

INDIANA

PROBATION STANDARDS

**APPROVED
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I. Definitions

Supervising Judge: the judge, judges, board of judges, or chief judge responsible for the governance/oversight of the probation department.

Department: an adult and/or juvenile probation department (county, city or town) created by a court or division of a court authorized to impose probation that is directed by a chief probation officer.

Chief Probation Officer: a probation officer designated to direct and supervise the work of the probation department.

Probation Officer: an individual who is appointed by a court or division of a court authorized to impose probation who meets the requirements promulgated by the Board of Directors of the Judicial Conference of Indiana to perform the statutory probation functions mandated by Indiana law.

II. Indiana Probation Standards

A. Administration Standards

- 1.1 **Appointment and Authority of the Chief Probation Officer** -- The supervising judge shall appoint one chief probation officer to supervise the work of the probation department. The specific duties, responsibilities, and scope of authority of the chief probation officer shall be defined by the supervising judge.
- 1.2 **Communication to Staff** -- The chief probation officer shall assign duties and lines of authority within the department. The chief probation officer and supervisors shall provide advice and assistance to probation officers in the investigation and supervision of probationers.
- 1.3 **Policies and Procedures** -- The chief probation officer shall prepare a manual of policies and procedures for the operation of the department that is consistent with existing laws, local rules, policies adopted by the Judicial Conference of Indiana, and evidence-based practices. All written policies, procedures, rules and regulations should be dated, reviewed at least annually, approved by the court(s), and made available to department employees.
- 1.4 **Confidentiality of Records** -- Information contained in probation files is confidential and may only be released in accordance with the Indiana Rules on Access to Court Records, state and federal statutes and rules, and policies adopted by the Judicial Conference of Indiana.
- 1.5 **Annual Operations Report** -- The chief probation officer shall prepare an annual report that summarizes the department's statistics, programs and services.

A report of this nature is informative to the supervising judge as well as local government officials and the public. It provides a current assessment of workload and related activities and facilitates the planning process. The report affords the opportunity to address the requirements of staffing, equipment, and operating costs. Used in conjunction with the workload measures formula, the report serves as an aid for funding requests.

- 1.6 **Departmental Staffing and Resource Needs Assessment** -- The chief probation officer shall conduct an annual assessment of needs for the department.

This assessment affords the opportunity to address the requirements of staffing, equipment, and operating costs. Used in conjunction with the workload measures formula it serves as an aid for funding requests.

- 1.7 **Program/Services Needs Assessment** -- The chief probation officer shall prepare an annual assessment of the collective needs of probationers under his/her jurisdiction.

A review of this nature requires statistical analysis and discussion with probation officers and treatment providers. Once a department is fully aware of the needs of its service population, it can develop appropriate strategies to meet those needs.

- 1.8 **Absence of the Chief Probation Officer** -- The chief probation officer shall prepare a written contingency plan providing for the exercise of authority in his or her absence.

A predetermined and clearly understood course of action assures the continued functioning of the department.

- 1.9 **Records Management** -- Departments shall adopt policies regarding the management of case records in accordance with the Indiana Rules of Court.

The management of court records, including probation records, is governed by Administrative Rule 6 (Court Case Records Media Storage Standards), Administrative Rule 7 (Judicial Retention Schedules) and the Indiana Rules on Access to Court Records. Probation officers shall maintain the security of probation records.

- 1.10 **Records Regarding Fees** -- Departments shall maintain accurate records of fee collections according to statute and procedures established by the Indiana State Board of Accounts.

If the department collects fees, the maintenance of accurate records is essential to maintain public confidence and ensure the integrity of the department and the judiciary.

- 1.11 **Hiring Probation Officers** -- The chief probation officer shall recommend for appointment appropriate candidates for the position of probation officer and other staff positions within the department.

- 1.12 **Work Performance** -- Departments shall annually evaluate and verify each staff member's continued suitability for employment.

Performance expectations should be clearly defined and communicated to staff, conducted through a review of work product and direct observation, and linked to evidence-based practices. Supervisory personnel should take appropriate corrective action when a staff member's performance fails to meet expectations.

- 1.13 **Minimum Salary Schedule** -- The chief probation officer shall maintain and review personnel records to assure compliance of the department with the minimum salary schedule adopted by the Judicial Conference of Indiana.

Probation Officers' step increases shall occur on their anniversary date of employment.

- 1.14 **Hours of Operation** -- Departments shall adopt hours of operation that are sufficient to manage the service needs of the court.

The service needs vary by jurisdiction and by type of court. If security needs are met, early evening hours are an effective means of increasing the likelihood of successful supervisions.

- 1.15 **Safety and Security** -- Departments shall have written policies and procedures addressing safety and security.

The Indiana Probation Safety and Security Guide approved by the Judicial Conference of Indiana consists of policy and procedure recommendations intended to provide a safer and more secure work environment for probation departments.

The guide is written in a manner that allows probation departments the ability to tailor the different chapters to the needs and philosophies of that department. Individual departments are encouraged to use the guide, in addition to other safety and security information, to meet their needs in the area of safety and security.

- 1.16 **Budget** -- The chief probation officer shall make recommendations to the supervising judge annually regarding personnel, supplies, operational costs and equipment needs of the department to assure the efficient operation of the department and the safety of the community.
- 1.17 **Annual Compliance and Certification Reports** -- The chief probation officer and supervising judge shall annually certify to the Indiana Office of Court Services by March 1 compliance with annual continuing education requirements, compliance with the Minimum Salary Schedule, and that the county has adopted a plan for a consolidated department, as required by Administrative Rule 18.
- 1.18 **Personnel Change Notification** -- The chief probation officer shall report any changes in probation officer personnel to the Indiana Office of Court Services within 30 days of the change occurring. The chief probation officer shall immediately report to Trial Court Technology any personnel changes which may affect access to any statewide electronic applications.

Personnel changes reported to the Office of Court Services include new hires, terminations, retirements, resignations, name changes, and changes in job title. The changes shall be reported on the form issued by the Office of Court Services.

- 1.19 **Discipline** -- Departments shall adopt policies regarding discipline of probation officers and department staff.

