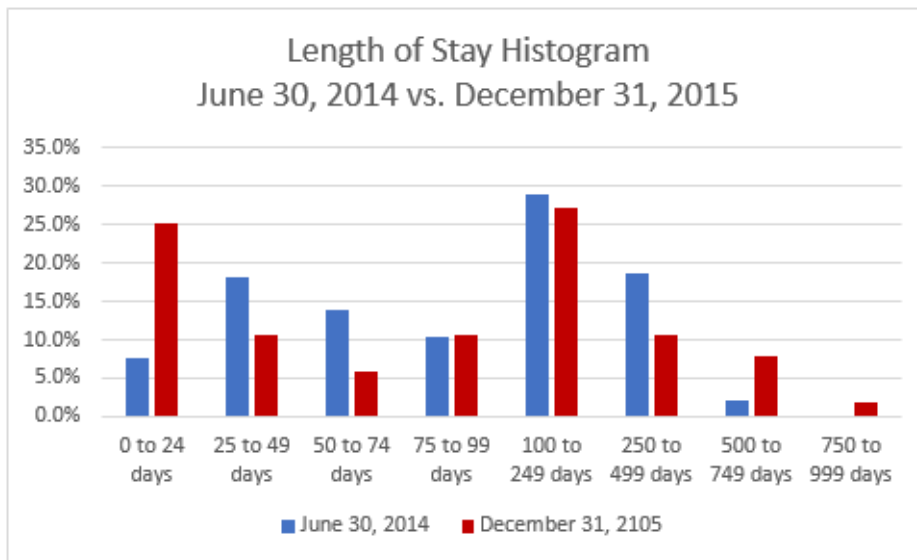
²² The remainder of these fields are completed with data from the systems, as was able to be accomplished. They do not total or account for the 2015 arrests due to the disparate systems that do not appear to tie together.

Table 4.3.2 – 1, Jail ALOS June 2014 versus December 2015

Time Increment	6/30/2014	12/31/2015
0 to 24 days	7.7%	25.2%
25 to 49 days	18.2%	10.7%
50 to 74 days	14.0%	5.8%
75 to 99 days	10.5%	10.7%
100 to 249 days	29.0%	27.2%
250 to 499 days	18.7%	10.7%
500 to 749 days	2.0%	7.8%
750 to 999 days	0.0%	1.9%

Depicted in a histogram, the data are as follows.

Figure 4.3.2 – 2, Distribution of Jail Population by Days Served

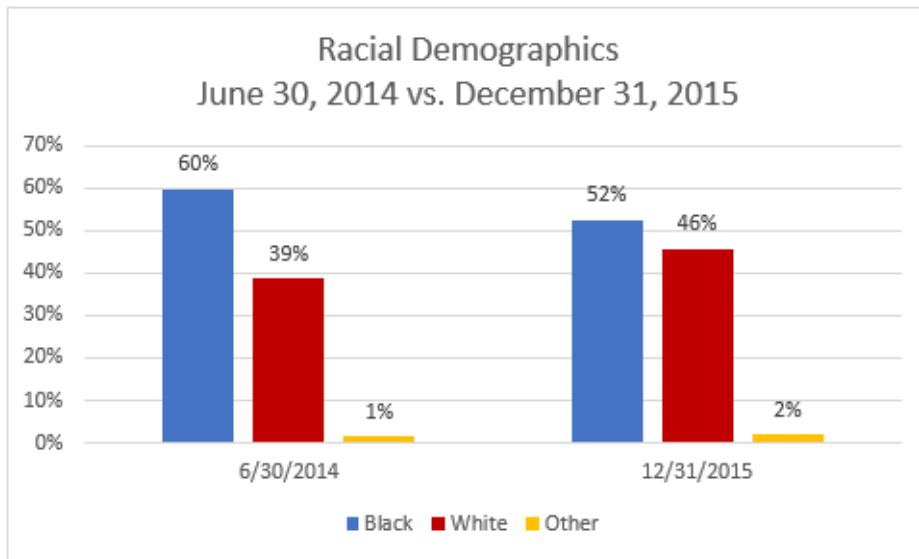


This shows a significantly shorter ALOS for those jailed in December 2015 (83 days) versus the ALOS in June 2014 (98 days). The pattern between the two years is roughly similar. However, there were more individuals on both the front end and the tail end of the distribution in 2015, with more than 500 days, for example. This may be, in part, an indication of the impact of HEA 1006. However, it also may be driven more by an increasing length of pre-trial detentions, such as related to a continuance problem or a complex case problem.

From a demographic perspective, the changes over time were as follows:

Figure 4.3.2 – 3, Racial Composition June 2014 versus December 2015

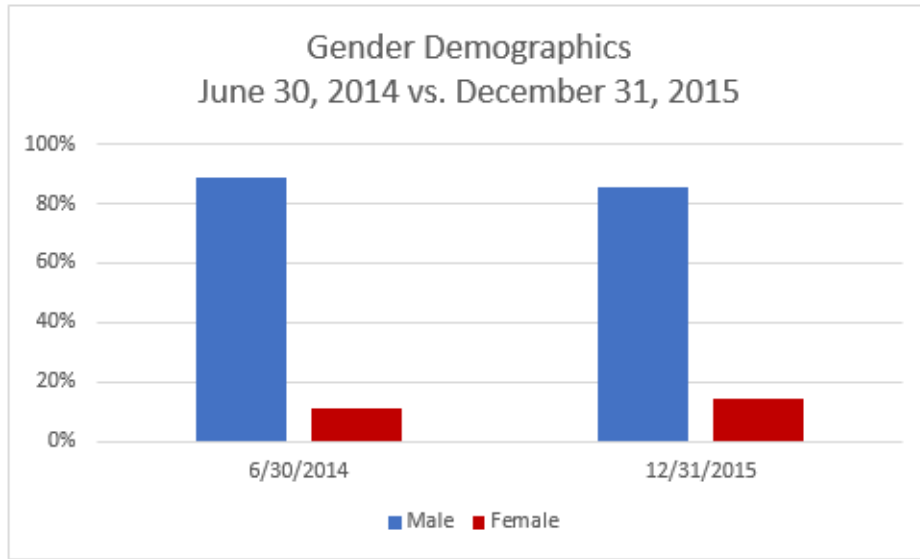
Race	6/30/2014	12/31/2015
Black	60%	52%
White	39%	46%
Other	1%	2%



The male/female breakdown of those incarcerated at the Jail is as follows.

Figure 4.3.2 – 4, Gender Composition June 2014 versus December 2015

Gender	6/30/2014	12/31/2015
Female	11%	15%
Male	89%	85%



The data show that there is a significantly higher percentage of jailed individuals who are female in 2015 versus 2014.

The ALOS was calculated based on OMS data only, and ignored any relationship between a “case” in Odyssey and a “case” in OMS, which was originally attempted as a methodology upon which to calculate ALOS. This more simple analysis looked at only two tables: bookings (for arrest/release and demographic data) and charges (actual charge data for the bookings, with indicator as to the primary offense if there were multiple offenses under one arrest). The breakdown of ALOS by charge type is as follows.

Figure 4.3.2 – 5, Pretrial ALOS by Charge

Charge	Total Individuals	ALOS	Min	Max
FA	1,012	90.04	0	455
FB	2,784	65.92	0	383
FC	1,050	61.22	0	384
FD	2,262	40.56	0	293
MA	17,559	5.17	0	64
MB	3,919	2.71	0	39
MC	1,521	1.60	0	35

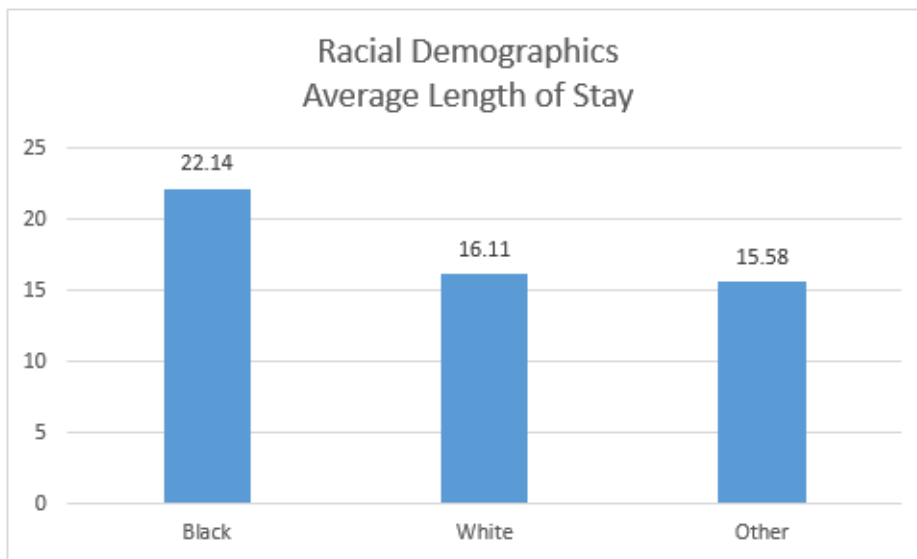
Because of the potential variability of the ALOS of those charged with murder, additional detail is provided below.

Figure 4.3.2 – 6, Pretrial ALOS by for Murder Charge

Days	Total Individuals	ALOS
0 to 25	169	7.78
26 to 50	22	35.55
51 to 100	21	79.67
101 to 250	29	175.90
251 to 500	74	367.27
501 to 750	32	584.41
751 to 1,000	4	882.50

The demographic breakdown for all individuals jailed pretrial is provided below.

Figure 4.3.2 – 7, Pretrial ALOS by Race



Broken out only by charge type and race and not controlling for other factors like indigency, the data are as follows.²³

Table 4.3.2 – 8, Pretrial ALOS by Race and Charge

Charge	Black	White	Other
FA	79.60	102.67	191.94
FB	68.19	61.79	63.50
FC	60.29	62.46	0.00
FD	42.34	38.95	42.64
MA	5.06	5.35	2.43
MB	2.88	2.57	2.21
MC	1.96	1.44	0.36

Within the data reviewed, a significant number of individuals with multiple arrests can be identified, and these arrestees take up a disproportionate number of criminal justice resources.

Figure 4.3.2 – 9, Repeat Arrestees Impact on Jail Nights

Statistic	2013	2014	2015
Count	14,228	22,608	26,684
Jail Days	400,816	555,696	496,129
ALOS	28.17	24.58	18.59

In summary, the ALOS for a repeat case was 19-28 days over this time period.

4.3.3. Court Timeliness Data

The length of time that an individual’s court case takes is related to many different factors, including the severity of the crime, representation, continuances, court processes, and other contributing factors. The metrics that follow attempt to provide context, with a specific focus on the length of time individuals are kept in Jail pretrial.

Based on the effort to link the OMS data to Odyssey data, the table below shows that the vast majority (69 percent) of individuals arrested receive their initial hearing within two days, with another 20 percent receiving their initial hearing within five days of arrest.²⁴

²³ Guidance on changes to felony classifications provided by Deputy Prosecutor David Rimstidt, 7/27/2016.

²⁴ This was calculated by taking the arrest date from OMS and the “Initial Hearing” date from Odyssey for the same case number. It would not account for the first interaction with a judicial official if that is not recorded in Odyssey.

Table 4.3.3 – 1, LOS Before Initial Hearing

LOS before Initial Hearing	Count of Inmates	Pct	Jail days from Commitment to Initial Hearing	Pct	Plain English
0 to 2 days	21,477	69%	14,805	17%	69% of inmates account for 17% of jail days from commitment to initial hearing
3 to 5 days	6,387	20%	25,733	29%	20% of inmates account for 29% of jail days from commitment to initial hearing
6 to 10 days	2,780	9%	18,116	20%	9% of inmates account for 20% of jail days from commitment to initial hearing
11 to 20 days	219	1%	3,060	3%	1% of inmates account for 3% of jail days from commitment to initial hearing
21 to 30 days	110	0.4%	2,851	3%	1.2% of inmates account for 31% of jail days where length of stay before initial hearing is greater than 20 days.
31 to 50 days	99	0.3%	3,810	4%	
51 to 100 days	91	0.3%	6,411	7%	
101 to 200 days	37	0.1%	5,214	6%	
201 to 300 days	14	0.0%	3,581	4%	
301 to 400 days	11	0.0%	3,770	4%	
401 to 500 days	4	0.0%	1,756	2%	

Additionally, the review of the data shows that whether an individual is indigent or not does not have a major impact on the length of time from arrest to initial hearing. The ALOS from commitment to initial hearing for indigent individuals is 2.78 days, compared to 3.12 days for non-indigent individuals. However, indigency correlates highly with longer days in jail overall. The ALOS from commitment to release from jail is 24 days for the indigent, compared to 27 for non-indigent. However, indigent cases accounted for 77 percent of the overall non-dismissed case volume for 2015 and, as such, accounted for 88 percent of jail days (as measured by commitment date to release date).

When it comes to the time between the initial arrest and the date of disposition, of course, the amount of time varies much more dramatically. This is the data that directly impacts the Marion County Jail capacity issue.

Table 4.3.3 – 2, LOS to Disposition

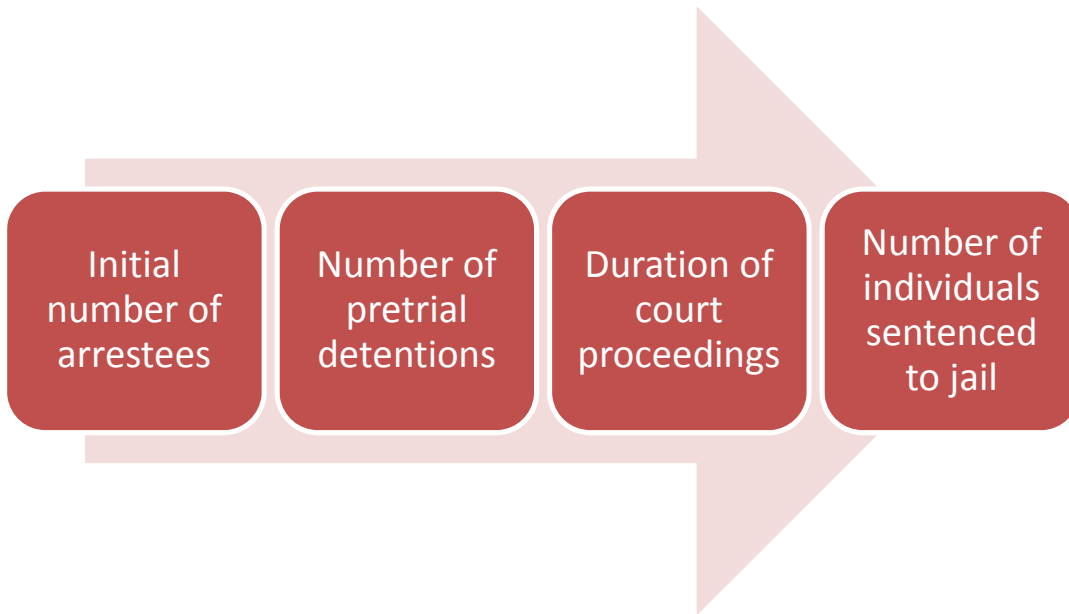
LOS before Final Disposition	Count of Inmates	Pct	Jail days from Commitment to Final Disposition	Pct	Plain English
0 to 2 days	4,655	40%	6,432	1%	40% of inmates accounted for 1% of jail days from commitment to final disposition
3 to 5 days	2,101	18%	8,060	1%	18% of inmates accounted for 1% of jail days from commitment to final disposition
6 to 10 days	1,311	11%	9,676	2%	11% of inmates accounted for 2% of jail days from commitment to final disposition
11 to 20 days	785	7%	11,530	2%	7% of inmates accounted for 2% of jail days from commitment to final disposition
21 to 30 days	352	3%	8,834	2%	3% of inmates accounted for 2% of jail days from commitment to final disposition
31 to 50 days	405	3%	16,491	3%	3% of inmates accounted for 3% of jail days from commitment to final disposition
51 to 100 days	554	5%	40,196	7%	5% of inmates accounted for 7% of jail days from commitment to final disposition
101 to 200 days	573	5%	85,679	15%	5% of inmates accounted for 15% of jail days from commitment to final disposition
201 to 300 days	338	3%	83,342	15%	3% of inmates accounted for 15% of jail days from commitment to final disposition
301 to 400 days	218	2%	76,289	13%	2% of inmates accounted for 13% of jail days from commitment to final disposition
401 to 500 days	136	1%	60,358	11%	1% of inmates accounted for 11% of jail days from commitment to final disposition
501+ days	243	2%	163,607	29%	2% of inmates accounted for 29% of jail days from commitment to final disposition

The total Jail days held to final disposition in the period under study was 570,494. The table demonstrates that, for example, 5 percent of the Jail inmate population accounts for 53 percent of all jail days.

4.4. High Level Process Overview and Questions

As a first step in the process of analyzing how data could be better used to support decisions made regarding incarceration, the BKD team worked with the Steering Committee and other stakeholders to identify the major factors influencing the demand on Jail resources. These were identified as:

Figure 4.4 – 1, Major Factors in Jail Population



Next, the BKD team worked with the Steering Committee to identify some initial, potential questions and areas of focus aimed at identifying opportunities to reduce the number of individuals incarcerated in the Marion County Jail. The initial potential areas of focus identified by the Steering Committee included:

1. **Diversion of individuals with only mental illness issues to alternative settings.**
2. **Broaden the IMPD officer exposure to Crisis Intervention Training (CIT), impacting the frequency of arrests.**
3. **Overcoming system integration issues – Odyssey and OMS, Informer – in order to create reports and metrics that enable stakeholders to more aggressively manage jail populations.**
4. **Measuring/enhancing the effectiveness of Marion County Community Corrections (“MCCC”) to increase utilization without increasing the public safety risk.**
5. **Measuring/improving the efficacy of drug treatment interventions.**
6. **Analyzing pretrial detention decisions for trends and insights.**
7. **Improving court processing times.**
8. **Improving coordination of jail transport issues (with the State and other local jurisdictions).**
9. **Increasing crime lab staffing and the timeliness of lab processes.**

10. Developing targeted interventions regarding “frequent arrestees” to reduce their impact on jail resources.

11. Identifying neighborhood resources and their ability to impact the number of arrestees from those neighborhoods.

These initial questions were considered by the Steering Committee, along with the insights that the BKD team brought from its SME, Jane Wiseman, as well as other criminal justice data analytics projects:

Table 4.4 – 2, Potential “Levers” to Mitigate Demand on Jail Resources from Criminal Justice Research

Initial Contact/ Arrest (IMPD)	Arrestee Processing (Sheriff)	First Appearance/ Pretrial Decision (Court)	Pretrial Detention (Sheriff)	Sentencing (Court)	Jail Sentence (Sheriff)	Alternative Sentence (Probation, Community Corrections, Drug Court)	Post-release (Parole, Probation, Community Corrections, Reentry Court)
<p>Could citation release be used in more situations?</p> <p>Could IMPD decide not to take enforcement action for certain crimes?</p>	<p>Are mental health and substance abuse diversion options available?</p> <p>If so, are staff aware of and trained to make such referrals?</p> <p>Could pretrial risk assessment be performed at APC?</p>	<p>Is risk used to make the pre-trial detention decision?</p> <p>Is indigence screening used to assure defendants are not held simply for lack of bail funds?</p> <p>For released defendants, can automated court date reminders be used to reduce FTA rates?</p> <p>For released defendants is supervision level appropriate?</p>	<p>Are detention decisions revisited while defendant awaits trial?</p> <p>Can court processing speed (including fewer appearances) be improved to decrease ALOS for detainees? (Court)</p>	<p>Can more offenders be diverted to Mental Health Alternative Court?</p> <p>Can special populations (homeless, mothers of young children) receive services as alternative to incarceration?</p> <p>Can alternative sentences (supervision, community service) be expanded?</p> <p>Can technology expand use of alternatives to incarceration?</p>	<p>What changes in supervision can reduce the # of inmates serving due to revocations? (Probation, Parole)</p> <p>Can more inmates participate in step-down or pre-release programming?</p> <p>What additional in-custody services and supports can help reduce recidivism?</p>	<p>For those sentenced to probation, can risk assessment better target levels of supervision?</p> <p>Can revocations use alternatives to jail?</p>	<p>Are supports in place to prevent recidivism?</p>

4.5. Drivers of Focus Questions

The BKD team then conducted an on-line, anonymous voting exercise among members of the Steering Committee whereby the Steering Committee members selected those areas of focus that they felt hold the *most promise* for reducing the demand on Jail resources in a manner that does not compromise public safety considerations. The top three areas of focus selected by the Steering Committee were:

Figure 4.5 – 1, Steering Committee Highest Priority Focus Areas



For the remainder of the project and the development of this Strategic Plan, the BKD team narrowed its focus to these topics.

