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Growing probation rolls worry county officials in Indiana

Clark County case highlights officials' concerns

By MAUREEN HAYDEN CNHI State Reporter Jun 24, 2016

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INDIANAPOLIS — The number of people getting probation instead of jail time is growing quickly under new sentencing rules, but communities that oversee probation programs say they don't have enough money to handle the influx.

Last week's arrest of a probationer from southern Indiana, whom police said was en route to a gay pride event with a cache of weapons, shows the system's flaws, one lawmaker said this week.

Since taking effect a year ago, sentencing reform is ratcheting demand for probation services faster than it sends people into local jails or assigns them to spots in community corrections programs.

A study by the Indiana Judicial Center found that two-thirds of the lowest-level felony offenders are being put on probation, compared to 60 percent before the law went into effect.

“We were in the hole before sentencing reform was even put into place, and now the caseload numbers are just get higher,” said Linda Brady, president of the Probation Officers Professional Association of Indiana.

The trend worries people who manage probation programs - even some who supported sentencing reforms that aimed to divert people and money away from prisons and into community-based treatment and corrections programs.

“The problem is that the money never followed,” said Bloomington Police Chief Michael Diekhoff, who heads the Indiana Association of Police Chiefs.

Tension between a growing number of probationers, with too few resources to keep watch over them, came into focus this week when Rep. Ed Delaney, D-Indianapolis, called on the state to put more money into the effort.

Delaney tied the under-funded programs to the arrest of a Jeffersonville whom California police said they caught en route to a gay-pride event just hours after the mass shooting at an Orlando nightclub.

When arrested, James Wesley Howell, 20, was under a Clark County court order to forfeit all of his guns. Officials had yet to verify that he'd done so.

In an interview, Clark County chief probation officer James Hayden stopped short of blaming his department's high caseload.

But with an average of 4,600 probationers in any given month, each of the county's probation officers is responsible for an average of 155 offenders.

That's far higher than the ratio recommended by the American Probation and Parole Association recommends.

Brady called the number “ridiculous” — and typical.

Much of the funding for county probation departments comes from local budgets, supported by probation fees levied on offenders.

But those fees — often go uncollected from indigent offenders — are limited in how much they’ll cover.

With sentencing reform came some money for counties to bolster staffing in probation departments, jails and community corrections programs.

But the money is distributed by a grant, capped at \$25 million over two years. The state’s 92 counties compete for a piece of the pie and to prove that they meet new standards aimed at reducing recidivism.

Clark County has twice applied for money for its probation department, and twice it’s been denied.

Brady said grant money isn’t easy to get.

Fifteen counties asked for more probation dollars for the new budget year, and only 10 requests were granted.

“We have chief probation officers out there who’ve never written a grant application,” Brady said. “They’re too busy managing caseloads.”

Some county officials say the process is flawed, since it forces counties to compete for limited dollars even as their needs are far greater.

Cheryl Munson, president of the Monroe County Council, said sentencing reform amounts to “cost-shifting” from the state to the counties.

“If we don’t get additional support from state, we can’t do the job for the people who are being sent to us,” she said. “We don’t want to see these people back in jail.”

Among the gatekeepers to the state dollars is Senate Appropriations Chairman Luke Kenley, R-Noblesville.

He said it's too early to know if the Republican-controlled Legislature will heed the call for more money.

But he said it's good policy to compel counties to make a case for more money, instead of doling it out automatically.

"I think the taxpayers would expect nothing less," he said.

— *Maureen Hayden covers the Indiana Statehouse for the CNHI newspapers in Indiana. Reach her at mhayden@cnhi.com*

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