

POLICY AND ADMINISTRATIVE PROCEDURE

Indiana Department of Correction

Manual of Policies and Procedures

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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's department if the court issuing the order cannot be reached. Doxpop, Mycase, and InCite are additional resources available if unable to verify an order with the issuing court and/or transporting sheriff's department. If the order cannot be verified, the offender is not to be released.
 - a. Note on the court order the verification of the order, ensuring that date, time, and court staff or sheriff's department staff contacted; and,

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- b. 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;
4. Ensure that State Form 56169, "Checklist for Court Order Releases," is completed by the appropriate staff and review this form to ensure accuracy and completeness.
5. Cause State Form 9320, "Offender Status - Disposition Report," Section 1 to be completed, including all appropriate signatures;
6. Notify Victim/Witness Coordinator, if applicable;
7. Cause State Form 23605, "Offender Transport Order," to be completed and signed;
8. Ensure that a copy of State Forms 9320, 56169 and 23605, IDACS check, and the court order is filed in section 3, "External Interest," of the offender's facility packet, as well as documented on the "Access-Assignment-Movement-Release" sheet in Section 1 of the offender's facility packet. In addition, the above documents shall be scanned into IRIS with a copy maintained as records in the Classification department.
9. 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 the order with the court, the offender can be released to law enforcement after hours.
10. 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 staff is to be notified. They shall review the court order to ensure that it includes at a minimum the following:
 - (1) Name of the offender;

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- (2) Cause number;
 - (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 this Section.
11. 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.

12. If new or pending charges are discovered through the court or the IDACS check, ensure that this information is logged into the offender information system.
13. If the offender has been away from the facility on court order, the facility shall contact the court every thirty (30) days for an update on the offender's status. When the facility receives the status update from the court, the facility shall enter any new information into the offender information system.