5. Literature and Best Practices Overview

Jane Wiseman, a BKD team resource who is a nationally-recognized and published expert in criminal justice reform, led efforts to identify research and best practices that can inform Marion County's efforts. The information that follows is based on a review of recent studies and other sources. Review of the literature informs our development of options for the three focus areas selected by the Steering Committee. Discussed below are research findings relevant to:

- Mass incarceration and jail populations, the national context
- Mental illness as a factor in incarceration
- Community corrections and pretrial decision making
- Judicial process efficiency
- Other relevant research supporting jail population reduction strategies

See **Appendix 2** for a listing of resources referenced in this section.

5.1. Mass Incarceration and Jail Populations, the National Context

Following the 2014 publication of *The Growth of Incarceration in the United States* by the National Research Council, the media, the public, and funders have paid increasing attention to solving the problem of mass incarceration. With nearly 1 in 100 adults in prison or jail, the United States' incarceration rate is 5 to 10 times higher than countries in Western Europe, and unprecedented in our nation's history. This burden exacts cost on families, communities and government budgets. In just one example of a bold response to ending mass incarceration, the MacArthur Foundation has invested \$75 million in reducing jail incarceration, and the jurisdictions receiving funds plan to reduce incarceration in their communities by as much as 25 percent with their grants.

5.1.1.Reducing Jail Population is Achievable

While the challenge of addressing mass incarceration is great, some early successes demonstrate that reducing jail and prison populations is possible with a variety of methods, while preserving community safety. For example:

- In New Orleans, plans to build a new jail inspired a fresh look at incarceration and a concerted effort to reduce their jail population. Two key factors played a role – deciding not to arrest for possession of small amounts of marijuana and for other low level offenses; and, development of a risk-based pretrial system for making pretrial decisions. So far the pretrial program has been successful – a report showed that 95 percent of those released show up for court and 96 percent remain arrest-free while waiting for their day in court. Total incarceration in New Orleans has decreased by 2/3 in the last decade, due in part to these two initiatives.²⁵
- Harris County, Texas has reduced its jail population by 25 percent since 2009 through a variety of initiatives including an exemplary pretrial services program.
- Milwaukee County achieved a 10 percent drop in its prison population between 2007 and 2014 by choosing not to prosecute low level offenses and choosing alternative sentences, including drug treatment and behavioral interventions for those low level offenders. Prosecution of misdemeanors has dropped 42 percent in that time. No charges are filed for possession of drug paraphernalia and increased scrutiny is given before pressing charges for burglary.²⁶
- New Jersey reduced its prison population 25 percent by granting parole at higher rates, changing drug sentencing, and reducing the number of parole violators incarcerated.
- The Mecklenburg County, North Carolina jail population has dropped 20 percent since they began using a risk-based pretrial detention process, aided by the Public Safety Assessment-Court tool developed by the Laura and John Arnold Foundation.²⁷

5.1.2.Public Opinion Favors Justice Reform

According to a national survey conducted last year, public support for justice reform is strong and growing. Selected findings of this survey are summarized below.²⁸

Public confidence in government's administration of justice is declining. Over the last three years, public confidence dropped from 40 percent to 29 percent of respondents in a national survey saying that

²⁵ The Data Center, June 2015.

²⁶ <http://www.newyorker.com/magazine/2015/05/11/the-milwaukee-experiment>

²⁷ <http://www.arnoldfoundation.org/more-than-20-cities-and-states-adopt-risk-assessment-tool-to-help-judges-decide-which-defendants-to-detain-prior-to-trial/>

²⁸ <http://www.pretrial.org/download/advocacy/Voters-Want-3DaysCount-Solutions.pdf>

management of the justice system was excellent or good. Sixty-seven percent of the public now thinks the government is doing a fair or poor job with our justice system.

A majority of individuals think the justice system is weighted toward the wealthy and against the poor, with 69 percent of survey respondents saying the justice system favors the rich and only 13 percent saying the justice system treats everyone fairly regardless of income. With regard to incarceration, 83 percent of respondents believe that people with money are able to buy their way out of jail, while the poor remain incarcerated.

Research-based solutions, such as pretrial decision-making based on risk rather than ability to pay bail, are widely accepted among survey respondents. Initiatives that could reduce jail crowding are widely supported by public opinion:

- 76 percent support issuing citation in lieu of arrest for low-level, nonviolent offenses
- 84 percent favor using risk assessment as the basis for deciding who is detained pretrial

In fact, support for risk-based decision-making was such that 28 percent believe that it is already in use. This survey results transcend political party lines as well as racial and ethnic group. Holding those who are not a danger to others and those who do not pose a flight risk is a primary contributor of jail over-population.

5.2. Mental Illness Is a Significant Factor in Incarceration

The de-institutionalization of individuals with mental illness from hospitals into communities, which began in the 1960s, has increased the interaction of individuals with mental illness in all aspects of our society. Perhaps the most vexing and visible aspect is the increased contact between individuals suffering mental illness and our justice system, from law enforcement to corrections. As a result, now there are more people with mental illness incarcerated than are in psychiatric hospitals.²⁹ Individuals with mental illness are jailed at a rate four to six times that of the general population and the Bureau of Justice Statistics reports that 60 percent of jail inmates have had some mental health issue in the past 12 months.³⁰

5.2.1. Untreated Mental Illness Can Trigger Engagement with the Justice System

While media attention to high-profile incidents often suggests a link between mental illness and violence, research shows this to be false. Mental illness alone does not predict violent crime. It is only when mental illness is coupled with a substance abuse disorder, or a triggering destabilizing event, that it can result in higher incidence of violent crime.³¹ Those with mental illness who commit violent crimes with intent should be held accountable for their actions. However, when considering non-violent acts committed by those with mental illness, a different perspective is in order.

Individuals with mental illness may act out in ways that are related to the symptoms of their illness, but are not violent crimes. Typical symptomatic mental illness behaviors that may be deemed criminal include public order and “nuisance” offenses such as trespassing, loitering, disturbing the peace, and disorderly conduct. Many of these low level offenses have received increased attention from law enforcement in recent years as part of strategies to combat violent crime by addressing low level offenses.

²⁹ http://www.treatmentadvocacycenter.org/storage/documents/final_jails_v_hospitals_study.pdf

³⁰ Bureau of Justice Statistics, 2006.

³¹ Elbogen, 2009.

Some individuals with mental illness self-medicate with illegal drugs to alleviate symptoms of their untreated illness. While the drug use itself is illegal, the root cause was an illness that perhaps with appropriate treatment could have avoided criminal behavior, and any resulting contact with the justice system. Inmates with mental illnesses have been shown to have higher rates of substance abuse disorder than the general population.

5.2.2. Jails are Often Ill-equipped to Deal with Mental Illness

While correctional facilities have become the “service provider of last resort” for individuals with mental health issues, and in some cases de facto mental hospitals, few jails or prisons are equipped to serve the unique needs of those with mental illness. A Bureau of Justice Statistics study in 2006 found that, nationally, 83 percent of jail inmates did not have access to treatment for their mental illness once incarcerated.³² As a result of lack of access to treatment, many individuals with mental illness leave incarceration in worse mental health than when they arrived. The cycle may continue upon release, as erratic or criminal behavior results from their worsening illness invoking additional criminal justice system sanctions.

5.2.3. Mental Illness Exacts a Disproportionate Cost on the Justice System

Individuals with mental health diagnoses take up a disproportionate share of jail resources – they are detained in solitary confinement at nearly twice the rate of the general population, and they spend twice as long in custody as the general population.³³ They are difficult to rehabilitate and experience pre-incarceration joblessness, homelessness, and substance abuse problems at higher rates than the general population.³⁴ Inmates with mental illness are twice as likely to be involved in an assault, and twice as likely to sustain injuries during an altercation while incarcerated. The disciplinary and health care costs of these incidents add to the overall cost of incarcerating those with mental illness.

Many individuals with mental illness have difficulty finding care when they leave incarceration due to lapsed insurance coverage, disruption of prior service relationships, and the reluctance of providers to serve returning inmates. As a result, recidivism is higher for those with mental illness than for the general population. Forty-nine percent of federal prisoners with mental illnesses have three or more prior probations, incarcerations, or arrests, compared to 28 percent without mental illnesses.³⁵

5.2.4. Diversion to Treatment Improves Outcomes and Saves Cost

Research shows that with treatment, most low level offenders with mental illness can return to productive lives and remain crime-free. Diversion into treatment can address the underlying conditions that may have led to their inappropriate and criminal behavior. Several examples demonstrate the effectiveness of diversion.

- The Memphis Police Department has been working with mental health specialists since 1988 to divert individuals in need of treatment away from the justice system using Crisis Intervention Teams. Results include lower arrest rates, lower rates of injury to officers and to individuals with mental illness, as well as increased access to mental health treatment and reduced rates of jail suicides. The model is now being used in 2600 police departments³⁶.

³² Bureau of Justice Statistics, 2006.

³³ Cloud et al, 2014, Vera, 2011.

³⁴ Bureau of Justice Statistics, 2006.

³⁵ Ditton, 1999.

³⁶ <http://cit.memphis.edu/>

- Miami saves \$12 million a year on jail costs by diverting people in mental health crisis to treatment instead of arrest. After 50,000 mental illness-related calls for service, they made only 109 arrests – everyone else was helped in more appropriate, humane, and lower-cost ways.³⁷
- Portland, Oregon saved \$16 million in jail costs in a 2-year period by pairing police officers with mental health professionals to deliver coordinated services in the community instead of processing in the criminal justice system for low level offenses committed by individuals with mental illness.
- A 58 percent drop in recidivism was achieved for low level drug offenses and prostitution in Seattle’s Law Enforcement Assisted Diversion (“LEAD”) pre-booking diversion program, with supportive community services such as drug and mental treatment, housing and jobs.³⁸ While LEAD is not a mental health diversion program per se, the social services and case management resources provided do address mental health needs.
- Those with mental health needs not diverted at the point of arrest may be more appropriately sentenced via specialty mental health courts, which have been shown to significantly reduce recidivism compared to standard court processing.³⁹

5.2.5. Transition Planning Can Significantly Improve Health Outcomes.

An innovative approach to delivery of health care services in the jail in Hampden County, MA was awarded with the Innovations in American Government award in 2002.⁴⁰ As part of the public health approach, inmates are screened for a variety of illnesses, including mental illness. In addition to providing treatment while incarcerated, Hampden is proactive in managing the transition from incarceration back to the community. A mental health discharge planner meets with an inmate several times in the months prior to release. During these meetings, they identify a mental health provider in the community who will see the inmate upon release and schedule an appointment. An inmate with a mental illness leaves the Hampden County jail with five days of their needed medicine, a prescription for renewal and an appointment to see a mental health provider in their community. Discharge planning begins as soon as the inmate arrives and includes Social Security and Medicaid enrollment.

Results from this program include both improved mental health and also greater success with employment and family and social functioning. Lower crime and lower use of emergency room services have also been noted.

5.2.6. Providing Mental Health Care for Released Inmates Can Reduce Crime, Cost, and Recidivism

Post-release supports for mental wellness are effective, too -- a program that provides mental health treatment for those leaving prison in the State of Washington provides \$1.53 in total economic benefit for every \$1 spent, largely through the cost of avoided crime. The net benefit per program participant is \$55,000, with a 42% reduction in felony recidivism⁴¹.

³⁷ <https://www.whitehouse.gov/the-press-office/2016/06/30/fact-sheet-launching-data-driven-justice-initiative-disrupting-cycle>

³⁸ <https://depts.washington.edu/harrtlab/wordpress/wp-content/uploads/2015/04/2015-04-08-LEAD-Press-Release-and-Evaluation-Summary.pdf>

³⁹ <https://www.ncjrs.gov/pdffiles1/nij/grants/238264.pdf>

⁴⁰ <http://www.cochs.org/files/Hampden-Model.pdf>

⁴¹ <http://www.wsipp.wa.gov/BenefitCost/Program/8>

5.3. Community Corrections and Pretrial Decision-Making

This section addresses relevant findings from the literature on both community corrections literature and pretrial decision-making because Marion County supervises some pretrial defendants via its Community Corrections program. Nationally, two-thirds of the jail population is comprised of pretrial defendants.⁴² Pretrial defendants account for 95 percent of jail population growth over the last decade and a half. Surprisingly, while crime rates have been declining, our justice system has doubled the rate at which we detain pretrial defendants.⁴³

Given that over 80 percent of jail inmates in Marion County are being held pretrial, it would be instructive to examine the reasons that so many more pretrial defendants are held in Marion County than in the rest of the United States. Selected relevant research on pretrial decision-making follows.

5.3.1. Pretrial Release Decisions Based on Risk Can Decrease Jail Population without a Negative Impact on Community Safety

Experts say that up to 25 percent of those detained pretrial might be safely released until trial.⁴⁴ Those with lower risk, such as older defendants with clean records and accused of non-violent crimes could be released, while those with higher risk—for example, younger defendants with multiple offenses on their record—might merit supervision or detention. Those who can safely await trial in the community can continue working (and paying taxes), taking care of their families, and contributing to society. Released defendants also have the opportunity to meet with their lawyers and adequately prepare for trial.

Research performed by the Arnold Foundation shows that lower risk defendants detained for the entire pretrial period are over five times more likely to be sentenced to jail than lower risk defendants released at some point pretrial.

A study by the Vera Institute highlighted the success of agencies using risk-based decision-making for pretrial detention. Washington, D.C. Pretrial Services Agency releases 88 percent of defendants on their own recognizance, with only 11 percent of that group being re-arrested and another 11 percent failing to appear in court. Compared to the national average, those released in D.C. are two and a half times more likely to remain arrest free and one and a half times as likely to show up for court.⁴⁵

Kentucky implemented a statewide, risk-based decision making using the Public Safety Assessment-Court tool, developed by the Laura and John Arnold Foundation. This tool assesses risk for each defendant – so low-risk individuals can be released and high-risk individuals remain detained. Kentucky now releases 70 percent of defendants pretrial. Those released were twice as likely to return to court and to stay arrest-free as those in other jurisdictions.⁴⁶ Kentucky saves over \$100 million⁴⁷ a year in avoided cost due to the implementation of risk-based decision-making at the pretrial stage.

Risk-based pretrial decisions also improve the fairness of our justice system. Research shows that defendants who already have advantages (higher income, employment) are released more often than the

⁴² <http://www.pretrial.org/>

⁴³ *Ibid.*

⁴⁴ http://www.nytimes.com/2011/05/31/opinion/31baradaran.html?_r=1

⁴⁵ <https://www.psa.gov/?q=node/499>

⁴⁶ <http://www.arnoldfoundation.org/wp-content/uploads/2014/02/PSA-Court-Kentucky-6-Month-Report.pdf>

⁴⁷

<http://www.pretrial.org/download/infostop/Kentucky%20Pretrial%20Services%20History%20Facts%20and%20Stats.pdf>

less advantaged (lower income, minority) people, even for the same crime when using a traditional bail schedule rather than risk based decision-making.⁴⁸

5.3.2. Pretrial Release Decisions Based on Risk Assessment Reduce Long-term Jail Population

Increased use of pretrial release for low-risk defendants can lower current and future jail costs while improving community safety. A recent study shows that pretrial detention for lower risk defendants can be criminogenic. Specifically:⁴⁹

- “When held 2-3 days, low-risk defendants are almost 40 percent more likely to commit new crimes before trial than equivalent defendants held no more than 24 hours.”
- “When held 8-14 days, low-risk defendants are 51 percent more likely to commit another crime within two years after completion of their cases than equivalent defendants held no more than 24 hours.”

Pretrial defendants who were detained for the entire pretrial period were over four times more likely to be sentenced to jail and over three times more likely to be sentenced to prison than defendants who were released at some point pending trial. The sentences they received were also significantly longer – nearly three times as long for defendants sentenced to jail and more than twice as long for those sentenced to prison.

5.3.3. Risk-based Pretrial Decision-Making is Fiscally Sound in Addition to Being More Just

To date, no rigorous cost-benefit studies have examined pretrial programs. However, a detailed model⁵⁰ allows jurisdictions to analyze the potential costs and benefits of various scenarios. Release is clearly at a lower cost than detention; defendants released on their own recognizance cost essentially nothing. For a defendant released and supervised while awaiting trial, the cost is 90 percent lower than the cost to incarcerate (\$7.17 per day for supervision versus \$74.61 to detain).⁵¹

Few jurisdictions have calculated the financial impact of risk based pretrial decision-making. All of those who have examined cost have found savings. Some examples include:

- The state of Kentucky saves \$102 million in avoided cost with risk-based pretrial⁵²
- Mesa County, Colorado saves \$2 million per year with their risk-based pretrial program without compromising public safety.
- The Southern District of Iowa uses risk-based detention and releases 15 percent more defendants than before, at a savings of \$1.7 million annually⁵³.
- The State of Maine saves \$2 million per year using a risk-based pretrial assessment⁵⁴.

⁴⁸<http://www.vera.org/sites/default/files/resources/downloads/incarcerations-front-door-report.pdf>

⁴⁹ http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF_Report_state-sentencing_FNL.pdf

⁵⁰ <http://www.m-w-consulting.org/pretrial-cost-benefit-model.html>

⁵¹ Reference <http://www.vera.org/blog/justice-katrinawake-rethinking-pretrial-justice-federal-level>

⁵² <http://www.pretrial.org/download/infostop/Kentucky%20Pretrial%20Services%20History%20Facts%20and%20Stats.pdf>

⁵³ <http://www.pretrial.org/download/risk-assessment/Alternatives%20to%20Pretrial%20Detention%20Southern%20District%20of%20Iowa%20-%20VanNostrand%202010.pdf>

⁵⁴ <http://mainepretrial.org/resources/case-processing-study.pdf>

- Allegheny County sent 30 percent fewer pretrial defendants to jail to await trial within a month of implementing risk based pretrial practices. A program to release some defendants to electronic monitoring saves \$1 million per year⁵⁵.

5.3.4. Supervision of Individuals Can Be Cost-Effective

Community corrections includes probation, the supervision of individuals sentenced to community supervision instead of jail or prison; and parole for those being supervised after release from prison. Regardless of whether the supervision is in lieu of incarceration (probation) or after a period of incarceration (parole), community supervision requires significantly less resource allocation than incarceration.

Effective supervision in the community of sentenced inmates can be a cost-effective method of maintaining community safety. Research shows that well-executed risk-based supervision can lead to lower recidivism, higher employment, and lower rates of drug use.

Appropriate levels of supervision are important to effective justice policy. Revocation of probation or parole, often for technical violations, has contributed significantly to the rise in incarceration over the past decades.⁵⁶ Supervision without treatment for the underlying conditions such as substance abuse is not effective at reducing recidivism.⁵⁷ Applying a laundry list of generic conditions of supervision to both high-risk and low-risk individuals has been shown to be counter-productive, with best practice recommending limited supervision of low-risk individuals and focused resources on those of higher risk. Long lists of conditions of supervision for low-risk individuals instead can distract their important re-integration efforts with the added time for supervisory appointments, drug tests, and the transportation to such appointments⁵⁸.

5.3.5. Supervision in the Community Reduces Jail Population and Can Be Done Without Additional Risk to Community Safety

While it can be expected that supervision will reduce the County jail population, research shows that supervision without treatment does not reduce recidivism. It is imperative that the County implement treatment programs that allow defendants to find treatment for the root cause of what originally led to them to jail. Diversion programs such as these have been adopted by numerous local jurisdictions around the country with great success.

According to the Council of State Governments Justice Center (“CSGJC”)⁵⁹, programs that successfully reduce recidivism contain three common elements:

- Intensive supervision and treatment for those at a high risk of reoffending
- Treatment focused on criminogenic needs (factors that contributed to someone breaking the law in the first place)
- Programs that are closely monitored and proven to succeed

⁵⁵ <http://www.pretrial.org/download/infostop/Pretrial%20Decision-Making-%20How%20a%20Model%20Pretrial%20Services%20Program%20Changed%20Allegheny%20County%E2%80%99s%20Criminal%20Justice%20System%20-%20Allegheny%20County%202014.pdf>

⁵⁶ http://tpj.sagepub.com/content/91/3_suppl/12S.abstract

⁵⁷ http://www.wsipp.wa.gov/ReportFile/952/Wsipp_Evidence-Based-Public-Policy-Options-to-Reduce-Future-Prison-Construction-Criminal-Justice-Costs-and-Crime-Rates_Full-Report.pdf

⁵⁸ https://www.uc.edu/content/dam/uc/ccjr/docs/articles/ticc04_final_complete.pdf

⁵⁹ <https://csjusticecenter.org/jr/posts/three-core-elements-of-programs-that-reduce-recidivism-who-what-and-how-well/>

5.4. Judicial Process Efficiency

Very little research has been conducted on the relationship between court process efficiency and jail populations. However, it stands to reason that one way to reduce the jail population is to bring cases to trial or plea agreement more quickly. This will reduce the number of jail days that pretrial defendants spend awaiting trial. Reducing the number of court appearances per trial may speed disposition. In addition, it may also reduce transportation and supervision costs of inmates who leave the jail to be present in court.

