

INDIANA DEPARTMENT OF CORRECTION

ADULT OFFENDER CLASSIFICATION

POLICY MANUAL

November 1, 2015

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Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 11-8-2-5(a)(5)    IC 11-13-3-9 IC 11-8-2-5(a)(8)    IC 11-13-3-10 IC 11-10-1-2        IC 34-28-2-1.5 IC 11-10-1-3        IC 35-38-3-2 IC 11-10-1-4        IC 35-38-3-5 IC 11-10-1-6        IC 35-38-3-6 IC 11-10-1-7.       IC 35-38-6-2 IC 11-10-3-2        IC 35-38-6-3 IC 11-10-4-3        IC 35-38-6-9 IC 11-10-4-4        IC 35-33-11-1 IC 11-10-8-2        IC 35-50-1-7 IC 11-10-8-3        IC 35-50-6-3 IC 11-10-8-5        IC 35-50-6-3.3 IC 11-10-8-9        IC 35-50-6-4 IC 11-10-9-2        IC 35-50-6-5 IC 11-10-11.5       IC 35-50-6-6 IC 11-13-3-8	01-04-103 01-04-104 01-06-101 01-07-101 01-08-101 02-01-106 02-01-107 02-01-111 02-02-101 02-04-101 02-04-102 02-04-104	<b>ACA:</b>  CO: 4A-01, 4B-01, 4B-02, 4B-03, 4B-04, 4B-05, 4B-06  ACI: 4-4287, 4-4288, 4-4289, 4-4290, 4-4291, 4-4295 thru 4-4305

**I. PURPOSE:**

The purpose of this policy and administrative procedure is to establish an organized classification system for receiving, processing and assigning adult offenders committed to the Department of Correction that will prepare each offender for a successful re-entry into the community.

**II. POLICY STATEMENT:**

The Department of Correction shall establish a classification system for committed adult offenders based on the uniform application of objective standardized information concerning the offender. The appropriate classification of offenders will enhance short-term and long-range planning and development both in the Department as a whole and within each facility. Such a structured classification system will ensure that offenders are assigned to appropriate groups based on concerns for:

- Public safety;
- Safety of staff;

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- Safety of other committed offenders;
- Educational, health and personal needs and desires of offenders that lead to successful re-entry into the community; and,
- Facility management.

The Department shall utilize all available pertinent information concerning the offender throughout the classification process. This information must meet the minimum standards established by the Department and shall include:

- Economic and social history, educational, medical, risk and special needs;
- Circumstances surrounding the present commitment;
- Criminal history;
- Conduct and progress reports relating to confinement; and,
- Re-Entry Accountability Plan.

The classification and assignment of the offender shall be consistent with statutory provisions and developed so that placement objectives may be achieved.

The Department shall designate facilities or units within facilities as intake units to receive and process committed offenders.

An offender's classification and assignment shall be reviewed annually by the Department to determine the appropriateness of such classification and assignment. In addition, an offender shall have the right to request a classification review pursuant to departmental procedure. An offender shall have the opportunity to present pertinent information to the Department prior to any facility or program assignment and shall have the opportunity to discuss all aspects of the evaluation, classification and assignment process, including the right to appeal a classification or assignment decision.

The classification system shall incorporate, in a collateral role, under the direction of the Division of Program Review, a Department-wide auditing process to provide for the ongoing evaluation of classification issues.

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III. DEFINITIONS:

For the purpose of this policy and administrative procedure, the following definitions are presented:

- A. **ABSCOND:** The documented, and identified, unauthorized departure of an individual from probation or parole supervision.
- B. **ABSTRACT OF JUDGMENT:** Legal document originating from the sentencing court that legally commits an offender to the Department of Correction.
- C. **ACCRUED TIME:** The amount of time that a person is imprisoned or confined.
- D. **ADMINISTRATIVE RESTRICTIVE STATUS HOUSING:** An assignment designation pursuant to the policy and administrative procedure for Policy 02-01-111, "The Use and Operation of Adult Offender Administrative Restrictive Status Housing Units."
- E. **ADMISSION AND ORIENTATION UNIT (A&O):** A designated housing area established to facilitate the entry of an offender into a correctional facility.
- F. **ADMISSION SUMMARY:** A written synopsis of offender classification data generated at an Intake Unit during the admission and diagnostic process.
- G. **ANNUAL CLASSIFICATION REVIEW:** The yearly evaluation of the needs and requirements of each offender to determine the appropriateness of the offender's facility assignment, custody, and security levels.
- H. **APPEAL:** The procedure for an offender to have an administrative decision reviewed within the Department.
- I. **ASSIGNMENT:** The intra-facility placement of an offender in a specific educational program, job, or similar activity by an authorized staff person or committee.
- J. **ASSIGNMENT AREA:** A program or work entity in which an offender may be placed by an authorized staff person or committee. An assignment

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may include one, or more, activities, jobs or tasks.

- K. **CLASSIFICATION COMMITTEE:** A designated individual or group of Department staff persons charged with responsibilities relative to the offender classification procedures and operation of Classification Hearings.
- L. **CLASSIFICATION DESIGNATION INSTRUMENT:** A quantitative instrument used as a tool in the determination of an offender's specific security level, custody level, and facility assignment.
- M. **CONCURRENT SENTENCES:** Two (2) or more sentences served simultaneously.
- N. **CONSECUTIVE SENTENCES:** Two (2) or more sentences served successively.
- O. **CREDIT CLASS (CC):** One of three (3) categories provided by Indiana statute to which an offender may be assigned or reassigned for the purpose of earning credit time.

For an offender who committed his/her offense prior to July 1, 2014, the following Credit Class definitions apply:

- (1) **Credit Class 1:** An offender assigned to Credit Class 1 earns one (1) day of credit time for each day the offender is imprisoned for the crime or confined awaiting trial or sentencing.
- (2) **Credit Class 2:** An offender assigned to Credit Class 2 earns one (1) day of credit time for each two (2) days the offender is imprisoned for a crime or confined awaiting trial or sentencing.
- (3) **Credit Class 3:** An offender assigned to Credit Class 3 earns no credit time.
- (4) **Credit Class 4:** A Credit Restricted Felon (CRF) (i.e., an offender convicted of one of a number of offenses outlined in Indiana Code 35-31.5-2-72 and identified as such by the sentencing court) is assigned to Credit Class 4 and earns one (1) day of credit time for every six (6) days the offender is imprisoned for a crime or confined awaiting trial or sentencing.

For an offender who committed his/her offense on or after July 1, 2014, the following Credit Class definitions apply:

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- (1) Credit Class A: An offender assigned to Credit Class A earns one (1) day of credit time for each day served.
  - (2) Credit Class B: An offender assigned to Credit Class B earns one (1) day of credit time for every three (3) days served.
  - (3) Credit Class C: An offender assigned to Credit Class C earns one (1) day of credit time for every six (6) days served.
  - (4) Credit Class D: An offender assigned to Credit Class D earns no credit time.
- P. **CREDIT TIME**: The sum of a person's accrued time, good time credit, and educational credit.
- Q. **CURRENT COMMITMENT PERIOD**: The period of time from the offender's earliest Effective Date of Sentence until the final discharge from all Department authority.
- R. **DATE OF SENTENCE (DOS)**: The date that the sentence is imposed by the court or, if the court grants a delay, the date of sentence execution ordered by the court.
- S. **DETAINER**: A document which indicates a criminal justice agency's intent to assume custody of an offender for the purpose of a continuing court action.
- T. **DISCHARGE**: The final unconditional release of an offender from the jurisdiction of a criminal justice agency.
- U. **DISCIPLINARY HEARING BODY (DHB)/HEARING OFFICER**: An individual employee or body of employees which is responsible for considering conduct reports relating to offender behavior, and together with related evidence presented in a disciplinary hearing rendering a decision and recommending or imposing an appropriate sanction(s) upon a finding of guilt.
- V. **EARLIEST POSSIBLE RELEASE DATE (EPRD)**: The date on which an offender would be entitled to discharge or release, taking into consideration:
- (1). The term of the sentence;
  - (2). The term of any other concurrent or consecutive sentence which the offender must serve;

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- (3). Credit time which the offender has earned prior to sentencing; and,
  - (4). The maximum amount of credit time which the offender would earn if the offender remained in the current credit class during the period of confinement.
- W. **EARNED CREDIT TIME (ECT):** The number of days earned by an offender during assignment to a specific credit class.
  - X. **EDUCATIONAL CREDIT:** A reduction in a person's term of imprisonment or confinement awarded for participation in an educational, vocational, rehabilitative, or other program.
  - Y. **EFFECTIVE DATE OF SENTENCE (EDS):** The date as determined by the date of sentence less the jail time credit in days.
  - Z. **FIXED TERM OF INCARCERATION (FTI):** The term of incarceration imposed by the court in days.
  - AA. **GOOD TIME CREDIT:** A reduction in a person's term of imprisonment or confinement awarded for the person's good behavior while imprisoned or confined.
  - BB. **IDOC RECORDS IMAGING SYSTEM (IRIS):** The Web-based program that facilitates the digital capture and storage of document images along with associated indexing data.
  - CC. **INcite OFFENDER MANAGEMENT SYSTEM:** A secure website for use by Indiana's Courts, Clerks and other State agencies involved in the State's judicial process.
  - DD. **INTAKE UNIT:** A facility designated by the Commissioner to receive offenders from a court.
  - EE. **INTER-FACILITY TRANSFER:** The movement of an offender between facilities, or sub-facilities at designated facilities, requiring a Transfer Authority.
  - FF. **INTRA-FACILITY TRANSFER:** The reassignment of an offender within a facility, involving a job or housing assignment, not requiring a Transfer Authority.

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- GG. **MAXIMUM RELEASE DATE (MRD):** The release date of an offender at the expiration of the fixed term of incarceration.
- HH. **MONITORING:** The approved monitoring (separatee) assignment of offenders in the custody and control of the Department who cannot come in direct contact with other specified offenders.
- II. **OFFENDER MONITORING:** The Department's procedures to monitor and control the transfer and movement activities of certain offenders who present special management needs in accordance with the policy and administrative procedure for Policy 01-04-106, Offender Monitoring Program.
- JJ. **OFFENDER PACKET:** The official offender record maintained at the facility where the offender is housed during a period of confinement.
- KK. **PAROLE:** The administrative conditional release of an offender from a facility prior to the expiration of the sentence.
- LL. **PAROLE REVOCATION:** The administrative action of the Parole Board removing an offender from parole status.
- MM. **PAROLE VIOLATOR:** An offender who has been found by the Parole Board to have violated one or more conditions of parole.
- NN. **PRE-DISPOSITIONAL DIAGNOSTIC SERVICES:** A court ordered evaluation of a convicted, but not yet sentenced person.
- OO. **PRE-SENTENCE INVESTIGATION (PSI):** A document provided by the committing court to the Department outlining an offender's criminal and social history.
- PP. **PROBATION:** A conditional release ordered by a court which allows the offender to serve a portion of a sentence under the court's supervision in lieu of incarceration with the Department.
- QQ. **PROBATION VIOLATION:** An act found by a Court not to conform to conditions of probation.
- RR. **PROJECTED RELEASE DATE (PRD):** The completion date for an individual sentence at the expiration of the fixed term of incarceration less

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credit time.

- SS. PROTECTIVE CUSTODY (PC): A form of separation from the general offender population for offenders requesting or requiring protection from other offenders.
- TT. RE-ENTRY STAFF: Includes all staff who report to the Assistant Superintendent of Re-Entry.
- UU. SAFEKEEPER: An offender whom a court has determined cannot be managed in a local facility, and has ordered to the Department prior to sentencing.
- VV. SENTENCE COMPUTATION AND RELEASE SECTION: A section within the Division of Classification in Central Office that assures accurate and timely computation of offender sentences and provides for the on-time release of offenders to the appropriate community supervision.
- WW. SUPERVISOR OF CLASSIFICATION: The facility staff person who renders the final decision on all offender classification activities at the facility.
- XX. TECHNICAL PAROLE VIOLATOR: Any offender the Parole Board has found to have violated one, or more, rules of Parole, and ordered returned to custody without benefit of a new felony conviction.
- YY. TEMPORARY LEAVE (TL): A period of time in which an offender is authorized by the Facility Head to leave the facility.
- ZZ. TERM OF SENTENCE (TOS): The sentence imposed by the court.
- AAA. TRANSFER AUTHORITY (TA): A document which authorizes the inter-facility movement of an offender.
- BBB. UNIT MANAGEMENT TEAM: a group of Re-Entry staff persons designated by the Facility Head responsible for overseeing an offender's Re-Entry process.
- CCC. WORK/BUSINESS DAY: Any weekday Monday through Friday, excluding holidays.

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IV. CLASSIFICATION: FUNCTION AND PROCESSES

A. Departmental Classification: Basic Objectives, Principles, and Responsibilities:

1. The objectives of the adult offender classification system are to:
  - a. Assign offenders to the least restrictive security and custody levels consistent with the goal to protect the community and ensure the safety of staff and other offenders,
  - b. Work closely in conjunction with Unit Teams to identify the risks and needs of each offender that lead to the offender's criminal behavior; and,
  - c. Provide the Department with an effective, comprehensive management tool.
2. The basic principles of the classification system are:
  - a. The application of a validated classification designation instrument in classification decisions;
  - b. The application of consistent and uniform classification procedures throughout the Department;
  - c. The standardization of the manner in which classification units function throughout the Department including the use of standardized forms; and,
  - d. Maintain staff accountability in the classification process.
3. The responsibility of the classification system is to:
  - a. Evaluate newly committed and recommitted offenders;
  - b. Determine the appropriate degree of security for committed offenders;
  - c. Conduct Pre-Dispositional Diagnostic Services for the

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Courts;

- d. Work with Unit Team to identify the specific needs of offenders that should be addressed in order to maximize their potential for successful reintegration back into the community.
- e. Assign and reassign offenders to facilities and programs;
- f. Conduct an annual classification review of each offender;
- g. Meet the Department's operational needs and offenders' program needs by monitoring, evaluating, and implementing offender assignment opportunities;
- h. Conduct classification hearings to determine appropriate offender assignments; and,
- i. Provide for an appeal process.

