

Jeff Kehr, Democratic Candidate for Monroe County Circuit Court
Responses to questions from the Greater Bloomington Chamber of Commerce
For the June 2, 2020 Primary Election

- 1. The COVID-19 pandemic significantly affected the way that the court system is handling its work. In some ways, the period offers an opportunity to reset. Are there any changes to the circuit court system that you'd support post-pandemic? How would you advocate to implement those changes?**

One of the changes I would support post-pandemic is conducting initial hearings for in-custody defendants via video conferencing from the jail. Pre-pandemic, the jail was transporting in-custody defendants to court for in-person hearings. While in-person hearings arguably give the judge a better feel for the defendant, they also entail tying up jail staff and posing a security risk, especially for those who allegedly committed violent offenses. True enough, in-person hearings are easier for serving no-contact orders on the defendant, because they are able to sign the paperwork and immediately hand it back to the judge for processing. But, this is not a reason by itself to abandon video conferencing and revert to in-person hearings after the pandemic has subsided.

One issue with video conferencing has been technological. In my experience, there have been frequent connectivity issues which result in poor or no connections. But, this is because the system had to be put in place as quickly as possible. There is no question that this issue could be alleviated if given the opportunity to plan and invest in equipment that is designed for this purpose. Other communities already use this approach for their initial hearings. Granted, their approach was born out of a need created by building a jail that is geographically separate from their courthouse.

If elected, I would be one of nine judges that comprise the Board of Judges (BOJ). The BOJ makes decisions about how the courts are run here. I would work to implement this change by partnering with my fellow judges to find the best way to achieve this. This would also entail getting input from the jail command staff and the Technical Services Department. I have considerable experience in working with stakeholders in our criminal system to implement various changes in my nearly 23 years as a prosecutor.

- 2. Monroe County government has undertaken a criminal justice study. What changes to the current system do you support and why?**

One change that I would support relates to our jail population. We are fortunate to have a community where the police and other stakeholders recognize that some problems cannot be easily solved by taking people to jail. There are a number of folks suffering from mental illness and/or substance use disorder who come to the attention of law enforcement on a daily basis. Those people would be better served going to a crisis diversion center rather than jail. Such centers offer services and connect people in crisis who have committed non-violent, low-level offenses with mental health and addictions

professionals that will hopefully keep them out of jail in the future. We are already working on such a place here. I have been in planning meetings with several dedicated professionals, including treatment providers, county council members, county commissioners, law enforcement leaders, and others who are working hard to make a crisis diversion center a reality here.

Another change I would support concerns our case management in the criminal courts. Our courts could benefit from having more attorney conferences (where the defendant is not present) instead of pretrial conferences (where the defendant is present). Some defendants should be present for court every time, but others risk losing their jobs when they are required to attend pretrial conferences when their attendance is not necessarily critical. Their job loss only compounds the problems they are faced with, which potentially places more stress on our criminal justice system. While some would argue that attorney conferences are less efficient without the defendant there and could provide an incentive to kick the proverbial can down the road, they should not consume as much court time and more of them could be scheduled in place of pretrial conferences. Further efficiency could be achieved by combining this process with the block scheduling of defense attorneys so that one attorney could take care of several conferences in a row.

I also support an expanded use of our problem-solving courts. I know firsthand how valuable they are. I was a founding member of the Monroe County Drug Treatment court as a deputy prosecutor and I served on the team for some years after it was established.

3. What are the top challenges facing the Monroe County Circuit Court, and how do you propose addressing those challenges?

The top challenges facing the Monroe Circuit Court are: jail overcrowding, case backlogs, diagnosing and treating those with TBIs, and substance abuse/mental health issues, especially as they relate to families.

First, concerning jail overcrowding, this is already being addressed in a couple of different ways. One way is LEAD (Law Enforcement Assisted Diversion) where officers have the option of taking low-level offenders in crisis to a crisis diversion center (discussed above). Another way is the pretrial release program. We have been a pilot county testing the implementation of a pretrial release program that is being mandated by the Indiana Supreme Court. This entails risk assessments of offenders, releasing them (without posting bail) and placing certain restrictions on them designed to safeguard the community and ensure the offender's appearance at later court dates. The assessment is formulaic, and the court retains the discretion to reject recommendations for release and insist that the offender post bail. This program has already reduced our jail population.

Second, concerning case backlogs, I would utilize more attorney conferences, as discussed above. I would also ensure that orders are issued in a timely fashion, especially as they relate to family law cases. That keeps cases moving along and alleviates the

stress of the unknown for the litigants. Also, I would make sure that my court runs on time. One cannot expect the attorneys and litigants to be on time if the judge is not.

Third, regarding TBIs (Traumatic Brain Injuries), we are learning more nationwide about how litigants in our courts may be suffering from TBIs that make it extremely difficult for them to function in society and comply with court rules. Properly evaluating litigants (both civil and criminal) will allow us to know how to approach them when they enter our court system. I have already had discussions with a local expert in these matters and I believe this is something that will help us better serve the needs of our citizens in the courts.

Finally, substance abuse and mental health issues continue to significantly impact our courts here. One special concern is substance treatment for families. If the Department of Child Services does not make a case a CHINS (Child In Need of Services) case, the court's options are very limited. The court can appoint a guardian ad litem, but that places a significant financial burden on the court's budget. Even if a GAL is appointed, it is still difficult to get families the treatment they need. Realistically, this is something that needs to be fixed at the state level. Judges can only raise awareness of this issue so that our legislators can address it.