The National Center for State Courts developed a framework for measuring court process efficiency and fairness. With 10 areas of measurement from access to justice to processing cost per case, the range of performance areas covers a wide range. This effort to create objective measures of court process efficiency is supported with technical assistance and implementation resources for CourTools.

A number of states and counties have made judiciary performance data public, showing summary statistics for a variety of factors, typically by court rather than by judge. In some jurisdictions this has been helpful in making the case when additional resources are needed to address backlogs. Utah has made their court statistics public⁶⁰ for over a decade, and has found that having the information public has helped with resource allocation.⁶¹ Greater transparency can help build increased trust confidence in the fairness of our justice system.

Court efficiency statistics such as these are nowhere near commonplace, yet they offer an example of how Marion County could drive toward greater process efficiency, and could reduce jail population as a result.

5.4.1. Monitor Time to Disposition

The National Center for State Courts, in partnership with the Conference of State Court Administrators, has developed standards for timely administration of justice along a variety of metrics, including disposition time for cases. According to these standards, 75 percent of felonies should be resolved in 90 days, 90 percent within 180 days and 98 percent within 365 days. For misdemeanors, the standards recommend that 75 percent of cases are resolved in 60 days, 90 percent of cases in 90 days, and 98 percent of cases within 180 days.⁶² While Indiana is not one of the states participating in this measurement effort, the national benchmark may yet be a helpful reference point.

For all courts in the county, the average number of days from first appearance to disposition in Marion County is 119 days in 2015, down from 152 days in 2014. This shows significant progress. Analysis by court of the time to disposition of cases in Marion County demonstrates a wide range of results. A review of the characteristics of the courts with the longest time to disposition and the shortest time may lead to actionable insights on how to reduce the total and average number of days to disposition, thus reducing jail population.

Displaying this data on a dashboard might help to focus attention on outlier courts. The Cuyahoga County Prosecutor has a dashboard with a set of helpful performance metrics across the justice system on its website.⁶³ It is easy to see the average number of days in jail, by charge for those awaiting trial.

⁶⁰ <https://www.utcourts.gov/courtools/>

⁶¹ <http://www.governing.com/columns/smart-mgmt/measuring-the-efficiency-of-courts.html>

⁶²

http://www.courtools.org/~media/Microsites/Files/CourTools/courtools_Trial_measure3_Time_To_Disposition_pdf.ashx

⁶³ <http://prosecutor.cuyahogacounty.us/en-US/justice-system-performance-county-jail-analysis.aspx>

Further, the dashboards provide an easy way to see by judge, the average number of inmates and average number of days for those awaiting trial.⁶⁴

Additional judicial efficiencies may be available by more fully leveraging the tools of the modern workplace and by optimizing administrative, operational and back-end processing of non-core functions such as payments and by allowing increased customer self-service.

5.4.2. Video Court Appearances

While not yet proven in the research, early efforts to save time and money in the criminal justice process can be found in the video court appearance project of Maricopa County, Arizona. Implementing video appearances is anticipated to reduce pretrial detention time by 50 percent due to increased speed of decisions. In addition, cost savings associated with transportation and supervision costs will be reduced because instead of going to 24 different court locations, defendants will be taken to one central location and connected to the various courtrooms via a video conferencing system. This speeds processing considerably.⁶⁵

5.4.3. Court Reminders

Marion County courts may experience inefficiency resulting from the failure of a victim, witness, or defendant to appear in court on the scheduled date and time. When this happens, it slows court processes and results in increased jail days when an individual is incarcerated for a failure to appear violation.

Several jurisdictions have been able to improve court efficiency by implementing systems to remind defendants of their court date. Research has shown that reminders, particularly when mentioning sanctions for failure to appear, can be effective in improving appearance rates⁶⁶.

- Los Angeles County improved appearance rates by 25% when they implemented an automated phone call system to remind defendants of court dates.⁶⁷
- Jefferson County, Colorado decreased its failure to appear rate by 43% when they implemented a court date reminder program.⁶⁸
- In Coconino County, Arizona a court reminder call initiative significantly reduced failures to appear with very little effort. The failure to appear rate was reduced from 25 percent in the control group to 6 percent in the reminder group when the caller spoke directly to the defendant, 15 percent when a message was left with another person, and 21 percent when a message was left on an answering service.⁶⁹

5.5. Other Relevant Research Supporting Jail Population Reduction Strategies

5.5.1. In-Custody Programming Can Reduce Recidivism

Marion County seeks to reduce its jail population. Services provided in custody do not reduce current population but can reduce future population by making inmates more successful as they return to the community. Effects may not be immediate but may be significant. Effective programming for incarcerated offenders has been proven effective in increasing their success post-release. For example:

⁶⁴ <http://prosecutor.cuyahogacounty.us/en-US/justice-system-performance-daily-jail-census.aspx>

⁶⁵ <https://www.superiorcourt.maricopa.gov/SuperiorCourt/E-Courtroom/index.asp>

⁶⁶ <https://www.ncjrs.gov/pdffiles1/nij/grants/234370.pdf>

⁶⁷ http://www.courts.ca.gov/documents/LosAngeles-CourtAppearanceReminder-Presentation_ikc.pdf

⁶⁸ <http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1396&context=ajacourtreview>

⁶⁹ <https://s3.amazonaws.com/static.nicic.gov/Library/022997.pdf>

- A cost benefit analysis performed by the Washington State Institute for Public Policy shows a return on investment of \$75 for every \$1 spent on job training during incarceration and an \$18 benefit for every \$1 spent on education during incarceration. Offenders who end their period of incarceration in work release programs return \$9.32 for every \$1 invested.⁷⁰
- Those who participate in substance abuse treatment during incarceration are less likely to use drugs after release.⁷¹
- Educational and vocational services reduce recidivism -- Prisoners who participate in job training and educational programs are less likely to return to prison after release⁷²

While services provided in custody do not have an immediate impact on jail population, their long term impact is significant. Furthermore, in addition to helping reduce recidivism, future jail costs and improve community safety, these approaches are a humane way to treat those who are incarcerated.

According to the Public Safety Performance Project of the Pew Center on the States, properly designed and implemented risk assessments can help to accurately classify offenders, as well as target the specific treatment and services required to reduce recidivism.⁷³ Additional data collection and analysis would help the County determine the types of programs inmates need in order to re-acclimate to society upon release.

5.5.2. Re-entry programming can Reduce Recidivism

While the focus is on short term jail population reduction, certain release planning and post release supports can increase the likelihood of success as inmates transition back to society. The most significant barriers former inmates face in successful reentry are obtaining satisfactory employment and housing, arranging successful family reunification, obtaining health and mental health care and arranging transportation. Successful reentry has been found to be both spatial and temporal – returning former inmates are most likely to be successful if supported in the critical first 30 and 90 days post incarceration.

The keys to successful reentry are well established in the research. Former prisoners who participate in an employment program or substance abuse treatment are better able to avoid re-incarceration the first year out.⁷⁴ Former prisoners who worked before prison and those who find employment soon after release are less likely to be re-incarcerated one year out⁷⁵. Being released to parole supervision helps former prisoners find employment and simultaneously reduces their likelihood of substance use after release.⁷⁶

While limited research addresses in a rigorous manner the specific programs and policies implemented at the local level, early results are promising for several initiatives. For example, in Allegheny County, participation in voluntary reentry program decreased probability of re-arrest by 24%.⁷⁷

⁷⁰ <http://www.wsipp.wa.gov/BenefitCost>

⁷¹ <http://www.urban.org/research/publication/one-year-out-experiences-prisoners-returning-cleveland>

⁷² <http://www.urban.org/policy-centers/justice-policy-center/projects/returning-home-study-understanding-challenges-prisoner-reentry>

⁷³ <http://www.pewtrusts.org/en/projects/public-safety-performance-project/about>

⁷⁴ <http://www.urban.org/policy-centers/justice-policy-center/projects/returning-home-study-understanding-challenges-prisoner-reentry>

⁷⁵ Ibid.

⁷⁶ <http://www.urban.org/research/publication/returning-home-parole-former-prisoners-experiences-illinois-ohio-and-texas>

⁷⁷ <http://www.pretrial.org/download/infostop/Pretrial%20Decision-Making-%20How%20a%20Model%20Pretrial%20Services%20Program%20Changed%20Allegheny%20County%E2%80%99s%20Criminal%20Justice%20System%20-%20Allegheny%20County%202014.pdf>

5.5.3. Examination of Bail Amounts May Lead to Decreases in Jail Population

In many jurisdictions, there is a significant jail population who are held pretrial simply because they cannot afford their bail amount. A study performed by the Vera Institute found that more than 54 percent of the defendants held until case disposition had to do so because they could not afford bail of \$2,500.⁷⁸ According to the Bureau of Justice Statistics, in the nation's largest counties, 34 percent of pretrial detainees waited in jail until the time of their trial simply because they could not make bail. That same study found that the median wait in jail before trial is 68 days.⁷⁹

While the rate of incarceration of pretrial defendants who cannot make bail in Marion County may well be far below the 34 to 54 percent found in these studies, further examination is merited to determine if even a small number of those incarcerated in jail might be safely returned to the community. Data from a national study conducted by the Federal Reserve shows that nearly half of Americans do not have \$400 for emergencies. These are individuals who would clearly not be able to afford bail and would instead wait in jail until trial.⁸⁰

6. Creating the Organizational Infrastructure for the Effective Use of Data

Before discussing recommendations specific to the three major areas of focus identified by the Steering Committee, we first present options that can support better use of data across the Marion County criminal justice system. As referenced previously, the disparate systems used by stakeholders presents major challenges for aggregating and analyzing data. In response, the City's CORE Team is moving forward to oversee the development of additional data exchanges that will better enable communication across platforms. This is an important step.

However, even with this accomplished, aggregating and analyzing data in order to capture important insights will remain an important objective. Specific options that Indianapolis – Marion County should consider for effectively achieving this include the following.

6.1. Create a Chief Data Officer (“CDO”) Position for the Indianapolis – Marion County Criminal Justice System

While reports and charts are important, interpretation of data requires trained personnel to develop and interpret them. Indianapolis – Marion County should consider the value of creating a dedicated position to support the analysis of the data and presentation of insights from the data. This position should combine technical analysis skills with presentation, communication, and even advocacy capabilities. The position would ideally be located in the proposed Pretrial Services Agency detailed in section 7.3.3.5 given that proposed agency's involvement with multiple criminal justice system stakeholders.

Looking across the multiple different systems that comprise the Indianapolis – Marion County criminal justice system, this individual should seek to continuously identify where and how information can be used to improve system operation and close the process and data gaps. As mentioned the state-mandated 2014 move to separate systems for the major stakeholders in the Marion County criminal justices system led to a major loss of visibility on the part of the stakeholders. This is another factor supporting the need for a Chief Data Officer.

⁷⁸ <http://www.vera.org/sites/default/files/resources/downloads/incarcerations-front-door-report.pdf>

⁷⁹ <http://www.bjs.gov/content/pub/pdf/prfdsc.pdf>

⁸⁰ <https://www.federalreserve.gov/econresdata/2013-report-economic-well-being-us-households-201407.pdf>

Ideally, the CDO would have authority to gather data from all system components, and could create a series of management performance dashboards integrating information across the system. Sharing such dashboards with the public would significantly improve the perception among the public of the efficiency and credibility of the Marion County justice system. See further discussion of such a Performance Metrics Portal in section 7.3.3.3. Feedback from shared open data will help guide additional steps in improving data shared with the public.

The position itself must be of sufficient organizational stature to address data issues and to be an effective advocate as to how data can be used to pursue continuous improvement of criminal justice systems outcomes. Given the many powerful stakeholders who have different perspectives on the system, the ability of this individual to take the broad view across the various organizations and systems could be a crucial component in improving outcomes and addressing crucial issues, such as the need to alleviate demand on jail resources.

6.2. Create a Stakeholder Data Analytics Team

Relevant metrics cannot be developed or used effectively without institutional support. Given the breadth and complexity of Marion County criminal justice system operations, it is important to create an organization dedicated to the development of appropriate metrics, as well as their dissemination and use. This may be an organization that functions as a subcommittee of the TAG. It should be made up of a mix of functional and technical resources from each major stakeholder organization that meet routinely to oversee the establishment and use of appropriate performance metrics of the type discussed in the previous section. Additional detail on the functioning of this stakeholder data analytics team is included in section 9.

6.3. Join the Federal Government’s Data-Driven Justice Initiative

There is an unprecedented opportunity to collaborate with other, similarly-situated communities to share best practices when it comes to using data to improve criminal justice outcomes. The Federal government’s Data-Driven Justice (“DDJ”) Initiative is currently comprised of 67 states, cities, and counties committed to using data-driven strategies to divert low-level offenders with mental illness and to change approaches to pretrial incarceration. Participation in the network can provide access the “step-by-step toolkit [that] will synthesize best practices, policies, and programs that have been effective in DDJ communities.”⁸¹

7. Major Areas of Focus – Findings and Options

7.1. Mental Health Diversion

Significant efforts to improve services for those with mental health issues in Marion County who come into contact with the criminal justice system are already underway. The *Mental Health Review Team Report* developed by a committee of Marion County stakeholders and issued in February of 2015, identified 19 recommendations and articulated a three phase model that was intended to eventually result in the development of an appropriate diversion facility.⁸² Interim steps included the funding of a pilot pre-arrest diversion program and the creation of an engagement center/crisis triage center at the APC. These ideas draw upon successful models that have demonstrated results elsewhere.

⁸¹ <https://www.whitehouse.gov/the-press-office/2016/06/30/fact-sheet-launching-data-driven-justice-initiative-disrupting-cycle>

⁸² Mental Health Review Team Report: Findings, Summary and Recommendations”, 2/28/2015.

Among the stakeholders interviewed in the process of developing this Strategic Plan, there was almost unanimous agreement that more funding and options for the diversion of those with mental health issues was required. However, at this time, it is not clear that a major effort is underway to fund or implement all, or even a majority of the recommendations from the *Mental Health Review Team Report*. This section of the Strategic Plan seeks to assess the challenge that individuals with mental health conditions represent for the Marion County system and to present ideas on how to address the issue, especially in ways that are based on improved use and analysis of relevant data.

7.1.1. Population and Cost Description

OMS has a field in its medical table (MENTAL) that could be used to track the presence of a variety of mental health conditions for the incarcerated individual. *However, that information is not currently being tracked in OMS. Thus, detailed quantitative analysis of incarcerated individuals with mental health conditions in the Jail is not possible at this time.* While we do know from the data provided that approximately 4,835 jailed individuals were identified as “mental hazard,” “self-injurious behavior,” “serious previous attempts of suicide,” or “suicide segregation”⁸³ for the period of January of 2013 to the present, this is not an appropriate proxy for identifying individuals with clinical mental health issues.⁸⁴

What we know about the population is what we can take from the information provided by the Marion County Sheriff’s Office (“MCSO”). This includes an estimate that anywhere between 30 to 40 percent of the inmates at the Jail are classified as mentally ill.⁸⁵ Accordingly, the Sheriff’s Office estimates the annual expenses directly associated with care for the mentally ill as follows:⁸⁶

Table 7.1.1 – 1, Estimated Annual Cost of Individuals with Mental Health Conditions to the Jail

Expense	Estimated Amount
Medications	\$650,000
Health Care Professionals	\$5,000,000
Security (42 Deputies)	\$2,100,000
Total	\$7,740,000

Additionally, the Marion County Sheriff’s Office estimates that the average per diem cost among Jail inmates identified as mentally ill is at least \$10 higher than that for the general inmate population (\$82 versus \$92).⁸⁷

7.1.2. Process and Resource Description

Despite the inability to systematically analyze the impact of individuals with mental health conditions at the Jail and throughout the Marion County criminal justice system (due to the lack of specific data), we can identify some opportunities for process and cost improvement based on the discussions held with

⁸³ This is recorded in the OMS database table called “XALERTS”, a supplemental table to the OMS Bookings table.

⁸⁴ Information from Tammy Wood, MCSO, 5/24/2016.

⁸⁵ Ibid.

⁸⁶ From the 2016 Sheriff’s 2016 budget presentation, provided by the MCSO on 4/25/2016.

⁸⁷ http://policyinstitute.iu.edu/Uploads/PublicationFiles/MentalHealthBrief_Final20031516.pdf, p. 5.

SMEs familiar with the system. Major considerations and process steps regarding the handling of individuals with mental health issues who are arrested are as follows:

- The 30 to 40 percent estimate of jailed individuals with mental illness conditions is not firmly supported by data in the OMS database; however, the estimate is consistent with national estimates of the presence of mental illness in correctional populations. The Bureau of Justice Statistics reports that 60 percent of jail inmates have had some mental health issue in the past 12 months.⁸⁸ In looking at serious mental illness such as schizophrenia, bipolar disorder or major depression, it has been found that 14.5 percent of male inmates in jails and 31 percent of female jail inmates exhibit these conditions.⁸⁹
- Of the 30 to 40 percent of the individuals classified as “mentally ill,” stakeholders agree that some portion of this population are those who are committing crimes because they are not receiving necessary treatment and/or medication. The proportion of the population that are classified as “mentally ill” who would not otherwise be committing crimes if they were properly medicated is uncertain, but likely significant.⁹⁰
- Upon arrival at the APC, individuals are assessed for any serious mental health conditions by nurses employed by the County’s medical contractor, Correct Care Solutions (CCS).⁹¹ However, nurses are not present at the APC 24 hours per day.
- Those individuals determined to have significant mental health conditions that represent risk to themselves or others are identified in such categories as “mental hazard,” “self-injurious behavior,” “serious previous attempts of suicide,” or “suicide segregation.” This information is recorded OMS.
- Arrestees who are “charged and denied bail, choose not to make bail, or are unable to make bail are assigned to one of three Marion County Jails to await a court appearance.”⁹² Individuals who are deemed a suicide risk are identified by a green gown and transported separately from the rest of the population.⁹³ At Jail I, there are four (4) mental health blocks of cells for men and two (2) for women. Some individuals with lower levels of mental illness and who are deemed to be lower risk are sent to Jail II.
- Incarcerated individuals on medication for mental health issues receive regular case management at the Jail, including monthly visits from a health care professional to determine the appropriateness of the medication being provided. They also receive crisis intervention, training in coping skills, discharge planning, and one-to-one counseling, as necessary.
- CCS subcontractor Eskenazi Hospital provides offsite medical care in a secured environment when it is needed by incarcerated individuals.⁹⁴ This includes care for mental health issues.
- Once incarcerated individuals are on medication for 30 days, they receive individualized treatment plans. Upon release from Jail, individuals receive a free, three (3) days’ supply of their medications. However, released individuals must go to one particular local pharmacy to pick up

⁸⁸ Bureau of Justice Statistics, 2006.

⁸⁹ Lamb, et. al. 2015.

⁹⁰ Dezelan and Andrews interview, 4/21/2016.

⁹¹ “During the average processing time of 8.95 hours, each arrestee undergoes a medical and psychological evaluation, a background investigation and is remanded to a deputy prosecutor who makes the decision about whether the arrestee is charged with a crime and sent to a preliminary hearing in the court located in the APC.” – Appendix 1 - Mental Health Review Team Report, 2/28/2015.

⁹² Ibid.

⁹³ Dezelan and Andrews interview, 4/21/2016.

⁹⁴ Appendix 1 – Mental Health Review Team Report, 2/29/2015.

the prescription that is approximately two miles from the Jail. That is, the medication is not provided at the Jail to released individuals.⁹⁵

- Most individuals released from the Jail do not receive a “warm hand-off” to a local mental health resource.
- One final recently-developed element in the Marion County criminal justice process, as regards those with mental illness, is the development of the Mental Health Alternative Court (“MHAC”), established in 2014 under the leadership of Judge Barbara Cook-Crawford.⁹⁶ Those referred to the MHAC have already had a probation or MCCC failure.⁹⁷ By March 2016, only 25 individuals had participated in the MHAC, and definitive results are not available as to program effectiveness. *Despite the lack of outcomes information, this is a promising component of the process given that an initial assessment by the IU Policy Center identified that MHAC participants have an average of eight (8) prior books and an average of 189 days served in the Marion County Jail.* The program is dealing with individuals who, if left unaddressed, likely would end up again at the Jail.