**B. Staff Responsibilities:**

1. The Commissioner is responsible for the classification and assignment of committed offenders and may delegate such powers to a staff person.
2. The Deputy Commissioner of Operations is responsible to the Commissioner for the operation of the Department's Classification functions.
3. The Commissioner has designated the Executive Director of Classification as the Commissioner's designee in matters of departmental classification and to be responsible to the Commissioner through the Deputy Commissioner of Operations. The Executive Director of Classification has been assigned the following duties to:
  - a. Coordinate the Department's classification system;
  - b. Interface with the judicial system as it relates to interpretations and applications of classification services;

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- c. Develop, implement, operate, monitor, evaluate, and revise the Department's classification system as it relates to the mission of the Department and the various facilities;
  - d. Coordinate classification services as they relate to special offender populations within the Department;
  - e. Act as the Commissioner's designee in the transfer of offenders between the Department's facilities;
  - f. Respond to inquiries and appeals concerning an offender's placement at a particular facility;
  - g. Cause annual classification reviews to be conducted;
  - h. Cause offender population research to be conducted;
  - i. Provide budgetary input to the Executive Staff regarding classification services;
  - j. Supervise the Offender Record Management Section;
  - k. Supervise the Offender Placement Section; and,
  - l. Supervise the Sentence Computation and Release Unit;
  - m. Supervise the Operational Support Section.
4. A "designee" may act in the stead of any facility or Central Office position listed throughout this policy and administrative procedure.
5. The following Central Office staff performs classification activities as presented in this policy and administrative procedure:
- a. Executive Director of Classification;
  - b. Supervisor of Offender Placement;
  - c. Director of Operational Support;
  - d. Classification Analyst;
  - e. Supervisor of Sentence Computation and Release Unit;
  - f. Sentence Computation and Release Quality Assurance

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- Supervisors;
  - g. Sentence Computation and Release Analysts; and,
  - h. Supervisor of Record Management.
6. The Superintendents are responsible for the operation of their respective facilities including the intra-facility classification and assignment of offenders.
- a. Where there is authorization for a Supervisor of Classification, the Superintendent supervises that position through the Assistant Superintendent of Operations.
  - b. Where there is no authorization for a Supervisor of Classification, the Superintendent shall designate one or more staff persons to perform duties relating to classification.
  - c. The Superintendent is the final administrative review for intra-facility classification decisions.
  - d. The Superintendent shall provide for an ongoing, in-house classification training program to ensure that all staff members involved in offender classification are cognizant of the overall procedures and their individual roles and responsibilities in offender classification, assignment, and reassignment.
  - e. The Superintendent shall provide for the timely dissemination of changes in classification to all pertinent facility staff.
7. The Supervisor of Classification has the following responsibilities:
- a. Coordinate overall facility classification services, including:
    - (1) Annual Classification reviews;
    - (2) Administrative Restrictive Status Housing reviews; and,
    - (3) A&O Unit orientation programming

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- b. Classify and assign offenders to their initial housing, program or unit;
  - c. Provide classification support services to Unit Teams;
  - d. Approve or deny Unit Team classification recommendations as deemed necessary;
  - e. Coordinate reclassification and intra-facility reassignments;
  - f. Develop and administer facility operational procedures related to classification;
  - g. Process inter-facility transfer requests to the appropriate Central Office Classification Analyst;
  - h. Supervise facility offender releases;
  - i. Supervise the management of the facility Offender Records area;
  - j. Provide classification staff training as needed;
  - k. Maintain an on-going review of the offender information system and Offender Case Management System classification data;
  - l. Perform other duties as assigned; and,
  - m. Along with the Unit Team Managers, ensures the quality of reports and classification information generated within the facility.
8. The following facility staff performs classification activities as presented in this policy and administrative procedure:
- a. Supervisor of Classification
  - b. Classification Specialist;
  - c. Case Worker
  - d. Correctional Release Assistant;
  - e. Case Work Manager;

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f. Unit Team Manager.

C. Classification Considerations:

All persons involved in offender classification decisions may apply the following considerations:

1. The circumstances surrounding the present commitment.
2. The Classification Designation Instrument results;
3. The current population levels of the facilities or programs considered appropriate for the offender.
4. The degree of custody control necessary for the protection of the public, staff, other offenders, and the offender being considered.
5. Appropriate criteria.
6. Any additional relevant matters.
7. The fixed term(s) of incarceration.
8. Criminal history.
9. Information contained in the pre-sentence material.
10. Information provided by the intake unit.
11. The likelihood of the offender's successful re-entry into the community.
12. The offender's:
  - a. Academic and vocational functioning level
  - b. Medical code
  - c. Emotional adjustment
  - d. Social history
  - e. Disability code
  - f. Mental Health Code
  - g. Employment history

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13. The offender's current credit class.
  14. The offender's current Work Release Category.
  15. The offender's facility conduct, program, or work record
  16. The offender's need for special therapy or programs including education, employment, or training available in specific facilities.
  17. The sentencing court recommendations.
  18. Victim Notification information.
  19. The desirability of keeping the offender in a facility or program near that offender's area of residence.
  20. The desires of the offender.
  21. The Indiana Risk Assessment System (IRAS).
  22. The Offender's Case Plan.
  23. The facility packet.
- D. Types of Classification Hearings:
1. The following types of classification hearings may be conducted at facilities:
    - a. Administrative Restrictive Status Housing;
    - b. Initial classification and assignment at a facility;
    - c. Annual Classification Review;
    - d. Initial classification assignment at an intake unit;
    - e. Inter-facility transfers;
    - f. Intra-facility reclassification;
    - g. Mental health; and,
    - h. Protective Custody.

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E. Classification Committee Structure:

1. Classification committees are composed of at least one (1) or more staff persons.
2. The Chairperson of the classification committee may be:
  - a. Supervisor of Classification.
  - b. Unit Manager.
  - c. Designated staff person.
3. The Chairperson of the classification committee shall be responsible for the operation of the classification committee including the completion and distribution of documents resulting from the Classification hearing.

F. Classification Committee Process:

The following due process procedures shall be followed during a classification committee hearing:

1. The offender is to be given 48 hours notice of all Annual Review Hearings unless waived by the offender in writing or precluded for security or other substantial reasons. If the 48 hour notice is precluded, the reasons are to be noted on the Classification Hearing Report. The offender is to be notified by completing State Form 7262, ANNUAL REVIEW HEARING NOTIFICATION.
2. The offender is to be present throughout the hearing unless security is jeopardized. The hearing may be held in the offender's absence under certain circumstances. The reasons for the offender's absence shall be documented on State Form 3412, CLASSIFICATION HEARING REPORT;
3. Discuss with the offender the information on which the recommendation is based;
4. Allow the offender to challenge and present information;
5. Consider all information;

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6. Render a recommendation and notify offender of the recommendation; and,
  7. Submit the recommendation to the Supervisor of Classification.
- G. Supervisor of Classification Action:
1. Intra-facility classification decisions:
    - a. Receive all relevant documents;
    - b. Review Unit Team classification decisions;
    - c. Render and implement decisions;
    - d. Cause the offender to be notified of the decisions; and,
    - e. Distribute the completed Classification Hearing Report:
      - (1) Original to offender packet,
      - (2) Copy to offender,
      - (3) Copy to Central Office records;
  2. Inter-facility transfer recommendations:
    - a. Complete Section 12 on the State Form 44355, REPORT OF INTER-FACILITY TRANSFER;
    - b. Submit State Form 44355 to the Superintendent; and,
    - c. Distribute the completed Classification Hearing Report:
      - (1) Original to offender packet,
      - (2) Copy to offender,
      - (3) Copy to Central Office records.
- H. Superintendent Action:
1. Intra-facility classification decisions:
    - a. Take appropriate action concerning the decisions; and,
    - b. Cause the classification decisions to be monitored by a designated staff person.
  2. Inter-facility transfer recommendations:
    - a. Complete Section 13 on State Form 44355, REPORT OF

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- INTER-FACILITY TRANSFER; and,
- b. Submit the State Form 44355 to appropriate Classification Analyst in Central Office.

I. Central Office Classification Analyst Action:

Inter-facility transfer decision:

1. Render a final decision on offender's facility placement;
2. Complete Section 14 on the State Form 44355;
3. If the facility's recommendation is approved, cause a State Form 1736, TRANSFER AUTHORITY, to be issued at the appropriate time; and,
4. Return the completed State Form 44355 to the affected facility's Supervisor of Classification.

J. Classification Decisions Appeal Process:

1. Intra-facility classification decisions:
  - a. Offender receives a classification decision from the Supervisor of Classification;
  - b. If the offender decides to appeal the decision, the offender shall:
    - (1) Submit a written appeal within ten (10) working days from the date that the offender received the classification decision;
    - (2) Submit the appeal on the State Form 9260, CLASSIFICATION APPEAL;
    - (3) Attach relevant documents to the appeal form as deemed necessary; and,
    - (4) Submit the appeal form and all other documents to the Superintendent.
  - c. The Superintendent shall:

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- (1) Receive the intra-facility classification decision appeal;
    - (2) Cause the appeal to be reviewed;
    - (3) Render a decision on the appeal;
    - (4) Complete the State Form 9260, CLASSIFICATION APPEAL;
    - (5) Cause the offender to be provided with a copy of the completed State Form 9260;
    - (6) Cause the original completed State Form 9260 and supporting documents to be filed in the offender facility packet;
  - d. The Superintendent is the final administrative review for intra-facility classification decisions.
2. Inter-facility classification transfer decisions.
- a. The offender is informed of the Classification Analyst's decision by the Supervisor of Classification.
  - b. An offender may not appeal a discretionary inter-facility transfer decision sooner than one (1) year from the date of the last denial of an appeal. This includes placement in a Departmental Administrative or Long Term Disciplinary Restrictive Status Housing.
  - c. The offender may appeal a decision based on discretionary reasons, (overrides based on 'good correctional judgment' rather than criteria, score or time restrictions) by:
    - (1) Submitting a written appeal within ten (10) working days from the date that the offender received the Classification Analyst's decision on a Classification Appeal, State Form 9260;
    - (2) Attaching relevant documents to the appeal form as deemed necessary; and,
    - (3) Submitting the appeal form and all other documents to:

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Executive Director of Classification  
Department of Correction  
E329 Indiana Government Center South  
302 W. Washington Street  
Indianapolis, IN 46204

- (4) Appeals for placement in Departmental Disciplinary and Administrative Restrictive Status Housing are to be made directly to:

Deputy Commissioner of Operations  
Department of Correction  
E329 Indiana Government Center South  
302 W. Washington Street  
Indianapolis, IN 46204

- c. Executive Director of Classification shall:

- (1) Receive the offender appeal;
- (2) Cause the appeal to be reviewed;
- (3) Cause a decision to be made on the appeal;
- (4) Cause the completion of State Form 9260, CLASSIFICATION APPEAL;
- (5) Cause a copy of the completed State Form 9260 to be sent to the offender via the Superintendent; and,
- (6) Cause the original completed State Form 9260 and supporting documents to be filed in the offender Central Office packet.

- d. Superintendent shall:

- (1) Receive the copy of the completed State Form 9260 from the office of the Executive Director of Classification;
- (2) Cause the offender to be provided with a copy of the completed State Form 9260; and,
- (3) Cause the copy of State Form 9260 to be filed in the offender facility packet.

- e. The Executive Director of Classification, as the Commissioner's designee, is the final administrative review

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for inter-facility classification decisions, except for placement in Departmental Disciplinary and Administrative Restrictive Status Housing.

3. State Form 7263, CLASSIFICATION DESIGNATION INSTRUMENT, decisions.
  - a. There is no appeal to CLASSIFICATION DESIGNATION INSTRUMENT based on NON-DISCRETIONARY decisions such as SCORE, CRITERIA, or TIME RESTRICTIONS. If an offender believes inaccurate information was used in the completion of the Classification Designation Instrument, the offender may challenge the information in writing to the Superintendent. The Superintendent's decision is final on these issues.
  - b. If the CLASSIFICATION DESIGNATION INSTRUMENT is based on a DISCRETIONARY decision, an offender may first appeal to the Superintendent for relief. The Superintendent's decision may be appealed to the Executive Director of Classification utilizing the process outlined in this section.
  - c. An initial classification decision from a Department Intake unit (i.e. RDC, RTI) that is based on a DISCRETIONARY decision shall be appealed directly to the Executive Director of Classification.
  - d. An offender whose current classification is based on a DISCRETIONARY decision may not request to have a new CLASSIFICATION DESIGNATION INSTRUMENT completed prior to the next annual review.
  
4. The awarding of program credit time awards, application of jail time credit and any other statutory-driven actions are not appealable under this policy and administrative procedure.

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V. DEPARTMENT OF CORRECTION INTAKE UNITS: ADMISSION, EVALUATION, CLASSIFICATION, AND ASSIGNMENT PROCESS:

A. Intake Units: Designations:

The following facilities are designated by the Department as responsible for operation of intake units to process adult offenders committed by a legally constituted court:

<u>Facility</u>	<u>Abbreviation</u>	<u>Description</u>
Indiana State Prison	ISP	Process male offenders committed with a death sentence.
Indiana Women's Prison	IWP	Process female offenders committed with a death sentence.
Reception-Diagnostic Center	RDC	Process all adult male offenders except those with a death sentence.
Rockville Correctional Intake	RTI	Process all adult female offenders except those with a death sentence.

B. Commitment to Department of Correction:

1. When a person convicted of a felony is sentenced to the Department, the court shall send a copy of the ABSTRACT OF JUDGMENT/COMMITMENT ORDER and other appropriate sentencing documents.

The ABSTRACT OF JUDGMENT/COMMITMENT ORDER will include:

- a. The offense(s) for which the offender is being incarcerated.
- b. The length of the sentence(s) to be served noting any suspended portion.

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- c. The amount of Jail Time Credit (JTC) for number of days spent in confinement prior to sentencing.
    - d. Signature of Judge, unless documentation is obtained from INCITE
  - 2. The judgment may specify the degree of security recommended by the court.
  - 3. The court shall also send to the Department:
    - a. Pre-sentence Investigation (PSI) Report
    - b. Copy of any physical or mental examination reports.
    - c. Copy of any record of pleading and motions made pursuant to IC 35-35-2.
- C. Intake Processing
  - 1. The Department of Correction receiving facilities shall:
    - a. Receive the convicted person, safekeeper or offender awaiting Pre-Dispositional Services.
    - b. Ensure that each offender's ABSTRACT OF JUDGMENT/COMMITMENT ORDER or court order is appropriately completed.
    - c. Change the status of the ABSTRACT OF JUDGMENT/COMMITMENT ORDER in the INCITE OFFENDER MANAGEMENT SYSTEM abstract queue to "PROCESSED BY DOC."
  - 2. Each intake unit shall ensure that the ABSTRACT OF JUDGMENT/COMMITMENT ORDER and the Pre-Sentence Investigation comply with statutory requirements, at the time the offender is delivered to the Department. If the ABSTRACT OF JUDGMENT is not accurate and complete, the Superintendent shall render a decision whether to accept or reject admission of the offender to the unit.
  - 3. Credit Time Release Record
    - a. The offender's sentencing information shall be entered into the offender information system.