The purpose of a disciplinary policy is to establish a consistent procedure for maintaining suitable behavior and a productive working environment in the workplace. Any policy created shall be consistent with the Code of Conduct for Probation Officers.

- 1.20 **Quarterly Electronic Monitoring Reports** -- Departments shall transmit a quarterly report to the local justice reinvestment advisory council regarding persons supervised by the department who were placed on electronic monitoring as required by I.C. 35-38-2.7-2.

Departments shall use the SRS SEA 9 Quarterly Report to run the quarterly reports on electronic monitoring services. Departments not using SRS, or those providing electronic monitoring services through a contractor, must work directly with the case management vendor or electronic monitoring contractor to gather the required data for these reports.

- 1.21 **Case Audits and Quality Assurance** -- Departments shall adopt policies and procedures to conduct case audits and IYAS/IRAS quality assurance.

Audits of case files should be conducted at least once a year and shall review case files for: properly administered IRAS/IYAS assessments, case plans linked to assessment findings/criminogenic needs, appropriate use of incentives and sanctions, appropriate supervision levels based on assessment, programs/services matched to probationer risk levels.

- 1.22 **Performance Measurement** -- Departments shall collect performance measures data to document the outcomes of initiatives.

To establish a performance management system, departments should specify a goal and objective for each initiative, develop a logic model, develop a data collection plan, collect and analyze the performance data, and use the information to inform decision-making. The purpose of performance management is to measure the outcomes of initiatives, increase efficiency and effectiveness in service delivery, and report indicators of operations results.

1.23 Fidelity to Practices and Programs -- Departments shall administer assessments and behavioral interventions according to guidelines established by the developers.

Fidelity in community supervision is defined as the extent to which the delivery of an intervention adheres to the protocol or program model as intended by the developers of the intervention. Care should be taken to follow the core components of a program (such as duration and intensity, use of qualified personnel) to minimize the risk of reducing program effectiveness.

1.24 Collaboration Plans -- The chief probation officer shall submit an annual community supervision collaboration plan to the Office of Judicial Administration, as described in IC 11-12-2-4(b)(8)(A).

The community supervision collaboration plan includes information on collaboration between the probation department and the community corrections program, as well as other local criminal justice agencies such as the prosecuting attorney, the public defender, and the sheriff. IC 11-12-2-4(a)(2) authorizes the commissioner of the Department of Correction to give priority consideration to grant applicants that demonstrate collaboration between the local community corrections advisory board, the probation department, court supervised recidivism reduction programs, juvenile justice programs, pretrial diversion programs, and jail treatment programs.

1.25 Suicide Prevention -- Departments shall adopt written policies and practices regarding suicide awareness and prevention for adult and juvenile probationers.

Probation departments may refer to the Indiana Probation Safety and Security Guide for information on developing suicide awareness and prevention programs.

B. Certification & Training Standards

- 2.1 **Certification** -- All probation officers in Indiana shall be certified and meet all qualifications established by the Judicial Conference of Indiana.
- 2.2 **Qualifications** -- A probation officer shall: (1) be at least twenty-one years of age; (2) be an American citizen; (3) have a baccalaureate degree from a college or university accredited by an accrediting organization recognized by the Council for Higher Education Accreditation; (4) be a person of good moral character; (5) take and pass an examination for prospective probation officers prior to employment or within six months from the date the person is first employed as a probation officer; (6) attend an orientation program conducted by the Indiana Office of Court Services within one year from the date that the officer is employed.

A person who applies to take the examination for prospective probation officers shall have a baccalaureate degree from an accredited college or university or be in the last semester of a baccalaureate degree program. A person may not serve as a probation officer until he or she receives a baccalaureate degree.

Good moral character is determined by a probation officer's appointing court. Under I.C. 11-13-1-1(c), probation officers serve at the pleasure of the appointing court.

Orientation includes administrative policies and other topics relevant to probation supervision in Indiana. The Judicial Conference of Indiana will be responsible for the training format. It is recommended that probation officers attend this orientation within six (6) months of the first day of employment.

The qualifications established by the Judicial Conference of Indiana shall be minimum qualifications only, and an appointing court may require higher qualifications for probation officers. The qualifications established by the Judicial Conference of Indiana became effective July 1, 1984. The qualifications shall not apply to persons who have been certified prior to July 1, 1984, as eligible to serve as probation officers in Indiana courts.

- 2.3 **Continuing Education** -- Probation officers shall obtain at least twelve hours of continuing education in each calendar year after certification as a probation officer. At least six hours of annual continuing education shall contain information on evidence-based practices in community supervision.

Each chief probation officer and supervising judge shall certify to the Indiana Office of Court Services, no later than March 1 of each year, those probation officers who have complied with the requirement during the previous year.

Training in evidence-based practices may include training in areas such as supplemental risk assessments, continuous quality improvement, motivational interviewing, cognitive behavioral programs, effective use of incentives and sanctions, targeting interventions through case planning, and skills training with directed practice. A department may develop training programs related to its goals, objectives, policies, and procedures. The training should meet staff needs, be available for all levels of staff, be reviewed regularly, and make use of

community resources. Other conferences, workshops, institutes, university courses, and online trainings offered by organizations such as the Indiana Office of Court Services, National Institute of Corrections, and the American Probation and Parole Association may be used upon approval of the appointing court(s).

The chief probation officer and the supervising judge shall approve course content eligible to comply with this requirement. Certification of compliance shall be reported to the Indiana Office of Court Services annually.

2.4 Lapse of Certification -- A probation officer certified by the Judicial Conference of Indiana who is not employed as a probation officer in Indiana for longer than five (5) years loses certification status and shall complete all current certification requirements upon reappointment as a probation officer.

2.5 Examination Failure -- A person who fails the probation officer examination shall not be permitted to serve as a probation officer. The person is eligible to re-take the examination at the next available testing date.

2.6 Subsequent Examination Failure -- A person who fails the probation officer examination after a second attempt shall not be eligible to take the examination again or serve as a probation officer for one year after the date of the second examination.

