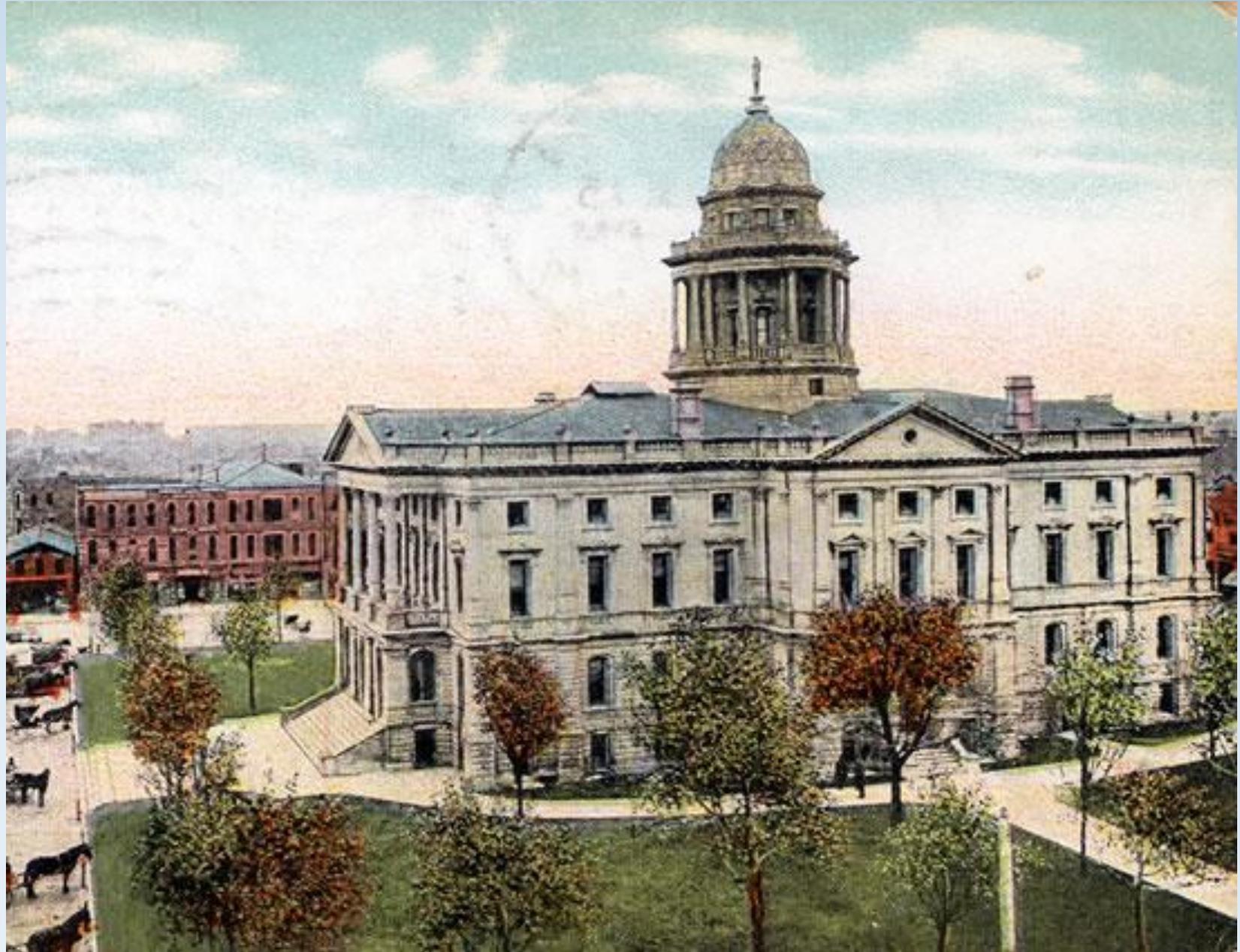


State of the Judiciary in Grant County

February 16, 2022
Mark E. Spitzer, Judge
Grant Circuit Court





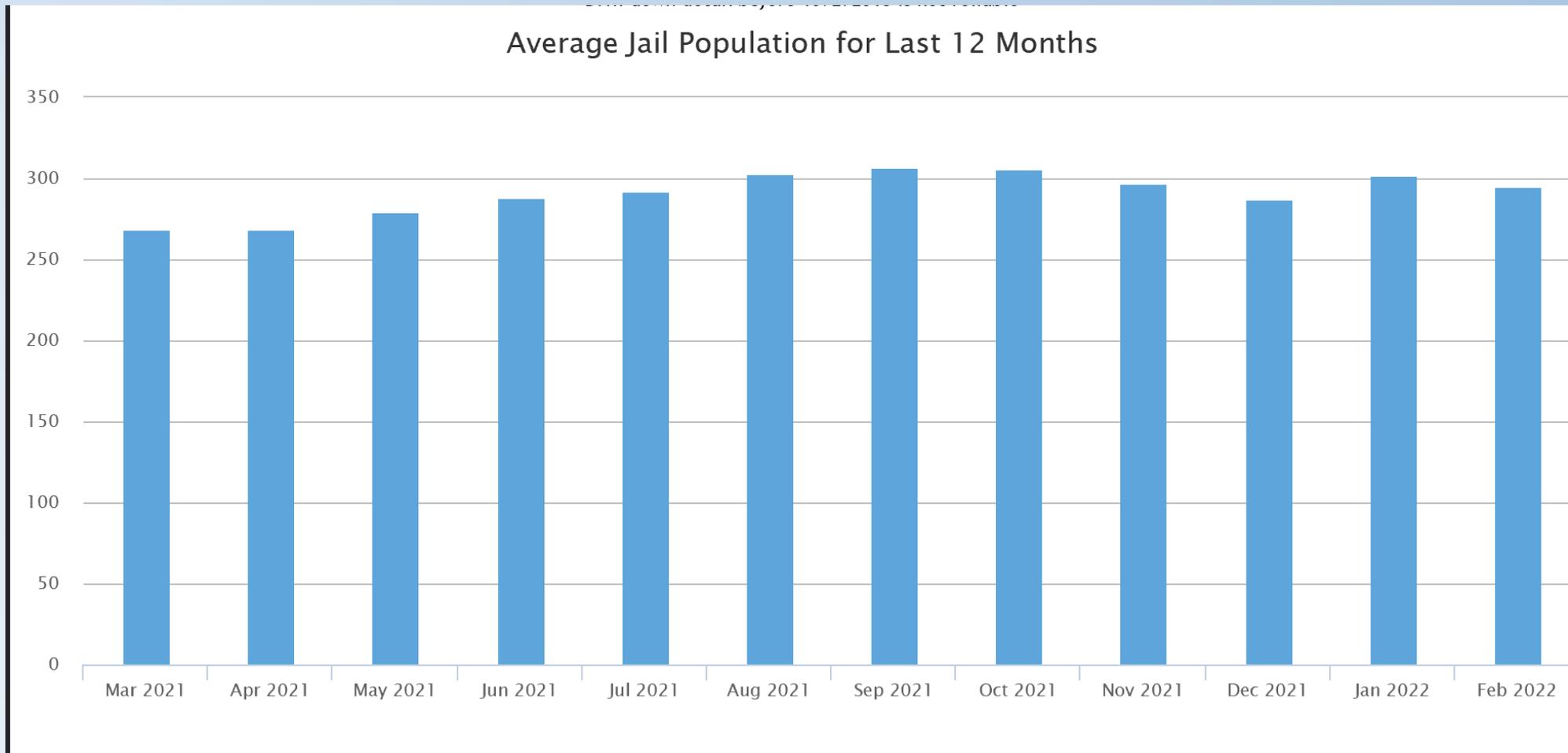
The State of the Judiciary in 2021 – New Year, Similar Challenges

- Unfinished Business
 - Jail Overcrowding and the Detention Center Renovation
 - Dealing with the Pandemic
 - Courthouse Condition Deteriorates
- Data and Information about the System
- What's new?

Issues Addressed in this Presentation

Unfinished Business





Average Jail Population March 2021 to February 2022
(Capacity 274)

- Felonies increased significantly year-over-year nearly every year since 2015
- Pandemic has complicated matters causing delays in case resolution
 - Quarantines/Contact Traces in the jail
 - Pauses in Jury Trials

Jail Overcrowding Challenge

- We began discussing the D-Home renovation in March of 2017
- Now, five years later, situation has worsened
 - Felonies keep increasing
 - Exhausted all other strategies to keep down jail numbers
 - Jail remains chronically overcrowded
 - Relatively small investment to add jail capacity
 - Facility is unused and languishing
- We recommend no further delays in making renovations
 - Renovation allows us to keep a detention center AND expand jail capacity as needed

Time to Move Forward on the D-Home Renovation

- In 2021, the Detention Center was closed, ostensibly for mold in the HVAC System, and has not reopened
- Juveniles can't be housed locally, so law enforcement must now transport them to facilities in other counties
- No secure juvenile holding facility in the county