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- b. Questions concerning commitment information may be resolved by contacting:
  - (1) The Supervisor of Classification.
  - (2) The committing court.
  - (3) The Central Office Sentence Computation and Release Unit.
  - (4) Department's Division of Legal Services.
  
- c. In the event that a Sheriff changed the offender's credit class or credit time, he/she should inform the Department by presenting a document to the intake unit at the time that the offender is committed to the Department.
  - (1) The document should contain at minimum:
    - (a) County jail and address.
    - (b) Offender's name.
    - (c) DOC identification number, if known.
    - (d) Action taken by Sheriff.
    - (e) Date of action taken by Sheriff.
    - (f) Sheriff's signature.
    - (g) Date of document.
  
  - (2) If no document is presented at the time of commitment, the intake unit should conclude that there has been no change in credit class or credit time during the jail incarceration.
  
- d. The intake unit is to file the Detail Credit Time Calculation, OIS Report #52, in the offender's facility packet.
  
- 4. Staff shall utilize the Sexual Violence Assessment Tool and assess an offender through interviews and documentation to determine if the offender is a potential sexual assault aggressor or potential sexual assault victim.
  
- D. Capital Punishment Offenders:

The following facilities shall serve as the Department Intake Units for

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Capital Punishment offenders:

1. Indiana State Prison - Adult Males
2. Indiana Women's Prison - Adult Females

E. Safekeepers:

1. Whenever a facility is contacted by a court about housing a safekeeper, the Superintendent or designee shall ensure that the Sentencing Order along with State Form 47723, CHECKLIST FOR SAFEKEEPER, is forwarded to the Director of Operational Support Services for review. The Director shall review the request and forward with a recommendation to the Deputy Commissioner of Operations for a final determination as to whether safekeeper status shall be granted. The Director shall contact the requesting court and the appropriate intake facility of the decision. The Director shall also remind the Court/Sheriff that there will be a per diem charge for the housing of the offender and that the county will be billed monthly.
2. Once a safekeeper is admitted to the Department, it is the intent of the Department that the county sending the safekeeper is kept informed as to the location and status of the safekeeper. In order to ensure that the county is kept informed, the staff person assigned to the safekeeper shall complete a report monthly advising as to the safekeeper's behavior, adjustment, medical condition, visits, and any other pertinent information. Additionally, this report shall include any costs that will be billed to the sending county for that monthly period, including housing and medical costs. This report shall be submitted to the Superintendent for review and approval and then forwarded to the County Sheriff. A copy of the report shall be sent to the Deputy Commissioner of Operations.
3. When a safekeeper leaves a facility for any reason, the Master Locations staff of the sending facility shall telephone the Sheriff of the county ordering the safekeeper into the Department's custody. The staff person making the call shall identify him/herself and give the Sheriff the details of the safekeeper's movement, including when the move took place, why the safekeeper was moved and, if appropriate, when the safekeeper will be returned to the facility.

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The staff person making this notification shall ensure that a record of this telephone call, including the information provided and the person with whom he/she spoke is placed in the facility's control or daily log. If the safekeeper is taken from the facility by the sending County and is gone for thirty (30) days or more, the facility shall notify the Sheriff that it will close its interest in the safekeeper unless it is notified otherwise by the Sheriff.

4. In cases where a safekeeper remains in a facility for six (6) months or more, the facility shall advise the Director of Operational Support Services every six (6) months. The facility shall provide the Director with the latest progress report and any other information relating to the offender, such as medical condition, conduct history, etc. The Director shall review the information provided and shall contact the sending court and/or Sheriff's department to determine why the offender is still being held as a safekeeper in the Department. Based upon the information provided, the Director may contact the Deputy Commissioner of Operations to determine whether the Department should continue to hold the offender as a safekeeper. If the decision is not to continue to hold the safekeeper, the Director shall contact the Court and/or Sheriff's department and advise them as to the Department's decision and make the necessary arrangements to have the safekeeper picked up and returned to the sending county. Once the safekeeper is picked up, the Department shall close its file on the safekeeper. If the decision is to continue to hold the safekeeper in the Department, every six (6) months that the offender remains in the Department, the housing facility shall advise the Director of Operational Support Services as indicated above and a determination shall be made regarding the safekeeper remaining in the Department.
  
5. Safekeepers shall be classified to the least secure facility for which they properly qualify. The underlying principle shall be to consider what is in the best interest of the safekeeper, the community, and the Department. This will also ensure that adequate security and custody are maintained, in order that the safekeeper is available to the court when ordered. Safekeepers generally will be housed in Department facilities and not in contract facilities. However, safekeepers who present serious mental health issues may be housed at the New Castle Correctional

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Facility if it is determined that they are in need of services in the psychiatric unit.

6. The procedure for maintaining safekeepers shall be consistent with the procedures for sentenced offenders.

F. Pre-Dispositional Diagnostic Services:

1. The following facilities are designated to conduct court ordered Pre-Dispositional Diagnostic Services:

<u>Facility</u>	<u>Abbreviation</u>	<u>Description</u>
Rockville Corr. Intake	RTI	Adult female offenders who are convicted, but not yet sentenced.
Reception-Diag. Center	RDC	Adult male offenders who are convicted, but not yet sentenced.

2. If the court commitment order is not accurate and complete, the Superintendent shall render a decision whether to accept, or reject admission of the offender for the services.

G. Release of Pre-Dispositional Offenders:

1. The committing court shall be notified when the services have been completed. Arrangements for the return of the offender to the custody of the court shall be specified.
2. The written findings and recommendations are to be provided to the Court upon completion of the Pre-dispositional Services.
3. Ensure the completion and distribution of State Form 23605, OFFENDER TRANSPORT ORDER.

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H. Processing Offenders:

Each offender shall be assigned staff designated to:

1. Interview the offender.
2. Respond to the offender's concerns.
3. Provide orientation to offenders including an overview of:
  - a. Intake Unit's relation to offender and process of:
    - (1) Rules and Regulations.
    - (2) Diagnosis.
    - (3) Evaluation.
    - (4) Facility Program Assignment
      - (a) Classification committee.
      - (b) Supervisor of Classification.
    - (5) Transfer.
  - b. The Disciplinary Code for Adult Offenders, Policy and Administrative Procedure 02-04-101.
  - c. Department Programs:
    - (1) Educational/Vocational Services.
    - (2) PEN Products.
    - (3) Work.
    - (4) Health Care Services
      - (a) Dental.
      - (b) Medical.
      - (c) Psychological/psychiatric.
    - (5) Religious Programs
    - (6) Substance Abuse Programs
    - (7) Work/Study Release.
    - (8) Re-Entry Process.
    - (9) Sex Offender Management and Monitoring

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- Program (SOMM)
- (10) Department Of Labor (DOL) Apprenticeship Programs
  
- d. Facilities
  - (1) Names and locations.
  - (2) Security levels and placement criteria.
  - (3) Programs available.
  
- e. Annual classification review.
  
- f. Prison Rape Elimination Act (PREA).
  
- g. Timely Information Promotes Safety (TIPS) Line.
  
- 4. Confer with the individual offender concerning:
  - a. Instant offense(s).
  - b. Current sentence(s).
  - c. Prior criminal history.
  - d. Detainer(s) and warrant(s).
  - e. Jail Time Credit.
  - f. Credit class.
  - g. Credit time.
  - h. Projected release date.
  - i. Type of release.
  
- 5. Explain and supply the offender with a copy of the ADULT OFFENDER ARRIVAL AND IDENTIFICATION, OIS Report 070.
  
- 6. Review the court commitment and supporting documents.
  
- 7. Review the offender's credit time and resolve any discrepancies.
  
- 8. Contact the court or other source for:
  - a. Additional information
  - b. Clarification of information

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- c. Clarification of the status of detainees or warrants prior to the completion of recommendations. The warrant/detainer screens in the offender information system are to include all pending and sentenced offenses along with dispositions, if sentenced. If it is impossible to gain complete information prior to classification out of RDC or RTI, all information gathered is to be noted and the offender is to be classified as if the warrant information is active and pending.
  
9. Act as the offender's staff contact.
  
10. Confer with other staff concerning the offender.
  
11. Make referrals as needed to:
  - a. Custody.
  - b. Dental unit.
  - c. Medical unit.
  - d. Psychological unit.
  - e. Other.
  
12. Prepare the Diagnostic and Classification Summary.
  
13. Complete Sections I, II and IV of State Form 7263, CLASSIFICATION DESIGNATION INSTRUMENT. If an offender meets all placement criteria for minimum security on the Classification Designation Instrument, he/she is to be considered for minimum security. If staff does not believe minimum security is appropriate, the reasons for medium security placement are to be noted.
  
14. Recommended programs may be noted in the Offender Case Management System (OCMS) and/or Program Management Referral System (PMRS).
  
- I. Evaluation Process-Committed Offenders, Safekeepers, & Pre-Dispositional Offenders:
  1. Intake units processing non-death penalty offenders shall ensure that each offender is evaluated through interviews and diagnostic

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tests. Offenders are to be encouraged to take the tests; but, no offender will be forced to take any test. Tests may be administered to assess the following:

- a. Achievement level (educational).
  - b. Intelligence level.
  - c. Personality assessment--if measurement results and/or personal observation indicate significant personality abnormalities, the offender shall be provided an individual psychological and/or psychiatric evaluation.
  - d. Level of substance abuse.
2. In conducting the offender evaluation, the intake unit may utilize information supplied by external sources if the information meets the Department's minimum standards for criminal offender evaluation.
    - a. Pre-sentence reports.
    - b. Pre-sentence memorandums filed by the offender.
    - c. Reports of pre-sentence mental or physical examinations.
    - d. The record of the sentencing hearing.
    - e. Other information forwarded by the sentencing court or other agency.
  3. If the offender has undergone, a previous Department evaluation within the last two (2) years, the Intake Unit need only to complete the Updated Admission Summary (Appendix XV-G1).
  4. Offenders who have completed the intake unit's Pre-Dispositional Diagnostic Services within the last two years shall be evaluated on an as-needed basis and an Updated Admission Summary shall be completed.
- J. Evaluation Process-Capital Punishment:

Should the offender's death sentence be commuted, the male offender is to be transferred to the Reception-Diagnostic Center for diagnostic and classification processing. The female offender shall be transferred to Rockville Correctional Intake for diagnostic and classification processing.

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K. Classification and Diagnostic Summary:

The Intake Unit shall prepare a Diagnostic and Classification Summary Report located in the Adult Case Management System. Example summary is located in APPENDIX XV-G. For offenders committed to the Department with less than one-hundred eighty (180) days to serve, staff shall complete the Updated Summary Report in Oracle which is outlined in APPENDIX XV-G1.

L. Classification and Assignment - Classification Committee:

1. Following the completion of the evaluation process, the offenders may be reviewed by the classification committee, which may be chaired by the Supervisor of Classification or designee, for recommendations of classification and assignment.
2. The chairperson, after reaching a recommendation, shall:
  - a. Complete Section V of State Form 7263, CLASSIFICATION DESIGNATION INSTRUMENT, (except Safekeepers).
  - b. Complete the State Form 3412, CLASSIFICATION HEARING REPORT.
  - c. Inform the offender of the recommendations and provide the offender a copy of the:
    - (1) State Form 7263, CLASSIFICATION DESIGNATION INSTRUMENT, (except Safekeepers).
    - (2) State Form 3412, CLASSIFICATION HEARING REPORT.
  - d. File the original copies of State Forms 7263 and 3412 and related materials in the offender's packet.
  - e. Submit the facility and Central Office packets and additional documents to the Superintendent.

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M. Superintendent Action:

1. Cause a review of the classification committee's decisions.
2. Cause appropriate information to be scanned into IRIS.
3. Cause the following to accompany the offender to the facility to which he\she is assigned:
  - a. Offender facility packet.
  - b. Offender personal property.
  - c. Medical and dental packet.
  - d. Inmate trust fund monies (May be sent with or expeditiously follow the offender to the receiving facility.)
  - e. State Form 23605, OFFENDER TRANSPORT ORDER.

N. Supervisor of Offender Placement Action:

1. Review CLASSIFICATION DESIGNATION INSTRUMENT.
2. Return CLASSIFICATION DESIGNATION INSTRUMENT for correction, if appropriate.
3. Determine final Classification Designation.
4. Determine facility assignment by issuing TRANSFER AUTHORITY.

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VI. INTAKE PROCESSING - RECEIVING FACILITY:

A. Support Staff:

The support staff consists of, but is not limited to, the following:

1. Supervisor of Classification.
2. Unit Manager
3. Casework Manager
4. Correctional Release Assistant.
5. Dental/Medical/Psychiatric Staff.
6. Master Locations/Count Staff
7. Education Staff
8. Substance Abuse Staff
9. SOMM Staff
10. Re-Entry Coordinators

B. Intake Processing: Supervisor of Classification shall insure a process to:

1. Receive offender and notify appropriate staff.  
(e.g. Intake Staff, Medical/Mental Health Staff, Master Locations/Count, etc.)
2. Review packet and electronic databases.
3. Provide orientation (may be completed by Classification or Unit Team Staff) to include:
  - a. Annual classification review.
  - b. Available assignments and programs.
  - c. Classification/reclassification procedures.
  - d. Case Management procedures.
  - e. Credit time and credit class, including projected release date.
  - f. Disciplinary code for adult offenders.
  - g. Medical Services and Mental Health Care procedures.
  - h. Transition Units.
  - i. Transfers.

(1) Inter-facility.

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(2) Intra-facility.

- j. Work/Study Release.
- k. Appeals and grievance procedures.
- l. Offender's Case Plan
- m. Program Management/Referral System
- n. Other facility procedures.