7.1.3. Process Improvement Options

The *Mental Health Team Report (2/28/2015)* includes 19 cogent opportunities and three phases for improving care for arrestees with mental health issues within Marion County. Generally, we defer to the expertise of those 26 individuals who participated in the meetings of the team tasked with producing the report. For example, the development of the Engagement Center with the inclusion of some beds for diverting mentally ill patients out of the criminal justice system appears to be an important step. Based on our analysis of the criminal justice processes however, we will focus our comments on a couple of areas that appear to offer significant opportunity for improvement. These options generally fall into two categories: **increasing capacity and coordination to support greater diversion of those with mental health issues.**

7.1.3.1. Consider the creation of a designated ECIT within IMPD to increase diversion at the point of initial police contact

Indianapolis – Marion County has embarked on an extensive effort to provide to its IMPD officers with Crisis Intervention Training (“CIT”). Since 2006, all IMPD recruits have received 40 hours of training. While most of the operations division has been trained (at least 600 to 700 officers), that training is on-going. Deputy Chief Bryan Roach estimates that a grant will allow for the training of another 100 plus officers this year.⁹⁸

Expert opinion appears to come down on the side that police departments should establish a *specialized* unit to deal with mental health calls. In contrast, IMPD appears to take the approach to train all officers. Perhaps identifying particular IMPD experts or a team of mental health crisis experts bears consideration, resulting in clear lines of authority when it comes to taking control of a particular event with an individual who exhibits symptoms of mental illness. Enhanced training for a specialized team could result in lowering the risk of violence and arrest. In that case, IMPD police officers who come upon an individual with possible mental health issues could call a specialist to assess the situation and make a recommendation.

Some stakeholders interviewed indicated that additional value in dealing with individuals with mental health conditions at the point of arrest could be achieved through the training of a special team of officers

⁹⁵ Dezelan and Andrews interview, 4/21/2016.

⁹⁶ http://policyinstitute.iu.edu/Uploads/PublicationFiles/MentalHealthBrief_Final20031516.pdf, p. 2.

⁹⁷ Discussion with Carlita Hobert, 3/1/2016.

⁹⁸ Interview with Deputy Chief Bryan Roach, 2/8/2016.

in Enhanced Crisis Intervention Team (“ECIT”) training techniques. For example, the City of Portland, Oregon has created an ECIT staffed with officers who have received such special training. From May 10, 2014, to December 2014, there were 609 calls responded to by ECIT-trained individuals with the Portland Police Department, resulting in 130 transports to a hospital, 40 physical arrests, and three citations in lieu of arrest. Only one case involved force on the part of the police officer.⁹⁹ The Portland Police Department considers the program a significant success in its approach to dealing with the mentally ill and estimates that it has saved \$16 million in jail costs from 2008 to 2010.¹⁰⁰

7.1.3.2. *Appropriately resource and institute initial screening for mental health diversion alternatives at the APC*

After arrest, select individuals at the APC could undergo additional, more extensive mental health screening to determine whether they were suited for a particular program as an alternative to Jail. The individuals selected for more extensive mental health screening could be identified through using appropriate criteria, including the severity of crime for which the individual was arrested, criminal history, and self-reported mental illness.¹⁰¹ Such criteria for identifying individuals for additional mental health screening would need to be reached through agreement among the major criminal justice stakeholders.

The individuals could then be held somewhat longer at the APC in order to allow for this additional mental health screening. This would require properly trained resources and, at a minimum, the recording of the information in OMS (discussed immediately following). At the APC, if screening demonstrates a significant mental health issue, the arrestee (if warranted by the charges) could be diverted to an appropriate treatment program rather than continuing to be processed for booking into the Jail. At this point in the process, charges could be waived or reduced in exchange for the referral to treatment. After diversion at the point of police contact (mentioned immediately above), this would be the second “off ramp” for individuals with mental illness conditions.

The effort would be focused on eliminating or reducing the current gap between arrest and treatment. It is understood that local mental health provider resources for those arrested are generally lacking. However, the research for the value of diversion is compelling, including both pre-booking and post-booking diversion for individuals with mental health needs. Cost savings from averted incarceration should more than pay for additional mental health services needed, especially considering the likelihood of Federal funding for the mental health care treatment costs associated with diversion. Perhaps the facility at Liberty Hall could be used for such a purpose.

7.1.3.3. *Consider encouraging Pay for Success proposals for diversion programs for arrested individuals with mental health conditions*

Pay for Success (“PFS”) programs are increasing in popularity around the country, as governments seek to tap proven, innovative approaches to challenging social problems from private and non-profit providers. Under a PFS arrangement, the provider is *only* paid if verifiable outcomes are achieved. For example, a PFS arrangement might be constructed to reward a mental health diversion provider when an agreed upon period of time has been achieved during which the individual participant in the provider’s program is not re-arrested. The intention is to identify and reward programs that work and, in so doing, save the public agency measurable funds that would have otherwise been spent to incarcerate and/or treat the individual again.

⁹⁹ <https://www.portlandoregon.gov/police/article/557965>, p. 1.

¹⁰⁰ Vera, 2016.

¹⁰¹ Conversation with Andy Fogle, Carlita Hobert, and Kevin Tichenor, 6/27/2016.

Indianapolis-Marion County could develop and release competitive solicitations (such as RFPs) designed to identify proven providers of diversion services and negotiate appropriate PfS contracts. As payment is due only upon the success of the provider in delivering verifiable outcomes (such as a lack of recidivism), such programs do not require immediate outlays and can be funded over time from resources previously committed to incarceration.

7.1.3.4. *At the Jail, assess and track detailed mental health conditions in OMS*

There is a significant opportunity for Indianapolis – Marion County to improve its understanding of the mentally ill within its criminal justice system by increasing the use of the mental health-related fields already within OMS.¹⁰² This could be accomplished during the initial APC screening for select individuals mentioned above, and, during the initial Jail processing step for those sent there.

OMS has extensive capability to track such information. While tracking this information will require additional resources both at the APC and the Jail to provide a more detailed mental health assessment, it will increase the City-County’s ability to identify, divert, and treat mental illness conditions and to track how those with differing mental health conditions experience differing outcomes within the Marion County criminal justice system. Such information will be crucial as the Marion County criminal justice system seeks to improve outcomes when it comes to those with mental illness.

7.1.3.5. *Periodically reassess Jail inmates for mental illness*

For arrestees sent to Jail pending trial, mental health screening should be revisited periodically so that if a mental health condition worsens, that inmate can be referred to treatment instead of detention. Finally, at the point of sentencing, an individual with mental health issues can be diverted to treatment instead of incarceration. This multi-point entry design for mental health diversion is consistent with research on best practices.¹⁰³

7.1.3.6. *Institute case management for those with mental illness at the Jail*

Individuals exiting the Jail are released to "the street" versus appropriate care facilities. Without a consistent “warm handoff” from the Jail to the community-based mental health provider, a released individual may have to wait two to three months to get into such a provider.¹⁰⁴ Waiting this long can exacerbate existing mental health conditions, which may lead to additional erratic behavior that draws attention of law enforcement, beginning the criminal justice system process all over again.

While CCS provides in-Jail case management services, there is an opportunity to increase inter-agency coordination with an eye toward the individual’s release by placing a Midtown Mental Health case manager within the Jail to get to know the patients, interact with them, to set up their treatment plan post-release, and to ensure that they are brought to treatment at the appropriate location. This approach may ultimately reduce recidivism by connecting individuals with the needed resources.

7.1.3.7. *Improve court-Jail coordination prior to release*

There is no advance warning from the Marion County Courts to the Jail when an individual is about to be released.¹⁰⁵ Thus, when the release notification is given, there is no coordination with any mental health

¹⁰² The already existing SUIMAST table, which has fields for emergency and non-emergency mental health conditions, and a field “Refer to Mental Health”. Further, the Medical table contains a field titled “Mental Illness? Y/N” that could be used to flag potential mental health conditions.

¹⁰³ Munetz and Griffin, 2006.

¹⁰⁴ Dezelan and Andrews interview, 4/21/2016.

¹⁰⁵ Ibid.

care staff within the Jail. Those released from the Jail must travel to a specific local pharmacy to receive their three days' supply of medicine. The pharmacy is approximately two miles from the Jail.

The various agencies involved in the mental health and criminal justice processes receive no information on who does or does not collect his/her medications at the pharmacy. Sharing this information, subject to HIPAA requirements, could be valuable because those in need of medication who do not (or cannot) pick up their transitional three day supply may be at increased risk of behavior problems that could result in additional criminal justice system interaction.

The three days' supply of medications could be supplied at the point of the release from the Jail. Furthermore, a 30 day supply could be provided, consistent with typical dispensing practices outside of the Jail. However, since there is no coordination between the Courts and the Sheriff on this in terms of advance notice, the necessary medicines are not made available. This lack of coordination is currently exacerbated by the fact that the current Jail medical provider does not have the discharge coordinator position filled.¹⁰⁶

While recognizing the need for a speedy release for those so granted, there would seem to be an opportunity to improve communication such that some level of advance notice could be provided to the Sheriff by the Courts of those likely, or at least possible, to be released so that the necessary medicines can be provided at the point of release.

7.1.3.8. Consider expansion of the MHAC model and other alternative courts

The Mental Health Alternative Court ("MHAC") model shows initial promise and should be evaluated for further resourcing and expansion to enable diversion of initial cases instead of simply for those violating terms of their probation or Community Corrections. The County should also consider expanding the use of other alternative sentences, such as supervision, diversion, and community service – all of which can be expected to reduce Jail population demands.

7.1.4. Conclusions

To address the challenge of meeting the needs of individuals with mental health issues in the justice system, Indianapolis – Marion County should consider diversion of individuals with mental health conditions into treatment that addresses the underlying conditions that may have led to their inappropriate and criminal behavior. As much as possible, individuals with mental health needs who are not suspected of a violent crime should not be processed through the justice system, but instead diverted to mental health treatment programs. In addition to providing a more humane, responsive, and cost-effective solution, this approach reduces Jail population and court processing workload.

As noted in section 7.1.1., the lack of classification of individuals with mental illness (beyond those "immediate risk" categories) makes it impossible to apply data analytics in a systematic way to the issue of individuals with mental health conditions within the Marion County Jail. However, based on interviews and research, the recommendations above generally focus on the need for more mental health resources to be identified – additional capacity – as well as the opportunity to improve operations through additional coordination.

In particular, the gaps noted likely contribute greatly to the "revolving door" phenomenon cited by City-County stakeholders and in the literature – individuals with mental health issues cycling back through the system and ending up again in Jail. Until these gaps are addressed, reducing the individuals with mental illness issues at the Jail is unlikely to occur to a significant degree.

¹⁰⁶ Ibid.

Indianapolis – Marion County may appropriately focus on the subset of the mental health population that exhibits serious mental illness; this may be estimated at between 10 percent and 20 percent of male inmates and between 25 percent and 35 percent of female inmates in Marion County. At these rates, the total addressable population can be estimated at approximately 330 male and 100 female inmates at any one time.

Diversion of individuals with mental illness from jail to alternative treatment may be cost-effective. Research on the topic is sparse; however, a cost benefit analysis for a program in Bexar County, Texas showed savings of \$2,800 in city and county funds per person diverted.¹⁰⁷ **Given our estimate of approximately 430 Marion County inmates with mental illness at any one time, diversion savings at an approximate level of those estimated in Bexar County could save the Indianapolis – Marion County as much as \$1.2 million at any one time.**

Research on long term results for those diverted from jail to mental health treatment shows tentative support for diversion, but results are not statistically significant.¹⁰⁸ However, results for those receiving intensive treatment and for women have been found to be positive and statistically significant.¹⁰⁹ Not only intensity, but coordination of services matters. Transitional case management (“TCM”), which involves intensive coordination among mental health, social service, and substance abuse treatment, has been shown to reduce re-arrest in the year following treatment by 31 percent.¹¹⁰

See **Appendix 3** for information on how other comparably-sized communities have addressed this issue.

7.2. Improving Community Corrections as an Alternative to Jail

Unlike the situation regarding individuals with mental health conditions within the Marion County criminal justice system, the data available to analyze the use and impact of Marion County Community Corrections are extensive.

7.2.1. Population and Cost Description

An analysis of any enhanced role that MCCC can play as an alternative to Marion County pretrial incarceration must begin with an assessment of how it is currently used and resulting outcomes. The follow table shows the significant increase in the use of Community Corrections over the last decade and includes both pretrial and sentenced individuals.

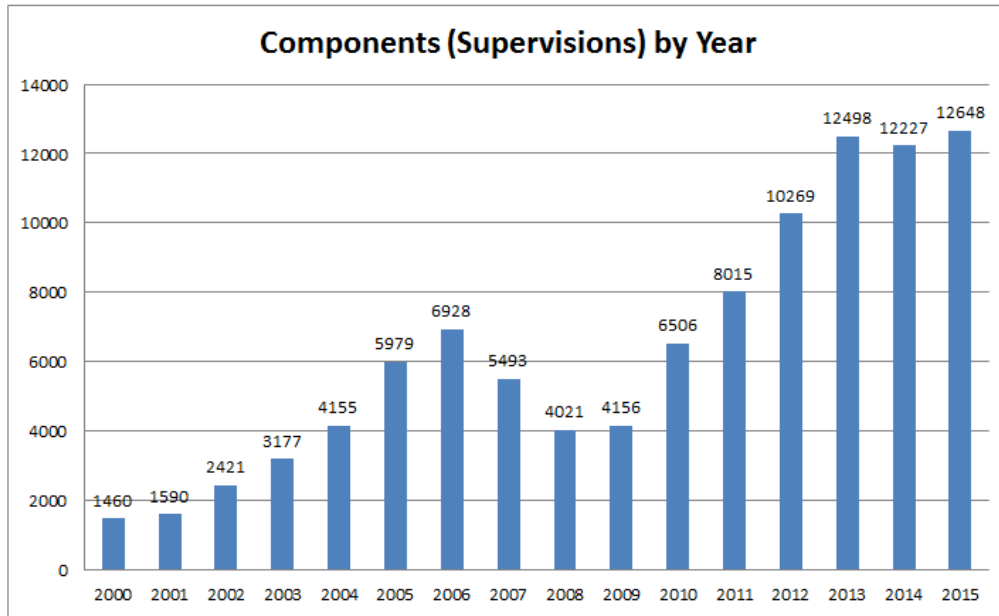
¹⁰⁷ Cowell, et al., 2013.

¹⁰⁸ Shafer, 2005.

¹⁰⁹ Pooler, 2015.

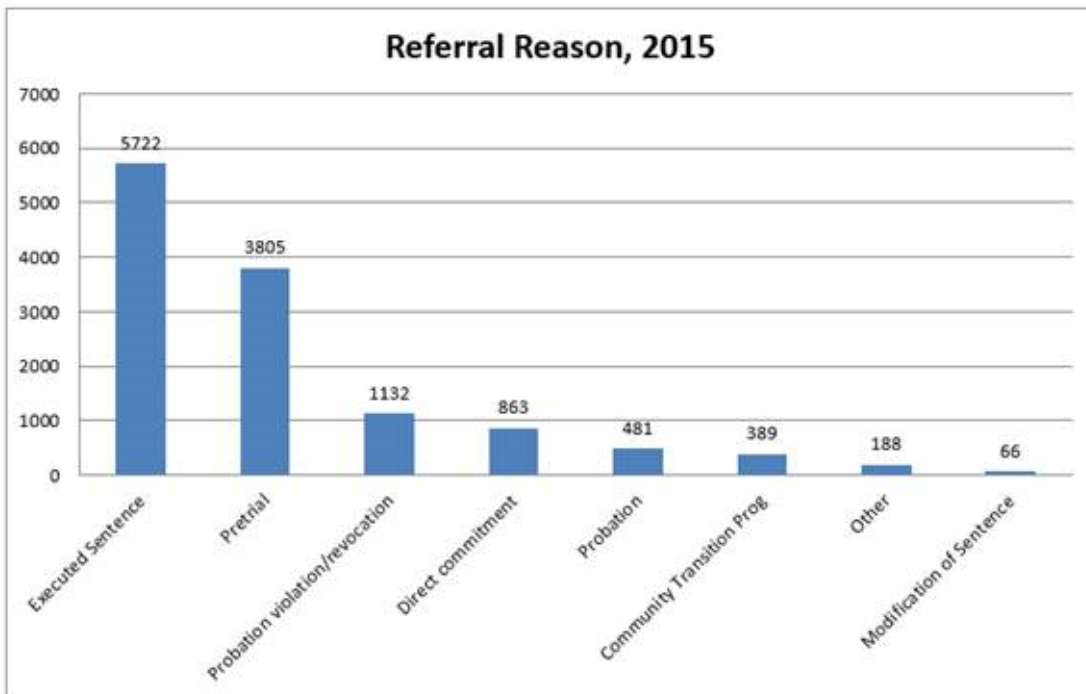
¹¹⁰ Chintrakindi, 2013.

Table 7.2.1 – 1, Descriptive Data Regarding Community Corrections



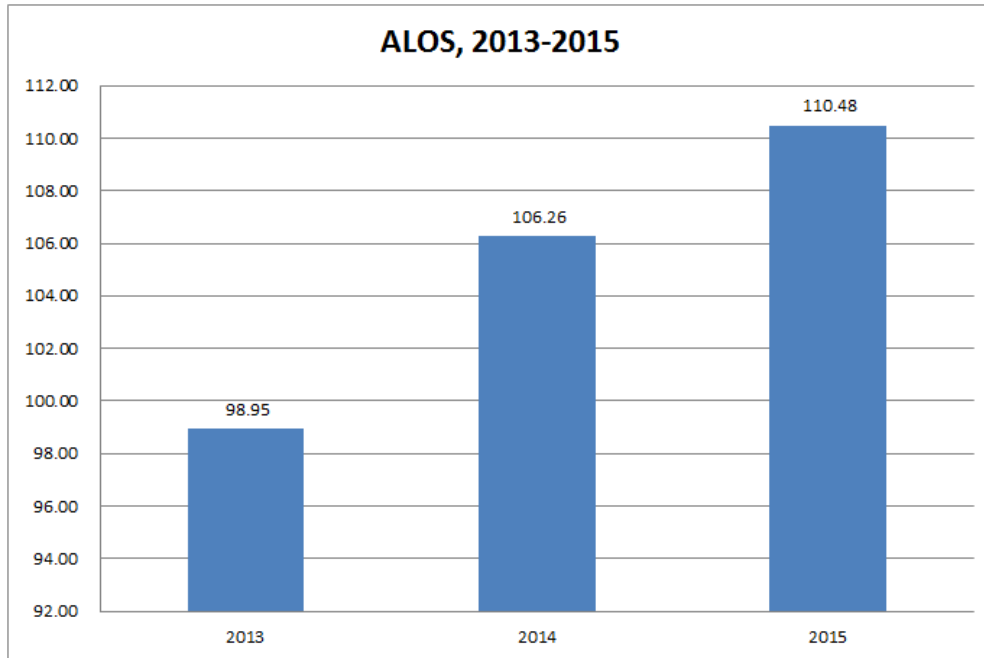
Data that show the composition of Community Corrections by participant type is as follows.

Table 7.2.1 – 2, 2015 Community Corrections Participants by Type



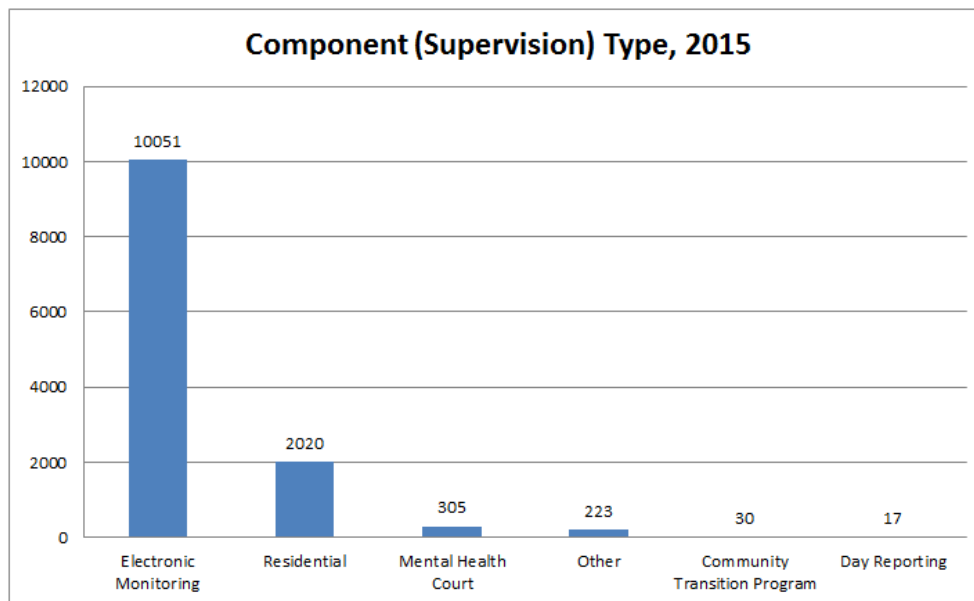
The ALOS for participants in Community Corrections has been increasing significantly over the past three years.

