JUDICIAL CONFERENCE OF INDIANA

Indiana Pretrial Services Rules

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Preamble

Effective December 8, 2022

These rules are designed to aid in implementing pretrial best practices at the local level. The practices outlined in these rules support the operation of a risk-based pretrial system that will maximize release, court appearance, and public safety. Multidisciplinary stakeholder teams, as outlined within these rules, are foundational to the development of local pretrial systems and are the body responsible for setting policy and practice within their jurisdiction in accordance with identified best practices.

Certification is voluntary and these rules apply to sites that are pursuing certification or are certified. Pretrial services entities will be evaluated against the best practices outlined in this document, taking into account local circumstances and resources.

Pretrial services entities choosing to pursue certification will be offered training and technical assistance resources to support development and implementation.

Section 1. Applicability

Effective December 8, 2022

These rules apply to any entity that provides or intends to provide certified pretrial services to arrestees and pretrial defendants pursuant to IC 35-33-8 and these rules. These rules provide a framework for the application of evidence-based practices in the pretrial context allowing for variation in practice in accordance with local capacity and resource availability.

Section 2. Approval and Compliance Requirements

Effective April 14, 2026

(a) In order for a pretrial services entity to secure and retain a pretrial services certification in accordance with section 6 of these rules, the pretrial services entity shall demonstrate compliance with IC 35-33-8, Criminal Rule 2.6, related laws, rules and regulations, and the standards imposed by these rules.

(b) The Indiana Office of Court Services may take any administrative action at any time necessary to ensure compliance with these rules, including, but not limited to:

(1) Reviews;

(2) Site visits;

(3) Suspension of certified pretrial services operations;

(4) Suspension of the pretrial staff member's pretrial job functions; and

(5) Surveys.

which may be scheduled or unscheduled, announced or unannounced.

(c) In the event that these rules are amended, a certified pretrial services entity may continue operations pursuant to the amended rules and the current pretrial services certificate until the pretrial entity's scheduled recertification review is complete unless otherwise directed by the Indiana Office of Court Services.

(d) Unless otherwise indicated, these rules and any amendments to these rules take effect on the date that they are adopted by the Judicial Conference of Indiana Board of Directors.

Section 3. Definition of Terms

Effective April 14, 2026

The following terms, when used in these rules, shall have the meaning as defined below unless the context clearly indicates a different meaning:

"Appearance rate" means the percentage of pretrial defendants who make all scheduled court appearances.

"Arrest" means the taking of a person into custody, that (s)he may be held to answer for a crime. See IC 35-33-1-5.

"Arrestee" means a person taken into custody and held to answer for the alleged commission of a crime.

"Bail" means a person's release from jail pending trial on criminal charges.

"Bail bond" means a financial commitment executed by a person who has been arrested for the commission of an offense, for the purposes of ensuring: (1) the person's appearance at the appropriate legal proceeding; (2) another person's physical safety; or (3) the safety of the community. See IC 35-33-8-1.

"Certification review" means the process of reviewing a court's compliance with the state and federal statutes, regulations, and rules for certified pretrial services, to include the application for certification, review of applicable documentation, site visit, and follow-up activities.

"Chemical test" means an analysis of a person's blood, breath, hair, sweat, saliva, urine, or other bodily substances to determine the presence of alcohol, drugs, or controlled substances as defined in IC 35-48-1-9.

"Coordinator" means the pretrial services staff member responsible for the administration, management, and coordination of pretrial services and operations, including overseeing pretrial services staff activities, ensuring the court's compliance with the pretrial services statutes and rules, developing pretrial services policies and procedures, managing service provider contracts and team member memoranda of understanding, managing grants, facilitating policy team meetings, and serving as a liaison to local service providers and community groups.

"Court date notification system" means the use of reminder communications - including telephone calls, text messages, and/or emails - to alert the defendant of upcoming court dates.

"Criminal justice" means the enforcement, prosecution, and rehabilitation of individuals in the criminal justice system.

"Critical incident" means an incident that has the potential to have a serious impact on a pretrial services agency, pretrial services staff, pretrial services funding or generate adverse publicity.

"Documentation" means a record acceptable as evidence to demonstrate compliance with these rules.

"Evidence-based practices" means the use of current research and available data to guide policy and practice decisions in the criminal justice system to improve outcomes.

"Failure to appear" occurs when a court issues a warrant following an arrestee's or pretrial defendant's non-appearance for court. This definition includes recalled warrants.

“Human services” means programs and services designed to address human health and welfare to enhance the quality of life.

"Indiana Risk Assessment System-Pretrial Assessment Tool" (IRAS-PAT) means the pretrial risk assessment system tool adopted by the Judicial Conference of Indiana designed to assess an arrestee’s or pretrial defendant’s risk for failure to appear and risk to reoffend while on pretrial supervision.

"Initial hearing" means a hearing in court held in compliance with IC 35-33-7-1 and IC 35-33-7-5.

"Modification of bail or bail bond" means an alteration or revocation of pretrial release conditions.

"Monitoring" means a method of verifying, responding to, and documenting an arrestee’s or pretrial defendant’s compliance with pretrial release conditions and may include strategies imposed by a court designed to mitigate a person’s risk of rearrest or failure to appear while on pretrial release.

"Outcome evaluation" means an evaluation of program results or outcomes, as measured by collected data, which determines if the program achieved its stated goals.

"Policy" means a statement of the principles that guide and govern the activities, procedures, and operations of pretrial services.

