



SUSTAINING THE EBDM MODEL: THE INDIANA STORY

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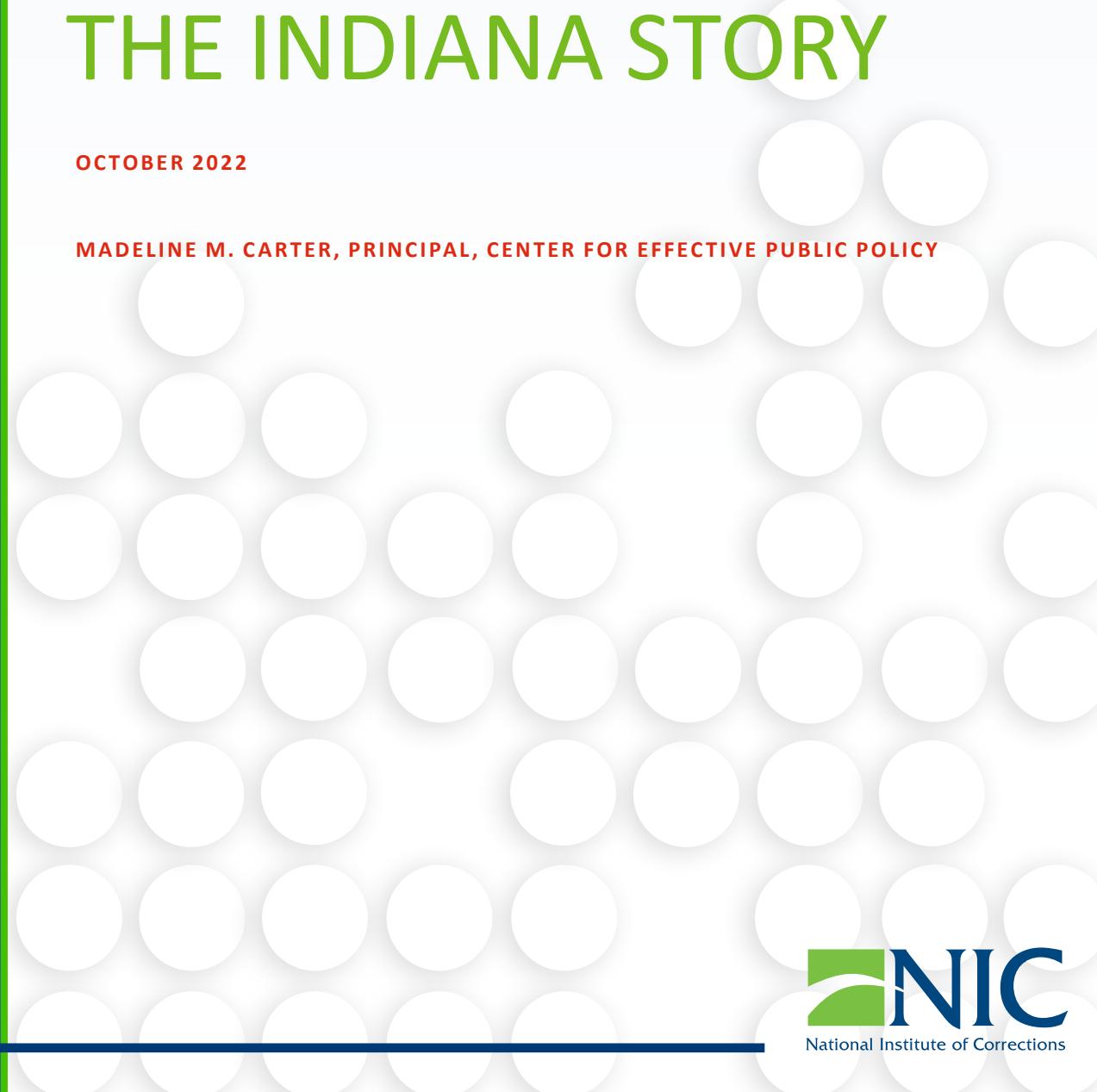
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- Justice Steven H. David, Indiana Supreme Court
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- Justice Christopher M. Goff, Indiana Supreme Court
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DEDICATION

This paper is dedicated to the many people who have brought the vision of the Evidence-Based Decision Making (EBDM) Initiative to reality. Over the course of a dozen years, 28 multidisciplinary policy teams have convened across five states in an effort to improve their systems of justice. While this paper represents the work in just one of those states—Indiana—we would be remiss not to acknowledge the incredible efforts in all of the others. They are each listed below and, by all rights, deserve special recognition for the time, energy, and passion they brought to the work in their own communities and their many accomplishments, too many to enumerate here:

- Colorado: Mesa County
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- Minnesota: Ramsey County
- Oregon: Yamhill County
- Virginia: Virginia State Team, City of Charlottesville/County of Albemarle, Chesterfield County, Norfolk County, City of Petersburg, Prince William County, City of Richmond, Staunton County
- Wisconsin: Wisconsin State Team, Chippewa County, Eau Claire County, La Crosse County, Marathon County, Milwaukee County, Outagamie County, Rock County, Waukesha County

EBDM was conceptualized by George Keiser, former Chief of the Community Corrections division of the National Institute of Corrections (NIC), and Phyllis Modley, former NIC Correctional Program Specialist. Phyllis served as EBDM's project manager until Correctional Program Specialist Steve Austin stepped into that role upon her retirement. Following Steve's departure from NIC in 2009, when EBDM was still in Phase I, Correctional Program Specialist Lori Eville assumed responsibility for leading the project. She would serve as the EBDM project manager for more than a decade, until losing her battle to cancer in 2021. Lori brought passion, joy, and inspiration to her work, and she will forever embody the strength of commitment to doing the right things for the right reasons. Her legacy will live on in the lives of all those she touched, both directly and indirectly.

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INTRODUCTION

Evidence-based decision making (EBDM) is a strategic and deliberate method of applying empirical knowledge and research-supported principles to justice system decisions made at the system level. These decisions have enormous implications for the mission and practices of individual justice system and allied agencies, and they have critical ramifications for people at the individual (case) level. Unlike other efforts to reform justice system practices or improve outcomes, EBDM is not a model that prescribes a particular set of strategies or outcomes. Instead, EBDM acknowledges that jurisdictions differ in size, resources, assets, and challenges. EBDM is a **process** that encourages justice system reformers to come together; understand research pertinent to outcome improvement; analyze their current system's policies, practices, and performance; and align around methods of advancement of their own choosing. It has demonstrated its promise to create a more rational, aligned justice system, supported by research, and managed by stakeholders who work together to achieve a shared vision.

This paper briefly traces the history of the EBDM initiative; illustrates its implementation at the local level through a case study of one of the original EBDM pilot sites, Grant County, Indiana; highlights the promise of EBDM through the experiences of the state of Indiana; and considers the challenges and strategies associated with sustainability.

COLLABORATION

Genuine collaboration is a central focus of the Evidence-Based Decision Making initiative. "Collaboration" is the process of working together to achieve a common goal that is impossible to reach without the efforts of others. It seeks to overcome the limitations of traditional and nonsystemic approaches to justice system problem solving by bringing together stakeholders to share information, develop common goals, and jointly create policies to support those goals—and to do so for a sustained period of time.

THE EBDM INITIATIVE

In June 2008, the National Institute of Corrections (NIC) launched the Evidence-Based Decision Making in Local Criminal Justice Systems initiative. The EBDM initiative aims to build a systemwide framework (from arrest through final disposition and discharge) that achieves improvements in individual and justice system outcomes. EBDM conceptualizes a justice system guided by goals defined and shared by stakeholders, decisions informed by research evidence, a system guided by collaborative policy development, and a commitment to ongoing data collection and analysis to determine whether and how goals and outcomes meet expectations.

EBDM was first implemented as a conceptual model with seven local pilot sites across the United States. The purpose of the pilot was to determine whether the conceptual model would be embraced and could be implemented. Fueled by an enthusiastic response from pilot site participants, NIC expanded the model to include additional sites and placed an emphasis on building an alignment in vision and values between state-level policymakers and their local counterparts. The initiative's name was revised to Evidence-Based Decision Making in State and Local Criminal Justice Systems to reflect this broadened scope.

JUSTICE SYSTEM STAKEHOLDERS

Justice system "stakeholders" are defined as those who have a vested interest in justice system processes and outcomes. Policy teams are composed of justice system agencies and community organizations that affect, or are affected by, decisions that will be made by the collaborative team. Their specific stakeholder composition varies depending on the structure of each community but commonly includes those with the positional power to create change within their own organizations and community members who serve to inform the work. The chief judge, court administrator, elected prosecutor, chief public defender, private defense bar, community corrections director, police chief, elected sheriff, pretrial administrator, victim advocates, local elected officials (i.e., city manager, county commissioner), service providers, and community representatives are common members of local policy teams. On state-level teams, the stakeholder composition is similar but includes those with positional influence across multiple communities (e.g., elected president of the state prosecutors' or sheriffs' association; executive director of the state's association of counties) and individuals with statewide authority or influence (e.g., state legislature, statewide behavioral/mental health agencies, departments of corrections, attorneys general, governor's offices, state courts). In addition, state-level teams include local team representatives in a deliberate effort to align state and local interests around justice system reforms. Together and separately, each brings valuable information, resources, and perspectives to the collaborative endeavor.

The EBDM Framework

The work of EBDM is guided by *A Framework for Evidence-Based Decision Making in State and Local Criminal Justice Systems*. The EBDM Framework posits that risk and harm reduction are

RISK REDUCTION VERSUS HARM REDUCTION

Risk reduction refers to lessening the likelihood, frequency, or severity of recidivism by people currently or previously involved in the justice system. **Harm reduction** refers to the decrease of the ill effects of crime. These include the direct effect of crime on victims, neighborhoods and communities as a whole, families of people who are justice-involved, and justice-involved people themselves.