C. Evaluation:

Each offender shall be assigned to a specific Unit Team. Staff within the Unit Team shall:

1. Interview the offender.
2. Respond to the offender's concerns.
3. Confer with the offender concerning details of the current commitment period.
4. Act as the offender's staff contact.
5. Confer with and make referrals to other staff concerning the offender, as needed.
6. Review the materials supplied by the intake unit and/or other resources.
7. Complete/review the Indiana Risk Assessment System (IRAS) as outlined in Policy 01-07-101, "The Development and Delivery of Re-Entry and Adult Case Management Services,"
8. Complete the Case Plan as outlined in the administrative procedures for Policy 01-07-101, and make recommendations concerning the offender's needs to the classification committee.
9. Clarify the status of detainers or warrants prior to the completion of recommendations. The warrant/detainer screens in the offender information system are to include all pending and sentenced offenses along with dispositions, if sentenced. No offender is to be transferred to another facility until the information is completed.

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10. If the offender is within 180 days of his/her Earliest Possible Release Date (EPRD), review OCMS for placement plans and follow the 180 days release guide in accordance with Policy 01-07-101.

D. Classification Committee Action:

The Unit Team Committee shall:

1. Review pertinent materials.
2. Recommend initial classification assignment.
3. Complete the State Form 3412, CLASSIFICATION HEARING REPORT, to include program recommendations.
4. Forward all relevant documents to Supervisor of Classification.

E. Supervisor of Classification Action:

The Supervisor of Classification shall:

1. Review classification committee recommendation.
2. Render decision.
3. Implement decision.
4. Cause all relevant documents to be filed in the offender's packet.
5. Cause the relevant documents to be scanned and indexed into IRIS.

F. Superintendent Action:

1. Cause the A&O Unit's activities to be monitored by a designated staff person.
2. Cause the classification committee's recommendations to be monitored by a designated staff person.

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VII. CREDIT TIME:

A. Staff Responsibilities:

1. As the Commissioner's Designee, the Executive Director of Classification is responsible for the calculation of offenders' credit time in accordance with Indiana Statute and Department policy and procedures.
2. The Supervisor of the Sentence Computation and Release Unit in Central Office is the staff position responsible for the calculation of credit time. The responsibilities include:
  - a. Supervising the Central Office Computation and Release Specialists, who have the primary responsibility of calculating credit time.
  - b. Ensure credit time calculation certification for each staff member calculating credit time.
  - c. Cause the credit time calculation of each offender's sentence(s) in accordance with Indiana Statute and Department policy and procedures.

B. Credit Time Certification:

1. Staff calculating credit time must be either "certified" or "sanctioned" to calculate credit time.
  - a. Certified Credit Time Calculators are those staff who have successfully completed the Credit Time Certification Seminar conducted by the Central Office Classification Division. Certified Credit Time Calculators shall be responsible for resolving questions concerning credit time.
  - b. Sanctioned Credit Time Calculators are staff having successfully completed the self study guide and training program supervised by the Supervisor of the Sentence Computation and Release Unit in Central Office. Sanctioned Credit Time Calculators shall be responsible for entry of data into the offender information system.

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2. Steps in Credit Time Certification.
  - a. Staff shall participate in the Credit Time Certification Seminar.
  - b. After successful completion of the Credit Time Certification Seminar, staff shall be tested by the Central Office Division of Classification.
  - c. After successful test results are received, a certification number shall be assigned by the Central Office Division of Classification.
3. Steps in Credit Time Calculation Sanctioning.
  - a. Staff shall complete the Self Study Guide and the training program developed and supervised by the Supervisor of Classification.
  - b. After successful completion of the Self Study Guide and participation in a training program, staff shall be sanctioned in credit time calculation.
  - c. Staff shall use their assigned Offender Information System Identification (I.D.) as their certification number.
4. Access to the offender information system credit time/sentencing screens for staff certified and sanctioned in credit time calculation shall be approved by the Central Office Division of Classification prior to the access being granted.
5. Staff certified or sanctioned to calculate credit time shall remain certified or sanctioned as long as the staff person remains in a Department position whose primary responsibilities include credit time calculations.

C. Sentences

1. The court shall fix the penalty of and sentence a person convicted

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of an offense.

- a. The Department shall apply the court imposed sentence on a day for day basis.
    - (1) Sentence in days is the number of days from the date the sentence was imposed, less jail time credit.
    - (2) Sentence in months is the number of calendar months from the date the sentence was imposed, less jail time credit.
    - (3) Sentence in years is the number of calendar years from the date the sentence was imposed, less jail time credit.
  - b. Action to be taken by the Computation and Release Specialists when sentence(s) as stated on Abstract of Judgment/Commitment Order appear(s) questionable:
    - (1) Initial compliance with order.
    - (2) Contact sentencing court for clarification.
    - (3) Contact appropriate Quality Assurance Supervisor.
    - (4) Contact the Supervisor of the Sentence Computation and Release Unit.
    - (4) Contact Department's Division of Legal Services for guidance.
2. Consecutive and Concurrent Terms.
- a. The court will determine whether terms of imprisonment shall be served concurrently or consecutively.
  - b. If the courts are silent in regards to concurrent or consecutive, then the sentence is to be run concurrently unless the crime was committed before the date of discharge from parole supervision.
3. Imposed sentences.
- a. Felony--see Table VII-1A and Table VII-1B for sentences which may be imposed for various types of convictions.

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- b. Misdemeanor--see Table VII - 2 for sentences which may be imposed for various types of convictions.

TABLE VII -1A  
FELONY CONVICTIONS AND SENTENCES  
(Offense committed prior to 7/1/2014)

Type Conviction	of	Sentence (Years)			Maximum Fine
		Mitigation (Maximum reduction)	Fixed Term (Presumptive)	Aggravation (Maximum Addition)	
Murder	10	55	Death	10,000	
			Life w/o Parole		
Habitual Offender Enhancement			Life w/o Parole	-	
			1 ½ - 30		
Class A	10	30	20	10,000	
Class B	4	10	10	10,000	
Class C	2	4	4	10,000	
Class D	1	1 ½	1 ½	10,000	

TABLE VII-1B  
FELONY CONVICTIONS AND SENTENCES  
(Offense committed on 7/1/2014 or after)

Type of Conviction	Advisory	Range	Options
Murder	55 years	45-46	Death, Life W/O Parole

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Level 1	30 years	20-40	
Level 2	17-50 years	10-30	
Level 3	9 years	3-16	
Level 4	6 years	2-12	
Level 5	3 years	1-6	
Level 6	1 year	6 months – 2.5 years	
Class A	Misdemeanor	Maximum	1 year
Class B	Misdemeanor	Maximum	180 days
Class C	Misdemeanor	Maximum	60 days

TABLE VII - 2  
MISDEMEANOR CONVICTIONS AND SENTENCES

Type of Conviction	Sentence	
	Maximum Imprisonment	Maximum Fine
Class A	One (1) Year	5,000
Class B	180 days	1,000
Class C	60 days	500

D. Commitment to Department of Correction:

When a convicted person is sentenced to the Department, the court will send a copy of the ABSTRACT OF JUDGMENT/COMMITMENT ORDER to the Department.

The ABSTRACT OF JUDGMENT/COMMITMENT ORDER will also include:

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1. The amount of the fines or costs assessed.
2. Indigence of offender.
3. Method of payment of fines/costs.
4. Jail Time Credit (JTC).
5. The amount to be credited toward payment of the fines or costs for time spent in confinement before sentencing.

All modifications of sentences received by facility staff are to be verified with the court prior to the modification being implemented.

E. Release from Imprisonment:

1. Committed offenders.
  - a. The Indiana Penal Code requires the Department to release "new" code offenders on the current Earliest Possible Release Date except for a confined offender charged with a new crime or who allegedly violated a Department rule.
  - b. An offender, who within thirty (30) calendar days of release from Department confinement, is charged with a crime while confined or with a Class A or B conduct violation, shall be appropriately assigned to Credit Class 3 or Credit Class D and have all earned credit time suspended, pending disposition of the allegation.
    - (1) The effective date of the assignment to the appropriate Credit Class 3 or Credit Class D and the suspension of credit time shall be the date of one of the following completed documents, or the date of the earlier document, when more than one is filed:

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- (a) "Report of Conduct," State Form 39590.
  - (b) Department warrant.
  - (c) Escape Report.
  - (d) Formal charge filed with a court of criminal jurisdiction.
  - (e) Law enforcement agency arrest report.
  - (f) Parole officer's report.
  - (g) Placement on pre-hearing restrictive status pending investigation.
- (2) If the offender is found guilty in accord with the administrative procedure for Policy 02-04-101, "The Disciplinary Code for Adult Offenders," the offender, in terms of credit class and credit time shall:
- (a) Be reassigned to the appropriate credit class in accord with the approved sanction(s).
  - (b) Have credit time restored or deprived in accord with the approved sanction(s).
  - (c) Have all previously earned credit time restored, if the sanction is silent concerning credit time.
- (3) If the allegations are "dropped", or if the offender is found not guilty of a Department rule infraction, the offender shall:
- (a) Be restored to his/her former credit class, and be credited with the credit time that he/she would have earned, if he/she had not been assigned to Credit Class 3 or Credit Class D.
  - (b) Have all previously earned credit time restored.

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- (4) Any credit class promotion or credit time restoration shall be in accord with Policy 02-04-101.
      - c. An offender may be released to both parole and probation supervision, if one of the commitments has a portion of the sentence suspended.
    - 2. Felons shall be released upon completion of the fixed term of incarceration, less credit time:
      - a. To parole.
        - (1) Refer to Appendix XV-Q in determining the amount of time the offender will be placed on parole.
        - (2) Parole is revoked - shall be imprisoned for remainder of fixed term.
          - [a] Shall again be released on parole when the remainder of the fixed term, less the credit time earned since the revocation, is completed.
          - [b] Parole Board may reinstate on parole anytime after revocation.
        - (3) If an "old" (prior to October 1, 1977) code offender commits an offense prior to the Parole Board authorized release date, the Superintendent should contact the Parole Board for authority to hold the offender beyond such release date.
- If the offender is held under these circumstances, normal disciplinary actions may be instituted.
- b. To the committing court, if a portion of the sentence was suspended or ordered by the court to

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probation/community correction supervision--The Superintendent shall cause the committing court to be notified during the last one hundred eighty (180) days of confinement that the offender will be returned to the court's jurisdiction. The date of release is to be included in the notification.

- c. To another jurisdiction.
  - d. By discharge, if sentence is totally satisfied (MRD). Offenders approved by the committing court for a Community Transition Program (CPT) may also be discharged by that court without the requirement of parole.
  - e. Offenders who complete the incarceration portion of a sentence and begin serving either a consecutive sentence or a longer concurrent sentence shall be considered on parole on the prior sentence. They shall remain on parole status in accordance with the time frames outlined in Appendix XV-Q.
3. Misdemeanants sentenced prior to July 1, 1999 - shall be released upon completion of fixed term of incarceration, less credit time, and shall be released:
- a. To the committing court when the commitment document states that a portion of the sentence is suspended and the offender is to be placed on probation. The Superintendent shall cause the committing court to be notified during the last sixty (60) days of confinement that the offender will be returned to the court's jurisdiction. The date of release is to be included in the notification.
  - b. By discharge.
    - (1) Commitment document states that a portion of the sentence was suspended, but is silent concerning probation, the facility shall release the offender from further obligation.

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(2) Sentence is totally satisfied.

c. To another jurisdiction.

F. Earning Credit Time:

1. A person imprisoned for a felony or a misdemeanor may earn credit time which, when applied to the sentence, may reduce the time to be served. Credit time is earned only when an offender is incarcerated.

2. As of September 1, 1983, the court may not restrict the earning of credit time as a condition of probation.

3. As of July 1, 1993, an offender may earn additional credit time under the following conditions:

a. The offender must:

(1) Complete education requirements as defined in Indiana Code 35-50-6-3.3;

(2) (a) If the offense is committed prior to July 1, 2014, be in Credit Class One at the time of program completion

(b) If the offense is committed on 7/1/2014 or after:

[1] Level 6 Felony: be in Credit Class A

[2] Level 1-5 Felony: be in Credit Class B

(3) Have one (1) year clear of any findings of guilt for Class A conduct reports at the time of program completion;

(4) Have one (1) year clear of two (2) or more

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from findings of guilty Class B conduct reports at the time of program completion; and

- (5) Have one (1) year clear of being found guilty as a Habitual Rule Violator.

b. The offender successfully completes the requirements to obtain the following:

- (1) A High School Equivalency Diploma
- (1) A High School Diploma
- (3) An Associate's Degree
- (4) A Bachelor's Degree
- (5) An approved Vocational Program
- (6) An approved Substance Abuse Program
- (7) A Literacy and Basic Life Skills Program
- (8) A certificate of completion of a reformatory program approved by the Department of Correction. The following programs are approved by the Department of Correction for this credit.
  - PLUS Program
  - Reformatory Residential Re-Entry Program
  - Thinking for a Change 3.0
  - Advanced Cognitive Skills Development
  - Career Development Training (PEN)
- (9) The following programs are exclusive to the Heritage Trail Correctional Facility:
  - Comprehensive Cognitive Skill Development (CCSD)
  - First Time Offender Program (FTOP)

The above listing represents a comprehensive roster of available time cut programs.

c. The maximum amount of credit time an offender may earn in one or more of the following Credit Time areas is as follows:

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(1) Educational/Vocational Programs:

- (a) Six (6) months for a High School Equivalency Diploma
- (b) One (1) year for graduation from High School.
- (c) One (1) year for completion of an Associate's Degree.
- (d) Two (2) years for completion of a Bachelor's Degree.
- (e) One (1) year for completion of Vocational Programs.

Those offenders who previously received six (6) months of credit time for completion of a Vocational Program, **prior to July 1, 2014**, shall be eligible for another six (6) months of credit time for completing an additional Vocational Program. **The credit time is not retroactive and the additional Vocational Program must be completed after July 1, 2014**

Credit time awards for Associate's and Bachelor's degrees shall solely be determined by the Director of Education or designee. The Director of Education or designee shall communicate credit time awards to the Division of Classification for input into the offender information system.

