

# Probation Committee

## Judicial Conference of Indiana

### Meeting Minutes

January 20, 2023

The Probation Committee of the Judicial Conference of Indiana met by Zoom video conference on January 20, 2023, from 10:30 a.m. Judge James Muehlhausen chaired the meeting.

1. **Members present.** The following members were present: Andrew Antrim, Angela Davis, Carolyn Foley, Sally McLaughlin, Celia Pauli, Mark Smith, and Jason Thompson.
2. **Guests.** Probation Officers Advisory Board Chair Shannon Chambers attended the meeting as a guest.
3. **Staff present.** Michelle Goodman, Nancy Wever, and Mary Kay Hudson provided staff assistance.
4. **Approval of minutes.** The October 2022 meeting minutes were approved on motion and second by Angela Davis and Carolyn Foley.
5. **Probation Officer Salaries.** Judge Muehlhausen reported on the presentation at the December Board of Directors' meeting regarding whether this committee should commence a study of the probation officer salary schedule. He reported on the supportive comments from several Board members. Mary Kay Hudson also mentioned that this request is in part due to the interest of POPAI but also due to factors related to hiring and retention. Since the Board authorized this committee to study this, the committee needs to outline the process for conducting a thorough study, including a detailed fiscal impact assessment, and allowing for comments. She also reported that IOCS has staff with extensive institutional knowledge and the materials provided by POPAI would also be helpful.

The members discussed the need for additional input and the fiscal impact that results from such proposals. Some members mentioned individual county studies that were conducted leading to local adjustments above the minimum for these positions. There was also discussion that the impacts will differ among the counties and diverse perspectives need to be considered. There was also a brief discussion on HB 1144 and the potential to impact this work. The bill has not received a hearing yet.

The committee established a sub-committee to work on this study consisting of Judge Smith, who will serve as chair, Judge Davis, Mag. Pauli, and Judge Thompson. The

sub-committee can also include additional members from the Board of Directors. Shannon Chamber mentioned that POPAI is willing to help the committee with this work.

6. **Probation officer misconduct.** Mag. Foley reported on the proposed changes to Standard 1.9 on discipline and Standard 6.1 on Code of Conduct. She mentioned there were concerns expressed about text within 6.1, but that text is currently in the standard and not part of the proposal being vetted. There was discussion that a mechanism must be established related to reporting information related to revoking certification. Questions were raised regarding any concerns with liability in reporting this information, how the information will be used, whether timelines should be established for reporting, and ensuring due process considerations are set forth. There was suggestion made to see how other jurisdictions approach this and look to model from them as well as other disciplinary processes. The committee agreed to provide the current draft to Heather Falks for review and input. The committee voted to approve the text on the reporting of misconduct, subject to Heather Falk's review and approval. The provisions on revocation of certification will continue to be revised based on this discussion.
7. **Juvenile Probation Standards Workgroup.** Mag. Foley reported the workgroup is close with a draft proposal and the draft is focused on three areas: out of home placements, case planning, and use of risk assessments. There will be a small group meeting with the assessment and screening workgroup to review overlapping work. The goal is to have a draft for review by this committee in March. The workgroup members will be meeting with the Youth and Family Advisory Group on March 4 to get their input and feedback as well. Once the proposal is approved by the Probation Committee it will be presented to the Board of Directors for approval at the April 18<sup>th</sup> meeting, which is prior to the deadline established in HEA 1359 for adopting updated standards.
8. **Legislative Update.** Mary Kay Hudson reviewed a list of bills with the committee, specifically HB 1144 on making probation officers state employees, HB 1317 to address outdated statutes related to interstate compact that are no longer in use, and SJR 1 proposing a constitutional amendment to address bail.
9. **JRAC Report.** Mary Kay Hudson reported JRAC is continuing to identify methods for providing technical assistance to Local JRACs and IOCS is currently reviewing a proposal. She reported that the proposal provides a variety of options with different levels of engagement to fit the local needs. JRAC is also in the process of finalizing the annual report for 2022, which will be looking to gather key information and progress updates. In addition, the SEA 9 reports on electronic monitoring will also commence this year with key data being provided.
10. **Probation Officers Advisory Board report.** Shannon Chambers reported that the

Advisory Board approved its mission statement and they have implemented an orientation for new board members. She reported the Supervision Committee is working on updates to the standard Pre-Sentence Investigation Report regarding features to support local quality assurance through INcite reports. She also reported the Annual Justice Services Conference is scheduled for May 22-24, with intensives sessions being held on the May 22 date.

