

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
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<b>Manual of Policies and Procedures</b>			
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VII. CREDIT TIME:

A. Staff Responsibilities:

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

B. Credit Time Certification:

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

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entry of data into the offender information system.

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

C. Sentences

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

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an offense.

a. The Department shall apply the court imposed sentence on a day for day basis.

- (1) Sentence in days is the number of days from the date the sentence was imposed, less jail time credit.
- (2) Sentence in months is the number of calendar months from the date the sentence was imposed, less jail time credit.
- (3) Sentence in years is the number of calendar years from the date the sentence was imposed, less jail time credit.

b. Action to be taken by the Computation and Release Specialists when sentence(s) as stated on Abstract of Judgment/Commitment Order appear(s) questionable:

- (1) Initial compliance with order.
- (2) Contact sentencing court for clarification.
- (3) Contact appropriate Quality Assurance Supervisor.
- (4) Contact the Supervisor of the Sentence Computation and Release Unit.
- (4) Contact Department's Division of Legal Services for guidance.

2. Consecutive and Concurrent

a. The court will determine whether terms of imprisonment shall be served concurrently or consecutively.

b. If courts differ on how causes are to be ran, the controlling decision shall be the court that last sentenced the incarcerated individual.

c. If the courts are silent regarding concurrent or consecutive, but it appears that it should run consecutively to another cause, staff shall contact the court for clarification. Staff shall request the abstract be amended to show concurrent or consecutive. If the court does not choose to amend the abstract, the causes shall run concurrently.

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- d. If the crime was committed before the date of discharge from Parole supervision, the cause will automatically run consecutively per Indiana Code.
3. Imposed sentences.
- a. Felony--see Table VII-1A and Table VII-1B for sentences which may be imposed for various types of convictions.
  - b. Misdemeanor--see Table VII - 2 for sentences which may be imposed for various types of convictions.

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

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

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

Type of Conviction	Advisory	Range	Options
Murder	55 years	45-46	Death, Life W/O Parole
Level 1	30 years	20-40	
Level 2	17-50 years	10-30	
Level 3	9 years	3-16	
Level 4	6 years	2-12	
Level 5	3 years	1-6	
Level 6	1 year	6 months – 2.5 years	
Class A	Misdemeanor	Maximum	1 year
Class B	Misdemeanor	Maximum	180 days
Class C	Misdemeanor	Maximum	60 days

TABLE VII - 2  
MISDEMEANOR CONVICTIONS AND SENTENCES

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

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Class C	60 days	500
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D. Commitment to Department of Correction:

When a convicted person is sentenced to the Department, the court will send a copy of the “Abstract of Judgment/Commitment Order” to the Department.

The “Abstract of Judgment/Commitment Order” will also include:

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

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

E. Release from Imprisonment:

1. Committed incarcerated individuals.
  - a. The Indiana Code requires the Department to release "new" code incarcerated individuals on the current Earliest Possible Release Date except for a confined incarcerated individual charged with a new crime or who allegedly violated a Department rule.
  - b. An incarcerated individual, who within thirty (30) calendar days of release from Department confinement, is charged with a crime while confined or with a Class A or B conduct violation, shall be appropriately assigned to Credit Class 3 or Credit Class D and have all earned credit time suspended,

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pending disposition of the allegation.

- (1) The effective date of the assignment to the appropriate Credit Class 3 or Credit Class D and the suspension of credit time shall be the date of one of the following completed documents, or the date of the earlier document, when more than one is filed:
  - (a) "Report of Conduct," State Form 39590.
  - (b) Department warrant.
  - (c) Escape Report.
  - (d) Formal charge filed with a court of criminal jurisdiction.
  - (e) Law enforcement agency arrest report.
  - (f) Parole officer's report.
  - (g) Placement on pre-hearing restrictive status pending investigation.
  
