

State of Indiana

Justice Reinvestment Advisory Council



**Report on Electronic Monitoring
December 1, 2022**

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Executive Summary

The General Assembly, in enacting S.E.A. 9-2022, directed the Justice Reinvestment Advisory Council to review statutes concerning electronic monitoring and home detention and recommend electronic monitoring standards. To conduct this review, the Justice Reinvestment Advisory Council established a multidisciplinary workgroup.

The workgroup authorized a sub-committee to develop the instructions for the new required electronic monitoring quarterly reports and provide information to the workgroup related to electronic monitoring practices. The sub-committee's work was essential to this report in outlining the complexities involved with electronic monitoring practices and the variations that exist across the state.

The sub-committee made reports at each of the five workgroup meetings. Noting the lack of national standards on specific electronic monitoring practices, the workgroup deemed local policy development, through Local JRACs, essential to improving the use of this supervision tool to enhance public safety within our communities. The recommendations in this report are designed to support this continuous review process through Local JRACs and outline opportunities to further support these efforts.

The Justice Reinvestment Advisory Council will continue to support and encourage effective stakeholder engagement within Local Justice Reinvestment Advisory Councils through on-going collaborative discussions, education, and technical assistance to further improve our criminal justice system at all levels.

The Justice Reinvestment Advisory Council (JRAC) and the workgroup are grateful to the Indiana Office of Court Services for providing staff support to the workgroup and its sub-committee with assistance from Justice Christopher Goff's staff. The workgroup appreciates Jenny Bauer, April Dubree, and Michelle Goodman for their time and effort in supporting this review.

Workgroup Members and Participants

The [Justice Reinvestment Advisory Council](#) established a workgroup to conduct this study. The following workgroup members and interested stakeholders provided their knowledge and experience regarding electronic monitoring policies and procedures as well as local stakeholder perspectives:

Hon. Christopher Goff, Chair
Indiana Supreme Court

Christine Blessinger
Indiana Department of Correction

Therese Brown
Association of Indiana Counties

Bernice Corley
Indiana Public Defender Council

Elizabeth Darlage
Indiana Department of Correction

Troy Hatfield
Probation Officers Professional Association of
Indiana

Steve McCaffrey
Mental Health America of Indiana

Jim Oliver
Indiana Prosecuting Attorneys Council

William Watson
Vigo County Community Corrections

Additional individuals contributing to this work include:

Bobbi Carter, Indiana Office of Court Services
Chris Cunningham, Grant County Community Corrections
Angie Estes, Indiana Department of Correction
Joel Gruber, Indiana Department of Correction
Chris Tanis, Indiana Department of Correction
Lisa Thompson, Indiana Office of Court Technology
Dave Williams, Indiana Office of Court Technology

Overview of Statutory Charge

[Senate Enrolled Act 9](#), Section 4, (P.L. 84-2022) directed the Justice Reinvestment Advisory Council, established by [Ind. Code § 33-38-9.5-2](#), to review statutes concerning electronic monitoring and home detention and recommend electronic monitoring standards. These recommendations may include administrative standards, supervision standards, and any other matters deemed appropriate by the advisory council. The council must submit a report to Legislative Council before December 1, 2022.

Overview of Meetings

The workgroup held meetings on August 11, August 31, September 16, October 28, and November 7, 2022. The workgroup members received updates on community supervision agencies discussions about S.E.A. 9 and reports from the sub-committee regarding development of instructions for the new quarterly reports and the nuances involved with electronic monitoring supervision. The topics discussed included the application of S.E.A. 9 provisions to both adult and juveniles on electronic monitoring, current standards outlined in S.E.A. 9 and other supervision responsibilities, the lack of national standards on specific supervision practices, the workload impacts for supervision staff, barriers to implementation (e.g., staffing, funding, training resources, etc.), data availability and vendor reports, the complexities of local policy associated with the equipment capabilities and settings, the variations on staff and contractor roles in electronic monitoring supervision, and reporting processes.

Throughout these meetings, members and participants provided input to allow the workgroup to review any concerns or suggestions in more detail to develop these recommendations.

The workgroup met on November 7, 2022, to review and finalize these recommendations for approval by the Justice Reinvestment Advisory Council.

On November 18, 2022, the Justice Reinvestment Advisory Council reviewed this report and approved its submission to the Legislative Council as required by statute.

Overview of Electronic Monitoring

For decades, community supervision agencies have used electronic monitoring devices to aid in supervising clients. The implementation and use of electronic monitoring as a supervision tool requires careful planning and policy development.

Sound electronic monitoring policies and procedures must address numerous factors, including eligibility criteria for placement on electronic monitoring, the type of monitoring device(s) being used, inclusion and exclusion zones parameters, alert settings, etc. In addition, there often are additional factors and considerations to address for special populations (e.g., domestic violence, sex offenders, etc.) or individualized conditions required by a court.