(2) Reformative Programs:

Six (6) months for completion of a Reformative Program

- Six (6) months for completion of a PLUS Program, as determined by the

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- Ninety (90) days for completion of Reformatory Residential Re-Entry Program.
- Thinking for a Change 3.0 (30 days)
- Advanced Cognitive Skills Development (90 days), the program expired on January 31, 2015.
- Career Development Training (90 days)

Reformatory programs exclusive to the Heritage Trail Correctional Facility:

- Accelerated Cognitive Skill program (not eligible for credit time)
- Comprehensive Cognitive Skill Development-CCSD (60 days)
- First Time Offender Program-FTOP (30 days)

A person who is serving a sentence for a sex offense listed under IC 11-8-8-4.5 may not earn credit time for a reformatory program.

(3) General Programs:

- Six (6) months for completion of Substance Abuse/Addictions Recovery programs
- Six (6) months for completion of a Literacy and Basic Life Skills program.

- d. An offender who commits a sex offense listed in IC 11-8-8-4.5 after June 30, 2010 while having been required to register as a sex or violent offender under IC 11-8-8-7 and who is committed to the Department of Correction after having been convicted of the offense listed in IC 11-8-8-4.5, may not earn credit time for any program listed in Procedure VII. F. 3. b. above.

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- e. Completion dates for earning credit.
  - An offender does not earn credit time under this provision (High School Diploma, High School Equivalency, Associate’s Degree, Bachelor’s Degree) unless a portion of the degree is completed after June 30, 1993.
  - An offender does not earn credit time under this provision for completion of Substance Abuse Programs, Vocational Programs or a PLUS Program, unless a portion of the program was completed after June 30, 1999.
  - The effective date for the Literacy and Basic Life Skills Program is July 1, 2003; therefore, an offender does not earn credit for completion of the Literacy and Basic Life Skills Program unless a portion of each program was completed after June 30, 2003.
  - An offender does not earn credit for completion of Thinking for a Change 3.0 unless they enroll in the program after May 11, 2011 and complete after June 1, 2011.
  - An offender does not earn credit for completion of the Reformative Residential Re-Entry Program unless a portion of the program was completed after July 1, 2011.
  - An offender does not earn credit for completion of the STOP Intensive Track unless a portion of the program was completed after June 10, 2011.
  
- f. The maximum amount of credit time an offender may earn under this provision is the lesser of:
  - (1) For offenses committed prior to July 1, 2014:
    - [a] Four (4) years; or,
    - [b] One-third (1/3) of the offender’s total applicable credit time

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- (2) For offenses committed on July 1, 2014 or after:
  - [a] Two (2) years; or,
  - [b] One-third (1/3) of the offender's total applicable credit time
- g. The amount of credit time to be earned is to be based on the offender's entire sentence, including any consecutive sentences.
- h. Credit time earned for programs completed between July 1, 1993 and June 30, 1999 is applied to the offender's entire sentence. Credit time for programs completed after June 30, 1999 is applied to the offender's EPRD.
- i. Effective August 19, 2005, if an offender has attained either a high school diploma or high school equivalency, prior to or during his/her current period of incarceration, that offender shall not be permitted to participate in another high school or high school equivalency program while incarcerated, and shall not be eligible for earned credit time for any subsequent high school diploma, high school equivalency, or literacy program completed while incarcerated.
- j. For a person to earn credit time for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved by the Department before the person begins the correspondence course. The Department may approve a correspondence course only if the entity administering the course is recognized and accredited by the department of education in the state where the entity is located.
- k. Offenders who commit their crimes after January 1, 2006, may earn credit time for completing an

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associate degree while incarcerated; however, the offender may not earn any additional credit for any subsequent associate degree awarded during that same period of incarceration.

- l. Offenders who commit their crimes after January 1, 2006, may earn credit time for completing a bachelor degree while incarcerated; however, the offender may not earn any additional credit for any subsequent associate or bachelor degree awarded during that same period of incarceration.
  
- m. Offenders who committed their crimes prior to January 1, 2006 may earn multiple Associate and Bachelor Degrees: however, the award may not exceed the amount allowed in VII, F, 3, m of this policy and administrative procedure.
  
- n. Effective July 1, 2012, the amount of credit time earned under this section is reduced for an offender who is serving during the current commitment period a sentence for a felony against a person under Indiana Code 35-42 or for a crime listed in Indiana Code 11-8-8-5 to the extent that application of the credit time would result in the offender being released or transferred to the Community Transition Program (CTP) in less than forty-five (45) days from the date the program was completed and verified.
  
- o. Effective July 1, 2012 for programs completed or due to be completed after July 1, 2012, the amount of credit time under this section is reduced for those offenders who are not serving a sentence during the current commitment period a sentence for a felony against a person under Indiana Code 35-42 or for a crime listed in 11-8-8-5 to the extent that the application of the credit time will result in release from incarceration ten (10) calendar days from the date the program was completed and verified.

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4. Effective July 1, 2010, an offender shall receive credit for time served, as well as, earned credit time for time spent on Home Detention and/or Community Corrections.
5. Consecutive Sentences and Jail Time Credit (JTC).
  - a. If consecutive sentences are imposed by the same cause.
    - (1) When the allocation of JTC is specified in the commitment document, the Department shall follow the commitment.
    - (2) When the allocation of JTC is not specified in the commitment document, the Department shall apply all JTC to the first sentence and no JTC to the consecutive sentence, unless the JTC exceeds the PRD of the first sentence. In that case, the remainder of the JTC is to be applied to the consecutive sentence.
  - b. Two (2) commitments from different courts and one court specifies that its sentence is to be consecutive to the other.
    - (1) The sentence that has the earlier date of sentence is to be served first.
    - (2) The JTC as enumerated in the commitments is to be applied to each sentence, unless otherwise directed by the court.
  - c. Two (2) commitments from different courts, and each commitment states that its sentence is to be consecutive to the other.
    - (1) The sentence that has the earlier date of sentence is to be served first.
    - (2) The JTC as enumerated in the commitments is to be applied to each sentence unless otherwise directed by the court.

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G. Credit Classes:

A felon or misdemeanor earns credit time in accordance with the credit class to which the offender is assigned.

1. If the offense is committed prior to July 1, 2014:
  - a. An offender assigned to Credit Class 1 earns one (1) day of credit time for each day served.
  - b. An offender assigned to Credit Class 2 earns one (1) day of credit time for every two (2) days served.
  - c. An offender assigned to Credit Class 3 earns no credit time.
  - d. An offender assigned to Credit Class 4 earns one (1) day of credit for every six (6) days served.
2. If the offense is committed on or after July 1, 2014:
  - a. Level 6 Felony, or a misdemeanor assigned to Credit Class A offender assigned to Credit Class A earns one (1) day of credit time for each day served.
  - b. Levels 1-5 Felony offender assigned to:
    - (1) Credit Class B earns one (1) day of credit time for every three (3) days served;
    - (2) Credit Class C earns one (1) day of credit time for every six (6) days served; or,
    - (3) Credit Class D earns no credit time.

H. Credit Class Assignment/Reassignment:

1. Felon or misdemeanor offenders committed to the Department are to be assigned to a credit class, in accordance with the law in effect at the time of

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commitment. Credit time is to be computed in accordance with the same law.

2. As of October 1, 1977, a person who is not a credit restricted felon and who is imprisoned for a crime, or confined awaiting trial or sentencing, is initially assigned to the highest time-earning Credit Class depending on the date of offense. A person who is a credit restricted felon and who is imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to Class IV or Credit Class C for the credit restricted offense. The credit restricted offense shall not be assigned to Class I or Class II; or Credit Class A, Credit Class B. Concurrent or consecutive sentences that do not fall under the credit restricted guidelines are to be assigned the appropriate credit class in accordance with the laws in effect for those offenses.
3. Offenders serving life sentences are not assigned to a credit class and do not earn credit time with respect to the life sentence.
4. Capital punishment offenders are not assigned to a credit class and do not earn credit time with respect to the capital sentence.
5. An offender received by the Department with more than one commitment, and with different credit classes due to action by the Sheriff, is to be assigned the credit class which earns the lesser credit time. This applies to all offenses that are not credit restricted offenses. Credit restricted offenses are to be calculated separately from non-credit restricted offenses.
6. When an offender completes the incarcerated portion of one sentence and begins service of a consecutive sentence, the offender is to be assigned to the appropriate Credit Class 1, Credit Class A, or Credit Class B. The exception is credit restricted offenses which are to begin in Credit Class IV or Credit Class C.

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7. A returned parole violator resumes the same credit class as when released to parole.
8. If the offense was committed:
  - a. Prior to July 1, 2014: An offender may be assigned to Credit Class 2 or Credit Class 3 if he/she violates a rule or regulation of the Department or by Sheriff action.
  - b. On July 1, 2014 or after:
    - (1) An offender serving a Level 6 Felony sentence may be reassigned to Credit Class B, C, or D.
    - (2) An offender serving a Level 1-5 Felony sentence may be reassigned to Credit Class C or D.
9. “Credit Restricted Felon” means a person who has been convicted of at least one (1) of the following offenses:
  - a. Child molesting involving sexual intercourse or deviate sexual conduct (IC 35-42-4-3(a)), if:
    - The offense is committed by a person at least twenty-one (21) years of age; and
    - The victim is less than twelve (12) years of age.
  - b. Child molesting (IC 35-42-1-1) resulting in serious bodily injury or death.
  - c. Murder (IC 35-42-1-1), if:
    - The person killed the victim while committing or attempting to commit child molesting (IC 35-42-4-3);
    - The victim was the victim of a sex crime under IC 35-42-4 for which the person was convicted; or
    - The victim of the murder was listed by the state

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or known by the person to be a witness against the person in a prosecution for a sex crime under IC 35-42-4 and the person committed the murder with the intent to prevent the person from testifying.

Credit Restrictions shall only be applied to sentences that the courts have stipulated as Credit Restricted Offenses.

10. The Commissioner may reassign an offender from any credit class to any other credit class (see Policy and Administrative Procedure 02-04-101, “The Disciplinary Code for Adult Offenders”).

I. Credit Time and Incarceration Factors:

1. A term of imprisonment begins on the date the sentence is imposed, unless execution of the sentence is stayed, according to law.
2. The serving of a consecutive sentence is dependent upon a prior sentence. If the prior sentence is reversed or dismissed, the result is that there is no prior sentence upon which to base a consecutive sentence.
3. If an offender escapes or absconds, the offender stops earning credit time, or serving time on the sentence, on the day of the escape. The offender resumes serving time, and earning credit time on the day of availability for release to Indiana authorities.
4. Parole
  - a. The day a felon offender is released to parole, counts as a day of incarceration. The offender receives credit time in accordance with the credit class to which he/she is assigned.
  - b. Each day that the offender serves on parole, counts as a day served on the sentence. The offender earns no credit time while on parole.

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- c. A parolee incarcerated under a parole violation warrant shall earn time served and applicable earned credit time from the date of service of the warrant.

J. Credit Time Deprivation/Restoration:

- 1. An offender may be deprived or restored of any part of the credit time that has been earned, if a rule or regulation of the Department or a county jail is violated. This includes any additional credit time earned for program completion. Deprivation of credit earned for program completion will require a Central Office override to adjust the time.

- 2. If the offense is committed:

- a. Prior to July 1, 2014.

Whenever an offender is deprived of credit time, reassignment to Credit Class 2 or 3 may also be made. A credit restricted felon may not be reassigned to Class I or Class II; however, they may be reassigned to Class III in accordance with disciplinary procedures.

- b. On July 1, 2014 or after.

- (1) An offender serving a Level 6 Felony sentence may be reassigned to Credit Class B, C, or D.

- (2) An offender serving a Level 1-5 Felony sentence may be reassigned to Credit Class C or D.

- 3. The Commissioner may deprive or restore any part of an offender's earned credit time.

- 4. The County Sheriff may deprive, any part of an offender's earned credit time taken as a result of a conduct action that occurred while the offender was in his/her custody.

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**K. County Jail: Credit Class\Credit Time:**

1. The individual Sheriff is responsible to notify the Department, in writing, for each case in which he/she demoted or promoted an offender in credit class, and deprived any portion of an offender's credit time.
2. When an offender is released to a Sheriff's control, the releasing Department facility shall supply the Sheriff with State Form 9320, OFFENDER STATUS-DISPOSITION REPORT. When an offender is returned to the Department, the OFFENDER STATUS-DISPOSITION REPORT is to be returned with any changes in credit class indicated.
3. If no documents signed by the Sheriff are received by the Department facility, the unit is to conclude that there was no change in the offender's credit class or credit time.
4. If the Sheriff demotes an offender in credit class, the receiving facility shall review the offender for credit class promotion, in accordance with existing Department Policy and Administrative Procedure 02-04-101.
5. Offenders should submit appeals concerning credit class demotion, promotion, credit time deprivation, or restoration by a Sheriff, directly to the Sheriff.

**L. Credit Time Calculation:**

1. An offender receives incarceration credit, and credit time on the sentence for the day of release from a Department facility to parole or court jurisdiction.
2. When an offender's parole is revoked, and the offender is returned to Department incarceration, the remaining time to be served is calculated by determining a revised fixed term of incarceration. The following formula is applied:

$$\text{FTI} = \text{FTI} - \text{Time} + \text{Time} \quad \text{on}$$

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revised                      prior                      served                      parole

3. An offender does not receive time served credit, or credit time on his/her sentence for the day the offender:
  - a. Escapes.
  - b. Absconds from parole or probation.
  
4. The serving of sentences and credit time calculations are based on day-for-day.
  
5. Credit time calculation factors:
  - a. Date of sentence(s) (DOS).
  - b. Term of sentence(s) (TOS).
  - c. Fixed term of incarceration (FTI).
  - d. Jail time credit (JTC).
  - e. Effective date of sentence (EDS).
  - f. Maximum release date (MRD)--the maximum release date may be changed under one or more of the following conditions:
    - (1) Court modification of sentence.
    - (2) Court modification of JTC.
    - (3) Interruption of custody during the serving of a sentence.
  - g. Concurrent sentence(s).
  - h. Consecutive sentence(s).
  - i. Action by Sheriff.
  - j. Credit class.
  - k. Time served.

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- l. Earned multiplier associated with current credit class.
- m. Earned credit time.
- n. Remaining time to be served.
- o. Projection multiplier associated with current credit class.
- p. Projected time to be served.
- q. Projected release date (PRD).
  - (1) Initial determinants.
    - (a) Date of sentence.
    - (b) Term of sentence.
    - (c) Fixed term of incarceration.
    - (d) Jail time credit.
    - (e) Effective date of sentence.
    - (f) Earned credit time prior to imposition of sentence.
    - (g) The credit class to which the offender is assigned on the date that he/she is received by the Department.
  - (2) Factors which may change the PRD/EPRD.
    - (a) Court modification of sentence.
    - (b) Court modification of jail time credit.
    - (c) Offender escapes.
    - (d) Offender released on bond.
    - (e) Offender's credit class is changed.
    - (f) Offender's credit time is changed.
- r. Credit time (CT) deprivation and restoration.