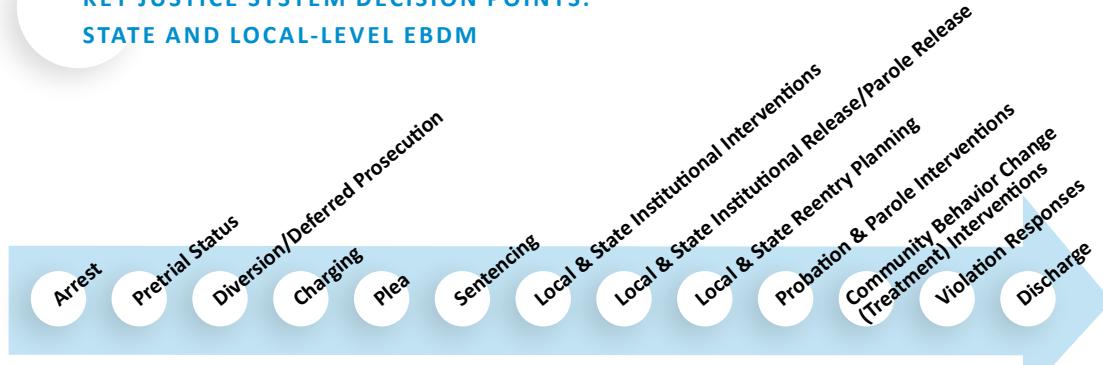
fundamental—and attainable—goals when stakeholders embrace and align with the core tenets of the Framework: engagement in truly collaborative partnerships, the use of research to guide work across the justice system's decision points, an understanding of implementation science research, and a common vision of community well-being (i.e., better outcomes for people involved in the justice system, more efficient use of tax dollars, fewer victims, and a stronger sense of community).

The Framework is built upon a set of four principles that are essential to effectively implementing EBDM:

- Principle One: The professional judgment of criminal justice system decision makers is enhanced when informed by evidence-based knowledge.
- Principle Two: Every interaction within the criminal justice system offers an opportunity to contribute to harm reduction.
- Principle Three: Systems achieve better outcomes when they operate collaboratively.
- Principle Four: The criminal justice system will continually learn and improve when professionals make decisions based on the collection, analysis, and use of data and information.

The Framework also establishes a structure for effectively implementing EBDM. It calls for an examination of the entire justice system, focusing on key decision points. It also emphasizes the essence of actively engaging key decision makers and stakeholders in the process.

KEY JUSTICE SYSTEM DECISION POINTS: STATE AND LOCAL-LEVEL EBDM



Pilot Testing the EBDM Framework

In August 2010, NIC selected [seven communities](#) throughout the United States¹ to pilot the Framework. In partnership with the Center for Effective Public Policy (CEPP), NIC provided guidance and technical assistance through a series of steps in preparation for implementation. These steps, which were intended to establish processes and the infrastructure needed to successfully implement EBDM, were outlined in a “roadmap.” Roadmap steps included, among others, understanding and integrating research at key decision points and assessing current policies, practices, and baseline data. This deliberate and strategic planning process was designed to position jurisdictions to implement consensus-based, research-informed, data-driven changes to support the achievement of stakeholders’ systemwide vision and goals. Thereafter, NIC provided support to EBDM sites in the successful implementation of their change targets, the development of communications strategies, and the measurement of outcomes.

In 2013, NIC shifted its focus to replicating the EBDM Framework on a statewide level to demonstrate its value beyond single, local jurisdictions. Project staff worked closely with planning teams in five states² to consider whether and how to expand their EBDM efforts beyond the original local pilots to include state-level agencies and additional local jurisdictions. Planning teams in these states conducted exploratory analyses of their policies, practices, and data capacity; carried out EBDM awareness-building activities; and took steps to gauge the level of interest in EBDM across their respective states. As a result of these activities, three states—Indiana, Virginia, and Wisconsin—expanded their EBDM efforts from a single local pilot site (or, in the case of Wisconsin, two local pilot sites) to multiple local jurisdictional teams and a state team. By 2015, the EBDM initiative had expanded to 28 teams: 25 local teams and three state-level policymaking teams.

¹The seven pilot sites were Mesa County, Colorado; Grant County, Indiana; Ramsey County, Minnesota; Yamhill County, Oregon; City of Charlottesville/County of Albemarle, Virginia; Eau Claire County, Wisconsin; and Milwaukee County, Wisconsin.

²The five states were Colorado, Indiana, Oregon, Virginia, and Wisconsin.

ILLUSTRATING EBDM AT THE LOCAL LEVEL: GRANT COUNTY, INDIANA

Grant County, a rural county in north central Indiana, has a population of 65,769. The county seat is Marion, located 65 miles north of Indianapolis. The county's population is 84.7% white, 7.4% Black or African American, and 4.4% Hispanic or Latino. The median household income is \$44,356; 16.0% of the population lives below the poverty level.³ Manufacturing, healthcare, retail, and education are the primary employers.⁴

The Grant County felony criminal docket is divided among four courts: the Grant Circuit Court and three superior courts. Pretrial services—funded and certified by the Indiana Office of Court Services—falls under the umbrella of correctional services and includes both risk assessment and supervision. The county's sentencing options include probation services (funded by county tax dollars, user fees, and state and federal grants), problem-solving courts, and community corrections (funded through a combination of an annual grant from the Indiana Department of Correction and user fees). As of this writing, Grant County is among approximately 27 counties in Indiana with probation and community corrections services integrated into a single agency.⁵

| PROFILE OF GRANT COUNTY'S JUSTICE SYSTEM | CALENDAR | CALENDAR | CALENDAR |
|--|-----------|-----------|-----------|
| | YEAR 2015 | YEAR 2019 | YEAR 2020 |
| Jail Rated Capacity | 274 | 274 | 274 |
| Jail Bookings | 1,720 | 3,265 | 2,769 |
| Jail Average Daily Population | 248 | 292 | 289 |
| Felony Court Filings ⁶ | 760 | 1,001 | 1,159 |
| Adult Probation Admissions ⁷ | 859 | 678 | 644 |
| Adult Probation Population (on Dec. 31) | 1,288 | 1,081 | 1,076 |
| Adult Community Corrections Admissions | 406 | 162 | 273 |
| Adult Community Corrections Population | 306 | 253 | 135 |

³See <https://www.census.gov/quickfacts/fact/table/grantcountyindiana/PST045219>.

⁴See <https://statisticalatlas.com/county/Indiana/Grant-County/Industries>.

⁵Indiana operates a dual system of adult community supervision and programming. The Indiana Office of Court Services and local judges have administrative oversight of probation. The Indiana Department of Correction administers community corrections grant funds for local programs, with oversight by local community corrections advisory boards.

⁶Although felony filings have increased over time, overall commitments to state prison have declined.

⁷In 2018, Grant County implemented a new statewide records management system (the Indiana Office of Court Services Supervised Release System (SRS)). Some data differences for adult probation admissions and populations and for adult community corrections admissions and populations may be the result of the use of different reporting systems.

Completing Grant County's continuum of interventions is a system of behavioral health services. Behavioral health services are provided by Grant-Blackford Mental Health, Inc., Bowen Center, Inc., and Family Service Society, Inc. *Recovery Works*⁸ partially funds addiction services, including three recovery homes and peer recovery support.

Grant County Selected as an EBDM Pilot Site

In 2010, Grant County was selected as one of the seven original EBDM pilot sites. Their selection was based, in part, on the fact that many of the county's justice system policymakers had previously demonstrated their ability to work toward systemwide improvements, specifically by planning and securing funding for a drug court, reentry court, and child advocacy center. As well, dating back to as early as 1998, court officials and correctional managers had attended evidence-based practices trainings and applied what they learned to improving correctional supervision and services with the goal of reducing recidivism.

Grant County's interest in the EBDM initiative was driven by a desire to significantly broaden and deepen stakeholder involvement in realizing the benefits of evidence-based practices—especially to engage the police, jail managers, prosecution, defense, the university community, victim advocates, and the county council in improving public safety through the EBDM process. Despite a solid history of applying evidence-based practices in the courts and corrections, Grant County officials saw an opportunity to do more.

Early EBDM Efforts

Grant County was successful in bringing together a diverse group of stakeholders to serve on their EBDM policy team, which was structured as a subcommittee of Grant County's Community Corrections Advisory Board (CCAB).⁹ Together, EBDM policy team members developed a statement reflecting their desire, as a collaborative body, to "promote risk and harm reduction by utilizing collaborative decision making and interventions founded on evidence-based research." The EBDM policy team was and still is composed of the following members:

- all felony court judges (the circuit court judge, three superior court judges, and a magistrate);
- the elected county prosecutor;
- the jail administrator;

⁸In 2015, the Indiana General Assembly passed House Enrolled Act 1006, "Criminal Justice Funding." Commonly referred to as "1006," this act created the Forensic Treatment Grant Program through the state's Division of Mental Health and Addiction. Recovery Works, the state's forensic treatment program, is "designed to provide support services to those without insurance coverage who are involved with the criminal justice system"; is "dedicated to increasing the availability of specialized mental health treatment and recovery services in the community for those who may otherwise face incarceration"; and is "intended to supplement community supervision strategies to decrease recidivism" (see <https://www.in.gov/fssa/dmha/recovery-works>).

⁹In 1979, the Indiana General Assembly created the Community Corrections Advisory Board (CCAB) under Article 12, Chapter 1. Establishment of such boards qualified localities to apply for and receive community corrections grant funding. CCABs are promulgated through local ordinances approved by the county executive or city council, and membership is prescribed by legislation. Their purposes are to select and provide oversight of the local community corrections director and other matters related to community corrections staff; coordinate partnerships between entities receiving state community corrections funding (e.g., local probation and community corrections); and create and oversee a local community corrections plan and its associated budget and requirements. Grant County's CCAB was established in the early 1980s.

- the police chief;
- a victim advocate from the prosecutor's office;
- the director of county correctional services (probation);
- the director of community corrections;
- the chief public defender;
- representatives from the county fiscal body;
- a behavioral health representative;
- a representative from the Department of Correction; and
- a representative from the Indiana Office of Court Services.

GRANT COUNTY'S COMMUNITY CORRECTIONS ADVISORY BOARD

Grant County's Community Corrections Advisory Board (CCAB) was established in the early 1980s. The interdisciplinary makeup of the CCAB encouraged its use as a forum to discuss a number of systemic challenges such as local jail crowding. The success of those efforts highlighted the CCAB's potential to serve a purpose beyond the original community corrections focus. Once the EBDM team identified change targets and a problem-solving process and dynamic, it seemed to be a natural fit to hand off future EBDM activities to the CCAB, whose structure and longevity allowed Grant County to institutionalize the EBDM principles for the long run.