Properly trained and qualified staff are critical to the implementation of electronic monitoring supervision strategies. Often electronic monitoring supervision is only one portion of a community supervision staff's overall duties and workload responsibilities. It is not only the number of individuals on supervision that impact the community correction agencies, but also the associated workload to protect public safety and reduce recidivism.

In addition, community supervision agencies have different methods for providing this type of supervision. Some agencies will add job duties to existing staff positions and outline their responsibilities as it relates to electronic monitoring, while other agencies may hire dedicated staff or contract with providers for specific responsibilities (e.g., field officers, call centers, etc.). These variations further emphasize the need for local criminal justice stakeholders to work with supervision agencies to ensure policies and procedures enhance public safety.

Due to the many factors involved with electronic monitoring supervision, there are no national standards that govern specific electronic monitoring practices. To aid supervision agencies and the communities they serve, the American Probation and Parole Association published a guidebook¹ that provides an overview of key information and outlines the critical, complex conversations necessary to develop policies and procedures that address the public safety considerations important within each unique community.

The use of electronic monitoring continues to increase, and the available technology continues to evolve. As a result, community supervision agencies must continuously adapt and modify their policies and procedures. With input from local stakeholders, updated policies will provide appropriate supervision practices that incorporate new supervision tools while providing evidence-based programs to reduce recidivism and enhance public safety.

Role of Local Justice Reinvestment Advisory Councils

The Local JRAC Statute (Ind. Code § 33-38-9.5-4) provides the necessary forum for local stakeholders to convene regular meetings and review systemic practices to implement needed improvements within the local criminal justice system. This continuous process review is critical to comprehensively address any issues facing the criminal justice system, including the appropriate use of electronic monitoring within community supervision. Local stakeholders are on the front lines in providing effective community supervision while promoting public safety consistent with the needs of their unique communities.

S.E.A. 9 outlines new definitions and policy requirements regarding electronic monitoring, effective July 1, 2022. Local supervision agencies have been working to review and update their policies and procedures to comply with these requirements. In addition, S.E.A. 9 instituted new quarterly data

¹ [Offender Supervision with Electronic Technology Community Corrections Resource](#), Second Edition 2009, American Probation and Parole Association.

reporting requirements, commencing January 1, 2023. Once the quarterly data is compiled by local supervision agencies, the information must be transmitted to their Local JRAC for review and then submitted to State JRAC. It is imperative that Local JRACs, with the help of their local supervision agencies, fully implement these new requirements, support adjusting local policies and procedures to improve practices, and continuously review local data over time to properly identify areas requiring state-level response or support.

Relying on Local JRACs to specifically review local electronic monitoring practices, policies, and quarterly data reports is essential to maintain effective community supervision, address barriers, and identify areas for improving local level outcomes. Once Local JRACs complete meaningful, detailed process reviews, they can request technical assistance from State JRAC to support local system improvements. To the degree identified barriers and need areas go beyond the scope of technical assistance, State JRAC can work collaboratively with the General Assembly on solutions to enhance local implementation of best practices.

Recommendations and Rationale

The Justice Reinvestment Advisory Council makes the following recommendations to the Legislative Council regarding electronic monitoring policies and practices:

1. **Local JRAC:** Each Local JRAC, as authorized by Ind. Code § 33-38-9.5-6, shall review local electronic monitoring policies and procedures, and review quarterly data to inform stakeholders on current electronic monitoring population. In addition, Local JRACs should submit requests to State JRAC for technical assistance, as needed, and report any identified needs and barriers that can be addressed at the state level. Each Local JRAC should provide a copy of the local community supervision agencies' updated electronic monitoring policies and procedures to State JRAC. Local JRACs, with the support of State JRAC, provide a structure designed to make policy review easier and to clarify where the State should prioritize funding. The ability to prioritize these needs will be successful only if Local JRACs work collaboratively to specifically identify their needs and communicate those needs to State JRAC.

Rationale: The Local JRACs, in completing this work, should provide input to aid the local community supervision agencies in implementing best practices for electronic monitoring while working collaboratively to enhance public safety. This process allows consideration of local stakeholder perspectives in revising policies and procedures, accounts for the challenges that may be experienced by unique circumstances within a geographic area (e.g., less reliable internet connections, barriers with specific facilities that impact connectivity), and accounts for changing technological devices and features. Collaborative discussions regarding this information and local supervision data will enhance stakeholders' understanding of the population on electronic monitoring and how each agency provides staffing for this supervision practice. In working with State JRAC through technical assistance and addressing identified barriers and needs, Local JRACs can benefit from this collaborative process and available expertise to further improve local practices to achieve better outcomes within their communities and enhance public safety.

