

Assessment tool could replace bonds in freeing suspects before trial

By **Mark Webber** - June 16 2:00am

The decision to hold or release an individual arrested for a crime is made several times a day in Bartholomew County.

But according to the Indiana Constitution, the most significant factor that determines who is set free — and who stays in the slammer — remains money.

Traditionally, the state's judicial system has taken the position that when a suspect posts bond, not only increases the chances he or she will show up later in court, but also behave out of fear of losing freedom and money.

"Actually, research shows money is not a factor in either case," Bartholomew Superior Court 1 Judge Jim Worton said. "In our system of justice, we should not have liberty deprived simply because someone can't afford to pay a bond."

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Worton

Many judges in Indiana agree — including several on the state’s highest court — that money does not equate to either trustworthiness or security.

For that reason, Bartholomew will be one of nine Indiana counties that will test the use and effectiveness of a risk-assessment tool in determining which offenders can be released on their own recognizance.

The Indiana Risk Assessment System — Pretrial Assessment Tool (IRAS-PAT) will be implemented as soon as possible after an arrest, according to the Indiana Lawyer website.

Public defender David Nowak of Columbus said the assessment, which consists of straightforward questions requiring verifiable answers, will eliminate the tough decisions attorneys and judges sometimes have to make.

Participation in the pilot program, created by the Indiana Supreme Court Committee to Study Evidence-Based Pretrial Release, will require hiring two additional employees, said Brad Barnes, Bartholomew County court services director.

Funding to pay those workers was a part of a \$1.46 million grant awarded to Bartholomew County in early May by the Indiana Department of Corrections, with \$124,400 becoming available for the program July 1, Barnes said.

However, the nine counties have also been awaiting an Indiana Supreme Court determination on whether prosecutors can use anything revealed during an assessment before beginning their respective initiatives, the Indiana Lawyer website stated.

“We should know something (from the Supreme Court) in 30 to 60 days,” Barnes said Tuesday.

Once the go-ahead is given, it will be up to the county’s three major judges — Worton, Bartholomew Superior Court 2 Judge Kathleen “Kitty” Tighe Coriden and Circuit Court Judge Stephen Heimann — to determine procedures, he said.

All information gathered during the three-year initiative will be analyzed by professionals at both IUPUI and Indiana University, according to Kim Moss, the county's chief probation officer.

Under the bail system, people at great risk of committing another serious crime or fleeing are let out of jail largely because they have money, Worton said.

"There's no assessment, no restrictions and no monitoring," the judge said. "On the other hand a person who can't afford to pay a \$500 bond is forced to sit in jail for days and wait for a bond-reduction hearing."

Even if a judge decides in favor of a reduction, state law requires that person be placed on restrictions that weren't imposed on a suspect with sufficient funds to post bond immediately after arrest, Worton said.

Studies indicate those who pose little to no risk but sit in jail because they cannot afford bail end up paying a much higher cost.

According to a 2013 study by the Laura and John Arnold Foundation:

Those held for two or three days before they posted bail were 40 percent more likely to commit crime.

Those held for a month or more are 74 percent more likely to commit further crimes in the future.

Those detained before trial are three times more likely to be sentenced to prison and twice as likely to receive a longer prison term.

Meanwhile, being locked up for an extended period often means the loss of jobs, homes, transportation, child-support payments and custody of a child, according to a July 2014 report by the Center on Juvenile and Criminal Justice.

"We're dealing with some folks who were barely surviving before they were arrested," said Worton, who added such setbacks often leads to more criminal recidivism as well as lessen opportunities for Hoosier offenders to rebuild their lives.

While Worton describes the pilot program as an effort to instill fundamental fairness, doing awa

with bonds completely would require a constitutional amendment.

Therefore, advocates such as Worton are refraining from sweeping statements that the pilot could lead to the end of bail in Indiana.

Judges throughout Indiana are struggling with the concept, Worton said.

Opponents claim the initiative treats criminals as victims, that changes will result in less accountability and reduce the importance of bail bond agents who have more time to track down missing defendants than law enforcement, according to posts left on the Indiana Lawyer website.

In terms of dollars and cents, current estimates from other counties state it could cost as much as \$450,000 annually to staff the program that could financially impact counties that rely on cash bonds as a source of revenue, the website stated.

While Worton said he's heard the financial arguments, he added he doesn't believe they are legitimate in a judicial system where suspects are presumed innocent until proven guilty.

"Making money is not the intent of criminal justice," Worton said. "When you are dealing with a person's liberty, principles of justice can't be based on the ability to collect money."

Overview: Indiana Risk Assessment System

Results from the Pretrial Assessment Tool that will be tested in Bartholomew County for three years will be utilized in the first of five separate instruments used at specific points in the criminal justice process to identify an offender's risk to commit another crime.

The other instruments are:

- **Community Supervision Screener** – designed to quickly identify low-risk offenders and determine if a full risk assessment should be completed.
- **Community Supervision Tool** – designed to assess an offender's risk to reoffend and identify criminogenic needs to assist in making decisions regarding community supervision.
- **Prison Intake Tool** – to be used in making decisions regarding services during incarceration.
- **Reentry tool** – to reassess an inmate's risk to reoffend prior to release.

All five instruments are part of the Indiana Risk Assessment System that was adopted April 23, 2010, by the board of directors of the Judicial Conference of Indiana. The goal is to use these

instruments to create individualized case plans that will be instrumental in reducing criminal recidivism.

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