INDIANA BAIL AND REARREST RATES

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ABOUT ICJI

Guided by a Board of Trustees representing many components of Indiana's criminal and juvenile justice systems, the Indiana Criminal Justice Institute (ICJI) serves as the state's planning agency for criminal justice, juvenile justice, traffic safety, and victim services. The institute develops long-range strategies for the effective administration of Indiana's criminal and juvenile justice systems and administers federal and state funds to carry out these strategies.

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INTRODUCTION

OVERVIEW

In 2020, the Indiana General Assembly enacted legislation, codified at I.C. Section 35-33-8-12, requiring the Indiana Criminal Justice Institute (ICJI) to collect data on rearrest rates in Indiana of individuals released on personal recognizance (own recognizance) and bail. Specifically, the rearrest rates include the number of defendants released on personal recognizance who were rearrested before the disposition of the defendant's charges and the number of defendants released pursuant to the payment of money bail of $1,000 or less who were rearrested before the disposition of the defendant's charges.

Pursuant to IC Section 35-33-8-12, the data shall be compiled in such a manner to present the rearrest rate for the state, each county, and each circuit, superior, city, and town court, including each separate division of each court, if applicable. This is the third report and will include data from January 1, 2022, through December 31, 2022.

In the Spring of 2020, using funds provided by the ICJI, the Indiana Department of Correction (IDOC) released a Request for Project Services to develop a new statewide Victim Notification System (VNS) and Data Transformation Solution (DTS) to collect and store data from the jails. The VNS notifies victims of the offender's movements and releases from jail or prison. Currently, there are two victim notification systems available[1] and a few counties are not using either system. Even with so few notification systems, each Jail Management System (JMS) is installed as a unique interface at the jails and interacts with the VNSs differently. Therefore, IDOC is working to procure a unified statewide VNS that would house offender data from all jail management systems used across the State, as well as information from correctional facilities, courts, prosecutors' offices, and other sources.

The unique sources of data collected from the approximately 20 different JMSs in 91[2] counties will need to be transformed into standardized data fields for intake by the VNS. Upon completion of this DTS, offender data from all 91 county jails will be housed in one location, with uniform data fields. Preliminary data includes fields that will allow ICJI to conduct further analysis on the rearrest of individuals released on their own recognizance or a $1,000 or less cash bond.

LIMITATIONS

Moser Consulting, Inc. is the vendor IDOC selected to complete the VNS upgrades and to complete the DTS process. They provided the data used in this report. As of the date data was received for this report, only 33 counties had been integrated into the DTS, with all but 2 counties coming on board in 2023. Data in DTS is dependent upon the date the county 'went live' and only includes a snapshot of offenders incarcerated at that moment in time and all arrests from that date forward.[3] Therefore, many arrests from 2022 were not accounted for, as DTS does not contain historical information. Due to the limited number of arrests per county, the data presented in this report should not be used to generalize rearrest rates on a larger scale.

Moser Consulting, Inc. faced challenges and some limitations while querying jail data needed for this report. Each county operates independently in terms of integration and interface, resulting in variations in the data they track and provide. To address this, assumptions were made to semi-standardize the data. However, there were issues with mapping the bail bonds data to specific offenses/bookings, leading to some duplication. To manage the large volume of data, only the most recent bail bonds data and the first three instances of each were included.

ICJI encountered many limitations, as well. Several data elements were found to be missing, such as bond amounts and cause numbers. It was also noted that many arrests in 2022 were for probation violations from older cases that had already been disposed of, and these cases needed to be excluded. Errors were identified in the initial bail listings, which required bulk filtering to exclude or tentatively include cases based on bail thresholds. However, due to time constraints, some cases may have been incorrectly included or excluded.

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1 Statewide Automated Victim Information and Notification (SAVIN) and Victim Information and Notification Everyday (VINELink)
2 Ohio County does not have a jail.
3 A. Garner, Moser Consulting, Inc., personal communication, June 26, 2023.

The data cleaning and entry process was significantly delayed due to inconsistencies and a lack of robust standardization in the data. It was acknowledged that individuals could have been arrested in other counties not included in the data collection, which could have affected the analysis. Additionally, conditional releases and court fees were not tracked for those released on Own Recognizance (O.R.) or bail of $1,000 or less. This is a limitation because failure to maintain conditional release requirements and failure to pay court fees could be contributing to rearrests[4].