- (2) If the incarcerated individual is found guilty in accord with the administrative procedure for Policy 02-04-101, "The Disciplinary Code for Adult Offenders," the incarcerated individual, in terms of credit class and credit time shall:
  - (a) Be reassigned to the appropriate credit class in accord with the approved sanction(s).
  - (b) Have credit time restored or deprived in accord with the approved sanction(s).
  - (c) Have all previously earned credit time restored, if the sanction is silent concerning credit time.
  
- (3) If the allegations are "dropped", or if the incarcerated individual is found not guilty of a Department rule infraction, the incarcerated

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individual shall:

- (a) Be restored to their former credit class, and be credited with the credit time that they would have earned, if they had not been assigned to Credit Class 3 or Credit Class D.
- (b) Have all previously earned credit time restored.
- (4) Any credit class promotion or credit time restoration shall be in accord with Policy 02-04-101.
- c. An incarcerated individual may be released to both parole and probation supervision, if one of the commitments has a portion of the sentence suspended.
- 2. Felons shall be released upon completion of the fixed term of incarceration, less credit time:
  - a. To parole.
    - (1) Refer to Appendix XV-Q in determining the amount of time the incarcerated individual will be placed on parole.
    - (2) Parole is revoked - shall be imprisoned for remainder of fixed term.
      - [a] Shall again be released on parole when the remainder of the fixed term, less the credit time earned since the revocation, is completed.
      - [b] Parole Board may reinstate on parole any time after revocation.



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- (3) If an “old” (prior to October 1, 1977) code incarcerated individual commits an offense prior to the Parole Board authorized release date, the Warden should contact the Parole Board for authority to hold the incarcerated individual beyond such release date.

If the incarcerated individual is held under these circumstances, normal disciplinary actions may be instituted.

- b. To the committing court, if a portion of the sentence was suspended or ordered by the court to probation/community correction supervision--The Warden shall cause the committing court to be notified during the last one hundred eighty (180) days of confinement that the incarcerated individual will be returned to the court's jurisdiction. The date of release is to be included in the notification.
  - c. To another jurisdiction.
  - d. By discharge, if sentence is totally satisfied (MRD). Individuals approved by the committing court for a Community Transition Program (CTP) may also be discharged by that court without the requirement of parole.
  - e. Individuals who complete the incarceration portion of a sentence and begin serving either a consecutive sentence or a longer concurrent sentence shall be considered on parole on the prior sentence. They shall remain on parole status in accordance with the time frames outlined in Appendix XV-Q.
3. F6 offenders shall be released upon completion of fixed term of incarceration, less credit time, and shall be released:
    - a. To the committing court when the commitment document states that a portion of the sentence is suspended and the incarcerated individual is to be

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placed on probation. The Warden shall cause the committing court to be notified during the last sixty (60) days of confinement that the incarcerated individual will be returned to the court's jurisdiction. The date of release shall be included in the notification.

b. To Parole:

- (1) Commitment was IDOC eligible and was served at IDOC.
- (2) Commitment was not IDOC eligible but the Commissioner granted special approval for individual to serve time at the Department.

Prior to release, the Director of Parole is to be notified if the incarcerated individual is an F6 offender that was granted special approval by the Commissioner to serve their commitment at the Department. The Director of Parole shall review the incarcerated individual with Parole District staff to determine if the incarcerated individual will serve the Parole obligation, or if a discharge request will be submitted to the Parole Board.

c. By Discharge:

- (1) If the Parole Board approves the discharge request.
- (2) Commitment document states that a portion of the sentence was suspended, but is silent concerning probation, the facility shall release the incarcerated individual from further obligation.
- (3) If sentence is totally satisfied.

d. To another jurisdiction.

