

INDIANA SENTENCING RESOURCE CENTER

A Service of the
INDIANA PUBLIC DEFENDER COUNCIL

120758

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
Indiana Sentencing Resource
Center

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Lawrence D. Vellani, Director
Indiana Sentencing Resource Center
INDIANA PUBLIC DEFENDER COUNCIL
309 W. Washington St., Suite 401
Indianapolis, IN 46204-2725
(317) 232-2490

CR-sent
3-19-90 MFI

120768

INDIANA
SENTENCING RESOURCE
CENTER

A Service of the
Indiana Public Defender Council

Contents

- Program Description
 - * Introduction
 - * Purpose
 - * Statement of Need
 - * Eligible Offenders
 - * How Sentence Planning Works
 - * Extension of Services
- Tables
 - * Detailed Summary of Case Activity, 1986-1989
 - * Summary of Referrals and Dispositions by Offenses, 1986-1989
 - * Results of Marion County Recidivism Study
- Map of Service Area
- Staff Directory
- Selected Clippings
 - * Indiana Defender, October 1988
 - * Indianapolis Star, March 6, 1989
 - * Fort Wayne News-Sentinel, April 14, 1989
 - * Indianapolis Star, May 7, 1989
 - * Fort Wayne Journal-Gazette, July 22, 1989
 - * Indianapolis News, July 25, 1989
 - * Indiana Herald, July 29 - August 2, 1989

INTRODUCTION

The Indiana Sentencing Resource Center is a service of the Indiana Public Defender Council, a state agency which provides research, training, publications and technical assistance to Indiana attorneys engaged in the defense of indigents.

The Center began in August 1986 as a federally funded pilot project (the Alternative Sentencing Project) within the Indiana Public Defender Council. The 1989 Indiana General Assembly provided the Public Defender Council with stable funding for the Center's activities. In doing so, Indiana's top criminal justice policymakers have concluded that defense-based sentencing support services are an integral part of Indiana's strategic response to crime and its punishment.

PURPOSE

The Sentencing Resource Center prepares comprehensive, case specific sentencing memoranda, at the request of local public defenders in accordance with IC 35-38-1-3 and -11, to assist courts in punishing non-violent offenders more effectively in the community as an alternative to lengthy imprisonment. The Center's staff also provides information to policy makers and practitioners about developments in the area of sentencing and related policy issues.

Through investigation, research, and sentence planning, the Center:

- 1) reduces inappropriate use of Indiana Department of Correction resources;
- 2) increases the amount and reliability of information at the disposal of sentencing judges; and,
- 3) increases the efficacy of sentencing presentations by public defenders.

The Center's sentencing memoranda are consistent with the goals of public safety and victim restitution and involve close interaction among law enforcement, probation, victim assistance, mental health and human service agencies. The Center's detailed, verified investigations result in the maximum use of community-based resources and the minimum use of expensive jail and prison beds, thereby making a primary contribution to the state's efforts to effectively distribute punishment resources and to reduce the unnecessary use of prisons.

STATEMENT OF NEED: EFFECTIVE USE OF STATE PRISONS

Reducing inappropriate reliance on incarceration has become a crucial goal of policymakers and corrections officials. The Indiana Department of Correction (DOC) placed its overcrowding rate at 17% systemwide on June 1, 1989. For several years Indiana's inmate population has exceeded its housing capacity. Currently, Indiana has the eighth fastest rate of growth in prisoner population nationally. Departmental projections for 1991 reflect continuing overcrowding for adult males, even after the completion of all currently planned capital construction projects. By

the year 2000, the DOC projects a thirty-four (34%) percent increase in population above the 1991 level, for a total of 16,804 adult inmates.

To accommodate the projected increases, the DOC is developing plans to build an additional five major institutions and three work release centers at a construction and operating cost of \$600,000,000. In the interim, three DOC institutions (the State Prison, Reformatory, and Farm) are under federally imposed population limits.

In 1988, the Indiana General Assembly adopted House Concurrent Resolution 99 which made the following findings:

- 1) Indiana's correctional population has increased from 4,114 in 1974 to 10,022 in 1986 (143% increase);
- 2) Indiana's incarceration rate has increased from 58 persons per 100,000 general population in 1974 to 181 persons per 100,000 in 1986 (212% increase);
- 3) the Department of Correction estimates that there will be an increase of 5,000 inmates by the year 2000 and that the state will need three to five new correctional facilities to accommodate this increase in inmate population; and
- 4) continuing increases in the institutional population will place an extreme financial burden on the state to provide effective custody and treatment programs for committed offenders.

The Indiana Public Defender Council established the Sentencing Resource Center in response to the current crisis in prison crowding and the projected increases in the inmate population.

STATEMENT OF NEED: EFFECTIVE ALLOCATION OF LOCAL RESOURCES

In addition to the overwhelming need occasioned by rising institutional populations and the attendant costs, the Center addresses some of the unique needs of local public defenders. Through detailed analysis of criminal and social histories, the Center's staff is able to investigate, evaluate and secure appropriate community placements prior to sentencing, while offering evidence of mitigation and correcting inaccuracies which may arise from time to time in pre-sentence reports. In some instances, the Center also assists public defenders and prosecutors by identifying opportunities for punishment, victim restitution and behavior management even prior to the determination of final charges or plea agreements.

