

**INDIANA
PROBATION
SAFETY and SECURITY
GUIDE**

JUDICIAL CONFERENCE OF INDIANA

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Indiana Office Of Court Services
251 N. Illinois Street, Suite 800
INDIANAPOLIS, IN 46204
PHONE: (317) 232-1313

Introduction

The procedures and recommendations suggested in this guide were compiled from various federal, state, and county agencies and resources from the National Institute of Corrections, Department of Homeland Security, and the Indiana State Police. This guide should not serve as the sole training and education for probation officers regarding safety and security. Appropriate field training, defense tactics, and other safety training should be regularly obtained.

This is not an official publication of the Indiana Supreme Court, nor should it be considered an authoritative statement of Indiana law. The forms and procedures set forth in this guide have not been approved or endorsed by the Indiana Supreme Court. These are recommendations by the Judicial Conference of Indiana for standards in this area. The Judicial Conference Board of Directors approved the revisions to the guide on September 6, 2018, with an effective date of January 1, 2019.

This guide is written in a manner that allows individual probation departments to adopt, edit, delete and/or tailor the different chapters to the needs and philosophies of that department. This document is intended to provide guidance for policies and procedures that provide a safer and more secure work environment for probation in Indiana.

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CHAPTER 1: PERIMETER AND INTERIOR SECURITY

Perimeter and interior security are the physical measures designed to safeguard personnel, to prevent unauthorized access to material (equipment, facilities, and documents), and to protect against sabotage, damage and theft. Physical security is proactive. It is important to remember that no two physical security plans are the same because each facility and agency will have unique building styles, employment policies and procedures, and available finances. However, a comprehensive security survey by a qualified, certified individual would assist in the development of a customized plan for an agency.

PERIMETER SECURITY

Perimeter security includes considerations of site location, parking, lighting, access control at entrances and exits, and building alarm systems.

- A. Court employees can bolster perimeter security by taking a number of precautions:
 1. Use only authorized entrances and exits.
 2. Do not use fire exits or freight exits except in emergencies. Using emergency exits in non-emergency situations may allow unauthorized individuals access to the building
 3. Request the removal of vegetation that obscures the view of entrances or parking spaces. Do not identify reserved parking areas by the name of an official.
 4. Install appropriate lighting at all entrances and parking areas.
 5. Install security cameras to record entrances, exits, parking areas, and the area adjacent to the building.
 6. Large planters, sculptures, and fountains can be strategically placed around the building to keep cars and trucks at a distance.

- B. When parking in a garage or at a designated parking lot, promptly report suspicious matters to the appropriate authorities including:
 1. Someone trying to gain entry to parked cars.
 2. Anyone carrying suspicious packages into the parking area.
 3. Any darkness in the parking area that may assist someone planning an assault, robbery or other crime.
 4. Anyone who appears to be seeking unauthorized entry into the parking area or to entrances to the building.

- C. Always display your employee identification card, if applicable and/or badge.
 1. Never use your employee identification card to obtain access into the building for visitors, guests, or relatives.
 2. Never loan an employee identification card or badge to anyone.
 3. Promptly report loss or theft of employee identification cards or badges.
 4. Never take unauthorized weapons, replicas of weapons, or facsimiles of bombs into the building.
 5. Promptly notify appropriate authorities if emergency exits are standing open or windows or doors broken in any part of the building.

INTERIOR SECURITY

Safety begins in the office. Most staff spend the better part of working hours in an office setting. It is important that all employees support a comprehensive security program by safeguarding themselves and colleagues inside all areas of the building.

A. Administrators/Managers can play an important role by taking these recommended steps;

1. Use only one dedicated entrance and exit for clients.
2. Install deadbolt-locking devices on office doors leading to hallways and other public areas.
3. Issue and control all keys, conduct semiannual inventories of the keys, and have locks changed when keys are missing.
4. Have offices cleaned during the day. Ensure that cleaning personnel do not have access to security alarms and do not have authorization to turn them on or off.
5. Maintain an emergency contact file for employees in a locked cabinet in each work area with emphasis on special medical concerns.
6. Contact the county health department for information on exposure to blood-borne pathogens.
7. A duress alarm system including 24-hour monitoring by law enforcement should be available at all work areas and offices.
8. Post emergency evacuation procedures in all work areas and familiarize these procedures to all employees.
9. An emergency lighting system or back-up power system should be available.
10. Separate employees from any client waiting areas with a secure barrier, preferably bullet-resistant glass and walls. Require office doors be open when meeting with clients unless the interactions are visible through windows or glass in the office door.

B. All employees can help with safety and security by taking an active role in the following:

1. Know the location of emergency alarms in the office and know how to use them.
2. Deny visitor access to secure areas if “uncomfortable” with the purpose of their visits or there appears to be a problem.
3. Do not admit unexpected repair people or delivery persons without checking with an office manager to verify they have a right to be in a work area.
4. Escort all visitors to and from the reception area and do not leave clients unattended in offices.
5. Ask strangers in the work area for identification or promptly call security. Write down a description and where they were last seen.
6. Keep security doors locked at all times, especially those leading from public areas into secure areas.
7. Keep important files in locked security cabinets.
8. Keep all valuables including office money in locked security cabinets.
9. Be aware of personal items (family pictures, etc.) in offices and remove them from view of visitors.

10. If a staff member must work alone be sure someone else knows where the staff member is and when the staff member will leave. Establish a system of regular telephone checks to ensure the wellbeing of all staff.
11. Never meet with individuals outside business hours without another staff member present.
12. If working after hours, keep all doors locked, even in secure areas. Never “advertise” a staff member will be working alone. Potential assailants often hide in restrooms. Look into corners before fully entering the restroom. Check stalls if possible. After hours, employees should always go to restrooms in pairs, if possible. If a staff member is going to be working alone, the staff member should try to use the restroom while other employees are still in the office.
13. Be alert for strange objects and packages, which can be discovered more easily if offices are neat and orderly.
14. Never touch or disturb a strange package or briefcase found in a work area. Call the appropriate authorities at once.
15. Arrange the placement of any office furnishings to allow for escape in an emergency. The employee’s chair should be closest to the door. File cabinets, desks, and chairs should not impede an escape route from the employee’s chair to the door. Consider placing an obstacle between the visitor’s chair and the door.
16. Employees should be aware of potential weapons in their offices and on their desks and keep them away from anyone visiting the office.
17. Make sure windows are locked.
18. Avoid placing hazardous items in desk drawers, i.e. razor blades and knives, etc.