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4. Misdemeanants sentenced prior to July 1, 1999 - shall be released upon completion of fixed term of incarceration, less credit time, and shall be released:
    - a. To the committing court when the commitment document states that a portion of the sentence is suspended and the incarcerated individual is to be placed on probation. The Warden shall cause the committing court to be notified during the last sixty (60) days of confinement that the incarcerated individual will be returned to the court's jurisdiction. The date of release is to be included in the notification.
    - b. By discharge.
      - (1) Commitment document states that a portion of the sentence was suspended, but is silent concerning probation, the facility shall release the incarcerated individual from further obligation.
      - (2) Sentence is totally satisfied.
    - c. To another jurisdiction.
- F. Earning Credit Time:
1. A person imprisoned for a felony or a misdemeanor may earn credit time which, when applied to the sentence, may reduce the time to be served. Credit time is earned only when an individual is incarcerated.
  2. As of September 1, 1983, the court may not restrict the earning of credit time as a condition of probation.
  3. As of July 1, 1993, an incarcerated individual may earn additional credit time under the following conditions:
    - a. The incarcerated individual must:

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- (1) Complete education requirements as defined in Indiana Code 35-50-6-3.3;
  - (2)
    - (a) If the offense is committed prior to July 1, 2014, be in Credit Class One at the time of program completion or Case Plan Credit Time (CPCT) review.
    - (b) If the offense is committed on 7/1/2014 or after:
      - [1] Level 6 Felony: be in Credit Class A
      - [2] Level 1-5 Felony: be in Credit Class B
  - (3) Have one (1) year clear of any findings of guilt for Class A conduct reports at the time of program completion or CPCT review;
  - (4) Have one (1) year clear of two (2) or more findings of guilt on Class B conduct reports at the time of program completion or CPCT review; and
  - (5) Have one (1) year clear of being found guilty as a Habitual Rule Violator.
- b. The incarcerated individual successfully completes the requirements to obtain the following:
- (1) A High School Equivalency Diploma
  - (2) A High School Diploma
  - (3) An Associate's Degree
  - (4) A Bachelor's Degree
  - (5) An approved Vocational Program
  - (6) Approved Addiction Recovery Treatment
  - (7) A Literacy and Basic Life Skills Program
  - (8) A certificate of completion of a reformative

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program approved by the Department of Correction. The following programs are approved by the Department of Correction for this credit.

- PLUS Program
  - Thinking for a Change (Version 3.0, 3.1, or 4.0)
- (9) An individualized case management plan approved by the Department.

As of July 31, 2017, the Reformatory Residential Re-Entry Program (RRRP), Advanced Cognitive Skills Development, and Career Development Training have expired.

- c. Due to mandatory changes in the USDOL program requirements, all incarcerated individuals enrolled after November 1, 2018, shall be required to successfully complete the new USDOL curriculum in order to be eligible for credit time awards under the Department's credit time tier.
- d. For credit time based on program completion the maximum amount of credit time an incarcerated individual may earn in one or more of the following Credit Time areas is as follows:
- (1) Educational/Vocational Programs:
- (a) Six (6) months for a High School Equivalency Diploma
  - (b) One (1) year for graduation from High School.
  - (c) One (1) year for completion of an Associate's Degree.
  - (d) Two (2) years for completion of a Bachelor's Degree.
  - (e) One (1) year for completion of Vocational Programs.

Those incarcerated individuals who

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

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

(2) Reformatory Programs:

Six (6) months for completion of a Reformatory Program

- Six (6) months for completion of a PLUS Program, as determined by the Department of Correction.
- Thinking for a Change [Version 3.0, 3.1, or 4.0] (30 days)

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

(3) General Programs:

- Six (6) months for completion of Substance Abuse/Addictions Recovery programs (EDCT participants only). CPCT participants will be afforded incremental credit upon successful completion of their scheduled periodic

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review.

