



ISSUING AUTHORITY: INDIANA DEPARTMENT OF CORRECTION

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## 2.3 Community Corrections & Justice Reinvestment Entity Definitions

### APPLICABLE TO:

Community Corrections, Probation Programs, Court Recidivism Reduction Programs, Prosecutor’s Diversion Programs, Jail Treatment Programs, and Pretrial Services Programs who receive Community Corrections & Justice Reinvestment Grant funding.

## Summary

The purpose is to provide the Community Corrections Advisory Board (CCAB) definitions and minimum standards for programs that are awarded Community Corrections & Justice Reinvestment Grant funds.

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## Community Corrections

Community Corrections is a community-based supervision agency used for the primary purpose of providing sentencing alternatives for felony justice-involved individuals in lieu of incarceration. Community Corrections serves an important role in rehabilitation through transitional programming and as an intermediate sanction for Parole, Probation, Courts, and other community-based supervision or programs.

Community Corrections serves 3 critical roles in the criminal justice system.

- **Sentence Alternative:** Community Corrections is community-based supervision that serves as a sentencing or placement alternative to incarceration allowing restricted privileges and access to the community while providing evidence-based interventions to establish long-term behavior change.
- **Intermediate Sanction:** As an important element of best practices, Community Corrections serves as an intermediate sanction for Parole, Probation, Courts, and other community-based supervision or programs. The Levels of Supervision within a Community Corrections agency are often the basis for a graduated sanction process by phasing into more restrictive Levels of Supervision in lieu of a revocation, jail, or return to prison.
- **Re-Entry & Transitional Services:** Community Corrections is also able to contract with the Indiana Department of Correction (IDOC) to provide re-entry services for the Department's Work Release program and the Community Transition Program.

Due to targeting high-risk, felony populations, Community Corrections provides a more restrictive supervision environment than that of traditional probation or parole. In alignment with best practices, the supervision levels provide options to increase or reduce supervision between case management, electronic monitoring, and residential center or work release placement.

- **Residential Center:** (Also known as work release) A secure facility that allows participants limited access to the community for job searching, employment, programs, treatments, services, errands, or incentives.
- **24/7 Electronic Monitoring (via):**
  - **GPS monitoring device** that tracks the participants' whereabouts and alerts the Community Corrections program if the participant removes the device or enters a victim zone, or any established restricted zone.
  - **Home Detention monitoring device** which allows the participant limited access to the community for job searching, employment, programs, treatments, services, errands, or incentives. The device is zoned to the participant's residence and the participant is only able to leave with an approved schedule acknowledged by the device. The Community Corrections program is alerted if the participant leaves the home unscheduled or does not return by the established curfew.
- **Day Reporting/Day Treatment (Intensive Case Management Supervision)** A highly structured component using risk-based supervision, case management, graduated sanctions and incentives, and treatment or services coordination at a central location to assist justice-involved individuals in rehabilitation.

**NOTE:** *Day Reporting or Day Treatment definitions and practices have changed with new research and improved supervision strategies. Day Reporting typically required daily check-in to the center. Best practices show that interventions, treatment, and supervision should be specific to the needs and risks of the individual. The term "day reporting" may no longer be applicable as office appointments, check-ins, and services vary in frequency to be consistent with best practices.*



## Community Corrections Establishment

The Community Corrections Act was established in 1979. Due to each county's unique needs, varying resources, and priorities within its criminal justice system, the Community Corrections Act requires that their local jurisdiction establish a community-based board of criminal justice stakeholders to oversee, monitor, and evaluate the programs.

The community-based board, known as the Community Corrections Advisory Board, is established through a county ordinance and by-laws.

A Community Corrections program is established after the following:

1. The Community Corrections Advisory Board Ordinance is adopted by the county
2. Community Corrections Plan is approved by the Community Corrections Advisory Board
3. Community Corrections programs are supported, at least in part, by the Community Corrections and Justice Reinvestment Grants administered by the Department's Community Corrections Division

## Community Corrections Plans

The Community Corrections Plan is a comprehensive operational overview of the structure, administration, monitoring, goals, budget, and evaluation of a local community corrections agency.

For funding purposes, the approved Community Corrections plan is summarized through the Department's grant application process and its required supplemental documentation.

The number of resources, technology capabilities, human resource policies, and staff support vary from county to county and therefore each agency has different emergency plans based on the recommendations of their local health department and their local Community Corrections Advisory Board. For information on a specific agency, please contact the agency director or Advisory Board Chairperson.



## Probation Programs

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### Overview

Probation refers to a suspended court-ordered term of supervision where the probationer remains under the jurisdiction of the judiciary. The Probation Department is overseen by a Chief Probation Officer who is appointed under the Judicial Conference and serves as a member of the Community Corrections Advisory Board.

The Judicial Conference administers the probation standards and guidelines for probation officers and the supervision practices for probation. The employees of a Probation Department are the employees of the trial courts that they serve and follow the salary schedule set by the Indiana Judicial Conference.