2.7 Revocation of Certification – The supervising judge must report the following alleged or confirmed conduct by a certified probation officer to the Office of Judicial Administration and the Judicial Conference Probation Committee for review of certification and possible revocation:

- (1) misrepresented or falsified information on the Application for Probation Officer Examination or material supporting the application,**
- (2) noncompliance with the required annual continuing education hours, or**
- (3) any of the following contact, whether consensual or forced, with a person under supervision: sexual activities, sexual communication using technology or in person, sexual conduct, or sexual exploitation.**

The supervising judge may report the following alleged or confirmed conduct by a certified probation officer to the Office of Judicial Administration for review of certification and possible revocation:

- (1) unethical conduct that results in the probation officer's termination from employment,**
- (2) unethical conduct under investigation at the time of the probation officer's resignation that would have resulted in termination from employment, or**
- (3) unethical conduct discovered after the probation officer's resignation that would have been subject to termination from employment.**

2.8 Chief Probation Officer Training -- Each newly appointed chief probation officer shall attend a chief probation officer orientation approved by the Indiana Office of Court Services.

2.9 Staff Training on Programs and Services -- Probation officers shall comply with recertification and ongoing training and performance standards for any program or service provided to probationers.

Maintaining the fidelity and integrity of programs and services provided to probationers is essential to ensure the maximum impact of the program or service. Complying with training, certification, and performance standards will raise the level of excellence of the service or program.

C. Preliminary Inquiry, Predispositional Report & Presentence Investigation Standards

- 3.1 Preparation of Reports -- A probation officer shall prepare a preliminary inquiry (PI), predispositional report (PDR), and presentence investigation (PSI) report when required by statute and/or when ordered by the court and shall follow standard formats as approved by the Judicial Conference of Indiana.**

The purpose of a standard format for the PI, PDR, and PSI is to ensure the court is provided with quality, consistent, and accurate information and to minimize disparities in the type of information presented. The format also ensures the probation officer complies with current laws and standards regarding the composition of these reports.

- 3.2 Preparation of Reports after Waiver -- A probation officer shall prepare a report that meets the statutory requirements for a presentence investigation when a defendant is sentenced to the Department of Correction without consideration of a presentence report.**

A court may sentence a person convicted of a Class D or Level 6 felony without considering a presentence report prepared by a probation officer. However, if a defendant is committed to the Department of Correction or a community corrections program under IC 35-38-2.6, the probation officer shall prepare a report that meets the requirements of IC 35-38-1-9 to be sent with the offender to the department in lieu of the presentence investigation report.

- 3.3 Local Policies -- Departments shall maintain written policies and procedures governing the initiation and completion of PI/PDR/PSI reports.**

Guidelines help minimize disparities in the type of information presented to the court and help ensure quality reports. Such guidelines should be developed in collaboration with the court as a supplement to the state standards.

- 3.4 Interview -- A probation officer shall interview the individual before preparing and filing the PI/PDR/PSI report.**

When interviewing a child and the child's family for a PI/PDR/PDR Modification, the probation officer shall immediately contact the Indiana Child Abuse and Neglect Hotline or local law enforcement if the officer has reason to believe that a child is unsafe or a victim of abuse or neglect (IC 31-33-5-1 et seq.).

- 3.5 Victim/Witness Notification -- Probation officers shall provide notice to victims and witnesses as required by statute.**

Notice to a victim/witness includes, but is not limited to, the following: notice of the time and date of the sentencing/disposition hearing and the right to make a statement to the court (I.C. 35-38-1-8.5 and I.C. 35-40-6-9); notice of the right to

receive information from the Indiana Department of Correction regarding when the offender is to be released from prison, released on parole, is to have a parole release or violation hearing, has escaped, or is going into a temporary release program. I.C. 11-13-3-3(e) requires that the probation officer inform the victim/witness of this right at the time of conducting the presentence investigation. The probation department shall forward the most recent list of addresses and phone numbers of victims to DOC within five days of receipt of the information from the victim.

3.6 Recommendations -- The PDR/PSI shall include a summary and evaluation of the information contained in the report and shall include recommendations for the court to consider in sentencing or disposition.

- a. The presentence/predisposition report shall address the needs of the individual. Supervision, treatment issues, and special conditions applicable to the individual shall be addressed in their conditions of probation.
- b. The predisposition report shall recommend services to the family that may be necessary to achieve the youth's conditions of probation and case plan goals, and promote appropriate care, supervision, and well-being of all youth in the home, consistent with Indiana Code 31-37-17-4.
- c. When preparing to recommend that a youth be placed in an out-of-home placement, including a commitment to the Indiana Department of Correction, the juvenile probation officer shall, where possible, consult with any mental health professionals presently offering services to the youth and/or family. Consistent with Indiana Code 31-37-17-1.1, the juvenile probation officer shall additionally, where possible, consult with a multi-disciplinary team consisting of probation officers, educational professionals, mental health professionals, and/or other relevant services providers.
- d. When making a recommendation for services, including placement of a youth in any out-of-home placement or in the Department of Correction, the juvenile probation officer shall consider the following: 1) any applicable statutes, especially those delineated in Indiana Code 31-37-17 et seq. and Indiana Code 31-37-19 et seq.; 2) the therapeutic and/or educational needs of the youth; 3) the recommendations of any mental health assessments, including psychological or psychiatric evaluations; 4) an assessment to determine the appropriateness of placement in a Qualified Residential Treatment Program (QRTP); 5) any evidence-based risk and/or needs assessment such as the Indiana Youth Assessment System (IYAS); 6) the recommendations of any multi-disciplinary team who have reviewed the youth's case and/or status; and 7) any other factor(s) the probation officer deems relevant and/or appropriate.
- e. When making recommendations for services in response to probation violations or violations of dispositional decrees, the nature of the violations should primarily guide the level of services recommended using the considerations in (d) above. If a recommendation for out-of-home placement, especially confinement in a secure facility or commitment to the Department of Correction, was not warranted by the initial offense, and is not warranted by the violation, it may not be warranted just because the youth has violated probation or terms of the dispositional decree. However, a pattern of conduct can be used to inform the recommendation for services in response to

violations, especially where it demonstrates a concern for safety and welfare of the youth or safety of the community.