ACTIVE SHOOTER

An Active Shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearms(s) and there is no pattern or method to their selection of victims. Active shooter situations are unpredictable and evolve quickly.

Each department should have an emergency action plan created for emergencies within the department. The plan should include information about an active shooter situation and in the event of an active shooter should direct staff to:

- A. Evacuate and call 911 when possible.
- B. Hide if evacuation is not possible. When hiding staff should remain out of the active shooter’s view and provide protection if shots are fired. To aid in preventing an active shooter for entering the hiding place, lock any doors and blockade the doors with heavy furniture.
- C. Take action against the active shooter only as a last resort, and only when a life is in immediate danger.

TECHNICAL SECURITY

If your jurisdiction does not have an independent technical services department, a probation department should develop a plan that addresses both education and technology to ensure the safety of the department's digital data. It is critical that staff are educated on safe user habits that do not compromise security. Departments should also ensure staff do not allow unauthorized users access to the department's computers, network, and data. A technical security plan should include the following:

- A. Antivirus protection
- B. Antispyware protection
- C. Firewall
- D. Virtual private network
- E. Wireless security
- F. Secure network hardware
- G. Data protection (backups)

EMERGENCY PROCEDURES

Emergencies such as fire, bomb threat, general evacuation, natural disaster, severe weather, active shooter, civil disorder, and power/utility failures, need to be addressed in any complete security plan. Many jurisdictions need not develop procedures for floods or earthquakes, but if the potential for a particular hazard does exist, a written plan can best direct staff to a preapproved response plan. Emergency procedures should be written and distributed to all staff members to increase the chances of saving lives and reducing injuries. Written emergency procedures will also allow control over potentially disruptive incidents with minimum delay. Emergency procedures should be simple and easy to carry out and are most effective when key personnel are fully aware of their responsibilities and are properly trained in the procedures.

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CHAPTER 2: THREATS

Receiving a threat is an unnerving experience. However, there are ways to minimize personal fear yet gather valuable information to help identify the person making the threat. Try to write down exactly what the person says. Special attention should be made in reference to:

- A. Names of any individuals.
- B. Time or nature of threatened assault.
- C. Locations and times of purported bombs or confrontation.
- D. Names of those whom the person intends to harm.
- E. Date and time of the incident.
- F. If a bomb threat, specific details about the bomb, for instance:
 - What does the bomb look like
 - What material is it made of
 - What will cause it to explode
 - Where is it placed
 - Did the person place the bomb him/herself
 - Where is the threat originating from
 - Why the bomb was created and placed
- G. If the threat is received through social media, attempt to print and/or complete a screen capture of the information

If received by telephone, record as much as possible about the incident, including:

- A. How the person sounded (gender, age, loudness, intoxicated, etc.).
- B. The rate of speech (fast, stutter, slurred, etc.).
- C. Command of language and accent.
- D. Manner of speech (calm, angry, laughing, crying, coherent, etc.).
- E. Background noise (traffic, voices, music, animals, television, etc.).

Consider implementing and using a telephone system that can record calls instantly in times of need. The individual may respond to questions and unwittingly provide valuable information. All threats should be reported to law enforcement.

BOMB THREAT

The value of being prepared cannot be overemphasized. By developing a bomb incident plan and considering possible bomb incidents, you can reduce the potential for person injury and property damage. The bomb incident plan provides detailed procedures to be implemented when a bombing attack is executed or threatened. The physical security plan should discuss security measures to protect against bomb attacks. In considering whether to increase security for your building or offices, it is recommended that you contact your local law enforcement agency for guidance regarding a specific plan for the facility.

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CHAPTER 3: SUSPICIOUS PACAKAGES AND LETTERS

Probation department staff should report any suspicious objects to security or law enforcement immediately, and not touch or disturb the object. Probation staff who ignore identifiers of suspicious packages or objects may be risking their own lives and the lives of co-workers.

The following are identifiers of a suspicious object:

- Oily stains or discoloration
- Excessive weight
- An envelope that is rigid
- Wires or tinfoil protruding from package or envelope
- Excessive masking tape, string, or other wrappings
- Strange odor
- No return address
- Excessive postage
- Strange sounds
- Poorly handwritten
- Unexpected delivery
- Misspelled words
- Incorrect titles
- Foreign postage
- Restrictive notes

Actions to take when a suspicious package is found:

1. Leave the mail piece or substance where it was found. Do not disturb. Do not try to clean up the substance.
2. Clear the immediate area of all persons and keep others away.
3. Instruct people in the immediate area to wash hands and other exposed skin with soap and water.
4. Direct these people to a designated area way from the substance to await further instruction.
5. List the names of the persons in the immediate area of the mail piece or substance.
6. Cordon off the immediate area.
7. Shut down all equipment in the immediate area and HVAC systems (heating, ventilation, and air conditioning).
8. If possible without disturbing the mail piece or substance, document:
 - a. Location of mail piece or substance
 - b. Description of substance
 - c. Description of mail piece (makings, labels, declarations, postage, etc.)
 - d. Addressee's name and address
 - e. Mailers name and address
9. Contact and pass information to the appropriate agency.
10. Take actions and make appropriate notifications as directed or as published in the local emergency plan.

CHAPTER 4: HOME VISITS/FIELD CONTACTS

Probation officers are charged with supporting a probationer's behavior and ensuring compliance with court orders. Probation officers often measure change and compliance through meetings with the probationer in the probation department. Because these meetings provide a very limited view of the probationer, unscheduled home visits/field contacts to the probationer's home or place of employment, can provide a more complete view of the probationer and his/her behaviors.

