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Indiana Supreme Court Committee to study evidence-based Pretrial Release

April 26, 2016 by [Diane Mains](#)

The Supreme Court Committee to Study Evidence-Based Pretrial Release (hereinafter “Committee”) was tasked with the development and implementation of one or more pilot projects to assess the feasibility, efficacy, economics and methodologies of establishing an evidence-based system for pretrial release decisions in Indiana.

See Supreme Court Cause No. 94S00-1312-MS-909 and No. 94S00-1412-MS-757 (issued December 22, 2014).

The Committee members are:

- **Hon. John Surbeck**, Allen Superior Court (Chair)
- **Hon. Diane Boswell**, Lake Superior Court Criminal Division
- **Stephen Dillon**, Marion County, Chair of the ISBA Criminal Justice Section
- **Hon. Robert Freese**, Hendricks Superior Court 1

- **Hon. Michael Gotsch**, St. Joseph Circuit Court
- **Hon. Teresa Harper**, Monroe Circuit Court Division 9
- **Christine Kerl**, Chief Probation Officer, Marion County Adult Probation Department
- **Larry Landis**, Executive Director, Indiana Public Defender Council
- **James Luttrell**, Prosecuting Attorney, Grant County
- **Stephen Meyer**, Chief Probation Officer, Porter County Probation Department
- **Robert Pate**, Chief Probation Officer, Greene County Probation Department
- **David Powell**, Executive Director, Indiana Prosecuting Attorneys Council
- **Sen. Brent Steele**, District 44
- **Madonna Wagoner**, Chief Probation Officer, Hamilton County Probation Department
- State Representative (vacant)

The Committee has partnered with the National Institute of Corrections (NIC) to develop a pilot project. NIC hosted two significant events in November 2015 for local Indiana jurisdictions to educate pretrial teams on the elements of a high functioning pretrial release system. The elements of a high functioning pretrial system are:

Pre-Arrest Screening: Begin using risk assessment information to screen for release prior to the initial hearing. Release decisions do not rely solely on monetary considerations.

Risk Assessment: Risk assessment information shall be available at every stage of pretrial release decision-making.

Initial Hearing: A prosecutor and defense attorney must be present and conduct a meaningful initial hearing for all defendants.

Prosecutorial Case Screening: When screening cases, prosecutors shall ensure that the appropriate charge is issued in each case and the release decision and conditions are informed by reviewing the pre-arrest hearing release decision and using risk assessment information.

Conditions of Release: Defendants released with conditions shall be assigned release conditions consistent with assessed risk. All defendants released with conditions shall be provided court date notifications. Note: Many defendants will be successful on pretrial release with only court notification as a condition of release without additional conditions of supervision.

Differential Pretrial Supervision: Defendants released on pretrial supervision shall be supervised according to assessed risk level, noting that as risk increases, conditions and/or intensity of supervision increases.

Performance Measures: Jurisdictions shall collect and report performance measure data in key areas. Baseline data for the jurisdiction's detained jail population and failure to appear rate shall be established.

Pretrial teams from Allen, Bartholomew, Hamilton, Hendricks, Jefferson, Monroe, St. Joseph, Starke, and Tipton counties have expressed an interest in participating in a pretrial pilot project. The Committee is in the process of developing the criteria for the pretrial release pilot project in conjunction with the local pretrial teams.

If you have questions about or would like further information on this Committee, please contact Diane Mains at 317.234.5757 or diane.mains@courts.in.gov.

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