

POLICY AND ADMINISTRATIVE PROCEDURE

Indiana Department of Correction

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VII. RELEASES:

A. Purpose:

Identify the types of releases from the Department and provide an administrative process to appropriately release offenders.

B. Release Considerations:

Release Schedule:

1. All scheduled releases of offenders shall be on a Monday or Thursday. Offenders with Earliest Possible Release Dates (EPRD) on a Monday, Tuesday or Wednesday shall be released on their EPRD or on the Monday immediately preceding their EPRD and offenders with EPRDs on Thursday, Friday, Saturday or Sunday shall be released on their EPRD or the Thursday immediately preceding their EPRD.
 - a. Each year in December, the Commissioner shall issue an Executive Directive indicating the appropriate day of release for offenders who are scheduled to be released on a holiday due to the Monday and Thursday releases during the following calendar year.
 - b. Offenders receiving a modification of their sentence from a court, which results in an immediate release, shall be released as soon as possible in accordance with the modified sentencing order.
 - c. Offenders who are released before their EPRD, except those offenders released due to a modification of sentence or to the Community Transition Program (CTP), in accordance with the Monday and Thursday release schedule shall be released on a Temporary Leave in accordance with the administrative procedure for Policy 02-04-104, "Temporary Leaves for Adult Offenders."
 - d. The offender may be released at any time on the designated release date after 12:01 a.m. in accordance with the

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operational needs of the facility. The actual time of release is at the discretion of the facility.

- e. When preparing the offender's release documentation, staff shall ask the offender if family or friends will pick the offender up on the day of release and, if so, the approximate of arrival at the facility. Failure on the part of the offender to provide information regarding the time that family or friends may arrive could result in a delay in the release of the offender until later in the day.
 - f. Staff shall ensure that all release documentation is prepared so that it will be ready whenever the offender will be released.
 - g. Offenders being released to Parole under authorized Global Positioning Satellite (GPS) supervision, or other approved electronic monitoring, shall be released on the actual Earliest Possible Release Date (EPRD). These offenders **are excluded** from the 12:01am release. These offenders **are excluded** from the normal Monday and Thursday release schedule.
 - h. At the discretion of the Warden, offenders housed in Administrative Restrictive Status Housing Units or Disciplinary Restrictive Status Housing Units may be released on the actual EPRD.
2. Intake units shall initiate release processing of offenders received into the Department with four (4) months or less remaining until their EPRD. The procedures outlined in subsection C shall be followed. The Admission Summary may substitute for the Progress Report.
 3. Wanting authorities may take custody of an offender thirty (30) days prior to an offender's release. If the wanting authority takes custody of the offender prior to the offender's release date, it is to be provided with a copy of the State Form 9320, "Offender Status-Disposition Report," indicating the cause number(s) and release date for the current sentence. Procedure listed in IV. D. of this section must also be followed.

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4. Offenders awaiting transfer to the Department of Mental Health (DMH) may be released to the DMH authorities on the last working day prior to an offender's release or on the date approved by the DMH for transfer.
5. An offender, who within thirty (30) calendar days of release from Department confinement, is charged with a crime or has allegedly violated a Department rule may have the release date suspended until the pending allegation is resolved, in accordance with Policy 01-04-101, "Adult Offender Classification," and Policy 02-04-101, "The Disciplinary Code for Adult Offenders."
6. Final discharges shall be processed by Parole Services in accordance with Parole Services Division Directive # 13-04, "Final Discharge."
7. An offender shall be placed on Parole if the offender has completed a felony sentence of which no portion was suspended. If the commitment period includes more than one such sentence (concurrent or consecutive), the offender shall be placed on Parole for the sentence with the latest Maximum Release Date (MRD), regardless of the order in which they were served or the presence of misdemeanor or partially suspended sentences.

The only exceptions to the above are as follows:

- a. The latest MRD of the sentence of which no portion was suspended does not extend beyond the offender's Earliest Possible Release Date (EPRD); or,
 - b. The offender is to be released by discharge.
8. Any offender who is defined as a sex or violent offender under Indiana Code (IC) 11-8-8-5 is required to register as a sex or violent offender before their release from the Department. After release, the offender is required to register with the local law enforcement authority in the county(ies) that has (have) jurisdiction where the offender intends to live (including where real property is owned), work, or attend school. For processing sex offenders within the Department, facilities shall adhere to Policy

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and Administrative Procedure 00-03-301, "Sex and Violent Offender Registry Appeal Process."

