



State of Indiana  
Indiana Department of Correction

Effective Date	Page 1 of	Number
07/15/11	65	01-04-105

**POLICY AND ADMINISTRATIVE PROCEDURES**  
**Manual of Policies and Procedures**

Title  
**ADULT OFFENDER RELEASES**

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 5-2-12-1 <i>et seq.</i>	00-03-201	ACA:
IC 11-8-2-5(a)(8)	01-04-101	
IC 11-8-4-1 <i>et seq.</i>	01-04-104	ACI: 3-4099
IC 11-10-11.5	01-06-101	3-4291
IC 11-10-12-1 <i>et seq.</i>	02-01-101	3-4393
IC 11-13-3-1 <i>et seq.</i>	04-01-104	CO: 2-CO-4G-01
IC 11-13-4-1 <i>et seq.</i>		

I. PURPOSE:

The purpose of this policy is to establish uniform standards for the appropriate release of adult offenders from Department facilities.

II. POLICY STATEMENT:

The Department recognizes the majority of adult offenders committed to its facilities will be released into the community. In order to ensure offenders are released appropriately and they are made aware of and provided with necessary information, the Department shall provide a standardized release program.

The development and implementation of a standardized release program for adult offenders shall provide an effective management tool and improve staff accountability in the release process. Such a program allows for the application of consistent and uniform procedures for the release of adult offenders.

The standardized release program shall provide for all types of releases from the Department, including parole/probation releases, discharges, court ordered releases and other types of releases. It also shall provide for cooperation between the Department and other agencies, as well as other states. This program shall provide for all mandatory notifications, such as victim/witness notices and sex offender registration, as well as voluntary referral programs.

Provisions shall be made to have trained staff at each facility to serve as the coordinator for the releasing of offenders. This staff person shall be responsible for ensuring that all required steps are completed in the release process and for monitoring the overall release process at the facility. In conjunction with the staff

**POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

**Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
01-04-105	07/15/11	I&II 2	I&II 2
Title <b>ADULT OFFENDER RELEASES</b>			

at the facilities, the Director of Classification or designee shall monitor the release process at all facilities to ensure compliance with the Department's release program.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page III-1	Total Pages III-5
Title <b>ADULT OFFENDER RELEASES</b>			

### III. DEFINITIONS:

For the purpose of these administrative procedures, the following definitions are presented:

- A. **ABSTRACT OF JUDGEMENT:** Legal document originating from the court that legally commits the offender to the Department.
- B. **ACTION SHEET:** Top sheet of summary file prepared for Parole and Clemency Board appearances that include sentencing data, criminal history and chronological listing of significant events in an offender's incarceration.
- C. **APPEAL BOND:** A bond, which when granted by the sentencing court, authorizes an offender to be released from custody of a criminal justice agency pending appeal of the conviction.
- D. **CENTRAL OFFICE SENTENCE COMPUTATION AND RELEASE SECTION:** A section within the Classification Division with the primary responsibility for the calculation of offender release dates and review and authorization of all offender releases.
- E. **CLASSIFICATION:** The process used by the Department to divide offenders into subgroups with the goal of placing each offender in an environment that meets their appropriate security level and is consistent with the risk and needs of the offender.
- F. **CLEMENCY:** A collective term for a commutation, pardon, reprieve, and remission of fine and forfeitures that means mercy; it is commonly used to refer to only a commutation because that is the most common form of clemency.
- G. **COURT SUPERVISION:** The supervision of a non-incarcerated offender by a court utilizing probation and/or community corrections programs such as Home Detention, Electronic Monitoring and Work Release.
- H. **COMMUNITY TRANSITION PROGRAM:** A court supervised program that an offender, at the discretion of the sentencing court, may participate in prior to the offender's EPRD.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page III-2	Total Pages III-5
Title <b>ADULT OFFENDER RELEASES</b>			

- I. **DATE OF SENTENCE:** The date that a court imposes a sentence or if the court grants a delay, the date of sentence execution ordered by the court.
- J. **DETAINER:** A document that indicates the intent of a criminal justice agency to assume control of an offender for the purpose of continuing court action.
- K. **DIRECTOR OF CLASSIFICATION:** Position responsible for planning and directing the classification system within the Department.
- L. **DISCHARGE:** The official completion of a sentence.
- M. **DUAL SUPERVISION:** Situation wherein reaching their Earliest Possible Release Date, the offender is released to both Parole and Court supervision.
- N. **EARLIEST POSSIBLE RELEASE DATE:** The date, on which an offender would be entitled to release, taking into consideration:
  - 1. Term of Sentence;
  - 2. Term of any concurrent or consecutive sentence the offender must serve;
  - 3. Credit Time which the offender earned prior to sentencing; and,
  - 4. The maximum amount of credit time the offender would earn if in the current credit class during the period of incarceration.
- O. **EARNED CREDIT TIME:** Number of days earned by an offender during assignment to a specific credit class as well as at completion of designated education and treatment program(s).
- P. **EFFECTIVE DATE OF SENTENCE:** The date as determined by the date of sentence less credit time in days earned while in jail or on court supervision.
- Q. **GATEAGE:** Funds given to an offender upon his release from incarceration for the purpose of assisting him/her in making the transition to society.
- R. **INTER-STATE COMPACT:** An agreement entered into by contracting states for cooperative effort and mutual assistance in placing of offenders and other purposes.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
01-04-105	07/15/11	III-3	III-5
Title <b>ADULT OFFENDER RELEASES</b>			

- S. JAIL TIME CREDIT: Credit Time earned prior to sentencing.
- T. MAXIMUM RELEASE DATE: The release date of an offender at the expiration of the fixed term of incarceration.
- U. OLD CODE: Criminal Code that was in effect prior to October 1, 1977.
- V. PAROLE: The administrative conditional release of an offender from a facility prior to the expiration of the sentence under supervision of the state and the discretionary release by the Indiana Parole Board of eligible old code offenders and new code returned violators who are being released on their new Projected Release Date (PRD).
- W. PAROLE CASELOAD MANAGEMENT: Is used in conjunction with OIS to provide a system that enhances accountability and reduces the hours required to track and manage parolee cases.
- X. PAROLE VIOLATOR: An offender who has violated a condition of parole.
- Y. PROBATION: A criminal sanction imposed by a court that allows the offender to serve the sanction under conditional supervision by the court in the community.
- Z. PROGRESS REPORT: Summary report that is sent to the court and supervising authorities outlining the achievements, conduct, needs, etc of each offender. Also referred to as the Re-Entry Accountability Plan Summary.
- AA. QUALITY ASSURANCE SUPERVISORS: The Quality Assurance Supervisors have direct supervision over the Sentence Computation and Release Specialists and they report directly to the Supervisor of the Sentence Computation and Release Section.
- BB. RE-ENTRY CHECKLIST: Completion of the Re-Entry Checklist should begin at the start of the release process and be completed no later than 24 hours prior to release.
- CC. RE-ENTRY PROGRAM DIRECTOR: The Central Office Division Director responsible for overseeing the development and operation of the Department's Pre-Release Re-Entry programs.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
01-04-105	07/15/11	III-4	III-5
Title <b>ADULT OFFENDER RELEASES</b>			

DD. RE-ENTRY PROGRAM COORDINATOR: The staff person designated by the Facility Head to coordinate the development, operation, supervision and administration of a Pre-Release Re-Entry program at the facility.

EE. RE-ENTRY STAFF: Includes all staff who report to the Assistant Superintendent of Re-Entry.

FF. PRE-RELEASE RE-ENTRY PROGRAM: A multi-faceted program established at designated facilities to provide information to offenders prior to their release from the Department to aid in community reintegration.

GG. RELEASE PACKET: A packet of information prepared by the Classification Coordinator for use by parole and probation staff, consisting of:

1. Initial entry in the Offender Case Management System (OCMS)
2. Psychological or Psychiatric Reports; (parole releases only)
3. Provide the offender written reporting instructions to report to the Chief Probation Officer; (probation releases only)
4. Progress Report, to include a summary of Re-Entry Accountability Plan (RAP)
5. OIS Report #70 (formally State Form 4837, NOTICE OF ARRIVAL);
6. All Abstracts of Judgment or Commitment Orders including those in which all executed time has been suspended;
7. Certificates of Final Discharge issued on concurrent or consecutive sentences during the current commitment period;
8. Pre-Sentence Investigation Report;
9. Picture of the offender;
10. Police report and/or Affidavit of Probable Cause if available; and,
11. Any additional relevant material.

HH. SUPERVISOR OF SENTENCE COMPUTATION/RELEASE SECTION: Responsible for the calculation of offender sentences and release from Department of Correction supervision. Has direct supervision of the Central Office Sentence Computation and Release Section.

II. SENTENCE COMPUTATION AND RELEASE SPECIALISTS: The Specialist is responsible for the calculation of all offender sentences and

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
01-04-105	07/15/11	III-5	III-5
Title <b>ADULT OFFENDER RELEASES</b>			

has final authority for the release of all offenders from Department of Correction custody.

- JJ. SENTENCE MODIFICATION: A change made in an offender's sentence by the sentencing court.
- KK. SOMM: Sex Offender Management and Monitoring Program.
- LL. TERM OF SENTENCE: The sentence imposed by the court.
- MM. UNIT MANAGEMENT TEAM: a group of Re-Entry staff persons designated by the Facility Head responsible for overseeing an offenders' Re-Entry process.
- NN. UNTRIED INDICTMENT: A written statement charging a person with a crime issued by a Grand Jury.
- OO. WAIVING OF EXTRADITION: Voluntary giving up of the right of challenging the legal surrender of an alleged criminal to the jurisdiction of another state for trial.
- PP. WARRANT: A judicial writ authorizing an arrest.
- QQ. WORK DAY: Monday through Friday, excluding weekends, holidays and emergency days declared in writing by the Facility Head.
- RR. VICTIM/WITNESS NOTIFICATION PROGRAM: Program by which the victims and witnesses of an offender's crimes are informed of changes in the offender's location, security level and release date as well as scheduled appearances before the Parole and Clemency Board.
- SS. ZACHARY'S LAW: Stipulations placed on released offenders convicted of sex and violent crimes as specified by Indiana statute.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page IV-1	Total Pages IV-8
Title <b>ADULT OFFENDER RELEASES</b>			

#### **IV. RELEASE: FUNCTIONS AND PROCESSES:**

##### **A. Purpose:**

To provide an administrative process whereby committed offenders are appropriately released from the Department.

##### **B. Departmental Release: Basic Objectives, Principles and Responsibilities:**

1. The objectives of the Adult Offender Release System are:
  - a. To release committed offenders appropriately from the Department; and,
  - b. To provide the Department with an effective management tool for the release of offenders.
2. The basic principles of the Release System are:
  - a. The application of consistent and uniform release procedures throughout the Department; and,
  - b. The improvement of staff accountability in the release process.
3. The responsibility of the Classification Section is to release committed offenders appropriately.