- 3.7 Verification -- Information obtained during an investigation that may be considered by a court shall be verified when feasible and cited in any report prepared and filed with the court.**

Verification is needed to ensure the accuracy and credibility of the information contained in the PDR/PSI. The report shall specify what information has been verified and the source of verification.

- 3.8 Supervisor Review -- The department shall have procedures to review and audit PDR and PSI reports prepared by probation officers.**

Supervision of the investigation process ensures quality control and consistency. It also ensures that the needs of the individual, the court, and the community are met in accordance with established policies and procedures.

- 3.9 Completion of Reports -- The PDR/PSI shall be filed in a timely manner as determined by the court and as required by statute.**

- 3.10 Disclosure of the Presentence Report – The presentence investigation report is confidential pursuant to IC 35-38-1-13 and shall only be released in accordance with the statute.**

Probation departments may get requests for PSIs from prosecutors outside of the county; state, federal and local law enforcement; service providers and others. Unless disclosure is permitted under IC 35-38-1-13, a probation officer who receives such a request shall confer with the supervising judge.

Under I.C. 35-40-5-6(b), a victim has the right to read the presentence report relating to the crime against the victim. The victim does not have the right to read parts of the presentence report which contain confidential information, the source of confidential information, or information about another victim.

- 3.11 Disclosure of the Predispositional Report – The predispositional report is confidential pursuant to IC 31-39-1-2 and IC 31-39-2-1. Disclosure of the predispositional report is governed by IC 31-37-17-6 (delinquency) and IC 31-34-18-6 (CHINS) and shall be made available to enumerated persons within a reasonable time before the dispositional hearing.**

Probation departments may get requests for PDRs from prosecutors outside of the county; state, federal and local law enforcement; service providers, schools and others. Unless disclosure is permitted under IC 31-37-17-6 or IC 31-34-18-6, a probation officer who receives such a request shall confer with the supervising judge.

D. Supervision Standards

- 4.1 Indiana Youth and Risk Assessment Systems -- Departments shall use the Indiana Youth Assessment System (IYAS) and the Indiana Risk Assessment System (IRAS) and corresponding INcite applications in accordance with all policies adopted by the Judicial Conference of Indiana. These tools shall be made available to the court, prosecutor, and defense counsel prior to the hearing on the case.**

Assessing persons under investigation and community supervision in a reliable and valid manner is a prerequisite for the effective supervision and treatment of these individuals. Timely, relevant measures of risk and need of persons under community supervision at the individual and aggregate level are essential for the implementation of numerous principles of best practice in corrections.

- 4.2 Complementary Assessment Tools -- Departments may use complementary assessment tools to assist in developing individualized case plans when specific risk, need, or responsivity factors are identified by an IYAS/IRAS assessment. Departments may also use complementary assessment tools to identify additional risk, need, or responsivity factors as well as to assist in making decisions regarding the detention of youths.**

Supplemental assessment tools for specific populations of persons under investigation or community supervision can aid the probation officer in identifying specific risk, need, and responsivity factors. Examples of supplemental tools include specific risk assessments for sex offenders, domestic violence, mental health screening, substance use, education level, etc.

- 4.3 Case Classification and Case Plans -- Departments shall use the results of the IYAS/IRAS and supplemental assessments to:**
- a. provide the court with information regarding risk, need and responsivity factors and recommendations for supervision;
 - b. assign probationers to supervision by risk level;
 - c. create individualized case plans for probationers that target criminogenic needs; and
 - d. make further recommendations to the court regarding sanctions for violations, programs, services, and discharge of a probationer.

- 4.4 Expectations for Supervision -- A probation officer shall do the following in the course of supervising persons on probation:**
- a. provide a copy of the conditions of probation and review the conditions of probation as soon as possible after the sentencing or disposition hearing
 - b. assist the person to achieve the conditions of probation and case plan goals
 - c. (for juvenile cases only) assist the child's family to support the child's achievement of the conditions of probation and case plan goals
 - d. conduct office contacts and home visits with the person according to contact standards
 - e. immediately contact the Indiana Child Abuse and Neglect Hotline or local law enforcement if the officer has reason to believe that a child is a victim of abuse or neglect
 - f. immediately contact the Indiana State Hotline for Adult Protective Services or local law enforcement if the probation officer believes or has reason to believe that an endangered adult is the victim of battery, neglect, or exploitation (IC 12-10-3-9)

- g. (for juvenile cases only) recommend services to the family that may be necessary to achieve the child's conditions of probation and case plan goals, and promote appropriate care, supervision, and well-being of all children in the home
- i. document the identified needs and services in the case file
- ii. notify the court about the identified needs and services.

4.5 Workload Measures -- Probation departments shall measure their workloads according to policies adopted by the Judicial Conference of Indiana and analyze the results to determine staffing needs.

4.6 Contact Requirements -- Probation officers shall maintain contact with their probationers according to the minimum contact standards adopted by the Judicial Conference of Indiana and applicable state and federal laws.

A system of regular meetings between assigned probation officers and probationers serves several purposes. It holds the probationer to the level of accountability associated with their risk of re-offending while on probation; it provides the means for officers to obtain updated information about the probationer; and it affords the opportunity to address relevant issues with the probationers.

A child placed in a non-secure out-of-home placement shall be seen face-to-face each calendar month. Each meeting must be well-planned and focus on case planning and service delivery to promote the safety, permanency, and well-being of the child.

4.7 Use of Evidence-Based Practices in Contacts -- Departments shall use evidence-based practices when interacting with probationers, including:

- a. redirecting anti-social attitudes/beliefs and affirming pro-social attitudes/beliefs;
- b. teaching concrete problem-solving skills;
- c. using practice sessions to enhance skill building;
- d. using incentives and sanctions;
- e. using thinking reports;
- f. using motivational interviewing techniques; and
- g. using effective communication skills.

Evidence-based practices, when applied to a variety of offender populations, reliably produce sustained reductions in recidivism. Routinely applying these practices with fidelity during supervision promotes a greater likelihood of successful outcomes in risk reduction.

4.8 Accountability -- Departments shall develop and maintain a procedure to ensure the accuracy of workload reporting and the quality of supervision.

This can be accomplished with a system of internal reporting, at regular intervals, that includes caseload audits and case conferences between assigned officers and supervisors.

