ARTICLE 2. COMMUNITY BASED CORRECTIONS

Rule 1. Community Corrections Funding

210 IAC 2-1-1 Community correction plan; application for aid
Authority: IC 11-8-2-5
Affected: IC 11-12-1-1; IC 11-12-2

Sec. 1. (a) This section governs the procedures whereby counties make application for financial aid and outlines the community corrections plan.

(b) The commissioner of correction, consistent with IC 11-12-2-1, shall make grants to counties for the establishment and operation of community corrections programs. Priority for funding community corrections programs, as defined by IC 11-12-1-1, shall be given to those programs that assist in diverting offenders from the department. Other types of programs shall also be considered for funding.

(c) Program components and services that may be considered for funding are as follows:

(1) Adult services as follows:

(A) Components that provide alternatives to incarceration include, but are not limited to, the following:

(i) Residential programs.
(ii) Work/study release programs.
(iii) House arrest programs.
(iv) Home detention programs.
(v) Electronic monitoring programs.
(vi) Day reporting programs.
(vii) Jail services and jail work crew programs.
(viii) Those programs that provide offenders the opportunity to make restitution either to the victims of crimes or symbolically to the community, for example:

(AA) restorative justice;
(BB) community service restitution; or
(CC) community work crew programs.

(B) Services provided for the components established in clause (A) include, but are not limited to, the following:

(i) Employment training and placement programs.
(ii) Educational programs.
(iii) Mental health programs.
(iv) Substance abuse treatment, education, and counseling programs.
(v) Programs that offer counseling in domestic relations, daily living, and parenting skills.

(2) Juvenile services as follows:

(A) Components that divert juveniles from the juvenile justice system include, but are not limited to, the following alternatives to detention:

(i) House arrest.
(ii) Home detention.
(iii) Electronic monitoring.
(iv) Day reporting/treatment.
(v) Restitution programs.
(vi) Volunteer programs.
(vii) Residential programs.

(B) Services provided for the components established in clause (A) include, but are not limited to, the following:

(i) Employment training and placement programs.
(ii) Educational programs.
(iii) Mental health programs.
(iv) Substance abuse treatment, education, and counseling programs.
(v) Mentoring programs.
(vi) Anger management and daily living skills.

(3) Victim services or programs include, but are not limited to, the following:

(A) Victim notification programs.
(B) Victim's compensation programs.
(C) Victim/offender mediation/reconciliation programs.
(D) Victim awareness programs.

(d) Grant applicants shall submit an application on the form prescribed by the department of correction and it shall be complete and consistent with IC 11-12-2-4. No county may receive financial aid until its application is approved by the commissioner.

(e) Any application being considered for funding must be submitted to the county commissioners or city county council for review and approval or disapproval, who will, in turn, submit the application to the commissioner of the department of correction. Any major alteration of the program concept or service delivery system during the funding period shall require the approval of the same authorities involved in the original grant process.

(f) Applicants shall submit any additional program component description or justification for funding upon request by the department of correction.

(g) Applicants shall identify the program's total itemized operating budget and the total itemized operating budget for each program component. The itemized operating budget shall include all sources of income, including project income as defined in the Community Corrections Grant Act Procedural Manual.

(h) Applicants for community corrections funds shall be prepared to show at the time of application that they are in compliance with IC 11-12-2-2 in the development of a community corrections advisory board and that such board is operational.

(i) The community corrections plan shall include the following:
(1) Current expenditures for local corrections.
(2) Estimated use of probation, both at the adult and juvenile level.
(3) The number of executed commitments to the department of correction within the past fiscal year.
(4) Impact relationship between this project and current correctional needs in the jurisdiction.
(5) Continuum of sanctions for adults and continuum of services for juveniles within the local jurisdiction.
(6) Definitions that are consistent with the definitions found in the glossary of the Community Corrections Grant Act Procedural Manual.

(j) The community corrections plan shall accompany the application unless otherwise indicated by the department.

(k) The application for funds shall show how long the program is to be sustained. Applicants should be prepared to show how the program is to be sustained in the event funds are not appropriated by the Indiana legislature in the future.