##### **C. Staff Responsibilities:**

1. The Commissioner has designated the Director of Classification as the Commissioner's designee in matters of departmental release. The Director of Classification has been assigned the following duties:
  - a. Coordinate the departmental release system;
  - b. Interface with the Judicial System as it relates to interpretations and applications of release services;
  - c. Develop, implement, operate, monitor, evaluate and revise the Department's release system as it relates to the mission of the Department and the various facilities;

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page IV-2	Total Pages IV-8
Title <b>ADULT OFFENDER RELEASES</b>			

- d. Act as the Commissioner's designee in the release of offenders from the Department;
  - e. Respond to inquiries concerning offender release services; and,
  - f. Provide budgetary input regarding release services.
2. Under the direction of the Director of Classification, the Supervisor of the Central Office Sentence Computation and Release Section is the staff position responsible for the release of all offenders. The responsibilities include:
- a. Supervising the Quality Assurance Supervisors and Release Specialists who are responsible for the release of offenders; and,
  - b. Ensuring the release of each offender is in accordance with statute and Department policy and administrative procedures.
3. The Facility Heads are responsible for the operation of their respective facilities, including the facility Release Unit and release of assigned offenders. The Facility Head's responsibilities include:
- a. Supervision of a Supervisor of Classification, where this position has been authorized, through the Assistant Superintendent of Re-Entry and Programs.
  - b. Designation of one (1) or more staff to perform the duties of a Supervisor of Classification, where this position has not been authorized;
  - c. Provision of an ongoing, in-house release training program to ensure that all staff involved in offender release are cognizant of the overall procedures and their individual roles and responsibilities in offender release processing;
  - d. Designation of staff in the facility to be responsible for the completion of the RELEASE CHECKLIST (APPENDIX X) and forwarding it to the facility's Supervisor of Classification or designated staff person.
  - e. Provision of timely dissemination of changes in release processing to all pertinent staff; and,

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page IV-3	Total Pages IV-8
Title <b>ADULT OFFENDER RELEASES</b>			

- f. Ensure that the RELEASE CHECKLIST is reviewed and that it has been completed properly and forwarded to the Supervisor of Classification or designee.
  - g. Designation of a primary and secondary contact staff person for the Central Office Sentence Computation and Release Section.
4. The Supervisor of Classification or designated staff person has the following responsibilities:
- a. Supervise offender release activities;
  - b. Develop and administer all facility level internal procedures related to release process;
  - c. Supervise the facility Offender Release Unit;
  - d. Supervise the management of the facility offender records;
  - e. Provide release staff training as needed;
  - f. Maintain an on-going review of the Offender Information System (OIS) Release Data,
  - g. Ensure the quality of all reports and documents generated by the facility and sent to courts, parole, probation, etc.
  - h. Coordinate with Unit Team and Re-Entry Staff to resolve any problems relating to the offender's projected release and in preparing the release of each offender; and,
  - i. Review the RELEASE CHECKLIST for completeness and:
    - (1) Verify that all issues relating to the offender's release have been addressed or resolved;
    - (2) If necessary, within two (2) weeks prior to the offender's release, contact any applicable courts regarding any outstanding warrants/detainers to determine whether they are to be enforced and ensure that any warrants/detainers have been entered in OIS.
    - (3) When the RELEASE CHECKLIST has been reviewed and any discrepancies resolved, sign the RELEASE CHECKLIST;
    - (4) Forward the completed and signed RELEASE CHECKLIST to the appropriate Release Specialist in the Sentence Computation and Release Unit in Central Office up to five (5) days prior to the

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page IV-4	Total Pages IV-8
Title <b>ADULT OFFENDER RELEASES</b>			

- offender's day of release either by fax or by scanning and e-mailing;
- (5) Receive the RELEASE AUTHORIZATION (APPENDIX Y) from the Release Specialist via fax or e-mail and note any comments or concerns;
  - (6) Forward the RELEASE CHECKLIST and RELEASE AUTHORIZATION to the facility's Master Locations Office to prepare for the offender's release.
- j. Perform other duties as assigned.
  - k. Ensure that all Interstate Compact applications for out of state placements are processed at facility level and confirmed through the Interstate Compact Administrator.
  - l. Ensure that all Interstate Compact Detainer applications are processed at the facility level.
  - m. Coordinate all Parole/Clemency Board Appearances.
5. The duties of the Re-Entry Program Coordinator are outlined in the Re-Entry Release Procedure. In addition to providing the appropriate pre-release program to each offender, the Re-Entry Coordinator is also responsible to:
- a. Assist offenders with special needs and aiding in the provision of services needed after the offender's release by coordinating with the appropriate community resources. This shall include but not be limited to, special requests by the offenders which are deemed applicable to the individuals' successful reintegration to the community. i.e., parole, probation, community corrections, community services, education, substance abuse, employment, etc.
  - b. Coordinate with Classification and Unit Team Staff in preparing the release of each offender.
6. The responsibilities of the Unit Manager are outlined in the Re-Entry Procedure. For the purpose of these release procedures they include:
- a. Supervise staff assigned to the unit and coordinate service delivery;

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page IV-5	Total Pages IV-8
Title <b>ADULT OFFENDER RELEASES</b>			

- b. Coordinate with Classification and Re-Entry Staff in preparing the release of each offender.
  - c. Review all reports and documents generated by Unit Team Staff and provide quality control of those documents.
  - d. Coordinate with the Classification and Re-Entry staff in preparing the release of each offender.
  - e. Assist the designated staff person, as needed, to ensure that any areas of concern regarding the offender's release, as indicated on the RELEASE CHECKLIST are addressed.
  - f. Ensure that all transfers to the Community Transition Program are processed appropriately.
  
7. The responsibilities of the Case Manager are to:
  - a. Counsel offenders assigned to the unit;
  - b. Participate in unit programs as directed by the Unit Manager;
  - c. Coordinate with Classification and Re-Entry Staff in preparing the release of each offender;
  - d. Prepare Progress Reports as required;
  - e. Develop and monitor each assigned offender's Re-Entry Accountability Plan (RAP);
  - f. Recommend assignment of offenders to programs and work assignments in accordance with the offender's (RAP) and these administrative procedures.
  - g. Process all Interstate Compact Applications for Out-of-State parole placements.
  - h. Ensure that supervising agencies (parole, probation, community corrections) are made aware of release plans with emphasis on those with special needs.
  
8. The responsibilities of the Correctional Counselor are to:
  - a. Make appropriate classification recommendations to the Unit Team Committee;
  - b. Conduct unit orientation for newly received offenders;
  - c. Provide day to day counseling for offenders as assigned;
  - d. Perform security functions as directed by the Unit Manager or designee;
  - e. Prepare progress reports, as required or officially requested;

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
01-04-105	07/15/11	IV-6	IV-8
Title			
<b>ADULT OFFENDER RELEASES</b>			

- f. Coordinate with Classification and Unit Team Staff in preparing the release of each offender.
  - g. Facilitate offender access to programs and services, telephones, and visitation.
9. The duties of the staff person designated by the Facility Head to complete the **RELEASE CHECKLIST** are to:
  - a. Ensure that an IDACS check is completed on the offender within five (5) working days prior to the offender's projected release.
  - b. Review the offender's records, including a current IDACS check, and complete the **RELEASE CHECKLIST**.
  - c. Submit the completed **RELEASE CHECKLIST** to the facility's Supervisor of Classification for review and approval.
  - d. Assist the Supervisor of Classification in resolving any release issues prior to the offender's release.
  - e. Ensure the **RELEASE CHECKLIST** is submitted to the Release Specialist up to five (5) days prior to the offender's projected release date and a **RELEASE AUTHORIZATION** is received from the Release Specialist before releasing the offender.
10. The responsibilities of the Release Specialist in the Sentence Computation and Release Unit are to:
  - a. Receive all **RELEASE CHECKLIST** forms and pertinent information submitted by the facilities regarding the release of an offender via fax or by e-mail up to five (5) days prior to the offender's projected release date.
  - b. Review the **RELEASE CHECKLIST** and pertinent information to ensure that the **RELEASE CHECKLIST** has been completed in full and signed by all appropriate facility staff and to ensure that all discrepancies or problems have been addressed or resolved.
  - c. Once the **RELEASE CHECKLIST** has been approved, initial the form and date it.
  - d. Prepare a **RELEASE AUTHORIZATION** for the release of the offender.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page IV-7	Total Pages IV-8
Title <b>ADULT OFFENDER RELEASES</b>			

- e. Return by fax or e-mail the RELEASE AUTHORIZATION to the facility Supervisor of Classification in sufficient time for the facility to prepare the release of the offender.

11. The responsibilities of the Master Locations Office staff are to:

- a. Receive the RELEASE CHECKLIST and pertinent information, including the RELEASE AUTHORIZATION, from the Supervisor of Classification.
- b. Review the RELEASE CHECKLIST to ensure that all necessary staff has signed the form and that everything appears to be in order.
- c. Verify that no active warrants/detainers are present.
- d. Immediately notify the Facility Head or designee if any discrepancies or problems are found or if staff becomes aware of a warrant/detainer that has not been addressed and follow any instructions provided by the Facility Head or designee.
- e. Sign the RELEASE CHECKLIST following the release of the offender.
- f. Ensure that the completed and signed RELEASE CHECKLIST and any pertinent or accompanying information, including the RELEASE AUTHORIZATION, are filed in the offender's facility packet, as soon as possible.

D. Release Considerations:

All persons involved in offender release decisions shall apply the following considerations:

1. The offender's Earliest Possible Release Date (EPRD);
2. The offender's release type (court supervision, parole, dual supervision, discharge);
3. Any Active Warrant/ Detainer, an IDAC report must be run prior to the release of any offender from IDOC custody;
4. SOMM status;

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page IV-8	Total Pages IV-8
Title <b>ADULT OFFENDER RELEASES</b>			

5. Victim Notification Information; and,
  6. Sex and Violent Offender Notification Information
  7. The offender's conduct record (any conduct reports pending).
  8. Community Transition Program Activation Date.
- E. Release Types:
1. Permanent Releases:  
  
The following types of permanent releases may occur at facilities:
    - a. Parole Release, including Inter-State Compact;
    - b. Court Supervision (probation, community corrections, CTP);
    - c. Dual supervision;
    - d. Discharge;
    - e. Turn over to wanting authorities, including Inter-State Compact;
    - f. Release to the Department of Mental Health; or,
    - g. Death.
  2. Temporary Releases:  
  
The following type of temporary release may occur at a facility:
    - a. Release to Court Order;
    - b. Release on Appeal Bond; or,
    - c. Temporary Leaves (escorted or unescorted);

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page V-1	Total Pages V-4
Title <b>ADULT OFFENDER RELEASES</b>			

### V. CREDIT TIME - SENTENCE MODIFICATIONS ADDITIONAL COMMITMENTS

#### A. Purpose:

To ensure that amended Abstracts of Judgment and additional commitments received for an offender are recorded in accordance with Policy 01-04-101, "Adult Offender Classification."

#### B. Staff Responsibilities:

1. The Director of Classification is responsible for the calculation of offender's credit time in accordance with statute and Department policy.
2. The Supervisor of the Central Office Sentence Computation and Release Section is the staff position responsible for the calculation of credit time. The responsibilities include:
  - a. Supervising the Quality Assurance Supervisors and Sentence Computation Specialists who are responsible for the calculation of offender sentences,
  - b. Ensuring credit time calculation certification for appropriate staff; and,
  - c. Ensuring the credit time calculation of each offender's sentences(s) is in accordance with statute and Department policy.