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- s. Modification of sentence.
- t. Release from incarceration.
- u. Return to incarceration.
- v. Earliest Possible Release Date (EPRD).

(1) Determinants.

- (a) The term of sentence.
- (b) The term of any other concurrent or consecutive sentence which the offender must serve.
- (c) The credit time that an offender would earn on the additional sentence, if he/she remained in Credit Class I or Credit Class A or B during the period of confinement.
- (d) Jail time credit earned on the additional sentence.

(2) Formula for calculation of EPRD:

EPRD = PRD of current sentence + ½ FTI for consecutive sentences – JTC for each consecutive sentence.

(3) The EPRD does not change except under the following circumstances:

- (a) Court modification of sentence.
- (b) Court modification of jail time credit.
- (c) Offender escapes.
- (d) Offender released on bond.
- (e) Offender's credit class is changed.
- (f) Offender's credit time is changed.

6. Steps in calculation:

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Questions regarding the calculation of credit time should be referred to staff that are certified by the Department in calculation of credit time.

7. **DETAIL CREDIT TIME CALCULATION REPORT, OIS Report #52.**
  - a. The **DETAIL CREDIT TIME CALCULATION REPORT** is the Department's individualized standard form for committed and incarcerated felons and misdemeanants.
  - b. The Report will reflect various dates and numbers relative to the:
    - (1) Offender's credit time.
    - (2) Release from incarceration.
  - c. It is the responsibility of the staff at the Intake Unit's to create the initial **DETAIL CREDIT TIME CALCULATION REPORT** and file it in the offender packet.
  - d. It is the responsibility of each facility's classification staff to insert appropriate credit time entries into the offender information system.
  
8. A State Form 5549, **CREDIT TIME-RELEASE RECORD**, must be maintained in the facility packet for each indeterminate sentence.
  
9. Sentences that have been totally suspended (e.g. a three (3) years sentence with three (3) years suspended) are not to be entered into the offender information system.
  
10. Sentences to the Department that are received after the **EPRD** has expired will be entered into the Offender Information System. A notation indicating that the sentencing information was received after the **EPRD** should be made in the offender information system on the Sentence Detail Screen.

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11. Sentences that are vacated or dismissed must be deleted from the offender information system by the Sentence Computation and Release staff.
12. Old code sentences (offenses committed prior to October 1, 1997), except Indeterminate Life, are not to be entered into the offender information system.
13. Misdemeanors sentenced after July 1, 1999, cannot be sent to the Department without written permission from the Commissioner.

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## VIII. OFFENDER RECLASSIFICATION INTRA-FACILITY MOVEMENT:

### A. Reclassification Considerations:

1. Requests for reclassification are to be heard by classification committees in a reasonable period of time after submission.
2. The request for reclassification may be initiated by:
  - a. A Department staff member or committee.
  - b. The offender.
3. The request may be for any assignment for which the offender:
  - a. Is qualified.
  - b. Satisfies the degree of custody control required.
4. Changes in bed assignments within a housing unit or a group of similar housing units within a Unit Team do not require reclassification processing.
5. Changes in education or work assignments within the same assignment area do not require reclassification processing.
6. After an offender has received an assignment, he/she may not submit a similar type of reclassification request sooner than ninety (90) calendar days from the date of the assignment. An offender may not submit a transfer request sooner than three hundred sixty-five (365) calendar days from the date of a prior decision or date of a transfer, whichever is the latest.
7. Staff may request an Intra- or Inter-Facility change at any time.
8. If an offender has a detainer/warrant removed or a change in other criteria that had prevented a lower security placement, staff is to reclassify the offender using the updated information, as soon as reasonably possible.
9. Reassignment from X-Row

When an offender with a death sentence is moved from X-Row

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for any reason, the Superintendent shall notify the Executive Director of Classification and the Executive Director of Adult Facilities.

**B. Types of Reclassification Hearings**

Reclassification Hearings are to be conducted through Unit Team as established in the policy and administrative procedure for Policy 01-07-101, “The Development and Delivery of Re-Entry and Adult Case Management Services.”

1. Education, Work, Program Assignment. All non-disciplinary reclassification requests shall be accompanied by State Form 3380 OFFENDER EVALUATION AND PERFORMANCE REPORT. Reclassification is not to be used as a substitute for disciplinary action.
2. Housing Assignment.
3. Administrative Restrictive Status Housing.
  - a. Admittance.
  - b. Reviews (All administrative restrictive status hearings shall be in accordance with the time frames established in the administrative procedure for Policy 02-01-111, “The Use and Operation of Adult Offender Administrative Restrictive Status Housing Units”).
4. Protective Custody
  - a. Admittance
  - b. Reviews (All protective custody hearings shall be in accordance with the time frames established in the administrative procedure for Policy 02-01-107, “The Use and Operation of Adult Offender Protective Custody”).

**C. Reclassification Format:**

1. All reclassification requests are to be initiated by use of State Form

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3412, CLASSIFICATION HEARING REPORT.

2. Classification Committee/Unit Team Committee
  - a. Reviews request.
  - b. Reviews Case Plan and Indiana Risk Assessment System (IRAS).
  - c. Meets with the offender and recommends the appropriate assignments within the facility taking into consideration the Case Plan and IRAS.
  - d. Makes recommendation concerning the request to Supervisor of Classification.
3. Supervisor of Classification (or designated classification staff)
  - a. Renders decision concerning the request.
  - b. Informs Unit Team and the offender of decision, in writing. If the decision was to deny the request, the Supervisor shall note the reasons for the denial to the Unit Team and the offender.
  - c. Implements decision.
  - d. Ensures reclassification documents are filed in offender's packet.
4. Offender may appeal decision to the Superintendent.
5. The Superintendent's decision is final.

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IX. ANNUAL CLASSIFICATION REVIEW:

A. Considerations:

1. The first annual classification review shall be conducted within one (1) year from the date of the offender's initial classification hearing.
2. The second and subsequent annual classification reviews may be conducted at any time, but not more than one (1) year from the date of the last such review.
3. Any classification hearing that includes the requirements of an annual classification review may be considered an annual classification review.
  - a. The person chairing such a hearing shall notify the Supervisor of Classification of the date that such a hearing was conducted.
  - b. The base date for the annual review shall then be reset in accord with the date of the conducted hearing.
4. Exceptions to conducting an annual classification review.
  - a. A hearing shall not be held when the reviewing date occurs during the time that the offender is not under the jurisdiction of the Department; e.g. escape, out on court order, serving sentence in another state or federal jurisdiction, or transferred to the Department of Mental Health.
  - b. An annual classification review for offenders not under the jurisdiction of the Department shall be held within (10) working days after the offender returns to a Department facility.

B. Requirements for an Annual Classification Review:

1. The offender shall be given at least 48 hours notice of the Annual Classification Review in order to prepare any documents or

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statements that he/she may wish to present at the hearing. State Form 7262, ANNUAL REVIEW HEARING NOTIFICATION, shall be used to give the offender notice of the Annual Classification Review.

2. The completion and the review of State Form 3380, OFFENDER EVALUATION AND PERFORMANCE REPORT.
3. The completion and the review of State Form 7263 CLASSIFICATION DESIGNATION INSTRUMENT.
4. The completion of a State Form 3412, CLASSIFICATION HEARING REPORT.
5. A complete review of the offender's Sexual Violence Assessment Tool (SVAT). If an SVAT is not on record, the Unit Team staff shall cause an SVAT to be completed.
6. A complete review of the offender's offender information system flags and minor visitation restrictions.
7. A review and update of the offender's emergency contact information
8. A complete page by page review of offender's packet, Case Plan, and other relevant materials. To include a review of the offender information system warrant/detainer screens to insure that all information is included, such as, charges and dispositions.
9. The establishment of a classification assignment based on information and materials presented at the classification hearing.
10. If a significant change has occurred in the offender's appearance, Unit Team shall arrange for an updated photograph of the offender to be made part of the offender's file (electronic and paper) and included in any crew and/or escape kit. The cost of the offender's new identification card shall be deducted from the offender's Inmate Trust Fund account.

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C. Process for Review:

1. The Supervisor of Classification is responsible to ensure that the annual classification review is completed. The Supervisor shall:
  - a. Maintain a monitoring system to indicate the date on which each offender's annual classification review must be conducted.
  - b. Provide the necessary notification to appropriate Unit Team Staff when offenders are to be scheduled for an annual classification review.
  - c. Ensure that any changes in the offender's status are filed in the offender's packet so that the annual review committee has complete and current information.
  - d. Ensure the completion of State Form 3380, OFFENDER EVALUATION AND PERFORMANCE REPORT.
  - e. Ensure the completion of the State Form 7263, CLASSIFICATION DESIGNATION INSTRUMENT, Sections 1, 2, 3, and 4, by the appropriate classification staff. The hearing committee shall:
    - (1) Receive and review:
      - (a) State Form 3380, OFFENDER EVALUATION AND PERFORMANCE REPORT - ensure that offender has a copy of the completed form.
      - (b) State Form 7263, CLASSIFICATION DESIGNATION INSTRUMENT.
      - (c) ADULT PROGRAM MANAGEMENT.
    - (2) Review offender's packet and other relevant materials.
    - (3) Review offender's Case Management Plan noting completed programs, current program assignments and recommendation for additional program

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participation. This review should be included on State Form 3412, CLASSIFICATION HEARING REPORT.

- (4) Render a recommendation and update the Classification Hearing Report if necessary.
  - (5) Notify the offender of the recommendation.
2. The Unit Manager or Classification Committee Chairperson shall forward all relevant documents to the Supervisor of Classification.
3. The Supervisor of Classification shall:
  - a. Complete State Form 7263, CLASSIFICATION DESIGNATION INSTRUMENT, and cause the offender to receive a copy of the completed State Form 7263, CLASSIFICATION DESIGNATION INSTRUMENT.
  - b. Process intra-facility reclassification request:
    - (1) Reviews recommendation.
    - (2) Render decision.
    - (3) Implement decision.
    - (4) Notify staff and offender of decision.
  - c. Make inter-facility transfer recommendation. Follow procedures established in Procedure X for inter-facility transfer requests.
  - d. Monitor unit team committee's annual classification review activities.
  - e. Ensure that the date for the offender's annual classification review is reset.
4. Superintendent shall:
  - a. Monitor annual classification activities.
  - b. Render decision on appeals for:

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- (1) Technicalities of the State Form 7263, CLASSIFICATION DESIGNATION INSTRUMENT.
    - (2) Intra-classification assignments.
  - c. Follow procedure in Section X for inter-facility transfer requests.
- 5. Central Office Classification Analyst shall:
  - a. Process Transfer Report, if appropriate. Follow established procedure in Section X for inter-facility transfer requests.
  - b. Cause documents relating to the offender to be scanned and indexed into IRIS.
- 6. Executive Director of Classification shall:
  - a. Render decision on appeals for:
    - (1) Management override on the State Form 7263, CLASSIFICATION DESIGNATION INSTRUMENT.
    - (2) Inter-facility transfers.
  - b. Cause documents relating to the offender to be scanned and indexed into IRIS.

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X. INTER-FACILITY TRANSFERS:

A. Transfer:

1. Facility staff may request transfer of an offender to another facility or program.
2. Central Office staff may request transfer of an offender to another facility or program.
3. An offender may request transfer to another facility or program.
4. Department staff may process an offender voluntarily or involuntarily, on a routine or emergency basis, consistent with this policy and administrative procedure.

B. Transfer Considerations:

1. The following may be the basis for consideration of an offender transfer:
  - a. Administrative reasons.
  - b. Age.
  - c. Best interests of the community, the Department, or the offender.
  - d. The results of an offender's classification as indicated on State Form 7263, CLASSIFICATION DESIGNATION INSTRUMENT.
  - e. Continual, serious, maladaptive behavior.
  - f. Court recommendation.
  - g. Dental/medical treatment.
  - h. Disciplinary reasons.
  - i. Appropriate classification.
  - j. Psychiatric or psychological treatment.
  - k. Offender cannot or will not benefit from existing programs.
  - l. Offender is an escape or security risk.
  - m. To allow the offender to be closer to home and family and/or increase visits for the offender.
  - n. To allow the offender to take advantage of educational, work, or other program opportunities in another facility.

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- o. To leave protective custody and enter general population.
  - p. To protect the offender, other offenders, or staff persons.
  - q. Work Release Category assignment.
2. The major principle underlying a transfer request shall be to house the offender in the least secure facility for which the offender properly qualifies. Staff is to process for transfer any offender who has criteria changes that no longer prohibits the offender from being transferred as soon as reasonably possible.
- C. Administrative Responsibilities and Actions:
- 1. Transfer Request Initiation.
    - a. Offender Initiated:
 

Offender submits request in writing to Unit Team. Offender may not submit a transfer request sooner than one (1) year from the date of a prior decision or date of a transfer, whichever is the latest, unless a criteria, score or time restriction factor prompting the denial has changed.
    - b. Facility Initiated:
 

Facility submits State Form 44355, REPORT OF INTER-FACILITY TRANSFER; or,
    - c. Administration Initiated:
 

Central Office notifies facility to initiate State Form 44355, REPORT OF INTER-FACILITY TRANSFER.
  - 2. After eligibility is determined, and prior to transfer, a classification transfer hearing will be conducted. Completion of State Form 3412, CLASSIFICATION HEARING REPORT, along with a new CLASSIFICATION DESIGNATION INSTRUMENT, is required.
  - 3. Supervisor of Classification or Designee Action:
 

Supervisor of Classification causes Section 1-12 of the State Form 44355, REPORT OF INTER-FACILITY TRANSFER, to be

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completed, and forwards all material to the Superintendent.

4. Superintendent Action:

The Superintendent completes Section (13) of State Form 44355, REPORT OF INTER-FACILITY TRANSFER. The State Form 44355 is returned to the Supervisor of Classification, who forwards it to the appropriate Central Office Classification Analyst.