**11. Office of Court Services Update.** Mary Kay Hudson provided an update on the Youth Justice Oversight Committee since IOCS serves as the staff agency for the Committee and its workgroup. She also reminded the committee that IOCS is publishing the Legislative Update blog and providing support to the Judiciary as needed. She mentioned the Supreme Court Budget hearing occurred this week and we are optimistic. Finally, she mentioned that the Chief Justice will be providing information on judicial salary adjustments and the adjustments for the probation officer schedule when the information is finalized.

**12. 2023 meeting dates.** The agenda listed February 10 (if needed) and March 10, 2023.

Respectfully submitted,

Michelle Goodman  
Indiana Office of Court Services

# Probation Committee

## Judicial Conference of Indiana

### Meeting Minutes

March 10, 2023

The Probation Committee of the Judicial Conference of Indiana met by Zoom video conference on March 10, 2023, from 10:30 a.m. to 11:30 a.m. Judge James Muehlhausen chaired the meeting.

1. **Members present.** The following members were present: Angie Davis, Carolyn Foley, Jeffrey Marchal, Sally McLaughlin, Celia Pauli, Mark Smith, Doug Tate, and Randy Williams.
2. **Staff present.** Jenny Bauer provided staff assistance.
3. **Approval of minutes.** The meeting minutes from January 20, 2023, were approved on motion and second by Mark Smith and Carolyn Foley.
4. **Probation Officer Salary Workgroup.** Mark Smith reported that the workgroup met last week to lay out a roadmap for the group's review of the probation officer minimum salary schedule. The workgroup plans to meet with POPAI and is working on a meeting date. He also reported that POPAI recommended four changes to the salary schedule and the group discussed possibly focusing on just one item. The workgroup also plans to add members to represent more areas of the state.
5. **Probation officer misconduct.** Jenny Bauer reported that she met with Heather Falks to discuss the policy for probation officer misconduct as requested by the Committee. Ms. Falks is concerned about the number of cases reported to her recently regarding probation officers engaging in sexual conduct with probationers. Ms. Falks suggested directly targeting sexual misconduct in the policy. Ms. Bauer shared the draft amendments prepared by her and Ms. Falks. The Committee liked the new language on requesting investigative assistance from the Office of Judicial Administration and commented that the items for revocation of certification may be too narrow. Ms. Bauer will meet again with Ms. Falks and invite her to attend the next meeting.
6. **Juvenile Probation Standards Workgroup.** Carolyn Foley reported that the workgroup completed the draft juvenile probation standards. She highlighted that the new standards add a section on youth-specific supervision standards. She also reported that representatives from the workgroup the Youth and Family Advisory Group on March 4 to get their input and feedback. The meeting went well and the Advisory Group liked the information presented by the workgroup. The Committee

approved the draft standards for review by the Board of Directors on motion and second by Angie Davis and Mark Smith.