#### C. New Commitment:

Upon receipt of a new commitment, the Sentence Computation and Release Specialists shall observe the following steps, in accordance with Policy 01-04-101, "Adult Offender Classification," shall be followed:

1. Review the sentencing document and ensure it contains, at a minimum, the following information:
  - a. Offender's Name;
  - b. Date of Sentence;
  - c. Offense(s) Name and Offense Class;

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
01-04-105	07/15/11	V-2	V-4
Title			
<b>ADULT OFFENDER RELEASES</b>			

- d. Number of days confined prior to sentencing (if applicable);
- e. Term(s) of Sentence;
- f. Cause Number; and
- g. Judge's Signature;

(A Seal of the Court, while preferred, is not required)

2. Contact the court by telephone to verify the information contained in the commitment.
3. Document the verification on the cover sheet of Section II, Offenses and Sentences, in the Offender Packet, signing and dating the verification.
4. If the sentencing document appears questionable, the Sentence Computation Specialists shall:
  - a. Contact the Quality Assurance Specialists in the Central Office Sentence Computation and Release Section;
  - b. Contact the Supervisor of the Sentence Computation and Release Section; and,
  - c. Contact the Division of Legal Services for guidance;
5. Enter the new commitment into the Offender Information System;
6. Instruct facility staff to notify the offender;
7. Notify the appropriate Unit Team Staff that a new Classification Designation Instrument may need to be generated;
8. Notify the Victim/Witness Coordinator, if applicable;
9. Cause facility staff to generate and place a Detail Credit Time Calculation Report, OIS Report #52, in the offender's packet;
10. Forward original sentencing documents to facility staff for placement in the facility packet and cause copy to be filed in Central Office Records.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page V-3	Total Pages V-4
Title <b>ADULT OFFENDER RELEASES</b>			

### D. Amended Sentences:

Upon receipt of an amended sentencing document, the Supervisor of Classification shall, if received at a facility, forward to the Sentence Computation and Release Section. The staff at the Sentence Computation Section shall:

1. Review the sentencing document to ensure it contains, at a minimum, the following information:
  - a. Offender's Name;
  - b. Date of Sentence.
  - c. Offense(s) Name and Offense Class;
  - d. Number of days confined prior to sentencing (if applicable);
  - e. Term of Sentence;
  - f. Cause Number;
  - g. Judge's Signature;

(A Seal of the Court, while preferred, is not required)
2. Contact by telephone the court modifying the commitment to verify the information contained in the modification (this includes modifications resulting in immediate release). No modification is to be applied to the sentence until it has been verified with the court.
3. Document the verification on the cover sheet of Section II, Offenses and Sentences, in the Offender Packet, signing and dating the verification.
4. If the sentencing document appears questionable, the Sentence Computation Specialists shall:
  - a. Contact the Quality Assurance Specialists in the Central Office Sentence Computation and Release Section;
  - b. Contact the Supervisor of the Sentence Computation and Release Section; and,
  - c. Contact the Division of Legal Services for guidance.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page V-4	Total Pages V-4
Title <b>ADULT OFFENDER RELEASES</b>			

5. The Specialist shall:
  - a. Enter the new commitment into the Offender Information System;
  - b. Instruct facility staff to notify the offender;
  - c. Notify the facility that a new Classification Designation Instrument may need to be generated;
  - d. Notify the Victim/Witness Coordinator, if applicable.
6. Cause Facility Staff to generate and place a Detail Credit Time Calculation Report, OIS Report #52, in the offender's packet;
7. Forward to facility Supervisor of Classification to record and place the sentencing documents in the Offender's packet; and,
8. Follow procedures outlined in Procedure VII - Release, of these administrative procedures, if the offender is to be released as a result of the amended commitment.
9. No offender is to be released until the modification is confirmed by the Central Office Sentence Computation and Release Section.

### **E. Court Ordered Termination of Commitment:**

Upon receipt of an order from the sentencing court directing an existing commitment be "Vacated, Set Aside, Overturned or Expunged", the Sentence Computation Specialists shall:

1. Contact the sentencing court for verification and clarification of the court's intent to terminate the commitment;
2. Contact the Supervisor of the Sentence Computation and Release Section.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page VI-1	Total Pages VI-4
Title <b>ADULT OFFENDER RELEASES</b>			

### VI. WARRANTS/DETAINERS - IN-STATE

#### A. Purpose:

1. Provide an administrative process to receive, serve and remove a warrant/detainer from an offender's record.
2. Ensure that wanting authorities are notified in a timely manner and wanted offenders are turned over to wanting authorities.

#### B. Receipt of Warrant/Detainer:

Upon the arrival of an offender from an intake unit with an active warrant/detainer or upon the receipt of an active warrant/detainer the Supervisor of Classification/designated staff shall within ten (10) working days:

1. Review the warrant/detainer for complete information;
2. Contact the court of jurisdiction if the court or cause number is known or the sheriff of the county issuing the warrant/detainer seeking the disposition or status of the warrant/detainer or if the warrant/detainer appears incomplete or questionable;
3. Complete State Form 7899, WARRANT/COMMITMENT WANTED;
4. Notify offender and provide with a copy of State Form 7899 and warrant/detainer;
5. File warrant/detainer information in the offender packet;
6. Enter warrant/detainer information and offense description into the Offender Information System;
7. Forward a copy of the warrant/detainer information to Central Office Records;
8. Notify parole and/or probation department(s) if placement plans have been submitted;

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page VI-2	Total Pages VI-4
Title <b>ADULT OFFENDER RELEASES</b>			

9. Notify the wanting authority in writing sixty (60) days prior to the offender's Earliest Possible Release Date (EPRD);
10. Contact the court of jurisdiction if known or the county sheriff of the wanting county by telephone if no response is received from the wanting authority within thirty (30) days of original notification; and,
11. Notify the Unit Team Manager that a new Classification Designation Instrument may need to be generated.

C. Recall of Warrant / Detainer:

Upon receipt of information noting the release or dismissal of a warrant/detainer, the Supervisor of Classification, or designated staff person, shall:

1. Review the document for complete information;
2. Contact the court of jurisdiction to verify the disposition and/or for clarification if the document appears incomplete or questionable;
3. Complete State Form 8048, WARRANT/COMMITMENT - NOT WANTED;
4. Notify offender and provide with a copy of State Form 8048;
5. Enter the warrant/detainer End Date into the Offender Information System;
6. Place the recall or dismissal information in the offender packet;
7. Forward a copy of the warrant/detainer recall or dismissal information to Central Office Records;
8. Notify parole and/or probation department(s) if placement plans have been submitted;
9. Notify the wanting authority in writing of the receipt of the warrant/detainer recall information; and,

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page VI-3	Total Pages VI-4
Title <b>ADULT OFFENDER RELEASES</b>			

10. Notify the Unit Team Manager that a new Classification Designation Instrument may need to be generated.

D. Pending Charges:

Upon the arrival of an offender from an intake unit with a possible pending charge or upon receipt of information concerning a possible pending charge, the Supervisor of Classification or Designated Staff shall within ten (10) working days:

1. Review the information;
2. Complete State Form 36170, REQUEST FOR INFORMATION ON OFFENDER, and forward it to the court of jurisdiction if the court or cause number is known or the sheriff of the wanting county if the court or cause number is not known, via mail, to determine the disposition and/or status of the possible pending charges and whether the court or sheriff wants a hold placed on the offender; when this information is received, the Supervisor of Classification shall:
  - a. Place the pending charge information in the offender's packet;
  - b. Enter the pending charge information and description of the offense in the Offender Information System;
  - c. Notify the offender and provide a copy of the pending charge information;
  - d. Forward a copy of the pending charge information to Central Office Records; and,
  - e. Notify the Unit Team Manager that a new Classification Designation Instrument may need to be generated.
3. If a reply from the court of jurisdiction or the sheriff of the wanting county has not been received within sixty (60) days of the receipt of the certified letter, contact the court if the court or cause number is known or the sheriff if not known by telephone and advise them the charge(s) will no longer be considered pending without appropriate documentation. The Supervisor of Classification shall:
  - a. Notify the offender that charges are no longer considered pending;

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
01-04-105	07/15/11	VI-4	VI-4
Title <b>ADULT OFFENDER RELEASES</b>			

- b. Enter the ending date in the Offender Information System;
- c. Place information indicating the charge is no longer pending in the offender packet;
- d. Forward a copy of the information to Central Office Records;
- e. Notify parole and/or probation department(s) if placement plans have been submitted;
- f. Notify the wanting authorities, in writing, that the charges are no longer considered pending; and,
- g. Notify the Supervisor of Classification that a new Classification Designation Instrument may need to be generated.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 8/01/2012	Page VII-1	Total Pages VII-16
Title <b>ADULT OFFENDER RELEASES</b>			

### **VII. RELEASES**

#### **A. Purpose:**

Identify the types of releases from the Department and provide an administrative process to appropriately release offenders.

#### **B. Release Considerations:**

##### **Release Schedule:**

1. All scheduled releases of offenders shall be on a Monday or Thursday. Offenders with Earliest Possible Release Dates (EPRD) on a Monday, Tuesday or Wednesday shall be released on their EPRD or on the Monday immediately preceding their EPRD and offenders with EPRDs on Thursday, Friday, Saturday or Sunday shall be released on their EPRD or the Thursday immediately preceding their EPRD.
  - a. Each year in December, the Director of Classification shall issue a memorandum to the Facility heads indicating the appropriate day of release for offenders who are scheduled to be released on a holiday due to the Monday and Thursday releases during the following calendar year.
  - b. Offenders receiving a modification of their sentence from a court, which results in an immediate release, shall be released as soon as possible in accordance with the modified sentencing order.
  - c. Offenders who are released before their EPRD, except those offenders released due to a modification of sentence or to the Community Transition Program (CTP), in accordance with the Monday and Thursday release schedule shall be released on a Temporary Leave in accordance with the administrative procedures for Policy 02-04-104, "Temporary Leaves for Adult Offenders."
  - d. The offender may be released at any time on the designated release date after 12:01 a.m. in accordance with the operational needs of the facility. The actual time of release is at the discretion of the facility.
  - e. When preparing the offender's release documentation, staff shall ask the offender if family or friends will pick the

# POLICY AND ADMINISTRATIVE PROCEDURES

Indiana Department of Correction

## Manual of Policies and Procedures

Number 01-04-105	Effective Date 8/01/2012	Page VII-2	Total Pages VII-16
Title <b>ADULT OFFENDER RELEASES</b>			

- offender up on the day of release and, if so, the approximate time they will arrive at the facility. Failure on the part of the offender to provide information regarding the time that family or friends may arrive could result in a delay in the release of the offender until later in the day.
- f. Staff shall ensure that all release documentation is prepared so that it will be ready whenever the offender will be released.
  - g. Offenders being released to Parole under authorized Global Positioning Satellite (GPS) supervision shall be released on the actual Earliest Possible Release Date (EPRD). These offenders **are excluded** from the 12:01am release. These offenders **are excluded** from the normal Monday and Thursday release schedule.
  - h. At the discretion of the Facility Head, offenders housed in Administrative Segregation Units or Disciplinary Segregation Units may be released on the actual EPRD.
  - i. Offenders with an EPRD that is a Saturday, Sunday, or recognized State holiday and are being released to residential facilities that only conduct intake procedures on business days shall be released on the weekday closest to, but not past the EPRD.
2. Intake units will initiate release processing of offenders received into the Department with Four (4) Months or less remaining until their EPRD. Follow procedures outlined in C of this section. The Admission Summary may substitute for the Progress Report.
  3. Wanting authorities may take custody of an offender thirty (30) days prior to an offender's release. If the wanting authority takes custody of the offender prior to the offender's release date, they are to be provided with a copy of the OFFENDER STATUS-DISPOSITION REPORT indicating the cause number(s) and release date for the current sentence. Procedure listed in IV. D. of these procedures must also be followed.
  4. Offenders awaiting transfer to the Department of Mental Health may be released to the Department of Mental Health authorities on the last working day prior to an offender's release or on the date approved by the Department of Mental Health for transfer.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 8/01/2012	Page VII-3	Total Pages VII-16
Title <b>ADULT OFFENDER RELEASES</b>			

5. An offender, who within thirty (30) calendar days of release from Department confinement, is charged with a crime or has allegedly violated a Department rule may have the release date suspended until the pending allegation is resolved, in accordance with Policy 01-04-101, "Adult Offender Classification," and Policy 02-04-101, "The Disciplinary Code for Adult Offenders."
6. If an offender has multiple commitments and one has a portion suspended, the offender may be released to both parole and court supervision. If an offender is to be released to both parole and court supervision, the Re-Entry Staff/designee shall:
  - a. Contact the supervising agency/probation department 90 days prior to the offender's Earliest Possible Release Date to determine whether the agency/probation department is going to supervise the offender on the partially suspended commitment. If the probation department is not going to supervise the offender, the offender shall be placed on parole and processed in accordance with Procedure VII. C., "Parole Release/Court Supervision/Probation Releases."
  - b. If the agency/probation department is going to supervise the offender, the Re-Entry Staff/designee shall prepare for the Parole Board a summary of the offender's active sentencing information to include the following:
    - (1) Offender's name;
    - (2) Offender's DOC number;
    - (3) Cause number;
    - (4) Date of sentence;
    - (5) Term of sentence;
    - (6) Committing county;
    - (7) Projected release date;
    - (8) Maximum release date; and,
    - (9) Verification of court supervision, if applicable.