Table 7.2.1 – 3, 2015 Community Corrections ALOS, 2013-2015



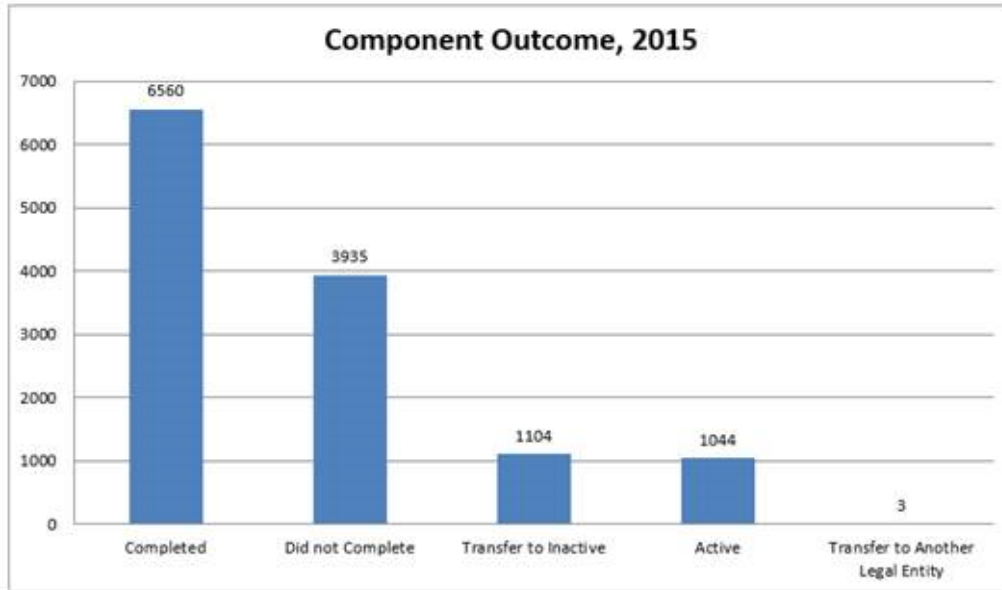
The following table shows 2015 participants by the type of supervision applied for both pretrial and sentenced individuals.

Table 7.2.1 – 3, 2015 Community Corrections Participants by Supervision Type



Data related to outcomes for 2015 MCCC participants are as follows.

Table 7.2.1 – 4, Community Corrections Participants by Outcome



Finally, a breakdown of MCCC participant by type of charge yields the following.

Table 7.2.1 – 5, Community Corrections Outcome by Charge Type

Offense	Active	Complete	Not Complete	Transfer to Another Legal Entity	Transfer to Inactive	Total	Pct Complete	Pct Not Complete
A Felony	58	120	58		20	256	47%	23%
B Felony	114	456	409		133	1112	41%	37%
C Felony	122	630	461		127	1340	47%	34%
D Felony	255	1835	1369	3	366	3828	48%	36%
Infraction		1				1	100%	0%
Level 1	3	7	4		10	24	29%	17%
Level 2	15	24	12		5	56	43%	21%
Level 3	36	49	50		14	149	33%	34%
Level 4	41	54	54		8	157	34%	34%
Level 5	100	255	183		61	599	43%	31%
Level 6	170	1413	622		199	2404	59%	26%
A Misdemeanor	113	1559	656		150	2478	63%	26%
B Misdemeanor	2	52	20		3	77	68%	26%
C Misdemeanor	14	98	29		7	148	66%	20%
Murder		2				2	100%	0%
Other	1	5	8		1	15	33%	53%
Grand Total	1044	6560	3935	3	1104	12646	52%	31%

The “not complete” percentage across all offense levels was 31 percent, generally varying from 23 percent to 34 percent for different types of offenses.

Breaking down participation and successful outcomes by demographic information is also of value when it comes to analyzing the effectiveness of MCCC. Specifically, a comparison of completion rates by race shows very little difference.

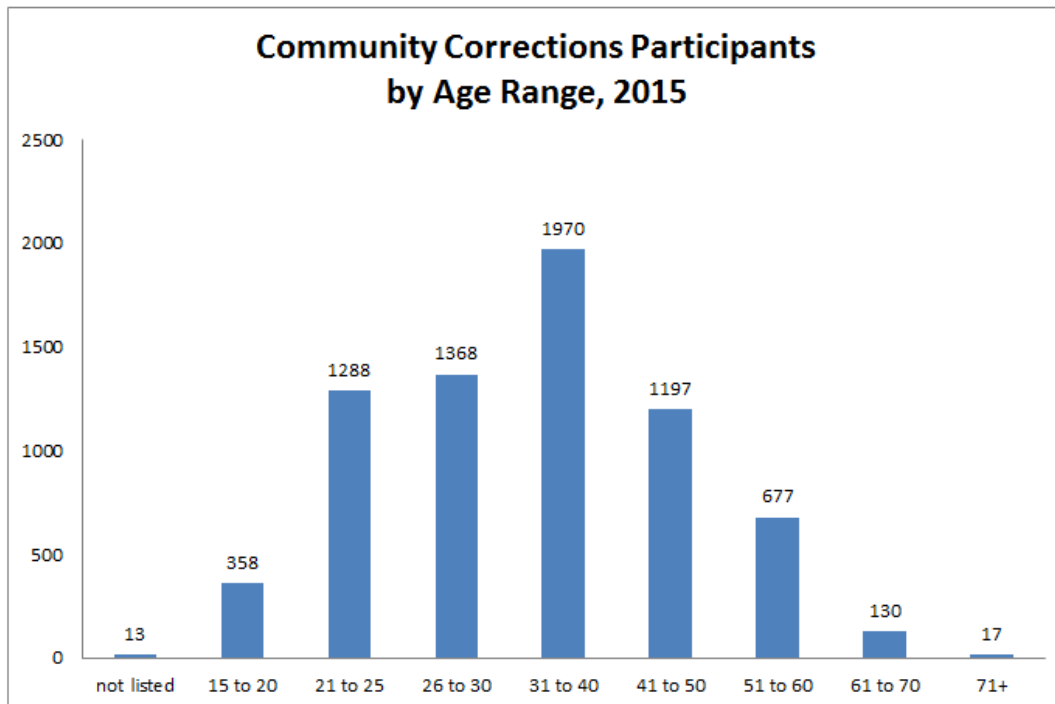
Table 7.2.1 –6, Community Corrections Participation and Outcomes by Race

Start Year	2015		
	Black	White	Total
Outcome			
Active	543	450	993
Completed	3,273	2,974	6,247
Did not Complete	2,087	1,741	3,828
Transfer to Another Legal Entity		3	3
Transfer to Inactive	593	469	1,062
Grand Total	6,496	5,637	12,133
Percentages			
Active	8%	8%	
Completed	50%	53%	
Did not Complete	32%	31%	
Transfer to Another Legal Entity	0%	0%	
Transfer to Inactive	9%	8%	

Community Corrections appears to have a disproportionately high number of female participants (21%) compared to the female share of arrestees (13-14%).

When it comes to considering age as a factor in Community Corrections, both in terms of participation and completion rates, the data are as follows.

Figure 7.2.1 – 7, Community Corrections Participation by Age



Finally, looking at MCCC outcomes by age yields the following.

Table 7.2.1 –8, Community Corrections Participation and Outcomes by Age

Outcome	15 to 20	21 to 25	26 to 30	31 to 40	41 to 50	51 to 60	61 to 70	71+
Active or Complete	48%	56%	59%	61%	63%	68%	73%	73%
Did not Complete	40%	34%	32%	31%	28%	25%	19%	23%

Preliminarily, it appears that successful outcomes increase with age range. Combining this data with OMS bookings data, there were 36,000 bookings for ages 31-40, 21,500 age 41-50, 11,100 age 51-60, 2,000 age 61-70, and 270 age 71+ between 2013 and 2015. While probably intuitive to criminal justice stakeholders, these data may validate MCCC as an increasingly good opportunity for successful diversion as the age of the participant increases.

Based on preliminary evaluation of the data provided, the following tentative observations may be warranted:

- Older age ranges correlate highly with successful outcomes, especially above 31
- Race has virtually no correlation to successful outcomes.
- Charges have a modest correlation to success; lower-level felonies and misdemeanors are the highest probability of having a successful outcome
- Taken together, individuals over 30 with low-level offense seem to be the best mix for success, ceteris paribus
- Success when under electronic monitoring is by far the highest percentage, around 60% compared to under 40 percent for residential

7.2.2.Process and Resource Description

Community Corrections as a “pretrial” monitoring option is believed by stakeholders to be a much cheaper alternative than Jail. The average per diem cost of an individual monitored by the MCCC is \$13 versus the reported amount of \$82 in the Jail.

However, placing an individual under the supervision of Community Corrections is not without risk. Individuals have, while under the supervision of MCCC, committed crimes.¹¹¹ While such are not the norm, they are newsworthy, garner the attention of the public, and impact the perceptions of the criminal justice system overall. To reduce risk completely, the only option is the incarceration of all pretrial defendants and sentenced convicts; however, this is both financially and operationally untenable. Balancing cost and safety is a delicate, but important matter.

¹¹¹ <http://wishtv.com/2014/04/24/criminals-on-gps-run-amok-in-marion-county/>

Major considerations and process steps with regard to MCCC and Probation are as follows:

- As of mid-February, MCCC was responsible for supervision of approximately 670 pretrial defendants.¹¹² MCCC Director John Deiter indicates, “A great many new arrestees can bypass the Marion County Jail and be sent directly to Community Corrections (MCCC) after business hours (evenings, weekends). These are defendants that most likely would have been placed with MCCC after going to the Jail, then to Court, then back to Jail awaiting MCCC pick-up/drop-off. With proper funding/staffing, this number could be significantly higher.”
- MCCC does not operate and cannot take in new cases after 9 pm each day, thus limiting its capacity to support an APC that operates 24 hours.
- For 2016, MCCC received \$1.1M from the Indiana Department of Corrections (DOC) to help address the impact of HEA 1006 on Marion County. With those funds, the MCCC hired 22 new staff members in January and early February.¹¹³
- When the new employees are fully trained, Director Deiter indicates that MCCC will be at 63 supervisees per case manager. His goal is to obtain the resources that would allow for a ratio of 35 supervisees per case manager, which more closely aligns to best practice standards. In the summer of 2014, the ratio was 130 per case manager, which caused DOC to place MCCC on probation and threaten to cut the MCCC’s state funding.¹¹⁴
- Concerning field visits, in January of 2014, MCCC staff conducted nine field visits. In January of 2016, MCCC staff completed more than 1,000.¹¹⁵
- Judges vary in their use of Community Corrections as a pretrial option. Director Deiter reports that Community Corrections receives individuals from 21 Marion Superior Court judges. Judges indicate that they agree that home detention offered through Community Corrections is a very important part of addressing Jail capacity issues and are generally comfortable with it as effective.
- There is significant public safety and public opinion risk if individuals on home detention with MCCC commit crimes while on home detention. Criticism of the system and of judges assigning individuals to MCCC, in particular, is inevitable in such situations.
- Judges value receiving timely feedback from MCCC when an offender violates the terms of home detention, but indicate they do not receive such timely reports on a significant portion of violations. This diminishes confidence in MCCC as a pretrial program. Feedback needs to be the next day in order to be of value to judges.
- No specific data are cited as to the effectiveness of MCCC as a pre- or post-trial option. Stakeholders do not know definitively, beyond personal experience and anecdotes, how MCCC is working in lieu of Jail for similarly-situated individuals. Therefore, it is unknown as to whether additional investments in Community Corrections would lead to more cost effective achievement of criminal justice outcomes. However, much of the research cited in section 5 validates that effective pretrial supervision can play a significant role in achieving more cost-effective criminal justice outcomes.

¹¹² Interview with John Deiter, 2/18/2016.

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

7.2.3.Process Improvement Options

Whether or not Indianapolis – Marion County proceeds with the development of a dedicated Pretrial Services Agency (see section 7.3.3.5. for a full description), there are some definite ways in which data could be used to analyze and strengthen the value of Community Corrections and Probation as important contributors to the challenge of reducing unnecessary demand on Jail resources.

7.2.3.1. *Develop a Pretrial Release Evaluation Tool*

The continued, and perhaps enhanced, use of supervised release programs like Community Corrections and Probation is a key element of alleviating demand on Jail resources. However, decision makers indicate that better information on how various monitored levels of pretrial supervision work and how they could be improved is important to strengthen confidence that such programs are effective.

Specifically, information concerning individuals, particular types of interventions, levels of supervision, and demonstrated outcomes with **data specific to Marion County** could supplement, but not replace, the value provided by a tool like the IRAS. This use of data to analyze various pretrial release outcomes could include consideration of those individuals assigned to MCCC and Probation, as well as individuals released OR.

The development of a Pretrial Release Evaluation Tool (“PRET”) is not likely to result in an individual assessment that takes place in the APC to provide real-time decision support to judges and judicial officials. Rather, it can be a tool that is regularly and frequently updated with Marion County data from the core data sets (OMS, Odyssey, INPCMS, Informer) that provides standard metrics, as well as allowing for queries to develop “lessons learned”, and even “success profiles” for decision makers to enhance the information that they have.

The PRET, as envisioned, would be comprised of two components, a dashboard component for displaying metrics and drilling down to uncover more information about outliers, and a machine learning component that would allow for deeper analysis and predictive modeling to shed light on questions of how different populations would fare under certain supervised release scenarios.

For the dashboard component, the PRET could include the development of various standard metrics, such as:

- Total participants in MCCC and Probation
- Number of supervised individuals per case worker (MCCC or Probation)
- Number of MCCC or Probation-supervised individuals re-arrested within 30, 60, 90 days of assignment to MCCC or Probation
- Number of violations of MCCC or Probation terms in the previous month
- Number of Failure to Appear in the previous month for individuals – MCCC, Probation, and OR
- Composition of MCCC and Probation by level of charge

In addition to displaying such metrics in a dashboard format, the PRET could enable more specific queries that particular authorized stakeholders might have. For example, a judge may be interested in understanding how many individuals with a particular type of charge and of a particular age have violated the conditions of their supervised release over the past six months. As another example, the Director of MCCC may want to understand variations across different case workers in terms of avoiding participant violations in order to identify best practices. Finally, the CDO may seek to model how various groups of individuals would likely fare under different types of supervised release programs.

Additional information concerning the implementation of the PRET can be found in section 8.3.

7.2.3.2. Seek to solidify and promulgate the profile for the “high probability of success” MCCC participant

The data presented in section 7.2.1 provide a starting point to consider for the development and promulgation of information useful to judges and judicial officials in considering individuals for MCCC or other pretrial supervised release programs.

As a thought exercise, taking individuals that are identified by the data as “lower risk” (proxy of 30 years old, with misdemeanor offense) from section 7.2.1., the following table shows the count of lower risk inmates from 2013 to 2015 that were held in Jail pretrial, with total Jail days for which they were held.

Table 7.2.3.2 – 1, Lower Risk Jail Days – All Cases

Days Held Range	Lower Risk Count	Not Lower Risk Count	Total	Lower Risk Jail Days	Not Lower Risk Jail Days
0 to 2 days	7584	8,951	16,535	6993	7271
3 to 5 days	1732	1,999	3,731	6592	7663
6 to 10 days	1242	1,882	3,124	9339	14243
11 to 20 days	664	1348	2012	9,694	19,974
21 to 30 days	318	715	1033	8115	17998
31 to 50 days	344	914	1258	13514	36317
51 to 100 days	329	1219	1548	23,667	88,441
101 to 200 days	134	1044	1178	19,040	152,677
201 to 300 days	22	465	487	5,236	114,313
301 to 400 days	9	284	293	3,184	99,717
401 to 500 days	1	170	171	492	75,963
501+ days	3	266	269	1,822	171,100
Grand Total	12,382	19,257	31,639	107,688	805,677

Purely for the purposes of roughly estimating a resulting cost savings number based on the numbers provided us (\$82 daily cost for Jail and \$9 daily cost for MCCC¹¹⁶ for a \$73 daily savings), sending these 12,382 “lower risk” individuals to MCCC and/or Probation instead of Jail could yield as much as \$7.86

¹¹⁶ Email from John Deiter, 6/30/2016.

million in savings. There would also be the added benefit of increasing Jail capacity by redirecting such individuals.

Taking a more conservative approach and adding “first offense” into the criteria for “lower risk” yields a much lower savings estimate of 6,081* \$73 = \$443,913. Though much smaller, this is still a non-negligible amount.

Table 7.2.3.2 – 2, Lower Risk Jail Days – First Offense

Days Held Range	Lower Risk Count	Not Lower Risk Count	Total	Lower Risk Jail Days	Not Lower Risk Jail Days
0 to 2 days	722	929	1,651	695	729
3 to 5 days	176	181	357	665	694
6 to 10 days	91	181	272	681	1346
11 to 20 days	38	119	157	540	1,757
21 to 30 days	23	69	92	581	1781
31 to 50 days	14	86	100	533	3388
51 to 100 days	19	120	139	1,170	8,833
101 to 200 days	2	103	105	231	15,172
201 to 300 days	2	53	55	493	12,770
301 to 400 days	0	48	48	0	17,159
401 to 500 days	1	31	32	492	13,856
501+ days	0	61	61	0	38,010
Grand Total	1,088	1,981	3,069	6,081	115,495

Again, these are simply “order of magnitude” estimates, but they show the potential value of an increase in the use of MCCC or other pretrial supervised release relative to the cost of incarcerating such individuals. This is the type of exercise – drilling down much deeper and more specifically into the data – which the PRET could support.

7.2.3.3. Regularly provide decision makers with data and insights from the Pretrial Release Evaluation Tool

The information and insights generated by the PRET should be regularly considered by the decision makers within the process – specifically judges, judicial officials, prosecutors, and public defenders to inform pretrial release and perhaps, sentencing decisions. Not all individuals will interpret and use the information and insights in the same way, but regular dissemination of these must be built into scheduled meetings such that they do not become quickly buried in the midst of many other pressing matters.

7.2.3.4. Use data and insights from the Pretrial Release Evaluation Tool to improve MCCC and Probation organizational management

In addition to providing insights relevant to the pretrial decision, the information from the PRET could be valuable in enabling MCCC and Probation to assess their operations and to determine their own best practices based both on aggregate data and specific data points. For example:

- How do outcomes vary across case workers holding other factors constant?
- What can be learned from how those caseworkers approach their work?
- How do home visits impact outcomes, if at all?
- Does frequency of contact impact outcomes? If so, how?
- What factors in caseworker training/preparation are associated with better outcomes?

7.2.3.5. Complete cost-benefit analysis to determine value of expanding Community Corrections’ hours of operation

Community Corrections’ value as an important part of the effort to reduce demand on Jail resources can be enhanced by extending the hours of operation. It is likely that a basic cost-benefit analysis comparing the costs of maintaining 24/7 capability at MCCC would be considerably more efficient than having to incarcerate individuals while waiting for normal business hours, especially given the upfront cost of incarceration. Indianapolis – Marion County should complete the cost-benefit analysis to confirm that this is so.

7.2.3.6. Institute faster feedback loop to report violations

To enhance stakeholder confidence in MCCC, the organization must take steps to increase the efficiency of feedback when “something goes wrong” with a participant. That is, some stakeholders express concern that individuals supervised by MCCC can violate the terms of their release, but that it can take multiple days to communicate that back to the judge associated with the case. This undermines confidence in the process. To address this, involved stakeholders should convene to specifically review the feedback loop process, identify issues and bottlenecks, and develop an improved process with associated measurements that provides faster and more consistent feedback.