When planning field contacts, probation officers should determine the purpose of the visit (i.e. residency verification, search, compliance check, etc.). The supervision level of the offender should be considered to determine relevancy and frequency of home visits/field contacts. Pre-planned field contacts with the intent of searching the probationers's home/vehicle/personal property should follow an office protocol of searches, up to and possibly including the written approval of a supervisor or chief probation officer.

PREPARING FOR A HOME VISIT/FIELD CONTACT

- A. The probation officer reviews the probationer's file and checks the following:
 - 1. Last known address;
 - 2. Others who may be living in the home;
 - 3. Address of last known employment and work hours;
 - 4. Prior record, especially crimes of violence;
 - 5. Prior psychological treatment/illness;
 - 6. Description and plate numbers of automobiles used by probationer; and
 - 7. Results of the most recent drug test.

- B. The probation officer determines the purpose for the home visit/field contact.
 - 1. These contacts may be conducted for:
 - 1. The purpose of general information gathering;
 - 2. Verification of an offender's home/work;
 - 3. Skills training;
 - 4. Verification of compliance with terms and conditions of probation; and
 - 5. Searches.

- C. The probation officer determines what personnel are necessary to conduct the home visit/field contact.
 - 1. It is strongly suggested that probation officers conduct home visit field contacts in teams of two.
 - 2. Local law enforcement may be contacted and assistance may be requested if the probation officer(s) conducting the home visit/field contact so desire.
 - 3. If local law enforcement assists with the visit, the probation officer(s) conducting the home visit/field contact shall inform and explain to law enforcement their role in the visit/contact. It is important that law enforcement understand the probation officer(s) are in charge of the visit/contact and are entering the home under the authority of a court. The law enforcement officer's role is to provide safety and protection during the contact. If a crime is determined to have been committed or a warrant must be served, law enforcement officers may take appropriate action.

- D. The probation officer determines what equipment is necessary to conduct the home visit/field contact.

The following are mandatory equipment:

1. All probation officers conducting home visit/field contacts shall have in their possession a badge and/or county-issued identification.
2. Cellular telephones and/or police band radios shall be carried.

The following are suggested equipment:

1. Jackets or other forms of readily visible identification may be worn. If visible identification is not worn, consideration may be given to “hidden agenda” jackets or other means of identification that can quickly be displayed should an emergency develop.
 2. Body armor may be worn.
 3. Weapons; whether blunt force, stun guns, mace/pepper spray, or firearms may be carried if departmental policy allows and appropriate training has been completed.
 4. Defendant photo, urine/saliva/other drug testing kits, portable breath testing devices, field test kits, latex gloves, digital camera, flashlight, pen/pencil, and paper are recommended as standard home visit/field contact equipment.
 5. GPS enabled mapping to aid in locating addresses.
- E. The probation officer submits to his/her supervisor or designated person a written list of the addresses and names of probationers for proposed home visit/field contacts and the cellular telephone number the probation officer can be reached at during the visits.
1. If the probation officer is not going to return to the office, the probation officer shall notify the department upon completion of the home visit/field contacts.
 2. The list shall be in the order in which the contacts are to be made.
 3. The list shall be grouped in such a manner as to encourage efficient use of resources.
 4. If circumstances arise that require a deviation from the list, the probation officer shall notify the department of any changes.

CONDUCTING A HOME VISIT

- A. The probation officer approaches the home and initiates the home visit with safety as the primary concern.
1. Prior to approaching the home, a drive-by of the residence shall be conducted looking for evidence of people in the home, the location of neighbors or other bystanders, the possibility of unrestrained dogs, and any indications of suspicious or dangerous activity.
 2. The officer’s automobile shall always be parked in a location which is readily accessible should the officer need to flee the residence. Automobiles should be backed into the rural home driveways, which provide the immediate ability to flee.
 3. Depending upon the neighborhood, the officer may consider leaving the vehicle unlocked to provide easy access and shall be aware of the location of the vehicle’s keys.
 4. The officer may park near the home and then call the residence to: determine if someone is home, observe activity, and/or request the probationer to come to a location

outside the home such as the front porch or sidewalk. (*67 may be used prior to placing calls to block caller I.D.)

5. Upon approaching the home, the officer shall have identification available, avoid standing directly in front of the door or windows of the residence, and knock on the door while standing opposite the hinges. Additionally, when approaching a residence, the officer shall approach at an angle and take note of all the possible escape routes.
- B. The probation officer enters the home understanding that he/she is entering the environment of the probationer.
1. If the probationer answers the door, the probation officer shall offer identification and explain the purpose and nature of the visit. If someone other than the probationer answers the door, the probation officer shall request to speak to the probationer.
 2. Before entry, the probation officer shall ask the probationer to identify the other occupants in the home and their location.
 3. If entry is allowed, the probation officer shall immediately conduct a cursory visual search of the immediate area, identifying potential weapons, other occupants of the home, and potential escape routes. The probation officer shall also use all senses to be aware of potential dangers or violations, such as smelling for chemicals and/or illegal drugs and listening for movement or conversations.
 4. Preferably, all occupants shall be placed in a central location where they can be observed. Although other occupants are not under probation authority, they can still be asked to remain with you or leave while you are talking with the probationer.
 5. If there are audible or visual distractions such as televisions, stereos, etc., the probation officer shall request that these devices be turned off.
 6. If there are potentially vicious animals in the home, require the animals be secured outside of the home.
 7. If evidence of new criminal activity is viewed during the home visit, the probation officer should immediately contact law enforcement for assistance. If safety is a concern, the probation officer shall leave the home immediately and plan an appropriate course of action.
 8. If evidence of a probation violation is viewed during the home visit and is not evidence of a new crime, the probation officer should photograph any evidence of the violation and document the probation condition violated by the probationer.
 9. Departments should have a policy regarding probation officer authority to remove items that show evidence of a technical violation (such as alcohol or pornographic material).
 10. If the probation officer observes circumstances that lead the probation officer to believe that a child is a victim of abuse or neglect, the probation officer shall immediately contact the Indiana Child Abuse and Neglect Hotline at 1-800-800-5556 or local law enforcement, pursuant to Ind. Code 31-33-5-1 et seq.
 11. If the probation officer observes circumstances that lead the probation officer to believe that an endangered adult is the victim of battery, neglect, or exploitation, the probation officer shall immediately contact the Indiana State Hotline for Adult Protective Services at 1-800-992-6978 or local law enforcement, pursuant to Ind. Code 12-10-3-9.
- C. The probation officer should interact with the probationer in a controlled atmosphere and:
1. Establish an authoritarian but courteous rapport with the probationer and other occupants of the home.

