

IC 11-10

ARTICLE 10. CORRECTIONAL SERVICES AND PROGRAMS

IC 11-10-1

Chapter 1. Evaluation, Classification, and Assignment of Criminal Offenders

IC 11-10-1-1

Application of chapter

Sec. 1. This chapter applies only to criminal offenders.
As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-1-2

Evaluation; information to consider; use of reports or other information; previous evaluations and information; citizenship and immigration status; provide requested information

Sec. 2. (a) A committed criminal offender shall, within a reasonable time, be evaluated regarding:

- (1) the offender's medical, psychological, educational, vocational, economic and social condition, and history;
- (2) the circumstances surrounding the offender's present commitment;
- (3) the offender's history of criminality;
- (4) the citizenship or immigration status of the offender by making a reasonable effort to verify the offender's citizenship or immigration status with the United States Department of Homeland Security under 8 U.S.C. 1373(c); and
- (5) any additional relevant matters.

(b) In making the evaluation prescribed in subsection (a), the department may utilize any presentence report, any presentence memorandum filed by the offender, any reports of any presentence physical or mental examination, the record of the sentencing hearing, or other information forwarded by the sentencing court or other agency, if that information meets the department's minimum standards for criminal offender evaluation.

(c) If an offender has undergone, within two (2) years before the date of the offender's commitment, a previous departmental evaluation under this section, the department may rely on the previous evaluation and the information used at that time. However, this subsection does not deprive an offender of the right to a medical and dental examination under IC 11-10-3.

(d) If the department is unable to verify the citizenship or immigration status of a committed criminal offender, the department shall notify the United States Department of Homeland Security that the citizenship or immigration status of the offender could not be verified. The department shall provide the United States Department of Homeland Security with any information regarding the committed criminal offender that:

- (1) is requested by the United States Department of Homeland

Security; and

(2) is in the department's possession or the department is able to obtain.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.171-2011, SEC.8.

IC 11-10-1-3

Security classification of offender; determination; assignment to facility or program

Sec. 3. (a) Upon completion of the evaluation prescribed in section 2 of this chapter and before assigning him to a facility or program, the department shall determine the appropriate degree of security (maximum, medium, or minimum) for each offender as described in IC 35-38-3-6. In making that determination the department shall, in addition to other relevant information, consider:

- (1) the results of the evaluation prescribed in section 2 of this chapter;
- (2) the recommendations of the sentencing court; and
- (3) the degree and kind of custodial control necessary for the protection of the public, staff, other confined persons, and the individual being considered.

(b) After determining the offender's security classification, the department shall assign him to a facility or program; make an initial employment, education, training, or other assignment within that facility or program; and order medical, psychiatric, psychological, or other services. In making the assignment, the department shall, in addition to other relevant information, consider:

- (1) the results of the evaluation prescribed in section 2 of this chapter;
- (2) the offender's security classification;
- (3) the offender's need for special therapy or programs, including employment, education, or training available only in specific facilities or programs;
- (4) the likelihood of the offender's reintegration into the community in which the facility or program is located;
- (5) the desirability of keeping the offender in a facility or program near the area in which he resided before commitment;
- (6) the desires of the offender;
- (7) the current population levels of the facilities or programs considered appropriate for the offender; and
- (8) the length of the offender's sentence.

(c) If the department determines that a committed offender is mentally or physically incapacitated to such an extent that proper custody, care, and control cannot be provided by the department, it shall make arrangements for placement outside the department.

(d) Before assigning an offender to a facility or program, the department shall give him an opportunity to present pertinent information; discuss with him all aspects of the evaluation, classification, and assignment process; and work with him to determine a fair and appropriate assignment.

(e) If an offender is sentenced to a term of imprisonment of one (1) year or less, the department may make an assignment under this section without making the evaluation prescribed in section 2 of this chapter. In determining the length of an offender's term, consecutive terms of imprisonment shall be added together.

(f) This section does not prohibit the temporary assignment of an offender pending evaluation and classification.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.5-1988, SEC.60.

IC 11-10-1-4

Court order for evaluation, classification, and determination of proposed assignment

Sec. 4. Unless notified by the department that adequate space is unavailable, a court may order an offender who is to be sentenced by it and is subject to commitment to the department to be temporarily committed to the department, for not more than thirty (30) days, for evaluation, classification, and determination of proposed assignment under sections 2 and 3 of this chapter. The department shall forward to the court its written findings and recommendations.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-1-5

Evaluation and classification of offender by local governmental unit or other public or private agency

Sec. 5. This chapter does not preclude a local governmental unit or other public or private agency from evaluating or classifying an offender, before commitment to the department, as prescribed by sections 2 and 3 of this chapter, if those services are approved by the commissioner as a substitute for departmental services.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-1-6

Annual review of committed offender of current classification assignment; decision

Sec. 6. The department shall, at least annually, review, in accord with sections 2 and 3 of this chapter, every committed offender not on parole to determine the appropriateness of his current classification and assignment and to make a classification-assignment decision based upon that review. Before making a classification-assignment decision the department shall interview the offender, discuss with him the information on which the decision will be based, and allow him to challenge that information and present pertinent information of his own. The department shall promptly notify the offender, in writing, of his classification-assignment decision and the reasons for it.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-1-7

Involuntary segregation of offender; review; disciplinary

segregation

Sec. 7. (a) An offender may be involuntarily segregated from the general population of a facility or program if the department first finds that segregation is necessary for the offender's own physical safety or the physical safety of others.

(b) The department shall review an offender so segregated at least once every thirty (30) days to determine whether the reason for segregation still exists.

(c) This section does not apply to disciplinary segregation under IC 11-11-5.

As added by Acts 1979, P.L.120, SEC.3.