7. **Legislative Update.** Jenny Bauer reported the following on legislation of interest in the General Assembly: HB 1144 on making probation officers state employees did not get a hearing in the House of Representatives, HB 1317 to address outdated statutes related to interstate compact that are no longer in use was amended to remove the reference to the Interstate Compact on Juveniles, and SJR 1 proposing a constitutional amendment to address bail passed out of the Senate and was referred to the House Committee on Courts and Criminal Code.
8. **JRAC Report.** Jenny Bauer reported JRAC is scheduled to meet next on April 14. JRAC is continuing to work on providing technical assistance to Local JRACs and IOCS recently extended the contract with the Center for Effective Public Policy . JRAC is also working on the new SEA 9 reports on electronic monitoring. This new quarterly report replaces the annual home detention report and agencies will submit it to local JRACs rather than IOCS.
9. **Office of Court Services Update.** Jenny Bauer reported the following: staff from the IOCS Family and Children Division has been busy staffing the Youth Justice Oversight Committee; staff from the IOCS Justices Services Division are busy with in-person certification reviews; and applications are open for calendar year 2024 pretrial services and veterans treatment court grants.
10. **2023 meeting dates.** The next meeting dates are April 21 (if needed) and May 5, 2023.

Respectfully submitted,

Jenny Bauer  
Indiana Office of Court Services

# Probation Committee

## Judicial Conference of Indiana

### Meeting Minutes

May 5, 2023

The Probation Committee of the Judicial Conference of Indiana met by Zoom video conference on May 5, 2023, from 10:30 a.m. to 11:30 a.m. Judge James Muehlhausen chaired the meeting.

1. **Members present.** The following members were present: Andrew Antrim, Angie Davis, Carolyn Foley, Elizabeth Hardtke, Sally McLaughlin, Celia Pauli, Mark Smith, Jason Thompson, Randy Williams, and James Muehlhausen, chair.
2. **Staff present.** Jenny Bauer, Heather Falks, and Nancy Wever provided staff assistance.
3. **Approval of minutes.** The meeting minutes from January 20, 2023, were approved on motion and second by Angie Davis and Mark Smith.
4. **Probation Officer Salary Workgroup.** Mark Smith reported that the workgroup met with POPAI president Troy Hatfield on April 5. Mr. Hatfield presented POPAI's priority recommendations—higher entry level salary and an addition step for 25+ years of service. The group asked questions about the recommendations and requested that POPAI provide probation salary data for neighboring states. The Committee meets again on May 8 to review this data.
5. **Probation officer misconduct.** Heather Falks reported that she has seen an increase in sexual misconduct by probation officers. She investigates on behalf of local judges and said the state police do not always follow up. She is worried about more victims and liability if these officers move to probation departments in new counties. The committee discussed adding a section to the draft policy that would allow a judge to seek certification review for probation officer conduct that harms the community or the department. Ms. Falks and Ms. Bauer will work on the draft to include this language and bring it to the July meeting.
6. **Juvenile Probation Standards Workgroup.** Carolyn Foley reported that the workgroup revised the draft standards based on feedback from the Youth Justice Oversight Committee. She highlighted the change to Standard 5.2 (C). The committee approved option #1 by consensus (“limit the period of informal adjustment to three months, not to exceed six months”). She also highlighted the suggestion to remove the commentary to Standard 5.1 regarding IYAS tools. The committee discussed and decided by consensus to keep the commentary. Magistrate Foley will present the draft juvenile standards to the Board for approval on June 14.

7. **Probation Standard 1.20 on Electronic Monitoring Reports.** Jenny Bauer reported that SEA 9-2022 replaced the annual home detention report with a new quarterly report on electronic monitoring. The new quarterly reports are submitted to Local Justice Reinvestment Advisory Councils and then the State JRAC. Ms. Bauer explained that the proposed amendment to Probation Standard 1.20 reflects the language in SEA 9-2022. The committee approved the amendment by consent.
8. **Legislative Update.** Jenny Bauer reported the following bills of interest passed in the General Assembly: SJR 1 proposes a constitutional amendment to limit bail; SEA 286 on credit time, SEA 445 on electronic monitoring standards, SEA 464 on adult court jurisdiction over delinquent acts, and HEA 1087 on home detention.
9. **JRAC Report.** Jenny Bauer reported that the Justice Reinvestment Advisory Council is scheduled to meet next on May 19. JRAC continues to work on technical assistance for Local JRACs and continues to monitor the first quarter electronic monitoring reports.
10. **Office of Court Services Update.** Nancy Wever reported the Juvenile Detention Alternative Initiative will add Jefferson County as a new site in July. The JDAI grants are currently in the contract phase.
11. **Retiring members.** Judge Muehlhausen, Judge Williams, and Magistrate Hardtke will end their six-year terms on the committee at the end of June. The committee members thanked them for their service to the committee.
12. **2023 meeting dates.** The remaining meeting dates for 2023 are July 7 and October 27.

