

# **POLICY AND ADMINISTRATIVE PROCEDURE**

Indiana Department of Correction

## **Manual of Policies and Procedures**

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Title <b>ADULT OFFENDER RELEASES</b>			

### III. DEFINITIONS:

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

- A. **ABSTRACT OF JUDGMENT:** 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. **BUSINESS/WORKING DAY:** Monday through Friday, excluding weekends, holidays, and emergency days declared in writing by the Superintendent.
- E. **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.
- F. **CHANGE OF COMMITMENT:** A State form completed by the Central Office Sentence Computation and Release Section and issued to the facility Supervisor of Classification and/or designated staff when a new commitment and/or amended commitment have been received by the court for an offender.
- G. **CLASSIFICATION:** The process used by the Department to divide offenders into subgroups with the goal of placing each offender in an environment that meets his/her appropriate security level and is consistent with the risk and needs of the offender.
- H. **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 as that is the most common form of clemency.

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- I. **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.
- J. **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.
- K. **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.
- L. **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.
- M. **DISCHARGE:** The official completion of a sentence.
- N. **DUAL SUPERVISION:** Situation wherein reaching his/her Earliest Possible Release Date, the offender is released to both Parole and Court supervision.
- O. **EARLIEST POSSIBLE RELEASE DATE (EPRD):** 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.
- P. **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).
- Q. **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.

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- R. EXECUTIVE DIRECTOR OF CLASSIFICATION: Position responsible for planning and directing the Classification system within the Department.
- S. GATEAGE: Funds given to an offender upon his release from incarceration for the purpose of assisting him/her in making the transition to society.
- T. IDOC RECORDS MANAGEMENT SYSTEM (IRIS): The electronic storage system used by the Department for the storing and maintenance of offender records.
- U. INTER-STATE COMPACT: An agreement entered into by contracting states for cooperative effort and mutual assistance in placing of offenders and other purposes.
- V. JAIL TIME CREDIT: Credit Time earned prior to sentencing.
- W. MAXIMUM RELEASE DATE: The release date of an offender at the expiration of the fixed term of incarceration.
- X. MEDICAL CLEMENCY: The process for 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, maybe considered for release in accordance with 210 IAC 1.1-4-4 and Section VIII of this policy and administrative procedure.
- Y. OLD CODE: Criminal Code that was in effect prior to October 1, 1977.
- Z. 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).
- a. PAROLE CASELOAD MANAGEMENT: Is used in conjunction with the offender information system to provide a system that enhances accountability and reduces the hours required to track and manage parolee cases.

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- b. **PAROLE VIOLATOR:** An offender who has violated a condition of his/her Parole.
- c. **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.
- d. **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.
- e. **PROGRESS REPORT:** Summary report that is sent to the court and supervising authorities outlining the achievements, conduct, needs, etc., of each offender. The progress report is also referred to as the “Offender Case Management Summary.”
- f. **QUALITY ASSURANCE SUPERVISORS:** The Quality Assurance Supervisors have direct supervision over the Sentence Computation and Release Specialists and report directly to the Supervisor of the Sentence Computation and Release Section.
- g. **RE-ENTRY CHECKLIST:** Completion of the Re-Entry Checklist should begin at the start of the release process and be completed no later than twenty-four (24) hours prior to release.
- h. **RE-ENTRY PROGRAM COORDINATOR:** The staff person designated by the Superintendent to coordinate the development, operation, supervision and administration of a Pre-Release Re-Entry program at the facility.
- i. **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.
- j. **RE-ENTRY STAFF:** Includes all staff who report to the Assistant Superintendent of Re-Entry.
- k. **RELEASE AUTHORIZATION:** A form prepared by the Release Specialist in the Central Office Sentence Computation and Release Unit and forwarded to the facility's Supervisor of Classification and/or

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designated staff authorizing an offender to be released from the facility to the appropriate supervising agency.

1. **RELEASE CHECKLIST:** A form completed by the designated Classification/Release staff and is completed up to five (5) days and no later than twenty-four (24) hours prior to an offender's release.
  
- m. **RELEASE PACKET:** A packet of information prepared by staff designated by the Supervisor of Classification 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 the Case Plan;
  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.
  
- n. **SENTENCE COMPUTATION AND RELEASE SPECIALISTS:** The Specialist is responsible for the calculation of all offender sentences and has final authority for the release of all offenders from Department of Correction custody.
  
- o. **SENTENCE MODIFICATION:** A change made in an offender's sentence by the sentencing court.
  
- p. **SOMM:** Sex Offender Management and Monitoring Program.
  
- q. **SUPERVISOR OF SENTENCE COMPUTATION/RELEASE SECTION:** Staff member responsible for the calculation of offender sentences and release from Department of Correction supervision. The Supervisor has direct supervision of the Central Office Sentence Computation and Release Section.

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- r. TERM OF SENTENCE: The sentence imposed by the court.
- s. UNIT MANAGEMENT TEAM: A group of Re-Entry staff persons designated by the Superintendent responsible for overseeing offenders' Re-Entry process.
- t. UNTRIED INDICTMENT: A written statement charging a person with a crime issued by a Grand Jury.
- u. 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.
- v. WAIVER OF EXTRADITION: Voluntary relinquishing of the right of challenging the legal surrender of an alleged criminal to the jurisdiction of another state for trial.
- w. WARRANT: A judicial writ authorizing an arrest.
- x. ZACHARY'S LAW: Stipulations placed on released offenders convicted of sex and violent crimes as specified by Indiana statute.