Grant County's Change Targets

Grant County's EBDM policy team, with assistance from their EBDM technical assistance provider, followed the EBDM roadmap and assessed the degree to which research evidence guided decisions throughout the justice system. They identified system strengths, challenges, and targets for future policy and practice change. By the conclusion of the planning phase of their work, the policy team had agreed to a set of change targets and developed logic models and detailed implementation plans. Their initial change targets included:

- reallocating probation caseloads to optimize the supervision of people on probation who were at high risk of recidivating;
- developing a data dashboard;
- revising the probation violations process and expanding alternatives to revocation; and
- implementing pretrial policy and practice improvements.

The following illustrates the positive results of these policy improvements.

Community Supervision Caseloads Reduced, Supervision Practices Enhanced

The Grant County EBDM Policy Team came to agreement on the purpose of community supervision: "reducing...risk of future criminal behavior by addressing...assessed risks and needs." Based upon an analysis of community supervision caseload size and an intentional

focus on risk reduction, they undertook an effort to reduce supervision caseloads and increase positive outcomes among people on probation through the application of effective interventions.

In December 2014, Grant County's caseload reallocation strategy was implemented. Clear policies were established defining differential supervision standards for people on felony and misdemeanor probation based upon risk level. People at low and moderate risk who had been convicted of felonies were placed on unsupervised probation after they had completed their risk reduction conditions or programs (other conditions would be monitored by civil judgments). Misdemeanor probation was reserved for those assessed at higher risk of reoffending, those convicted of domestic violence offenses, and those assessed as moderate risk with substance use concerns. In addition, expectations were established for community supervision staff regarding the use of core correctional practices and effective interventions with people on probation. A system of risk-based performance measures was also implemented.

Since implementing the caseload reallocation strategy, Grant County has experienced a 42% decrease in people on probation convicted of a misdemeanor (342 in 2012; 198 in 2020) and a 26% reduction in people on probation convicted of a felony (1,182 in 2012; 880 in 2020). Officials also report a 19% reduction in the number of new referrals to supervision (1,058 in 2012; 859 in 2020). These data suggest a downward trend in the number of cases under supervision, enabling officers to spend more time focusing on behavioral interventions with people who are at higher risk of reoffending in order to have the greatest effect on reducing recidivism.

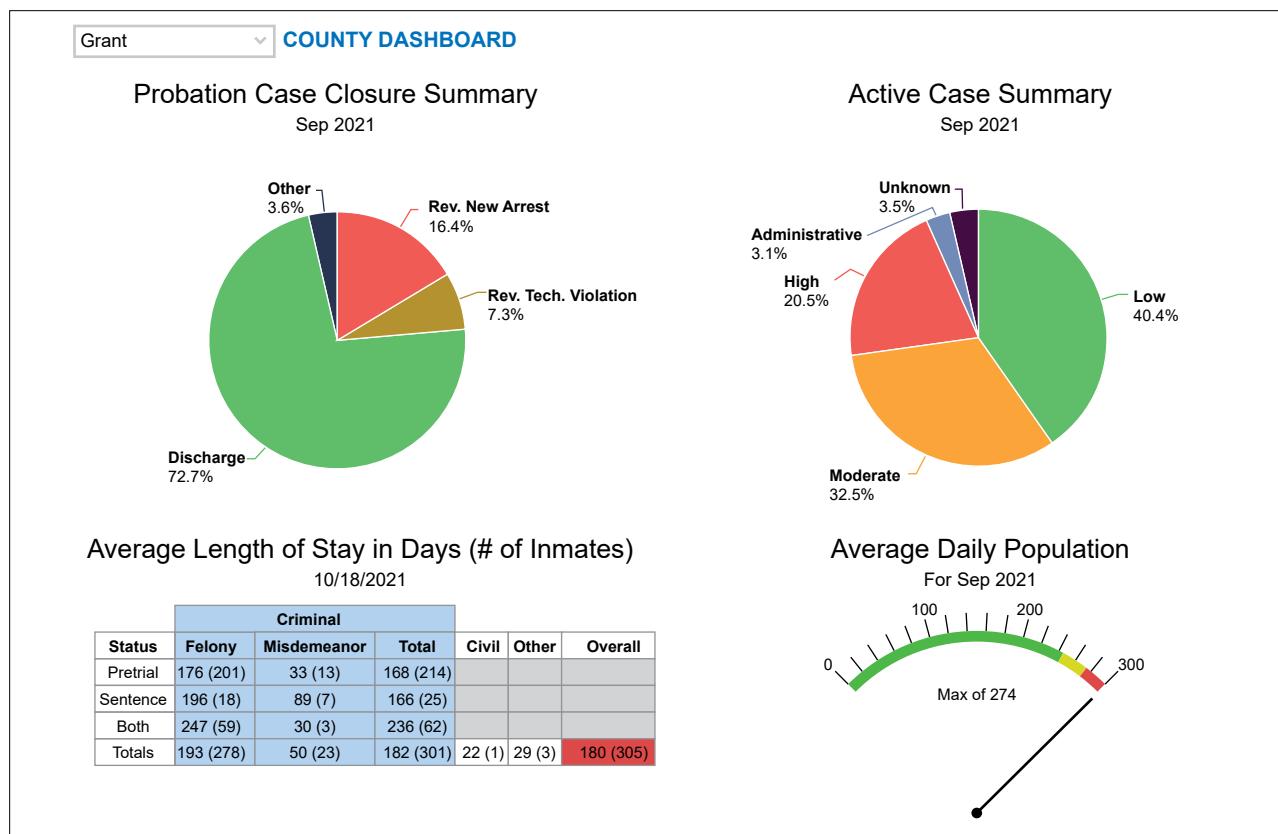
Data Dashboard Created

Early in the EBDM process, the Grant County Policy Team recognized that data collection and analysis was essential to understanding the effects of local policy improvements and refining strategies over time. However, as is often the case, they found themselves hampered by siloed information systems. Development of an improved method for collection, analysis, and transparent reporting was therefore identified as an initial high-priority change target.

Grant County successfully secured a partnership with the Indiana Office of Court Services and Indiana Office of Court Technology to develop and implement a data dashboard. The dashboard was launched in January 2017. It is a centralized system for reporting on key performance indicators, drawing from multiple data sources, including the jail management systems and Indiana Office of Court Services' Supervised Release System (SRS). While not a live-feed system, the dashboard does provide updated information—on probation case closures, active probation cases and their risk levels, average length of stay in jail, and average daily population in jail—approximately every 30 days.

"THE LOCAL DASHBOARD PROVIDES STAKEHOLDERS WITH UP-TO-DATE INFORMATION ABOUT THE JAIL POPULATION AND PROBATION DEMOGRAPHICS AND OUTCOMES. USERS CAN SELECT A GENERAL DATA POINT AND DRILL DOWN TO THE INDIVIDUAL CASE LEVEL. FOR THE FIRST TIME IN LOCAL HISTORY, STAKEHOLDERS HAVE THE ABILITY TO ACCESS DATA AND INFORMATION TO HELP THEM DO THEIR JOBS MORE EFFECTIVELY."

Cindy McCoy, (Retired) Director of Grant County Correctional Services



The data dashboard includes data filtering and reporting. In addition to data available at the dashboard level, the system offers deeper operational and trend analyses. While court data is not accessible through the dashboard (but is instead provided through the Odyssey court case management system), the Indiana Office of Court Services has implemented a separate application that enables judges to view and manage case processing times for both criminal and civil cases.

Replicating this system statewide has not been possible given that there are currently over 25 separate jail management systems in use throughout the state, each of which would require unique programming to interface with the dashboard. The Indiana Office of Court Technology is developing a jail management system that will interface with the Odyssey court case management system (see page 18). Grant County has agreed to serve as a pilot for the new jail management system, working with the Indiana Office of Court Technology to modify their current dashboard. Ultimately, the jail management system and dashboard will be available to any jurisdiction that wishes to use it.

Responses to Behavior

Data analysis in Grant County revealed that the use of jail bed days for people who violated probation cost upward of \$300,000 in 2015, with those who violated probation representing 6% of all jail bookings and 13% of all people sentenced to serve jail time. Analyses concluded that in addition to its effects on the jail, on people on probation, and on the larger community, probation violations and revocations also had a significant effect on judges, prosecutors, and defenders in terms of time invested in case processing.

A workgroup was convened to apply an evidence-based approach to noncompliant behavior: responding consistently, swiftly, and fairly to all violations in consideration of the underlying behavior, a person's risk level, and the severity of the violation. Research-based principles were also applied to responses to prosocial behavior.

Implementation of Pretrial Services

Implementation of the Indiana Risk Assessment System—Pretrial Assessment Tool (IRAS-PAT)¹⁰ was an early EBDM change target for Grant County. However, Grant County's work in this area identified a number of implementation barriers, the most challenging of which included limitations on the people authorized to administer the IRAS-PAT pursuant to Indiana's statewide risk assessment policy; legal and research concerns regarding the tool (i.e., that some items in the tool could lead to self-incrimination and that the tool had yet to be validated on an Indiana pretrial population); and uncertainty around how best to address local reliance on revenues from cash bonds to support critical court and defense counsel services.¹¹

In December 2013, the Indiana Supreme Court established the Committee to Study Evidence-Based Pretrial Release, which was tasked with exploring the need for and avenues to improving pretrial policies and practices. Following more than a year of work and the development of a new criminal rule on pretrial, the Supreme Court's committee established a partnership with the statewide EBDM team to develop and oversee a multicounty pretrial release pilot project. Indiana's statewide pretrial efforts have continued to advance in the ensuing years (see pages 16–17), with Grant County officials playing a significant role in the effort. Grant County's circuit court judge serves as the chair of the state's [Pretrial Release Committee](#).

"I WOULD COUNT OUR REFORMS ON PROBATION VIOLATION RESPONSES A RESOUNDING SUCCESS. MOST VIOLATIONS ARE NOW RESOLVED QUICKLY BY AGREEMENT. RESPONSES ARE CONSISTENT, FAIR, AND QUICK...BASED UPON MY OBSERVATIONS FROM THE BENCH, I BELIEVE THAT OUR EARLY INTERVENTIONS (VIOLATION RESPONSES), FOCUSING ON BOTH THERAPEUTIC RESPONSES AS WELL AS SANCTIONS, HAVE ALLOWED US TO GET MANY PEOPLE ON THE TRACK TOWARD SUCCESSFUL COMPLETION OF PROBATION OR COMMUNITY CORRECTIONS, WHERE THEY MIGHT HAVE OTHERWISE FAILED IN THE PAST."

