

New jail-release system focuses on risk when deciding if bond is needed

By **Julie McClure** - Sept. 15 3:05am

A new assessment process allows some criminal defendants to be released from the Bartholomew County Jail without posting bond.

A new pretrial process will use risk-assessment results to determine whether a defendant may be released without posting bond or whether that person needs to put up money, as they did before, before being allowed to leave the county jail.

Bartholomew is one of nine Indiana counties that may start using the new pretrial model under rules approved Sept. 7 by the Indiana Supreme Court. They go into effect in Bartholomew County this week and will be rolled out to all Indiana courts by 2018.

"The reforms are designed to provide for public safety and protect the presumption of innocence," Indiana Supreme Court Chief Justice Loretta Rush said. "The prompt release of arrestees who do not pose a public safety risk is associated with reduced recidivism and lower jail expenses."

Story continues below gallery

1 of 5 < >



Bartholomew County Assistant Chief Probation Officer Kim Maus. Mike Wolanin | The F

Until now, bond amounts were based on a schedule, with defendants allowed to leave jail if they were willing and able to pay 10 percent of the bond amount in cash.

While a traffic offense such as operating while intoxicated has required a \$5,000 bond, acts considered more serious such as possession of methamphetamine carry a \$57,500 bond.

If the assessment shows defendants to be high-risk, they would still be required to pay a \$500 cash bond when charged with operating while intoxicated or \$5,750 in cash when charged with possession of methamphetamine to be released from jail.

Bartholomew Superior Court 2 Magistrate Joseph Meek described the development as exciting work that could change how the state's criminal justice system thinks about pretrial procedures and their effect on defendants.

Meek said the county's selection as one of nine to roll out the new pretrial initiative this month is an indication that other Indiana counties will be talking about what Bartholomew County is doing.

Meek and Kimberly Maus, assistant chief probation officer, have presented information about Bartholomew County's pretrial plans in Nashville, Tennessee, and will be presenting information at the state judicial conference before Indiana's trial judges this week.

Bartholomew County was one of the criminal justice systems that applied to be in a new federally funded initiative. Approved in March 2015, the program will use data and research to guide Bartholomew County decisions on releasing suspects back into the general population. Indiana, along with Wisconsin and Virginia, were selected for the Evidence-Based Decision Making initiative.

The county formed a Local Evidence-Based Decision Making Team, made up of representatives of the criminal justice system, including law enforcement, the county prosecutor's office, judges, court services, probation, public defenders and others. That team shepherded the county's participation as one of the nine counties selected for a pretrial pilot to assess each person who is arrested to determine if posting a bond is warranted.

The pretrial period is defined as the time between a defendant's first contact with law enforcement until the case is resolved, Meek said.

It involves two different groups of defendants:

People arrested by a police officer or sheriff's deputy for an offense that was either witnessed or discovered by officers.

Suspects who have been charged with an offense, with a warrant issued for their arrest.

How it worked before

Bartholomew County's past practice has been to set a cash bond, allowing a defendant to pay 10 percent of the bond before being released as a promise that they will appear for upcoming court hearings. But Meek and Maus pointed out that the system allowed suspects who were accused of committing low-level crimes, and who didn't have resources to post bond, to be kept in jail, while others arrested for high-level crimes but with the means to post bail, were released.

The goal of the Local Evidence-Based Decision Making Team was to prevent a defendant's social-economic status from dictating whether an individual remained in jail or was released.

The new system uses a screening tool to assess objectively whether a defendant should be eligible for release without bond, Meek said. It will be used from the lowest level of misdemeanors to a Level 1 felony charge.

The assessment evaluates whether the individual is likely to commit another crime while out of jail and whether he or she will come back to court for hearings as required, Meek said.

Research has shown that defendants who are at low risk should be released without conditions from jail, as a low-risk person can become medium- to high-risk by as little as 24 hours after being booked into a jail, the two said.

Medium-risk offenders could be released with specific conditions, which might include electronic monitoring or daily check-ins — while those assessed as high risk should be detained initially and have a bond set, research indicated.

Staffing changes

Bartholomew County has hired two new court services employees who have been trained in local procedures and in the assessment process, funding their work through the federal program. These two employees, assisted by jail personnel trained by Maus, will do the assessments as part of the book-in process to determine which defendants may be released without posting bond, Maus said.

Those who are released without being required to post bond will receive instructions on how to determine when their court hearing will be, who to contact to get more information and even where to find resources to help them cope with issues that might be revealed during the assessment, such as homelessness or addiction.

Meek is careful to point out that after an arrest, the presumption of innocence is in place, meaning the system can't impose requirements on those who have been arrested to seek treatment or punish them if they do not take advantage of suggestions.

However, the individuals assessing the defendants may provide information about where to get help for substance abuse or finding an apartment.

Suspects who are released without bond will receive an information sheet listing how to check whether charges are filed, how to notify the court about an address change and how to monitor updates through court records databases such as Doxpop. The sheet will contain contact numbers for defendants to use when they have questions.

Eventually, the hope is to have an automated case-management system to remind defendants of what they need to do, when they need to appear and how to navigate the system.

Although some might believe that the bail bondsmen of yesteryear might be hurt by the new system, Meek said Bartholomew County judges were forward-thinking enough in the early 1990s to eliminate the bondsmen and have cash bonds only. Defendants would pay 10 percent of the bond to be released.

Anticipated savings with the new system are staffing for the sheriff's department, jail-meal costs, jail medical costs and transportation costs for inmates.

The assessment reports will be available to the judges each business day morning, Maus said, with check-ins on the weekends as necessary. The jail staff will do the screenings for the weekends and overnights, which guarantees 24-hour coverage.

The entire assessment system is designed to take the "eyeball test" out of what bail should be, and instead use a scientific, validated assessment tool to manage the risks of releasing someone without bond, Meek said.

Local Evidence-Based Decision Making Team

- Columbus Police Chief Jon Rohde
- Judge Stephen Heimann, Bartholomew Circuit Court
- Judge James Worton, Bartholomew Superior Court 1
- Judge Kathleen Coriden, Bartholomew Superior Court 2
- Magistrate Joseph Meek, Bartholomew Superior Court 2
- Bartholomew County Prosecutor William Nash
- Bartholomew County Sheriff Matt Myers
- Bartholomew County Court Services Director Brad Barnes
- Assistant Chief Probation Officer Kimberly Maus
- Director of Residential Services Rob Gaskill
- David Nowak, public defender
- Alan Whitted, public defender
- Shirley Arney, Centerstone

Purpose of Indiana's pretrial release modifications

The Indiana Supreme Court in adopting Criminal Rule 26 gave the following reasons for improving Indiana's pre-trial release practices:

- To encourage and empower trial judges to release arrestees earlier.
- To reduce pretrial detention expenses for local jails and enable many arrestees to return to their jobs and provide support for their families.
- To eliminate the unfair and often protracted incarceration of poor people who don't have the resources to purchase a bail bond or pay a bail deposit.
- To enhance the reliability of guilty pleas.
- To realize the benefits of reduced recidivism and enhanced public safety that flow from the use of evidence-based risk assessment tools for pre-trial release decisions.

Pull Quote

"The reforms are designed to provide for public safety and protect the presumption of innocence. The prompt release of arrestees who do not pose a public safety risk is associated with reduced recidivism and lower jail expenses."

— Indiana Supreme Court Chief Justice Loretta Rush

Julie McClure

Julie McClure is assistant managing editor of The Republic. She can be reached at jmclure@therepublic.com or (812) 379-5631.