"Pretrial defendant" means a person charged with a criminal offense not yet adjudicated.

"Pretrial risk assessment" means a pretrial assessment that identifies factors relevant to determining an arrestee’s or pretrial defendant’s likelihood to commit a new criminal offense or fail to appear if released and that is based on empirical data derived through validated criminal justice scientific research.

"Pretrial services" means the court entity that provides pretrial risk assessments, pretrial services reports, pretrial supervision, pretrial compliance monitoring, and performance measurement to arrestees and pretrial defendants pursuant to all applicable law and these rules.

"Pretrial Services Committee" means the multi-disciplinary Judicial Conference of Indiana committee established to integrate the elements of a high functioning pretrial system into the administration of justice in order to improve court processes and outcomes while preserving the rule of law.

"Pretrial services policy team" means the team as described in section 11 of these rules.

"Pretrial services record" means all information and documentation regarding an arrestee or pretrial defendant contained in the pretrial services file, including printed and electronic information, regardless of the source of the information.

"Pretrial services report" means the standardized written report developed by a pretrial services entity to record personal information, criminal history, and IRAS-PAT results submitted to the court pertaining to the release of an arrestee or pretrial defendant.

"Pretrial services staff" means staff designated by the court, including the pretrial coordinator and pretrial services officers, to perform pretrial risk assessments, preparation of pretrial services reports, pretrial supervision, and pretrial compliance monitoring.

"Procedure" means a series of activities designed to implement pretrial services goals or policy.

"Process evaluation" means a procedure to document and analyze the development and implementation of pretrial services, to assess whether strategies were implemented as planned, and to determine whether expected outputs were produced.

"Release conditions" means conditions imposed by a court to assure the pretrial defendant's appearance at court proceedings during the pretrial period and to assure the safety of others and the community. See IC 35-33-8-3.2.

"Release order" means release conditions imposed by a court.

"Release protocol" means a written policy and procedure developed by the court for release decision-making.

"Supervising judge" means a judge or group of judges who have ultimate responsibility for overseeing pretrial services.

"Supervision protocol" means a written policy and procedure developed by the pretrial services policy team to guide the supervision of release conditions.

"Suspension" means the imposition of limitations on or a full cessation of certified pretrial services activities and operations, or a pretrial services staff member’s ability to perform his/her job functions, as determined by the Indiana Office of Court Services.

"Violation response protocol" means a written guide developed by the pretrial services policy team incorporating the risk level of the pretrial defendant and the severity of the violation committed in response to pretrial violations.

Section 4. Funding and Training Authorization

Effective December 8, 2022

(a) A pretrial services entity that is not certified by the Indiana Office of Court Services pursuant to IC 35-33-8 and these rules, and whose plan of operation does not comply with the requirements for certification under these rules, is not entitled to receive a favorable review or recommendation from the Indiana Office of Court Services on any application for the funding of pretrial services from state, federal, or private funding sources.

(b) A pretrial services entity that is not certified by the Indiana Office of Court Services pursuant to IC 35-33-8 and these rules is not eligible to send staff or other team members to pretrial services training events sponsored by the Indiana Office of Court Services unless the pretrial services entity is actively planning the establishment of pretrial services in compliance with section 5 of these rules or is otherwise authorized by the Indiana Office of Court Services.

Section 5. Notification of Intent

Effective April 14, 2026

(a) A pretrial services entity shall notify the Indiana Office of Court Services in writing during the planning stages of its intent to seek certification of pretrial services.

(b) The Indiana Office of Court Services may make recommendations to the pretrial services entity to undertake activities during the planning stages in order to prepare for certification. These recommendations may include participation in pretrial services training programs, reviewing pretrial services research and best practice documents, conducting site visits to certified pretrial services entities, or other appropriate activities.

(c) A letter of intent to seek pretrial certification expires 18 months from the date of receipt by the Indiana Office of Court Services.

Section 6. Certification Procedures

Effective April 14, 2026

(a) Provisional Certification Procedures

(1) An entity that proposes to establish certified pretrial services pursuant to these rules shall do the following to become provisionally certified:

(A) Submit a completed application for provisional certification to the Indiana Office of Court Services; and

(B) Submit a copy of the pretrial services policy and procedure manual and supporting materials outlining the court's plan for operation in accordance with IC 35-33-8 and these rules.

(2) The Indiana Office of Court Services shall review the application and policy and procedure manual and conduct a site visit to determine whether the proposed pretrial practices are in compliance with these rules, applicable federal and state laws, rules and regulations, and the pretrial services policy and procedure manual. The Indiana Office of Court Services may offer recommendations as appropriate to assist in compliance with applicable laws, rules, and evidence-based practices.

(3) The Indiana Office of Court Services must approve or deny the application for pretrial services provisional certification.

(A) The Indiana Office of Court Services must approve the application for provisional certification if the pretrial services entity has submitted an application and policy and procedure manual that complies with IC 35-33-8, related laws, rules and regulations, these rules, and evidence-based practices, and has identified appropriate resources to provide the services proposed.

(B) If the Indiana Office of Court Services denies the application for provisional certification, the Indiana Office of Court Services must follow the procedures outlined in section 7 of these rules.

(4) A pretrial services entity's provisional certificate is valid for up to six months. The provisional certificate must be displayed in a prominent place in the pretrial services office and a copy shall be kept on file at the Indiana Office of Court Services.