(l) In evaluating community corrections grant applications, the department of correction will take into consideration the following factors:
(1) The impact on existing local criminal and juvenile justice programs.
(2) The value of the program as it relates to a reduction of commitments to the department of correction.
(3) Funds currently apportioned to that community for correctional programs.
(4) The county's past experience with components of a like or similar nature.

(m) Consistent with IC 11-12-2-8, the department of correction will not award money to a county to supplant spending for currently funded correctional programs, nor to construct or renovate county jails.

(n) Counties requesting funding under the Community Corrections Grant Act shall ensure that requests for reimbursement or expenses, or both, including, but not limited to:
(1) mileage;
(2) per diem expenses;
(3) subsistence costs;
(4) out-of-state travel;
(5) employee wage increases; and
(6) training and registration costs;
do not exceed rates and written policies approved for other local county employees.

(o) Any county that has questions concerning the approval or disapproval of any part of its grant application or the amount of money awarded to the county may request that the commissioner of the department of correction reconsider their application or award. A request for reconsideration must be in writing and received by the commissioner within fifteen (15) days after a county has been informed of its approved grant award and advised to submit an amended application. *(Department of Correction; 210 IAC 2-1-1; filed Mar 27, 1981, 9:05 a.m.: 4 IR 775; filed Jan 20, 1987, 9:00 a.m.: 10 IR 1217; filed May 26, 2000, 8:59 a.m.: 23 IR 2410; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: 20070725-IR-210070277RFA)*

210 IAC 2-1-2 Establishing, operating, and evaluating correctional programs
Authority: IC 11-8-2-5
Affected: IC 11-12-2-3; IC 11-12-2-6; IC 35-38-2-1; IC 35-38-2.5-6

Sec. 2. (a) This section governs the minimum standards for establishing, operating, and evaluating correctional programs funded under IC 11-12-2.

(b) Programs involving domiciliary care shall be established and operated in accordance with the following:

(1) Standards promulgated by the Indiana state department of health, the state fire marshal, and the fire prevention and building safety commission.

(2) Other applicable standards and statutes.

Such programs shall be subject to inspection in the same manner as all other facilities and programs supported by public funds.

(c) Programs involving residential care shall be governed by applicable licensing, inspection, and other supervisory requirements imposed by law.

(d) Programs of referral shall be required to meet all state and federal licensing requirements.

(e) Educational and vocational type service programs shall meet standards set forth by the department of education.

(f) Court supervision programs, including any form of specialized probation services, shall meet standards prescribed by the probation standards and practices committee as promulgated by the judicial conference.

(g) Program components that assess user fees under IC 31-6-4-18 *[IC 31-6 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]*, IC 35-38-2-1, or IC 35-38-2.5-6, or collect any other user fee from a participant in a community correction program component shall provide to the department of correction, for approval, a written fee schedule, approved by the local advisory board, for each program component. The fee schedule shall specify how the fees are determined, including the rationale for determining the minimum and maximum amounts assessed for each program and the policy for serving the indigent population.

(h) In accordance with IC 11-12-2-3(a)(3), a written annual report will be required of all community corrections programs funded under IC 11-12-2 and will contain an evaluation of the effectiveness of the program, recommendations for improvement, modification, or discontinuance of the program, or any other data agreed upon in the original grant. The aforementioned reports will be submitted according to a schedule established by the department of correction.

(i) Programs receiving community corrections grant funds will be required to submit reports as required by the department of correction outlining the program activities and a monthly financial report detailing the month's expenditures and other reports as required by the department of correction.

(j) All program activity reports and monthly financial reports will be submitted in a format prescribed by the policies and procedures of the department of correction.

(k) All program activity reports and monthly financial reports will be submitted to the commissioner or designee by the fifteenth day following the end of the reporting period.

(l) Failure to meet any or all of the approved rules shall constitute noncompliance and may lead to temporary or permanent termination of funding consistent with IC 11-12-2-6.