7.2.4. Conclusions

Increased use of MCCC and Probation reduces jail population for those who can be safely supervised in the community. While some stakeholders express concerns about the risks associated with such supervised release programs, steps can be taken to further mitigate those risks. Additionally, research

demonstrates the value of such supervised release programs in reducing demands on jail resources, while maintaining the security of the public.

7.3. Criminal Justice Process Opportunities

7.3.1. Population and Cost Description

The data presented in this section builds on the descriptive data featured in section 4.3 and are developed with specific reference to findings from the literature review on court processes that is included in section 5.

The literature review highlights that pretrial incarceration for lower risk defendants itself appears to be criminogenic. An analysis of the Marion County data regarding the impact of length of pretrial incarceration on the likelihood of committing another crime prior do not contradict this finding. However, the data below do not take into account the demographic and offense-related factors, so cannot yet be viewed as confirming this finding. However, based on these preliminary data, it appears that inmates released within 24 hours committed crimes before their trial date significantly less than those held between 24 and 48 hours. This rate increases dramatically when held over 7 days before release.

Table 7.3.1 – 1, Inmates Committing Crimes before Trial Date

Days Held	Count
0 days	147
1 day	427
2-3 days	272
4-5 days	148
6-7 days	143
Greater than 7 days	936
Grand Total	2073

One factor of interest is the impact of continuances on the length of a trial. Indigent cases account for 44,909 of the 112,799 cases reported in the Odyssey system from 2013 to 2015 (40%). These 40% of the cases represent a disproportionate amount (52%) of all continuances.

Table 7.3.1 – 2, Number of Continuances by Indigent Status

Indigent?	Count of Continuances	Percentage
N	12333	48%
Y	13340	52%
Grand Total	25673	

Also, the indigent do make up a somewhat more disproportionate number of failures to appear.

Table 7.3.1 – 3, Instances of Failure to Appear Among the Indigent

Indigent?	Count of FTA	Percentage
N	5364	45%
Y	6440	55%
Grand Total	11804	

BKD performed analysis specifically with regard to recidivism. We used the OMS and Odyssey combined data from 2013-2015. From this, 3,556 cases were identified in which individuals later returned to the system (our working definition of recidivism). While this does not likely represent the entire picture of recidivism, it does provide some insight.

The composition of these recidivism cases was as follows. The vast majority of incidents of recidivism involved misdemeanors. Obviously, this may be, in part, due to greater opportunity for misdemeanants to commit crimes as they are incarcerated for a lesser period of time.

Table 7.3.1 – 4, Charges Associated with Recidivism

Charge Level	Count
FA	7
FB	55
FC	139
FD	876
MA	1312
MB	353
MC	96
not classified	718
Total	3556

The age breakout of misdemeanor recidivism is as follows.

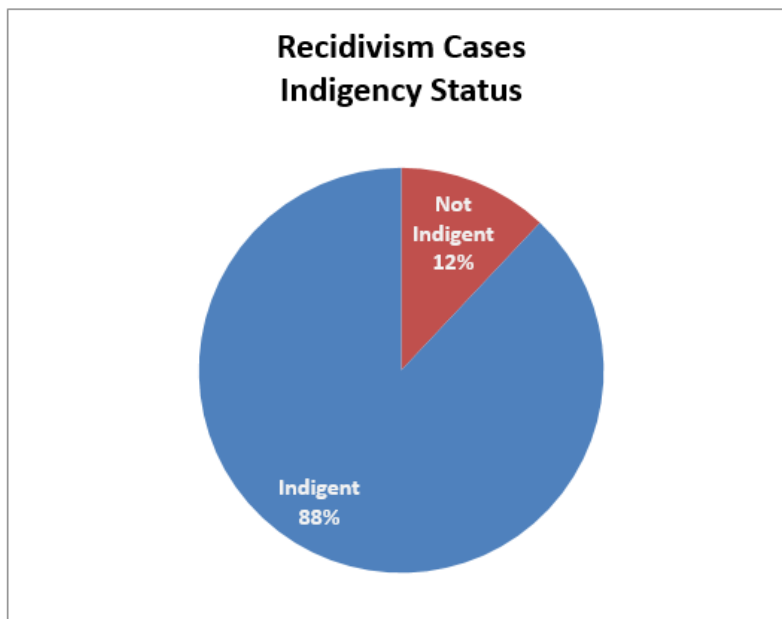
Table 7.3.1 -5, Age Range of Misdemeanant Recidivism

Age Range	Count	Jail Days
15 to 24	727	5,693
25 to 34	804	7,620
35 to 44	382	2,819
45 to 54	276	2,522
55 to 64	113	1,027
65 to 74	13	175
Grand Total	2,315	19,856

“Lower risk” offenders (those over the age of 30 with a first time misdemeanor – at least as captured by the data) accounted for 784 instances, and 6,543 jail days. Further analysis is necessary, but these offenders might be appropriate candidates for Community Corrections according to our preliminary analysis of success factors in that program.

When it comes to the indigency status, the indigent make up the vast majority of recidivism cases found during this period.

Table 7.3.1 – 6, Recidivism by Indigency Status



7.3.2. Process and Resource Description

Marion Superior Court processes are well-developed and have evolved over many years. Major considerations regarding the operations of the Courts are as follows:

- Numerous stakeholders indicate that the level and effectiveness of communications across organizations has improved over the years. However, there is still opportunity for progress. Many of those interviewed indicated that they had some ideas as to how the processes could be improved if only “the other guy” would do this or that.
- Many of those interviewed believe that there is little chance to improve the overall efficiency of the courts. They believe that the processes work well and while some improvements can be made at the margins, a significant improvement in efficiency is not possible.
- Moving from JUSTIS and JIMS to more separate software packages (INPCMS, OMS, Odyssey, PDIS) was driven by state-level concerns and a desire to aggregate data more effectively across all Indiana counties. While there are definite benefits to this approach, there are also significant losses at the local level. Specifically, stakeholders in the state’s largest city have lost the ability to look across the entirety of the criminal justice system due to the different platforms each major stakeholder is operating. Additionally, much historical data has been corrupted or is otherwise not easily accessible. This greatly complicates efforts to take a holistic view of the process.
- **The inconsistencies in data across the software systems used by the various Marion County criminal justice system stakeholders create significant inefficiencies.** For example, the issue of over detention and early release requires substantial research across multiple systems and ancillary data on the part of MCSO personnel before an individual can be released.
- Some of those interviewed are skeptical of the role that can be played by decision support tools like IRAS. They voice concerns both about the accuracy and even constitutionality of such tools.

7.3.3. Process Improvement Options

7.3.3.1. *Continue to use and evaluate the use of summons in lieu of arrest*

The IMPD currently uses summons in lieu of arrest in numerous cases. While failure to appear rates for summons are significant, the use of summons should always be considered as a viable option where public safety is not at risk in light of the capacity issues at the Jail. IMPD should continue to consider this as a viable tool and to train and monitor its officers in the appropriate use. By analyzing data from summons and resulting failures to appear, IMPD could evaluate and identify both situations in which summons are likely to result in a failure to appear and when they are not.

7.3.3.2. *Consider the creation of an additional major felony court*

Filings for major felonies have risen approximately 22 percent over the past two years and the number of Marion County homicides has risen significantly.¹¹⁷ Given this increase in major crime, along with the passage of HEA 1006 which generally led to a lessening of the severity of a number of offenses, it is appropriate to consider whether the creation of an additional major felony court is justified by the data in order to create additional capacity where it is most needed.

¹¹⁷ Interview with David Rimstidt, 6/16/2016.

7.3.3.3. *Develop a Performance Metrics Portal*

There is value in developing, implementing, and displaying in dashboard format a series of metrics that convey the timeliness of processes and various Marion County justice system outcomes. An appropriate example is the Cuyahoga County Prosecutor’s “Justice System Performance” dashboard.¹¹⁸ The metrics found at that site present a full range of data designed to “foster a vigorous discussion about how all of us in the Criminal Justice System – police, prosecutors, defenders, administrators, bureaucrats, and judges – can better serve the public.”

Metrics featured include:

- Today in Jail – A daily snapshot of the census in the Cuyahoga County Jail, analyzing length of time in jail by felony level, judge and prosecutor
- Defendant Case Timeline Analysis – Shows the average days to complete specific phases of a case by defendant type
- Early Disposition Court – Tracks the success of the judicial process in expediting for eligible low-level offenders
- Diversion Analysis – Shows the number of defendants under review and currently enrolled in diversion programs and the timeliness of the process for getting participants into the program
- Open Case Analysis – Shows the age of the case, grouped into 30 day increments, by case type, by prosecutor, by judge, etc.

The software that Cuyahoga County uses to display the data is Tableau, a widely used analytics and visualization tool.

Another useful example of court-focused efficiency metrics is that developed by Bexar County, Texas.¹¹⁹ That jurisdiction’s report includes six metrics that measure individual court performance relative to each other and the courts-wide average. Measures include:

- Cost per diversion
- Jail bed days
- Clearance rate
- Disposition rate
- Time to disposition
- Age of active cases pending

7.3.3.4. *Consider the development of a settlement court*

Continuances are a major factor within Marion County court processes. They add to the time taken to resolve cases; sometimes resulting in individuals remaining in Jail longer than they otherwise would have were their cases to be resolved more quickly.

There is precedent in the Marion County civil courts to engage a volunteer mediator to seek to settle a group of pre-selected cases in an expedited fashion. Previously, the civil courts in Marion County instituted a process whereby a volunteer mediator would sit down with clients, spend a short period of

¹¹⁸ <http://prosecutor.cuyahogacounty.us/en-US/justice-system-performance.aspx>

¹¹⁹ <http://www.bexar.org/DocumentCenter/Home/View/7307>

time (such as 30 minutes) per case and have both sides make a proposal to settle it. This process was conducted once per year in an attempt to reduce case volumes.

A similar approach could be taken within the criminal courts. With the participation of the major stakeholders and selection of cases by a judge, settlement conferences could be scheduled for cases with a high probability of settlement. Doing so within a particular timeframe could expedite the consideration of proposed plea agreements and similarly reduce the case load.

7.3.3.5. *Consider the establishment of a Pretrial Services Agency*

Currently, defendants who are not incarcerated while awaiting trial are supervised either by Community Corrections or by Probation. These agencies were established to supervise sentenced offenders, not pretrial detainees. The missions of pretrial and post-conviction agencies are, and should be, distinct. Merging functions as is done in Marion County is counter to best practice, which points towards the establishment of an independent pretrial services program responsible for supervision of pretrial detainees. Washington D.C. and other jurisdictions have positive experiences with the development of pretrial services agencies and their impact on criminal justice outcomes. Marion County should consider the value that a specialized Pretrial Services Agency can bring.

7.3.3.6. *Create a Court Administrator position to coordinate the assignment of individuals to problem solving courts*

Marion County has a number of problem solving courts designed to address the circumstances of particular groups of defendants. These include the veterans' court, drug court, re-entry court, and the MHAC.¹²⁰ These courts show much potential for improving overall criminal justice system outcomes. However, some stakeholders indicate that individuals are inconsistently assigned to the various problem solving courts, with some being assigned to one court when another would be more appropriate.

The City-County could consider the value that a single court administrator for the problem solving courts could bring. This individual could look across all of these dockets and determine which individuals belong in which courts, developing much more standardization over time and allowing for a better assessment of the ultimate value of these types of courts. Stakeholders report that now there is a significant duplication of effort.

7.3.3.7. *Calculate and consider the cost of Jail as a component in the pretrial incarceration decision*

Short jail stays are among the most costly on an average cost per day basis. The Jail intake process is necessarily the most resource intensive part of incarceration, involving medical screening, risk assessment, assignment to the right level of security, issuance of clothing, taking inmate possessions for storage, etc. Reducing the number of individuals incarcerated for short periods of time may have a disproportionate benefit to reducing Jail costs due to the intensive resources needs for the first hours and days of an incarceration period.

Obviously, the decision to Jail an individual is primarily a matter of public safety. However, in marginal situations, a consideration of the full cost of the Jail intake process may tip the balance of the decision. To inform this decision, the City-County could develop and communicate to criminal justice system stakeholders an updated estimate on the initial cost of incarceration for consideration.

¹²⁰ Interview with Fogle, Hobert, Tichenor, 6/27/2016.

7.3.3.8. Consider opportunities to reduce the number of women detained pretrial

During the period reviewed, the percentage of women being held at Marion County jails increased from 11% to 15%. While this is less than in some jurisdictions, this is significantly higher than in some other US counties. In comparison, the percentage of women incarcerated in selected other U.S. metropolitan counties is the following:

- Suffolk County, Massachusetts – 8 percent
- Cook County, Illinois – 17 percent
- Los Angeles County, California – 16 percent
- Miami-Dade County, Florida – 6 percent
- Fulton County, Georgia – 12 percent

While these counties differ substantially from Marion County in size and demographics, the disparity in the percentage of the jail population for counties like Suffolk and Miami-Dade that is female is striking and warrants consideration. Analysis of time to disposition for court cases in other jurisdictions shows that female defendants generally wait longer in jail for their cases to be concluded. Examination of the reasons for this disproportionate detention of and time to disposition for women might provide insight on how to reduce overall jail days for Marion County.

Further analysis could examine both the reasons for the high number of women held in Marion County and also the relative rate compared to most appropriate peer jurisdictions. Beyond that, Indianapolis – Marion County should consider approaches that other communities take to lower the percentage of women incarcerated. Maybe a higher percentage of women can be released pretrial to Community Corrections or Probation? Additionally, there are some innovative programs that now offer home-based incarceration for women with children as an alternative that supports positive development for children without compromising community safety. These and other options might be considered in the context of a deeper analysis of the characteristics and needs of female defendants and offenders in Marion County.

7.3.3.9. Perform indigency screen prior to first appearance to facilitate representation at first appearance

Based on the information provided, it appears that indigency screening is currently not performed until after first appearance. There is an opportunity to reduce the Jail population by performing indigency screening at the time of intake. This will identify individuals who are not able to afford their own defense. Providing representation at the time of first appearance not only honors the right to counsel guaranteed in our Constitution, it can reduce the Jail population as well. Research shows that defendants who have representation at first appearance are less likely to be detained pretrial.

The Maryland Lawyers at Bail (“LAB”) Project demonstrated the difference counsel makes; two and a half times as many represented defendants charged with non-violent crimes were released on OR and to pretrial supervision in comparison with those who had no representation. Additionally, two and a half times as many represented defendants had their bail reduced to an affordable amount. Cost savings for the City of Baltimore’s reduced jail population were estimated at \$4.5 million.¹²¹

¹²¹ <http://www.pretrial.org/representation-first-appearance-bail-hearings/>

7.3.3.10. Consider Use of the IRAS Pretrial Assessment Tool

The Indiana Risk Assessment System (“IRAS”) includes five separate instruments to assess risk, at various stages of justice processing. The IRAS pretrial assessment tool (“IRAS-PAT”) would be a valuable method to assist in the decision as to whether a defendant can be released pretrial.

IRAS-PAT is not currently used to assess risk in the pretrial decision in Marion County.¹²² However, multiple Indiana counties are using or are piloting the use of IRAS-PAT, including some counties with significant urban populations, like Allen County.¹²³ Using the IRAS-PAT as a pretrial decision-making tool could very likely decrease the Jail population. As noted in the literature review, experts estimate that in jurisdictions not currently using risk assessment to make pretrial decisions, implementing risk-based decision making could reduce jail population by 25 percent. This estimate has been confirmed by pretrial experts as valid, or perhaps even conservative. Further, risk-based release is shown to be both cost effective and beneficial to community safety.

In talking with Marion County stakeholders, the implementation of IRAS-PAT would require additional resources and would add more time to the APC processes. Generally, it would entail 30 minutes per individual to complete, including staff time.¹²⁴ Specific resources would need to be determined based on current staffing and existing roles and responsibilities. However, it could be used to craft pretrial interventions that are more tailored to the individual than are now prescribed, especially with the support of the defendant’s counsel. Using IRAS-PAT appears to be a validated way to reduce jail population and could save considerable jail cost.

7.3.3.11. Provide Jail inmates the opportunity to copy phone numbers from cell phones

As individuals are arrested, their cell phones are taken from them. Given the reliance many of us have on the contact feature of a cell phone to store phone numbers, many people do not remember important contact numbers without the aid of the cell phone. As a result, an inmate may remain in Jail simply because he or she does not have access to the phone numbers of those individuals who might help post bail for their release. Allowing an inmate supervised access to a cell phone for the purpose of copying down phone numbers of those who might post bail could be a simple way of reducing jail population, at least slightly.

7.3.3.12. Consider use of automated court date reminders

The previously-cited example of Los Angeles, Jefferson County and Coconino County, successful use of calls to reduce court failures to appear (“FTAs”) among defendants should be considered for emulation in Marion County. Taking the same approach used by private sector providers such as dentists, physicians, and optometrists to remind individuals of appointments can likely measurably reduce FTAs and, thus, improve overall court efficiency. Again, in examples referenced above, the FTA rates improved 25-43% when providing reminders.

7.3.3.13. Review the record of other cities suspending the arrest of individuals for marijuana and public intoxication

In 2014, New York City decided to stop arresting people for possession of small amounts of marijuana. Instead, those individuals found in possession of 25 grams or less of marijuana are issued a citation. While the policy has only been in place for a year, the initial results show a monthly decline of 1,000 to

¹²² Interview with Polly Beeson, 2/18/2016.

¹²³ <http://www.theindianalawyer.com/article/print?articleId=39940>

¹²⁴ Information provided by Brad Ray from IJC, 7/3/2016.

1,400 arrests and a percent decline on a monthly basis of 40 percent to 75 percent. Other low-level crimes for which a citation could be used in lieu of arrest include public intoxication and public urination.

Specifically looking at IMPD data for two weeks (the weeks beginning 6/23/2015 and 6/17/2016) show that 46 arrests were made for “Public Intoxication” during that week in 2015 and another 30 were made for the week in 2016. For “Possession/Cultivation of Marijuana,” the arrest number for the week was 72 in 2015 and 31 in 2016. Cumulatively for these two separate weeks, these arrests made up 19.5 percent of the arrests for the week in 2015 and 12.6 percent in 2016.¹²⁵ Whether cessation of arrests for these charges is in keeping with the public safety goals of Marion County is for the stakeholders to decide. However, the cost implications of such decisions are significant.

7.3.4. Conclusions

Marion County’s criminal justice processes work well, but opportunities exist to improve their functioning. By considering new technologies, certain organizational changes, and policy modifications, Indianapolis – Marion County can make changes that further mitigate demand on jail resources.

8. Data Analytics Tools Summary

One of the major components of this Strategic Plan was how the use of **data analytics and technology, generally, could enhance criminal justice system outcomes**. This section expands upon the data analytics and technology ideas previously presented and provides greater detail as to how these can be integrated into Indianapolis-Marion County criminal justice processes.

8.1. Use of OMS to Support More Thorough Mental Health Evaluation at the APC and Jail

This section provides additional guidance regarding the implementation of the options detailed in sections 7.1.3.2 and 7.1.3.4.

8.1.1. Description of Use

As described above, OMS has the capability to track much more in the way of mental-health related data than is currently being used. Capturing a greater level of detail on the arrestee’s mental health condition could be valuable to developing enhanced mental health diversion programs and to allow for greater analysis of outcomes through the Pretrial Release Evaluation Tool.

Making use of this capability would support the deployment of a more comprehensive mental health-related assessment at the APC. This would require the presence of appropriately-trained individuals and inevitably add time and cost to the process. However, the leadership at the APC, working with other Marion County criminal justice stakeholders, has demonstrated its ability to incorporate new steps and capture efficiencies. And, as explained in option 7.1.3.2, the intent is not that every arrestee would be subject to a more extensive mental health assessment at the APC; rather, a small segment of the arrestee population would be, based on pre-defined criteria agreed to by major criminal justice system stakeholders. Additional mental health assessment would be accomplished at the Jail, as proposed in option 7.1.3.4.

In addition to the immediate value in supporting the effort to identify those arrestees appropriate for diversion to other mental health treatment environments, there would be longer term value in including such mental health information in analytics efforts designed to improve the overall functioning of the

¹²⁵ Data provided by Deputy Chief Bryan Roach, 6/28/2016.

criminal justice system. For example, such information could be used to appraise the effectiveness of various mental diversion options for individuals with different types of conditions.

Obviously, HIPAA regulations require that such health-related information be handled with the utmost confidentiality and consistent with all legal requirements. The City-County, led by the criminal justice data analytics team, will need to develop appropriate policies and protocols to handle such.