- Six (6) months for completion of a Literacy and Basic Life Skills program.
- d. An incarcerated individual who commits a sex offense listed in IC 11-8-8-4.5 after June 30, 2010 while having been required to register as a sex or violent offender under IC 11-8-8-7 and who is committed to the Department of Correction after having been convicted of the offense listed in IC 11-8-8-4.5, may not earn credit time for any program listed in Procedure VII. F. 3. b. above.
- e. Completion dates for earning credit.
- An incarcerated individual does not earn credit time under this provision (High School Diploma, High School Equivalency, Associate’s Degree, Bachelor’s Degree) unless a portion of the degree is completed after June 30, 1993.
  - An incarcerated individual does not earn credit time under this provision for completion of Addiction Recovery treatment, Vocational Programs or a PLUS Program, unless a portion of the program was completed after June 30, 1999.
  - The effective date for the Literacy and Basic Life Skills Program is July 1, 2003; therefore, an incarcerated individual does not earn credit for completion of the Literacy and Basic Life Skills Program unless a portion of each program was completed after June 30, 2003.
  - An incarcerated individual does not earn credit for completion of Thinking for a Change 3.0 unless they enroll in the program after May 11, 2011 and complete after June 1, 2011.
  - An incarcerated individual does not earn

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credit for completion of the Reformatory Residential Re-Entry Program unless a portion of the program was completed after July 1, 2011.

- An incarcerated individual does not earn credit for completion of the STOP Intensive Track unless a portion of the program was completed after June 10, 2011.
- f. Beginning October 1, 2021, incarcerated individuals may opt into the CPCT structure to earn additional earned credit time. The signed waiver is non-reversible once an incarcerated individual signs the waiver to opt in or decline participation in CPCT. Incarcerated individuals who decline the CPCT structure will remain eligible to earn educational credit time by programs listed in Procedure VII. F., 3., b., (1)-(8) above. The decision made shall be the incarcerated individual’s final decision for the length of their sentence, including return to a facility for a parole violation, escape, etc.

Incarcerated individuals admitted prior to January 1, 2022, who have earned a portion of their educational credit time may earn the remainder of the earned credit time for which they are eligible by making progress towards an individualized case management plan. All Youth Incarcerated as Adults (YIAs) housed at a Division of Youth Services (DYS) facility as of January 1, 2022, shall begin participating in the CPCT structure. Alternatively Sentenced Youth (ASYs) shall participate in CPCT based on the date of their admission to an adult facility.

All incarcerated individuals admitted on or after January 1, 2022 must be enrolled in the CPCT structure. Individuals returned to the facility following an escape or parole violation, that were not with the Department during the “opt-in period”, shall use the CPCT structure.



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The individualized case management plan shall address an incarcerated individual's risk of recidivism and may include:

- (1) Addiction Recovery treatment as approved by the Department;
- (2) Behavioral or Physical health treatment as approved by the Department;
- (3) Vocational education programming as approved by the Department;
- (4) Adult Basic Education, a High School degree, or High School Equivalency diploma, a college diploma, and any other academic education goal as approved by the Department; and/or,
- (5) Any other programming or activity that encourages productive pursuits while an individual is incarcerated and that may reduce the incarcerated individual's likelihood to recidivate after the incarcerated individual's release from incarceration as approved by the Department.

Credit time awarded for completion of an individualized case plan under the CPCT program shall be determined as set forth in F., 3., g.

g. The maximum amount of credit time an incarcerated individual may earn under this provision is the lesser of:

- (1) For offenses committed prior to July 1, 2014:
  - [a] Four (4) years; or,
  - [b] One-third (1/3) of the incarcerated

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individual's total applicable credit time

(2) For offenses committed on July 1, 2014 or after:

[a] Two (2) years; or,

[b] One-third (1/3) of the incarcerated individual's total applicable credit time

h. The amount of credit time to be earned is to be based on the incarcerated individual's entire sentence, including any consecutive sentences.

i. Credit time earned for programs completed between July 1, 1993 and June 30, 1999 is applied to the incarcerated individual's entire sentence. Credit time for programs completed after June 30, 1999 is applied to the incarcerated individual's EPRD.

j. Effective August 19, 2005, if an incarcerated individual has attained either a high school diploma or high school equivalency, prior to or during their current period of incarceration, that incarcerated individual shall not be permitted to participate in another high school or high school equivalency program while incarcerated and shall not be eligible for earned credit time for any subsequent high school diploma, high school equivalency, or literacy program completed while incarcerated.

k. For a person to earn credit time for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved by the Department before the person begins the correspondence course. The Department may approve a correspondence course only if the entity administering the course is recognized and accredited by the department of education in the state where the entity is located.