Respectfully submitted,

Jenny Bauer  
Indiana Office of Court Services

# Probation Committee

## Judicial Conference of Indiana

### Meeting Minutes

July 7, 2023

The Probation Committee of the Judicial Conference of Indiana met by Zoom video conference on July 7, 2023, from 10:30 a.m. to 11:30 a.m. Magistrate Carolyn Foley chaired the meeting.

1. **Members present.** The following members were present: Andrew Antrim, Angie Davis, Carolyn Foley, Jeffrey Marchal, Sally McLaughlin, and Celia Pauli.
2. **Staff present.** Jenny Bauer and Nancy Wever provided staff assistance.
3. **Approval of minutes.** The meeting minutes from May 5, 2023, were not voted on due to lack of a quorum.
4. **New members appointments.** Carolyn Foley reported that the committee has two new members: Magistrate Andrew Borland (Marion Superior Court) and Magistrate Travis Shields (Marion Superior Court). She also reported that Judge Mark Smith was appointed as the new chair.
5. **Work Group Reports.**
  - **Juvenile Probation Standards Workgroup.** Carolyn Foley reported that the new juvenile probation standards were approved by the Board of Directors on June 14 with an effective date of July 1, 2024, to allow for training. She thanked the workgroup members for their hard work. The new standards were included in the Youth Justice Oversight Committee report sent to the legislature at the end of June. Magistrate Foley also reported that she presented on the new standards at the Justice Services Conference in May with Justice David and at the Juvenile Judges Conference in June. The Office of Court Services plans to do a session on the new standards at the Annual Judicial Conference in September.
  - **Probation Officer Salary Workgroup.** Jenny Bauer reported that the workgroup postponed the June 12 meeting to wait for the release of the 2024 salary schedule. IOCS released the salary schedule on June 16—the increase is 7.8%. The workgroup plans to meet in August.
6. **Probation officer misconduct.** Jenny Bauer reported that she and Heather Falks made the changes to the policy requested by the committee at the May meeting. Ms. Bauer presented the new revisions which were highlighted in yellow. The committee members will review the proposed draft for a vote at the October meeting.



7. **JRAC Report.** Jenny Bauer reported that the Justice Reinvestment Advisory Council is scheduled to meet next on July 14. JRAC just closed applications for technical assistance to local JRACs. The Local JRAC Workgroup is reviewing the applications and will make recommendations to JRAC at the July meeting.
8. **Probation Officers Advisory Board update.** Shannon Chambers reported that POAB is scheduled to meet on July 11. The Supervision Workgroup is reviewing the human trafficking screener and met with the pilot counties recently to discuss their experiences with the screener. POAB plans to bring a proposal to the committee to make the screener mandatory for use by probation officers. Nancy Wever reported that the Commercial Sexual Exploitation of Children Committee, a subcommittee of the Commission on Improving the Status of Children in Indiana, is currently offering regional trainings on the screener, with upcoming trainings in Monroe County and Clark County.
9. **Office of Court Services Update.** Jenny Bauer reported that the Youth Justice Oversight Committee report was submitted to the General Assembly at the end of June and is available on the YJOC website. The YJOC report recommended funding for the diversion and community alternatives grant programs and the behavioral health pilot grant program. The Indiana Criminal Justice Institute will administer the grant programs. IOCS staff worked hard to provide staff assistance to the YJOC and workgroups and to prepare the YJOC final report and workgroup reports. Ms. Bauer also reported that juvenile informal adjustment fees were abolished effective July 1. She explained that this was part of HEA 1359 from the 2022 legislative session. In addition, Ms. Bauer reported that the following: the IOCS trial court employee conference is July 11; videos from the legislative update webinars are available on the Indiana Education Network online library; and proposed rule amendments were recently posted for public comment.
10. **2023 meeting dates.** The remaining meeting date for 2023 is October 27.