METHODOLOGY

Moser Consulting, Inc. provided an Excel spreadsheet with the output of the data requested by ICJI for individuals arrested in 2022[5]. Additional considerations for this data set included:
- most recent bonds to avoid duplication
- first 3 arrest charges (by sequence)
- first 3 bonds (by amount)
- total bail amount field added (sum of bail per booking)
- bail_less_1k field added for total bail > 0 and <= 1000

From the data provided by Moser Consulting, some data fields needed to be added or verified to use for the bail analysis. The total number of cases included in the dataset was 4,436. This is only a fraction of all the arrests per year in Indiana. According to the State's Arrest Dashboard[6], approximately 108,231 individuals were arrested for about 149,269 offenses in 2022. Since the number of cases included in this report is such a small sample in comparison to the whole state, interpretation of this data should be done with caution.

Each case, or row, is an individual defendant and could have up to three cause numbers per entry. To reduce the number of cases that needed to be looked up in INcite[7] one-by-one, cases with a bond listed higher than $1,000 cash, $10,000 surety OR 10% cash, or $10,000 Court cash were all excluded. Also, cases under the "$1,000" threshold or O.R. were included if they had all other necessary data fields completed.

Researchers then looked at each case individually to identify missing information or if information needed to be verified. The categories of primary importance were the cause numbers, offense level, description (offense), bond type, bond amount, total bail, rearrest, sentence, 'bail less than 1k', and 'Include'. These last two categories were our indicators for inclusion in the bail analysis, with entries marked TRUE meeting the bail or O.R. requirement and being included, and all other entries marked FALSE and excluded.

Cases included in the bail analysis had to meet the following criteria: 1) the bail bond was either released on their own recognizance (O.R.) or $1,000 or less; 2) the defendant paid the bond and was released; 3) the cases were filed in 2022 or had not reached a disposition prior to 2022. Some cases were disposed quickly, and defendants did not post the bond or get released before disposition. Others did not bond out and stayed in jail until disposition, even if the bail was under $1,000. These cases were not included.

Bail bonds of $1,000 or less did not include the additional $5 Death Benefit Fee. There are a few different types of bonds that qualified as $1,000 or less. The simplest is a $1,000 cash bond, or $1,005 with the Death Benefit Fee. A 10% cash bond on an amount up to $10,000 also qualified. Similarly, Clark County uses the term "Court Cash" for bonds in which the defendant pays 10% plus the $5 Death Penalty fee, therefore Court Cash bonds up to $10,000 were included.

Finally, up to $10,000 "surety OR cash bond" was included, but only if the 10% cash bond was less than $1,000. If the entry in INcite said "Surety or 10% cash" it was included if the 10% was $1,000 or less. In those incidences the 10% is paid to the court and was noted in INcite.

4 Hopkins, B., Bains, C., & Doyle, C. (2018). Principles of pretrial release. The Journal of Criminal Law and Criminology (1973-), 108(4), 679-700.
5 Fields requested include: Inmate ID number, DOB, given name, middle names, surname, booking agency name, sex, race, ethnicity, County, arrest date, cause number, level (arrest charge), citation (arrest charge), disposition, bond amount, bond type, bond court date.
6 Indiana Management Performance Hub (MPH). (2022). Arrests Dashboard. Retrieved July 17, 2023, from https://www.in.gov/mph/projects/arrests-dashboard/.
7 Indiana Court Information Technology Extranet serves as a single environment for hosting all of the web-based applications that the Supreme Court currently provides. Available applications include court records from multiple case management systems.

ANALYSIS

BAIL BY COUNTY

Of the 4,436 cases, 870 cases (19.6%) met the above criteria for inclusion in the bail analysis. The county with the highest number of cases before and after filtering out those that did not meet inclusion criteria was Clark County, followed by Hamilton County. Franklin, Harrison, Jay, and Wells counties did not have any cases that met the bail criteria for this analysis.

Table 1. Total Cases Included and Bail or Own Recognizance by County

County	Total	Excluded	Included	Included Bail	Included O.R.
Allen County	168	151	17	3	14
Clark County	995	577	418	110	308
Daviess County	88	61	27	9	18
Dearborn County	244	207	37	25	12
Decatur County	87	76	11	8	3
DeKalb County	73	49	24	20	4
Delaware County	236	227	9	1	8
Fayette County	45	42	3	3	0
Floyd County	120	112	8	4	4
Franklin County	14	14	0	0	0
Fulton County	48	36	12	9	3
Greene County	17	13	4	3	1
Hamilton County	514	436	78	8	70
Harrison County	40	40	0	0	0
Henry County	154	151	3	3	0
Huntington County	55	51	4	3	1
Jackson County	98	93	5	4	1
Jasper County	44	25	19	18	1
Jay County	33	33	0	0	0
Jennings County	76	73	3	0	3
LaGrange County	63	59	4	1	3
Lawrence County	29	27	2	0	2
Madison County	306	255	51	9	42
Monroe County	76	49	27	2	25
Morgan County	169	160	9	0	9
Noble County	184	168	16	12	4
Orange County	64	56	8	4	4
Posey County	69	62	7	5	2
Randolph County	44	32	12	9	3
Ripley County	58	54	4	3	1
Rush County	29	25	4	0	4
Steuben County	104	62	42	18	24
Wells County	29	29	0	0	0
Whitley County	63	61	2	2	0
Grand Total	*4,436*	*3,566*	*870*	*296*	*574*