This summary is to be faxed to the Parole Board Assistant using the "Request for Parole Board Action" format. Questions concerning individual cases should be directed to the appropriate Quality Assurance Specialists in the Sentence Computation and Release Section.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 8/01/2012	Page VII-4	Total Pages VII-16
Title <b>ADULT OFFENDER RELEASES</b>			

c. The Parole Board shall:

- (1) Review the information to determine if the offender shall be discharged from the parole obligation upon release; and,
- (2) Fax the completed "Request For Parole Board Action" to the Quality Assurance Specialist in Central Office.

If the offender is to be discharged from the parole obligation, the offender shall be processed in accordance with Procedure VII. C., "Parole/Court Supervision/Probation Release," and Procedure VII. D., "Discharge Release." If the Parole Board determines the offender shall be placed on parole supervision, the offender shall be processed in accordance with Procedure VII. C., "Parole Release/Court Supervision/Probation Release."

Upon determination of the Parole Board, the Quality Assurance Specialist will notify facility staff of the final determination of the Parole Board.

7. An offender shall be placed on parole if the offender has completed a felony sentence of which no portion was suspended. If the commitment period includes more than one such sentence (concurrent or consecutive), the offender shall be placed on parole for the sentence with the latest Maximum Release Date (MRD), regardless of the order in which they were served or the presence of misdemeanor or partially suspended sentences.

The only exceptions to this are as follows:

- a. The latest MRD of the sentence of which no portion was suspended does not extend beyond the offender's Earliest Possible Release Date (EPRD); or,
  - b. The offender is to be released by discharge.
8. Any offender who is defined as a sex or violent offender under Indiana Code (IC) 11-8-8-5, regardless of when the offense and

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 8/01/2012	Page VII-5	Total Pages VII-16
Title <b>ADULT OFFENDER RELEASES</b>			

conviction occurred, is required to register as a sex or violent offender before their release from the Department. After release, the offender is required to register with the local law enforcement authority in the county(ies) that has (have) jurisdiction where the offender intends to live (including where real property is owned), work, or attend school. Refer to the separate procedure for processing sex offenders within the Department

9. Re-Entry Staff/designee shall process the offender's release and ask whether the offender has adequate identification available upon release. The staff person shall advise the offender that an identification card showing the offender as released may be prepared if a form of identification is needed.

In all cases, the staff person shall obtain the offender's facility identification card immediately prior to the offender's release. The offender's facility identification card shall be destroyed after the offender is released.

If the offender requests to have an identification card, the designated staff person shall ensure that a Released Offender Identification Card is prepared. State Form 46763, RELEASED OFFENDER IDENTIFICATION CARD, shall be used for this purpose. The designated staff person shall inspect the completed State Form 46763 to ensure the accuracy of all information, including the releasing facility's name and telephone number. The new identification card shall be given to the offender at the time of the actual release.

The staff person shall advise the offender that the facility identification card may be used until a more suitable identification can be obtained. Offenders released to Parole or court supervision shall be advised that they are to notify their respective Parole or Probation Officer of the need for a suitable type of identification.

10. The Supervisor of Classification or designated staff shall document the date and type of release on the Indiana State Police Fingerprint Card, located in Section 1 of the offender's facility packet. This card shall be forwarded to the Indiana State Police Central Repository.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 8/01/2012	Page VII-6	Total Pages VII-16
Title <b>ADULT OFFENDER RELEASES</b>			

11. The Supervisor of Classification or other Designated Staff are to review OIS Reports 'RPTCTP 8' Anticipated on CTP in One Hundred Twenty (120) Days or Less and RPT024 Projected Release List on a daily basis. If an offender appears in the RPT024 'Projected Release Report' with an Earliest Possible Release Date one hundred eighty (180) days or less from the date the report was requested and release processing has not been initiated designated staff shall:
  - a. Notify the appropriate Unit Team staff and the Re-Entry Coordinator of the names of the offenders who appear on the reports. For offenders being released to parole supervision, Unit Team staff shall insure that the required information is entered into the Offender Case Management System (OCMS).
  - b. Prepare a release packet as outlined in Procedure VII. C of these administrative procedures. All material is to be faxed to the appropriate Parole District on the date the offenders name appeared on the report. The Progress Report is to be completed in OCMS within five (5) working days. If the offender is to be released to Court Supervision, prepare a Release Packet as outlined in Procedure VII. C of these administrative procedures. This material is to be mailed to the appropriate Probation Department within five (5) working days of the date the offender's name appeared on the report.
  - c. Follow the procedure outlined in Procedure VII. D of these administrative procedures if the offender is to be released to discharge.
  - d. If the offender's name appears on the 'RPTCTP 8', Anticipated or CTP in One Hundred Twenty (120) Days or Less report, staff is to prepare the material noted in Procedure VII. E of these administrative procedures. All material is to be faxed to the Community Transition Program manager within five (5) days of the date the offender's name appeared on the report.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 8/01/2012	Page VII-7	Total Pages VII-16
Title <b>ADULT OFFENDER RELEASES</b>			

### C. Parole/Probation/Court Supervision Releases:

#### Re-Entry/designee staff responsibilities:

1. Prepare a Release Packet to be sent to the parole district and/or appropriate Chief Probation Officer no less than one hundred eighty (180) days prior to the offender's Earliest Possible Release Date. It will be the responsibility of the Unit Team and Re-Entry Staff to insure that the necessary release reports, Parole Case Management entries into OCMS and Release Checklist are provided to the Unit Team Manager/Supervisor of Classification. The Progress Report includes a summary of the updated Case Management Plan, as well as, any reports used to complete the Case Management Plan such as: Psychiatric, Psychological, SOMM, Substance Abuse, Education or Vocational information. The Release Packet shall include the following:
  - a. PRE-PAROLE INVESTIGATION REQUEST in Offender Case Management (OCMS); (parole releases only)
  - b. Psychological or Psychiatric Reports; (probation will require a release of information)
  - c. Provide the offender written reporting instructions to report to the Chief Probation Officer; (probation releases only)
  - d. OIS Report #70 (formally State Form 4837, NOTICE OF ARRIVAL);
  - e. All Abstracts of Judgment and Commitment Orders including those in which all executed time has been suspended;
  - f. Certificates of Final Discharge issued on concurrent or consecutive sentences during the current commitment period;
  - g. Pre-Sentence Investigation Report;
  - h. Picture of the offender;

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 8/01/2012	Page VII-8	Total Pages VII-16
Title <b>ADULT OFFENDER RELEASES</b>			

- i. Police report and/or Affidavit of Probable Cause if available; and,
  - j. Any additional relevant material, including any special release needs considerations.
2. Pre-Release Progress Reports shall be completed no sooner than sixty (60) days prior to EPRD and no later than forty five (45) days prior to EPRD. Pre-Release Progress Reports shall be completed in OCMS (Hard copies to probation/community supervision only).
3. Initiate one hundred twenty (120) days prior to the EPRD the following procedure when releasing any offender flagged as a sex offender in OIS to parole supervision:
  - a. Fax the following information to the SOMM main office:
    - (1) Parole Stipulations For Sex Offenders, State Form #49108 (R/7-07); and,
    - (2) Parole Release Informed Notification.
  - b. Send to the Parole District Office:
    - (1) Parole Stipulations For Sex Offenders, State Form #49108 (R/7-07);
    - (2) Parole Release Informed Notification; and,
    - (3) A copy of all the SOMM information contained on the left side of the confidential section of the facility packet, as well as, a copy of all the available information listed on the Notification of Sex Offender Release to Parole form (PSI, Police Reports, Probable Cause etc.).
  - c. Upon receipt of the signed consent and waiver forms the SOMM Case Manager in the main office will process the information, set up an initial sex offender treatment program appointment and forward a copy of the appointment information to the Case Manager.
  - d. The Re-Entry Staff/designee receives the placement approval from the Parole Officer, meets with the offender and, in addition to the normal release procedures, informs the offender of the following:

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 8/01/2012	Page VII-9	Total Pages VII-16
Title <b>ADULT OFFENDER RELEASES</b>			

- (1). Scheduled parole and sex offender treatment program appointments; and,
  - (2). The additional Parole Stipulations For Sex Offenders, State Form that will be completed by the Parole Officer after the offender's release.
- e. When a sex offender cannot provide a potential home placement, Unit Team staff shall follow procedures outlined in Executive Directive # 07-29 and incorporated into Case Management procedures for "DOC Assist".
4. Non-sex offenders who are being released to parole supervision and are unable to provide home placement, shall be referred to the appropriate Parole District for assistance. Unit Team and Parole staff shall work together to secure appropriate placement prior to the release of the offender.
5. Contact Victim/Witness Coordinator, if applicable;
6. Contact staff person for gateage processing;
7. Prepare State Form 23, **CONDITIONAL PAROLE RELEASE AGREEMENT**, to include reporting instructions provided by parole district;
8. Cause offender to review and sign State Form 23, **CONDITIONAL PAROLE RELEASE AGREEMENT**;
9. Cause copies of all paperwork to be distributed as needed;
10. Determine if the offender requires transportation. If transportation is required, locate the nearest bus stop to the offender's approved placement. If the nearest bus stop is in a city bordering Indiana, the facility shall buy a ticket to that city. In those cases where the nearest bus stop is in a bordering state, the Re-Entry Staff/designee shall:
  - a. Advise the offender that State Form 49007 (7-98), **RELEASED OFFENDER TRAVEL PERMIT**, must be read and signed by the offender;

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 8/01/2012	Page VII-10	Total Pages VII-16
Title <b>ADULT OFFENDER RELEASES</b>			

- b. Witness the offender's signature and forward the completed form with an original signature to the Department's Interstate Compact Administrator, who shall notify the other state.

An offender's failure to sign the RELEASED OFFENDER TRAVEL PERMIT shall mean that the facility will need to determine a destination within the State of Indiana and the offender shall be responsible for finding transportation to the final destination. Failure to return to Indiana and report as instructed shall be considered a violation of the offender's parole/probation rules.