Respectfully submitted,

Jenny Bauer  
Indiana Office of Court Services

## Probation Committee

### Judicial Conference of Indiana

#### Meeting Minutes

October 27, 2023

The Probation Committee of the Judicial Conference of Indiana met by Zoom video conference on October 27, 2023, from 10:30 a.m. to 11:30 a.m. Judge Mark Smith chaired the meeting.

1. **Members present.** The following members were present: Andrew Antrim, Carolyn Foley, Travis Shields, Mark Smith, and Doug Tate.
2. **Staff present.** Jenny Bauer, Chris Biehn, and Mary Kay Hudson provided staff assistance.
3. **Guests present.** Shannon Chambers attended the meeting on behalf of the Probation Officers Advisory Board.
4. **Approval of minutes.** The meeting minutes from May 5 and July 7 were approved by consent.
5. **Probation officer misconduct.** The Committee reviewed the revisions to the probation officer revocation policy that were presented at the May meeting. The committee approved the revised amendment on motion and second by Andrew Antrim and Carolyn Foley. Mark Smith will present the proposed amendment to the policy, Probation Standard 2.7, and the probation officer code of conduct to the Judicial Conference Board of Directors at their November 30 meeting.
6. **Probation Officer Salary Workgroup.** Mark Smith reported that the workgroup met in August to review the revised proposal submitted by POPAI after the increase to the 2024 schedule. He reminded the Committee that Chief Justice Rush increased the 2024 schedule by 7.8% to match the judges' increase. Judge Smith also reported that Chief Justice Rush would like to let the 2024 schedule take effect before considering another big increase as proposed by POPAI. Mary Kay Hudson suggested reporting to the Board that the Committee completed its review of the schedule, that most of POPAI's initial concerns are covered by the 7.8% increase to the salary schedule, and the Committee would like to see the fiscal impact before considering another big increase. The Committee will continue to discuss how to support counties that want to pay above the schedule's minimum salary levels. Judge Smith will attend the November 30 Board of Directors meeting to report on the salary schedule review.
7. **JRAC Report.** Jenny Bauer reported that the Justice Reinvestment Advisory Council is scheduled to meet next on November 16. JRAC received 11 applications for technical assistance from local JRACs. The Center for Effective Public Policy

will provide three levels of assistance to the Local JRACs. Chris Biehn reported that the Supreme Court held a Summit for Rural Justice and Mental Health Professionals on October 13 in Wabash. He participated in two sessions on the sequential intercept model and said the sessions were well-received.

8. **Probation Officers Advisory Board update.** Shannon Chambers reported that POAB met on July 11 and discussed the trafficking screening tool presented by Judge Kim Dowling. POAB plans to bring a proposal to the committee to make the screener mandatory for use by probation officers. She also reported that POAB is working on orientation packets with tips from the field for new officers.
9. **Office of Court Services Update.** Mary Kay Hudson reported that grants from the Indiana Criminal Justice Institute are available to fund juvenile diversion and community alternatives programs and the behavioral health pilot grant program. The deadline to apply for the two-year grants is in November. The General Assembly appropriated \$60M for the grants. Ms. Hudson also reported that the IOCS problem-solving court grants will be awarded by the end of the year. In addition, she reported that HEA 1359 directed IOCS to submit a report on juvenile detention to the legislature by December 1. IOCS surveyed juvenile courts to collect data for the report.
10. **2024 meeting dates.** The scheduled meeting dates for 2024 are as follows (10:30 a.m. Eastern start times):
  - January 26
  - February 23 if needed
  - March 22
  - May 31
  - July 26 in person
  - October 25 in person

Respectfully submitted,

Jenny Bauer  
Indiana Office of Court Services