2. Behave in a manner that does not threaten, intimidate, or otherwise confront the probationer that could escalate to violence.
 3. Sit or stand near and exit. The probation officer should never allow the probationer to sit or stand at a higher level.
 4. Observe the probationer at all times, paying particular attention to the location of his/her hands.
- D. The probation officer **shall immediately retreat** from the home if the probationer or other occupants of the home become hostile or violent or the probation officer believes his or her safety is compromised.
1. If retreat is not possible, the probation officer may use reasonable force to protect him/herself or others.
 2. If a violent incident occurs, the probation officer shall immediately notify law enforcement of the incident.
 3. All incidents of violent behavior by probationers towards probation officer(s) shall be reported immediately to the chief probation officer.
- E. Any departments using body worn cameras for home visits or field contacts must have written policies and procedures, including storage and retention of video.

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CHAPTER 5: USE OF FORCE/WEAPONS

- A. The purpose of these written guidelines is to provide probation officers an explanation of the department's policies and procedures related to the authorization, discharge and carrying of weapons. The term "weapons", as used in this guide, shall be defined by individual department policy. Weapons may include, but are not limited to, firearms, chemical defense spray, stun-gun/taser, and blunt force instruments.

The probation department and each of its members have been granted extensive powers to meet responsibilities. Citizens ultimately grant these powers, and the department and each of its members are accountable to citizens for the manner in which these powers are exercised. This is especially true where the use of deadly force is concerned.

However, not all force needs to be violent. Officers need to be aware of and educated in nonverbal communication so that an officer will be able to recognize and evaluate the merits and messages of nonverbal semantics based on an individual analysis. While it would be difficult to identify all the nonverbal dimensions, it must be understood that these dimensions exist in every culture. The patterns and forms on nonverbal communication are often arbitrary. Nonverbal interaction is a part of every encounter between two or more persons and should signify the importance and need for additional training.

- B. **The laws of Indiana define "Deadly Force" as "force that creates a substantial risk of serious bodily injury."** See Ind. Code 35-41-3-2.

The guidelines regarding the use of chemical defense sprays, firearms, or other means of deadly force must be viewed as administrative guidelines for decision making before the fact and not as a standard for civil and criminal litigation judging the propriety of actions already taken.

Probation departments value the safety of the public and its employees, but believes chemical defense sprays, firearms, or other weapons should be used only with a high degree of restraint. Therefore, it should be policy of a department that the use of chemical defense sprays and firearms is never to be considered routine, is permissible only in defense of life, and then only after alternative means have been exhausted.

WEAPONS AUTHORIZATION

A. A probation officer may be permitted to carry a handgun under the following conditions, pursuant to IC 11-13-1-3.5:

1. The appointing court enters an order authorizing the probation officer to carry the handgun while on duty.
2. The probation officer is issued a license to carry the handgun under IC 35-47-2.
3. The probation officer successfully completes a handgun safety course certified by the law enforcement training board under IC 5-2-1-9(m).

B. Probation officers who wish to carry a weapon should abide by the following conditions:

1. A probation officer who has been granted permission to carry a weapon in the performance of his or her duties, shall use the same only in the exercise of his or her rights of self-defense in accordance with Indiana Law. See Ind. Code 35-41-3-2.

2. A probation officer who unholsters, displays, uses, or discharges a weapon while in the performance of his/her duties shall immediately notify the chief probation officer of the incident.
3. A probation officer who unholsters, displays, uses, or discharges a weapon while in the performance of his/her duties shall file a written report with the chief probation officer as soon as possible, describing the event in detail.
4. The type of weapon shall meet with the court's approval.
5. The court may revoke permission to carry the weapon in the performance of duties at any time.
6. A probation officer shall not carry a weapon under any circumstances, while using alcohol, illegal drugs, or medication affecting normal mental or physical functions.
7. No weapon provided by the probation department is to be carried while off-duty.

NOTE: Authorization to carry a weapon does not provide immunity from civil or criminal liability should it be determined the probation officer acted outside the scope of his or her authority or state statute.

USE OF FORCE

1. Probation officers shall exhaust every reasonable means of personal protection before resorting to the use of deadly force.

Use of force shall be in strict compliance with; IC 35-41-3-2 "Use of Force to Protect Person or Property"

Sec. 2. (a) In enacting this section, the general assembly finds and declares that it is the policy of this state to recognize the unique character of a citizen's home and to ensure that a citizen feels secure in his or her own home against unlawful intrusion by another individual or a public servant. By reaffirming the long standing right of a citizen to protect his or her home against unlawful intrusion, however, the general assembly does not intend to diminish in any way the other robust self-defense rights that citizens of this state have always enjoyed. Accordingly, the general assembly also finds and declares that it is the policy of this state that people have a right to defend themselves and third parties from physical harm and crime. The purpose of this section is to provide the citizens of this state with a lawful means of carrying out this policy.

(b) As used in this section, "public servant" means a person described in IC 35-31.5-2-129 or IC 35-31.5-2-185.

(c) A person is justified in using reasonable force against any other person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force. However, a person is (1) justified in using deadly force; and (2) does not have a duty to retreat; if the person reasonably believes that that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony. No person in this state shall be placed in legal jeopardy for protecting the person or a third person by reasonable means.

(d) A person: (1) is justified in using reasonable force, including deadly force, against any other person; and (2) does not have a duty to retreat; if the person reasonably believes that the force is necessary to prevent or terminate the other person's unlawful entry of or attack on the person's dwelling, curtilage, or occupied motor vehicle.