The Center complements the work of probation pre-sentence writers by identifying specific treatment and punishment options in difficult cases, and by securing commitments from individuals and agencies willing to work with these offenders. Additionally, any screening and pre-enrollment accomplished prior to sentencing expedites the supervising probation officer's management of the offender in the community.

Finally, the Center insures that community-based human and correctional services receive appropriate referrals from the criminal justice system. Community agencies and other resources often are unaware of eligible clients within the local justice

system. As a pivotal broker of information about the offender, the offense and resources at the county level, the Center assists local agencies in broadening their service community, while at the same time strengthening the unique public/private partnership in crime control and community corrections for which Indiana is recognized nationally.

Twenty-one states and the District of Columbia currently manage or support sentencing programs similar to the Indiana Sentencing Resource Center: California, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Indiana, Kentucky, Massachusetts, Michigan, Missouri, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Vermont, Virginia, Washington, and Wisconsin. These programs' combined operations exceeded \$6,000,000, and provided services in almost 12,000 cases in FY 87-88. The majority of these programs exist specifically to assist local and state jurisdictions in better managing prison and jail populations. Researchers and policymakers predict an expansion of these programs in the future.

ELIGIBLE OFFENDERS

The Center considers for program services non-violent public defender clients whom the court will likely sentence for class C and D felonies and who face a high likelihood of receiving only an executed sentence in the Indiana Department of Correction.

The Center targets these offenders because:

- 1) the controlling sentence of over seventy-two (72%) percent of DOC commitments is for either class C or D felonies (28% class C, 44% class D);
- 2) a substantial number of class C and D felony commitments are for non-violent crimes with sentences suspendible in whole or in part;
- 3) the vast majority of DOC inmates have incomes of less than \$6,000 a year prior to incarceration and are, therefore, likely to have been the client of a public defender;
- 4) two of the most effective ways to control prison crowding is to reduce prison commitments and to reduce the executed time-served by certain inmates;
- 5) the most realistic and responsible way to reduce prison crowding at sentencing is through the improved use of information and planning.

HOW SENTENCE PLANNING WORKS

STEP ONE: A PUBLIC DEFENDER REFERS A POTENTIAL CASE TO THE CENTER, USUALLY BEFORE A DEFENDANT ENTERS A FORMAL PLEA. THE CENTER REVIEWS THE AVAILABLE CASE INFORMATION AND ACCEPTS OR REJECTS THE CASE FOR INVESTIGATION. The Center's guidelines require the director to make a preliminary determination concerning the non-violent nature of the offender, the likelihood of the offender receiving only an executed sentence and the potential presence of

treatment-related issues. Satisfied that the case meets these criteria, the director assigns it to a case consultant.

STEP TWO: THE CASE CONSULTANT CONDUCTS A THOROUGH BACKGROUND INVESTIGATION OF THE OFFENDER AND THE OFFENSE, DRAWING UPON INFORMATION PROVIDED BY LAW ENFORCEMENT AND PROBATION OFFICERS, CRIME VICTIMS, EMPLOYERS, FAMILY MEMBERS AND HUMAN SERVICE PROFESSIONALS. The case consultant then prepares a detailed written punishment proposal, consistent with the goals of public safety and victim restitution, which may include any combination of the following:

- incarceration
- work release
- weekend sentences / intermitent confinement
- home detention
- electronic surveillance
- intensive probation
- curfews
- random urine screening
- financial restitution
- community work service
- substance abuse evaluation and treatment
- employment
- vocational training
- mental health evaluation and treatment
- remedial education
- any other special conditions, as appropriate

STEP THREE: THE CASE CONSULTANT DELIVERS THE COMPLETED PLAN TO THE PUBLIC DEFENDER, WHO, IN TURN, PRESENTS THE INFORMATION AND MATERIAL TO THE PROSECUTING ATTORNEY AND SENTENCING JUDGE. The case consultant may arrange for independent, professional evaluations of the offender prior to sentencing. In addition, the case consultant screens for eligibility and pre-enrolls the defendant in available punishment and treatment programs in order to minimize delays in an offender's entering community-based punishment immediately upon a judge's suspension of a sentence or the completion of executed time. The Center's case consultant is available prior to and at sentencing to answer questions or address concerns which the prosecuting attorney or presiding judge may have about the proposal.

The absolute integrity of the case consultant's work is fundamental to the operation of the Center. The Center's case consultant makes the determination of the most appropriate punishment recommendation. The public defender determines the most effective use of the plan in representing the defendant. In the over three hundred cases in which the Center has been involved, public defenders have declined to use the Center's finished work in only one case. Certainly if public defenders and the Center are choosing appropriate, non-violent, prison-bound offenders, then counsel will rarely conclude that the defendant is better served in a court that lacks the benefit of the Center's work.

EXTENSION OF SERVICES

The Center has exceeded the original performance goals projected by the Council's board of directors and staff in 1986. In part because of a judicial acceptance rate of punishment proposals in excess of seventy-five (75%) percent and a conservatively estimated savings of over 300 person-years in prison time to the Indiana Department of Correction, in August 1988, the Governor's Committee on Exemplary Projects awarded the Council's original Alternative Sentencing Project a 1988 Exemplary Project Award, recognizing the Project's innovative service to the state's criminal justice system.