OFFENSE LEVEL AND BAIL TYPE

For the 870 cases remaining, 574 (66%) were released on their own recognizance (O.R.) while 296 (34%) were released on bail of $1,000 or less. The majority of cases in which the individual was released on O.R. or bail of $1,000 or less were misdemeanors A, B, C, or Level 6 felonies (86.9%). The most common offense level overall is Level 6 felonies at 42.6% of those released on O.R. or $1,000 bail or less.

The most common offenses for misdemeanors A, B, C, and Level 6 felonies are: possession of marijuana or paraphernalia, operating while intoxicated, operating while suspended, operating without having ever received a license, battery, invasion of privacy or violating a restraining order, trespass, theft, and resisting law enforcement.

Of individuals with more serious offenses that were released on low bail or on their own recognizance, about 11% were Level 4 or 5 felonies and less than 1% were Level 1, 2, or 3 felonies. In these cases, it was common to see additional conditions for individuals released on bail or O.R., such as conditional monitoring, supervision, no-contact orders, treatment programs, or work-release programs.

It is unusual to see high-level offenses (Level 1, 2, and 3 felonies) being released on low bail or O.R., however, eight cases met the bond requirement. Six of these cases were for drug offenses, such as sale or possession offenses, specifically for methamphetamines. The seventh case was for a Level 3 robbery, but the reason for O.R. was due to a delay in serving the warrant until this individual committed another offense a few months later rather than a decision to release the individual.

Finally, the eighth case was a Level 1 felony for attempted murder. It is unclear why this individual was released on his own recognizance, and it may be a documentation error in the paperwork since this was only listed once in one document. No other information was available in INcite to know if this individual is currently in custody or released, and the case is currently pending trial.

Table 2. Offense Level and Bail Type

Offense Level	Bail $1,000 or less		Own Recognizance		Total	
	Number of Cases	Percent	Number of Cases	Percent	Number of Cases	Percent
Level 1 felony	0	0.0%	1	0.2%	1	0.1%
Level 2 felony	0	0.0%	4	0.7%	4	0.5%
Level 3 felony	1	0.3%	2	0.3%	3	0.3%
Level 4 felony	4	1.4%	7	1.2%	11	1.3%
Level 5 felony	40	13.5%	41	7.1%	81	9.3%
Level 6 felony	146	49.3%	225	39.2%	371	42.6%
Class A midemeanor	69	23.3%	179	31.2%	248	28.5%
Class B misdemeanor	21	7.1%	57	9.9%	78	9.0%
Class C misdemeanor	12	4.1%	47	8.2%	59	6.8%
No charge	3	1.0%	11	1.9%	14	1.6%
Grand Total	**296**	**100%**	**574**	**100%**	**870**	**100%**

Note. n=870 cases that meet the criteria for inclusion. Bail of $1,000 or less does not include the additional $5 mandatory fee.

BAIL AND REARRESTS

Table 3 below shows the distribution of cases by rearrest and bail type. Table 4 shows the distribution of cases by rearrest and offense level. Arrests for new offenses, Failure to Appear (FTA), Violation of Pretrial Release, and no-contact orders that resulted in a warrant, were all included as "Rearrests". However, arrests for new offenses or probation violations *after* the individual was sentenced are not included as a rearrest because it is beyond the scope of this analysis.

Overall, just under half (49.2%) of those released on bail of $1,000 or less or on their own recognizance were rearrested before they were sentenced for the initial 2022 charge. The rearrest rate for those released on their own recognizance (52.8%) was higher than those released on bail of $1,000 or less (42.2%).

Table 3. Rearrest by Bail Type

Bail Type	Not Rearrested	Rearrested	Bail Type Total	Rearrest Rate
Bail	171	125	296	42.2%
O.R.	271	303	574	52.8%
Total	**442**	**428**	**870**	

Level 6 felonies and Class A misdemeanors comprised the largest percentages of cases that were included in the bail analysis overall, as well as the highest percentages of rearrests, respectively. Information on the type of rearrest was added to a note, when possible, but information was not always clear on why individuals were rearrested.