(e) With respect to property other than a dwelling, curtilage, or an occupied motor vehicle, a person is justified in using reasonable force against any other person if the person reasonably believes that the force is necessary to immediately prevent or terminate the other person's trespass on or criminal interference with property lawfully in the person's possession, lawfully in possession of a member of the person's immediate family, or belonging to a person whose property the person has authority to protect. However, a person: (1) is justified in using deadly force; and (2) does not have a duty to retreat; only if that force is justified under subsection (c).

(f) A person is justified in using reasonable force, including deadly force, against any other person and does not have a duty to retreat if the person reasonably believes that the force is necessary to prevent or stop the other person from hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight. For purposes of this subsection, an aircraft is considered to be in flight while the aircraft is: (1) on the ground in Indiana: (A) after the doors of the aircraft are closed for takeoff; and (B) until the aircraft takes off; (2) in the airspace above Indiana; or (3) on the ground in Indiana: (A) after the aircraft lands; and (B) before the doors of the aircraft are opened after landing.

(g) Notwithstanding subsections (c) through (e), a person is not justified in using force if: (1) the person is committing or is escaping after the commission of a crime; (2) the person provokes unlawful action by another person with intent to cause bodily injury to the other person; or (3) the person has entered into combat with another person or is the initial aggressor unless the person withdraws from the encounter and communicates to the other person the intent to do so and the other person nevertheless continues or threatens to continue unlawful action.

(h) Notwithstanding subsection (f), a person is not justified in using force if the person: (1) is committing, or is escaping after the commission of, a crime; (2) provokes unlawful action by another person, with intent to cause bodily injury to the other person; or (3) continues to combat another person after the other person withdraws from the encounter and communicates the other person's intent to stop hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight.

(i) A person is justified in using reasonable force against a public servant if the person reasonably believes the force is necessary to: (1) protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force; (2) prevent or terminate the public servant's unlawful entry of or attack on the person's dwelling, curtilage, or occupied motor vehicle; or (3) prevent or terminate the public servant's unlawful trespass on or criminal interference with property lawfully in the person's possession, lawfully in possession of a member of the

person's immediate family, or belonging to a person whose property the person has authority to protect.

(j) Notwithstanding subsection (i), a person is not justified in using force against a public servant if: (1) the person is committing or is escaping after the commission of a crime; (2) the person provokes action by the public servant with intent to cause bodily injury to the public servant; (3) the person has entered into combat with the public servant or is the initial aggressor, unless the person withdraws from the encounter and communicates to the public servant the intent to do so and the public servant nevertheless continues or threatens to continue unlawful action; or (4) the person reasonably believes the public servant is: (A) acting lawfully; or (B) engaged in the lawful execution of the public servant's official duties.

(k) A person is not justified in using deadly force against a public servant whom the person knows or reasonably should know is a public servant unless: (1) the person reasonably believes that the public servant is: (A) acting unlawfully; or (B) not engaged in the execution of the public servant's official duties; and (2) the force is reasonably necessary to prevent serious bodily injury to the person or a third person.

2. Probation officers shall only draw and/or display a weapon under circumstances which would cause the officer to reasonably believe the use of a weapon is justified

PROHIBITED USE OF WEAPONS:

1. Probation officers shall not use weapons when doing so may endanger innocent persons, unless, the use of deadly force is necessary to protect the life of the officer(s) or others.
2. Probation officers shall not use weapons to threaten or subdue persons whose actions are destructive to property or injurious to themselves, but which do not represent an imminent threat of death or serious bodily injury to the officers or others.
3. Probation officers shall not use handguns at or from a moving vehicle unless it is absolutely necessary to do so to protect the life of the officer(s) or others.
4. Probation officers shall not use handguns as warning shots.
5. Probation officers shall not use weapons on animals unless to prevent substantial harm to the officer or another
6. Probation officers shall not carry weapons to events where the security of the weapon may be compromised by leaving it in automobiles, lockers, or other temporary storage facilities.
7. Probation officers shall not surrender a weapon to a suspect unless every other tactical tool for survival has been utilized. A probation officer may be at the mercy of an armed suspect who as the advantage; however, experience has shown the danger to an officer is not reduced by giving up control of a weapon.
8. Probation officers shall not use deadly force to prevent the escape of a felon.

RESPONSE TO USE OF A WEAPON

- A. All weapons used by a probation officer, except for training purposes, shall be immediately reported to local law enforcement and the chief probation officer. The chief probation officer shall report the use of a weapon by a probation officer to the supervising judge. If a use occurs in a jurisdiction outside that of the probation department, the law enforcement agency with jurisdiction in the area where the use occurred shall be notified.

- B. If the use of a weapon by the probation officer results in an injury or fatality, the probation officer shall:
 - a. Secure the assailant's weapon, if there is one
 - b. Notify emergency medical services of the injury
 - c. Administer first aid
 - d. Notify law enforcement agencies immediately
 - e. Notify the chief probation officer
 - f. Remain at the scene until investigators arrive and authorize the probation officer to leave, unless circumstances are such that remaining at the scene might cause a more hazardous situation to develop (i.e. violent crowd)
 - g. Protect the weapon for examination purposes and, if requested, submit the weapon to the appropriate investigator
 - h. Until authorized by the chief probation officer, make no statement about the incident except to investigators
 - i. Complete a detailed report of the incident

- C. If the use of a weapon results in an injury or fatality, the chief probation officer shall:
 - a. Notify the Court(s) and Judge(s)
 - b. Notify the county attorney
 - c. Notify personnel of the Weapons Review Board, if applicable

DEADLY FORCE REVIEW PROCEDURE

1. Psychological services

In all cases where a person has been injured or killed as a result of force used by a probation officer, the involved officer may be required to undergo an interview with a department provided psychologist. The purpose of this interview will be to allow the officer to express his/her feelings and to deal with the moral, ethical, and/or psychological effects of the incident. The involved probation officer shall sign a medical release of information allow for exchanges of information between the chief probation officer and department provided psychologist. Information obtained from the interview shall not be used in any official investigation of the incident but may be used by the chief probation officer for policy purposes.