Current Situation

- Law enforcement has no place to hold juveniles when they are taken into custody
- Law enforcement has to transport juveniles to another facility
- Placement in the facilities is *subject to their availability*
 - Staff must call around to find a place who is willing to take the child

The Current System is not Workable

- Since last May, Juveniles have been variously held in Kinsey (Kokomo), YOC (Muncie), ACJC (Fort Wayne), Madison County (Anderson), St. Joseph County (South Bend), and Johnson County (Franklin)
- From May to December, 2021, the cost billed to the county to house juveniles was \$202,587.01, with an additional \$15,150 in January 2022
 - In 2019, it was estimated that the cost for an *entire year* would be \$204,400. We cautioned that we thought the costs could far exceed that estimate, due to supply and demand. We were correct.
- This cost is only *housing costs*, not the *manpower costs* of probation or law enforcement—transporting, sitting w/juveniles until we find a place for them, etc., *system costs* like delays in court proceedings, and *access to justice costs* where kids have decreased access to their appointed public defenders
- Transporting affects public safety – deputies or officers are often pulled off of the road to transport

It is Expensive to House Juveniles All Over the Map

- Research and common sense says that sending kids away from home is bad for kids
- Issues for schools:
 - No place to take kids who are acting out
 - Out of county placements may not be trustworthy in following through with school work
 - Sending kids to be with other high risk/high criminality kids makes. . .
Higher risk kids
 - We are probably making the problem worse

Other Concerns

- We strongly recommend that we move forward with the option to modify the Detention Center into a multi-use facility which accommodates adults (women) and juveniles
 - *We believe it makes the most sense financially, is most likely to meet the needs of the children in the juvenile system, and is the most likely to retain the flexibility to address the changing needs of the future*

Our Recommendation Has Remained Unchanged

The Pandemic



- Trials resumed, until recently
 - Jury selection now back in the courthouse
- Currently paused jury trials after Omicron surge
 - Hope to resume in March, when the county is “out of the red”
 - We continue to have a backlog of jury trials
- Other proceedings have resumed, with greater use of remote proceedings
- We continue to mask and social distance where appropriate
- Staff has been impacted by quarantining

Where we are with the Pandemic and the Courts

- Priorities:
 - “Speedy trial” requests
 - Incarcerated defendants
 - Older cases over younger cases
 - Criminal cases over civil cases

Jury Trial Priorities as we resume

- What can change?
 - Plan to resume is dependent upon an expectation of continued mitigation of community spread and the ability to control any variants of the virus through mitigation measures and vaccination
 - If community spread spikes, jury trials will again be paused until there is a demonstrated and sustained mitigation of spread resulting in the county again being in the “yellow” or “blue” status
 - Unexpected developments establishing that jury trials cannot be safely held

Jury Trials – The Future

Leadership in 2020



- Judge Mark Spitzer
 - Indiana State JRAC Committee
 - Supreme Court Strategic Planning Committee (Co-Chair)
 - Indiana Pretrial Committee (Chair)
 - National Center for State Courts Judicial Peer Group on Evidence Based Practices
 - Pew Trusts Advisory Council on Community Corrections
 - APPR National Pretrial Practitioner Network
 - Indiana Judges Association Board of Managers
 - Lecturer at several state level judicial conferences on various topics
- Judge Jeffrey Todd
 - Alternative Dispute Resolution Committee
 - Judicial Conference of Indiana Board of Directors
- Judge Dana Kenworthy
 - Regional Judicial Opioid Initiative (RJOI) – 1 of 2 “judicial champions” from Indiana (RJOI includes 8 states: IL, IN, KY, MI, NC, OH, TN, & WV)
 - Indiana Council of Juvenile & Family Court Judges Board of Directors – current President
 - Juvenile Justice Improvements Committee (completed 3 year term as Chair)
 - Indiana Child Services Oversight Committee
 - Judicial Conference of Indiana Board of Directors
 - Interstate Compact State Council
 - DCS Regional Service Council (Region 7)
 - Families First Prevention Services Act Work Group
 - Court Personnel Committee
 - Lecturer at several state level judicial conferences, agency trainings, and legislative conferences on various topics
- Magistrate Brian McLane
 - Pro Bono Indiana Committee
- Judge Jason McVicker
 - Probate Committee