Mark Spitzer, Grant County Circuit Court Judge and Chair of the Grant County EBDM Policy Team

¹⁰ The IRAS-PAT is one of five instruments that comprise the Indiana Risk Assessment System (IRAS), which Indiana adopted in 2010. The IRAS was designed by researchers at the University of Cincinnati for use at specific points in the justice process to assess risk and criminogenic needs. The IRAS-PAT, in particular, is used to assess a person's likelihood of failing to appear in court pretrial and being rearrested during the pretrial phase. It is brief, consisting of seven risk items in three areas: criminal history, employment and residential stability, and drug use. Staff must be specially trained to administer the IRAS-PAT, which consists of a 10-minute in-person interview and follow-up verification of information.

¹¹ Grant County joined as an IRAS-PAT pilot team in mid-2017.

The Effect of EBDM on Grant County

Grant County's EBDM accomplishments are too many to enumerate in this writing, but they are well summarized by the chair of Grant County's EBDM policy team, Judge Mark Spitzer, who offered this list of accomplishments:

1. Fully implemented an evidence-based pretrial system
2. Fully implemented pretrial diversion for felony cases
3. Implemented an administrative resolution of probation violations
4. Implemented evidence-based sentencing throughout felony courts
5. Implemented incentive and violation response matrices for probation and community corrections, resulting in reduced commitments to the Department of Correction for violations
6. Implemented a differential system of probation supervision caseload management
7. Implemented an evidence-based domestic violence curriculum
8. Requested that all contracted providers use evidence-based interventions
9. Implemented a veterans treatment court
10. Implemented a family recovery court
11. Significantly mitigated jail crowding
12. Implemented a data dashboard
13. Encouraged the adoption of EBDM principles at the state level and became actively involved on state policymaking teams
14. Began to actively address sustainability of EBDM through an ongoing effort of orienting newly elected officials and justice system staff to EBDM principles and practices

"WE HAVE CREATED A CULTURE OF COLLABORATIVE DECISION MAKING IN THE JUSTICE SYSTEM WHICH ENHANCES LOCAL PARTNERSHIPS, FACILITATES THE SHARING OF INFORMATION AND OPINIONS, PROMOTES CREATIVITY AND THE IMPLEMENTATION OF EVIDENCE-BASED INTERVENTIONS, AND SEEKS TO ACHIEVE EXCELLENCE IN RESULTS. AS A RESULT, I'M SURE THIS LIST IS NOT EXHAUSTIVE, AS IT IS PROBABLY TRUE THAT EVERY SIGNIFICANT DECISION THAT WE HAVE MADE SINCE BEGINNING THE EBDM PROCESS HAS BEEN VETTED AND ACCOMPLISHED THROUGH THE EBDM FRAMEWORK."

Mark Spitzer, Grant County Circuit Court Judge and Chair of the Grant County EBDM Policy Team

Looking Forward in Grant County

New areas of exploration for the Grant County EBDM Policy Team include implementing a new jail management system and addressing an upward trend in the use of jail for people with mental illness. Of particular concern is the effect of the revised Indiana criminal code on county resources. The act mandates that people convicted of low-level felony charges, formerly eligible for a prison sentence, shall be sentenced locally. Further, the county jail population is on the rise, with a corresponding demand for local behavioral health services, which local officials attribute to an opioid crisis. To address these and other local challenges, Grant County officials intend to continue their focus on maintaining a strong collaborative team and have recently invited new members, including a county commissioner, additional defense counsel representation, and a city court judge, to join the policy team.

EBDM'S EXPANSION IN INDIANA

Grant County's success as an EBDM pilot site caught the attention of state officials and colleagues in other counties. NIC's announcement in 2013 of its interest in identifying states wishing to expand EBDM beyond the original seven pilot sites prompted discussion and an expression of interest among the executive, legislative, and judicial branches of state government. In January 2014, representatives from the Indiana Office of Court Services and the Grant County EBDM Policy Team attended an EBDM statewide summit, sponsored by NIC, in Wisconsin. The purpose of the summit was to elicit interest in EBDM in new localities. The following month, NIC conducted an informational webinar for EBDM pilot sites and their state-level partners to introduce a forthcoming opportunity to receive technical assistance around planning for expansion of EBDM to additional local jurisdictions and EBDM state teams. This opportunity was referred to as Phase IV of the EBDM initiative.

In March 2014, Indiana applied to participate in Phase IV; their selection was announced the next month. Between June and September of the same year, Indiana formed a state planning team composed of state criminal justice and local county leaders.¹² Its purpose was to consider whether and how to identify additional counties to join the initiative, and to solidify the formation of a state-led team. In August 2014, the Indiana planning team conducted a one-day educational session for county representatives to learn more about the initiative and solicit interest in participating. Approximately 150 people representing 31 counties attended. Through an application process, six diverse counties were selected by the state team as initial expansion partners.¹³ In November of the same year, they jointly submitted to NIC a competitive application to participate in Phase V of the EBDM initiative, a period of time intended to support the planning process of newly formed state and local teams. Also in November 2014, NIC sponsored a "capacity builders training" intended to help each EBDM jurisdiction develop local capacity to support EBDM in future local sites. Nine state and local representatives from Indiana participated in the weeklong event. NIC announced its selection of Indiana into Phase V in February 2015 and thus launched the Indiana EBDM state team¹⁴ and six additional local EBDM teams in Indiana.

In April 2015, Indiana's EBDM state team and the six local teams independently conducted their first meetings. Less than two months later, a 2-day workshop brought together for the first time Indiana's seven EBDM teams. The goals of developing a shared vision for an effective system of justice throughout the state of Indiana and creating strategies for cross-team, cross-state partnerships and collaboration, among others, were achieved, according to the post-workshop participant surveys.

¹² Indiana's criminal justice and governmental structure is described in the appendix.

¹³ The six selected counties were Bartholomew, Hamilton, Hendricks, Jefferson, Porter, and Tipton.

¹⁴ At that time, the Indiana EBDM State Team consisted of representatives from the Association of Indiana Counties, Division of Mental Health and Addiction, Indiana Association of Community Corrections Act Counties, Indiana Criminal Justice Institute, Indiana Department of Correction, Indiana House of Representatives, Indiana Office of Court Services, Indiana Prosecuting Attorneys Council, Indiana Public Defender Council, Indiana Sheriffs' Association, Indiana Supreme Court, Office of the Governor, and Probation Officers Professional Association of Indiana, as well as from Grant County.

House Enrolled Act 1006

Coincidental to the EBDM efforts described above, on May 5, 2015, Governor Mike Pence signed into law [House Enrolled Act 1006](#), which would become effective on July 1, 2015. This legislation established a nine-member¹⁵ Justice Reinvestment Advisory Council (“JRAC,” hereafter referred to as “state JRAC”).

The purpose of the state JRAC is “to review policies, promote state and local collaboration, and provide assistance for use of evidence-based practices and best practices in community-based alternatives and recidivism reduction programs, including:

- 1. probation services;**
- 2. problem-solving courts;**
- 3. mental health and addiction treatment and recovery services;**
- 4. programs providing for pretrial diversion;**
- 5. community corrections;**
- 6. evidence-based recidivism reduction programs for currently incarcerated persons;**
- 7. pretrial services;**
- 8. other rehabilitation alternatives; and**
- 9. the incorporation of evidence-based decision making into decisions concerning jail overcrowding.”¹⁶**

The state JRAC first convened in July 2015.

Identifying Opportunities to Improve

Phase V of the EBDM project was intended to support participating teams in gaining a shared appreciation for the research on collaboration, risk reduction, and implementation science. The project also helped teams develop a detailed understanding of justice system policies and practices that guide local processes. All seven of Indiana’s EBDM teams reviewed the literature on these topics, mapped their systems, studied available data, and engaged in discussions aimed at developing a consensus-based vision statement and set of values. Although this work was accomplished independently by each team, the vision statements and values that resulted were similar and consistent, despite geographic and other differences.

“EBDM ALLOWED
PEOPLE TO COALESCE
AROUND VALUES AND
OBJECTIVES.”

Indiana EBDM participant

Once this initial planning work was completed, each team identified their gaps and opportunities for improvement, measured against their vision, values, research, and data. “Change targets” were identified by each team. Common across the six local teams and the state team was the desire to advance pretrial justice.

¹⁵ Over time, the statute would be amended to include additional members.

¹⁶ See <https://www.in.gov/justice/about/>.

INDIANA'S "MONEY MAP"

All EBDM project sites, including Indiana, conducted system mapping to build a common base of knowledge among multidisciplinary stakeholders and to facilitate discussion about methods to improve the process and outcomes of the justice system. The Indiana EBDM state team, however, took this work a step further. Once their system map was complete, they carefully analyzed the Indiana Code and developed a "money map" that identifies each step on the system map with financial implications for people who are justice-involved (e.g., deferred prosecution fee, public defense administration fee, DNA sample processing fee, document storage fee) and the recipient of the collected funds. The following excerpt of the money map illustrates this important work:

- Court costs assessed: Base amount as of July 1, 2015: \$183.00; costs/fees increase for certain convictions (i.e., substance abuse, weapon offense, sex offense, traffic offense)
 - Some additional fees are a set amount and others are a range set forth by statute.
 - All court costs and fees are deposited into various funds by statute; some fees assessed in city and town courts are deposited into different funds or with different distribution amounts than the trial courts.
 - Costs are suspendable under Ind. Code 33-37-2-3.
- Public defender costs can be assessed by the court.
- Fines can be assessed by the court; range of fines is set by statutes (Ind. Code 35-50-2 and 35-50-3):
 - Felony: Up to \$10,000
 - Misdemeanor: A misdemeanor—up to \$5,000; B misdemeanor—up to \$1,000; C misdemeanor—up to \$500
 - Deposited in Common School Fund (In Official Opinion No. 29, March 27, 1952, the attorney general held that the legislature intended fines and forfeitures to be vested in the common school fund when they have been paid into the hands of the county treasurer and a report of such payments has been made to the auditor of state. Therefore, fines and forfeitures vest in the common school fund at the time they are paid into the county treasury and a report is made to the auditor of state. Under these conditions, and pursuant to the restrictions of Article 8, Section 3, of the Constitution of Indiana, such funds being then vested in the common school fund are beyond recall and the governor is without authority to remit. See: State Board of Accounts Manual for Circuit Court Clerks, 7-20.)
 - Instead of the maximum fines set forth elsewhere in the Indiana Code, the court may impose a fine in a sum equal to twice the defendant's pecuniary gain or twice the pecuniary loss sustained by the victims of the offense. Ind. Code 35-50-5-2.