8.1.2. High Level Implementation Logistics

OMS is already in use at the APC and Jail, so no additional resources are needed to implement these options. However, the effort will require, at a minimum:

- Trained staff to implement the enhanced mental screening at the APC and the Jail
- Appropriate facilities in which to perform the screening
- Process changes at both locations to support the screening
- Appropriate diversion programs and facilities, eventually, tailored to the specific needs of the screened individuals

The best approach for such would likely begin with a pilot program which could be closely controlled and monitored for efficacy. This would allow a small segment of individuals, based on pre-set criteria agreeable to all criminal justice system stakeholders, to be evaluated at the APC and, as appropriate, diverted from the criminal justice system to appropriate mental health treatment options.

8.2. Use of IRAS-PAT at the APC

This section provides additional guidance regarding the implementation of the option detailed in section 7.3.3.10.

8.2.1. Description of Use

We believe that there is value in applying the IRAS Pretrial Assessment Instrument (IRAS-PAT) when an offender is being considered for pretrial supervision or when an individual is placed on pretrial supervision.¹²⁶ This is consistent with the policy communicated by the Board of Directors of the Judicial Conference. In fact, the Indiana Supreme Court may be paving the way for greater use of the IRAS-PAT in that it is considering a proposed rule regarding the assessment of inmates that would, “prohibit the prosecution from using anything that was developed or revealed during the assessment.”¹²⁷

Appropriately handled, the information from the IRAS-PAT can also be brought into the data analyzed through the Pretrial Release Evaluation Tool. This could serve as an important means of either validating – or failing to support – the utility of the IRAS-PAT as specifically applied to the Marion County environment. For example, the proposed Pretrial Release Evaluation Tool could track the success or failure in supervised release programs for individuals identified for release under the IRAS-PAT assessment. This could lead to program changes to improve outcomes and/or to changes in the way that the IRAS-PAT is used in the first place.

¹²⁶ Policy for Indiana Risk Assessment System, Adopted April 21, 2011 by the Board of Directors of the Judicial Conference of Indiana.

¹²⁷ <http://www.theindianalawyer.com/article/print?articleId=39940>

8.2.2. High Level Implementation Logistics

Marion County can learn much from the use of the IRAS-PAT from communities that are already using it, such as Hamilton County and Hendricks County. Estimates of the costs of personnel to support the use of the IRAS-PAT in those counties range from \$250,000 to \$400,000. Given Marion County's much greater size, of course, the costs would likely be substantially higher.¹²⁸

Implementation would include, at a minimum:

- Trained and certified staff to implement the IRAS-PAT at the APC¹²⁹
- Appropriate facilities in which to perform the screening (or the technology to support the remote administration of the IRAS-PAT)
- Process changes to support the screening
- Technical support to accomplish any changes in report output formatting to meet the desires of the judges and judicial officials using the data
- A means of conveying the IRAS-PAT data into the proposed Marion County Pretrial Release Evaluation Tool to support further analysis

The resources required to implement the IRAS-PAT would likely be substantial. Christine Kerl, Marion County's Chief Probation Officer indicates, "In the course of an 8 hour shift, approximately 15 IRAS PATs could be completed which includes 30 minute for a lunch/dinner break for each identified staff member conducting the assessments."

However, the IRAS-PAT would not be universally applied to all arrestees at the APC, of course. Again, consistent with the approach outline for the selective administration of the mental health assessment to a segment of individuals at the APC, appropriate selection criterion would have to be proposed, tested, and then ultimately approved by the necessary stakeholders.

8.3. Development of the Pretrial Release Evaluation Tool

This section provides additional guidance regarding the implementation of the option detailed in section 7.2.3.1.

8.3.1. Description of Use

To improve continuously the effectiveness of supervised release programs like MCCC and Probation, it is important to have a data analytics tool that facilitates on-going monitoring. This is not to be a standalone tool, but includes both the technology and processes necessary to support the role of the CDO and the data analytics team in their efforts to provide data and insights that enable continuous process improvement.

8.3.2. High Level Implementation Logistics

At a minimum, the development and use of the PRET in a productive way requires not only technical, but also organizational, infrastructure. There are multiple technology platforms upon which the PRET could be based. For the dash boarding component, tools such as Tableau, Qlik, Cognos, and TIBCO Spotfire might be appropriate. For the predictive analytics/machine learning component, tools like RapidMiner, IBM's Watson, Microsoft Cloud Services, and the open source tools R or Python could be used.

¹²⁸ Ibid.

¹²⁹ Christine Kerl, 6/28/2016.

From an organizational perspective, the creation of the CDO and the data analytics team is required. Attempting to implement the PRET without the necessary ownership and leadership will likely mean that the County spends funds on information technology with little likelihood that such will generate the expected return on investment. While business intelligence and data analytics tools are becoming more user-friendly all the time, the cost and importance of this effort requires dedicated and trained individuals to manage the initiative and to make the best use of the software.

Developing the components of the PRET would require organization and a detailed project management approach to identify the initial metrics to be calculated and displayed. Technical support would be required to build the dashboards. They would include the ability to “drill down” to gain additional insight on particular data points. Processes for monitoring and disseminating are necessary, as are an on-going approach to make use of the predictive analytics of the PRET

8.4. Development of the Performance Metrics Portal

This section provides additional guidance regarding the implementation of the option detailed in section 7.3.3.3.

8.4.1. Description of Use

We believe there is value in developing and implementing a series of metrics that convey the timeliness of processes and various Marion County justice system outcomes. An appropriate example is the Cuyahoga County (OH) Prosecutor’s “Justice System Performance” dashboard.¹³⁰ Another useful example is that developed and deployed by Bexar County (TX).¹³¹

Performance metrics can be used to monitor an organization's behavior and performance. Metrics should support a range of stakeholder needs. Metrics can help capture internal performance and can include productivity measurements and progress in achieving internal performance goals and milestones.

Developing performance metrics usually follows a process of:

- Establishing critical processes/customer requirements
- Identifying specific, quantifiable outputs of work
- Establishing targets or goals against which results can be scored

In many cases, the development of performance metrics leads to the establishment of Service Level Agreements (“SLAs”) among stakeholders. Such SLAs serve to make explicit commitments of quality and timeliness that one stakeholder makes to another in order to increase the predictability and transparency of the system.

On the other hand, we understand that each judge is an independently elected official with a particular mix of defendants and responsibilities. The development of SLAs is not likely to be possible to the extent that it is for many processes given the peculiarities of each docket.

However, the performance metrics alone can serve as a useful source of information and can spur questions that lead to process improvements by bringing to light questions about outliers and why timeliness averages across similar processes vary significantly. Consideration of these data points can lead to helpful discussions from which best practices and standard operating procedures can emerge. This promotes not only greater efficiency, but also greater transparency and accountability.

¹³⁰ <http://prosecutor.cuyahogacounty.us/en-US/justice-system-performance.aspx>

¹³¹ <http://www.bexar.org/DocumentCenter/Home/View/7307>

8.4.2.High Level Implementation Logistics

To support the development of the Performance Metrics Portal, tools such as Tableau, Qlik, Cognos, and TIBCO Spotfire might be appropriate. The City would need to procure and implement such a tool.

There are several valid approaches to the process of creating a set of performance metrics. Such processes generally involve gathering the people responsible for the work as well as a set of the process internal “customers.” Good metrics require participation and buy-in from all components of the service in order to ensure that they provide a broad view of the operation.

Good metrics are:

- Not budget-focused, but driven by an independent analytic staff focused on improving performance
- Not purely evaluative, but seek to help the agencies improve performance
- Not fleeting, but part of an enduring strategy
- Not randomly episodic, but part of a regular routine and rhythm of government’s leaders and their management
- Not uni-directional, but promoting of mutual responsibility across stakeholders and up and down the chain of command

There is no one perfect metric for complex systems like criminal justice. While timeliness is important, it is far from the only goal of a justice system. Fairness and consistency are also crucially important, as is the maintenance of the safety of the public. Therefore, multiple metrics will be required to provide an overall picture of how the organization is performing relative to its long-term goals. In addition, performance metrics must be calculated accurately and understandably in order that they be viewed as useful and credible.

Given the degree to which Cuyahoga County, Ohio, and Bexar County, Texas have already developed justice system metrics, a reasonable starting point for Marion County’s effort is to review what these jurisdictions have accomplished and how they are using the metrics. It makes sense to build on, and improve upon, what has already been attempted in a comparable jurisdiction.

The Performance Metrics Portal should be conveyed to internal and external stakeholders in a “dashboard” format. The dashboard is a visible display of important information about the efficiency and effectiveness of a process or function. The performance metrics chosen for the dashboard should be important and relatively few in number so as not to dilute attention from the most important measures. The dashboard should also be simple to use and allow for further analysis. Various software packages for developing dashboards allow for interactivity, allowing users to “drill down” to find out more information on the data that make up the metrics. Finally, Indianapolis-Marion County must commit to keeping the metrics current so as to maintain stakeholders’ confidence in their relevance.

Along with the development of the PRET, the process of developing, testing, and revising performance metrics should take place within the context of the overall data analytics strategy, outlined in the following section.

8.5. Summary Table of Data Analytics Tools

Table 8.5 – 1, Data Analytics Tools Proposed

Tool	How Used?	At What Step in the Process?	By Whom?
OMS Mental Health Field	To document more precisely the mental health conditions of arrestees for diversion and process analysis	1) For a select group, at the APC 2) For all inmates, at the Jail	1) By specially trained resources at the APC 2) By the proposed in-Jail case manager
IRAS – PAT	To assess risk when an offender is being considered for pretrial supervision or when an individual is placed on pretrial supervision	At the APC	By a specially trained resource
Pretrial Release Evaluation Tool (PRET)	1) To calculate criminal justice performance metrics specific to supervised release programs 2) To serve as a platform for deeper analysis of process effectiveness by system stakeholders	The PRET will be used to analyze various parts of the criminal justice process	The PRET will be maintained and used by the CDO and authorized data analytics team members, as appropriate
Performance Metrics Portal	To display understandable and reliable information on the performance of the criminal justice system to internal and external parties	The portal will include metrics describing various stages of the criminal justice process	The Performance Metrics Portal will be maintained and used by the CDO and authorized data analytics team members, as appropriate

9. Data Analytics Implementation Plan

9.1. Overall Objective

The overall objective of this section is to describe the steps necessary to develop and sustain a successful data analytics effort for the entirety of the Marion County criminal justice system, led by the CDO and supported by the data analytics stakeholder team, who can implement and make use of the tools referenced in the previous section. These tools include:

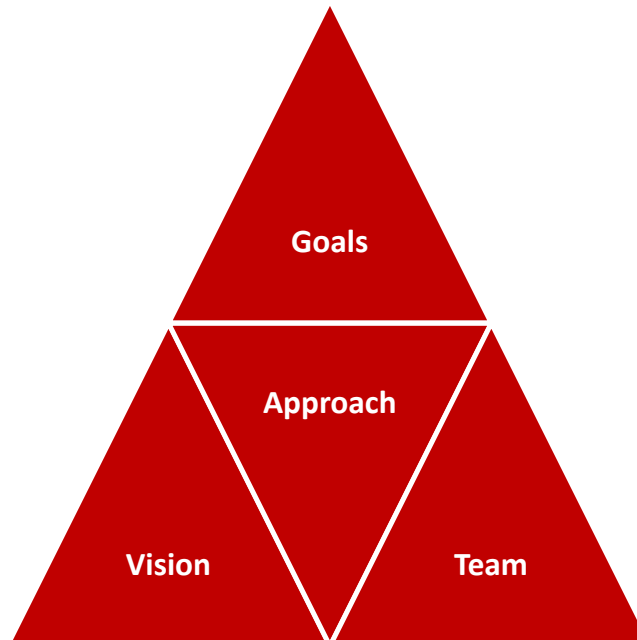
- Use of OMS to support more thorough mental health evaluation at APC and Jail
- Use of IRAS-PAT at the APC

- Development of the Pretrial Release Evaluation Tool (“PRET”)
- Development of the Performance Metrics Portal

9.2. Key Elements

A successful and sustainable data analytics function requires four elements: vision, team, approach, and goals. The vision identifies what a successful function will look like, while the team uses the approach to accomplish the goals that will make the vision a reality.

Figure 9.2 – 1, Elements of a Sustainable Data Analytics Approach



9.2.1. Vision

The vision of the data analytics function defines the direction for the function, as well as what a successful function looks like. Based on our discussions with City and County leadership, the vision for the data analytics function within the criminal justice system might be something like:

An organization with representatives from all stakeholder groups that is regularly convened by a Chief Data Officer and that uses data from all process components to measure system performance with an eye towards greater transparency and continuous improvement.

9.2.2. Team

Having a solid, representative team in the data analytics function is important to the overall success of the program. This is the role of the stakeholder data analytics team mentioned in section 6.2 above. The team needs to have a passion for incorporating analytics into the culture, technical expertise, and technology expertise. It is important to note that not all team members need to be both technical and technology experts. Rather, the team should work together to maximize the strengths of each member.

Early in the development of the criminal justice data analytics function, we recommend utilizing the technological experience and expertise of the most proficient analyst(s) to lead the analytics efforts of the internal audit department. This may await the appointment of a Chief Data Officer (referenced in section 6.1 above). With both a passion for analytics and technological proficiency, he or she will be able to help

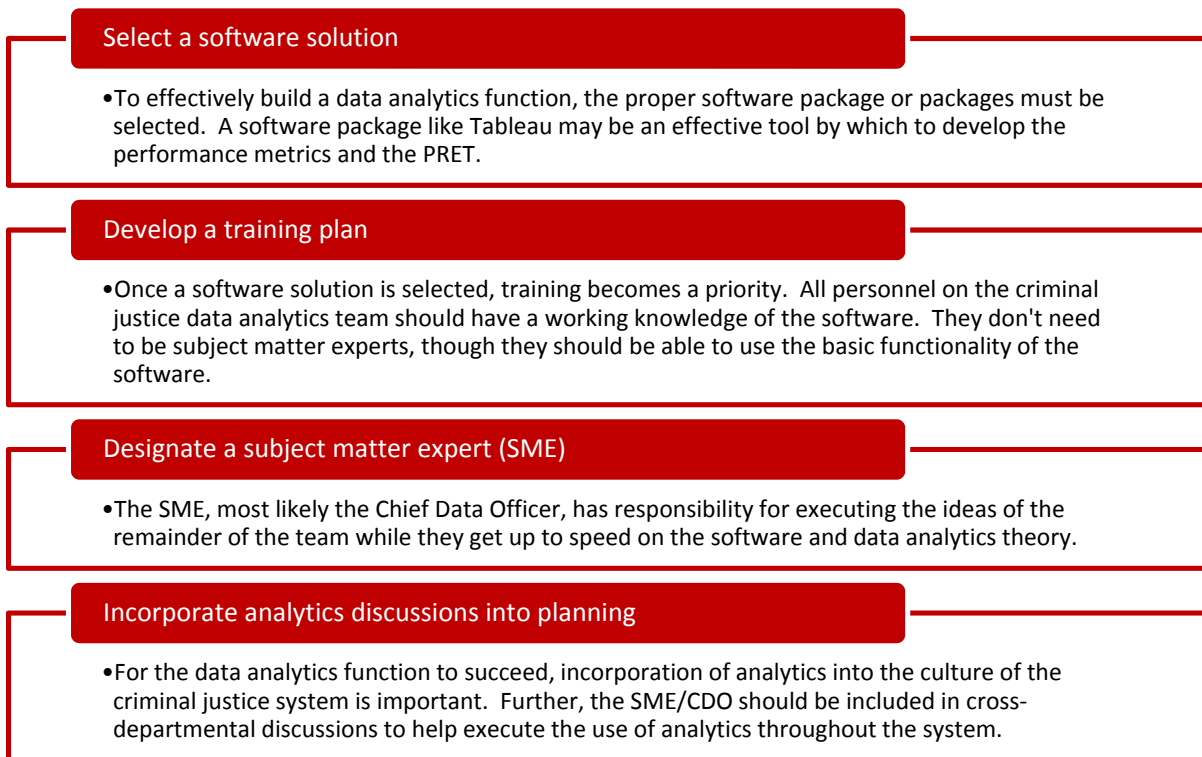
the team execute their analytic ideas and ultimately automate the analytics in the selected software solution.

Further, we recommend evaluating the strengths and passions, as well as stakeholder responsibilities, of each team member as it relates to the use of analytics in the criminal justice system. Allowing each to drive the application of analytics in those areas will provide ownership over the process. Ownership over the process will help further ingrain analytics into the culture of the Marion County criminal justice system.

9.2.3. Approach

The approach defines the steps necessary for the team to achieve the vision for the data analytics function, as defined above. As the analytics function develops within Marion County criminal justice system, the approach will continue to evolve and become more robust. Our recommended approach for the deployment of the particular data analytics tools is:

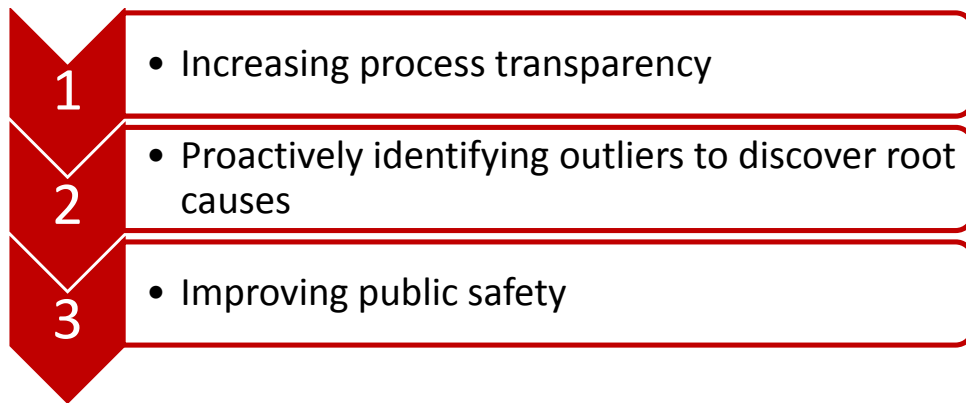
Figure 9.2.3 – 1, Basic Steps in Developing an Analytics Effort



9.2.4. Goals

The goals of an analytics function used across a criminal justice system identify the reasons to implement analytics. Based on discussions with criminal justice system stakeholders, the overarching goals for the data analytics function *may* include such items as:

Figure 9.2.4 – 1, Sample Goals

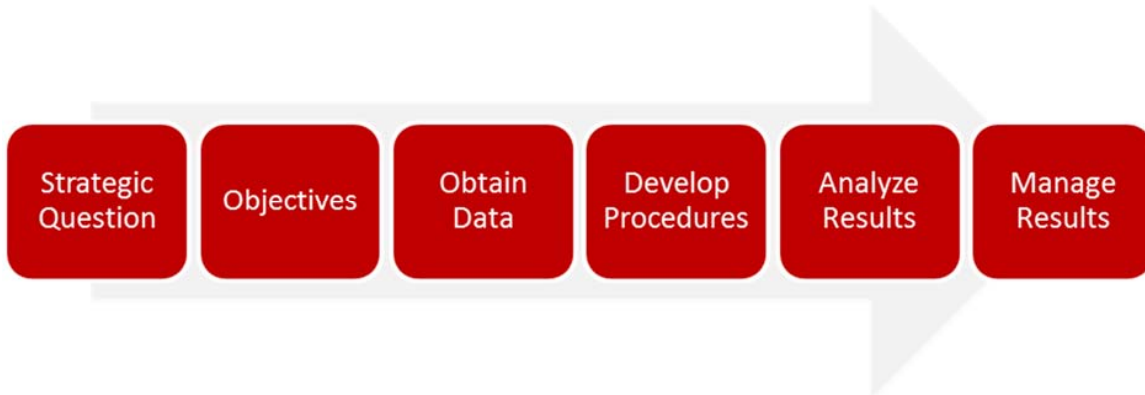


In addition to the goals for the analytics function, every analytic should have at least one goal. You should identify these goals when designing each analytic. The next section of this document provides a framework for the development of specific analytics.

9.3. Framework for Analytics Development

We would propose the following framework to allow for the application of analytics in any area of the criminal justice system.

Figure 9.3 – 1, Framework for Analytics Development



9.3.1. Strategic Questions

The first phase of the analytics development framework is asking a strategic question. This question may be as specific or broad as desired. Questions that are broad in nature will likely require more objectives, data, and procedures to get an answer. Questions that are specific will require fewer objectives, data, and procedures to get an answer. Depending on how specific the question is, additional questions may be required. Example questions could include:

- What is the profile of individuals most suited for pretrial release monitoring by MCCC?
- What mental health diversion programs lead to the lowest recidivism rates?
- How do continuances impact the length of time a trial takes?