State/National Leadership in 2021

- OJJDP grant for Family Recovery Court: \$493,722 (3 year grant, 1 yr = \$164,574)
- BJA Drug Court Grant: \$466,032 (3 year grant @ \$155,344/yr)
- IOCS Court Interpreter Grant: \$11,896
- IOCS Problem-Solving Courts Grant, Family Recovery Court: \$8,500
- IOCS Drug Court Grant: \$8,500
- IOCS Reentry Court Grant: \$10,000
- IOCS Vet Court Grant: \$7,000
- DART Grant Community Corrections \$3,000
- Community Corrections Supervision \$685,124
- Court Recidivism Reduction 1006 \$530,509
- Jail Treatment 1006 \$ 52,500
- Pretrial Grant \$203,873
- Justice Partners Grant \$60,000
- CIP Grant for FRC Peer Support \$41,609
- Family Service Society Peer Support \$7,390
- Family Court Grant \$14,400
- Dart Grant Drug Court \$2,700

**\$1,966,919 in Total
Grant Awards!**

Helping Finance Initiatives in 2022– Grant Revenues

Challenges in 2021



- Total case filings up around 4% from 2020
 - In addition, we continue to experience a backlog of cases for 2022 due to the pandemic's limitations on case processing and jury trials

The Courts Continued to be Busy in the Pandemic's
Second Year

FELONIES FILED



Felony Cases filed in Grant County, 2002-2021

- 1125 felonies is a slight decrease from 2020, but still higher than every year since 2002
- 841 of the felonies were Level 6 felonies

Felonies Remain High in 2021

- Most common charges are Level 6 (841 out of 1125 (75%))
 - Not eligible to send to Department of Corrections, Must be dealt with locally
 - In 2015, Grant County sent 214 offenders to the IDOC; In 2021 we sent 50 offenders
- Nearly all of the most common felonies are either drug charges or drug-related property crimes
- Felonies take time and use county resources
 - Jail
 - Probation
 - Community Corrections
 - Jury trials
 - Caseloads
- Closely related with CHINS/TPR Cases, which also use county resources and have seen drastically increased caseloads in recent years

Why is this a problem?

Courthouse Challenges



- The Courthouse needs a facelift, including a new interior paint job, new carpet, an updated entryway, etc.
- The elevator continues to be a problem, and breaks down regularly
- Heating and cooling are inconsistent and problematic, often very hot or very cool in workspaces and courtrooms
- The water leak that occurred in early December resulted in significant damage to several areas of the Courthouse, which have yet to be repaired.
- The water infiltration at the ground level has continued to be a problem over the years.

In 2021, the Courthouse continued to deteriorate

Changes in 2021-2022



- Grant County Probation and Grant County Community Corrections, which were previously called “Grant County Correctional Services” are now collectively called “Grant County Court Services”
 - Please change in the Departmental Budget Listing and the Agenda in the future

Name Change!

- We became the first certified pretrial program in Indiana in 2021!
 - 3 year certification

Historic Development in Pretrial

- House Enrolled Act 1068
 - Prescribes interdisciplinary local council of stakeholders in the justice system in each county in Indiana
 - Includes council and commissioner representation
 - Sharing of information and data
 - Encouraging local collaboration and support of local efforts
 - Focus will be Evidence-Based Practices and recidivism reduction in criminal justice
 - Follows the “Grant County Model” of collaborative decision-making
 - We are using our Community Corrections Advisory Board structure as we did in our EBDM Initiative
 - Important meetings to be held in March

“Local JRAC” Enacted and Effective July 2021

- Justice Steven David, Justice of the Indiana Supreme Court will retire at the end of 2022
 - One of 5 Justices on the State's highest court
- Solicitation for applications occurred in January
 - 19 applicants, including Judge Spitzer and Judge Kenworthy
 - First interviews Feb. 28 and Mar. 1
 - Procedure will be two rounds of interviews with the Indiana Judicial Nominating Commission
 - Final 3 to the Governor, who has 60 days to select the new Justice

Applications for Supreme Court Vacancy

- Grant County has been the home of both an Indiana Supreme Court Justice and a Justice of the Supreme Court of the United States
 - Justice Willis VanDevanter – Justice of the U.S. Supreme Court
 - Born in Marion and practiced here for 3 years before moving to the Wyoming Territory
 - Served on the Supreme Court of the U.S. from 1910-1937
 - Justice Willard Gemmill
 - Born in Rigdon and practiced in Marion
 - Served on the Indiana Supreme Court from 1925-1931
 - After serving on the Court, returned to practice in Marion at the law firm of Gemmill, Brown & Campbell

Grant County's "Supreme" History

Questions?