2. Administrative Leave

Any probation officer directly involved in a deadly force incident may be placed on "administrative leave" directly upon completion of his/her preliminary report of the incident. This leave shall be without loss of pay or benefits, pending the results of any investigations. The assignment to "administrative leave" shall not be interpreted to imply or indicate the officer has acted improperly. While on "administrative leave" the officer shall remain available at all times for department interviews and statements regarding the incident and may be recalled to duty at any time. The officer shall not discuss the incident with anyone except appropriate department personnel; the prosecutor's office, the officer's chosen clergy, and the officer's immediate family.

3. Weapons Review Board:
 - a. the membership of the Weapons Review Board may consist of:
 - i. A weapons instructor for the training agency.
 - ii. The county sheriff or his/her designee.
 - iii. One or more judges with jurisdiction over the probation department.
 - iv. The chief probation officer.
 - b. The Weapons Review Board shall make a complete, impartial investigation into the circumstances surrounding the weapons incidents.
 - c. Incidents subject to investigation by the Weapons Review Board shall include, but are not limited to the following:
 - i. Discharge of a firearm.
 - ii. Loss of a firearm.
 - iii. Incidents of physical violence.
 - iv. Animal attacks.
 - d. All findings of the Weapons Review Board involving the use of deadly force shall be reduced to writing with one (1) of the following determinations:
 - i. The use of deadly force was justified, proper, and in compliance with departmental policy and state law.
 - ii. Actual mechanical malfunction.
 - iii. The use of the weapon was in violation of the department policy, but in compliance with state law.
 - iv. The use of the weapon was in violation of departmental policy and state law.

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CHAPTER 6: BODY ARMOR

There are many benefits of wearing body armor, along with a few limitations of which all officers should be aware. Body armor is available in various levels of protection to accommodate the range of ballistic threats facing wearers. It can be worn as a concealable undergarment; incorporated in a uniform shirt, vest, coat, or other type of outer garment; in a variety of coverage. Remember: no body armor is bulletproof. Manufacturers rate armor in accordance with the National Institute of Justice standard threat level (see <https://www.nij.gov/topics/technology/body-armor/pages/welcome.aspx>). Although listed body armor will generally protect against bullets identified by manufacturers at those specific threat levels; the armor could be penetrated if impacted by a bullet of a higher threat level. Bullets may also penetrate armor when the impact is too close to the edge of the armor or too close to another impact.

Some guidelines to follow for safe use of body armor include:

1. If firearms are carried, the threat level of the body armor should be equal or greater than the level of the firearm.
2. Hard or tactical armor, designed to defeat rifle bullets, incorporates metal or ceramic plates and is generally too heavy, bulky, and conspicuous for routine wear.
3. Be sure to read the label on the body armor. Familiarize oneself with its level of protection. Labels on the National Institute of Justice listed armor must identify designated levels of protection and warn if the armor does not protect against rifle fire or sharp edged or pointed instruments. Manufacturers may also add additional safety instructions or information to labels.
4. Read and retain for future reference any safety literature accompanying the armor.
5. Follow care and maintenance instructions to ensure the armor's intended performance
6. Seek medical attention if an officer is shot while wearing armor-even if the bullet does not penetrate. Even though armor may protect against blunt trauma from non-penetrating bullets, internal injuries requiring medical attention may still result.
7. Replace the armor immediately, if it has been impacted by a bullet or damaged in any way. Some manufacturers replace armor free of charge if they are provided with official documentation concerning the incident.
8. Make sure the vest's level of protection corresponds to the types of threats you faced on the job and that the vest protects against the officer's own weapon and ammunition.
9. Proper fit aids in the armor's effectiveness and comfort.
10. Conduct visual inspections of the armor.
11. Become educated about proper cleaning methods for the armor.
12. Follow the inspection/replacement procedures recommended by the manufacturer and the department
13. Keep manufacturer address and telephone numbers handy.
14. **Wear the body armor.**

CHAPTER 7: SEARCHES

Probation officers have historically been granted the discretion and authority to execute warrantless searches of probationers' property, often referred to as "administrative searches." The following guidelines are based on *State v. Vanderkolk*, 32 N.E.3d 775, 779 (Ind. 2015) which states, "Indiana probationers and community corrections participants, who have consented or been clearly informed that the conditions of their probation or community corrections program unambiguously authorize warrantless and suspicionless searches, may thereafter be subject to such searches during the period of their probationary or community corrections status."

PROCEDURES

Pursuant to guidelines adopted by the courts, a search of probationer's residence, vehicle, property, and/or property under the probationer's control, may be "administratively" searched, without a warrant, if the following criteria is met:

1. The conditions of probation include the provision for the warrantless and suspicionless search of the probationer's person or property.
2. The chief probation officer or designee has reviewed the request for the search and has approved the execution of the search.
3. The probation officer conducting the search makes a written report to the supervisor and/or the chief probation officer within twenty-four (24) hours of the completion of the search.
4. "Subterfuge" or the appearance of working in conjunction with law enforcement to circumvent warrant requirements shall be avoided. The purpose of "administrative searches" is to insure compliance with conditions of probation and such searches should not be used solely as a means of gathering evidence for new criminal proceedings.
5. The form titled "Search Request" (Appendix) should be completed by the supervising probation officer and submitted for approval by the chief probation officer or designee.
6. The chief probation officer shall review the "Search Request", and if in order, approve and return the form to the requesting probation officer. The request form shall be kept in the probationer's file. If the request is not approved, the search shall not be conducted.

PREPARATION FOR THE SEARCH

- A. The primary goal of the search is to **safely** check compliance with the conditions of probation. A probation officer shall be designated the person in charge of the operation. The officer is responsible for overseeing the operation and shall report directly to the supervisor or the chief probation officer, if the supervisor is not involved in the search.
- B. All probation officers involved in the search shall be aware of the location being searched and what is being searched (home, vehicle, person, etc.). If a residence is being searched the probation officers shall be aware of the general floor plan of the dwelling and the number of residents at the proposed search site, and any significant concerns for safety. Probation officers may wish to consult Google Maps Street View and print pictures of the location to be searched as well as the property surrounding the residence.
- C. The probation officers should review the probationer's social media accounts and review pictures and posts concerning illegal activity, peer relationships, and any safety concerns

regarding weapons that could possibly be located on the individual or in the area being searched.

