

# Justice system under review

By **Julie McClure** - June 21 2:02am



*Judge Steve Heimann on Thursday, May 21, 2015 in Circuit Court at the Bartholomew County Courthouse. Chet Strange | The Republic*

Bartholomew County is one of six Indiana counties using a federal program to re-evaluate processes in its criminal justice system.

The county is participating in the National Evidence Based Decision Making Initiative, an ongoing local collaborative effort that includes input from police, judges, prosecutors, probation officers, public defenders and others who work within the criminal justice system, Bartholomew Circuit Court Judge Stephen Heimann said.

Every aspect of the criminal justice system is being examined, re-evaluated and re-thought with the help of technical assistance from federal initiative representatives, who will eventually use what the counties do as a possible template for other criminal justice systems across the country to use.

Representatives from within the criminal justice system have been meeting monthly in ongoing talks about how the system works now and how to create a framework that will result in improved outcomes — specifically reducing repetitive criminal behavior.

Representatives of the county's criminal justice system applied in November 2014 to be a part of the federal initiative, which promotes decision-making made across every level of the system using a disciplined approach of utilizing data and research to guide the process.

Indiana, Wisconsin and Virginia were chosen by the federal government to participate, and on March 6, 2015, Bartholomew County was selected as one of the Indiana counties, and one of 18 counties nationwide, to be in the program.

Bartholomew County is not new to considering evidence-based practices to improve its procedures, Heimann said. In 2000, the county was one of five in Indiana that received training on the method.

The process asks officials to consider whether the practices they are utilizing when dealing with

an individual convicted of a crime take into account that not one size fits all for every defendant Heimann said.

For example, hypothetically, suppose you have two individuals, both charged with operating while intoxicated, both of them first-time offenders on that charge, both testing at the same blood-alcohol level.

Should each receive the same sentence?

“That’s one size fits all,” Heimann said.

Pointing out the Indiana Constitution requires reformatory justice of its criminal justice systems, he then added to the scenario that one of the defendants has a long juvenile history of drug possession, underage drinking, thefts, all sorts of criminal events, but at age 25 has his first DL

The other defendant in the scenario, a 58-year-old man who works as a supervisor, is an elder in his church and has no priors, not even a traffic ticket, is stopped for DUI while driving home from his daughter’s wedding reception.

Looking at the two cases, the two defendants don’t have the same risks for re-offending and don’t have the same needs for services or actions to lessen the possibility of re-offending, the judge said.

But in 2016, instead of looking at defendants at the end of their journey through the criminal justice system, when an assessment is typically done before sentencing, the new initiative focuses on where defendants enter the system.

By assessing individuals at the beginning of the criminal justice process, there are opportunities to make informed decisions about what should happen with the defendant based on the likelihood of repetitive criminal behavior, and how that behavior could be prevented.

The county already has introduced its first proposal, revamping the current pre-trial diversion process, which will include a risk assessment to be given after an individual is arrested. That assessment will determine which offenders could be released on their own recognizance rather than being required to bond out of jail.

Heimann cautioned that local officials are being careful to make sure that a defendant’s rights

are protected in the assessment process, and public defenders have been included on the local initiative group for that specific reason.

Public defender David Nowak said in an earlier interview that the assessment, which consist of questions requiring verifiable answers, will eliminate some of the tough decisions attorneys and judges have to make about individual defendants.

Bartholomew County received a one-year grant from the state for \$124,400 to participate in the pretrial pilot project which supports the implementation of the evidence-based decision making initiative. The state fund will be used to pay for two new pretrial assessment officers who will work on changes to the county's pretrial system.

While the pre-trial diversion program was announced last week, Heimann said other changes in the justice system that could be implemented may be announced in late summer or early fall.

Part of that new evidence-based approach will move the assessment of a defendant from the stage after someone is convicted, to the beginning, the judge said.

The group is examining everything from the time a call about a crime comes in, to the response by police and all the decision-making processes that occur as the case proceeds through the prosecutor's office and into the court system.

Some of the questions being asked include how is the decision made to arrest or not arrest, what happens when an individual is taken to the county jail, how is it determined that charges are filed or whether the case goes into pre-trial diversion, Heimann said. And the local officials are asking how long a person is incarcerated before a hearing, possibly for bail reduction and what effect that has on the individual.

"Most people don't know this, but having a person sit in jail for a lengthy period of time increases that person's chances of committing another crime," he said. "Being incarcerated can make things significantly worse."

Heimann said the economics of jail bonds mean poor people end up in jail for longer periods of time than those who have the funds to post bond. And as a result of that, those who do not have the means to bond out of jail are then are more at risk for committing more crimes because of the financial hole they fall into by losing employment from being incarcerated.

The pre-trial diversion program being considered is designed to alleviate some of that, by assessing a defendant at the beginning of the process to determine an appropriate response to the arrest.

Heimann, who is retiring as circuit judge this summer, said Columbus Police Chief Jon Rohde will take over leadership of the county evidence-based initiative group beginning in July.

#### About the initiative

Bartholomew County was selected as one of six Indiana counties to participate in a federally funded initiative to increase efficiencies in the criminal justice system while reducing repeated criminal behavior. In the initiative, decisions made across every level of the criminal justice system are evaluated, using a disciplined approach of using data and research to guide decision making.

Indiana, Wisconsin and Virginia were chosen to participate in the federal Evidence Based Decision Making Initiative. Bartholomew County is one of 18 counties in those states participating.

#### Members of the local Evidence Based Decision Making initiative

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

Bill Nash, Bartholomew County prosecutor

Sheriff Matt Myers, Bartholomew County Sheriff's Department

Chief Jon Rohde, Columbus Police Department

Brad Barnes, director, Bartholomew County Court Services

Kimberly Maus, Bartholomew County assistant chief probation officer

Rob Gaskill, director of residential services, Bartholomew County

David Nowak, Bartholomew County public defender

Alan Whitted, Bartholomew County public defender

Shirley Arney, Centerstone

The participants

Indiana counties participating in the Evidence Based Decision Making Initiative in addition to Bartholomew are: Hamilton, Hendricks, Porter, Jefferson and Tipton.

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