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

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for a crime listed in 11-8-8-5 to the extent that the application of the credit time will result in release from incarceration ten (10) calendar days from the date the program was completed and verified.

- q. The awarding of program credit time awards, application of jail time credit, and any other statutory-driven actions are not appealable under this policy and administrative procedure. Questions or concerns regarding any or all of these areas shall be directed in writing to the Warden, who may delegate the response to facility staff.
  - r. An individual incarcerated under a violation (Parole, community corrections and/or probation) is ineligible to receive any portion of a time cut that was unable to be processed upon the incarcerated individual's initial release to parole, community corrections and/or probation.
4. Effective July 1, 2010, an incarcerated individual shall receive credit for time served, as well as, earned credit time for time spent on Home Detention and/or Community Corrections.
  5. Consecutive Sentences and Jail Time Credit (JTC).
    - a. If consecutive sentences are imposed by the same cause.
      - (1) When the allocation of JTC is specified in the commitment document, the Department shall follow the commitment.
      - (2) When the allocation of JTC is not specified in the commitment document, the Department shall apply all JTC to the first sentence and no JTC to the consecutive sentence, unless the JTC exceeds the PRD of the first sentence. In that case, the remainder of the JTC is to be applied to the consecutive sentence.

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b. Two (2) commitments from different courts and one court specifies that its sentence is to be consecutive to the other.

(1) The sentence that has the earlier date of sentence is to be served first.

(2) The JTC as enumerated in the commitments is to be applied to each sentence, unless otherwise directed by the court.

c. Two (2) commitments from different courts, and each commitment states that its sentence is to be consecutive to the other.

(1) The sentence that has the earlier date of sentence is to be served first.

(2) The JTC as enumerated in the commitments is to be applied to each sentence unless otherwise directed by the court.

G. Credit Classes:

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

1. If the offense is committed prior to July 1, 2014:

a. An incarcerated individual assigned to Credit Class 1 earns one (1) day of credit time for each day served.

b. An incarcerated individual assigned to Credit Class 2 earns one (1) day of credit time for every two (2) days served.

c. An incarcerated individual assigned to Credit Class 3 earns no credit time.

d. An incarcerated individual assigned to Credit Class 4 earns one (1) day of credit time for every six (6)

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days served.

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

H. Credit Class Assignment/Reassignment

1. Felon or misdemeanant offenders committed to the Department are to be assigned to a credit class, in accordance with the law in effect at the time of commitment. Credit time is to be computed in accordance with the same law.
2. As of October 1, 1977, a person who is not a credit restricted felon and who is imprisoned for a crime, or confined awaiting trial or sentencing, is initially assigned to the highest time-earning Credit Class depending on the date of offense. A person who is a credit restricted felon and who is imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to Class IV or Credit Class C for the credit restricted offense. The credit restricted offense shall not be assigned to Class I or Class II; or Credit Class A, Credit Class B. Concurrent or consecutive sentences that do not fall under the credit restricted guidelines are to be assigned the appropriate credit class in accordance with the laws in effect for those offenses.
3. Individuals serving life sentences are not assigned to a credit class and do not earn credit time with respect to the life

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sentence.

4. Capital punishment offenders are not assigned to a credit class and do not earn credit time with respect to the capital sentence.
5. An individual received by the Department with more than one commitment, and with different credit classes due to action by the Sheriff, is to be assigned the credit class which earns the lesser credit time. This applies to all offenses that are not credit restricted offenses. Credit restricted offenses are to be calculated separately from non-credit restricted offenses.
6. When an individual completes the incarcerated portion of one sentence and begins service of a consecutive sentence, the incarcerated individual is to be assigned to the appropriate Credit Class 1, Credit Class A, or Credit Class B. The exception is credit restricted offenses which are to begin in Credit Class IV or Credit Class C.
7. A returned parole violator resumes the same credit class as when released to parole; however, the incarcerated individual shall be promoted when eligible for promotion.
  - a. A parole violation does not cause the incarcerated individual to become ineligible to be promoted.
  - b. A parole violation does not cause the effective date of promotion to be re-calculated from the violation date.
  - c. An incarcerated individual who was released to Parole in a lower credit class and was not promoted prior to release, due to not reaching the 90 day mark, shall be promoted when the incarcerated individual has completed the additional amount of time to effectively serve 90 days in custody in the lower credit class. The calculation of the remainder of the 90 day time frame shall start the day that the Indiana PV warrant is served, at which time the incarcerated individual starts earning credit.