- D. Local law enforcement should be notified by the probation officer in charge of the search as to the purpose and nature of the search. Law enforcement may be asked to assist in the search for the protection of the probation officer and to handle items seized as a result of the search. If law enforcement is unable to assist, the search may only be conducted with the assistance of at least one other probation officer. If law enforcement does assist, it is imperative that the probation officer be able to easily identify before the search, law enforcement personnel and that law enforcement personnel be able to easily identify the probation officer(s). The probation officer shall explain that the purpose of the search is for compliance of probation conditions and that the probation officer should lead in the search with law enforcement assisting if needed.
- E. Legal questions concerning the search may be directed to the county prosecutor by the chief probation officer or designee.
- F. Prior to conducting the search, the probation officer shall meet with law enforcement personnel assisting in the search. The probation officer in charge of the search shall provide to law enforcement personnel any information that would be helpful in conducting the search and any information which would lead to the probation officer to believe the probationer could be dangerous.
- G. Prior to arrival at the search site, the supervising probation officer in charge of the search shall have in his/her possession proper identification, the probationer's demographic information, a copy of the Order of Probation waiving the probationer's Fourth Amendment Rights, and a photograph of the probationer.

EXECUTION OF THE SEARCH OF A RESIDENCE

- A. Upon arrival to the search site, officer(s) shall be assigned to the exterior of the premises. The officer(s) assigned to the exterior should observe anyone trying to escape or remove items from the premises.
- B. The probation officer in charge of the search and one assistant shall approach the probationer's residence and clearly knock on the door or ring the doorbell. When approaching the residence, the probation officer shall be careful to observe windows and doorways for signs of activity. The probation officer shall stand to one side of doorways or windows when knocking on the door or ringing the doorbell. Under no circumstances shall a probation officer or a law enforcement officer enter or attempt to enter a residence unannounced.
- C. The probation officer shall present his/her identification to the person who answers the door and explain the nature and circumstances of the search. If the probationer is at the residence, the probationer shall be presented with a copy of the signed Waiver of Fourth Amendment Rights.

- D. It is not necessary for the probationer to be at the residence to conduct the search, however it is preferable. If the probationer is not home, the individual answering the door may be presented with the signed Waiver of Fourth Amendment Rights.
- E. Upon entry into the residence, a protective sweep shall be immediate made throughout the residence, and if practical, all individuals should be placed in a central area. Each individual may be patted down as a protective measure to discover any weapons. The probationer may be asked to empty his/her pockets, purses, etc.
- F. Property that belongs to another person may be searched if said property is part of the probationer's residence or vehicle and/or is under the probationer's control.
- G. During the actual search, a probation officer or a law enforcement officer shall remain in a steadfast, uncompromising position with the probationer and other individual(s) while the others conduct the search.
- H. Generally, in conducting a search, the search shall start with the walls, working towards the center of each room, searching everything.
- I. If evidence of new criminal activity is viewed during the search, the probation officer should immediately contact law enforcement for assistance. If safety is a concern, the probation officer shall leave the home immediately and plan an appropriate course of action
- J. If evidence of a probation violation is viewed during the home visit and is not evidence of a new crime, the probation officer should photograph any evidence of the violation and document the probation condition violated by the probationer.
- K. Departments should have a policy regarding probation officer authority to remove items that show evidence of a technical violation (such as alcohol or pornographic material).
- L. Canine units under the control of law enforcement assisting in the search may be used when practical.
- M. Garages, outbuildings, vehicles, and other structures located on the property of the residence shall be searched in the same manner as the residence.
- N. The search of an electronic device may require specialized software or assistance from specially trained persons with technical knowledge. If a search requires removal of the item from the probationer's possession, the probation officer should request assistance from law enforcement.
- O. The probation officer(s) conducting the search shall submit a written report (Appendix) to the chief probation officer or designee within twenty-four (24) hours of the search.

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CHAPTER 8: WARRANT SERVICE/ARREST

Probation officers may encounter probationers under active warrant for arrest. If the probationer knows a warrant is active, the impending service of the warrant creates a volatile environment where the safety and security of probation officers may be compromised.

A. Powers of Arrest

1. Under Indiana law, probation officers are not law enforcement officers and have no greater authority to make an arrest than the authority granted any citizen. Ind. Code 35-33-1-1.

B. Active Warrants

1. A probation officer shall not attempt to serve a warrant or make an arrest based on a warrant.
2. A probation officer shall only inform a probationer in person of an outstanding warrant when a law enforcement officer is present.
3. If a probationer is scheduled to report to an appointment and the probation officer believes there is an outstanding warrant, the officer shall:
 - a. Verify that the warrant is active through the I.D.A.C.S., the Sheriff's Department, and court records.
 - b. Obtain a copy of the warrant and place it in the probationer's file.
 - c. Notify the appropriate law enforcement agency of the date and time of the appointment and request they serve the warrant.
4. If a probationer reports unscheduled and the probation officer believes there is an outstanding warrant, the officer shall:
 - a. Verify that the warrant is active through I.D.A.C.S., the Sheriff's Department, and court records.
 - b. Request a copy of the warrant to be faxed to the department.
 - c. Notify the appropriate law enforcement agency and request their immediate assistance.
 - d. Make no attempt to physically stop, detain, or restrain the probationer from leaving, prior to the service of the warrant.
5. If a probationer calls to request information regarding the status of a warrant, the probation officer may use discretion as to whether to provide the information.

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CHAPTER 9: TRANSPORTATION

Probation officers may be required to transport adult or juvenile probationers. Preferably, transportation of probationers should be done using county-issued vehicles, but policy or circumstances may require the use of personal vehicles.