11. Process offenders to be released to out-of-state Parole Supervision in accordance with Procedure XI of these procedures, if applicable.
12. All offenders must have an IDACS check run prior to release from Department custody. This includes Parole, Probation, Discharge and Court Order releases.

### D. Discharge Release:

1. When a sentence has been satisfied totally, the offender shall be released by discharge. All requests for a Final Discharge based upon the offender reaching his/her MRD shall be forwarded to the Superintendent of the housing facility (for offenders who reach their MRD while still incarcerated in a Department facility) or the Parole District Supervisor of the Supervising Parole District (for those offenders who reach their MRD while under Parole supervision) for approval. The Superintendent or Parole District Supervisor shall verify that the offender has reached his/her MRD and, if appropriate, shall sign the "Certificate of Final Discharge" as the designee of the Chairman of the Indiana Parole Board.

Additionally, offenders who have been released to Parole supervision and who reach the end of their required Parole Period in compliance with the administrative procedures for Policy 03-03-101 shall be granted a "Certificate of Final Discharge" using State Form 49. In these cases, the "Certificate of Final Discharge shall be prepared at the supervising District Parole Office. The Parole District Supervisor shall review the "Certificate of Final

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 8/01/2012	Page VII-11	Total Pages VII-16
Title <b>ADULT OFFENDER RELEASES</b>			

Discharge” and the parolee’s records to ensure that the parolee has reached the end of his/her parole period. If the information is verified, the Parole District Supervisor shall sign the “Certificate of Final Discharge” as the designee of the Chairman of the Indiana Parole Board.

Re-Entry Staff/designee responsibilities:

- a. Produce a State Form 49, CERTIFICATE OF FINAL DISCHARGE;
- b. Contact Victim/Witness Coordinator, if applicable; and,
- c. Contact staff person responsible for gateage.
- d. Provide assistance as deemed appropriate for all offenders being discharged from a Department of Correction facility.
- e. Notify the County Sheriff of the sentencing county of any offender who is being discharged from a Department of Correction facility.

### 2. Request For Early Discharge

- a. Facility staff may request an “Early Discharge” for an offender under the following conditions:
  1. Offenders who are being released to Parole supervision and also have probation supervision on a separate sentence may be considered for an early sentence discharge if the following criteria exist within the probation supervision
    - (a) The probation supervision extends beyond the parole supervision term and is verified through a sentencing order attached to the request for early sentence discharge.
    - (b) The probation supervision is found to be comparable to or more intensive than the parole supervision.

Staff wishing to recommend an offender for an early discharge based upon continuing probation obligations shall submit State Form 52611, “Request for Parole Board Action” and state Form

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 8/01/2012	Page VII-12	Total Pages VII-16
Title <b>ADULT OFFENDER RELEASES</b>			

49, "Certificate of Final Discharge," to the Chairperson of the Indiana Parole Board for consideration and approval. If the Chairperson or designated Parole Board member approves the recommendation for a final discharge, the Chairperson or designated Parole Board Member shall sign the "Certificate of Final Discharge," and return it to the requesting District Parole Office.

2. Those offenders who being released to Wanting Authorities for a term of incarceration which extends beyond their parole supervision term shall be considered for an early sentence discharge with documentation from Wanting Authorities indicating the projected date when the incarceration will end. Staff wishing to recommend an offender for an early discharge due to wanting authorities shall submit State Form 52611, "Request for Parole Board Action," and State Form 49 "Certificate of Final Discharge," to the Chairperson of the Indiana Parole Board for consideration and approval. The Chairperson or designated Parole Board member shall review the information provided and determine whether a final discharge is appropriate. If Appropriate, the Chairperson or designated Parole Board member shall sign the "Certificate of Final Discharge" and return it to the requesting District Parole Office.
- b. Unit Team shall review the Parole Board decision thirty (30) days prior to the offender's release.
  - c. Facility staff shall:
    1. Contact Victim/Witness Coordinator, if applicable;
    2. Contact staff person responsible for gateage;
    3. Provide assistance as deemed appropriate for all offenders being discharged from a Department of Correctional facility.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 8/01/2012	Page VII-13	Total Pages VII-16
Title <b>ADULT OFFENDER RELEASES</b>			

### **E. Release to Community Transition Program:**

All felons, except murderers, with a sentence of at least two years, who are residents of Indiana, do not have detainers or warrants, and meet the time requirements of statute.

A and B Felons may serve up to 120 days on the Community Transition Program, if so ordered by the court.

A and B felons who only have charges under IC 35-48-4 and or IC 16-42-19 may serve up to 180 days on the Community Transition Program, if so ordered by the court.

C felons must have 90 days to serve on the Community Transition Program and will be released to the receiving county if a court ordered denial is not received by the offender's Community Transition Program commencement date.

C felons who only have charges under IC 35-48-4 and or IC 16-42-19 must have 120 days to serve in the Community Transition Program and will be released to the receiving county if a court ordered denial is not received by the offender's Community Transition Program commencement date.

D felons must have 60 days to serve on the Community Transition Program and will be released to the receiving county if a court ordered denial is not received by the offender's Community Transition Program commencement date.

Notices of eligibility are computer generated 45 to 60 days prior to the offender's Community Transition Program commencement date and sent from DOC Central Office to the involved courts, prosecutors and community corrections directors. All approvals and denials issued by the courts are sent to DOC Central Office. Facilities deliver offenders to communities as ordered by courts. All actions at the county level are directed by the court or may be delegated directly to a community corrections program, probation, or a contract provider.

Re-Entry Staff/designee duties:

1. Provide offender with State Form 49719, NOTICE OF COMMUNITY TRANSITION PROGRAM ELIGIBILITY.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 8/01/2012	Page VII-14	Total Pages VII-16
Title <b>ADULT OFFENDER RELEASES</b>			

2. Advise offender that available community correction rules may be viewed in the law library.
3. Notify the appropriate Unit Team to prepare the reports necessary to complete the Release Packet as outlined in C.1. above.
4. Prepare Parole/Probation Release Packet sixty (60) days prior to the offender's community transition program commencement date and forward a copy to:
  - (1) The appropriate Parole/Probation Office;
  - (2). CTP Office
5. Re-Entry Staff/designee shall be responsible for advising the Community Transition Program Manager of discrepancies that would affect an offender's eligibility or any other pertinent information.
6. Confirm that any court order received has been entered into OIS system. If the order is not entered, fax it to Central Office as they have no record of receipt.
7. If an offender is transferred to another facility after reaching the notification date, a copy of the facility notification list shall be inserted in the front section of the packet, with the offender's name highlighted, prior to the offender's transfer.
8. For offenders whose most serious offense is a Class C or D felony and the Department has not been notified of approval or denial, the facility Re-Entry Staff/designee shall contact the Community Transition Manager ten (10) working days prior to the offender's CTP commencement date for further instructions. If the Central Office CTP Manager has not received any information from the court, the Case Manager shall contact the sheriff or the court ordered community corrections facility to arrange for the offender transfer. If placement information is available at this time, provide that information to the community corrections agency.
9. It will be the responsibility of the releasing facility to transport the offender to the CTP placement.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 8/01/2012	Page VII-15	Total Pages VII-16
Title <b>ADULT OFFENDER RELEASES</b>			

10. It will be responsibility of the releasing facility to provide the offender with a CTP Offender Identification Card.
11. When an offender is released to CTP, the offender's facility and medical packets shall be forwarded to the Reception-Diagnostic Center or the Rockville Correctional Facility.
12. Offenders released to the Community Transition Program shall not receive gateage.

**F. Facility Responsibility:**

1. The Department shall return any property or money, including accumulated earnings, held for the offender consistent with departmental policy. Inmate Trust Fund checks may be made out directly to the offender.
2. The Department shall provide at least one (1) set of clothing appropriate for the season, if the offender is unable to provide such clothing. The clothing shall not identify the offender as an ex-offender.
3. Offenders requiring on-going medication shall be provided the prescribed medication with dosage instructions. Offenders being transferred to facilities without health care staff shall be provided with at least one (1) week's supply of medication.

**G. Release to Wanting Authorities: In-State:**

If an offender has an outstanding warrant or detainer, the offender shall be turned over to that authority upon reaching his Earliest Possible Release Date. In accordance with procedure outlined in VII B 3 of these procedures, offenders may be released thirty (30) days prior to their EPRD.

**Supervisor of Classification/designee responsibilities:**

1. Notify the wanting authority sixty (60) days prior to the offender's Earliest Possible Release Date in writing;
2. Notify Victim/Witness Coordinator, if applicable;

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 8/01/2012	Page VII-16	Total Pages VII-16
Title <b>ADULT OFFENDER RELEASES</b>			

3. Contact wanting authorities by telephone if no response is received from wanting authority within thirty (30) days of original notification;
4. Arrange transportation to local county jail, if applicable; and,
5. Process appropriate release type, notifying any parole or probation authority of the offender's release to the wanting authority.

### H. Release to Wanting Authorities: Out-of-State:

If an offender has an outstanding warrant or detainer from an out-of-state wanting authority, the offender shall be turned over to that authority upon reaching his Earliest Possible Release Date (EPRD) if a waiver of extradition has been executed or the offender has been authorized for release to the wanting authority by an Indiana court. A parole release offender with an INS detainer shall be referred to the Parole Board for discharge review using the "Request for Parole Board Review" format described in Procedure VII, B. In accordance with procedure outlined in VII B 3 of these procedures, offenders may be releases thirty (30) days prior to their EPRD.

### Supervisor of Classification/designee Responsibilities:

1. Notify the wanting authority ninety (90) days prior to the offender's Earliest Possible Release Date in writing;
2. Notify Victim/Witness Coordinator if applicable;
3. Contact wanting authority by telephone if no response is received from wanting authority within thirty (30) days of original notification;
4. Request offender to sign waiver of extradition;
5. Contact wanting authority by telephone if offender refuses to sign waiver of extradition;
6. Contact prosecutor in county where the offender is incarcerated to arrange for the appropriate court hearing, if applicable;
7. Contact the county sheriff and arrange for the offender to be transported to the county jail, if applicable; (This is to be the county jail where the offender is incarcerated at the time of the his Earliest Possible Release Date.); and,
8. Process offender to be released based upon the appropriate type of release, notifying any parole or probation authority of the offender's release to the wanting authority.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page VIII-1	Total Pages VIII-15
Title <b>ADULT OFFENDER RELEASES</b>			

### VIII. PAROLE AND CLEMENCY BOARD APPEARANCES:

#### A. Purpose:

Provide an administrative process for offenders to file for clemency and for offenders to appear before the Indiana Parole Board.

#### B. Clemency Consideration:

Offenders may file a petition for clemency by the Governor under the following conditions:

##### 1. Applying for Clemency

- a. Four (4) months are usually required after receipt of eligible petitions before they can be considered at a hearing, except in the cases of Medical Clemencies when time may be of the essence. This will allow adequate time to schedule appearances and to prepare necessary background information.
- b. Each petitioner for clemency will be advised when and where appearances will be held and the final action taken on the petition by the Governor.
- c. All petitions will be filed on forms provided by the Board.