The Center concentrated its pilot work in Allen, Madison, Marion, and St. Joseph counties, with occasional case referrals and consultations in Dubois, Fountain, Hancock, Hendricks, Lagrange, Lake, Morgan, Orange, Porter, Putnam, Shelby, Tippecanoe, Vigo, Wabash, Washington and Wayne counties. During the 1989/91 biennium, the Center plans to strengthen services in the four original pilot counties and to extend regular services into at least five additional counties: Crawford, Harrison, Orange, Porter, and Washington. The Center chooses counties based upon DOC commitment volume and rate, type of public defender system, availability of case consultants and expressed interest among members of the criminal justice community. Based upon its performance over the past three years, the Center anticipates assisting public defenders in over three hundred cases during the next biennium, and diverting almost two hundred offenders from lengthy incarceration.

STAFFING

The director of the Indiana Sentencing Resource Center reports to the board of directors and executive director of the Indiana Public Defender Council. A program manager assists the director in the routine supervision of case work, while also maintaining a small client case load. Private contractual case consultants handle the remainder of the Center's case work.

DETAILED SUMMARY OF CASE ACTIVITY
August 1, 1986 to June 30, 1989

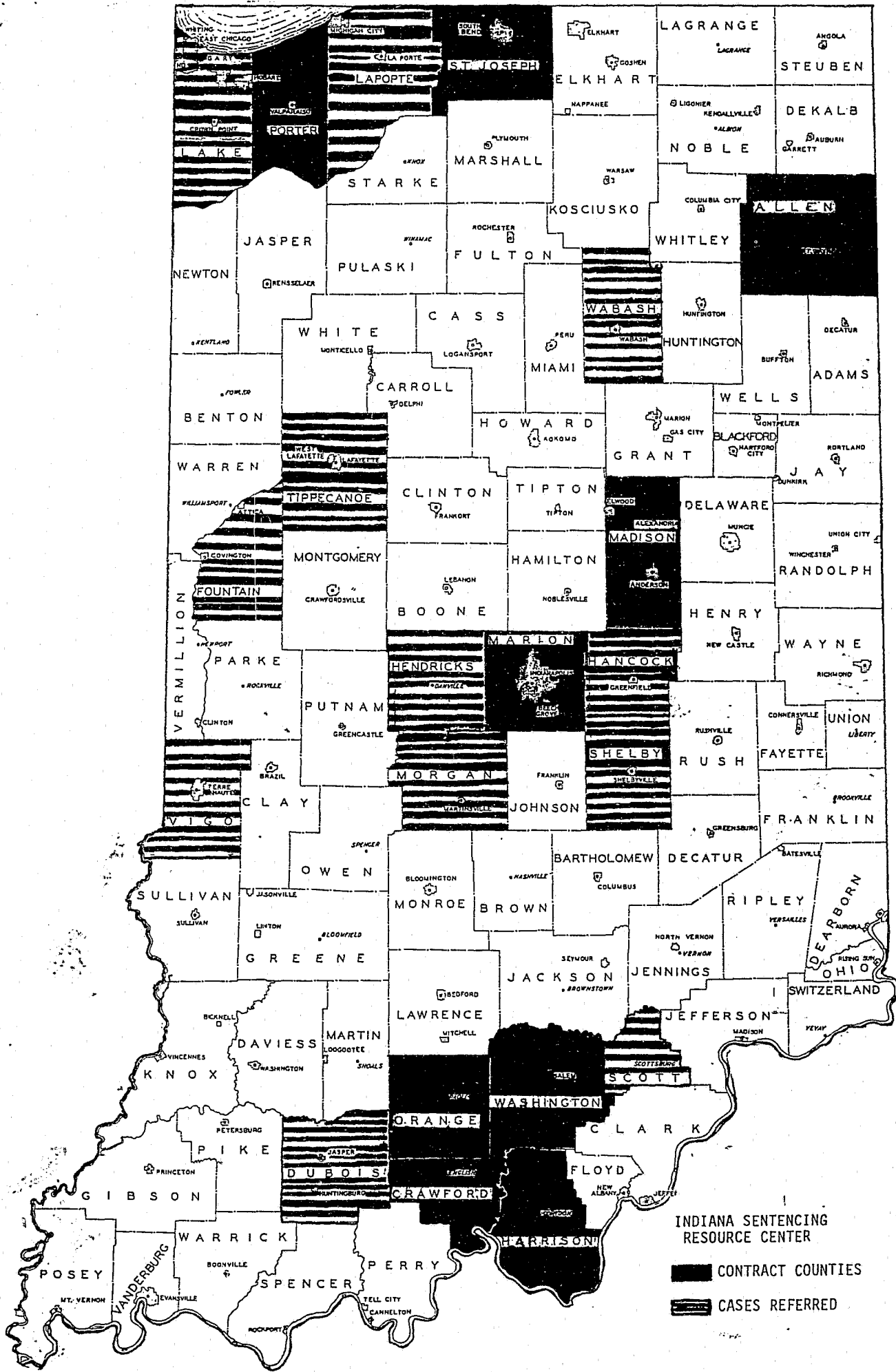
County	# Cases Referred to Project	# Cases Accepted for Service	# Cases Discontinued Prior to Court	# Cases in Preparation	# Cases Presented in Court	# Cases Accepted in Full by Court	# Cases Accepted in Subt. Part by Court	# Cases Rejected by Court	Court Rejected but Pending "Shock Probation" Hearing
Allen	18	18	3	2	13	10		3	
Crawford	1	1			1	1			
Dubois	2	2	1	1					
Hancock	1	1			1			1	
Hendricks	2	2		1	1			1	
Madison	15	14		3	11	5	1	5	
Marion	174	167	35	13	119	89	9	20	1
Morgan	3	3		1	2	1			1
Porter	5	5	1	4					
St. Joseph	88	88	27	14	47	33	2	12	
Scott	1	1	1						
Shelby	1	1			1	1			
Tippecanoe	3	3		1	2	2			
Vigo	1	1			1	1			
Wabash	1	1	1						
Washington	2	2		2					
TOTALS	318	310	69	42	199	143	12	42	2
<i>as % of cases accepted for service</i>		100%	22%	14%	64%	(46%)	(4%)	(14%)	(.6%)
<i>as % of cases presented in court</i>					100%	72%	6%	21%	1%