2. **JRAC:** The State JRAC, as authorized by Ind. Code § 33-38-9.5-3, shall assist local JRACs in implementing best practices regarding electronic monitoring by fulfilling technical assistance requests and collaboratively working with the General Assembly on identified barriers and needs that are outside the scope of technical assistance. JRAC will also review local policies and procedures for the purpose of supporting education on best practices, supporting Local JRACs through technical assistance, and compiling information needed to aid in assisting with state level responses to identified barriers and needs.

Rationale: The State JRAC has a responsibility to aid Local JRACs to implement and support best practices and work collaboratively with them in fulfilling this role. Without the detailed information on local policies and practices, State JRAC cannot fully capture or address barriers and needs at the state level. It is not only important to identify barriers and needs, but also important to understand the local situation to ensure that any response provided is helpful and appropriate to address the concerns in a meaningful way for each community.

3. **Legislation:** The following recommendations require legislative action by the General Assembly:
 - a. The General Assembly should consider amending Ind. Code § 35-38-2.7-2(3) to provide that parole, which is defined in this chapter as a supervision agency, transmits a quarterly report to JRAC (established under Ind. Code § 33-38-9.5-2).

Rationale: The Parole Division of the Department of Correction currently collects data related to electronic monitoring supervision at the state and parole district levels, but not at a county level. While parole is not a member of Local JRAC, the Department of Correction is a member of State JRAC. Providing parole electronic monitoring data directly to State JRAC is the most efficient method for incorporating parole's information into the quarterly reports. State JRAC would include parole data along with Local JRACs data to submit the state-level reports to the Legislative Council and the Judicial Conference of Indiana as outlined in Ind. Code § 35-38-2.7-2(3).

- b. The General Assembly should consider amending Ind. Code § 11-13-1-9(a)(4) to provide that the Judicial Conference annual report on the Local JRAC reports on electronic monitoring is due on March 15th of each year.

Rationale: Ind. Code § 11-13-1-9(a)(4) requires a report before January 15th of each year. A full year's data is needed for the annual report, and the quarterly reports required from Local JRACs are due by the 15th of the month following the close of each quarter. This means that the fourth quarter reports would be due the same day that the judicial conference is required to submit an annual report under Ind. Code § 11-13-1-9(a)(4). This requested amendment would allow the fourth quarter reports to be incorporated into the annual report.

- c. The General Assembly should consider providing fiscal resources to study and evaluate the workload needs of community supervision agencies to determine where additional resources are necessary to fulfill the workload associated with community supervision.²

² The 2019 [Jail Overcrowding Task Force Report](#) provided a similar recommendation.

Rationale: As outlined above, no standards exist specifying a staff to client ratio to determine the appropriate staffing levels for only electronic monitoring. In addition, the work of community supervision agencies in providing appropriate supervision is not limited to a single supervision strategy but includes multiple interventions and evidence-based programs that support positive behavior change requiring additional staff time in supervising clients.

A workload study and analysis, taking into consideration the various staff roles and responsibilities, how local practices are implemented, the incorporation of evidence-based programming and interventions, and other required responsibilities of supervision agencies, is essential prior to recommending a specific staff to client ratio for effective community supervision. This level of review could also aid in identifying opportunities to enhance implementation of electronic monitoring practices.

A workload study would assist Local JRACs and local officials in determining whether these resources can be provided through available local funding or from state grant funds. State JRAC could also review workload study results in its work to support Local JRACs and make future recommendations related to community supervision.

- d. The General Assembly should consider providing financial incentives to Local JRACs as they take steps to improve implementation of evidence based practices and align their local supervision programs with evidence based practices.

Rationale: The work associated with adapting and implementing best practices in community supervision can be challenging and take time to achieve the desired results. Planning is critical to successful implementation but planning alone cannot sustain adherence to best practices. Providing incentives to communities for continuing to make these improvements will further support the importance of using best practices to achieve better outcomes for those on community supervision while enhancing public safety within our communities.

- e. The General Assembly should consider providing fiscal resources to State JRAC for staff, who are experts in the field of community supervision and evidence-base practices, to help support the work of Local JRACs by reviewing practices and policies and make recommendations to assist the Local JRACs to adapt the work of their local criminal justice systems to enhance public safety.

Rationale: Similar to Indiana's approach to Problem-Solving Courts, the ability for dedicated staff, knowledgeable in evidence-based supervision practices, to provide ongoing support and technical assistance to Local JRACs will better equip our communities in more effectively implementing evidence-based practices and maintaining effective community supervision programs to reduce recidivism and improve public safety.

Conclusion

The Justice Reinvestment Advisory Council is grateful for the opportunity to review the statutory electronic monitoring provisions and practices and provide recommendations for change to the General Assembly. These recommendations are designed to support and collaborate with Local JRACs as they implement best practices for electronic monitoring and outline opportunities for the General Assembly to support these efforts. The Council is willing to assist the General Assembly as needed to implement the recommendations contained in this report.