##### 2. Eligibility for Consideration

- a. Petitions of offenders sentenced under IC 5-50 ("New Code") and who have been sentenced to a period of time in excess of ten (10) years may be considered after the offender has served 1/3 of the sentence or 20 years, whichever comes first.
- b. Petitions of offenders serving life sentences ("Old Code") may be considered after the offender has served (10) years.
- c. A petition that is denied may be considered after one (1) year, upon request of the offender, if the sentence is sixty (60) years or less; after two (2) years, if the sentence is a single life sentence or greater than sixty (60) years; and after five (5) years, if the sentence is more than one life sentence.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page VIII-2	Total Pages VIII-15
Title <b>ADULT OFFENDER RELEASES</b>			

- d. For purposes of clemency, the "sentence" is the maximum amount of time the offender could possibly be incarcerated and is not diminished by reason of credit time or good time earned.
- e. The "sentence" is calculated by totaling the number of years of consecutive sentences or consecutive parts of sentences when sentences overlap.
- f. For purposes of clemency, the amount of time that has been served on a sentence is determined without regard to credit time or good time that has been earned either prior to or following sentencing. Credit for time served prior to sentencing ("jail time credit") shall be counted toward the amount of time served on a sentence to the extent that it reflects the actual number of days incarcerated prior to sentencing.
- g. Offenders, who have served their minimum sentence and are eligible for parole consideration, are not eligible for clemency consideration.
- h. No petition will be considered if the offender does not have a clear institutional record for twelve (12) months immediately preceding the hearing. An offender does not have a clear institutional record if the record shows a conviction of a major violation (Class A or Class B) or two (2) or more minor violations (Class C or D).
- i. No petition will be considered unless the offender has at least one (1) year remaining to be served from the date of his clemency hearing before the Board and his projected release date.

### C. Clemency Process:

#### Correctional Release Assistant/Re-Entry Staff/designee responsibilities:

1. Notify all eligible offenders of their initial Clemency Appearance Date;
2. Upon contact by the offender requesting to file for clemency, meet with the offender to explain the criteria for clemency and the process for applying. In cases where the offender does not meet the basic criteria for clemency, including medical clemency, advise the offender that the offender does not meet the criteria and

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page VIII-3	Total Pages VIII-15
Title <b>ADULT OFFENDER RELEASES</b>			

strongly recommend that the offender reconsider filing for clemency.

3. If the offender meets the minimum eligibility criteria as indicated in Procedure VIII B, at the offender's request, provide offender with State Form 1213, PETITION FOR CLEMENCY, six (6) months prior to the eligible clemency appearance date. (It is the offender's responsibility to request, to complete, and to return the Petition to the facility staff in a timely fashion to ensure their case will be scheduled at its earliest eligibility date.);
4. Receive completed documents from offender and review for completeness (the Petition must be signed and dated by offender);
5. Forward completed documents to the Facility Head for review and approval;
6. At the instruction of the Facility Head, forward copy of State Form 1213, along with a cover letter, to the appropriate trial judge and prosecutor;
7. Forward State Form 1213, along with a recommendation by the Facility Head, to the Indiana Parole Board and schedule offender to appear before the Parole Board, as instructed by the Parole Board;
8. Provide the Parole Board with the completed State Form 3718, CLEMENCY HEARING WAIVER, if the offender chooses to cancel the scheduled Parole Board hearing;
9. Notify the Victim/Witness Coordinator, if applicable;
10. Notify the Parole Board of any offenders who no longer meet the eligibility requirements and notify any offenders who are no longer eligible for clemency appearances;
11. Notify the appropriate Unit Team to prepare the necessary paperwork for the Clemency Packet;
12. Prepare Clemency Packet (If offender is requesting to re-file clemency, the Clemency Board will notify the Correctional

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page VIII-4	Total Pages VIII-15
Title <b>ADULT OFFENDER RELEASES</b>			

Release Assistant/Case Manager as to needed material.) that is to include the following in ascending order:

- a. Pre-Sentence Investigation;
  - b. Adult Offender Arrival and Identification;
  - c. Reception-Diagnostic Center Summary;
  - d. Progress Reports;
  - e. Community Investigation and Crime Report, if applicable;
  - f. Psychiatric and Psychological Reports;
  - g. Protest Letters; and,
  - h. Action Sheet;
12. Complete State Form 7053, NOTICE TO APPEAR, and notify offender prior to Board appearance;
  13. Enter the recommendation on State Form 7053, and forward to offender for notification upon completion of hearing by the Board;
  14. Notify offender of decision upon receipt of final decision from Governor; and,
  15. Cause all material to be filed.

### **D. Medical Clemency:**

An offender who has a terminal medical condition or a medical condition that would be more effectively treated in another type of facility in the community and who, because of his/her medical condition, is unlikely to be involved in further criminal activity, may be considered for medical clemency in accordance with 220 IAC 1.1-4-4 and these administrative procedures. The time frame eligibility criteria indicated in Procedure B. 2 above are waived in the case of a Medical Clemency petition.

Any offender may be considered for medical clemency upon recommendation by the Commissioner. If the Commissioner declines to recommend the offender for medical clemency, the Board may decline consideration in evaluating a petition for medical clemency. The Board shall consider, in addition to the factors enumerated in 220 IAC 1.1-4-4(d) and (e), the following factors:

1. The seriousness of the medical condition.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page VIII-5	Total Pages VIII-15
Title <b>ADULT OFFENDER RELEASES</b>			

2. Whether the medical condition cannot be adequately treated while offender is on inmate status.
3. Whether the medical condition would effectively prevent the offender from engaging in any future serious criminal activity.

The Board may waive the full community investigation required under 220 IAC 1.1.-4-4, if the board determines time to be of the essence. However, the Board must make every reasonable effort to obtain the views of the victim(s) before rendering its recommendation.

An offender whose medical clemency petition is either denied or declined for consideration may not re-apply unless a substantial and documented change occurs in the medical condition that is the basis of the clemency request or a new and serious medical condition arises.

### **E. Medical Clemency Process:**

1. Correctional Release Assistant/Re-Entry Staff/designee responsibilities:
  - a. Discuss with staff and/or the offender whenever a petition for medical clemency is being considered to ensure that all concerned parties are aware of the process for seeking a medical clemency.
  - b. When possible, meet with the offender and discuss the criteria for a medical clemency, the process for applying and advising the offender whether the offender meets the criteria for being considered for a medical clemency.
  - c. Provide offender, or the Health Care Administrator or designee in those cases where the offender is too ill or otherwise physically unable to complete, State Form 42183, APPLICATION FOR OFFENDER MEDICAL CLEMENCY, and State Form 1213, PETITION FOR CLEMENCY (NOTE: If an offender's family or friends or other persons inquire about a medical clemency for an offender, they shall be informed of the process for the submission of a petition for clemency and advised that the offender must submit the petition.);

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page VIII-6	Total Pages VIII-15
Title <b>ADULT OFFENDER RELEASES</b>			

- d. Receive completed documents from offender or Health Care Administrator or designee, and review for completeness, (both Petition for Clemency forms should be signed and dated by offender, if possible) State Form 42183 should be stapled to State Form 1213;
- e. Forward both State Form 42183 and State Form 1213 to the facility Health Care Services, if not already attached, for information, including:
  - (1) Complete list of diagnoses, including basis for diagnosis, as appropriate;
  - (2) Description of current and expected physical limitations;
  - (3) Description of current and expected medical treatment needs;
  - (4) Discussion of any controversy regarding diagnosis or treatment; and,
  - (5) Prognosis;
- f. Receive State Form 42183 and State Form 1213 from Health Care Services with appropriate medical information and ensure that a current Progress Report has been prepared. Staff shall ensure that the placement information is correct and shall attempt to determine whether the offender will have health insurance if released.
- g. Attach the Health Care Services Information and other information as indicated in VIII. C. 10 to the State Form 42183 and State Form 1213;
- h. Forward all information to Facility Head for recommendation;
- i. Receive application from Facility Head with recommendation and forward to the Director of Health Care Services all information attached to the State Form 42183 and State Form 1213, including the Progress Report, Pre-Sentence Report and Facility Head's recommendation for review and recommendation
- j. Assist the Parole Board in making any necessary arrangements for a clemency hearing, as requested, and ensuring that all necessary documentation is prepared and available at the hearing.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page VIII-7	Total Pages VIII-15
Title <b>ADULT OFFENDER RELEASES</b>			

- k. Upon notification of the final decision of the petition for clemency from the Commissioner, Parole Board or Governor, advise the offender and, if clemency is granted, advise Health Care and other appropriate staff to begin the release process.
2. Facility Head duties and responsibilities:
  - a. Receive the petition and related material from the Correctional Release Assistant/Re-Entry Staff/designee.
  - b. Review the petition and related material and ensure that all required materials are attached and that the offender appears to meet the criteria for a medical clemency.
  - c. Prepare a written recommendation regarding the petition for clemency and return the recommendation, petition and related material to the Correctional Release Assistant/Re-Entry Staff/designee.
  - d. Ensure that the offender is notified as to any decisions regarding the clemency through the Correctional Release Assistant/Re-Entry Staff/designee.
3. Director of Division of Health Care Services duties and responsibilities:
  - a. Receive the Petition for Medical Clemency from the facility and shall review all information to ensure that all necessary documentation is present.
  - b. Consult/collaborate with the contracted Medical Director and determine whether the petition for medical clemency appears to be appropriate medically.
  - c. With the contracted Medical Director make a written recommendation whether to grant or deny the petition.
  - d. Forward the recommendation from Health Care Services, along with all other information to the Deputy Commissioner of Re-Entry.
4. Deputy Commissioner of Re-Entry or designee duties and responsibilities:
  - a. Receive the petition and all attached documentation.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page VIII-8	Total Pages VIII-15
Title <b>ADULT OFFENDER RELEASES</b>			

- b. Ensure that all required documents, including reports and recommendations, are attached.
  - c. Review the petition and recommendations and prepare a summary and recommendation for the Commissioner.
  - d. Forward the recommendation and summary to the Commissioner and meet with the Commissioner to discuss, as necessary.
  - e. Receive the Commissioner's recommendation:
    - (1) Review the petition and all attachments to ensure that all documentation, including the Commissioner's recommendation, is present.
    - (2) Forward the petition with the Commissioner's recommendation to the Parole Board.
    - (3) Notify the Facility Head as to the Commissioner's recommendation and the date that the petition was forwarded to the Parole Board.
5. Commissioner's duties and responsibilities:
- a. Receive the summary, all recommendations and the petition from the Deputy Commissioner of Re-Entry or designee.
  - b. Review the medical clemency information and make a written recommendation either to approve or deny the clemency;
  - c. Return all material regarding the medical clemency, along with the recommendation to the Deputy Commissioner of Re-Entry or designee for further processing.
6. Parole Board duties and responsibilities:
- a. Receive all petitions for medical clemency that have been recommended by the Commissioner.
  - b. Process the petition in accordance with its rules and procedures for medical clemencies.
  - c. If a hearing is to be held with/or on behalf of the offender, notify the Correctional Release Assistant/Re-Entry staff/designee to notify the offender of the hearing and to ensure that all necessary arrangements are made for the hearing.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page VIII-9	Total Pages VIII-15
Title <b>ADULT OFFENDER RELEASES</b>			

- d. Make a recommendation and forward to the Governor in accordance with its procedures.
- e. Notify the Correctional Release Assistant/Re-Entry Staff/designee as to its recommendation and the Governor's final decision so that the offender can be advised.

### F. Parole Violators and Review Hearings:

Offenders returned to the Department as alleged Parole Violators, either as Technical Parole Violators or with New Commitments, shall be afforded a Parole Revocation Hearing within sixty (60) days of the date of sentence or availability to the Department.

Offenders found to be Parole Violators, who have in excess of one (1) year remaining time, shall be reviewed by the Parole Board on an annual basis or sooner, if requested by the Parole Board.