SUMMARY OF REFERRALS AND DISPOSITIONS BY OFFENSES
August 1986 - March 1989

CLASSES OF OFFENSES	A	B	C	D	ALT. MISD.	A MISD.	Dismissal follows from ASP Report	TOTALS	
								#	%
Offenses at Referral									
Offenses against Property	1	41	40	32				114	44%
Controlled Substance Offenses	1	4	9	47		2		63	24%
Offenses against Persons (excluding sex offenses)	2	9	29	5				45	17%
Sex Offenses	1	5	19	5				30	11%
Other Offenses				8				8	3%
TOTAL	5	59	97	97		2		260	100%
PERCENTAGE	2%	23%	37%	37%		.7%			100%
Offenses at Disposition									
Offenses against Property		28	21	16	3		1	69	42%
Controlled Substance Offenses		3	4	32		1		40	24%
Offenses against Persons (excluding sex offenses)		3	18	4			1	26	16%
Sex Offenses		1	16	5	1			23	14%
Other Offenses				6	1			7	4%
TOTAL		35	59	63	5	1	2	165	100%
PERCENTAGE		21%	36%	38%	3%	.6%	1%		100%

PROGRESS REPORT FOR CLIENTS SENTENCED FROM MARION COUNTY, FY 86 - 87

SENTENCING COURT / SUPERVISING PROBATION DEPARTMENT	# CASES ACCEPTED BY SENTENCING COURT	CLIENT STILL ON PROBATION	SUCCESSFULLY RELEASED FROM PROBATION	PROBATION REVOCATIONS
Marion County Municipal Courts	8	4	3	1
Marion County Criminal Courts	17	11	3	3
TOTAL	25	15	6	4
Percentage	100%	60%	24%	16%



INDIANA SENTENCING RESOURCE CENTER

- CONTRACT COUNTIES
- CASES REFERRED

**INDIANA SENTENCING RESOURCE CENTER
STAFF DIRECTORY**

Teresa Berryhill
Secretary
Indiana Sentencing Resource Center
309 W. Washington St., Suite 401
Indianapolis, IN 46204-2725
(317) 232-2490

Michael E. Dennis
Sentencing Consultant
4306 Caledonia Circle
Indianapolis, IN 46254
(317) 298-8910

Tanya L. Dickinson
Program Manager
Indiana Sentencing Resource Center
309 W. Washington St., Suite 401
Indianapolis, IN 46204-2725
(317) 232-2490

Margaret A. Dodd
Executive Director
Community Justice Center, Inc.
412 W. 9th Street
Anderson, IN 46016
(317) 649-7341

Mark A. Earnest
Sentencing Consultant
1133 Garden Street
Fort Wayne, IN 46802
(219) 422-1799

Donald J. Evans, Esq.
Executive Director
PACT, Inc.
254 Morgan Boulevard
Valparaiso, IN 46383
(219) 462-1127

James J. Junier
Sentencing Consultant
3411 Jefferson Boulevard
South Bend, IN 46615
(219) 234-0584

Carol S. Knoy
Sentencing Consultant
618 N. Emerson Avenue
Indianapolis, IN 46219
(317) 357-9080

Paul Landskroener
Sentencing Consultant
Porter County PACT, Inc.
254 Morgan Boulevard
Valparaiso, IN 46383
(219) 462-1127

Russ Leinbach, M.S.W.
Director
Hoosier Hills PACT, Inc.
74 East Ct.
Paoli, IN 47454
(812) 723-2621

Michelle Mays
Administrative Assistant
Indiana Sentencing Resource Center
309 W. Washington St., Suite 401
Indianapolis, IN 46204-2725
(317) 232-2490

Alicia McClean, Esq.
Sentencing Consultant
Porter County PACT, Inc.
254 Morgan Boulevard
Valparaiso, IN 46383
(219) 462-1127

Bryan D. Mosley
Sentencing Consultant
Community Justice Center, Inc.
412 W. 9th Street
Anderson, IN 46016
(317) 649-7341

Lawrence D. Vellani
Director
Indiana Sentencing Resource Center
309 W. Washington St., Suite 401
Indianapolis, IN 46204-2725
(317) 232-2490

COUNCIL NEWS

Alternative Sentencing Project Receives Exemplary Project Award

On August 26, IPDC's Alternative Sentencing Project (ASP) received an Exemplary Project Award from the Governor's Committee on Exemplary Projects. The Committee is a program of the Indiana Criminal Justice Institute which recognizes innovative, effective pro-

grams and outstanding service to Indiana's criminal justice system by public and private agencies. The Honorable Randall T. Shepard, Chief Justice of the Indiana Supreme Court, presided over the ceremonies in the Supreme Court chambers.