9.3.2. Objectives

After determining the strategic question, the next phase is defining the objectives that will help answer the question. This phase requires you to break down the question to determine all the information required to get to an answer. Some questions will result in 10 or more objectives, while others may result in just a couple. As you work through the remaining phases of the framework, you may find it necessary to revisit the objectives phase to add additional items. Example objectives for the above question include:

- Determine what is meant by “success” for pretrial release monitoring of individuals.
- Determine the timeframe by which “success” is measured.
- Determine the relevant and constitutional variables that can be taken into account.

9.3.3. Obtain Data

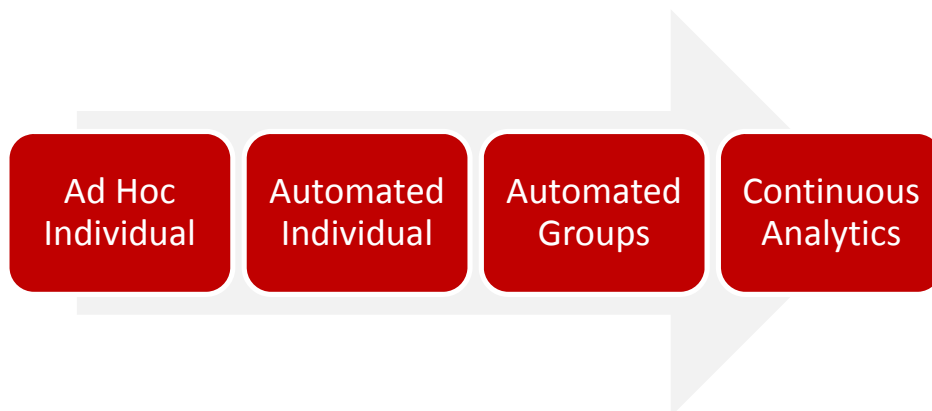
Once you determine the strategic question and define the objectives necessary to get an answer, you need to begin gathering the various data elements necessary for you to complete your analysis. We recommend beginning discussions with the CIO and other City-County IT stakeholders very early in the process to determine your options in obtaining data. An ideal set-up would involve open database connectivity (“ODBC”) connection directly to the relevant databases, reducing the reliance on the IT department. If that is not a possibility, we recommend working with IT to develop a production schedule for your required files on a routine basis.

There are two data sets needed in every analytic application: the data for analysis and the data for follow-up. The first set includes all tables and data fields necessary for you to meet your objectives in testing. The second set includes all tables and fields necessary for you to complete an effective review of the results. We recommend obtaining all of this data at the outset of the project to eliminate the need to supplement results with additional data late in the process. This will help reduce the likelihood of errors in appending supplementary data.

9.3.4. Develop Procedures

The development of procedures by which metrics are calculated should occur in phases. The ultimate objective for the recurring, or routine, metrics is to develop automated analytics. However, that is not the beginning of the process. We recommend the following process:

Figure 9.3.4 – 1, Procedure Development Steps



Ad Hoc Individual - The first phase of procedure development is simply determining how to accomplish the first procedure. At this point, the process is manual in nature and re-performance requires completing all steps manually. This phase should continue until successful completion of the procedure occurs on a regular basis.

Automated Individual - Once the ad hoc individual procedure is regularly successful, it is time to automate the procedure. This step requires coding expertise in the selected software solution. We recommend using a modular approach to automation. This approach uses one script to normalize the required data set and another to perform the testing. We recommend this approach to facilitate maintenance in the event the underlying file structure should change.

Automated Groups - Over time, you will accumulate a number of automated individual procedures. We recommend grouping these procedures into groups that accomplish a similar objective or answer a strategic question. The automation at this stage will allow the user to run a group of tests through a single automated interface, rather than having to run them individually.

Continuous Analytics - After creating automated groups, the procedures are ready for continuous production. This may not mean real-time application. The speed of the business process will set the definition of continuous. The overarching principle of this phase is the analytics run without human interaction.

9.3.5. Analyze Results

The penultimate phase of the framework is the analysis of results. The first aspect of this phase is determining if the results appear reasonable based on your expectations. Along with this, you need to identify potential false positives in the results or false negatives missing from the results. There is an expectation of false positives the first time a procedure runs. If you do not have false positives, the initial focus of the procedures is likely too narrow. This may result in false negatives. As you work through the results, you will find the right balance of false positives and actual findings to have comfort the procedures are effective.

The second aspect of this phase is determining if the results meet your objectives and answer your strategic question. If they do not meet the objectives, you should revisit the procedure development phase and add further procedures. If they meet the objectives, but do not answer the strategic question, you likely need additional objectives, additional data or better procedures. Your analysis should tie back to the overall goal of the analytics developed and that is to answer the strategic question.

9.3.6. Manage Results

Once you have results that answer your strategic question you move to the final phase – results management. How the stakeholders in the criminal justice system use the results of the analysis will drive the success and sustainability of the analytics function. **If no one is using the results, the analytics function will fall flat from lack of support.** If delivery of results is not timely, the analytics function will struggle to expand due to a lack of confidence from others. We recommend having a plan for how you intend to use the results of the analytics early in the process. Then when you get to this final phase, you are ready to put the results to work.

An important consideration in this phase is who will be using the results. It is important to recognize there are multiple users of the results, and what is important to each of the users may differ. We recommend developing multiple results delivery options and formats, depending on the audience.

9.4. Timeframe and Milestones

The particular timeframe and milestones must be developed based on the particular data analytics options that Indianapolis – Marion County selects for implementation. Once identified, the CDO should take responsibility for developing a detailed project plan with appropriate roles and responsibilities.

9.5. Options for Funding and Investment

Opportunities to fund the data analytics tools and projects discussed in this Strategic Plan could come from Federal/State, private foundation, or local sources.

The Department of Justice’s (“DOJ”) Justice Assistance Grant (“JAG”) is an opportunity for every state to support worthy criminal justice reform projects with its formula-driven share of the funds. Additionally, there are some JAG grants that go directly to local government for funding, but the due date for such applications is June 30. Finally, there are some discretionary grant funds directly from DOJ each year. Participation in the DDJ, as discussed in section 6, may also open the door to additional funding sources.

One approach would be to develop separate funding pitches for the different recommendations. For example, for the mental health-related options, the City-County could pitch to a foundation that is focused on those issues. For the judiciary efficiency options, the City-County could present to the State Justice Institute, which funds a limited number of judiciary efficiency projects. For the Community Corrections/pretrial supervisions options, the best approach may be to seek funding from a local foundation.

Some projects may have a clear return on investment such that locally-budgeted funds are appropriate. While these would require reducing funding for other pressing criminal justice priorities in an already budget constrained environment, projects with a clear return on investment and ability to transform pieces of the process may be well worth the short term pain.

Finally, the Pay for Success approach referenced in section 7.1.3.3 may hold promise as a way of funding process enhancements by forcing contractors to demonstrate clear success resulting in hard dollar savings before payments are made. This approach, while not a panacea, encourages innovation and excellence in the delivery of social services. Communities such as Salt Lake City are considering the value that such approaches could bring to fund criminal justice reform efforts.¹³²

¹³² <http://www.policyinnovationlab.org/article-publication/salt-lake-county-council-how-best-to-proceed-with-criminal-justice-reform-pay-for-success/>

10. Appendix 1 – Summary Table of Options

Option #	Section #	Classification	Description	High-Level Requirements to Implement (not exhaustive)
1	6.1	General Organizational	Create a Chief Data Officer position	Secure support from criminal justice process stakeholders, develop a position description and formal roles and responsibilities, plan for the logistics of the position
2	6.2	General Organizational	Create a stakeholder data analytics team	Identify personnel from each major criminal justice system stakeholder willing and qualified to serve on the team, create a charter for the team along, establish the logistics of the team
3	6.3	General Organizational	Join the Federal government's Data-Driven Justice initiative	Secure support from necessary stakeholders, communicate interest to the Federal government, identify a liaison for the Indianapolis – Marion County criminal justice system for the program
4	7.1.3.1	Mental Health Diversion	Consider the Creation of a Designated ECIT within IMPD	A selection process for interested officers, additional training, dedicated officers, operational protocols, appropriate diversion facilities for individuals requiring treatment
5	7.1.3.2	Mental Health Diversion	Resource and institute initial screening for mental health diversion alternatives at the APC	Facility space at the APC to conduct the screening, appropriately trained resources to administer the screening, process changes to incorporate screening, appropriate diversion facilities for individuals requiring treatment
6	7.1.3.3	Mental Health Diversion	Consider Pay for Success proposals for diversion programs	Assistance in developing a competitive solicitation (RFP), time and effort spent to develop the scope of services, funding for payment to successful providers
7	7.1.3.4	Mental Health Diversion	At the Jail, assess and track detailed mental health conditions in OMS	Resources to assess mental health conditions of those incarcerated, processes to support the assessment, individual to input the data into OMS, appropriate HIPAA controls

8	Mental Health Diversion	Periodically reassess Jail inmates for mental illness	Resources to assess mental health conditions of those incarcerated, processes to support the assessment, individual to input the data into OMS, appropriate HIPAA controls
9	Mental Health Diversion	Institute case management for those with mental illness at the Jail	Case management resources, processes to support case management
10	Mental Health Diversion	Improve court-Jail coordination prior to release	A resource to bring stakeholders together to identify the current gaps in communication and what can be done to fix those gaps, a project plan for implementing the process changes that result, an approach to confirming that such changes are effective in improving communications and to identify on-going instances of process failure
11	Mental Health Diversion	Consider expansion of MHAC model and other alternative courts	Resources to support the expansion of the MHAC, processes to support the expansion of the MHAC
12	Community Corrections Utilization	Develop a Pretrial Release Evaluation Tool (“PRET”)	Leadership of the CDO and involvement of the stakeholder data analytics team, selection of an appropriate software package, development of process metrics, identification of areas of on-going analysis, a process for sharing findings with stakeholders
13	Community Corrections Utilization	Solidify and promulgate the profile for the “high probability of success” MCCC participant	The PRET, appropriate research questions, a process for sharing findings with judges and other stakeholders
14	Community Corrections Utilization	Regularly provide decision makers with data and insights from the PRET	The PRET, appropriate research questions, a process for sharing findings with judges and other stakeholders
15	Community Corrections Utilization	Use data and insights from the Pretrial Release Evaluation Tool to improve MCCC and Probation organizational management	The PRET, appropriate research questions, a process for sharing findings with judges, the MCCC, Probation, and other stakeholders



16	7.2.3.5	Community Corrections Utilization	Complete cost-benefit analysis to determine value to expanding Community Corrections' hours of operation	Institute faster feedback loop to report violations	A resource to conduct the analysis of whether expansion is warranted, a documented methodology to support the analysis, presentation of the findings, resources to support any expansion
17	7.2.3.6	Community Corrections Utilization	A resource to bring stakeholders together to identify the current gaps in communication and what can be done to fix those gaps, a project plan for implementing the process changes that result, an approach to confirming that such changes are effective in improving communications and to identify on-going instances of process failure	None	A resource to conduct the analysis of whether the creation of a new major felony court is warranted based on case volumes, a documented methodology to support the analysis, presentation of the findings, resources to support any expansion
18	7.3.3.1	Criminal Justice Process Opportunities	Continue to use and evaluate summons in lieu of arrest	None	None
19	7.3.3.2	Criminal Justice Process Opportunities	Consider the creation of an additional major felony court	Develop a Performance Metrics Portal	Leadership of the CDO and involvement of the stakeholder data analytics team, selection of an appropriate software package, development of process metrics, identification of areas of on-going analysis, a process for sharing findings with stakeholders
20	7.3.3.3	Criminal Justice Process Opportunities	Consider the development of a settlement court	Consider the establishment of a Pretrial Services Agency	A pilot project is probably warranted with a volunteer judge or judges to spearhead
21	7.3.3.4	Criminal Justice Process Opportunities	Consider the establishment of a Pretrial Services Agency	Consider the establishment of a Pretrial Services Agency	A resource to lead the evaluation of other communities that have gone the Pretrial Services Agency route and whether such is appropriate for Marion County, an organization structure and processes that draw resources from existing agencies with pre-trial responsibilities (such as MCCC and Probation)
22	7.3.3.5	Criminal Justice Process Opportunities	Consider the establishment of a Pretrial Services Agency	Consider the establishment of a Pretrial Services Agency	A resource to lead the evaluation of other communities that have gone the Pretrial Services Agency route and whether such is appropriate for Marion County, an organization structure and processes that draw resources from existing agencies with pre-trial responsibilities (such as MCCC and Probation)

23	7.3.3.6 Criminal Justice Process Opportunities	Create a Court Administrator position to coordinate the assignment of individuals to problem solving courts	Identify an appropriate resource, develop necessary processes to assign individuals and to communicate across multiple courts
24	7.3.3.7 Criminal Justice Process Opportunities	Calculate and consider the cost of Jail as a component in the pretrial incarceration decision	A resource to conduct the analysis to determine the fully-loaded Jail cost, a documented methodology to support the analysis, presentation of the findings, communication of the findings to all stakeholders such as judges
25	7.3.3.8 Criminal Justice Process Opportunities	Consider opportunities to reduce the number of women detained pretrial	Identify a resource to further study the approaches of jurisdictions that have achieved lower rates of female incarceration and determine the transferability to Marion County, modify processes and identify additional resources if necessary
26	7.3.3.9 Criminal Justice Process Opportunities	Perform indigency screen prior to first appearance to facilitate representation at first appearance	A designated resource to conduct the screening, process changes to incorporate screening
27	7.3.3.10 Criminal Justice Process Opportunities	Consider Use of the IRAS Pretrial Assessment Tool	Under the leadership of the CDO and with the participation of all stakeholders determine the system and process needs to implement
28	7.3.3.11 Criminal Justice Process Opportunities	Provide Jail inmates the opportunity to copy phone numbers from cell phones	Institute a process change to allow for this that includes the ability of inmates to access the numbers as needed
29	7.3.3.12 Criminal Justice Process Efficiencies	Consider use of automated court date reminders	Identify a resource to develop a scope of services and competitively procure the technology, incorporate the use of the tool into court processes
30	7.3.3.13 Criminal Justice Process Efficiencies	Review the record of other cities suspending the arrest of individuals for marijuana and public intoxication	Use participation in the DDJ program (recommendation #3) as well as other Federal forums and discussions with appropriate State personnel to determine whether this is an appropriate step

11. Appendix 2 – References

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12. Appendix 3 – Notes on Other Communities' Approaches

<p>Non-jail facility?</p>	<p>King County, WA Community Corrections</p> <ul style="list-style-type: none"> - Provides the court system, as well as the offender, with pretrial and sentenced alternatives to secure confinement. - Aimed at reducing criminal justice costs while maintaining public safety <p>http://www.kingcounty.gov/courts/detention/community_corrections.aspx#Who</p> <p>Jail Diversion</p> <p>http://your.kingcounty.gov/aimshigh/search2.asp?JSDaJaiIDiversion</p> <p>Department of Adult and Juvenile Detention Community Corrections Division (CCD)</p>	<p>Nashville/Davidson, TN</p> <p>Mental Health Diversion Project Report</p> <p>Pretrial Diversion</p> <ul style="list-style-type: none"> - Pretrial Diversion is an alternative to sentencing wherein defendants are under supervision from six months up to a two year period <p>Mental Health Court</p> <p>http://gscourt.nashville.gov/departments-services/mental-health-court/</p>	<p>Bexar County, TX - The Restoration Center</p> <p>The Restoration Center has a wide-range of Jail Diversion Programs all co-located:</p> <ul style="list-style-type: none"> - Crisis Care Center - Public Sobering - Residential & Ambulatory Detoxification - Injured Detainee Medical Services - In-House Recovery Program (IHRP) 	<p>Orange County, CA - The James A. Musick Facility</p> <ul style="list-style-type: none"> - Minimum security facility
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	<p>Law Enforcement Assisted Diversion (LEAD)</p> <p>http://leadkingcounty.org/about/</p>			
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<p>If so, types of arrestees brought there?</p>			<ul style="list-style-type: none"> - People with mental illness/substance abuse - Homeless population 	<p>The James A. Musick Facility</p> <ul style="list-style-type: none"> - The inmates housed at the facility are considered to be a low security risk and most are in jail for crimes such as driving under the influence, minor drug possession, burglary, failure to pay child support, and or prostitution.
<p>How is evaluation made on type of arrestees brought there?</p>	<p>Community Corrections</p> <ul style="list-style-type: none"> - In order to be eligible to participate, a person must be ordered to the program by the court 		<ul style="list-style-type: none"> - Mental health professional partners with a CIT Officer to respond on calls dealing with a psychiatric crisis - Walk-ins welcome 	<ul style="list-style-type: none"> - Based on crime
<p>If so, services provided?</p>	<ul style="list-style-type: none"> - Services provided on-site will include mental health and chemical dependency assessment and treatment such as individual and group counseling and medication therapy. - Services will also include referrals and linkage to ongoing community 		<p>Crisis Care Center</p> <ul style="list-style-type: none"> - 24 hours assessment and intervention services addressing psychiatric crisis resulting in crisis resolution, extended observation and coordination into 	<p>The James A. Musick Facility</p> <ul style="list-style-type: none"> - Provides custodial and rehabilitative programs. Educational programs are available which enable the inmates to receive a G.E.D. while incarcerated. In



	<p>services and housing options.</p>		<p>alternative care</p> <p>Public Sobering</p> <ul style="list-style-type: none"> - Offers treatment in lieu of arrest to public intoxicants by providing medically safe environment utilizing motivational interviewing techniques to engage the patient and offer direct access to treatment <p>Residential & Ambulatory Detoxification</p> <ul style="list-style-type: none"> - Experienced, compassionate medical staff provides detox services and supportive environment - Initiative drug rehab treatment - Individualized treatment and high quality medical care 	<p>addition, educational classes are offered in subjects such as; parenting, substance abuse, math, and government. Vocational Classes that are offered at the facility includes; Sewing, Cabinetry, Welding, Workforce Readiness, and Food Preparation</p>
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			<p>Injured Detainee Medical Services</p> <ul style="list-style-type: none"> - Provides minor medical clearance for crisis and detoxification programs - Immediate access to law enforcement to obtain medical clearance and treatment for individuals that have been detained and injured during the apprehension process - Added service to reduce ER waits and get police back on street 	
			<p>IHRP</p> <ul style="list-style-type: none"> - Provide dormitories on the Haven for Hope campus to provide sober, structured-living environment for campus residents engaged in treatment 	

<p>If so, # of patients/month?</p>			<p>2,000+ patients/month</p>	<p>1,322 adult male and female inmates and ICE detainees</p>
<p>Major stakeholders participating?</p>	<p>Criminal Justice Partners <i>Hyperlinked to organization</i></p> <ul style="list-style-type: none"> - King County Superior Court - King County District Court - King County Prosecutor's Office - King County Department of Public Defense - King County Department of Judicial Administration - King County Department of Community and Human Services - King County Sheriff's Office <p>Service Providing Partners</p> <ul style="list-style-type: none"> - Sound Mental Health Public Health - Seattle and King County 		<p>Bexar County</p> <ul style="list-style-type: none"> - Commissioners Court - Judicial Court - Sheriff's Office <p>San Antonio Police Department</p> <ul style="list-style-type: none"> - Dispatchers, Fire, EMS <p>Haven for Hope</p> <p>University Health System for Bexar County and Beyond</p>	<ul style="list-style-type: none"> - The Orange County Sheriff's Department's Custody and Courts Command



<p>Estimated savings?</p>	<ul style="list-style-type: none"> - <u>Learning Disabilities Association of Washington</u> - <u>Family Services</u> - <u>New Beginnings</u> - <u>South Seattle Community College</u> - <u>Worksource</u> - <u>Washington State Department of Social and Health Services</u> - <u>United Way of King County</u> - <u>King County Jobs Initiative</u> - <u>People of Color Against AIDS Network</u> 			
			<p>6 year annual cost avoidance of \$11,970,441</p>	



<p>Special training provided?</p>			<p>Crisis Intervention Training (CIT)</p> <ul style="list-style-type: none"> - Mental health professional partners with a CIT Officer to respond on calls dealing with a psychiatric crisis <p>Dispatchers</p> <ul style="list-style-type: none"> - Provided an abbreviated 12 hour CIT course for call takers and dispatchers in collaboration with CHCS - Dispatchers are co-trainers with SAPD and Sheriff's Officers <p>EMS</p> <ul style="list-style-type: none"> - Added a CIT component to their EMS in-service training 	
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