Offenders found to be Parole Violators with less than one (1) year remaining time will be released to Parole or turned over to their new commitment if applicable, when the remainder of the fixed term, less credit time earned since the revocation, is completed, or sooner if authorized by the Parole Board.

### G. Parole Violator and Hearing Process:

Re-Entry Staff/designee Responsibilities:

1. Complete State Form 7018, NOTIFICATION OF PAROLE NOTICE/DISPOSITION BY PAROLE BOARD;
2. Notify offender of scheduled Hearing Date and parole rules allegedly violated;
3. Notify Victim/Witness Coordinator, if applicable;
4. Complete State Form 2224, NOTICE/DISPOSITION BY PAROLE BOARD, upon completion of Parole Violation Hearing; and,
5. Distribute form as directed.

<b>POLICY AND ADMINISTRATIVE PROCEDURES</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number	Effective Date	Page	Total Pages
01-04-105	07/15/11	VIII-10	VIII-15
Title			
<b>ADULT OFFENDER RELEASES</b>			

H. Review Hearing Process:

Upon notification that an offender is scheduled for a parole review hearing (a parole review hearing is consideration for parole release that follows a parole revocation hearing), the Re-Entry/designee staff shall:

1. Complete State Form 7004, REPORT OF INVESTIGATION AND DECISION OF PAROLE BOARD;
2. Notify offender of scheduled hearing date;
3. Notify Victim/Witness Coordinator, if applicable;
4. Prepare Parole Material Packet consisting of the following in ascending order:
  - a. Pre-Sentence Investigation;
  - b. Adult Offender Arrival and Identification form, Criminal History and all other relevant documents;
  - c. Diagnostic and Classification Summary;
  - d. Psychiatric/Psychological Evaluations, if applicable;
  - e. "Inter-Departmental Transmittal Form -Parole Violation" and Supplemental Report of Parole Violation;
  - f. Preliminary Parole Violation Hearing minutes, and related documents;
  - g. Community Investigation and Crimes Report, if applicable;
  - h. Progress Report to include all prior progress reports;
  - i. Protest letters; and,
  - j. Action Sheet;
5. Complete and distribute State Form 7004, REPORT OF INVESTIGATION AND DECISION OF PAROLE BOARD.

I. Eligibility for Old Code Parole Hearings:

Offenders shall appear not more than 60 days nor less than 30 days prior to their eligibility date. After the initial appearance before the Parole Board, offenders shall not appear for at least five (5) years unless the Board finds special circumstances during the annual paper review.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page VIII-11	Total Pages VIII-15
Title <b>ADULT OFFENDER RELEASES</b>			

1. A person sentenced upon conviction of a felony to an indeterminate term of imprisonment is eligible for consideration for release on parole upon completion of his minimum term of imprisonment, less the credit time he has earned with respect to that term.
  2. A person sentenced upon conviction of a felony to a determinate term of imprisonment is eligible for consideration for release on parole upon completion of one half (1/2) of his determinate term of imprisonment or at the expiration of twenty (20) years, whichever comes first, less the credit time he has earned with respect to that term.
  3. A person sentenced upon conviction of first degree murder or second degree murder to a term of life imprisonment is eligible for consideration for release on parole upon completion of twenty (20) years of time served on the sentence. A person sentenced upon conviction of a felony other than first degree murder or second degree murder to a term of life imprisonment is eligible for consideration for release on parole upon completion of fifteen (15) years of time served on the sentence. A person sentenced upon conviction of more than one felony to more than one term of life imprisonment is not eligible for consideration for release on parole. A person sentenced to a term of life imprisonment does not earn credit time with respect to that term.
- J. Old Code Parole Hearing Process:
- Upon notification that an offender is scheduled for an Old Code Parole Hearing, the Re-Entry Staff/designee staff shall:
1. Complete State Form 7004, REPORT OF INVESTIGATION AND DECISION OF PAROLE BOARD;
  2. Notify offender of scheduled hearing date;
  3. Notify Victim/Witness Coordinator, if applicable;

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page VIII-12	Total Pages VIII-15
Title <b>ADULT OFFENDER RELEASES</b>			

4. Prepare Parole Material Packet consisting of the following in ascending order:
  - a. Pre-Sentence Investigation;
  - b. Adult Offender Arrival and Identification form, Criminal History and all other relevant documents;
  - c. Diagnostic and Classification Summary;
  - d. Psychiatric/Psychological Evaluations, if applicable;
  - e. "Inter-Departmental Transmittal Form - Parole Violation" and Supplemental Report of Parole Violation;
  - f. Preliminary Parole Violation Hearing minutes, and related documents;
  - g. Community Investigation and Crimes Report, if applicable;
  - h. Progress Report to include all prior progress reports;
  - i. Protest letters; and,
  - j. Action Sheet;
5. Complete and distribute State Form 7004, REPORT OF INVESTIGATION AND DECISION OF PAROLE BOARD.

**K. Old Code Annual Paper Review Process:**

Upon notification that an offender is scheduled for an annual paper review, the Re-Entry/designee staff shall submit the following one (1) month prior to the offender's scheduled review month:

1. Updated Action Sheet and Progress Report.
2. Special reports the Board may have requested, such as: Community Investigation Report, Psychiatric and Psychological Reports.
3. Any documents demonstrating significant change in the status of the offender.

**L. Parole Board Minutes:**

The Supervisor of Classification shall ensure that the Parole/Clemency Board minutes have been prepared and distributed.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page VIII-13	Total Pages VIII-15
Title <b>ADULT OFFENDER RELEASES</b>			

### M. Rehabilitation Based Discharge for Long Term Offenders:

1. Offenders convicted of the following offenses are not eligible for the Rehabilitation Based Discharge as outlined in this section.
  - a. An offender who receives a sentence of Death or Life Without Parole under IC 35-50-2.
  - b. An Offender who has committed an offense described in IC 11-8-8-4.5.
  - c. An offender convicted of a crime of violence (as defined in IC 35-50-1-2).
2. Notwithstanding any other law or offenders convicted of offenses listed above, as soon as practicable after an offender has been confined to the custody of the Department for:
3.
  - Twenty-five (25) consecutive years;
  - Twenty-four (24) consecutive years, if the offender has received one (1) year of credit time under IC 35-50-6-3.3;
  - Twenty-three (23) consecutive years if the offender has received two (2) years of credit time under IC 35-50-6-3.3;
  - Twenty-two (22) consecutive years if the offender has received three (3) years of credit time under IC 35-50-6-3.3; or,
  - Twenty-one (21) consecutive years if the offender has received four (4) years of credit time under IC 35-50-6-3.3,

the Department shall complete the following:

- a. Central Office Classification Staff shall identify the eligible offender(s) and forward the names to the appropriate facility staff.
- b. Facility Unit Team shall complete a Progress Report in OCMS and forward notification of the completed Report via e-mail to the Director of Classification and Supervisor of Offender Placement. Central Office Classification shall review the Report and forward to the Parole Board and Legislative Council. Facility Staff shall insure that the Progress Report contains the information outlined in 4 a-d of these procedures.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page VIII-14	Total Pages VIII-15
Title <b>ADULT OFFENDER RELEASES</b>			

NOTE: In accordance with IC 11-13-9-2 and as used in these administrative procedures, confinement is “consecutive” if:

- a. The offender has remained in continuous custody of the Department for the requisite length of time; or,
  - b. The offender would have remained in the continuous custody of the Department for the requisite length of time, but:
    - The offender was released from the custody of the Department on the basis of an erroneous court order; and,
    - The offender was returned to the custody of the Department not later than 72 hours after the erroneous court order was rescinded.
4. Upon receipt of the Progress Report, the Parole Board shall set a hearing to determine whether the circumstances warrant the offender’s release from the custody of the Department.
5. The Parole Board shall consider all relevant factors in determining whether the offender is to be discharged under this chapter and must consider a community investigation report submitted to the Parole Board. The Parole Board shall give special consideration to an offender who demonstrates each of the following:
- a. A good conduct history during confinement.
  - b. Proof that the offender will have suitable living quarters in a community if the offender is released.
  - c. Proof that one (1) or more employers in the area in which the offender would reside if released have offered to employ the offender for at least thirty (30) hours a week on the same terms as the employer employs other employees.
  - d. Proof that the offender is at least a high school graduate; or has obtained: a general equivalency degree (GED).

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page VIII-15	Total Pages VIII-15
Title <b>ADULT OFFENDER RELEASES</b>			

6. If the Parole Board determines that the offender has been properly rehabilitated; and has suitable plans to carry out if released; the Parole board shall release the offender from the custody of the Department. An offender who is released from confinement by the Parole Board after meeting the requirements for the Rehabilitation Base Discharge must be placed on release supervision as follows:
  - a. An offender who is required to be placed on parole for the remainder of the offender's life under IC 35-50-6-1(e) shall be placed on parole for the remainder of the offender's life.
  - b. An offender who has a sentence that requires probation supervision upon release shall be placed on probation.
  - c. An offender, who does not require probation supervision or lifetime parole, shall be placed on parole for a period of two (2) years.
  
7. If the Parole Board denies an offender's request to be discharged under this section, the offender may petition for a new review not earlier than one (1) year after the parole board denies the request.
  - a. One (1) year after denial, the offender may petition through Unit Team to have the Parole Board reconsider the petition for release.
  - b. Unit Team Staff shall complete a new Progress Report, as outlined in items 2 and 4 of this section and forward to the Parole Board for reconsideration.
  - c. If approved, facility staff shall follow procedures outlined in item 5 of this section.
  
8. If approved for release, Facility staff shall notify a registered crime victim in accordance with departmental procedure.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page IX-1	Total Pages IX-3
Title <b>ADULT OFFENDER RELEASES</b>			

### **IX. COURT ORDER RELEASE:**

#### **A. Purpose:**

Provide an administrative process to receive, review and comply with court orders authorizing the Department to relinquish custody of an offender to an authorized agency.

#### **B. Court Order Release Process:**

Upon receipt of a court order authorizing the Department to relinquish custody of an offender to an authorized agency, the Supervisor of Classification or designated staff person shall:

1. Review the court order to ensure it includes at a minimum the following:
  - a. The name of the offender;
  - b. A cause number;
  - c. A Seal of the Court or signature of the judge. While a seal is preferred, it is not required); and,
  - d. A court order stating the Department is to relinquish custody of the offender to the authorized agency. The order does not have to list the facility in which the offender is currently housed.
2. Verify the order with the issuing court or the Transporting Sheriff Department if the court issuing the order cannot be reached. (If the order cannot be verified, the offender is not to be released.);
  - a. Note in the offender packet the verification of the court order, to include: date, time, court staff or Sheriff Department staff contacted, and staff who verified the court order;
  - b. Note on the court order the verification of the order; and,
  - c. If verified with the court issuing the order or the Transporting Sheriff Department, comply with the court order;
3. Request an IDAC check noting detainers on the Offender Status Disposition Report or by attaching them to the Report;

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page IX-2	Total Pages IX-3
Title <b>ADULT OFFENDER RELEASES</b>			

4. Ensure that the CHECKLIST FOR COURT ORDER RELEASES (APPENDIX Y) is completed by the appropriate staff and review this form to ensure accuracy and completeness.
5. Submit the completed and approved CHECKLIST FOR COURT ORDER RELEASES, along with a copy of the court order to the Facility Head or designee for review and approval of the release of the offender on the court order. No offender will be released to court order without authorization of the Facility Head or designee of the housing facility.
6. Receive the CHECKLIST FOR COURT ORDER RELEASES from the Facility Head or designee and ensure that a copy is filed in the offender's packet.
7. Cause State Form 9320, OFFENDER STATUS - DISPOSITION REPORT, Section 1 to be completed;
8. Notify Victim/Witness Coordinator, if applicable;
9. Cause State Form 2360, OFFENDER TRANSPORT ORDER, to be completed and signed;
10. Law enforcement or a court may notify facility staff during normal working hours of a need to pick an offender up after hours or on weekends. If facility staff is able to verify with the court and has approval from the Facility Head or designee, facility staff is authorized to release the offender to law enforcement after hours.
11. Cause the following procedures to be followed by the appropriate staff if the court order is received after regular working hours:
  - a. The appropriate Classification/Release/Unit Team staff is to be notified. They are to review the court order to ensure that it includes at a minimum the following:
    - (1). Name of the offender;
    - (2). Cause number;

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
01-04-105	07/15/11	IX-3	IX-3
Title			
<b>ADULT OFFENDER RELEASES</b>			

- (3). A court seal or signature of the judge (If the order cannot be verified, the offender is not to be released.); and,
- (4). A court order stating the Department is to relinquish custody of the offender to the authorized agency.

b. Follow steps outlined in items 2 through 6 of these administrative procedures.