Pretrial Justice

In 2014, prior to the efforts described above, the Indiana Supreme Court tasked its Committee to Study Evidence-Based Pretrial Release (“Committee”) with developing a pilot project to “assess the feasibility, efficacy, economics and methodologies of establishing an evidence-based system for pretrial release decisions in Indiana.”¹⁷ Independent of EBDM, the Committee began a collaboration with NIC. However, as pretrial justice emerged as a change target common to all of Indiana’s EBDM teams, a confluence became apparent.

In 2015, the Committee and NIC hosted a day-long summit on the elements of a high-functioning pretrial release system. One of the meeting’s objectives was to determine local counties’ willingness to participate in a pretrial release pilot project. Subsequently, Indiana’s Office of Court Services (IOCS) facilitated agreements among 11 counties—seven EBDM and four additional counties¹⁸—to pilot the IRAS-PAT. With the encouragement and endorsement of the Justice Reinvestment Advisory Council (“State JRAC”), the Indiana Department of Correction and Indiana Supreme Court awarded over \$1M in funding to support the pilot projects in their first year of operation. This funding decision was noteworthy for several reasons, not the least of which was the fact that it was the first time the Indiana Department of Correction’s funds were directed toward supporting pretrial efforts. In this same period, the Indiana Supreme Court issued an Order Adopting [Criminal Rule 26](#) to encourage courts to use an evidence-based assessment to inform pretrial release decisions.

The pretrial pilot project included an IOCS-funded process evaluation conducted by researchers at Indiana University-Purdue University Indianapolis (IUPUI). The evaluation examined perceptions and concerns related to implementation of the IRAS-PAT. It also provided the most comprehensive analysis to date on matters related to pretrial in Indiana (e.g., demographic and risk-level data on the pretrial population). One of the findings was the need for enhanced data systems and practices that would allow for improved local and cross-jurisdictional analytics.

In 2016, the Indiana General Assembly adopted Indiana Code 35-33-8-0.5, which codified the state’s intention to “adopt rules to establish a statewide evidence based risk assessment system to assist courts in selecting the appropriate level of bail or other pretrial supervision for arrestees eligible for pretrial release.”¹⁹ In subsequent years, Indiana’s pretrial work broadened and deepened. In 2018, a workgroup established under the EBDM state team published the [Pretrial Practices Manual](#) “to provide consistent, evidence-based policies and procedures for use by Indiana jurisdictions as they develop and implement pretrial programs.”²⁰ A statewide pretrial summit was held in 2019 and, later that year, the state JRAC’s [Report on Bail Reform and Pretrial Issues](#) and IUPUI’s validation of the IRAS-PAT in two of the pilot counties²¹ were both released.

¹⁷ See <https://times.courts.in.gov/2016/04/26/indiana-supreme-court-committee-to-study-evidence-based-pretrial-release/>.

¹⁸ The four additional counties were Allen, Monroe, St. Joseph, and Starke.

¹⁹ Indiana Code 35-33-8-0.5 became effective on July 1, 2017.

²⁰ See <https://www.in.gov/courts/iocs/files/pretrial-work-group-practices-manual.pdf>.

²¹ The two counties were Hamilton and Monroe. The validation studies can be found at <https://www.in.gov/courts/iocs/pretrial/resources/>.

On January 1, 2020, Criminal Rule 26 became effective statewide, with the purpose of improving pretrial practices by encouraging trial court judges to “engage in evidence-based decision making at the pretrial stage.”²² To support the effective implementation of Rule 26, the Judicial Conference of Indiana adopted *Pretrial Services Rules*. In the spirit of the EBDM principles, the rules were “designed to aid in implementing pretrial best practices at the local level. The practices outlined in these rules support the operation of a risk-based pretrial system that will maximize release, court appearance, and public safety. Multidisciplinary stakeholder teams, as outlined within these rules, are foundational to the development of local pretrial systems and are the body responsible for setting policy and practice within their jurisdiction in accordance with identified best practices.”²³ The rules created a standard set of definitions, expectations around a broad set of operating practices, and requirements for obtaining state pretrial certification if a local jurisdiction so desires.

Rounding out 2020, the Pretrial Release Committee was formed as a standing Judicial Conference Committee to support pretrial efforts in Indiana, and several additional reports were published by IUPUI: *Pretrial Risk Assessment and Pretrial Supervision in Indiana: Final Report, Differences in the Predictive Accuracy of IRAS-PAT Assessments as a Function of Age, Sex, and Race: Final Report*, as well as validation studies in four additional counties.²⁴ Two additional validation studies²⁵ would follow in 2021, with the remainder to be completed in 2022.²⁶ IOCS—through its formal responsibilities to provide education and guidance to the state’s courts, and through its role as a key EBDM and state JRAC team member—continues to support local communities as they implement and expand their pretrial efforts.

Data

Discussions around the Indiana EBDM State Team table—initially precipitated by the team’s system mapping work but continually reinforced through the team’s discussions about substantive matters, such as pretrial—led them to identify data as an initial change target. A workgroup was formed to begin to explore the universe of data collection and analysis, particularly but not exclusively at the state level, and to identify opportunities for improvement. This work proved both challenging and consequential. Early efforts included identifying the multitude of major data capture systems throughout the various state agencies; examining, specifically, the numerous jail management systems used throughout the state and the data elements they contained; and creating a list of common justice system terms (nearly 150 in

“WITH EBDM, WE’VE
BEEN ABLE TO USE THE
JAIL FOR THE RIGHT
PEOPLE FOR THE RIGHT
REASONS.”

Indiana EBDM participant

²² See <http://indianacourts.us/times/2017/02/faq-criminal-rule-26/>.

²³ See page 1 of <https://www.in.gov/courts/iocs/files/iocs-pretrial-services-rules.pdf>.

²⁴ The four additional counties were Allen, Bartholomew, Hendricks, and Jefferson. The validation studies can be found at <https://www.in.gov/courts/iocs/pretrial/resources/>.

²⁵ The two additional validation studies were for Grant and Porter Counties. The validation studies can be found at <https://www.in.gov/courts/iocs/pretrial/resources/>.

²⁶ The final validation studies will be for St. Joseph, Starke, and Tipton Counties.

total) along with definitions and commentary on the measurement of each term. As the group's vision of integrated data systems and analytic capabilities grew, representatives from the Indiana Management Performance Hub (MPH)²⁷ were brought to the table. MPH guided the policy team through user stories, use cases, and the identification of data sets. In parallel and complementary to this work, the Indiana Office of Court Technology continued its work to improve access to data systems that provide both case management functionality and analytics—benefiting local courts and their partners as well as state policymakers.

Among the significant outgrowths of this work are the following:

- The Indiana Evidence-Based Decision Making and Justice Reinvestment Advisory Council Memorandum of Understanding (MOU): The signatories to this MOU, which was promulgated in 2019, were the: Indiana Office of Judicial Administration, Indiana Justice Reinvestment Advisory Council, Indiana Prosecuting Attorneys Council, Indiana Public Defender Council, Indiana Criminal Justice Institute, Indiana Public Defender Commission, Indiana State Police, Indiana Department of Correction, and Indiana Family and Social Services Administration. The MOU, which was approved by the State Budget Agency, permitted and guided the exchange of data across agencies, governed confidentiality and security matters, and identified designees within each signatory agency to work with MPH on data analysis. The agreement stipulated that "The MPH will leverage the data, providing statistical analysis, record linkage across Party data silos, and advanced analytics to support the efforts of the EBDM and the JRAC. The MPH will facilitate the bi-directional flow of the data among the Parties for use by the Parties in furtherance of its individual powers and duties and in furtherance of the EBDM and JRAC efforts."²⁸
- The Supervised Release System (SRS): The SRS is a case management system, funded in part by the Indiana Department of Correction, that is designed to collect data points for probation, home detention, problem-solving court, court alcohol and drug programs, and the pretrial release pilot project.²⁹
- Jail management systems: It became readily apparent that statewide analytics were significantly impeded by the use of multiple jail management systems (upward of 25). Indiana's work in this area has led to a 2021 project that will result in a jail management system that will interface with the Odyssey court management system. This system will be available statewide to those who choose to use it.
- Local data dashboards: As noted previously, replicating Grant County's local data dashboard throughout Indiana has not been possible given the multiple jail management systems throughout the state, each of which would require unique programming to interface with the local dashboards. However, the jail management system described above will address this

"EBDM CREATED A HUNGER FOR DATA."

Indiana EBDM participant

²⁷ MPH was established under Governor Pence's administration in 2014. Its mission is to "improve the quality of life for Hoosiers with data, innovation, and collaboration" (see <https://www.in.gov/mph/about-mph/>).

²⁸ The MOU expired and was not renewed due to forthcoming changes in data systems.

²⁹ See <https://www.in.gov/doc/files/Supervised-Release-System-One-Pager-FINAL.pdf>.

problem for those jurisdictions that adopt it, resulting in a set of uniform local dashboards. Grant County will pilot this project.

Communications

Indiana's EBDM state team identified internal and external communications as a priority change target and, as part of their Phase VI³⁰ work, established a communications workgroup. The idea was a simple one: through communication, it might be possible to build a critical mass of people who would work in partnership to achieve a more effective, data- and research-informed justice system. Composed of public information officers from the agencies represented on the EBDM state team (e.g., court, state prosecutors association, state public defenders office, governor's office), this workgroup took on the responsibility of developing and implementing strategies to proactively inform and educate internal, professional audiences about the work of the EBDM state and local policy teams; conduct outreach to the broader community throughout the state of Indiana; and take action should events occur that necessitate a coordinated, reactive response (i.e., a "critical incident protocol"). As part of their initial workplan, the workgroup facilitated discussion and agreement among state team members on a statement of participation that ensures that all members are clear about their responsibilities to one another regarding internal and external communications.

A deliberate focus on communications undoubtedly explains the widespread understanding of EBDM, even among those who were not part of pilot sites. Leveraging statewide convenings as a means to share the principles and experiences of EBDM soon became the norm. Below are just a few early illustrations of state and local team members' efforts to communicate with colleagues throughout the state. These efforts have continued and expanded in the ensuing years.