4.9 Programs and Services -- Departments shall cooperate with public and private agencies and other persons concerned with the treatment or welfare of persons on probation and assist probationers in obtaining services from those agencies and persons.

To fulfill this duty, departments and probation officers should develop networks and foster close relationships with local treatment providers, employment agencies, school

systems and other sources. Departments can encourage agencies to develop programs and services aimed at reducing recidivism.

4.10 Case Plan Contents -- Each supervision plan shall have specific objectives based on the individual's needs and special conditions.

4.11 Case Plan Focus -- Individualized case plans shall focus on the most significant criminogenic needs as identified by the IYAS, IRAS, and supplemental assessments. The plan shall prioritize and address criminogenic needs rated moderate or higher with special emphasis on addressing anti-social attitudes, values, and beliefs.

4.12 Review of Case Plans -- Individualized case plans shall be reviewed and updated periodically following significant and/or repetitive violations of community supervision and any risk/needs reassessment.

Ongoing review and updating of an individualized case plan is imperative as the risk and needs of a person under community supervision changes throughout the course of supervision. The ability to effectively address the risk and needs associated with each individual as areas of concern change promotes long-term success in reducing the overall risk the person poses to the community.

The case plan for a child in a non-secure out-of-home placement shall be reviewed and updated by at least once every one-hundred eighty (180) days. [IC 31-37-19-1.5(f)]

4.13 Case Plan Input -- Individualized case plans shall be developed with input from the probationer and communicated to the probationer.

A probation officer has the responsibility to assist the probationer in achieving constructive change. The plan requires the probationer's input and commitment in order to maximize the potential for a successful supervision. Supervision of a juvenile should include case plan input from the juvenile's parents, guardians or custodians.

4.14 Collateral Contacts and Verification -- Probation officers shall complete collateral contacts and verify information about probationers that is important to the supervision process.

Sources for collateral contacts include: family, friends, school officials, therapists, and employers. A potential benefit of these contacts is developing alliances to reinforce the rehabilitation process, in order to better understand the probationer.

Verification of information about probationers is important because the information is valuable to the supervision process and to authorities if apprehension is necessary. The accuracy of this information is often critical to probation officers' judgments and recommendations.

4.15 Documentation -- Probation officers shall maintain accurate records of the progress of each person under supervision.

Case records are essential to the effectiveness of probation services. The orderly recording, management, and maintenance of file documents and case progress provides the means to make intelligent judgments throughout the supervision period. The information facilitates performance assessment and the planning process, and provides the means to formulate conclusions about individuals who return to the system.

4.16 Probation Officer/Probationer Communications -- Probation officers shall exercise care in their conversations with probationers to avoid influencing their political, religious, or legal decisions and should avoid inquiry into matters unrelated to their supervision.

Probation officers shall keep the relationships and all conversations with the probationers on a professional level.

4.17 Cooperation with Law Enforcement -- Departments shall establish and maintain effective communications with law enforcement for the exchange of information relative to probationers' potentially illegal activities.

If a probationer returns to criminal or delinquent activity, information in the probation case file may be of help to the law enforcement personnel who are conducting the investigation. Care must be taken to follow any limitations on disclosure that may exist by statute, rules or court policy.

4.18 Searches -- Departments shall have clearly established policies, approved by the court, that govern searches of probationers and their property. These policies shall conform to the criteria established by case law.

Courts routinely require probationers to waive their Fourth Amendment rights related to search and seizure, as a condition of probation. Departments need to establish legal guidelines to keep their officers from violating probationers' constitutional rights.

4.19 Probation Violations -- Probation officers shall notify the court when a violation of a condition of probation occurs.

Probation officers shall notify the court, in a timely manner, when a violation of a condition occurs. Undetected violations create a risk to public safety and undermine the Court's credibility. Aggressive strategies should be developed for the detection of probation violations.

4.20 Absconders -- Departments shall take appropriate steps to locate probationers who make themselves unavailable for supervision.

If the risk to public safety is low, the appointed probation officer shall promptly make reasonable attempts to retrieve the individual without immediate use of the warrant process. However, if there is any potential of serious consequences resulting from delayed action, a warrant shall be immediately requested.

4.21 Transfer of Supervision -- Departments shall follow policies adopted by the Judicial Conference of Indiana, statutes, and rules regarding intra-state and inter-state transfers of probation supervision.

Generally, probationers may be permitted to transfer supervision if they meet all legal requirements of the adult and juvenile Interstate Compacts, juvenile statutes, or policies for intrastate transfers of adults. Any transfer request shall be investigated and approved by the sentencing court and receiving state or county prior to transfer of probation supervision.

4.22 Early Termination -- Departments shall develop criteria, in cooperation with the court, for cases that merit early release from probation.

Low risk probationers, who have satisfied the terms of their sentence in advance of the scheduled discharge date, may have their supervisions terminated early to devote department resources to areas of greater need.

Early termination may also occur as a result of placement, commitment, or imprisonment.

4.23 Exit Surveys -- Departments shall conduct exit surveys and analyze the results to improve the services provided to probationers.

An exit survey is one of the best methods to assess the performance of a department from the perspective of the probationer. A great deal of information can be derived from this action which can be used to aid in improving the performance of the department and raising the level of excellence in services and programs provided.

4.24 Sex Offender Registration -- Probation officers assigned to supervise a probationer who meets the statutory definition of a sex offender shall verify that the individual fulfills his or her obligation to register as a sex offender.

4.25 Case Audits and Quality Assurance for juvenile out-of-home placements -- Quality assurance review required for non-secure juvenile out-of-home placements and/or services paid for by the Department of Child Services.

Case files of juveniles in non-secure out-of-home placements and/or services paid for by the Department of Child Services (DCS) are subject to random case audits and quality assurance reviews. The results of audits and reviews will be shared with DCS, Office of Judicial Administration, and the probation department to improve system design, service delivery, and education and training programs.

E. Youth-Specific Supervision Standards

5.1 Consistent Use of Validated Risk and Needs Assessment Tool – Departments must consistently use the instruments in the Indiana Youth Assessment System to identify a youth’s risk to reoffend and criminogenic needs at specific points in the juvenile justice process, in accordance with the policy adopted by the Judicial Conference of Indiana Board of Directors. The IYAS risk and needs assessment tools have been validated for use by Indiana probation departments.