(m) Any program receiving state funding under IC 11-12 is subject to inspection by the commissioner of the department of correction or the commissioner's designee. *(Department of Correction; 210 IAC 2-1-2; filed Mar 27, 1981, 9:05 a.m.: 4 IR 776; filed Jan 20, 1987, 9:00 a.m.: 10 IR 1219; filed May 26, 2000, 8:59 a.m.: 23 IR 2412; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: 20070725-IR-210070277RFA)*

210 IAC 2-1-3 Fund distribution
Authority: IC 11-8-2-5
Affected: IC 11-12-2-1

Sec. 3. The following formula will be utilized as a guideline in the distribution of community corrections funds under IC 11-12-2-1:

(1) All qualified applicant counties will be scored in accordance with a formula consisting of the following three (3) factors:

(A) Total county population, according to the most recent federal census, or, in the intervening years between the taking of the federal census, determination will be made according to the most recently published projection of the Indiana state department of health.

(B) Total county population ten (10) years of age through thirty-four (34) years of age according to the most recent

federal census, or, in the intervening years between the taking of the federal census, determination will be made according to the most recent projection of the Indiana state department of health.

(C) The third factor is to be calculated as follows:

(i) Determine the net value of taxable property as same appears for the most recent tax year in the most recent annual report of the auditor of state.

(ii) Divide the amount determined in item (i) by the total population of the individual county to obtain a per capita of net taxables.

(iii) Add the results obtained in item (ii) and reduce same to a percentage of the total for each county.

(iv) The result will then be the percentage for the third factor.

(2) Each qualified applicant county is then scored as follows:

(A) The applicant county's total population is divided by the total population of all qualified applicant counties. The percentage thus obtained is to be carried to the third decimal.

(B) The applicant county's population ten (10) years of age through thirty-four (34) years of age is divided by the total population ten (10) years of age through thirty-four (34) years of age for all qualified applicant counties. The percentage thus obtained is to be carried to the third decimal.

(3) The percentage given each county in each of the foregoing factors will be added to the percentage obtained by the computation of the third factor and will be divided by three (3).

(4) The percentage thus obtained shall then be applied to the funds available to establish a base upon which a county's eligibility may be considered.

(5) In those cases in which a county is eligible under the formula for more funds than are required to fund the county's approved community corrections programs, only the amount needed to fund the programs will be distributed.

(6) If, after applying the formula, all available funds have not been allocated, the amount remaining may be reallocated among the other qualified applicant counties with approved programs but whose requests exceeded their amount of eligible funding. The formula will be applied to these counties in the same manner as the initial application of the formula.

(Department of Correction; 210 IAC 2-1-3; filed Mar 27, 1981, 9:05 a.m.: 4 IR 776; filed Jan 20, 1987, 9:00 a.m.: 10 IR 1220; filed May 26, 2000, 8:59 a.m.: 23 IR 2412; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: 20070725-IR-210070277RFA)

210 IAC 2-1-4 Fund disbursement

Authority: IC 11-8-2-5
Affected: IC 11-12-2

Sec. 4. (a) This section governs the disbursement of community corrections funds.

(b) The department of correction, after having determined the amount of grant funds available to a county, shall cause the amount, less charges to the county under IC 11-12-2-9, to be encumbered against appropriations available for the purpose of implementing IC 11-12-2-1.

(c) The county shall make claim for available funds monthly, in arrears, on forms prescribed by the department of correction and approved by the state board of accounts. The claims shall be for not more than one-twelfth ($^1/_{12}$) of the grant available, less charges made under IC 11-12-2-9 and advancements made under IC 11-12-2-5.

(d) The claims shall be certified to the department of correction by the county auditor.

(e) The claims shall be made payable to the county auditor and shall be quietused into a separate fund known as the "Community Corrections Fund".

(f) Funds shall be disbursed from the Community Corrections Fund for purposes of implementing the county community corrections plan as otherwise provided by law.

(g) In the event that two (2) or more counties join in implementing the Community Corrections Grant Act, as provided by IC 11-12-2-2(c), funds shall be paid to the county designated to act as fiscal agent for the joint venture. *(Department of Correction; 210 IAC 2-1-4; filed Mar 27, 1981, 9:05 a.m.: 4 IR 777; filed Jan 20, 1987, 9:00 a.m.: 10 IR 1221; filed May 26, 2000, 8:59 a.m.: 23 IR 2413; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: 20070725-IR-210070277RFA)*

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