- January 2017: Members of the EBDM state team presented to the House Courts and Criminal Code Committee an update on the state JRAC and state and local EBDM activities.
- May 2017: Judge Benjamin (Bartholomew County), Judge Gull (Allen County), and Judge Spitzer (Grant County) conducted an education session on Criminal Rule 26 at the IOCS Spring Judicial College.
- May 2017: Cindy McCoy (Grant County) and Mary Kay Hudson (IOCS) conducted an education session on the EBDM/pretrial project at the IOCS Probation Officers Annual Meeting.
- September 2017: Judge Benjamin (Bartholomew County), Judge Diekhoff (Monroe County), Larry Landis (Indiana Public Defender Council), Judge Lett (Tipton County), Judge Spitzer (Grant County), Judge Surbeck (Allen County), and other Indiana stakeholders presented on EBDM and pretrial to Indiana judges at their annual conference.

"WE DEVELOPED A
SINGLE MESSAGE THAT
WE CAN DELIVER ACROSS
STATE AGENCIES, AND
WE CAN TALK TO THE
LEGISLATURE WITH ONE
VOICE."

Indiana EBDM participant

³⁰The goal of Phase VI is to implement the change strategies identified in Phase V.

- November 2017: Mary Kay Hudson (IOCS) and Lisa Thompson (Indiana Office of Court Technology) presented on EBDM/pretrial at the Indiana Association of Community Corrections Act Counties conference.
- November 2017: Julie Lanham (IDOC), David Powell (Indiana Prosecuting Attorneys Council), and Jane Seigel (IOCS) presented on EBDM, pretrial, and 1006 funding to the Indiana Association of County Commissioners.

Another notable illustration of Indiana's effort to build partnerships and a critical mass was—following the launch of the pretrial pilot project—having state team members self-select into subteams that spent a day at each pilot site engaging with their local counterparts, observing local practice, understanding challenges, and identifying methods of support where it was needed.

Finally, cultivating relationships with journalists and otherwise encouraging news articles was commonplace locally and at the state level. Positive press—including in the face of significant pretrial reform—came to be expected.



INDIANA EBDM AND JRAC TIMELINE

- 2010
 - Grant County joins EBDM as a pilot site (EBDM Phases II, III)
- 2013
 - Indiana explores expanding EBDM statewide
- 2014
 - NIC selects the state of Indiana as a statewide partner (EBDM Phase IV)
 - Nine state and local representatives from Indiana attend EBDM capacity builders training
- 2015
 - Indiana EBDM State Policy Team formed (EBDM Phase V)
 - [Indiana House Enrolled Act 1006](#) passed; state Justice Reinvestment Advisory Council (JRAC) formed (IC33-38-9.5)
 - EBDM state team and six local partner teams convene project launch meeting
 - EBDM state team adopts six change targets: data, behavioral responses, mental health, pretrial, professional development, risk reduction strategies
- 2016
 - State and local teams convene to share progress
 - NIC continues to support Indiana's EBDM state and local teams (EBDM Phase VI)
 - [Criminal Rule 26 – Pretrial Release](#) adopted
- 2017
 - Indiana's EBDM state team coordinates multiday meeting with pilot sites to discuss pretrial opportunities
 - NIC partners with Indiana's EBDM state team to sponsor pretrial orientation for EBDM sites
 - [Process evaluation of the IRAS-PAT pilot](#) published
- 2018
 - Indiana's EBDM state team begins work on sustainability plan
 - [Pretrial Practices Manual](#) published
- 2019
 - Indiana pretrial summit held
 - EBDM team members serve on Indiana's [Jail Overcrowding Task Force](#)
 - Indiana's EBDM state team completes EBDM sustainability and expansion plan with intention of merging EBDM with JRAC
 - State agencies sign justice system data-sharing agreement
 - [JRAC Report on Bail Reform and Pretrial Issues](#) released
 - IRAS-PAT validation studies published: [Hamilton](#) and [Monroe](#) Counties
- 2020
 - [Criminal Rule 26](#), effective January 1, 2020, is implemented to improve pretrial practices by encouraging trial court judges to engage in evidence-based decision making at the pretrial stage
 - Indiana [Pretrial Services Rules](#) adopted
 - JRAC membership expanded under [HEA 1047](#) to include additional state EBDM team members; duties included studying jail crowding and pretrial practices
 - Pretrial Release Committee formed as a standing Judicial Conference Committee
 - [Pretrial Risk Assessment and Pretrial Supervision in Indiana: Final Report](#) published
 - [Differences in the Predictive Accuracy of IRAS-PAT Assessments as a Function of Age, Sex, and Race: Final Report](#) published
 - IRAS-PAT validation studies published: [Allen](#), [Bartholomew](#), [Hendricks](#), and [Jefferson](#) Counties
- 2021
 - Local JRAC legislation ([HEA 1068](#)) passed
 - IRAS-PAT validation studies published: [Grant](#) and [Porter](#) Counties
 - [Local JRAC microsite](#) launched
 - Virtual training conducted formally launching state and local JRAC partnership

State JRAC and EBDM

As early as 2016, members of the state JRAC and the state EBDM team understood the symbiotic nature of their work, in part because of overlapping membership but also due to the compatibility of purpose. As each evolved, their work became more aligned. In the state JRAC's role overseeing the distribution of criminal justice and substance abuse treatment funds appropriated by the Indiana General Assembly, it was only natural that they would partner with the state EBDM team to guide Indiana's legislative, policy, and funding decisions surrounding the use of research to inform justice system decision making. As noted previously regarding the use of state funds to support implementation of pretrial locally, the change targets of Indiana's EBDM state team³¹ influenced the allocation of these funds.

In 2016, a memorandum of understanding between the state JRAC and the state EBDM policy team was executed. The MOU states, in part, "JRAC and EBDM Policy Team share significantly similar goals and objectives and both organizations have some common membership. This MOU is entered into between JRAC and EBDM Policy Team to recognize the similarities and to document the shared vision and to enhance the work of both organizations in the areas of criminal justice reform and evidence-based practices." The MOU explicitly delineates the agreement of each body to share staff support and other resources and to coordinate their efforts around data collection and analysis, communication, and legislative efforts. It was not inconceivable, then, that as these teams continued to collaborate, they might one day merge.

Early 2021—when Indiana, like the rest of the nation, began to emerge from the worst of the COVID-19 pandemic—provided such an opportunity. The state JRAC team had continued to meet throughout the pandemic as legislatively required, whereas the state EBDM team had not. As semi-normal operations began to resume, a decision was made to merge the two bodies. The state JRAC—with the authorities promulgated by its enacting legislation—was positioned as the overarching team, and the state EBDM team and all of its workgroups were positioned as formally sanctioned subcommittees.

Building a Deliberate Sustainability Plan

NIC's concluding Phase VI technical assistance efforts were aimed at facilitating the development of EBDM sustainability plans. Indiana's plan, completed in early 2020, included four key areas of work. The following represents these four areas and their associated objectives:

Governance-focused objectives

- Incorporate the EBDM framework into the Indiana Code.
- Establish the vision, mission, goals, and objectives of EBDM in Indiana.
- Develop an overall criminal justice and EBDM funding strategy.
- Implement the administrative process to support, sustain, and advance state and local EBDM efforts.

³¹ In addition to pretrial, data, and communications, the state team's change targets were risk reduction strategies, behavioral responses, and mental health.

Process-focused objectives

- Establish a dynamic, multidimensional communications plan regarding EBDM implementation.
- Create a set of resources that serve as a common base of knowledge among professionals throughout the state regarding EBDM principles and practices.
- Create a responsive training and technical assistance team that is a one-stop shop for supporting EBDM capacity building at the local level.

Education-focused objectives

- Engage, educate, and gain/maintain support for the EBDM initiative from the governor's office.
- Engage, educate, and gain/maintain support for the EBDM initiative from state legislators.
- Engage, educate, and gain/maintain support for the EBDM initiative from freshman legislators.
- Collaborate with state task forces to ensure the EBDM state team becomes a working partner in these task forces.
- Educate, engage, and gain/maintain support for the EBDM initiative from local elected officials.
- Identify opportunities within existing justice system professionals' onboarding activities to introduce EBDM concepts.
- Identify opportunities to build skills among justice system professionals as a county team.
- Identify opportunities to inform the general public regarding EBDM.

Data-focused objectives

- Identify and collect performance and outcome measures to understand the impact and effectiveness of justice system policies and practices.
- Implement a reciprocal statewide data sharing and analysis process.
- Provide state and local officials and policymakers aggregate (statewide) and local performance measurement and outcome data on a quarterly basis.

The Future of EBDM and JRAC

In April 2021, Governor Eric Holcomb signed [House Enrolled Act 1068](#) ("HEA 1068" or "Local JRAC"). Indiana's passage of HEA 1068 is another decisive step in a broad, strategic effort to ensure that state and local justice system policies, practices, and processes result in the best possible outcomes for the citizens of the state. Local JRAC requires the establishment of a local or regional justice reinvestment advisory council³² that is responsible for promoting evidence-based practices and using best practices in recidivism reduction programs. Among

³²The act presumes that councils will be established on a county-by-county basis except where two or more counties opt to establish a regional council.

other provisions, the act sets forth requirements around the membership of the councils³³ and, importantly, the roles of the councils. These roles broadly include:

- working in partnership with the state JRAC;
- reviewing, evaluating, and recommending local justice system services;
- reviewing, reporting on, and addressing local jail crowding; and
- complying with JRAC data requirements.

HEA 1068 also sets forth certain requirements of the state JRAC, in particular to serve as a partner and support to its local counterparts. Commitment to this partnership was expressed in a letter by Justice Christopher M. Goff, state JRAC chair, to all trial court judges and chief probation officers. In addition, the following JRAC members disseminated the letter to their colleagues:

- executive director of the Association of Indiana Counties to all heads of county councils and commissions;
- director of the Indiana Division of Mental Health and Addiction to community health center directors;
- president of the Indiana Sheriffs' Association to the elected sheriff in each county;
- executive director of the Indiana Public Defender Council to the public defender in those counties with such a position;
- president of the Indiana Association of Community Corrections Act Counties to local community corrections directors;
- president of the Probation Officers Professional Association of Indiana to chief probation officers; and
- executive director of the Indiana Prosecuting Attorneys Council to the elected prosecutor in each county.