IYAS Diversion Tool. Consistent use of the Indiana Youth Assessment System’s diversion tool is critical to ensure low risk/low need youth are diverted from the juvenile justice system or placed on informal adjustment as deemed appropriate.

IYAS Detention Tool. Consistent use of the Indiana Youth Assessment System’s detention tool is critical to assist in making hold/release decisions and decisions regarding release from detention.

IYAS Disposition Screener. Consistent use of the Indiana Youth Assessment System’s disposition screener is critical to quickly identify low-risk youth and determine if a full disposition tool should be completed. If a local policy requires a full risk assessment to be completed, the screener does not have to be completed for the case.

IYAS Disposition Tool. Consistent use of the Indiana Youth Assessment System’s disposition tool is critical to assess a youth’s risk to re-offend and identify

criminogenic needs to assist in making decisions regarding post-adjudication supervision. If youth will be sent to a qualified residential treatment, the Residential tool would be completed instead of the Disposition Tool.

IYAS Residential Tool. Consistent use of the Indiana Youth Assessment System's residential tool is critical to inform decisions regarding level of placement, case planning and length of stay recommendations.

IYAS Reentry Tool. Consistent use of the Indiana Youth Assessment System's reentry tool is critical to reassess a youth's risk to reoffend and identify criminogenic needs for youth who have been released from residential placements back to community supervision.

5.2 Youth Informal Adjustment Supervision Conditions – Youth informal adjustment supervision conditions must:

- a. tailor to specific individual goals identified in collaboration with the youth and family**
- b. use developmentally appropriate language with simple and clear instructions**
- c. be kept as brief as possible to achieve identified goals, while ensuring that the duration does not exceed a maximum of six months**
- d. engage youth and their families only as needed to encourage successful completion of the informal adjustment agreement.**

Conditions of informal adjustment should differ from formal probation conditions. A program of informal adjustment is not the same as formal probation and should be treated as a brief, strategic intervention. "Developmentally appropriate language" considers the youth's age and uses simple language, clear instructions and concise terms

5.3 Youth Formal Probation Supervision Conditions – Formal youth probation supervision conditions should:

- a. promote positive, long-term youth behavior change**
 - i. order conditions of supervision consistent with the youth's individualized demonstrated need as assessed by the Indiana Youth Assessment System and any supplemental assessment(s)**
 - ii. order treatment consistent with the youth's individualized demonstrated need as assessed by the Indiana Youth Assessment System and any supplemental assessment(s)**
 - iii. limit standard conditions and restrictive conditions**
 - iv. limit length of probation based on risk level and needs, employing the minimum time needed to connect youth with services and achieve goals**
 - v. use incentives and graduated responses to support behavior change**
 - vi. use developmentally appropriate language and expectations**
- b. promote relationship building with the probation officer**
 - i. engage youth and family in collaborative case planning**
 - ii. engage youth and family in setting goals that are specific,**

- measurable, achievable, realistic, and timely
 - iii. schedule contacts between probation officer, youth, and family in accordance with youth's assessed risk level and needs
 - c. provide positive youth development opportunities to develop youth skills and interests
 - d. provide restorative programs for youth to repair specific harm caused to victims and communities
 - e. promote racial, ethnic, and gender equity
 - f. promote a clear pathway to early release and successful completion of probation term.

5.4 Collaborative Youth Case Plans – A probation officer must collaborate with the youth, family, and service providers to develop an individualized case plan that identifies two or three clear, achievable goals related to the youth's criminogenic needs identified in the IYAS assessment.

The collaborative youth case plan must match services and activities to address identified criminogenic needs and provide positive youth development. The plan should be strength-based, personalized to the youth's interests and talents, proactively state expectations for supervision and accountability, and promote positive behavior change and long-term success with the use of incentives and graduated responses. The plan should also address potential barriers to success and be designed to enable the youth to experience success almost immediately.

5.5 Expectations for Youth Supervision – A probation officer must do the following in supervising youth on probation:

- a. employ a developmentally appropriate approach to supervision and services, recognizing the distinct differences between adolescents and adults
- b. focus on youth and family engagement
- c. ensure access to opportunities and supports for prosocial development for all youth regardless of race, sex, ethnicity, language, culture, sexual orientation, gender identity, gender expression status, abilities, and socio-economic status
- d. use trauma-responsive practices that take traumatic experiences and their consequences into consideration when making decisions and providing services
- e. assist the youth's family to support the youth's achievement of the conditions of probation and case plan goals
- f. follow the principles of risk, need and responsivity to match youth with the appropriate level of supervision and services
- g. broker community connections and opportunities that support long-term behavior change
- h. encourage positive behavior change through use of incentives and rewards for meeting expectations and goals

- i. use graduated responses to fairly address violations and noncompliant behavior while incorporating elements of procedural justice**
- j. immediately contact the Indiana Child Abuse and Neglect Hotline or local law enforcement if the officer has reason to believe that a child is a victim of abuse or neglect**
- k. recommend services to the family that may be necessary to achieve the youth's conditions of probation and case plan goals, and promote appropriate care, supervision, and well-being of all youth in the home**
 - i. document the identified needs and services in the case file**
 - ii. notify the court about the identified needs and services.**

Developmentally appropriate approach: The United States Supreme Court has cited a comprehensive body of research on adolescent development in its opinions examining youth sentencing, culpability, and custody. This research shows that adolescents differ from adults in three specific ways: (1) they are less able to regulate their own behavior, (2) they are more sensitive to external influences such as the presence of peers and the immediacy of rewards and, (3) they are less able to appreciate the long-term consequences of their actions.