5. Central Office Classification Analyst Action:

- a. Renders a final decision by completing Section 14 of State Form 44355, REPORT OF INTER-FACILITY TRANSFER, and completes the approval of the CLASSIFICATION DESIGNATION INSTRUMENT;
- b. Notifies the sending facility of the decision, in writing, via a copy of the completed State Form;
- c. Causes State Form 1736, TRANSFER AUTHORITY, to be issued (if approved);
- d. Causes a copy of the State Form 44355 to be forwarded to the Central Office Records Section for appropriate scanning and indexing.

6. Executive Director of Classification Action:

- a. Renders final decision on Classification Appeals relating to State Form 44355, REPORT OF INTER-FACILITY TRANSFER.
- b. Causes a copy of appeal and response to be scanned and indexed into IRIS.

7. Referring Superintendent's Action:

Upon receipt of a completed State Form 1736, TRANSFER AUTHORITY, the Superintendent shall ensure that the offender, the offender's property, all offender facility/medical packets, and any necessary medications as provided by medical staff are transported to

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the receiving facility on the effective date of the TRANSFER AUTHORITY.

- 8. Receiving Superintendent's Action
  - a. Accept offender with a properly completed State Form 1736, TRANSFER AUTHORITY;
  - b. Receives complete offender facility/medical records;
  - c. Receives the offender's property; and,
  - d. Receives any medications transferred with the offender.

D. Emergency Transfers:

- 1. Emergency Inter-facility transfers may be initiated by the Superintendent when the Superintendent determines that an immediate transfer is in the best interests of the Department, the facility, the offender, and/or the community.
- 2. During non-working hours, weekend and holidays, emergency transfers shall be processed as follows:
  - a. The Executive Director of Classification shall be contacted;
  - b. The referring facility **must** send to the appropriate Classification Analyst, a State Form 44355, REPORT OF INTER-FACILITY TRANSFER, along with all other relevant materials on the morning of the first business day after the transfer has taken place; and,
  - c. The Facility and Medical Packet must accompany the offender or, if unavailable to transporting staff, be transported to the receiving facility the next day.
- 3. During regular working hours, emergency transfers shall be processed as follows:
  - a. The Supervisor of Classification of the referring facility is to contact the appropriate Classification Analyst by telephone;
  - b. A State Form 44355, REPORT OF INTER-FACILITY TRANSFER, is to be completed and forwarded to the

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Classification Analyst along with all relevant material.

- c. The Classification Analyst will issue the State Form 1736, TRANSFER AUTHORITY, to the referring and receiving facilities.
  
- E. If an offender is assigned to a specialized unit within a specific parent facility (e.g., WVS, WCU, SNU, NCP, etc.) **and the transfer is an on-grounds, internal transfer on a temporary basis for medical/psychiatric reasons only**, the offender may be moved temporarily without requiring a Transfer Authority as ordered by the appropriate Health Care and/or Mental Health professional. The offender’s bed will be “held” for the offender while the offender is in the temporary assignment (e.g. infirmary). This waiver of the Transfer Authority does not apply to Level 1 facilities. If the transfer requires a move outside the parent facility, this waiver of the Transfer Authority does not apply. The Executive Director of Classification and the appropriate Classification Analyst shall be notified via e-mail for transfers. This notification shall only apply for WVS, WCU, SNU, NCP, the mental health unit at Pendleton Correctional Facility, and the Department-wide Administrative Restrictive Status Housing Unit (DWARSH).
  
- F. Certain offenders with Mental Health Code “C” may be transferred to a Level 1 facility, the Branchville Correctional Facility, or the Madison Correctional Facility (APPENDIX XV-D1 lists the Level 1 facilities that can house offender with a Mental Health Code “C”). Offenders must meet all the criteria for assignment to the recommended facility. Prior to submitting a request to transfer these offenders, the Supervisor of Classification shall ensure the facility Mental Health staff is contacted and a MENTAL HEALTH STATUS form is completed. The Mental Health staff shall indicate in the “comments” section whether the offender is suitable for placement at these facilities. If there is a question regarding the offender’s suitability for this assignment, the designated Mental Health staff shall contact the Executive Director of Mental Health and Special Populations or the contracted medical provider’s Regional Director for Behavioral Services. Once the final recommendation has been made, the Supervisor of Classification shall ensure a note is included in the Classification Designation Instrument indicating the recommendation of Mental Health staff.

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XI. WORK/STUDY/ RELEASE CLASSIFICATION:

A. Work/Study Release Program:

1. The Department has established a Work/Study Release Program at Community Re-Entry/Work Release Centers for the purpose of placing eligible offenders in supervised and structured community settings. Placement in these centers allows offenders to work or attend a post-secondary academic or vocational training program.
2. The Department shall provide for:
  - a. The conditional approval of each committed offender during the intake processing to a Work/Study category.
  - b. Written notification to the offender of the category to which he/she has been assigned or reassigned.
  - c. Maintenance of records to ensure timeliness in processing an offender to Work/Study Release;
  - d. Transfer of the offender to a Community Re-Entry/Work Release Center in accordance with the time constraints associated with the category to which the offender is conditionally assigned.
  - e. Reclassification of an offender to a different category initiated by either the Department or the offender.
  - f. An annual review of the Offender's Work Release conditional approved category.
  - g. Procedures to transfer an offender to and from a minimum security assignment; i.e., Work/Study Release.
3. A facility shall process the offender for Work/Study Release consistent with this policy and administrative procedure.

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B. Processing Offenders for Work/Study Release:

1. Superintendent Action:

- a. Designate a staff person to perform the duties associated with processing Work/Study/Release applications.
- b. Cause the offender to be informed of his/her initial assignment, and each subsequent assignment to a Work Release Category.
- c. Cause the following to be completed and submitted to the Central Office Classification Division:
  - (1) REPORT OF INTER-FACILITY TRANSFER;
  - (2) WORK\STUDY RELEASE OFFENDER PROFILE;
  - (3) STUDY RELEASE APPLICATION (if applicable); and,
  - (4) All other relevant material (i.e. psychological updates; information concerning warrant/detainers etc.).
- d. Cause the offender to be notified in writing of the final decision.

2. Central Office Classification Division Action:

- a. Receive and review all relevant material.
- b. Render a final decision.
- c. Notify the referring facility in writing of the decision.
- d. If approved, issue TRANSFER AUTHORITY.

C. Work/Study/RCA placement is wholly discretionary, notwithstanding any offender's compliance or non-compliance with any eligibility requirements set forth in the procedures.

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**XII. MENTAL HEALTH TRANSFERS:**

**A. Provision of Mental Health Treatment:**

The Department Director of Health Care Services shall ensure the care and treatment of every committed offender who is determined by a qualified doctoral-level mental health professional, employed or retained by the Department, to be mentally ill as outlined in the Health Care Services Directives of Policy and Administrative Procedure 01-02-101, “The Development and Delivery of Health Care Services.” This section provides the procedure for the transfer of offenders to the Department of Mental Health and Addiction Services or to a program within the Department of Correction that will meet the mental health needs of the offender. Transfer to a mental health facility does not extend an offender's term of imprisonment or commitment.

**B. Conditions for Involuntary Transfer to the Department of Mental Health and Addiction Services:**

Department initiated (involuntary) transfer to a mental health facility in accord with IC 11-10-4-3--a committed offender may be involuntarily transferred to the Department of Mental Health and Addiction Services or a Mental Health Facility if:

1. The offender has been examined by a psychiatrist employed or retained by the Department and the psychiatrist reports to the Department in writing that, in the psychiatrist's opinion, the offender is mentally ill and is in need of care and treatment by the Division of Mental Health and Addiction Services or in a Mental Health Facility;
2. The Director of the Division of Mental Health and Addiction Services must approve the transfer if the offender is to be transferred to the Division of Mental Health and Addiction Services; and,
3. The Department shall afford the offender a hearing to determine the need for the transfer, which hearing must comply with the following procedures.
  - a. An offender who is believed to be in need of care and treatment in a Mental Health Facility shall be referred to a psychiatrist for examination;

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b. The psychiatrist, after examining the offender, shall submit a report of his/her examination to the Superintendent. The report shall include:

- 1) Name of facility to which the offender is assigned;
- 2) Date of report;
- 3) Offender's name and identification number;
- 4) History of offender;
- 5) Conditions, impressions, and symptoms;
- 6) Diagnosis;
- 7) Recommendation(s) with respect to transfer; and,
- 8) Signature.

c. If transfer to a Mental Health Facility is recommended, the following shall occur.

- 1) Accord the offender the opportunity to demand a hearing or waive the right to a hearing by completion of State Form 45040, NOTICE OF MENTAL HEALTH TRANSFER AND RIGHT TO A HEARING, (see Appendix XII-A for sample form and completion instructions);
- 2) If the offender signs the waiver of hearing, process the request to transfer as hereinafter specified;
- 3) If the offender demands a hearing:
  - (a) The Superintendent shall assign the case to an impartial hearing officer by initiating State Form 5572, TRANSFER HEARING: NOTICE TO A HEARING OFFICER, (see Appendix XII-D for sample form and completion instructions). Hearing officers shall be selected

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from a group of previously designated staff who are considered competent and trained to perform such hearings; this group shall include only Classification, Unit Team, Behavioral Clinicians or other treatment personnel. Adult Health Care Services 4.03, "Adult Mental Health Services," provides guidelines for mental health transfers.

- (b) The offender shall be accorded the following additional minimum standards:
  - (1) At least ten (10) calendar days advance written and verbal notice of the hearing.
  - (2) The hearing must be held no sooner than ten (10) days after the psychiatrist's recommendation for transfer to a Mental Health Facility.
  - (3) Notice of time of hearing.
  - (4) Notice of place of hearing.
  - (5) Notice of reason for contemplated transfer.
  - (6) Offender is entitled to:
    - [a] Appear in person.
    - [b] Speak in his/her own behalf.
    - [c] Call witnesses.
    - [d] Present documentary evidence.
    - [e] Confront and cross-examine witnesses. Offender must request this right prior to the hearing; they may

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request all Department staff who have prepared documentation be present for cross-examination. If previously requested, failure of the preparer to appear without good cause shall exclude the document from evidence.

- (7) Offender is entitled to be represented by legal counsel, at his own expense, or other competent representative.
- (8) Offender is entitled to a copy of the psychiatrist's report at the time when presented the notice of the hearing.
- (c) Notice of the date of hearing shall be given to one of the following concerning the offender and shall be mailed on the same date the offender is notified of a pending hearing:
  - (1) Spouse;
  - (2) Parent;
  - (3) Attorney of Record;
  - (4) Guardian;
  - (5) Custodian; or,
  - (6) Relative.
- (d) A finding that the offender is in need of mental health care and treatment in a mental health facility must be based upon clear and convincing evidence.

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- (e) Offender shall be given a written statement on State Form 5556, TRANSFER HEARING REPORT, within three (3) working days of the conclusion of the hearing (see Appendix XII-C) to include recommendations to transfer or not to transfer based on:
  - (1) Findings of fact;
  - (2) Evidence relied upon; and,
  - (3) Reasons for recommendations.
- (f) Hearing officer shall submit all documents to the Superintendent.
- (g) The Superintendent shall insure that all documentation is forwarded to the IDOC Director of Health Care Services/Designee for review. The Report shall then be forwarded to the Director of Mental Health and Addiction Services, who shall make the final determination for placement within the Division of Mental Health and Addiction Services.
- (h) If approved, the sending facility shall forward the approval to the Central Office Classification Division for transfer.

C. Voluntary Transfers to the Division of Mental Health and Addiction Services:

Offender initiated (voluntary) transfer to a Mental Health Facility in accord with IC 11-10-4-4.

1. A committed offender who believes him/herself to be mentally ill

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or in need of care and treatment in a mental health facility shall submit a written request for such a transfer to the Superintendent.

2. The offender shall be referred to an appropriate mental health professional, (psychiatrist, psychologist, psychiatric social worker or behavioral clinician) for evaluation and screening. Should, as a result of that evaluation/screening, consideration of placement in an in-patient psychiatric unit be clinically indicated, a psychiatric examination shall be conducted.
  3. The psychiatrist, after examining the offender, shall submit a report of his/her examination to the Superintendent. The report shall include:
    - a. Name of facility to which the offender is assigned;
    - b. Date of report;
    - c. Offender's name and identification number;
    - d. History of offender;
    - e. Conditions, impressions, and symptoms;
    - f. Diagnosis;
    - g. Recommendation(s); and,
    - h. Signature.
  4. All documents relating to the offender's request shall be forwarded to the Superintendent.
  5. The Superintendent shall insure that all documentation is forwarded to the Department's Director of Health Care Services/designee for review. The Report shall be forwarded to the Director of the Division of Mental Health and Addiction Services, who shall make the final determination for placement within the Division of Mental Health and Addiction Services.
  6. If approved, the sending facility shall forward the approval to the Central Office Classification Division for transfer.
- D. Placement of Offenders with Mental Health Needs within the Department of Correction:

The following outlines the procedure for the transfer of offenders within the Department who are in need of mental health services but do not

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require the services of the Division of Mental Health and Addiction Services.

1. An offender who is believed to be in need of mental health care and treatment shall be referred to a psychiatrist/psychologist for examination.
  2. The psychiatrist/psychologist, after examining the offender, shall submit a report of the examination to the Department's Director of Health Care Services/designee. The report shall include:
    - a. Name of facility to which the offender is assigned;
    - b. Date of report;
    - c. Offender's name and identification number;
    - d. History of offender;
    - e. Conditions, impressions, and symptoms;
    - f. Diagnosis;
    - g. Recommendation(s); and,
    - h. Signature.
  3. The Department's Director of Health Care Services/designee shall:
    - a. Receive the request and determine if the offender is appropriate for transfer. If so, the Director shall determine to which mental health program within the Department to assign the offender.
    - b. Notify the requesting facility and Executive Director of Classification of the decision.
- E. Superintendent Action:
1. Receive all documents concerning an offender's transfer to a Mental Health Facility.
  2. Cause the documents to be reviewed.
  3. If the recommendations include transfer to a Department of Correction Mental Health Program:
    - a. If approved, the sending facility shall submit the request for transfer to the mental health program to the Executive

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Director of Classification including:

- (1) Written approval from the Department's Director of Health Care Services/Designee.
- (2) State Form 5556, TRANSFER HEARING REPORT (see Appendix XII-C, if completed).
- (3). Other pertinent information.

b. If denied, insure that the offender is notified of the decision.