(b) Certification Procedures

(1) Prior to the expiration date of the pretrial services certificate, the coordinator must initiate recertification in accordance with the following procedures:

(A) notify the Indiana Office of Court Services that the pretrial services entity intends to apply for certification and request an application for certification;

(B) schedule a review date; and

(C) submit an application for certification and all supporting materials to the Indiana Office of Court Services no later than 30 days prior to the review date.

(2) The certification review shall include evaluation of each of the following:

(A) Compliance with IC 35-33-8 and related federal and state laws, Criminal Rule 2.6, and all applicable Indiana Supreme Court Rules;

(B) Compliance with these rules;

(C) A good-faith effort to comply with the National Institute of Corrections' A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency;

(D) Implementation of the principles of effective interventions, as applicable;

(E) Compliance with current research on evidence-based practices and programs;

(F) The number, qualifications, and abilities of pretrial services staff;

(G) The participation by and interaction between the pretrial services team members;

(H) The qualifications and abilities of any contractor that provides services to pretrial services or its arrestees or pretrial defendants, and the contractor's compliance with the terms of the contract with pretrial services;

(I) Investigations of complaints pertaining to the pretrial services entity's compliance with IC 35-33-8, these rules, and related federal and state laws, rules, and regulations; and

(J) Any other issues or subjects that the Indiana Office of Court Services determines are relevant to the review.

(3) The Indiana Office of Court Services shall approve or deny the application for certification.

(A) If the Indiana Office of Court Services approves the application for certification, the Indiana Office of Court Services shall issue a certificate authorizing the pretrial services entity to operate certified pretrial services for a period not to exceed three years. The certificate must be displayed in a prominent place in the pretrial services office and a copy shall be kept on file at the Indiana Office of Court Services. Not later than 60 days after completion of the certification review, the Indiana Office of Court Services shall send a final report to the supervising judge and coordinator.

(B) If the Indiana Office of Court Services denies the application for certification, the Indiana Office of Court Services must follow the procedures outlined in section 7 of these rules.

(c) Extension of the Certification Period

(1) Prior to the expiration date of the pretrial services certificate, a pretrial services entity may submit a written request to the Indiana Office of Court Services for an extension of time to continue operating pursuant to the existing certificate. The request shall contain the reason(s) for the requested extension of time and specify the length of the extension requested. The Indiana Office of Court Services has the sole discretion to approve or deny a request for an extension of time to continue operating certified pretrial services and to determine the length of the extension authorizing continued pretrial services operations under these rules.

(2) The Indiana Office of Court Services may issue a written extension of a provisional certificate for a period not to exceed one year.

(3) The Indiana Office of Court Services may authorize an extension of time to continue operating pretrial services in order to complete the certification process under this section or as otherwise appropriate.

(d) A pretrial services entity certified pursuant to this section shall maintain compliance with IC 35-33-8, Criminal Rule 2.6, these rules, related federal and state laws, and other applicable rules, or the certificate is subject to revocation pursuant to section 7 of these rules.

(e) A pretrial services certificate obtained under this section expires on the date specified on the certificate unless the pretrial services entity has been granted an extension pursuant to subdivision (c) of this subsection or the certificate has been revoked in accordance with section 7 of these rules. A pretrial services entity seeking certification following the expiration of the certificate shall follow the procedures in this section as directed by the Indiana Office of Court Services.

Commentary on section 6(b)(2)(C).

The following elements are adapted from the National Institute of Corrections framework:

- Pre-Initial Hearing Screening: Begin using risk assessment information to screen for release prior to initial hearing with or in lieu of a bond schedule. Release

decisions do not rely solely on monetary considerations.

- Risk Assessment: Risk assessment information shall be available at every stage of pretrial release decision-making.
- Prosecutorial Case Screening: When screening cases, prosecutors shall ensure that the appropriate charge is issued in each case and the release decision and conditions are informed by reviewing the pre-initial hearing release decision and using risk assessment information.
- Initial Hearing: An initial hearing shall be held for all pretrial defendants and include the presence and active participation of defense counsel and prosecution; advisement of rights; entry of plea; scheduling of future case activities, if applicable; no contact order, if applicable; setting or reviewing bail bond; and release conditions, if applicable.
- Conditions of Release: Pretrial defendants released with conditions shall be assigned release conditions consistent with assessed risk. All pretrial defendants released with conditions shall be provided court date notifications. Note: Many pretrial defendants will be successful on pretrial release with only court notification as a condition of release without additional conditions of supervision.
- Differential Pretrial Supervision: Pretrial defendants released on pretrial supervision shall be supervised according to assessed risk level, noting that as risk increases, conditions and/or intensity of supervision increase.
- Performance Measures: Jurisdictions shall collect and report performance measure data in key areas. Baseline data for the jurisdiction's detained jail population and failure to appear rate shall be established.
- Operationalized Mission: Pretrial services agencies shall develop a mission statement that clearly communicates the agency's goals and principles and is consistent with maximizing release rates, court appearance and public safety.
- Sequential Bail Review: Pretrial services agencies develop and implement a process for continuous review of the defendant population to identify defendants who remain in detention past the point at which release was expected to have occurred and a structured method to respond to pretrial misconduct among released defendants.