Youth and family engagement: Juvenile probation officer engagement with a youth and their family allows the officer to learn about the youth's interests and the family's goals for supervision, as well as gain insight on potential barriers to the youth attaining personal growth, positive behavior change, and long-term success. The relationships probation officers develop with youth and their families is important to youth achieving success. Youth and family engagement involves true partnership. It requires probation personnel to seek advice and opinions from families, honor and respect their insight and perspective, and treat them as essential participants in the development of their youth's case plans and the oversight of their youth's experience on probation (Annie E. Casey Foundation, 2022, 'Family-Engaged Case Planning' A Practice Guide for Transforming Juvenile Probation)

Trauma-informed practices: Helping youth and families access services to appropriately process and cope with traumatic experiences is vital to helping them make long-term positive behavior changes. Traumatic experiences in infancy and early childhood have been found to have a long-lasting impact into adulthood. Trauma can impair children's ability to think clearly, reason, and solve problems.

Risk, Need, Responsivity Principles: Using a risk-needs-responsivity (RNR) framework during youth probation can inform case processing decisions, guide case management, support more efficient use of resources, and reduce recidivism. The research based RNR model suggests that effective juvenile justice interventions target youth at high risk of reoffending (the *risk* principle); address the specific criminogenic needs that will reduce the youth's likelihood of reoffending (the *need* principle); and are delivered in a way that is responsive to the youth's individual learning styles, motivations, abilities, and strengths (the

responsivity principle). Urban Institute, October 2018, “Bridging Research and Practice in Juvenile Probation” (citing Andrews and Bonta, 2010)

Incentives and graduated responses: The Indiana Contingency Management Initiative Implementation Manual provides a template to develop an incentives and graduated responses program. The incentive program should include behaviors that may result in incentives and examples of incentives that may be awarded. The program should be designed in a way that enables the youth to experience success almost immediately. The graduated responses program should include the behaviors that may result in sanctions and the possible sanctions that may be imposed. The probation department should solicit input from youth and their family members to identify and secure rewards and incentives that are of high interest to the youth.

F. Political Affiliation

- 6.1 **Employment -- Political affiliation shall not be a condition for/of employment or disqualification for employment as a probation officer.**
- 6.2 **Contributions -- Financial contributions to a political party shall not be required as a condition for/of employment as a probation officer.**
- 6.3 **Political Activity -- Political activity or membership in a political party shall be governed by the Code of Judicial Conduct adopted by the Supreme Court of Indiana.**

Political activity, when appropriate, shall take place away from the office and any other employment location. No political activity is appropriate during working hours. Probation department staff should avoid any impression that their political expressions represent the department or any other person. No governmental property shall be used for any political purposes.

Court employees, including probation officers, may not run for or hold partisan elective office or hold office in a political party’s central committee. Court employees, including probation officers, may be a candidate for non-partisan elective office, provided that the employee complies with the requirements of the Code of Judicial Conduct concerning performance of duties and conflict of interest.

However, probation officers who wish to run for the non-partisan elective office of school board member should seek approval from the supervising judge prior to declaring an intention to run [See *Klunk v. St. Joseph*, 170 F. 3rd 772 (7th Cir. 1999)].

The appointing court(s) may enforce other limitations on political activity.

- 6.4 **Political Expression -- Political expression by a probation officer shall not occur in a probation officer's supervision of a case.**

G. Code of Conduct for Indiana Probation Officers

As public servants and judicial employees, probation officers must be competent and ethical in the performance of their duties. The Code of Conduct for Indiana Probation Officers establishes standards for ethical conduct of probation officers and is intended to complement the Code of Judicial Conduct. The chief probation officer and/or supervising judge are responsible for investigating violations of the code of conduct.

(1) Probation Officers must:

- a. Follow the directives of the Court, respecting its authority and always recognizing that they are an extension of the Court.
- b. Make accurate records and all case information available the Court to assist in sound decisions affecting a person's supervision and public safety.
- c. Serve each case with sincere concern and objectivity for the person's welfare without purpose of personal gain and with respect for human, civil, and legal rights.
- d. Respect the importance of all elements of the criminal justice system while cultivating relationships, promoting mutual respect, improving the quality of service, and furthering professional cooperation.
- e. Respect the rights of the public to be safeguarded from criminal/delinquent activity, while balancing the community's right to know with the privacy rights of a person under supervision.
- f. Without reservation, report fraudulent, dishonest, or corrupt behavior committed by another probation officer that could affect either the integrity of the department or the status of the person under supervision.
- g. Maintain the integrity of private information by not seeking personal data beyond that needed to perform official duties, and only disclose case information as allowed by statutes, rules, and departmental policies.
- h. Make clear those public statements that are personal views as opposed to those statements and positions that are on behalf of a department.
- i. Maintain the dignity of the judiciary by avoiding impropriety and the appearance of impropriety; and promote public confidence by acting with impartiality, integrity, and competence.
- j. Comply with the law and immediately self-report a criminal arrest, criminal charge, or criminal investigation of the probation officer to the chief probation officer or supervising judge.
- k. Complete annual continuing education hours required by the Judicial Conference of Indiana.

(2) Probation Officers must not:

- l. Use official position to secure privileges or advantages or promote any partisan political activity.
- m. Make critical statements of colleagues or their departments unless constructive in purpose.
- n. Allow personal interest to impair the objectivity that is required in their official capacity.
- o. Accept any gift or favor that may imply an obligation that is inconsistent with the free and objective performance of professional duties.
- p. Discriminate against any person based on race, sex, gender, gender identity, religion, national origin, ethnicity, age, disability, sexual orientation, marital status, socioeconomic status, political affiliation, personal characteristics, or status.
- q. Use speech, gestures, or other conduct that could reasonably be perceived as sexual harassment.
- r. Make any public comment regarding a proceeding pending or impending in any court regarding supervision of any probationer.
- s. Engage in a romantic and/or sexual relationship with any person under supervision.
- t. Disclose confidential or privileged information obtained while serving in an official capacity.
- u. Knowingly provide false information to a court in a document or proceeding.
- v. Knowingly misrepresent or falsify information on the Application for Probation Officer Examination or materials supporting the application.

(2) Enforcement Procedures:

- a. The Chief Probation Officer or other probation officer appointed by the judge(s) will investigate reports of violations of the Code of Conduct for Indiana Probation Officers and submit a written report of the investigation to the judge(s) and accused probation officer. The judge(s) may make any appropriate disposition including, but not limited to, dismissal of the charges, discipline, or removal of the probation officer from employment.
- b. If the probation department or a probation officer is accused of a violation of the Code of Conduct for Indiana Probation Officers, the supervising judge(s) may seek an opinion from the Judicial Qualifications Commission regarding the conduct in question and possible violation of the Code of Judicial Conduct.