F. Executive Director of Classification Action:

1. Receive requests for mental health transfers from the Superintendent.
2. Facilitate move to Division of Mental Health and Addiction Services by:
  - a. Submitting three (3) sets of documents together with a completed State Form 6588, TRANSFER REQUEST TO THE DEPARTMENT OF MENTAL HEALTH, (see Appendix XII-E) to the Commissioner for review and signature and submission of two (2) sets to the Director of the Division of Mental Health and Addiction for consideration of transfer to Division of Mental Health and Addiction. File one (1) set in Central Office packet.
  - b. Receive decision from Commissioner.
  - c. Forward decision to Superintendent.
3. Facilitate move to Department of Correction Mental Health Program by:
  - a. Insuring review of request by the Central Office Classification Analyst.
  - b. Insuring issuance of Transfer Authority to move offender to the program approved by the Department's Director of Health Care Services/designee.
4. Cause all Central Office documents related to the case to be filed

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in the offender's Central Office packet.

G. Psychiatric Review Procedure:

Each offender involuntarily confined in the Division of Mental Health and Addiction Services shall be entitled to:

1. Written notice at the time of admission of his/her right to a review of his/her confinement in a mental health unit every six (6) months from the date of admission to the unit to determine if the offender continues to meet the standard of mental illness.
2. A review to be conducted six (6) months from the date of transfer to the psychiatric unit by the psychiatric staff (i.e. psychiatric social worker, clinical psychologist, rehabilitation therapist, nurse, or psychiatrist) of the unit where the offender is confined.
3. A written copy of the report prepared by the psychiatric staff which shall contain:
  - a. Offender's psychiatric history.
  - b. A summary of the offender's progress and behavior during the previous six (6) months.
  - c. A clinical diagnosis.
4. If the recommendation is to continue treatment, the offender shall be entitled to, if he/she does not wish to continue treatment, the procedures, as outlined in section D of this procedure.
5. If the Division of Mental Health and Addiction Services determines that the offender no longer needs care and treatment in the Division of Mental Health and Addiction Services, they shall return the offender to the custody of the Department of Correction.
  - a. The Department's Director of Health Care Services/designee shall review the discharge summary and assign the offender to the appropriate facility/program that meets the mental health needs of the offender.
  - b. The Executive Director of Classification shall insure that the offender is transferred to the facility/program assigned by the

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Department's Director of Health Care Services.

H. Release from Division of Mental Health and Addiction Services or a Department of Correction Mental Health Program:

1. All offenders approved for discharge from the Division of Mental Health and Addiction Services shall be returned to a Department of Correction facility, if they still have time remaining on their sentences. Offenders discharged from a Department of Correction mental health program shall be moved to a living area off the unit as soon as an appropriate assignment is identified and approved by the Director of Mental Health Services and the Executive Director of Classification, can be determined.
2. The Department's Director of Health Care Services/designee shall ensure that the discharge from a Departmental Mental Health Program or from the Division of Mental Health and Addiction Services within the Department that meets the current mental health needs of the offender.
3. The Superintendent and Executive Director of Classification shall ensure that these moves are made in accordance with the mental health needs of the offender and classification procedures.

I. Placement of Offenders in Department-wide Disciplinary and Administrative Restrictive Status Housing Units:

1. Facility staff requesting the placement of offenders in the Department-wide administrative and disciplinary restrictive status housing units must include a completed State Form 53491, "Request for Mental Status Report for Offender Recommended for Placement in a Restrictive Status Housing Unit," by a qualified mental health professional indicating the offender's mental state and risk to decompensate if placed in a Secured Confinement Unit.
2. Offenders who are not approved for Department-wide restrictive status housing according to the mental health review shall not be placed in a Department-wide restrictive status housing unit.
3. Offenders whose mental review does not contraindicate transfer to the Department-wide restrictive status housing units shall be

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reviewed by medical staff within 24 hours of admission to the unit.  
This review shall include a mental health screening.

4. Offenders shall have continued reviews in accordance with applicable Health Care Services Directives, Policy and Administrative Procedure 02-01-111, “The Use and Operation of Adult Offender Administrative Restrictive Status Housing Unit,” and Policy and Administrative Procedure 02-01-111, “The Use and Operation of Administrative Restrictive Status Housing.”

**J. Placement of Offenders in Facility Restrictive Status Housing Units:**

1. Offenders placed in disciplinary or administrative restrictive status housing units within a facility shall be seen by medical personnel within 24 hours of their admission to the unit. This shall include a mental health screening.
2. Offenders whose mental health needs, as determined by a qualified mental health professional, can be met in the restrictive status housing unit, may remain in that unit upon review of the facility Treatment Team for consideration and determination of alternate placement.
3. Offenders whose mental health needs, as determined by a qualified mental health professional, cannot be met in the restrictive status housing units, shall be referred to the facility Treatment Team for transfer to the mental health facility, unit, or program recommended and approved by the Department’s Director of Health Care Services/designee and the Executive Director of Classification/designee.
4. Offenders shall have continued reviews in accordance with applicable Health Care Services Directives, Policy and Administrative Procedure 02-01-111, “The Use and Operation of Adult Offender Administrative Restrictive Status Housing Unit,” and Policy 02-01-111, “The Use and Operation of Administrative Restrictive Status Housing.”

**K. Civil Commitment**

1. Upon determination that mental health treatment is needed upon

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release from the Department, a civil commitment to the Division of Mental Health and Addiction Services may be requested. A civil commitment shall only be attempted pending the offender's release.

2. The facility shall make a determination of the need for the offender's continued treatment after the completion of his/her term of commitment. The determination shall be made at a minimum of 45 days prior to the offender's projected release from confinement unless emergency circumstances prevail.
  
3. If the determination is that the offender needs continued care and treatment, the Superintendent shall:
  - a. Petition the court for Civil Commitment in accordance with IC 16-14-9.1 and IC 12-26-7-3(b) and notify the Division of Legal Services for representation at the commitment hearing.
  - b. Copies of the petition shall be sent to the Division of Mental Health and Addiction Services along with a request for Division of Mental Health and Addiction Services to indicate the appropriate mental health hospital for the offender's placement.
  - c. The Facility Release Staff and Parole Division shall be notified of the pending civil court hearing.
  - d. The Division of Mental Health and Addiction Services accepting facility shall be provided with all pertinent treatment documents including medical records, recent psychiatric diagnosis, etc.
  - e. If the Civil Proceedings result in commitment, the commitment documents are forwarded to the appropriate Division of Mental Health and Addiction Services Hospital.
  
1. The Parole Section will investigate and complete an appropriate alternate placement in case the civil commitment is denied.

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**XIII. CONSIDERATIONS FOR OFFENDER CELL ASSIGNMENTS**

The following considerations and procedures are to be applied whenever an offender is provided a housing assignment that will consist of the offender being double-celled with another offender, whether the move is an intra- or inter-facility assignment.

- A. When an offender is being prepared for transfer to another facility, designated staff at the sending facility shall ensure that all information pertaining to that offender, including confidential information (such as Mental Health, Medical, STG and Internal Affairs) which may be useful in the classification and assignment of the offender at the receiving facility is sent with the offender’s facility packet.

The sending facility designated staff shall send an e-mail to the Superintendent of the receiving facility if there are any special circumstances that need to be considered during the classification and assignment of the offender. These special circumstances may include, but are not limited to:

- Monitoring status
- Designation as a Likely PREA Aggressor or Likely Victim in which there is a confirmed situation or an assault
- High-ranking STG affiliation, or other known issues
- Assault History
- Recent Escape History
- High Profile cases
- Conduct Issues
- Mental Health/Medical Flags
- Internal Affairs investigations or information that may be needed
- Youthful Offender status

- B. Upon receipt of an e-mail from a sending facility, the Supervisor of Classification shall ensure that any available information provided regarding the offender is forwarded to staff responsible for the intake of the offender and to the Supervisor of Classification or designee. Staff shall review the information provided and review the offender’s offender information system records, IRIS, and any other available pertinent information and advise intake staff of the pending arrival of the offender.

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- C. Upon the arrival of an offender following a transfer from another facility, staff shall thoroughly review the offender’s packet, offender information system, IRIS, and any other pertinent information (e.g., Medical, Mental Health, STG, Investigations and Intelligence, etc.) to determine whether there is any information that might require special consideration in the assignment of the offender to a particular housing unit, or a double-cell assignment.

In reviewing the offender’s packet and offender information system screens, IRIS records, and any other pertinent information, staff shall pay particular attention to the following areas:

1. **Monitoring Status:** Staff shall ensure that offenders who have separatees listed in their records are not placed in the same cell or housing unit as those offenders who are to be separated from them.
2. **PREA Flags:** Determine whether offender has been identified as a likely victim or aggressors. Offenders who have been identified as likely aggressors shall not be placed in the same cell as offenders identified as likely victims.
3. **Security Threat Group (STG) Affiliation:** Offenders who have been identified as STG members shall not be housed in the same cell as an offender with crimes against children or another STG member. Staff shall consult with the facility’s STG Coordinator to determine whether the offender is an STG offender.
4. **Offense – current and prior:** Staff shall determine whether the offender’s current or prior criminal offenses might present a danger if the offender is housed with another offender, such as housing a STG offender with an offender with crimes against children.
5. **Zachary and other Flags:** Offenders with a Zachary or other flag shall not be housed with another offender who has a history of animosity to offenders with those flags or who has been identified as a likely predator or STG member that may impact their ability to reside in the same cell.
6. **Offender’s Physical Characteristics:** Staff shall review the offender’s physical characteristics, including height, weight, age,

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etc. Staff shall attempt to assign offenders with similar physical characteristics together so that there are not increased potentials for one offender to take advantage of another offender due to these characteristics. Offenders with significant differences in their physical characteristics should not be housed together whenever possible.

7. **Race:** Offenders who have been identified as STG members shall not be assigned to the same cell assignment as a member of a different race. For example, Black offenders should not be housed with White STG members or White offenders with Black STG members. Initially, offenders with similar racial backgrounds together should be assigned together whenever possible. However, offenders may be considered for non-segregated housing by the Unit Management Team if requested by the offenders and/or it is determined to be in the best interests of the facility. (NOTE: This consideration does not mean that offenders of different races shall not be assigned to the same cells, only that staff shall review the assignment before it is made to ensure that there will not be unnecessary conflict between the offenders.)
8. **Youthful Offender:** Staff shall review the offender's court documents and demographic data to determine whether the offender is a youthful offender with an Alternative Sentence.
9. **Assault/Conduct History:** Staff shall review the offender's disciplinary history to determine whether the offender has a history of assault or other violations against a person that might be an indicator of potential problems.
10. **Escape History:** Staff shall review the offender's criminal history and disciplinary history to determine whether the offender has a history of escape or attempted escape and shall not assign offenders with escape histories together.
11. **Mental Health/Medical/Disability Flags:** Staff shall review the offender's OIS Flag Screen to determine whether there are any Mental Health, Medical, or Disability Flags which might impact an offender's ability to be assigned to a cell with another offender.
12. **Earliest Possible Release Date (EPRD):** Staff shall review the

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offender's EPRD for consideration in housing assignment. When possible, offenders being assigned to two (2) person cells shall have EPRDs that are somewhat similar. (For example, offenders who have less than five (5) years until their EPRD may be given priority when assignments to double cells are made. Offenders who have five (5) years to 15 years to serve may be given priority consideration and offenders who have more than 15 years until their EPRD may be given priority consideration.) Facilities shall attempt to follow these examples; however, housing assignments shall not be delayed or assignments not made simply because of a difference in EPRDs. The operational needs of the facility shall take precedence in the use of the EPRD for housing assignments.

**NOTE:** In addition to reviewing the above considerations in IRIS and the offender information system or JDS, staff shall ensure that the offender's facility packet is reviewed to ensure that no possible conflicts or considerations are overlooked when assigning the offender to housing. Staff shall pay particular attention to any of the above considerations in which there is an offender information system or JDS flag, or if other noteworthy issues are found.

- D. When making Work/Program assignments staff shall review the above considerations since in some cases offenders assigned to certain work or program assignments may be required to be housed in the same housing unit. Staff shall pay particular attention to any Monitoring status.
- E. When considering assigning offenders in the same cell, staff shall complete an OFFENDER COMPARISON SHEET FOR DOUBLE CELLING. Staff shall complete this form and attempt to determine the compatibility of the offenders and whether there are any considerations which may result in a conflict between the offenders. If disparities or other considerations seem to indicate a potential conflict, staff shall not assign the offenders to the same cell. Upon completion of this form, the Unit Management Team shall either approve or deny the proposed assignment. The completed form with the Unit Management Team's recommendation shall be forwarded to the Facility Head or designee for final review and approval.

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XIV. MONITORING AND AUDITING:

A. Purpose

The purpose of Classification Monitoring and Auditing is to provide a process for regular and consistent review of a facility's adherence to this policy and administrative procedure and the individual facility's operational procedures.

Classification Monitoring/Auditing process provides for:

1. Collection of adequate and accurate information to review management of classification system.
2. Evaluation of collected information.
3. Short and long-term planning and justification for resources allocated to classification.
4. Mechanism to advise of inequities and deficiencies in classification in order that revision may be recommended and implemented.
5. Management tool to evaluate the necessary support services needed for classification system.
6. Mechanism to determine effectiveness of classification system in terms of:
  - a. Consistency
  - b. Department of Correction policy and procedure
  - c. Discretionary abuses
  - d. Legal requirements
  - e. Objectivity
  - f. Staff accountability

B. Procedure

Auditing is the Department's annual evaluation of the operation of each facility. The audit reviews each facility's procedures to ensure compliance with this policy and administrative procedure and reviews daily operations to ensure compliance with the Department's procedures.

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1. The assigned Classification Analyst shall participate as a collateral auditor for the Program Review Division in an annual review of applicable standards in relation to the facility's accreditation status with the American Correctional Association (ACA).
2. The audit shall consist of the following:
  - a. Review of all applicable ACA standards for compliance; and,
  - b. Completion of the Program Review Summary form as provided by the Program Review Division.

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XV. APPLICABILITY AND APPROVAL:

This policy and administrative procedure is applicable to all facilities owned, contracted, controlled, or operated by the Department which house or are responsible for adult offenders.

\_\_\_\_\_  
signature on file  
Bruce Lemmon  
Commissioner

\_\_\_\_\_  
Date