

MONROE CIRCUIT COURT

Pretrial Services Grant

January 11, 2022

Written by:

Troy Hatfield, Deputy Chief Probation Officer

Becca Streit, Deputy Chief Probation Officer/Community Corrections Executive Director

Chelsea Walters, Pretrial Services Program Director

Grant History

- For the past five (5) years, the Monroe Circuit Court has received grant funding from the Indiana Office of Court Services (IOCS) to provide pretrial services.
- The annual Pretrial Services Grant pays the salaries and fringe benefits of:
 - (1) Full Time Pretrial Probation Officer.
 - (2) Full Time Public Defender (appears at Initial Hearings so that a meaningful first appearance addressing bail may be held).
 - (3) Part-time Probation Officer Assistant (POA).
- The grant pays only the above salaries and fringe benefits and funds no other items.
- On Tuesday January 4th, we received notice that IOCS has significantly cut our grant due to so many Indiana jurisdictions applying for Pretrial funding.
- We started receiving this grant funding in 2016 because Monroe County was one of the 11 Indiana Pretrial Pilot counties. For 2022, the IOCS opened the Pretrial Grant eligibility to any county certified to provide pretrial services counties that have applied for pretrial certification.
- There is no state appropriation specific to Pretrial Services. These grants come from the Indiana Supreme Court/IOCS operating budget which was not increased to pay for these grants.
- Monroe County's Pretrial Services Grant for 2022 was cut by about 50% from 2021 grant **with no advance notice** that the grant would be cut. We were notified on December 30th of the grant award; two days before the grant is scheduled to begin

Grant Budget

- Requested **\$183,390**
- Received **\$92,038**
- **\$91,352 short**
- Counting this most recent grant, Monroe County has received **nearly \$800,000** from IOCS for Pretrial Services.
- All counties asking for grant money for public defense was limited to just **\$15,000** for salary and benefits.
- We also receive **\$271,866** annually from the Department of Correction for pretrial services.
- We have funded the Pretrial Services program entirely from grants and user fees since the program began in 2016.

Statistics:

- Five years of data, Oct. 1, 2016 to Sept 30, 2021
 - 9,420 persons assessed in our target population
 - Over 92% appearance rate at all pretrial hearings for released pretrial defendants
 - Over 90% of low risk released pretrial defendants complete the pretrial period without any new arrests

Certification and Industry Standards:

- Pretrial Probation Officers have a limited role to answer questions about the pretrial defendant for the courts, which increases the need for a public defender to be present and representing the defendant.
- To maintain **certification with IOCS and to qualify for continued grant funding**, we must have defense counsel present at first appearance.
- National Institute of Corrections publication: *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*
 - Lists eight elements of an effective pretrial system with one being defense counsel present and active at first appearance
- National Association of Pretrial Services Agencies: *National Standards on Pretrial Release*
 - Numerous standards that require defense counsel present at hearings where liberty is at stake (Standard 1.7, Standard 2.5, Standard 3.2(d))

Public Defender's Office and Pretrial Services

- Public defender will fall below the caseload standards if they lose the attorney.
- Any county funded portion of the public defender's salary and benefits can be reimbursed by the state at 40% depending on the caseload assignments.
- Provides a tremendous benefit to defendants to not only have their questions answered at this stage in the process, but to be represented effectively when a decision is made regarding liberty
- Matter of fairness as the prosecutor is always present at an initial hearing and the defendant should also be effectively represented