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- d. An incarcerated individual who was released to Parole in a lower credit class and was denied a promotion, due to the promotion causing the incarcerated individual's EPRD to be within 45 days of the action day, shall be promoted the date that the Indiana PV warrant is served, at which time the incarcerated individual starts earning credit.
8. If the offense was committed:
    - a. Prior to July 1, 2014: An incarcerated individual may be assigned to Credit Class 2 or Credit Class 3 if they violate a rule or regulation of the Department or by Sheriff action.
      - b. On July 1, 2014 or after:
        - 1) An incarcerated individual serving a Level 6 Felony sentence may be reassigned to Credit Class B, C, or D.
        - 2) An incarcerated individual serving a Level 1-5 Felony sentence may be reassigned to Credit Class C or D.
  9. "Credit Restricted Felon" means a person who has been convicted of at least one (1) of the following offenses:
    - a. Child molesting involving sexual intercourse or deviate sexual conduct (IC 35-42-4-3(a)), if:
      - The offense is committed by a person at least twenty-one (21) years of age; and
      - The victim is less than twelve (12) years of age.
    - b. Child molesting (IC 35-42-1-1) resulting in serious bodily injury or death.
    - c. Murder (IC 35-42-1-1), if:
      - The person killed the victim while committing or



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attempting to commit child molesting (IC 35-42-4-3);

- The victim was the victim of a sex crime under IC 35-42-4 for which the person was convicted; or
- The victim of the murder was listed by the state or known by the person to be a witness against the person in a prosecution for a sex crime under IC 35-42-4 and the person committed the murder with the intent to prevent the person from testifying.

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

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

I. Credit Time and Incarceration Factors:

1. A term of imprisonment begins on the date the sentence is imposed, unless execution of the sentence is stayed, according to law.
2. The serving of a consecutive sentence is dependent upon a prior sentence. If the prior sentence is reversed or dismissed, the result is that there is no prior sentence upon which to base a consecutive sentence.
3. If an incarcerated individual escapes or absconds, the individual stops earning credit time, or serving time on the sentence, on the day of the escape. The incarcerated individual resumes serving time and earning credit time on the day of availability for release to Indiana authorities.
4. Parole
  - a. The day a felony offender is released to parole, counts as a day of incarceration. The incarcerated

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individual receives credit time in accordance with the credit class to which they are assigned.

- b. Each day that the individual serves on parole, counts as a day served on the sentence. The individual earns no credit time while on parole.
- c. A parolee incarcerated under a parole violation warrant shall earn time served and applicable earned credit time from the date of service of the warrant.

J. Credit Time Deprivation/Restoration:

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

2. If the offense is committed:

- a. Prior to July 1, 2014.

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

- b. On July 1, 2014 or after.

- 1) An incarcerated individual serving a Level 6 Felony sentence may be reassigned to Credit Class B, C, or D.
- 2) An incarcerated individual serving a level 1-5 Felony sentence may be reassigned to Credit Class C or D.

