

Detention agency at odds with law

Community Corrections' behavior-time error freed convicts too soon

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The agency responsible for monitoring local criminals on home detention has been breaking state law in how it administers the program – allowing an unknown number of criminals to be released from their sentences early.

Allen County Community Corrections, which handles Re-Entry Court, home detention and electronic monitoring, has been allowing misdemeanants and felons to earn two days of credit for every day they serve on home detention with good behavior.

It's the same deal offered by the Indiana Department of Correction. But it is against state law for convicts to have the same benefit on home detention.

"It looks like we screwed up," said Allen Superior Court Judge John Surbeck, the judicial head of the program and chair of Allen County Community Corrections' advisory board.

The problem came to light last week during a routine sentencing for a low-level felony theft case. Allen Superior Court Judge Fran Gull sentenced Cassandra Ward to three years in prison because home detention doesn't accept anyone with a sentence longer than 1 1/2 years.

But Community Corrections staff spoke up during the hearing, saying that the 1 1/2 -year cap would be met by the three-year sentence because of the good-time credit.

A shocked Gull questioned the practice, shaking her head as she closed the file and promised to look into the matter.

And Gull found her concern was justified.

Under Indiana law, those convicted and ordered placed on home detention are not eligible to earn credit time, she said.

Allen County Prosecutor Karen Richards was also unaware of the practice until she heard about it Friday.

"The statute clearly says you don't get the credit on home detention as you do when you are serving an executed sentence in the Department of Correction," Richards said.

If convicts are serving their sentences in the relative comfort of their homes, then they should not be entitled to the same credit as a person serving a sentence behind bars, Richards said.

No court official was able to provide figures on how many people over the years received this illegal credit for good behavior.

According to the most recent report for the Community Corrections program, covering the 2007-08 fiscal year, nearly 1,140 felons were screened for the program, with 417 accepted. More than 1,350 misdemeanants were also screened, with 525 accepted.

With Sheila Hudson, Community Corrections executive director, unavailable this week, Surbeck said decisions about how to address the problem won't be made until at least next week.

"This is going to become a whole philosophical shift, and it's going to take some effort to work through," he said.

Besides changes for the future, problems might exist for people serving sentences and believing they will be done in half the time.

Surbeck said that while it is obvious that serving time in prison is less pleasant than home detention, being confined to one's home and tethered electronically is still restrictive.

"The bottom line is that we made a mistake," Surbeck said. "We're going to have to deal with it and figure out how we're going to deal with it."

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