Based on the available information, the most common reasons for rearrests were for Failure to Appear or for Violating Pretrial Release conditions. Approximately 121 cases included a case note referencing a "new offense" while approximately 225 cases included a case note referencing "FTA", "failure to appear" or "violation" of pretrial release.

Table 4. Rearrests by Offense Level

Offense Level	Not Rearrested		Rearrested		Total	
	Number of Cases	Percent	Number of Cases	Percent	Number of Cases	Total
Level 1 felony	1	0.2%	0	0.0%	1	0.1%
Level 2 felony	3	0.7%	1	0.2%	4	0.5%
Level 3 felony	0	0.0%	3	0.7%	3	0.3%
Level 4 felony	4	0.9%	7	1.6%	11	1.3%
Level 5 felony	40	9.0%	41	9.6%	81	9.3%
Level 6 felony	166	37.6%	205	47.9%	371	42.6%
Class A misdemeanor	128	29.0%	120	28.0%	248	28.5%
Class B misdemeanor	44	10.0%	34	7.9%	78	9.0%
Class C misdemeanor	42	9.5%	17	4.0%	59	6.8%
No charge	14	3.2%	0	0.0%	14	1.6%
Grand Total	*442*	*100%*	*428*	*100%*	*870*	*100%*

ICJI received data from more counties (33) for 2022 than for the previous report for 2021 (3). However, there were many limitations of the dataset including missing case information, old cases, limited counties, lack of standardization between counties, and limited time for in-depth analysis of the remaining cases. Due to the many limitations of this project, interpretation of the findings should be done with caution because these findings may not be representative of the State as a whole.

Despite the limitations, some general takeaways on bail and rearrest rates can be gleaned from the data. First, the majority of the cases filed were Level 6 felonies and Class A misdemeanors, and individuals charged with a Level 6 felony or Class A misdemeanor were the most likely to be released on their own recognizance or on a bail of $1,000 or less. The overall rearrest rate for those released on O.R. or bail of $1,000 or less is 49.2%. Of those that were released on O.R. or $1,000 or less that were rearrested prior to sentencing, it was more common for individuals to be rearrested for a Failure to Appear or for a Violation of Pretrial Release conditions than to be rearrested for a new offense.

The jail data transformation project is currently in progress and this report represents the data collected from only 33 counties. Once the jail data transformation project is complete, ICJI should be able to provide a more in-depth review of bail and rearrests rates across the state.

RECOMMENDATIONS

Based on the findings in this report, as well as the process of cleaning and analyzing the data, there are several recommendations for future bail report processes.

First, improve standardization of data across counties and integration/interfaces. Cleaning and analyzing this data are time-consuming and require a large amount of researcher discretion due to a lack of standardization across counties and missing data elements. If data fields, such as cause numbers, bond, and offense levels are input consistently, it will greatly expedite the process. In the future, ICJI should work with counties to improve data collection and ensure all necessary categories are filled out properly.

Second, ICJI should explore ways to streamline the data cleaning and entry process to overcome time and resource constraints. In the future, there should be a separate category for the reason for the rearrest that is codified and defined for easier analysis rather than adding this information to a qualitative note category. A process should be developed to exclude rearrests for older cases that have already been disposed of prior to the report timeframe. Technology enhancements will likely be necessary to handle the large volume of data, once all counties have been integrated.

Third, a review of the guiding legislation to see if the information required best serves the needs of the Indiana General Assembly from a policy perspective. There were many cases excluded from the analysis because the common bail amount for the county was slightly higher than the $1,000 limit codified at I.C. Section 35-33-8-12. It may be useful to reevaluate the bail limit for future bail reports in order to include more cases for analysis.

Fourth, since many of the rearrests were from FTAs and Violation of Pretrial Release, ways to improve defendants return to court and decrease pretrial release violations could help reduce pretrial rearrests. Research indicates that court date notifications systems like texts, calls, and mail reminders, as well as transportation and childcare services, may reduce Failures to Appear, although more research is needed on FTA rates across offense types and notification methods.[4,8] Additionally, research suggests that additional conditions to bail or O.R. release, such as electronic monitoring and other supervision, do not increase court appearances or decrease rearrests[4].

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8 Hatton, R., & Smith, J. (2020). Research on the effectiveness of pretrial support and supervision services: A guide for pretrial services programs. UNC School of Government Criminal Justice Innovation Lab.