This expression of commitment was reinforced in the first of a series of webinars conducted by state JRAC members and attended by representatives from the majority of the 92 counties. The goal of the webinar was to inform participants of the purpose and requirements of HEA 1068 and the potential outcomes and benefits it offers to justice system professionals, their partners, and the citizenry of Indiana; share information about the state JRAC's purpose, vision, and role in supporting local communities to effectively implement HEA 1068; and provide information regarding the 2021 data requirements of HEA 1068 and the resources that will be available immediately and in the future to support local JRAC teams.

As this work continues to unfold, the state JRAC intends to provide counties with supports to engage in the EBDM process. Forms of technical assistance—whether sponsored trainings,

³³ Required members include individuals representing the county executive, the county fiscal body, the court, law enforcement (sheriff), public defense, prosecution, chief probation officer, and community mental health and community corrections (where applicable).

information dissemination, facilitated system mapping sessions, or other customized supports—will be offered to the extent possible. The state JRAC's vision is that each county that has not already done so will engage in the EBDM process and embrace the EBDM principles. The state JRAC also created a [website](#) as a “one-stop-shop” for justice system reformers. As it evolves, the website will share research and become the single source for information about funding opportunities available in the state. Ultimately, the state JRAC hopes to create a single funding application that would be uniform across all grant programs. Further, the state JRAC is using the first reporting requirement under HEA 1068 to gather uniform information (e.g., collaborative practices, information systems in use, diversionary and risk reduction programs and services available locally) from each county in an effort to understand and better share information across localities. A shared vision around common concerns is not far in the distance. For example, planning a 2022 statewide summit that will bring together the state JRAC and all of the local JRACs to address the needs of people in the justice system with mental health concerns is already underway. Other similar efforts are sure to follow.

The Promise of Sustainability

Indiana's EBDM efforts are noteworthy and outstanding. Partnership engagement is genuine and expansive. Through Local JRAC, the potential for an EBDM team in each county is within reach. HEA 1068—what was once an objective on the Indiana EBDM state team's sustainability plan—now represents the potential for the ultimate vision of EBDM: to align all state and local stakeholders and systems around a shared vision, a core set of principles, and research and data-informed policies and practices.

INDIANA EBDM STATE POLICY TEAM VISION: A SAFER, HEALTHIER INDIANA

From the Indiana EBDM Policy Team Charter

WHAT THEY SAID

Thirty-one people representing an array of state and local professionals from Indiana took part in a series of interviews to reflect on their EBDM experiences. Here is what they said:

How would you describe EBDM to a colleague?

- Vision
- A deliberate march to a better place
- Use evidence to make better decisions
- Best application of resources
- Setting sail on a journey of ongoing justice system reform
- A culture change
- A framework for decision making that doesn't trump judgment
- Collecting information to make better decisions about who should and should not be in jail
- Systematically collecting and reviewing data, and adjusting practice

What benefits did you experience from EBDM?

- Prior to EBDM, we were all little islands.
- EBDM made a rickety bridge sturdy.
- We learned how to support each other.
- Got us on the same page, headed in the same direction.
- Improved understanding about what each partner does.
- EBDM showed us some of our weaknesses, and we've been able to work on them as a team.
- The conversation and the language have changed.
- Everyone now uses the same language.
- Everyone has a voice.
- Our county is more fair and just because of EBDM.
- Makes everyone responsible for what happens tomorrow.
- Provides permission to ask evidence-based questions about the system and examine the sacred cows.
- Opportunity to improve civility through honest dialogue and data.
- Broke down silos...People are now thinking together.
- Created a culture of *doing* something.
- We felt like we were a part of something bigger than ourselves.

How would you describe your EBDM experience?

- A place to speak candidly.
- Provided a roadmap to look at the system in a structured way.
- Atmosphere of solutions.
- People put their agendas on the table.
- The place where issues land.

What were your experiences around data?

- The data was critical; facts are friendly.
- People who were inherently adversarial coalesced around the data.
- We came to the table with our own assumptions and at times the data proved us wrong.
- Data has to drive everything.
- People came to understand the value of data.
- Data is a neutral arbiter.
- EBDM provides the opportunity to evaluate justice programs objectively with data, and we can use data to make improvements.

Other reflections on EBDM

- The EBDM principles became our core values.
- The model takes longer, but people are more invested.
- They listened to my concerns...It made me realize I trusted my partners.
- Sometimes you disagree, but you are not disagreeable.
- Democracy is a slow and deliberate process.
- We solved a lot of problems through the mapping.
- We discussed what would happen if a case went south and how we would support one another.
- We discussed developing a communications strategy and plan and agreed not to throw one another under the bus. We're going to go down together and win together.
- EBDM is hard work and never done.
- Is EBDM worth it? I couldn't imagine not doing it now.

Windchimes. They all hit each other. Sometimes they make a clattering noise, other times a beautiful sound.

REFLECTING ON THE EBDM EXPERIENCE

In 2021, NIC partnered with the Center for Effective Public Policy to reflect on the EBDM experience over the past decade and seek input from participants across state and local participating sites regarding their experiences and recommendations for future investments in the initiative. Four hundred seventy-one people who had served on EBDM teams were contacted to participate in a survey. They represented law enforcement (police and sheriffs), court officials (magistrates, judges, clerks, and others), prosecution, public and private defense, state and local legislators and administrators, community service providers, victim and community advocates, pretrial, probation, parole, and institutional corrections. One hundred fifty-five survey responses were received, and 88 of the survey respondents indicated an interest in participating in follow-up focus groups. Sixty-two people participated in a total of 13 focus groups, 12 of which were discipline-specific, with the thirteenth representing a mix of all disciplines.

The outcome was a resounding endorsement of the EBDM model—agreement that EBDM should be continued, advanced, and sustained. Survey and focus group participants described the gains they made through their participation in the initiative—gains they believed would have been impossible were it not for the vision of the EBDM Framework, the leadership of NIC, and the support of the technical assistance providers. They shared sentiments such as “This is the way we do business now” and “EBDM is not a diet but a lifestyle change.” The core message of the initiative review was that NIC should continue to support the model. At the same time, EBDM participants indicated that the EBDM model is not, by itself, self-sustaining. Clearly communicated was the fact that EBDM’s long-term potential is threatened if deliberate strategies, specifically designed to achieve sustainability, are not continuously conducted.

EBDM INITIATIVE REVIEW

Between March and August 2021, NIC, with the support of the Center for Effective Public Policy, surveyed and conducted focus groups with EBDM stakeholders, seeking their input on the project’s approach, technical assistance, and resources to inform future NIC investments in this work. The following are some of the key recommendations:

- Continue to expand EBDM so that a “critical mass” of jurisdictions are engaged in EBDM, bringing EBDM to a “tipping point.”
- Require that each EBDM team identify a “champion” and champion successors.
- Recommend that teams take on a diversity of change targets to ensure a balance of interests and to maintain the participation of all stakeholders.
- Implement strategies for ongoing professional development and to “keep the fires burning.”
- Intentionally build in-state EBDM capacity to advance and sustain EBDM statewide.
- Periodically bring EBDM teams together to report on their ongoing progress and conduct booster sessions.
- Foster a national network of EBDM veterans/champions to serve as mentors to others.
- Create a deliberate model of cross-site mentorship.

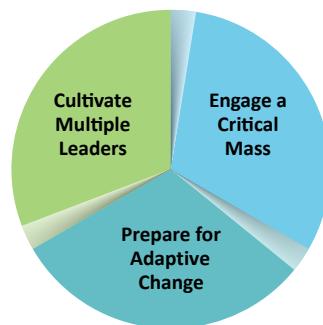
- Convene a group of EBDM advisors to address matters related to sustainability, such as considering the development of an EBDM curriculum for educational settings (e.g., the National Judicial College and its equivalent for law enforcement, defense, prosecution, as well as institutions of higher learning and law schools) through which the principles and processes of EBDM are introduced.

These recommendations may also advance and sustain the EBDM model nationally.

Key Lessons About Sustainability

While many conditions can serve as challenges to sustainability—data limitations, capacity to manage the work, limited resources, lack of external support or ongoing reinforcement—all of these can be overcome. None of these conditions, as challenging as they may be, threaten sustainability. What does seem to threaten sustainability is changes in or a lack of leadership, a lack of broad institutional knowledge about EBDM and an infrastructure to continually build a critical mass of engaged parties, and a lack of readiness for adaptive change. Although observation suggests that these three conditions may work in tandem—unwittingly conspiring to threaten EBDM’s long-term durability—each appears independently critical to sustaining EBDM over time.

THE THREE ESSENTIAL ELEMENTS OF EBDM SUSTAINABILITY



Cultivate Multiple Leaders

From the start of each new EBDM site, team leaders (sometimes referred to as champions) were identified. Some still carry out this role today, more than a decade later. Those teams led by strong, committed people with visionary leadership qualities have been the most likely to excel. The specific characteristics of visionary leaders differ, however. Some are forceful and directive; others are quiet and deferential, allowing the team to develop its own rhythm. Some occupy positional power, others situational, most with long-earned credibility. What seems universally true is that effective leaders steadfastly keep their eye on designing a system of deliberate, research-based and data-driven policies while remaining mindful of the fragility of collaborative efforts and the need for processes to support sustainable work. The skill of a collaborative leader is clearly fundamental to the success of an EBDM team, particularly at the start.³⁴

³⁴ Defining more specifically the qualities and skills of effective leaders is beyond the scope of this paper. Readers are strongly encouraged to read *The Importance of Collaborative Leadership in Achieving Effective Criminal Justice Outcomes*, now dated but nonetheless still relevant.

MULTIPLE LEADERS

For sustainability to be possible, a deep bench of multiple leaders must be identified (arguably, from the start), with new leaders deliberately cultivated over time.

The key lesson that has emerged from this particular effort, perhaps distinct from others, is the need for deliberate and ongoing cultivation of multiple leaders. EBDM policy teams are typically composed largely of elected and appointed officials, and more times than not it has been elected officials who have held the position of team leader. This means that leadership changes are necessarily commonplace. But even more significant than that reality is the scope of EBDM work. To build a true system from independent, often siloed, parts—especially one that is vision- and values-driven, aligned, and purposeful—the presence of multiple leaders is critical. Leadership cannot rest with one or just a few.