TRANSPORTATION

- A. Proper identification shall be available at all times during transportation.
- B. Probationers shall be searched prior to transportation.
- C. Transportation of probationers shall be carried out by a minimum of two officers.
- D. Probationers shall only be transported if placed in the backseat of the vehicle.
- E. All parties shall wear proper seat and shoulder belts.
- F. All vehicle doors shall be locked.
- G. Probationers shall not be permitted to request routes of travel or stops.
- H. Officers should avoid transporting a probationer of the opposite sex. If a second officer is unavailable, the transporting officer shall radio or phone their destination and report the odometer reading and the time of departure and arrival destination.
- I. If the probationer appears to be under the influence of alcohol or other drugs, the officer shall not transport the probationer.
- J. Officers shall search their vehicles before and after transport for possible contraband left by probationers.
- K. Officers should avoid using a personal vehicle, but if necessary, shall confirm adequate personal liability insurance coverage and abide by the county and department policy for use.

CHAPTER 10: SUICIDE AWARENESS AND PREVENTION

Studies show that risk factors for suicide are often more prevalent among juveniles and adults in the justice system. Indiana Probation Standard 1.25 requires probation departments to adopt written policies and practices regarding suicide awareness and prevention for juveniles and adults supervised by the department. The following are suggested areas for suicide prevention policies and procedures:

A. Training

1. All probation staff should be required to complete an initial suicide prevention training. Staff should be trained to:
 - a. Recognize and respond to warning signs of suicide
 - b. Understand and identify risk/protective factors for suicidal behavior
2. All probation staff should complete an annual refresher course on suicide prevention

B. Identification/Screening

1. All juveniles and adults on probation supervision should be screened at intake for trauma exposure/depression, including suicide risk
2. Juveniles and adults identified as at-risk for suicide should be immediately referred to a qualified mental health professional for further evaluation
3. Screening for suicide risk should occur as an ongoing process

C. Communication/Reporting

1. Departments should have a procedure for staff to immediately report concerns or observations of a juvenile or adult exhibiting signs of suicide risk to a supervisor
2. Departments should have an MOU with a mental health provider for emergency referral and treatment of juvenile and adults exhibiting signs of suicide risk
3. Departments should share results from any screening for suicide risk with juvenile's parents
4. Departments should report suicide attempts and suicides by probationers to the state suicide prevention coordinator at the Division of Mental Health and Addiction

D. Review

1. Debriefing and review should follow every completed suicide attempt or suicide to address staff stress and identify necessary revisions to policies
2. Trauma support and wellness programs should be available for all staff affected by a suicide event

E. Resources

- Indiana State Suicide Prevention, www.in.gov/issp/
- Indiana Suicide Prevention Coalition, 260-481-4184, www.in.gov/issp/2377.htm
- Indiana Suicide Prevention Coalition Regional Leaders, www.sprc.org/sites/default/files/Indiana%20Regional%20Coalitions%202018.MASTER.map_.pdf

- Indiana Statewide Suicide Prevention Coordinator, 317-232-7800, Jason.Murrey@fssa.IN.gov
- Suicide Prevention Resource Center, www.sprc.org/states/indiana
- National Action Alliance for Suicide Prevention, <http://actionallianceforsuicideprevention.org>
- Columbia Suicide Severity Rating Scale, www.cssrs.columbia.edu
- Global Appraisal of Individual Needs-Short Screener (GAIN-SS), www.gaincc.org/gainss
- Suicidal Behaviors Questionnaire-Revised (SBQ-R), www.cqaimh.org/pdf/tool_sbq-r.pdf
- Massachusetts Youth Screening Instrument-Second Version (MAYSI-2), www.nysap.us/MAYSI2.html
- National Institute of Mental Health, www.nimh.nih.org/health/topics/suicide-prevention/index.shtml
- Centers for Disease Control and Prevention-Division of Violence Prevention, www.cdc.gov/violenceprevention/pdf/suicideTechnicalPackage.pdf
- QPR Institute, <https://qprinstitute.com>
- Indiana QPR Instructors, www.doe.in.gov/sites/default/files/student-services/qpr-trainers-region.pdf
- National Suicide Prevention Lifeline, 800-273-TALK (8255)

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APPENDIX

STAFF EMERGENCY INFORMATION

Employee safety in the workplace is one of the primary concerns of management. In view of that concern, every probation employee should provide the following personal information to his/her chief probation officer:

Name: _____

Address: _____

Telephone Number: _____

Emergency Telephone Number: _____

Emergency Contact Person: _____

Insurance Carrier: _____

Policy Number: _____

Family Doctor: _____

Telephone Number: _____

Allergies: _____

Blood Type: _____

Medications: _____

The above information should be maintained in the chief probation officers' office. A copy should be kept in a confidential location in the event of the chief probation officer's absence.

SEARCH REQUEST

Probationer Name: _____ DOB: _____

Alias(es): _____ Soc. #: _____

Race: _____ Height: _____ Weight: _____ Sex: _____

Identifiers: _____

Offense(s): _____

Cause #: _____

Risk Assessment: High Medium Low Administrative

Reason for Search: _____

Address: _____

Description of Residence: _____

Home Phone: _____ Cell Phone: _____

Vehicle(s): _____

Known Residents: _____

Directions to Residence: _____

Issues/Concerns (Check all that apply):

A. History of Violence B. Alcohol/Drug Use C. Mental Health Concerns

D. Animals/Dogs Present E. Weapons F. Physical/Medical Issues

G. Other: _____

Request submitted by: _____ Date: _____

Approved Denied Reviewed by: _____ Date: _____

Reason(s)/Comment(s): _____

SEARCH REPORT

Probationer's Name and address _____

Case number _____

Offense _____

Date search occurred _____

Officers present during search _____

If force was necessary to execute search, describe type and amount of force used, including damage to any property

List prohibited/illegal items located during search

List any evidence seized by law enforcement during the search:

Item	Location	Agency/Officer
_____	_____	
_____	_____	
_____	_____	

Narrative of events:

Date _____

Signature _____

Probation Officer

Date _____

Signature _____

Director