ASP began as a pilot project of IPDC in August 1986, with Rita K. Akins as director and Steve Brock and Tanya Dickinson as

case developers. Lawrence D. Vellani began in August 1988 as ASP's new director.

The project's aim was to assist local sentencing courts in Marion, St. Joseph, Allen and Madison counties to fashion more effective community-based sentences. In less than two years, the project has worked on over 175 cases and has earned the respect and acceptance of

CONTINUED ON PAGE 2



Chief Justice Randall T. Shepard presenting award to Lawrence D. Vellani.

(Photo by Teresa Franklin, IPDC Staff)



IPDC Board Member David Hennessy, IPDC Executive Director Larry Landis, Chief Justice Randall T. Shepard, ASP Case Developer Tanya Dickinson, and ASP Director Lawrence D. Vellani.

(Photo by John Stipp, Lawrence County Probation)

A-14

THE INDIANAPOLIS STAR

Where the Spirit of the Lord is, there is Liberty

II Corinthians 3:17

EUGENE C. PULLIAM—1889-1975

Publisher 1944-1975

EUGENE S. PULLIAM, *Publisher*

*"Let the people know the facts and the
country will be saved."—Abraham Lincoln*

Worth State Support

Alternative sentencing relieves prison overcrowding by channeling selected non-violent offenders into community-based programs of detention and restitution.

Instead of serving prison terms, some may spend weekends in jail, work a regular job and do community service. Some may be required to make restitution to their victims, undertake drug abuse counseling, serve home detention, reside at work release centers, or have intensive probation supervision.

One particular program of this nature is the Alternative Sentencing Project. Aimed at indigent defendants and sponsored by the Indiana Public Defender Council, the project was launched with combined state and federal funds in August 1986.

Federal financing for alternative sentencing programs is about to expire. So supporters of the project are urging the state to pick up full funding and in addition approve a phased expansion.

The project is worth continuing, and perhaps expanding. Its principal focus so far has been in Marion County, where 70 of its alternative sentences were used by judges in a little over two years. The project also operates in St. Joseph, Allen and Madison counties.

Under the proposal presented to the state budget committee, funding for the project would more than double within two years, to a level of \$369,649 for 1990-91.

In that year it would present an estimated 280 alternative sentences to judges after reviewing more than 400 cases.

A principal goal is to avoid the high cost of imprisoning non-violent offenders, those who can benefit themselves and the public by staying outside prison walls under certain restrictions.

Several judges and public defenders have praised the project, and the Indiana Prosecutors Council has raised no objection to continuing state support.

Under the expansion proposal, the project would be operated in 13 counties. Perhaps legislators will see a slower expansion as prudent. In any case, the project should not be allowed to fall between the cracks.

It is a new, promising alternative to worsening conditions in Indiana's already overcrowded prison system.

eloir J...
 oia ylon
 (SIA) MELIAR
 psolater, to absband in
 1987 Wayne, Indiana ■ 25c

The News-Sentinel



REGIONAL EDITION

April 14, 1989

Punishment doesn't have to mean prison

The community's response to crime in 18th-century Pennsylvania, as throughout the world, was physical pain — exposure in the stocks, public flogging, scarring of the face or head and branding by a hot iron.

Members of the Philadelphia Prison Society, with important support from the local Quaker community, set about 202 years ago to transform the Walnut Street jail — from a temporary holding facility for persons awaiting trial or payment of debts, to a new, particularly American institution, the "penitentiary." These reformers believed that the new republic needed a new way to treat criminals. Rather than inflicting physical pain and abuse, courts should require criminals to sacrifice that which these hardened freedom fighters held so dear — personal liberty. In the monastic confines of a cell, the individual could contemplate the error of his or her ways, become "penitent" and leave the prison a more competent, productive citizen.

The American penitentiary system was perhaps the first, though certainly not the last, reform that we exported successfully to other countries. Prisons have been arguably as enduring as any of the innovations of that revolutionary generation, and more so in our own country than any other. Today, the United States outstrips every other industrialized nation in the use of prisons for criminal punishment, with the ignoble exceptions of the Soviet Union and South Africa.

As the American prison enters its third century, our nation's preference for incarceration — some national commentators have called it an addiction — has exceeded reasonable bounds. Similar to the addict whose disease only leads to riskier, less ratio-



Guest
 columnist

LAWRENCE
 VELLANI

nal behavior, many local, state and federal officials are looking for a "quick fix" of bricks and mortar as a means to build our way out of the prison crisis.

Since 1977, with the enactment of the present criminal code, Indiana's prison population has increased almost threefold. During the same period, Indiana embarked on an aggressive construction campaign, adding over 5,000 additional beds at a cost of over \$200 million. And still the Indiana prison system is 13 percent overcrowded, with proposals presently under discussion in the General Assembly to pour \$600 million more into new prison construction and operations through the next decade.