Probation fees are set forth under IC 35-38-2 and listed in the Indiana Trial Court Fee Manual. Under IC 35-38-2-1(f) Probation User Fees are collected by the county clerk and transferred to the county treasurer who deposits all funds collected into the county *Supplemental Adult Probation Services* Fund and is administered by the fiscal body of the county for operations and personnel.

### Probation Programs Establishment

Established under the authority of *IC 35-38-2*, meets any established criteria for funding under the Indiana Office of Court Services (IOCS).

**NOTE:** *Program funding must be recommended, prioritized, and approved by the Community Corrections Advisory Board.*

The Community Corrections Advisory Board in conjunction with IOCS must establish and approve, at minimum, the following:

- Formalized eligibility criteria
- Formalized program agreement and rules
- Formalized criteria for successful completion

### Minimum Standards

#### Target Population

For purposes of the grant, post-conviction, felony justice-involved individuals who are moderate to high risk, as identified by the Indiana Risk Assessment System (IRAS) and are placed in the program as an alternative sentence.

#### Performance Measures

Probation programs shall meet the performance measures established under the Indiana Office of Court Services (IOCS).



## Court Recidivism Reduction Programs

### Overview

Court Recidivism Reduction Programs (CRRP) refer primarily to Problem Solving Courts that are certified court programs under the authority of IC 33-23-16. These programs provide an immediate and highly structured judicial intervention for high need justice-involved individuals that could not be adequately addressed in traditional courts.

They include the following as defined by IC 33-23-16:

- drug court
- mental health court;
- family dependency drug court;
- community court;
- reentry court;
- domestic violence court;
- veterans' court; or
- any other court certified as a problem-solving court by the Indiana Office of Court Services

The Judicial Conference includes a Problem-Solving Committee that administers the standards and rules for operating a problem-solving court. The Indiana Office of Court Services oversees adherence to these standards as part of their certification process. Outcomes and data are collected through the Indiana Supreme Court's Technology division.

Fees for a problem-solving court are set forth under IC 33-23-16-23 and are listed in the *Indiana Trial Court Fee Manual*. The User Fees are collected by the county clerk and transferred to the county treasurer who deposits all funds collected into the *County User Fee Fund under IC 33-37-8*. The county's fiscal body administers the funds collected under this service which are to only be used for problem-solving court services.

### Problem-Solving Court Programs Establishment

Established under the authority of IC 33-23-16, must be certified by the IOCS, meet any criteria set forth by IOCS, and funding is recommended and approved by the Community Corrections Advisory Board.

**NOTE:** *Program funding must be recommended, prioritized, and approved by the Community Corrections Advisory Council.*

The Community Corrections Board in conjunction with IOCS must establish and approve, at minimum, the following:

- Formalized eligibility criteria
- Formalized program agreement and rules
- Formalized criteria for successful completion

### Minimum Standards

#### Target Population

For the purposes of the grant, post-conviction, felony justice-involved individuals that are moderate to high risk, as identified by the Indiana Risk Assessment System (IRAS), placed as a condition of Probation or Community Corrections with a high need for cognitive interventions, mental health, or addiction stability as part of their case plan.



## Prosecutor's Diversion Programs

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### Overview

An alternative to prosecution where the Prosecutor and the Defendant enter into a written agreement on terms of compliance that if met, dismiss the charges. The Indiana Prosecuting Attorneys Council oversees the guidelines for diversion standards. IC 33-39-1-8 outlines the conditions when prosecution may be withheld.

The major objectives of pretrial diversion are:

- To prevent future criminal activity among certain justice-involved individuals by diverting them from traditional processing into community supervision and services.
- To save prosecutive and judicial resources for concentration on major cases.
- To provide, where appropriate, a vehicle for restitution to communities and victims of crime.

All fees for participation in the agreement are established by the elected Prosecuting Attorney and are collected by the County Clerk and deposited into the county, city, or town fund under IC 33-37-4-1. The county's fiscal body administers the funds collected under this service. The elected Prosecuting Attorney shall not receive any salary appropriation from diversion or deferral funds.

### Prosecutor's Diversion Program Establishment

Prosecutor's Diversion Programs that receive grant funding must meet the standards established under the Indiana Prosecuting Attorney's Council (IPAC) and all statutory requirements for Pretrial Diversion.

The Community Corrections Board in conjunction with the county's elected Prosecutor must establish and approve, at minimum, the following:

- Formalized eligibility criteria
- Must adhere to statutory eligibility requirements for Pretrial Diversion
  - This should describe the eligibility requirements for all internal, contractual, and referral programs, interventions, services, and treatment.
  - Exclusionary criteria should also be included
- Formalized program agreement and rules
  - Including Program Fees. Must adhere to statutory eligibility requirements for Pretrial Diversion Fees
- Formalized criteria for successful completion
- Formalized criteria for charge dismissals

### Minimum Standards

#### Target Population

Pre-conviction individuals, who meet the criteria set forth under IC 33-39-1-8 and IPAC's Guidelines, for whom prosecution of charges are withheld upon voluntarily agreeing to meet the conditions of the program.