Section 7. Denial of Application for Certification and Revocation Procedures

Effective December 8, 2022

(a) The Indiana Office of Court Services may deny an application for certification or revoke a pretrial services certificate for one or more of the following reasons:

(1) failure of the applicant to comply with IC 35-33-8 and related federal and state laws, rules, and regulations;

(2) failure of the applicant to comply with the application requirements in section 6 of these rules;

(3) permitting, aiding, or abetting the commission of an unlawful act by the applicant;

(4) the applicant's conduct or practices are found by the Indiana Office of Court Services to:

(A) threaten public health or safety; or

(B) be harmful to the health or safety of any arrestee or pretrial defendant receiving pretrial services;

(5) deviation from the plan of operation submitted with the application or pretrial services that, in the judgment of the Indiana Office of Court Services, adversely affects the character, quality, or scope of services provided to arrestees and pretrial defendants;

(6) failure of the applicant or pretrial services entity to cooperate with the Indiana Office of Court Services in connection with the certification process or an investigation of a complaint pertaining to the pretrial entity's compliance with IC 35-33-8, these rules, and related federal and state laws, rules, and regulations; and/or

(7) failure of the applicant to provide accurate or reliable information on the application or regarding the pretrial services entity's operations or practices.

(b) The Indiana Office of Court Services must notify the supervising judge by certified mail, return receipt requested, that the Indiana Office of Court Services intends to deny the application or revoke the pretrial services certificate. The notice must contain all of the following information:

(1) a brief statement explaining the reasons for the proposed denial or revocation;

(2) if pretrial services are currently operational, notice that the Indiana Office of Court Services is imposing a suspension on pretrial service operations, if applicable. The suspension

continues in effect until the conclusion of all proceedings pursuant to these rules and any judicial review, unless earlier withdrawn by the Indiana Office of Court Services; and

(3) a statement that the decision to deny the application or revoke the pretrial services certificate is final unless the supervising judge submits written objections to the Indiana Office of Court Services, within 30 days from the date of the notice, stating why the application should not be denied or the pretrial services certificate should not be revoked.

(c) If objections to a proposed denial or revocation have been timely submitted and the Indiana Office of Court Services issues a second written notice of denial or revocation, the supervising judge may submit a request for a hearing on the matter in accordance with section 8(b) of these rules.

Section 8. Hearing Procedures

Effective April 14, 2026

(a) All requests for a hearing to resolve disputes relating to the denial or revocation of a certificate pursuant to section 7 and staff training requirements pursuant to section 10 of these rules shall follow the procedures described in this section.

(b) If the Indiana Office of Court Services denies a supervising judge's objections to the denial of an application for certification or revocation of a certificate pursuant to section 7, or staff work restrictions pursuant to section 10 of these rules, the supervising judge may request a hearing on the matter as follows:

(1) the request must be submitted in writing to the Indiana Office of Court Services within 15 days from the date of the written notice issued under section 7(c), section 10(e) or section 10(f) of these rules and must state the reason(s) for the hearing request; and

(2) the request for a hearing may not include any reason that was not included in the objections submitted under section 7(b), section 10(e) or section 10(f) of these rules, as applicable.

(c) Upon receipt of a request for a hearing, a hearing examiner shall be selected as follows:

(1) The executive director of the Indiana Office of Court Services shall create a list of three judges as candidates for hearing examiner who are members of the Pretrial Services Committee but are not members of the Board of Directors of the Judicial Conference of Indiana. The executive director shall consider availability, years of service on the Pretrial

Services Committee, and the extent of participation on the Pretrial Services Committee when creating the list of candidates.

(2) The candidates for hearing examiner shall be communicated in writing to the supervising judge no later than 15 days after the request for a hearing was received by the Indiana Office of Court Services.

(3) The supervising judge shall select a hearing examiner from the list and advise the executive director of this selection in writing no later than 15 days after the list of candidates for hearing examiner was received by the supervising judge.

(d) The hearing examiner shall conduct an informal hearing within 30 days after the date the hearing examiner is selected by the supervising judge unless otherwise jointly agreed upon by the hearing examiner, supervising judge, and the Indiana Office of Court Services.

(1) At least 10 days before the date of the hearing, the hearing examiner shall provide the supervising judge and the Indiana Office of Court Services with written notice of the date, time, and place of the hearing.

(2) The hearing examiner is not required to follow any formal rules of evidence or procedure.

(3) Both parties may submit evidence.

(4) The Indiana Office of Court Services must show why the application does not meet the certification requirements established by the Judicial Conference of Indiana, that revocation of the certificate is justified, or that one or more staff members have not met all training requirements.

(5) The hearing examiner shall make an electronic recording of the hearing. The supervising judge and the Indiana Office of Court Services may obtain a copy of the electronic recording of the hearing from the hearing examiner.

(6) The hearing examiner may ask the supervising judge and the Indiana Office of Court Services to submit proposed findings and recommendations to the hearing officer following the hearing.

(e) No later than 30 days after the date that the hearing under subsection (d) of this section was held, the hearing examiner shall send proposed written findings and recommendations to the supervising judge and the Indiana Office of Court Services.

(1) All objections to the hearing examiner's proposed findings and recommendations must be:

(A) in writing; and

(B) submitted to the hearing examiner with a copy to the other party no later than 15 days after the date that the proposed findings and recommendations were issued.

(2) The hearing examiner shall submit the proposed findings and recommendations to the Pretrial Services Committee unless the supervising judge submits written notice no later than 15 days after the proposed findings and recommendations were issued that the supervising judge has decided to withdraw the objections.

(3) If no objections are submitted and the Pretrial Services Committee adopts the findings and recommendations as submitted, those findings and recommendations become final upon adoption. The Pretrial Services Committee's findings and recommendations must be adopted by a majority vote of the members.