As recent national studies reveal that 75 percent of all convicted felons serve their sentence in prison or jail, and as states like Indiana face costs of \$13,000 to \$23,000 a year to house and feed one inmate, it's time to ask ourselves, are we, much like the addict in the headlines, headed for a crash?

While some public officials have looked to new construction as the solution of choice, a new generation of community leaders is challenging us to consider whether criminal punishment must always equal prison.

Similar to the revolutionary veterans who gathered two centuries ago in Philadelphia, these people are not naive utopians, but practical, prag-

matic realists who acknowledge that a part of our current war on crime is bankrupt — and bankrupting us. They are former Hoosier law enforcement and probation officers who now work under contract with the Alternative Sentencing Project of the Indiana Public Defender Council.

In several Indiana communities, stretching from Lake Michigan to the Ohio River, including Fort Wayne, these men and women provide a valuable service to local courts by preparing realistic, detailed punishment plans for non-violent offenders that place specific controls on the offender's behavior and require the offender to pay back the victim and community. Many of these punishment plans involve the offender serving a portion of the sentence in secure custody. These seasoned criminal justice professionals know what they are up against in dealing with criminals, and also understand the kind of precise, verified information a judge needs to make the best decision about punishment.

The council's sentencing planners work within the genuine mainstream of American attitudes and values. Public opinion polling reveals that Americans are concerned not only about crime but also its punishment, and that Americans have definite and sensible opinions about that punishment.

Americans now rate prison as a failure in all respects, except insofar as prisons isolate offenders for a time from the public. When presented with minimal information about the costs of incarceration and the range of available punishment options that do not rely solely on prisons or jails, Americans are solidly in support of community-based alternatives. Where Americans draw the line — as any sensible

body politic must — is in the case of the violent, predatory criminal.

However, America's and Indiana's prisons are not full of the violent and predatory — although such people are surely among the population. Over 70 percent of the admissions to Indiana's prisons last year were for low-level property and drug possession crimes, the class C and D offenses.

Americans continually give high marks to punishment programs that require offenders to support their dependents, pay back victims and stabilize their behavior by learning or adopting the common disciplines of a law-abiding lifestyle. Working closely with local law enforcement, probation and human service agencies, the council's sentencing project relies on just such a prescription.

The Alternative Sentencing Project has been successful not because it's a new and better idea, but because community-based punishment — the notion of work, restitution and personal accountability — is an old and good idea.

The Indiana General Assembly is in the process of deciding whether this unique contracting program is a good enough idea to keep.

In the 75 percent of the cases in which judges have adopted the project's recommendations, in the 325 years in prison time Indiana has saved, in the over 4,100 hours of community work service ordered, in the \$14,400 of restitution earmarked for victims, the project has demonstrated that it should not only be retained but expanded.

Lawrence D. Vellani is director of the Alternative Sentencing Project of the Indiana Public Defender Council.

Program lauded for alternatives to jail

By DAVID J. REMONDINI
STAR STAFF WRITER

Prison was the likely destination of a 35-year-old Indianapolis woman convicted of forging checks to cover medical expenses for her badly burned daughter and to pay for a costly cocaine habit.

But a little-known program run by the Indiana Public Defenders Council helped convince a judge that a stint in prison would do nothing to help the woman's drug habit or repay the money she embezzled.

Consultants with the council's Alternative Sentencing Project drafted a sentencing plan to ensure the woman would receive drug addiction therapy. They also recommended she be assigned to a work-release center with her wages going to repay the embezzled money.

A judge agreed and, in the process, helped further two of the main goals of the project run by Larry D. Vellani: provide effective punishment and reduce prison overcrowding.

That example is from an actual Marion County criminal case. Privacy regulations

prevent the project from revealing the woman's name.

She is not the only beneficiary of the 2½-year-old project, which soon will expand because of funding approved by the recently concluded Indiana General Assembly.

Since its inception in August 1986, the project has been funded by \$251,000 in federal grants.

This year, the council won state funding for the program. During the two-year budget cycle that begins July 1, it will receive \$307,614, enabling it to expand to two more counties. It now operates in Marion, Allen, Madison and St. Joseph counties.

Supporters consider the project a cheap way to reduce prison overcrowding by identifying offenders who don't need incarceration.

The program, which hires private consultants to develop individual sentencing plans, also helps ensure that offenders receive the rehabilitation they are unlikely to get in prison.

"That's one of the best damn programs in

the state," said Deputy Corrections Commissioner Warren H. Waymire.

"It is a type of program that really does work. I am very high on this," he said. "This is one of the programs that they haven't publicized and blown their horn. But they should have because they are doing a dynamic job."

Since it began, consultants with the project have presented sentencing plans for 167 offenders. Judges accepted 130 plans in full or large part.

Kathy J. Strahm, a Marion County public defender, said the consultants prepare a report and testify in court to give judges information.

"They (project consultants) get a broader view of the defendant's life. They are not looking at it so much as whether there should be probation but what would be best for the defendant and society," Strahm said.

In the current fiscal year, 66 offenders were placed into the program instead of going to the Indiana Department of Correction.