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3. The Commissioner may deprive or restore any part of an incarcerated individual's earned credit time.
  4. The County Sheriff may deprive any part of an incarcerated individual's earned credit time taken as a result of a conduct action that occurred while the individual was in their custody.
- K. County Jail: Credit Class\Credit Time:
1. The County Sheriff is responsible to notify the Department, in writing, for each case in which they demoted or promoted an incarcerated individual in credit class and deprived any portion of an incarcerated individual's credit time.
  2. When an incarcerated individual is released to a Sheriff's control, the releasing Department facility shall supply the Sheriff with State Form 9320, "Offender Status-Disposition Report." When an incarcerated individual is returned to the Department, the "Offender Status-Disposition Report" is to be returned with any changes in credit class indicated.
  3. If no documents signed by the Sheriff are received by the Department facility, the unit is to conclude that there was no change in the incarcerated individual's credit class or credit time.
  4. If the Sheriff demotes an incarcerated individual in credit class, the receiving facility shall review the incarcerated individual for credit class promotion, in accordance with existing Department Policy and Administrative Procedure 02-04-101.
  5. The awarding of program credit time awards, application of jail time credit and any other statutory-driven actions are not appealable under this policy and administrative procedure.
  6. Incarcerated individuals should submit appeals concerning credit class demotion, promotion, credit time deprivation, or restoration by a Sheriff directly to the Sheriff and not to

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Department staff.

L. Credit Time Calculation:

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

$$\text{FTI}_{\text{revised}} = \text{FTI}_{\text{prior}} - \text{Time served} + \text{Time on parole}$$

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

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- g. Concurrent sentence(s).
- h. Consecutive sentence(s).
- i. Action by Sheriff.
- j. Credit class.
- k. Time served.
- l. Earned multiplier associated with current credit class
- m. Earned credit time.
- n. Remaining time to be served.
- o. Projection multiplier associated with current credit class.
- p. Projected time to be served.
- q. Projected release date (PRD).

1) Initial determinants.

- (a) Date of sentence.
- (b) Term of sentence.
- (c) Fixed term of incarceration.
- (d) Jail time credit.
- (e) Effective date of sentence.
- (f) Earned credit time prior to imposition of sentence.

2) Factors which may change PRD/EPRD

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

- r. Credit time (CT) deprivation and restoration.
- s. Modification of sentence.
- t. Release from incarceration.
- u. Return to incarceration.
- v. Earliest Possible Release Date (EPRD).

(1) Determinants

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- (a) The term of sentence
- (b) The term of any other concurrent or consecutive sentence which the individual must serve.
- (c) The credit time that an individual would earn on the additional sentence, if they remained in Credit Class 1 or Credit Class A or B during the period of confinement.
- (d) Jail time credit earned on the additional sentence.

(2) Formula for calculation of EPRD:

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

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

- (a) Court modification of sentence
- (b) Court modification of jail time credit
- (c) Escapes
- (d) Individual release on bond
- (e) Credit Class is changed
- (f) Individual’s credit time is changed.

6. Steps in calculation:

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

7. “Detail Credit Time Calculation Report,” OIS Report #52.

- a. The Detail Credit Time Calculation Report is the Department’s individualized standard form for committed and incarcerated felons and misdemeanants.

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- b. The Report will reflect various dates and numbers relative to the:
    - (1) Individual’s credit time.
    - (2) Release from incarceration.
  - c. It is the responsibility of the staff at the Intake Units to create the initial Detail Credit Time Calculation Report and file it in the facility packet.
  - d. It is the responsibility of each facility’s classification staff to insert appropriate credit time entries into the offender information system.
8. A State Form 5549, “Credit Time-Release Record,” must be maintained in the facility packet for each indeterminate sentence.
  9. Sentences that have been totally suspended (e.g. a three (3) years sentence with three (3) years suspended) are not to be entered into the offender information system.
  10. Sentences to the Department that are received after the EPRD has expired will be entered into the Incarcerated individual Information System. A notation indicating that the sentencing information was received after the EPRD should be made in the offender information system on the Sentence Detail Screen.
  11. Sentences that are vacated or dismissed must be deleted from the offender information system by the Sentence Computation and Release staff.
  12. Old code sentences (offenses committed prior to October 1, 1997), except Indeterminate Life, are not to be entered into the offender information system.
  13. Misdemeanors sentenced after July 1, 1999, cannot be sent to the Department without written permission from the Commissioner.