(4) If the supervising judge or the Indiana Office of Court Services objects to the proposed findings and recommendations, or the Pretrial Services Committee proposes to modify or reject the proposed findings and recommendations, the Pretrial Services Committee must conduct an informal hearing and provide the supervising judge and the Indiana Office of Court Services with an opportunity to be heard orally concerning the proposed findings and recommendations. At least 10 days before the date of the hearing, the Pretrial Services Committee shall provide written notice of the date, time, and place of the hearing to the supervising judge and the Indiana Office of Court Services.

(5) No later than 30 days after the date that the hearing under subdivision (4) was held, the Pretrial Services Committee shall submit its written findings and recommendations to the supervising judge and the Indiana Office of Court Services. The Pretrial Services Committee's findings and recommendations must be adopted by a majority vote of the members.

(f) The supervising judge or the Indiana Office of Court Services may request review of the Pretrial Services Committee's findings and recommendations by the Judicial Conference of Indiana Board of Directors.

(1) The request for review must be:

(A) in writing, describing specific objections to the findings and recommendations adopted by the Pretrial Services Committee;

(B) submitted to the chairperson of the Board of Directors no later than 15 days after the date the Pretrial Services Committee adopts its findings and recommendations; and

(C) submitted by the supervising judge or the Indiana Office of Court Services with a copy provided to the other party.

(2) At least 10 days before the meeting, the Indiana Office of Court Services shall provide written notice of the date, time, and place of the Board of Directors' meeting to the supervising judge and the Pretrial Services Committee.

(3) The Board of Directors' findings and recommendations must be adopted by a majority vote of the members present and voting and are final.

(4) The Indiana Office of Court Services shall send written notice to the supervising judge and the Pretrial Services Committee of the Board of Directors' findings no later than 10 days after the date of the meeting held pursuant to this subsection.

(g) Upon the conclusion of the proceedings under this section for the denial of an application for certification or revocation of a pretrial services certificate pursuant to section 7 of these rules:

(1) if the pretrial services entity is permitted to attain or retain certification, the pretrial services entity shall comply with the findings and recommendations adopted pursuant to this section as well as IC 35-33-8 and these rules in order to maintain certification; or

(2) if the application for certification is denied or the pretrial services certificate is revoked, the pretrial services entity is not authorized to provide certified pretrial services pursuant to IC 35-33-8 and these rules, effective on the date of the Board of Directors meeting held pursuant to subsection (f) of this section.

(h) Upon the conclusion of proceedings under this section for the imposition of staff work restrictions pursuant to section 10 of these rules:

(1) if the pretrial services entity is permitted to lift staff work restrictions, the pretrial services entity shall comply with the findings and recommendations adopted pursuant to this section as well as IC 35-33-8 and these rules to maintain pretrial services certification; or

(2) if the pretrial services entity is not permitted to lift staff work restrictions, the pretrial services entity shall comply with the restrictions imposed by the Indiana Office of Court Services in order to maintain pretrial services certification.

Section 9. Notice of Change

Effective April 14, 2026

(a) A certified pretrial services entity shall submit written notice to the Indiana Office of Court Services of:

(1) personnel changes, including new hires, dismissals, and resignations, involving the supervising judge, coordinator, or pretrial services officer(s);

(2) any location changes of the pretrial services office or staff; and

(3) any change to the population served by the pretrial services entity;

(b) Notice of changes required under this section shall be submitted to the Indiana Office of Court Services no later than 30 days after the change takes effect. The Indiana Office of Court Services may require a new application and certification review as a result of personnel or location changes or any changes to the population served by the pretrial services entity in accordance with section 6 of these rules.

(c) A pretrial services entity that intends to cease providing certified pretrial services pursuant to IC 35-33-8 and these rules shall provide the Indiana Office of Court Services with written notice of the pending closure at least 30 days prior to the effective date of the closure.

Section 10. Pretrial Services Staff Requirements

Effective April 14, 2026

(a) A pretrial services entity shall develop and observe policy and procedure describing pretrial services staff qualifications and training requirements.

(b) A pretrial services entity shall maintain documentation that the coordinator complies with at least one of the following:

(1) has an advanced degree from an accredited university or college in criminal justice or human services;

(2) has a baccalaureate degree from an accredited university or college and the equivalent of three years of full-time paid experience in criminal justice or human services;

(3) has an associate degree from an accredited university or college and the equivalent of five years of full-time paid experience in criminal justice or human services;

(4) has completed 60 college credit hours from an accredited university or college and the equivalent of five years of full-time paid experience in criminal justice or human services;

(5) has the equivalent of 10 years of full-time paid experience in criminal justice or human services; or

(6) was employed as a pretrial services coordinator or pretrial services officer before January 1, 2021.

(c) A pretrial services entity shall maintain documentation that each pretrial services officer complies with at least one of the following:

(1) has a baccalaureate degree from an accredited university or college;

(2) has an associate degree from an accredited university or college and the equivalent of two years of full-time paid experience in criminal justice or human services;

(3) has completed 30 college credit hours from an accredited university or college and the equivalent of three years of full-time paid experience in criminal justice or human services;

(4) has the equivalent of five years of full-time paid experience in criminal justice or human services; or

(5) was employed as a pretrial services officer before January 1, 2021.

(d) The pretrial services entity shall maintain personnel files for the coordinator and each pretrial services officer. The personnel files shall contain, at a minimum, the following information:

(1) Date of hire by pretrial services for each position held.

(2) Job description, including:

(A) Job title.

(B) Qualifications.

(C) Credentials, if applicable.

