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HEALTH CARE SERVICES DIRECTIVE-ADULT Manual of Policies and Procedures		4/1/2022	3	1.17A

Title FORENSIC INFORMATION

Legal References (includes but is not limited to) IC 11-8-2-5 IC 34-4-12.6	Related Policies/Procedures (includes but is not limited to) 01-02-101 01-02-106	Other References (includes but is not limited to) National Correctional Healthcare Standards
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I. PURPOSE:

This Health Care Services Directive (HCSD) describes Department practices regarding collection of forensic information. Health Services personnel are prohibited from participating in the collection of forensic information. Health Services personnel shall avoid, whenever possible, participating in collection of information or evidence that is subsequently used in adversarial proceedings.

II. DEFINITIONS:

For the purposes of this HCSD, the following definitions are provided:

- A. **ADVERSARIAL PROCEEDING:** A determination or process that may result in subsequent abridgment of liberty rights or loss of privileges.
- B. **FORENSIC EVALUATION:** An evaluation carried out for the purpose of generating information to be used in an adversarial determination, such as collecting blood or urine specimens for non-clinical drug analysis.

III. GUIDELINES:

A. Sexual Assault

In the event of a sexual assault, information obtained shall be provided to appropriate authorities and may be used for subsequent prosecution or misconduct hearing. Patients being treated for sexual assaults must be informed of this.

B. Information Relating to Escape, Assault, or Other Threat to Facility Security

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In the event that any employee learns of a planned escape, assault (whether on staff, an incarcerated individual, or other person), or other security threat, the employee must inform the appropriate authorities of the plan. Incarcerated individuals must be informed of this limitation on confidentiality. Ongoing security threats must also be reported immediately.

- C. Information Relating to Abuse of an Individual Under 18 Years Old (other than an emancipated minor), or of an Endangered Adult (among others, any individual over 60 years old).

If an employee learns of abuse of a minor (not an emancipated minor) or of an endangered adult (including any adult over the age of 60), past, present, or planned, appropriate protective authorities must be informed. Incarcerated individuals must be informed of this limitation on confidentiality.

- D. Dangerous objects noted or found inadvertently during clinical examinations shall be turned over to appropriate authorities. This may result in loss of privileges or liberty. Incarcerated individuals must be informed of this limitation on confidentiality.
- E. Psychological evaluations for the purpose of determining competency to stand trial, competency to be executed, or similar purposes, shall not be performed by Health Services staff employed at Department facilities. Information regarding mental status that may be helpful to other staff in understanding events that may have occurred may be shared by Health Services personnel.
- F. Court ordered laboratory tests or similar court ordered examinations shall be performed with the consent of the incarcerated individual. If an incarcerated individual refuses consent, the Executive Director of Physical Health shall be informed and, if consent cannot be obtained and the examination requires a health care professional, the Executive Director of Physical Health shall identify a health care professional who does not work at the involved facility and does not have a current patient-professional relationship with the incarcerated individual to perform the required activity.
- G. Samples for DNA determination for forensic databases may be obtained by Health Services employee if there is no therapeutic relationship between the Health Services employee and the incarcerated individual and the incarcerated individual is willing to provide it. These conditions are met (for

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example) when the Health Services staff member involved is a phlebotomist who has no pre-existing relationship with the incarcerated individual.

- H. Health Services employees' involvement in body cavity searches is covered in Policy and Administrative Procedure 02-03-101, "Shakedowns." It must be recognized that an incarcerated individual with a foreign object secreted in a body cavity who decides that they wish assistance in removing it and decides to cooperate with this removal is not being subjected to a body cavity search. Rather, Health Services staff removing a foreign body are acting as the agents of the patient and carrying out a health care procedure.

IV. APPLICABILITY:

This HCSD is applicable to all facilities housing incarcerated adults.

signature on file

Kristen Dauss, MD
Chief Medical Officer

Date