

IC 11-11-6

Chapter 6. Safe, Healthful Environment and Inspection

IC 11-11-6-1

Policies and procedures; adoption

Sec. 1. (a) The department shall adopt policies and procedures for the protection of committed persons, including:

- (1) the monitoring of committed persons whose presence in the general population of a facility or program constitutes a threat of physical danger to other persons;
- (2) reasonable searches of committed persons, facilities and premises to reduce the number of weapons and dangerous items;
- (3) adequate staff supervision of committed persons, including living quarters;
- (4) maintenance of accurate records regarding incidents of violence;
- (5) referral of serious criminal conduct to investigating and prosecuting authorities with appropriate information; and
- (6) policies and procedures designed to reduce racial tension.

(b) For purposes of IC 4-22-2, the terms "policies" and "procedures" as used in this section relate solely to internal policies and procedures not having the force of law.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-6-2

Compliance with federal and state laws; inspections; correction of conditions; authority of department of health and fire marshal

Sec. 2. (a) The facilities of the department must comply with federal and state health, sanitation, safety, and fire laws applicable to dwellings, food establishments, eating facilities, and public buildings.

(b) Each department facility shall be inspected at least annually by:

- (1) the state department of health if the facility is not accredited by a nationally recognized accrediting organization; and
- (2) the state fire marshal;

who shall, within fifteen (15) days of the inspection, file a written report with the commissioner listing all unsafe, unsanitary, or unhealthy conditions within a facility that constitute a menace to the health, safety, and welfare of committed persons or department employees. In determining whether conditions are unsafe, unsanitary, or unhealthy, the state department of health and the state fire marshal shall consider the degree of overcrowding, the light, air, and space available to offenders within a facility, the size and arrangement of rooms and cells, the sanitary facilities, and the extent to which conditions in a facility endanger life or property.

(c) The commissioner shall correct all unsafe, unsanitary, or unhealthy conditions reported by the state department of health or the state fire marshal with reasonable promptness. Failure by the

department to initiate and continue action to correct unsafe, unsanitary, or unhealthy conditions within thirty (30) days of receiving a report of those conditions from the state department of health or the state fire marshal constitutes noncompliance with this subsection. Upon such noncompliance, the commissioner shall submit to the reporting agency and the governor a written statement explaining:

- (1) why the reported condition or conditions have not been remedied;
- (2) what the estimated cost of remedying the reported condition or conditions would be in terms of construction, renovation, manpower, space, and equipment;
- (3) whether the reported condition or conditions can be corrected by using facilities of other governmental entities;
- (4) whether additional state financing is required and, if so, the estimated amount needed; and
- (5) the probable consequences of not remedying each reported unsafe, unsanitary, or unhealthy condition.

(d) Notwithstanding other provisions of this section, the state department of health and state fire marshal retain authority to correct unhealthy, unsanitary, or unsafe conditions within a facility as provided by law.

As added by Acts 1979, P.L.120, SEC.4. Amended by P.L.2-1992, SEC.112; P.L.156-2011, SEC.5.