(D) Duties and responsibilities.

(E) Reporting and supervisory responsibilities.

(3) Documentation of the minimum job qualifications required by this section.

(4) Documentation of the accrued continuing education hours required by this section.

(e) The coordinator and each pretrial services officer shall attend and complete a staff orientation program approved by the Pretrial Services Committee within the staff member's first year of employment with the certified pretrial services entity.

(1) A coordinator or pretrial services officer employed by a pretrial services entity prior to January 1, 2021, is not required to attend the staff orientation training under this section.

(2) A coordinator or pretrial services officer who fails to attend the staff orientation within the first year of employment with a certified pretrial services entity is prohibited from performing his or her job functions as defined in section 3 of these rules except as authorized by the Indiana Office of Court Services pursuant to this subsection.

(A) The Indiana Office of Court Services shall send written notice to the supervising judge of a coordinator's or pretrial services officer's failure to attend and complete staff orientation as required by this subsection.

(B) The Indiana Office of Court Services shall notify the supervising judge in writing of the Indiana Office of Court Services' decision to suspend a coordinator's or pretrial services officer's ability to perform his/her job functions as defined by these rules.

(C) The Indiana Office of Court Services' decision becomes final on the thirtieth (30th) day following the date of the written notification to the supervising judge unless the supervising judge submits specific written objections to the Indiana Office of Court Services before the expiration of the 30-day period.

(D) If the Indiana Office of Court Services and the supervising judge are unable to resolve all points of contention, the supervising judge may request a hearing in accordance with section 8(b) of these rules.

(3) The coordinator and each pretrial services officer shall obtain at least 12 hours of continuing education in each calendar year following the date of hire. At least six hours of the annual continuing education requirement shall contain information on evidence-based practices. All continuing education hours shall be approved by the pretrial services supervising judge.

(4) The coordinator shall maintain documentation of the continuing education hours completed by staff as required under this subsection in the staff member's personnel file.

(5) The coordinator shall submit a report of completed continuing education hours for each staff member as required by this subsection on an annual basis to the Indiana Office of Court Services in conjunction with the pretrial services annual report required under section 22(c).

(6) A coordinator or pretrial services officer who fails to complete the required continuing education hours under this subsection is prohibited from performing his or her job functions as defined in section 3 of these rules except as authorized by the Indiana Office of Court Services.

(A) The Indiana Office of Court Services shall send written notice to the supervising judge of a coordinator's or pretrial services officer's failure to attain the annual continuing education hours required by this subsection.

(B) The Indiana Office of Court Services shall notify the supervising judge in writing of the Indiana Office of Court Services' decision to suspend a coordinator's or pretrial services officer's ability to perform his/her job functions.

(C) The Indiana Office of Court Services' decision becomes final on the 30th day following the date of the written notification to the supervising judge unless the supervising judge submits specific written objections to the Indiana Office of Court Services before the expiration of the 30-day period.

(D) If the Indiana Office of Court Services and the supervising judge are unable to resolve all points of contention, the supervising judge may request a hearing in accordance with section 8(b) of these rules.

Section 11. Pretrial Services Policy Team

Effective April 14, 2026

(a) A pretrial services entity shall have a supervising judge and a pretrial services policy team consistent with this section. The policy team shall designate a chairperson.

(1) Each of the following roles must be represented on the policy team by a person with policy-making authority:

(A) Judge(s) (all judges with criminal jurisdiction are strongly encouraged to actively participate in policy team activities);

(B) Pretrial services coordinator;

(C) Sheriff or jail commander;

(D) Elected Prosecutor or prosecutor designee; and

(E) Chief Public Defender or designee, or indigent defense counsel if there is no chief public defender.

(2) Each of the following roles may be represented on the policy team (the policy team shall develop a mechanism for determining membership):

(A) Other pretrial services staff;

(B) Jail administrators;

(C) Other law enforcement representatives

(D) Behavioral health and human services representatives;

(E) Probation and community corrections officials;

(F) Court administrators;

(G) City and county managers, commissioners and council members;

(H) Victim services providers; and

(I) Faith-based representatives and other key community stakeholders.

(b) The pretrial services entity shall maintain on file a description of the members of the policy team. The coordinator shall maintain a signed a memorandum of understanding for each team member that describes the team member's:

(1) commitment to the ongoing exchange of information with the policy team;

(2) policy team responsibilities, including regular attendance and participation in the policy team meetings; and

(3) commitment to participate in ongoing pretrial services trainings.

(c) The policy team shall:

(1) establish the activities of the policy team, to include a regular meeting schedule;

(2) collaboratively develop and approve local pretrial practices; and

(3) regularly review performance measures to inform pretrial services policy and procedure.

Section 12. Policy and Procedure

Effective April 14, 2026

(a) A pretrial services entity shall develop and observe a policy and procedure manual that contains written policies and procedures for conducting day-to-day pretrial services activities.

(b) The coordinator is responsible for the daily operation and administration of pretrial services, including maintaining the pretrial services policy and procedure manual.

(c) The policy and procedure manual shall:

(1) contain a statement of goals and objectives that clearly guide the operation of the pretrial services program and the delivery of services;

(2) be updated as needed, but at least annually;

(3) be available to the policy team and pretrial services staff; and

(4) reflect all current practices.