- c. Probation Officers are subject to sections of the Code of Judicial Conduct that are applicable to court employees. The Code of Judicial Conduct supersedes the Code of Conduct for Indiana Probation Officers if there is a conflict between the two codes.
- d. Any disciplinary action which results in a probation officer being relieved of his/her position shall be reported to the Indiana Office of Court Services.

III. References and Citations

Caveat: The citations are for reference only and are not purported to be an exhaustive listing. Additionally, no mention is made of any relevant federal statutes or regulations. Please check the statutory supplements for updates. Copies of documents promulgated by the Judicial Conference of Indiana are available, upon request, from the Indiana Office of Court Services.

A. Administrative Standards:

See generally, IC 11-13-1 et seq.

- 1.4 **Release of Information:** The following are related Indiana statutes: IC 35-38-1-13; IC 35-38-1-14; IC 35-38-1-10.5; IC 31-39-2 et. seq.; IC 5-2-5 et seq. & IC 5-2-5.1 et seq. (release of data to criminal justice agencies).
- 1.9 **Records Management:** The following are related Indiana statutes: IC 5-15-1 et seq. & IC 5-15-5.1 et seq. (management of public records); IC 35-38-1-13; IC 35-38-1-14; IC 31-39-2 et. seq.; IC 35-38-1-10.5; IC 5-2-5 et seq.; IC 5-2-5.1 et seq.; Indiana Administrative Rule 7 "Criminal (2)"; Ind. Admin. Rule 7 "Family Law (4) Juvenile Courts".
- 1.13 **Minimum Salary Schedule:** The following is related Indiana authority: IC 11-13-1-8(b)(2); Schedule of Minimum Salaries for Probation Officers, Judicial Conference of Indiana, Adopted June 14, 1996; revised 2004.

B. Certification & Training Standards:

See generally, IC 11-13-1-8(f); Certification Proposal, Judicial Conference of Indiana, Adopted September 12, 1996; Qualifications for Probation Officers, Judicial Conference of Indiana, Effective July 1, 1984.

C. Investigation Standards:

See generally, IC 11-13-1-3; IC 35-38-1-8; IC 35-38-1-9; IC 31-37-17 et. seq.; IC 31-34-18 et. seq.; Standard Indiana Presentence Investigation Report, approved by the Judicial Conference of Indiana Board of Directors on March 1993; Standard Indiana Preliminary Inquiry & Predispositional Report, approved by the Judicial Conference of Indiana Board of Directors on December 8, 1994.

- 3.1 **Presentence/Predispositional Report Preparation:** The following are related Indiana statutes: IC 35-38-1-8; IC 35-38-1-9; IC 35-38-1-14; IC 35-38-2.6-3; IC 31-37-17 et. seq.; IC 31-34-18 et. seq.
- 3.5 **Victim/Witness Notification:** The following are Indiana statutes related to victim notification: IC 35-38-1-8.5; IC 35-38-1-9; IC 35-40-6-9; I.C. 11-13-3-3(e); See also, Standard Indiana Preliminary Inquiry & Predispositional Report, approved by the Judicial Conference of Indiana Board of Directors on December 8, 1994.
- 3.9 **Completion of the Presentence/Predispositional Report:** IC 35-38-1-12, IC 31-37-17 et. seq. & IC 31-34-18 et. seq. are related Indiana statutes.
- 3.10 **Disclosure of the Presentence Report:** See IC 35-38-1-13 and IC 35-40-5-6(b).

3.11 Disclosure of the Predispositional Report: The following are related Indiana statutes: IC 31-37-17 et. seq.; IC 31-34-18 et. seq.; IC 31-39-2-9.

D. Supervision Standards:

See generally, IC 11-13-1-3; Probation Case Classification & Workload Measures System for Indiana, Indiana Judicial Conference Board of Directors, adopted September 16, 1993, effective January 1, 1995.

4.1 Indiana Youth and Risk Assessment Systems: The IYAS and IRAS policies are located at <http://www.in.gov/judiciary/probation/2762.htm>

4.4 Expectations Defined: The following are related Indiana statutes: IC 35-38-2- 2.3(b); IC 11-13-1-3(4).

4.9 Programs and Services: See, IC 11-13-1-3(8).

4.15 Documentation: See, IC 11-13-1-3(9).

4.17 Cooperation with Law Enforcement: The following are related Indiana statutes: IC 5-2-5 et seq. & IC 5-2-5.1 et seq. (release of data to criminal justice agencies).

4.18 Searches: See Vanderkolk v. State, 32 N.E.3d 775 (Ind. 2015).

4.21 Supervision Transfers: The following are related Indiana statutes: IC 11-13-4.5- 1 through IC 11-13-5-4; IC 11-13-1-3(11).

4.24 Sex Offender Registration: The following are related Indiana statutes: IC 11-8- 8 et seq.

E. Youth Specific Supervision Standards:

See generally, Annie E. Casey Foundation, 2022, “Family-Engaged Case Planning” A Practice Guide for Transforming Juvenile Probation; Urban Institute, October 2018, “Bridging Research and Practice in Juvenile Probation” (citing Andrews and Bonta, 2010); National Council of Juvenile and Family Court Judges, 2021, *The Role of the Judge in Transforming Juvenile Probation: A Toolkit for Leadership*, Reno, NV: National Council of Juvenile and Family Court Judges; National Council of Juvenile and Family Court Judges, 2017, “Resolution Regarding Juvenile Probation and Adolescent Development”; National Council of Juvenile and Family Court Judges, “Applying Principles of Adolescent Development in Delinquency Proceedings”; Dierkhising, C. B., & Marsh, S. C. (2015). *A trauma primer for juvenile probation and juvenile detention staff*. Reno, NV: National Council of Juvenile and Family Court Judges.

F. Political Affiliation

This section is adapted from the Judicial Code of Conduct and Advisory Opinions from the Judicial Qualifications Commission.

G. Code of Conduct for Indiana Probation Officers

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