9. Re-Entry Staff/designee shall process the offender's release and ask whether the offender has adequate identification available upon release. The staff person shall advise the offender that an identification card showing the offender as released may be prepared if a form of identification is needed.
10. The Supervisor of Classification or designated staff shall document the date and type of release on the Indiana State Police Fingerprint Card, located in Section 1 of the offender's facility packet. This card shall be forwarded to the Indiana State Police Central Repository.
11. The Supervisor of Classification or other Designated Staff are to review OIS Reports 'RPTCTP 8' Anticipated on CTP in One Hundred Twenty (120) Days or Less and RPT024 Projected Release List on a daily basis. If an offender appears in the RPT024 'Projected Release Report' with an EPRD one hundred eighty (180) days or less from the date the report was requested and release processing has not been initiated designated staff shall:
 - a. Notify the appropriate Unit Team staff and the Re-Entry Coordinator of the names of the offenders who appear on the reports.
 - b. Prepare a release packet as outlined in Section VII, C of this policy and administrative procedure. All material is to be emailed as a single PDF file to the appropriate Parole District on the date the offender's name appeared on the report. The Progress Report is to be completed in OCMS within five (5) working days. If the offender is to be released to Court Supervision, a Release Packet shall be prepared as outlined in Section VII, C of this policy and administrative procedure. This material is to be mailed to the appropriate probation department within five (5) working days of the date the offender's name appeared on the report.
 - c. Follow the procedure outlined in Section VII, D, of this

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policy and administrative procedure if the offender is to be released to discharge.

- d. If the offender's name appears on the 'RPTCTP 8', Anticipated or CTP in One Hundred Twenty (120) Days or Less report, staff shall refer to, and comply, with Policy and Administrative Procedure 01-04-107, "Community Transition Program."

C. Parole/Probation/Court Supervision Releases:

Re-Entry/designee staff responsibilities:

1. Prepare a Release Packet to be scanned and emailed as a single electronic file in PDF format to the Parole District Supervisor and/or appropriate Chief Probation Officer no less than one hundred eighty (180) days prior to the offender's Earliest Possible Release Date. The date the Release Packet was emailed, and the name of the staff member that sent it shall be documented in the Transitions area of OCMS under the appropriate Parole or Probation tab. It shall be the responsibility of the Unit Team and Re-Entry Staff to ensure that the necessary release reports, Parole Case Management entries into OCMS and Release Checklist are provided to the Unit Team Manager/Supervisor of Classification. The Progress Report includes a summary of the updated Case Management Plan, as well as any reports used to complete the Case Management Plan such as: Psychiatric, Psychological, SOMM, Substance Abuse, Education, or Vocational information. The Release Packet shall include the following:
 - a. Pre-Parole Investigation Request in Offender Case Management (OCMS) (Parole releases only);
 - b. Psychological or Psychiatric Reports; (probation will require a release of information);
 - c. Provide the offender written reporting instructions to report to the Chief Probation Officer; (probation releases only);
 - d. OIS Report #70;

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- e. All Abstracts of Judgment and Commitment Orders including those in which all executed time has been suspended;
 - f. Certificates of Final Discharge issued on concurrent or consecutive sentences during the current commitment period if a certificate was requested by the offender. A copy of the Sentence Summary Screen of the offender information system will suffice if no certificate was requested by the offender;
 - g. Pre-Sentence Investigation Report;
 - h. Picture of the offender;
 - i. Police report and/or Affidavit of Probable Cause if available; and,
 - j. Any additional relevant material, including any special release needs considerations.
2. Pre-Release Progress Reports shall be developed in accordance with Policy and Administrative Procedure 01-07-101, "The Development and Delivery of Programs, Re-Entry, and Case Management,"
 3. Initiate one hundred twenty (120) days prior to the EPRD the following procedure when releasing any offender flagged as a sex offender in the offender information system to Parole supervision:
 - a. Fax the following information to the SOMM main office:
 - (1) Parole Stipulations For Sex Offenders, State Form 49108; and,
 - (2) Parole Release Informed Notification;
 - b. Send to the Parole District Office:
 - (1) A completed State Form 49108, "Parole Stipulations For Sex Offenders;,"

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- (2) Parole Release Informed Notification; and,
 - (3) A copy of all the SOMM information contained on the left side of the confidential section of the facility packet, as well as a copy of all the available information listed on the Notification of Sex Offender Release to Parole form (PSI, Police Reports, Probable Cause etc.);
 - c. Upon receipt of the signed consent and waiver forms the SOMM Case Manager in the main office shall process the information, set up an initial sex offender treatment program appointment and forward a copy of the appointment information to the Case Manager;
 - d. The Re-Entry Staff/designee receives the placement approval from the Parole Agent, meets with the offender, and in addition to the normal release procedures, informs the offender of the following:
 - (1) Scheduled parole and sex offender treatment program appointments; and,
 - (2) Any additional Parole Stipulations for Sex Offenders shall be completed by the Parole Agent after the offender's release.
 - e. When a sex offender cannot provide a potential home placement, Unit Team staff shall follow procedures outlined in Policy and Administrative 01-07-101, "The Development and Delivery of Programs, Pre-Release, and Case Management."
4. Non-sex offenders who are being released to Parole supervision and are unable to provide home placement, shall be referred to the appropriate Parole District, based on last county of residence in the offender information system Personal Data Screen, for assistance. Unit Team and Parole staff shall work together to secure appropriate placement prior to the release of the offender.