(d) The pretrial services program's written policies and procedures, incorporating evidence-based practices and pretrial research, shall include each of the following:

(1) an operationalized mission statement that clearly provides the basis for the pretrial services entity's oversight and management of pretrial functions;

(2) full documentation of the pretrial services entity's operational and administrative structure, including the identification of pretrial services staff;

(3) a description of all policy team member roles and responsibilities;

(4) equality and nondiscrimination in the provision of pretrial services;

(5) a description of pretrial practices, including:

(A) the pretrial services target population with the presumption that the population served includes as many arrestees and pretrial defendants (misdemeanants and felons) as can benefit from pretrial strategies without sacrificing public safety. The pretrial services target population may not exclude an arrestee or pretrial defendant solely on the basis that the person has a substance use disorder, mental health disorder, medical condition, and/or is taking a legally prescribed psychotropic or addiction medication;

(B) the use of IRAS-PAT results to inform release decisions (presumption is universal assessment of all arrestees and pretrial defendants) and other release protocols;

(C) the release of arrestees and pretrial defendants pursuant to the bond schedule prior to the initial hearing with the presumption of release without a bail bond if an arrestee or pretrial defendant does not present a substantial risk of flight or danger to self or others;

(D) the release of arrestees and pretrial defendants following the initial hearing;

(E) sequential review of the pretrial defendant population to ensure detention, release decisions and supervision conditions remain consistent with assessed risk;

(F) a description of the range of monitoring and supervision protocols for arrestees and pretrial defendants consistent with assessed risk, including

1. a presumption of the use of the least restrictive release and supervision conditions

2. restrictive release conditions such as chemical testing, electronic monitoring, home detention, work release, or any program or service with a financial commitment borne by the arrestee or pretrial defendant may not be included as standard release and supervision conditions; and

3. any use of restrictive release conditions shall be based on an assessment of individual factors by the court;

(G) a list of fees associated with pretrial services including payment plans and a sliding fee schedule, if available;

(H) a description of the pretrial services violation response protocols, including the alteration of bail conditions and revocation of pretrial supervision in accordance with IC 35-33-8-5;

(I) a policy on the presence and active participation of prosecution and defense counsel at the initial hearing;

(J) the use of a court date reminder system for pretrial defendants;

(K) a policy and procedure for responding to critical incidents, to include:

1. circumstances that would trigger the critical response team,

2. members of the critical incident response team,

3. designation of a critical response team spokesperson, and,

4. information considered by the critical incident response team;

(L) performance measurement and feedback; and

(M) other information as required by these rules.

(e) Arrestees and pretrial defendants may not, at any time, be compelled to waive or be prohibited from exercising the right to counsel.

Section 13. Pretrial Services Fees and Fiscal Matters

Effective December 8, 2022

(a) If a court elects to assess the pretrial fees authorized by IC 35-33-8-3.3, the pretrial services entity shall develop and observe a written policy and procedure on the collection of pretrial fees.

(b) A court must find that a pretrial defendant has the financial ability to pay the pretrial fees imposed pursuant to IC 35-33-8-3.3(b). A pretrial defendant found indigent by the court may not be incarcerated for failure to pay the pretrial services fee or any other fee assessed for pretrial supervision services.

(c) All pretrial services fees shall be collected and utilized in accordance with IC 35-33-8-3.3.

(d) If the pretrial services entity collects the pretrial fees under this section, the pretrial services entity shall develop and observe written policy and procedure on fiscal management that governs cash handling procedures, establishes an accounting system, and complies with all applicable requirements of the Indiana State Board of Accounts.

(e) Upon request, the pretrial services entity shall provide the Indiana Office of Court Services with any and all relevant financial information, including reports, audits, or approvals issued by the Indiana State Board of Accounts.

Section 14. Confidentiality and Maintenance of Pretrial Services Records

Effective December 8, 2022

(a) A pretrial services entity shall develop and observe written policy and procedure that ensures the confidentiality and security of pretrial services records in accordance with all applicable law, including Indiana Administrative Rule 6, Indiana Administrative Rule 7, Indiana Administrative Rule 9, and the Rules on Access to Court Records governing the storage, retention, disposal, and release of pretrial records.

(b) Pretrial services shall maintain a copy of an arrestee's or pretrial defendant's release order imposing pretrial release conditions pursuant to IC 35-33-8-3.2, pretrial interview advisement (if applicable), pretrial services report, and any other documentation related to monitoring or supervising release conditions in the person's pretrial services record.

(c) Statements by Arrestee (Criminal Rule 2.6(D))

(1) Evidence of an arrestee's statements and evidence derived from those statements made for use in preparing the IRAS-PAT are not admissible against the arrestee or pretrial defendant in any civil or criminal proceeding.

(2) The court may admit an arrestee's statements:

(A) in a pretrial proceeding involving the arrestee or pretrial defendant; or

(B) in any proceeding in which another statement made in preparing an authorized evidence-based risk assessment tool has been introduced, if in fairness the statements ought to be considered together.

(3) No statements made for these purposes may be used in any other court except in a pretrial proceeding.

Section 15. Risk Assessment

Effective April 14, 2026

(a) The pretrial services entity shall develop and observe written policy and procedure for scheduling and conducting the IRAS-PAT on arrestees and pretrial defendants.

(b) The IRAS-PAT policy, procedure, and practice shall meet each of the following criteria:

(1) assessments shall be conducted by a person authorized by the Indiana Office of Court Services to administer the IRAS-PAT in accordance with the Indiana Risk Assessment System user certification policy adopted by the Judicial Conference of Indiana Board of Directors;

(2) a copy of the IRAS-PAT assessment conducted shall be maintained in the person's pretrial services record; and

(3) the confidentiality of an arrestee's or pretrial defendant's risk assessment information shall be maintained in accordance with the policy adopted by the Judicial Conference of Indiana Board of Directors.