See PROGRAM Page 8



STAR PHOTO

Larry D. Vellani says program offers rehabilitation.

Program

★ Continued from Page 1

Waymire estimates that it would cost about \$7,000 a year to house each of those inmates.

Potentially, 205 non-violent offenders could be diverted from the department of correction during the next two years.

But beyond saving money and reducing prison overcrowding, Vellani believes the project's most important goal is to see that scarce rehabilitation dollars are used in the most effective way.

"A lot of the average public, when they think of punishment, think of prison," Vellani said. "My job is to make people understand that punishment doesn't necessarily have to equal prison. There are a range of punishments we can bring to bear against the offender to control his or her behavior, to get the victim paid back and to ultimately stabilize the non-violent offender in the community."

The project works like this: Public defenders who believe their clients may be "prison bound" contact the project and ask for an investigation. The request usually comes before trial or before a guilty plea is entered. If project directors believe the client qualifies, consultants will be hired to investigate the client and his or her background. The consultants are paid about \$500 per case.

A report is prepared for the sentencing judge recommending what type of punishment the offender should receive.

In 60 percent of the cases, the consultants suggest secure custody like work-release centers, home detention, weekends in jail or, sometimes, commitment to the department of correction.

If the offender has a drug or alcohol problem, the consultant also will locate a treatment center willing to accept the offender.

Vellani noted that in 74 percent of the cases, judges accept the project's recommendations in total.

Marion County Superior Court Judge Patricia J. Gifford, Criminal Division, Room 4, said consultants with the project have testified in her court about a half-dozen times. Generally, she follows most of their recommendations.

"Where I think they are a benefit is in placement of people who are hard to place. The probation department does not really have the time, because they are so understaffed, to go out and find these alternative places," Gifford said.

Prosecutors familiar with the program also have found it beneficial.

"I was quite surprised to find how thorough they were, and they were realistic recommendations," noted Madison County Prosecutor William F. Lawler.

"To be honest, I was surprised to find it was paid for by the Public Defenders Council because you would think they would make sentencing recom-

mendations in favor of the defendant. But I haven't found that to be the case," Lawler said.

Rita K. Akins, now a private sentencing consultant who was the project's original director, said the sentencing recommendations are designed to provide the most effective punishment and rehabilitation — not merely to keep the defendant out of prison.

"My guideline is always, 'Do I want this person living next door to me,'" said Akins, who worked for eight years as a criminal probation officer in Marion County.

She spends about 30 to 40 hours researching one case and preparing a report for the judge.

Akins said public attention given the case of Alan Matheny has had an effect on the work she does. Matheny is charged with murder in the March 4 slaying of his ex-wife, Lisa Marie Bianco, while he was on an eight-hour pass from prison.

Recently, a Marion County judge hearing a battery case privately told Akins he felt he had to recommend a prison sentence because of the uproar over Bianco's death.

Akins points out that a public backlash against programs like the Alternative Sentencing Project could have a detrimental effect on society.

"These people have to have transition programs back into the community. That is what the public doesn't understand," she said.

Michalyn M. Chilcote, executive director of the Eihart County Women's Shelter where Bianco worked, said she supports the program depending on the crime and circumstances.

But she cautions against relying on alternatives to prison too much for repeat offenders.

"For a first-time offender, that is great, but I think if we see someone continually offending, then the judge is going to have to take a second look at the person."

For many defendants, the project offers something that would normally only be available for wealthy defendants.

"A private attorney can sometimes afford to have one of these sentencing reports done by a private sentencing consultant. So we have the state agency to do it, which is terrific," said public defender Strahm. "I think our clients would be at another disadvantage for being indigent if this were not available."

Vellani said he also believes the public ultimately can benefit from the project. He said he will consider the project a success when it diverts 800 offenders a year from the department of correction, which he says may be enough to avoid the need for a new prison.

"A prison system isn't necessarily set up to do the kind of intensive investigation and analysis of the offender or inmate (that the project is). What I hear the governor's office and the DOC saying is, 'Get us out of the business of being a judge and a jury. Get the information up front to the sentencing judge where he needs it.'"

Editorials

The Journal-Gazette
Saturday
July 22, 1989

Richard G. Inskip
President and Publisher

Craig Klugman
Editor

Sherry Skufca
Managing Editor

Larry Hayes
Editorial Page Editor

Prisons not only choice

The crisis in Indiana's overcrowded prisons is sure to prompt calls for more prison construction. One unfinished new facility is being rushed into service. A second is being rushed into design. And it won't be surprising if a third is rushed into legislation next year.

It won't be surprising, but it will be expensive, and probably futile.

Anyone who thinks Indiana has had some kind of criminal-coddling policy doesn't know the numbers. The same for anyone who thinks Indiana has failed to expand its prison system.

Indiana has been imprisoning people at record rates. The adult inmate population averaged 3,743 in 1975, shortly before legislators started passing mandatory sentencing laws. By 1987, the inmate population had almost tripled, to 10,209 — even though the state's overall population had grown very slowly.

From 1977 to 1987, prison staff grew 50 percent and the prison system's budget more than doubled. We've added 5,000 prison beds in the same period, at a cost of \$200 million. Yet the Department of Correction has said it will need from three to five more prisons by the end of the century if present trends continue.