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5. Staff shall make arrangements for gateage in accordance with Policy and Administrative Procedure 04-01-106, "Gateage, Interstate Compact Fees, and Transportation Fees."
6. Prepare State Form 23, "Conditional Parole Release Agreement," to include reporting instructions provided by parole district;
7. Cause offender to review and sign State Form 23;
8. Cause copies of all paperwork to be distributed as needed;
9. If the offender requires transportation, staff shall adhere to the process outlined in Policy and Administrative Procedure 04-01-106;
10. Process offenders to be released to out-of-state Parole Supervision in accordance with Section XI of this policy and administrative procedure, if applicable;
11. All offenders shall have a criminal background/warrants check run no later than five business days prior to release from Department custody. This includes CTP, Court Order, Probation, Discharge, and Parole (Regular and Lifetime) releases; and,
12. Lifetime Parole (TOT Court Supervision)

When an offender who has a sentence that includes a lifetime Parole obligation is released to court supervision, Unit Team shall enter into the OCMS parole placement field, "Lifetime Parole." The offender shall be released in the offender information system to the Parole District of their county of residence on their EPRD. The Parole staff shall enter, "Temp-Out to Court Supervision," to the appropriate county into the appropriate offender information system field.

When the parolee's court supervision ends, the Parole Agent shall update the appropriate offender information system field to show the return from, "Temp-Out to Court Supervision."

D. Discharge Release:

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1. The Supervisor of Classification shall ensure that any sentence that has been completed by meeting the Maximum Release Date (MRD) while the offender is incarcerated at a Department facility, is discharged in the offender information system.
2. The Supervisor of Classification shall complete State Form 49, "Certificate of Final Discharge," and forward it to the Indiana Parole Board for signature by a member of the Indiana Parole Board.
3. For offenders who reach their MRD while under Parole supervision, the Parole District Supervisor of the supervising District shall ensure that any sentence that has been completed by meeting the MRD is discharged in the offender information system.

E. Release to Community Transition Program (CTP):

For releases to the Community Transition Programs, staff shall comply with Policy and Administrative Procedure 01-07-101, "The Development and Delivery of Programs, Programs, Pre-Release, and Case Management," and Policy and Administrative Procedure 01-04-107, "Community Transition Program."

F. Facility Responsibility:

1. The Department shall return any property or money, including accumulated earnings, held for the offender consistent with departmental policies and procedures.
2. The Department shall provide at least one (1) set of clothing appropriate for the season if the offender is unable to provide such clothing. The clothing shall not identify the offender as an ex-offender.
3. Offenders requiring on-going medication shall be provided the prescribed medication with dosage instructions. Offenders being transferred to facilities without health care staff shall be provided with at least one (1) week's supply of medication.

G. Release to Wanting Authorities: In-State:

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If an offender has an outstanding warrant or detainer, the offender shall be turned over to that authority upon reaching their Earliest Possible Release Date. In accordance with procedure outlined in this section of this policy and administrative procedure, offenders may be released thirty (30) days prior to their EPRD.

Supervisor of Classification/designee responsibilities:

1. Notify the wanting authority sixty (60) days prior to the offender's Earliest Possible Release Date in writing;
2. Notify Victim/Witness Coordinator, if applicable;
3. Contact wanting authorities by telephone if no response is received from wanting authority within thirty (30) days of original notification;
4. Arrange transportation to local county jail, if applicable; and,
5. Process appropriate release type, notifying any parole or probation authority of the offender's release to the wanting authority.

H. Release to Wanting Authorities: Out-of-State:

If an offender has an outstanding warrant or detainer from an out-of-state wanting authority, the offender shall be turned over to that authority upon reaching their EPRD if a waiver of extradition has been executed or the offender has been authorized for release to the wanting authority by an Indiana court. A Parole release offender with an INS detainer shall be referred to the Parole Board for discharge review using the "Request for Parole Board Review" format described in Section VII, B. In accordance with the procedure outlined in Section VII of this policy and administrative procedure, offenders may be released thirty (30) days prior to their EPRD.

Supervisor of Classification/designee Responsibilities:

1. Notify the wanting authority ninety (90) days prior to the offender's Earliest Possible Release Date in writing;

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2. Notify Victim/Witness Coordinator if applicable;
3. Contact wanting authority by telephone if no response is received from wanting authority within thirty (30) days of original notification;
4. Request offender to sign waiver of extradition;
5. Contact wanting authority by telephone if offender refuses to sign waiver of extradition;
6. Contact prosecutor in county where the offender is to be incarcerated to arrange for the appropriate court hearing, if applicable;
7. Contact the county sheriff and arrange for the offender to be transported to the county jail, if applicable (this is to be the county jail where the offender is to be incarcerated when released from a Department facility; and,
8. Process offender to be released based upon the appropriate type of release, notifying any Parole or probation authority of the offender's release to the wanting authority.