(c) The results of a current IRAS-PAT shall be considered when determining release and the pretrial monitoring and supervision conditions of an arrestee or pretrial defendant.

(d) Pretrial services may develop and observe written policy and procedure for scheduling and conducting assessments utilizing any appropriate empirically validated assessment in addition to the IRAS-PAT.

Section 16. Pretrial Services Report

Effective December 8, 2022

The pretrial services entity shall develop and observe a written policy and procedure for developing, administering, and distributing the pretrial services report. The pretrial services report policy and procedure shall include, at a minimum, the following:

(1) when a pretrial services report shall be developed;

(2) the information pretrial services staff are required to include in the pretrial services report, including the results of the IRAS-PAT administered in accordance with these rules;

(3) policy and procedure for the timely distribution of pretrial services reports to the court and the parties to the case for consideration at all pretrial stages; and

(4) a copy of the pretrial services report shall be maintained in the arrestee's or pretrial defendant's pretrial services record.

Section 17. Notice of Release Conditions

Effective December 8, 2022

Pretrial services shall create and use a form to advise each arrestee and pretrial defendant in writing of the court-ordered conditions of release and any associated fees. The form must contain a signature line or a signature page for the person to indicate that the person has been provided a copy of the form, understands the information provided, and agrees to comply with all pretrial services requirements. Pretrial services shall maintain the form or the signature page with the person's signature in the arrestee's or pretrial defendant's pretrial services record.

Section 18. Pretrial Monitoring and Supervision

Effective December 8, 2022

(a) The pretrial services entity shall develop and observe policy and procedure for monitoring and recording a pretrial defendant's compliance with release conditions in the pretrial defendant's pretrial services record.

(b) The pretrial services record shall be kept by pretrial services staff and shall be filed or maintained in chronological order, and include the following:

(1) the date and the signature, name, or initials of the staff member making the entry;

(2) documentation of all contact with the person or any person or agency regarding the pretrial defendant; and

(3) all other documentation as required by these rules.

Section 19. Pretrial Incentives and Sanctions

Effective December 8, 2022

The pretrial services entity shall develop and observe written policy and procedure for administering incentives and sanctions, including:

(a) the criteria for earning incentives while on pretrial supervision, consistent with the goals and best practices of pretrial supervision and

(b) the range of behaviors which may result in sanctions, up to and including revocation of bail by the court, and the range of sanctions that may be imposed by pretrial services staff pursuant to a response to violations protocol.

Section 20. Chemical Testing

Effective December 8, 2022

(a) If the court orders an arrestee or pretrial defendant to submit to chemical testing to determine the person's use of alcohol and drugs, the court shall make an individualized determination that the use of alcohol and/or drugs directly relates to the arrestee's or pretrial defendant's increased risk of failure to appear or re-offense during the pretrial period.

(b) The pretrial services entity shall develop and observe written policy and procedures for scheduling and conducting chemical tests of arrestees and pretrial defendants, to include:

(1) the specific method or methods of chemical testing used;

(2) the types of samples that are collected and tested, such as urine, blood, breath, sweat or saliva;

(3) the substances identified by testing;

(4) the cutoff level for each substance;

(5) a description of the collection protocols, including random chemical testing procedures, for-cause testing policy, location of testing, testing hours, reporting timeframe following notice based on the type of sample(s) collected, and staff or provider responsible for specimen collection;

(6) collection procedures including witnessed collection, staff training and sample chain of custody;

(7) the policy on missed tests, adulterated samples, dilute samples, and inadequate samples;

(8) the cost of and payment procedures for chemical testing; and

(9) circumstances requiring a confirmation test, if any, including:

(A) the procedures for confirmation including the type of confirmation test used; and

(B) the person or organization responsible for paying the cost of a confirmation test.

Section 21. Transfers

Effective April 14, 2026

(a) Pretrial services may initiate and/or accept transfers of persons from another jurisdiction for pretrial services.

(b) A pretrial services entity that permits a person to transfer out of the county or accepts the transfer of persons in from another county shall develop and observe written policy and procedure for the consideration of transfer applications.

(c) A pretrial services entity may accept a transfer from another court within the same county in accordance with local court rules and/or local court administrative policy.

Section 22. Pretrial Services Reports and Evaluations

Effective April 14, 2026

(a) The pretrial services entity shall collect statistical data as required by the Pretrial Services Committee. The pretrial services policy team shall use this statistical data for local pretrial services evaluation and improvement.

(b) A pretrial services entity shall complete a process evaluation within the first three years of operation and at least once every three years thereafter. The pretrial services entity shall complete outcome evaluations as appropriate.

(c) The coordinator shall:

(1) prepare a written pretrial services annual report for the preceding year that includes, at a minimum, each of the following:

(A) a summary of the pretrial services entity's activities, accomplishments, and modifications to its implementation of pretrial evidence-based practices;

(B) a summary of the pretrial services entity's income and expenditures, including all fee activity;

(C) a summary of the pretrial services data and performance measures approved by the Pretrial Services Committee;

(D) the results of any process and outcome evaluations;

(E) a list of current pretrial services staff and policy team members; and

(F) the completed continuing education hours required by section 10(f) of these rules; and

(2) submit a copy of the annual report to the local or regional Justice Reinvestment Council (Local JRAC) and Indiana Office of Court Services by March 31st of each year.