## Jail Treatment Programs

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### Overview

Jail Treatment refers to a broad range of services aimed at providing evidence-based treatment for cognitive restructuring, mental health treatment, and substance abuse treatment through a certified in-house counselor or contract with their local treatment provider. These services offer short-term stability and access to treatment while an individual is housed in jail, waiting on trial, or serving a sanctioned sentence until they can be placed into full-time care for treatment or on a community supervision program where they are monitored with the continuation of care.

### Jail Treatment Programs Establishment

For the purposes of this grant, a jail treatment program is established when funding is recommended, prioritized, and approved by the Community Corrections Advisory Council.

Any established jail treatment program must meet any criteria established by the Department of Mental Health and Addiction (DMHA) Guidelines, and funding is recommended and approved by the Community Corrections Advisory Board

The Community Corrections Board in conjunction with DMHA must establish and approve, at minimum, the following:

- Formalized eligibility criteria
- Formalized program agreement and rules
- Formalized criteria for successful completion

### Minimum Standards

#### Target Population

Pre- or post-conviction felons assessed with an actuarial assessment tool that demonstrate a moderate to high need for mental health and (or) addiction treatment services and have entered a voluntary, formal agreement for treatment during their jail incarceration.

#### Treatment Modalities and Practices:

Jail Treatment programs must utilize recognized, peer-reviewed publications and/or national leading criminal justice and behavioral health organizations to develop treatment modalities and practices (such as the Substance Abuse and Mental Health Services Administration-SAMHSA, National Institute on Drug Abuse-NIDA, National Institute on Alcohol Abuse and Alcoholism-NIAAA, and the National Association of Drug Court Professionals-NADCP).

Additional information about effective and promising practices for the application of substance abuse treatment for the criminal justice population can be found at the following websites: the National Institute of Justice (<https://www.crimesolutions.gov/default.aspx>), and the American Society of Addiction Medicine (<https://www.asam.org/>).



## Pretrial Services Programs

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### Overview

For purposes of the grant, a Pretrial Services entity is defined as a certified organization under the administration of the Indiana Office of Court Services that strives to achieve the “3 Ms” - maximizing public safety, maximizing court appearance, and maximizing pretrial release. Pretrial Services perform three primary program functions:

- Collecting and analyzing defendant information for use by the court in assessing risk
- Making recommendations to the court concerning bail, bonds, and conditions of release to address risk
- Monitoring and supervising defendants who are released from secure custody during the pretrial phase to manage their risk.

The organization is overseen by the Pretrial Services Coordinator who is designated by the supervising Judge with authority of IC 35-31.5-2-121.5. A defendant is placed into pretrial services to maximize releases for low-risk justice-involved individuals awaiting trial in the jail. The pretrial services coordinator and staff provide a pretrial risk assessment, pretrial services reports, pretrial supervision, pretrial compliance monitoring, and performance measurement of arrestees and pretrial defendants to the Indiana Office of Court Services.

Fees for pretrial services are set forth under IC 33-39-1-8 and are listed in the *Indiana Trial Court Fee Manual*. The User Fees are collected by the County Clerk and 50% of the fees are transferred into the county’s supplemental adult probation services fund and 50% into the public defender services fund under IC 33-40-3-1. The fiscal body of the county shall appropriate money from the county supplemental adult probation services fund for pretrial services.

### Pretrial Services Programs Establishment

Under the authority of Trial Rule 26, a Pretrial Services Program must be certified by the IOCS, meet all standards and guidelines established under IOCS, and funding is recommended and approved by the Community Corrections Advisory Board to be considered for Justice Reinvestment grant funding.

The Community Corrections Board in conjunction with IOCS must establish and approve, at minimum, the following:

- Formalized eligibility criteria
- Formalized program agreement and rules
- Formalized criteria for successful completion

### Minimum Standards

#### Pretrial Services Target Population

Under the authority of Trial Rule 26, must be certified by the IOCS, meet all standards and guidelines established under IOCS, and funding is recommended and approved by the Community Corrections Advisory Board.

- Voluntary participants charged, but not convicted, of Level 6 and above felony who have been assessed by the IRAS Pretrial Risk Assessment Tool. Participants who voluntarily agree to participate in programs or services should be assessed with an alternative actuarial assessment tool to ensure there is a moderate to high need for participation in the program or service.





### Pretrial Services Resources

- [A Framework for Pretrial Justice](#)
- [Creating an Effective Pretrial Program Toolkit](#)
- [Pretrial Services Starter Kit](#)
- [Indiana Office of Court Services - Pretrial Release Resources](#)