Engage a Critical Mass

A second important lesson around sustainability is the need to reach far and wide across the justice system and, arguably, the larger community. EBDM cannot exist in a vacuum. It cannot flourish if it lives only in a conference room occupied by leaders. If it is to achieve its potential for systemwide change, it must reach a tipping point in each locality. This means that EBDM teams must understand the need to actively and continuously engage their colleagues, superiors, and other associates in awareness building, dialogue, strategy development, implementation, and performance assessment and improvement. Despite their varying roles, responsibilities, perspectives, and even views, everyone must see themselves as part of a single system, moving in a coordinated fashion toward a common end. While on its surface this seems obvious, the gravitational pull of the status quo cannot be underestimated. Consider Newton's first law of motion: an object in motion tends to stay in motion unless acted upon by a force. EBDM policy teams must create a force strong enough to push against the status quo. Doing so does not require rigid conformity in ideas, but it does necessitate deep understanding and consistent adherence to the principles of EBDM.

Prepare for Adaptive Change

The work of EBDM is about adaptive rather than technical change. Technical change is suited for challenges that can be effectively addressed through the knowledge of experts (e.g., a mechanic diagnoses and fixes an engine; a courtroom is renovated to install a video broadcasting system). Technical challenges have clear problems and known solutions. Adaptive challenges, on the other hand, don't have quick fixes or perhaps even known solutions. They are complex and sometimes vague and hard to understand, let alone resolve. They often require new learning, new ways of thinking and communicating, and different perspectives. Adaptive challenges require that we "get on the balcony"³⁵ to see the issues through the widest possible lens. They also require that we deeply examine and consider structures, methods, and processes; empower others; and bring opposing voices to the table. In its essence, adaptive change is big—perhaps even overwhelming or frightening—and stresses people and systems. Without preparing for and embracing it, the potential of EBDM's adaptive change possibilities will be extinguished. At best only technical changes will result.

"IF IT COMES EASY IT'S NOT WORTH IT. IF IT'S WORTH IT, IT WON'T COME EASY."

John Spencer Ellis

³⁵ The concept of "getting on the balcony" is described in more detail in Ronald Heifetz and Marty Linsky's *A Survival Guide for Leaders*.

EPILOGUE

Implementing the EBDM Framework in a local community—let alone at the state level—is arguably the most challenging endeavor a stakeholder group could take on. (In fact, when NIC first launched the EBDM initiative in Phase I, someone claimed that no jurisdiction would be interested in participating in the project given its complexity and rigor—a claim that has obviously long since been disproved). Yet despite the philosophical debates, structural and procedural barriers, poor data systems, political differences, fiscal challenges, and myriad competing interests, nearly every EBDM team continues their work to this day.³⁶

The work is not without its challenges; the list above is only the beginning. Team members struggle to negotiate complex systems; unseat entrenched practices; disaggregate layered problems; understand contemporary research and practice; conceptualize bold, outside-of-the-box approaches; implement new processes; and train, coach, lead, and mentor veteran staff whose careers have been marked by a different approach to justice system policy and practice. As much as EBDM invites participants to take the long view of their justice system and the outcomes they hope to achieve, and to continually build a vision and plans to achieve it, the everyday barriers to implementation—lack of data, poor communication, a dearth of treatment resources, the press of everyday business, and countless others—make the challenge of implementation, not to mention expanding EBDM’s reach to additional jurisdictions, practically incomprehensible. And yet, Indiana found a way—a model that offers the promise of scaling up and sustainability due in large part to the deliberate effort to cultivate multiple leaders, reach a critical mass of people, and embrace the adaptive challenges that necessarily must be overcome.

The future of EBDM in Indiana and elsewhere, then, is to build upon the strong foundation of work already laid—and to ensure that foundation is a permanent one, capable of withstanding political winds, changes in team leadership, the ebb and flow of funding, tragic outcomes in individual cases, and the media frenzy that accompanies them. The strategy for solidifying that foundation should result in support for moving current efforts from initial to full implementation, creating well-designed sustainability plans within each local jurisdiction as well as at the state level, and expanding EBDM to new jurisdictions. Given that the promise of EBDM has been well demonstrated, the future challenge is how to bring the effort to scale not just in Indiana and other EBDM project sites but in all jurisdictions that aspire to achieve a more perfect system of justice.

³⁶All of Indiana’s teams remain active.

APPENDIX: INDIANA'S CRIMINAL JUSTICE AND GOVERNMENTAL STRUCTURE³⁷

The **Indiana Supreme Court** has five justices who are appointed and are then subject to a statewide retention vote. The Supreme Court is the court of last resort on interpreting Indiana's laws, constitution, and bill of rights. It has the power to review and revise sentences imposed by lower courts through the **Court of Appeals** and exercises jurisdiction over matters relevant to the practice of law in the state. Under the Supreme Court and Court of Appeals, Indiana has three types of trial courts that oversee civil and criminal cases: circuit courts, superior courts, and local city or town courts. Circuit and superior courts have jurisdiction in all civil and criminal cases and appellate jurisdiction over city and town courts. Local courts have limited jurisdiction, handling either city or town ordinance violations, misdemeanors, and infractions. As of November 2020, there were over 300 trial court judges in Indiana.

The administrative branch of the Supreme Court is the **Office of Judicial Administration** (OJA). The OJA's 10 agencies are responsible for managing all operations under the Supreme Court, including the **Indiana Office of Court Services** (IOCS) and **Indiana Office of Court Technology**. The IOCS provides education, support, and guidance to the state's courts and judicial committees. Indiana offers more than 30 different court services, including but not limited to: training and ongoing education for court staff and judicial officers; implementation of evidence-based pretrial policies and practices; training and technical assistance to county probation departments; training and certification for problem-solving courts and other specialty court programs; and training, certification, and development of systemwide policies regarding the use of validated risk assessments across the state's criminal justice system. Nearly 50 state-level committees and commissions address a variety of topics including, among others, the Innovation Initiative, the Jail Overcrowding Task Force, the Justice Reinvestment Advisory Council, pretrial release, probation, and problem-solving courts. The **Judicial Conference of Indiana** has several duties, including, for example, promoting the exchange of experience and suggestions regarding the operation of Indiana's judicial system and the continuing education of judges. Membership comprises judicial officers from across the state and is governed by a chairperson (the chief justice of Indiana) and a board of directors.

The delivery of **probation** services in Indiana falls within the jurisdiction of the sentencing trial court. However, the Judicial Conference of Indiana and IOCS provide administrative oversight in setting policies regarding qualification, training, and certification of probation officers; the use of risk assessments for people on probation; and the transfer of supervision in and out of Indiana. Probation officers are trial court employees who provide supervision and services to people on probation until the sentencing court terminates supervision.

The **Indiana Department of Correction** (IDOC) is an executive branch agency that manages operations, medical care, reentry programs (e.g., educational, employment or vocational, and

³⁷ The information in this appendix was gathered from state websites and was current as of November 1, 2021.

reformative) and services, and victim assistance across the state's 18 adult and three juvenile correctional facilities. The IDOC also delivers **parole** services. The **Indiana Parole Board** consists of five members who have discretionary authority over the release of people in prison and make recommendations to the governor regarding clemency and sentence commutation requests. As people are released, the **Division of Parole Services** provides community supervision and services to assist people in transitioning from prison to the community. Indiana has 10 parole districts located across the state. In addition, the IDOC offers **community corrections** transition programs through the Community Corrections Division. The division partners with state and local criminal justice agencies to provide supervision and treatment in the community as an alternative to incarceration.

The **Indiana Prosecuting Attorneys Council** (IPAC) is a nonpartisan, independent state judicial branch agency. The IPAC consists of approximately 90 elected prosecuting attorneys and is governed by a board of directors. The IPAC assists prosecuting attorneys across the state through the provision of manuals, legal research, and training, and serves as a liaison to government agencies, study commissions, and community groups to promote the fair administration of justice.

The **Public Defender of Indiana** is appointed by and serves at the pleasure of the Indiana Supreme Court. The State Public Defender works to ensure fairness in criminal proceedings and provides investigation and representation at hearings and on appeals in all capital and noncapital cases with merit. In addition, the **Indiana Public Defender Council** assists public defenders and defense attorneys across the state by recommending legislative and policy changes, providing legal research and consultation, conducting training, and developing publications, practice guides, and other resources.

The **Indiana Sheriffs' Association (ISA)** is a not-for-profit organization that provides training and educational programs for elected sheriffs and other law enforcement personnel throughout the state. ISA is led by an executive director and is supported by a small staff. ISA is governed by a board of directors composed of locally elected sheriffs.

The **Probation Officers Professional Association of Indiana** (POPAI), Inc., was established in 1985. Its membership includes about two-thirds of Indiana's probation officers who are involved in all areas of probation services. POPAI's vision is to "champion probation as a vital part of the criminal justice system." It conducts annual trainings and management institutes for its members.

Indiana passed its community corrections act in 1979. Its enabling legislation required the establishment of local Community Corrections Advisory Boards. In 1984, the **Indiana Association of Community Correction Act Counties** (IACCAC) was established as a state association. Currently there are 77 community corrections agencies—seven of them regional agencies—operating in 89 counties. IACCAC's mission is "to promote and facilitate the professional identity, development, and enhancement of community-based corrections." IACCAC conducts annual conferences and training institutes.

The **Association of Indiana Counties** (AIC) serves to improve county government by representing counties at the Indiana General Assembly, researching and disseminating

information via publications and seminars, delivering professional training and education programs, liaising between government agencies, and providing technical and managerial assistance. Membership comprises all of Indiana's 92 counties across six AIC districts and is governed by an executive committee and a board of directors.

The **Indiana General Assembly** is the legislative branch of the state of Indiana. It is a bicameral legislature that consists of 100 members in the House of Representatives and 50 members in the Senate. The General Assembly meets annually.

Indiana's **governor** holds office for four-year terms and can run for reelection but serve no more than eight years in any 12-year period. The Governor's cabinet is composed of 19 members, including the Commissioner of the Department of Correction and the Secretary of Family and Social Services whose responsibilities include behavioral health, mental health, and addiction services.

The **Office of the Indiana Attorney General** is led by the elected attorney general and represents the state in cases involving the state's interest. The office also provides legal defense to state officials' agencies and advisory opinions on constitutional or legal questions.

The **county council** is the local legislative body and controls spending and revenue in the county. Each county council consists of 7–15 elected members who serve four-year terms.

The **Board of Commissioners** is the executive and administrative body of the county. There are 3–5 commissioners who are elected and serve four-year terms. The commissioners are responsible for carrying out the acts legislated by the council and for managing county government's day-to-day functions.

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