The present trends in crime are out of the state's direct control, but the response to that crime is not. Indiana has to do a better job of choosing which criminals it will put in expensive prison cells.

One new tool for that job is the Indiana Sentencing Resource Center

run by the Indiana Public Defender Council. The center gives judges sentencing options for non-violent, low-income Class C and D felons — options besides full prison terms. The options help victims, serve justice, create the best chance for rehabilitation and save state tax dollars.

The options can include some prison time. They also can include getting a job and repaying the victim. They can include curfews, electronic surveillance, drug testing and much else — whatever the resource center investigator and the judge think is best.

When it was just a pilot program based in a handful of counties — including Allen — the resource center saved the state an average of more than 100 prison inmates each year. Now it is expanding its corps of investigators — who are available to public defenders and judges in all Indiana counties. One of center Director Lawrence D. Vellani's goals is to cut back enough prison sentencing to make at least one new prison unnecessary.

Before Indiana politicians deny the state's many other needs in order to build yet another prison, they should give the Indiana Sentencing Resource Center a well-funded chance to stem the flood of sentences. Otherwise, as is already happening with the new Correctional Industrial Complex near Pendleton, the next prison will be full before it is finished, and the tax burden will just be bigger.

TUESDAY

JULY 25, 1989



CLOUDY

Partly cloudy, muggy tonight. Wednesday: Low 73; High Wednesday 92. Page C-13.



J. IRWIN MILLER: A LEGEND LIVES THE AMERICAN DREAM

BUSINESS TUESDAY



DAIRY GOAT AWARENESS

Hoosiers adding to commemorative bills now flooding Congress

— PAGE A-3

THE INDIANAPOLIS NEWS

"Where the Spirit of the Lord Is, There Is Liberty."—II Cor. 3-17

25c

THE INDIANAPOLIS NEWS

Tuesday, July 25, 1989

Editorials

Beyond prisons, probation

While prison overcrowding is getting the attention this summer, an alternative to prison is quietly being expanded by the Indiana Public Defender Council. Through its Sentencing Resource Center, the council helps judges and prosecutors establish appropriate punishment for non-violent offenders.

Supported by federal funds the past three years, the project attracted support from the General Assembly this past session to help reduce state prison overcrowding. The project also won an Exemplary Project Award from the state last year for innovation within the criminal justice system.

The project has been in service in Indianapolis, Fort Wayne, Anderson and South Bend. The expansion plans will include service in southern Indiana as well.

The idea is to take offenders who wind up with public defenders

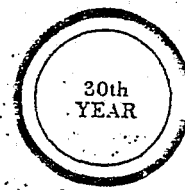
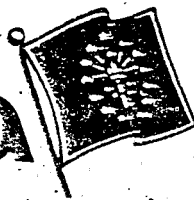
as their lawyers and provide restitution plans and other kinds of punishment. The natural tendency is either to put such offenders on probation with crowded caseloads and little supervision, or they might wind up in prison, which ought to be reserved for more serious offenders.

"Our investigations result in the maximum use of community-based resources and the minimum use of expensive jail and prison beds in the appropriate cases," says Lawrence D. Vellani, director of the center. "This is an important contribution to the state's efforts to reduce the unnecessary use of prisons."

This project won't solve the current crisis. But it's the kind of project that, multiplied several times, will help resolve the overcrowding problem in the long run — and provide more sensible punishment for some criminal offenses.



Indiana Herald



"The Sword of Truth is Eternally Sharp"

29-August-2-1989

NNPA, Ind. Dem. Ed. Assoc.

923-8291

35¢ Per Co

Public Defender Council To Help Ease Prison Crowding

The Public Defender Council has established the Indiana Sentencing Resource Center in response to the current crises in prison crowding and the projected increases in Indiana's inmate population. The Council is a state agency which provides research, training, publications and technical assistance to Indiana's public defenders. The Resource Center assists local courts in punishing non-violent offenders more effectively, in the community, as an alternative to lengthy imprisonment by preparing comprehensive punishment plans at the request of local public defenders.

Through research, investigation and punishment planning, the Center will:

- 1) reduce the inappropriate use of Indiana Department of Correction resources;
- 2) Increase the amount and reliability of information at the disposal of sentencing judges; and
- 3) Increase the effectiveness of sentencing presentations by public defenders.

"Indiana's justice system is in greater need of improved information and planning than at any other time since the

passage of the new criminal code in 1977," said Larry Landis, executive director of the Indiana Public Defender Council. The 1989 Indiana General Assembly provided the Council with state funding to expand the pilot sentencing project.

Lawrence D. Vellani, director of the Indiana Sentencing Resource Center, said that the Center's sentencing objectives are consistent with the goals of public safety and victim restitution because "We work closely with law enforcement, probation, victim assistance, mental health and human service agencies.

Our investigation result in the maximum use of community-based resources and the minimum use of expensive jail space and prison beds," Vellani continues. "This is an important contribution to the state's efforts to reduce the unnecessary use of prisons."

According to the Council report, local felony courts accepted over 75% of the programs recommendations in whole or substantial part, thereby saving the State of Indiana over 325 person years in prison time. In a recent review of all the project's clients sentenced

prior to June 1987 in Marion County, the information reveals that almost 85% are either successfully complying with or have successfully completed their terms of probation.