12. If the facility is unsure about its right and/or ability to refuse to comply with a court order for funeral leave or similar matter, the court order is to be referred immediately to the Legal Services Division for an initial determination as to whether the order is to be honored or opposed by the Department.

Under no circumstances shall facility staff communicate to offenders (or their representatives) that they need to "get a court order" to accomplish whatever they desire.

Staff is to be aware that orders of the court, even if in error, are still valid and enforceable until overturned by a higher court or withdrawn by the court issuing the order. No staff member shall ignore a court's order without first contacting the Legal Services Division.

13. If new or pending charges are discovered through the court or the IDACS check, ensure that this information is logged into OIS.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page X-1	Total Pages X-5
Title <b>ADULT OFFENDER RELEASES</b>			

### X. INTERSTATE AGREEMENT/DETAINERS:

#### A. Purpose:

Establish an administrative process for the processing of out-of-state untried indictments, information, or complaints as defined by the Interstate Agreement on Detainers.

#### B. Receipt of Detainer:

Upon receipt of information concerning an untried indictment, information, or complaint as defined by the Interstate Agreement on Detainers, the Supervisor of Classification or designated staff person shall:

1. Review the information to ensure that it meets the definition of untried indictments, information or complaints as defined by the Interstate Agreement on Detainers (The Interstate Agreement does not cover Detainers based on charges that have already resulted in conviction and sentence (parole and probation violations));
2. Contact the wanting authority to clarify the information if it appears incomplete or questionable; and,
3. Follow procedure for receipt of Warrant/Detainer as outlined in VI. B. 1-10 of these administrative procedures.
4. On-Line forms can be found at:  
<http://www.ok.gov/dac/documents/Extradition%20and%20Detainers.pdf>
5. Contact the Sentence Computation and Release Section for questions.

#### C. Offender Requested Disposition under the Interstate Agreement:

If an offender requests final disposition under the Interstate Agreement, this request operates as an automatic waiver of extradition rights for the offender's transfer to and from the requesting state. In this situation, no judicial hearing is necessary before the offender is transferred from the custody of one jurisdiction to another under the Interstate Agreement.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
01-04-105	07/15/11	X-2	X-5
Title			
<b>ADULT OFFENDER RELEASES</b>			

Upon request of an offender for final disposition under the Interstate Agreement, the Supervisor of Classification or designated staff person shall:

1. Cause the completion of the following forms in accordance with the Interstate Agreement:
    - a. Form I, NOTICE OF UNTRIED INDICTMENT, INFORMATION OR COMPLAINT AND RIGHT TO REQUEST DISPOSITION;
    - b. State Form 12109, SUPPLEMENT TO FORM 1, AGREEMENT ON DETAINERS;
    - c. Form II, INMATE'S NOTICE OF PLACE OF IMPRISONMENT AND REQUEST FOR DISPOSITION OF INDICTMENT, INFORMATION, OR COMPLAINTS;
    - d. Form III, CERTIFICATE OF INMATE STATUS; and,
    - e. Form IV, OFFER TO DELIVER TEMPORARY CUSTODY;
  2. Cause copies of all forms to be distributed in accordance with the Interstate Agreement;
  3. Cause copies to be distributed in accordance with the Interstate Agreement upon receipt of the following forms:
    - a. Form VI, EVIDENCE OF AGENT'S AUTHORITY TO ACT FOR RECEIVING STATE; and,
    - b. Form VII, PROSECUTOR'S ACCEPTANCE OF TEMPORARY CUSTODY OFFERED IN CONNECTION WITH PRISONER'S REQUEST FOR DISPOSITION OF DETAINER;
  4. Cause copies to be distributed in accordance with the Interstate Agreement upon receipt of Form IX - PROSECUTOR'S REPORT ON DISPOSITION OF CHARGES.
- D. Transfer of Temporary Custody upon Request of Prosecutor:

When a prosecutor in a receiving state places a valid detainer/untried charges against an offender incarcerated in the sending state, the

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
01-04-105	07/15/11	X-3	X-5
Title			
<b>ADULT OFFENDER RELEASES</b>			

prosecutor may obtain temporary custody of the offender under article IV of the Interstate Agreement on Detainers. Transfer pursuant to Article IV is viewed by the Federal Courts as equivalent to extradition.

Judicial pre-transfer hearing is required unless the offender executed a formal waiver of extradition (form 5b). If the offender chooses not to waive extradition he should not be transferred to the temporary custody of the requesting state until a judicial pre-transfer hearing and opportunity for Habeas Corpus challenge has been satisfied.

Upon receipt of Form V, THE PROSECUTOR'S REQUEST FOR TEMPORARY CUSTODY, the Supervisor of Classification or designated staff person shall:

1. Cause the following forms to be completed in accordance with the terms of the Interstate Agreement on Detainers:
  - a. Form I, NOTICE OF UNTRIED INDICTMENTS, INFORMATION, OR COMPLAINTS;
  - b. State Form 12109, SUPPLEMENT TO FORM 1, AGREEMENT ON DETAINERS;
  - c. Form III, CERTIFICATE OF INMATE STATUS;
  - d. Form IV, OFFER TO DELIVER TEMPORARY CUSTODY, if all terms noted in the Interstate Agreement on Detainers have been satisfied; and,
  - e. Form V-A, PRISONER'S OPTION ON RIGHTS AND ADVISORY FORM, if applicable;
2. Cause the offender to be notified;
3. Cause copies of all forms to be distributed in accordance with the Interstate Agreement on Detainers;
4. Arrange a pre-transfer hearing in accordance with the Interstate Agreement on Detainers if the offender chooses not to waive extradition; and,
5. Cause the appropriate forms to be distributed in accordance with the Interstate Agreement on Detainers, upon receipt of the following forms:

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
01-04-105	07/15/11	X-4	X-5
Title <b>ADULT OFFENDER RELEASES</b>			

- a. Form VI, EVIDENCE OF AGENT'S AUTHORITY ACT FOR RECEIVING STATE;
- b. Form VIII, PROSECUTOR'S ACCEPTANCE OF TEMPORARY CUSTODY IN CONNECTION WITH ANOTHER PROSECUTOR'S REQUEST FOR DISPOSITION OF A DETAINER, if applicable; and,
- c. Form IX, PROSECUTOR'S REPORT ON DISPOSITION OF CHARGES.

E. Detainers not Covered by the Interstate Agreement:

The following detainers are not covered under the Interstate Agreement on Detainers:

1. Parole Violations;
2. Probation Violations;
3. Detainers from a Department of Correction of another state that deal with the completion of the remaining portion of a pre-existing commitment rather than an untried indictment;
4. A detainer from the States of Louisiana or Mississippi, both of which are non-signatories of the agreement; and,
5. Immigration and Naturalization Service.

F. Resolving Detainers with Non-Signatory States:

When a detainer for untried charges is lodged by or with officials in the States of Louisiana or Mississippi, the offender who is the subject of the detainer may be transferred only via the formal extradition process. In conjunction with the formal extradition, an executive agreement between the Governors of the Asylum State and demanding state must be prepared. See Appendix for a standard format for the executive agreement. Staff are to contact the Sentence Computation and Release Section, Attorney General or Compact Administrators with questions concerning this subject.

**POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

**Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
01-04-105	07/15/11	X-5	X-5
Title <b>ADULT OFFENDER RELEASES</b>			

**G. Resolving Detainers for Temporary Custody of Offenders on Death Row:**

If a detainer is received for an offender with a death penalty, the facility staff shall notify the appropriate Regional Director/Adult Operations and the Legal Services Division. The Legal Services Division shall review the detainer to determine its correctness. The Legal Services Division shall contact the Commissioner and the Office of the Attorney General for instructions. If so directed by the Commissioner, the Legal Services Division shall notify the Office of the Governor of the receipt of the detainer.

After consultation with the Offices of the Governor and the Attorney General, the Legal Services Division shall advise the facility what action, if any, is to be taken with regards to the detainer. The Legal Services Division shall maintain contact with the facility to ensure that all appropriate actions are completed and that the state filing the detainer is kept informed.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page XI-1	Total Pages XI-2
Title <b>ADULT OFFENDER RELEASES</b>			

### **XI. INTERSTATE AGREEMENT/OUT-OF-STATE PAROLE PLACEMENT:**

#### **A. Purpose:**

Provide an administrative process to receive and process applications concerning transfer to out-of-state parole supervision.

#### **B. Processing Applications for Out-of-State Parole:**

Upon receiving a request from an offender to transfer to out-of-state parole, the facility Re-Entry Staff/designee shall:

##### **1. Request the following information to be prepared:**

- a. Release paperwork as outlined in Procedure VII. C. of these administrative procedures;
- b. Updated medical summary;
- c. Make appropriate entries into the Offender Case Management System (OCMS) – note that requests for Out-of-State parole supervision must include an alternate In-State placement.
- d. Four (4) photographs of offender;
- e. Complete all Interstate Compact Forms as noted on the Interstate Commission for Adult Supervision Web Site: [interstatecompact.org](http://interstatecompact.org).

2. Cause all material to be prepared and sent out one-hundred-twenty (120) days prior to the offender's Earliest Possible Release Date, as instructed on the interstate compact web site.

#### **C. Additional Consideration:**

The following are additional consideration when processing out of state parole requests:

1. The request for alternate parole placement shall be forwarded to the parole district of the county of last residence, when the offender is a resident of this state and does not have an in-state parole placement;

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

## **Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
01-04-105	07/15/11	XI-2	XI-2
Title <b>ADULT OFFENDER RELEASES</b>			

2. The request for parole placement shall be forwarded to the parole district of the county of conviction, when the offender is not a resident of this state and does not have an in-state parole placement;
3. Offenders may not leave the state unless accepted by the receiving state and the parole plans have been approved by the receiving state; and,
4. Requests to transfer probation supervision must be processed by the Probation Department of the sentencing court.

**POLICY AND ADMINISTRATIVE PROCEDURES**

Indiana Department of Correction

**Manual of Policies and Procedures**

Number 01-04-105	Effective Date 07/15/11	Page XII-1	Total Pages XII-1
Title <b>ADULT OFFENDER RELEASES</b>			

XII. APPLICABILITY AND APPROVAL:

This policy and its administrative procedures are applicable to all Department facilities housing adult offenders.

\_\_\_\_\_  
Signature on File

Bruce Lemmon  
Commissioner

\_\_\_\_\_  
7/11/11

Date