

ISSUING AUTHORITY: Indiana Department of Correction, Reentry Division, Community Corrections Section	REVIEW DATE: 06/02/2010
APPLICABLE TO: Community Corrections Grant Act Programs	
TITLE: Procedural Bulletin #8	SUBJECT: Community Transition Program
TEXT: PURPOSE: To implement and maintain the Community Transition Program in accordance with Indiana Code 11-10-11.5, "Assignment to Community Transition Program." LEGAL REFERENCE: IC 11-10-11.5, IC 35-38-1-25, IC 11-8-1-5.6 both Version A and B RELATED BULLETINS:	

Section 8

A. ELIGIBILITY FOR CTP:

A person who is committed to the Department under I.C. 35-50, *Sentences* for one (1) or more felonies, concurrently or consecutively, with the **exception** of the following are eligible for CTP:

1. Offenders with indeterminate life sentences;
2. Offenders sentenced to life without parole;
3. Offenders sentenced to death;
4. Safe keepers;
5. Misdemeanants;
6. Offenders with active warrants or detainers;
7. Offenders who do not meet notification requirements;
8. Offenders whose executed time is less than two (2) years, consecutively or concurrently;
9. Offenders with out of state residence (I.C. 11-10-11.5-3.5);
10. Offenders who have an out of state sentence which determines the EPRD; and,
11. Offenders in credit class 2 or credit class 3.

B. COMMUNITY TRANSITION COMMENCEMENT DATE DETERMINATION

The CTPCD is determined by state statute under IC 11-8-1-5.6 with the following criteria:

1. Offenders convicted of an A or B felony (if offense was committed before July 1, 2014), or a Level 1, Level 2, Level 3, or Level 4 felonies (if offense was committed on or after July 1, 2014) may serve up to 120 days prior to his/her EPRD on CTP if approved by court order through the sentencing court.
2. Offenders convicted solely on an A or B felony (if offense was committed before July 1, 2014) or a Level 1, Level 2, Level 3, and Level 4 felony (if offense was committed on or after July 1, 2014) under I.C. 35-48-4 may serve up to 180 days prior to his/her EPRD on CTP if approved by court order through the sentencing court.
3. Offenders convicted of a C felony (if offense was committed before July 1, 2014) or a Level 5 felony (if offense was committed on or after July 1, 2014) may serve up to 90 days prior to his/her EPRD on the Community Transition Program if a court order of denial is not entered by the sentencing court.
4. Offenders convicted solely on a C felony (if offense was committed before July 1, 2014) or Level 5 felony (if offense was committed on or after July 1, 2014) under I.C. 35-48-4 may serve up to 120 days prior to his/her EPRD on CTP if approved by court order through the sentencing court.
5. Offenders convicted of a D felony (if offense was committed before July 1, 2014) or a Level 6 felony (if offense was committed on or after July 1, 2014) may serve up to 60 days prior to his/her EPRD on CTP if a court order of denial is not entered by the sentencing court.
6. Offenders will have at least thirty (30) days remaining until his/her EPRD after the court's consideration.

7. The assigned CTPCD shall not affect facility transition programming, work release eligibility, or work release effective date.
8. An offender shall remain in the assignment of CTP until the person completes his/her fixed term of imprisonment unless the person is terminated from the program for disciplinary action or transferred to an IDOC facility for medical reasons (I.C. 11-10-11.5-9).

C. MULTIPLE COUNTY CTP NOTIFICATIONS

1. If the offender has multiple sentences from one (1) or more courts; the most serious offense of all active sentences is used to determine the appropriate CTPCD. The offender will be assigned to the program located in the community where the court imposed the longest active sentence (I.C. 11-10-11.5-3.6).
2. All sentencing courts with jurisdiction of an offender's active sentence(s) shall receive notification of an offender's eligibility and approaching CTPCD.
 - A. All sentencing courts, with active sentences, must be in agreement of an offender's participation in CTP in order for the offender to be transported to the county of release on his/her CTPCD.
 - B. If any sentencing court denies participation in CTP, an offender is deemed ineligible and will not be transported to CTP on his/her CTPCD.

D. COURT ACTION IN RESPONSE TO CTP NOTIFICATION

The sentencing court(s) may take the following actions upon receipt of an offender's notice of eligibility as stated by I.C. 11-10-11.5-5 Commencement Date; Class C or Class D Felony (for offenses committed before July 1, 2014); Level 5 or Level 6 Felony (for offenses committed on or after July 1, 2014), and I.C. 11-10-11.5-6 Commencement Date; order under I.C. 35-38-1-25 (Murder; Class A or B Felony, if offense committed before July 1, 2014; Level 1, 2, 3, and 4 Felonies, if offense committed on or after July 1, 2014):

1. Approve;
2. Deny; A court order of denial is effective for one year from date of signing.
3. No action;
 - a. If the most serious offense is an A or B Felony (for offenses committed before July 1, 2014), or a Level 1, 2, 3, or 4 Felony (for offenses committed on or after July 1, 2014) an offender will not be transported for CTP placement as he/she is denied by default.
 - b. If the most serious offense is a C or D Felony (for offenses committed prior to July 1, 2014) or a Level 5 or 6 Felony (for offenses committed on or after July 1, 2014) and the court has not issued an order of denial for CTP, an offender will be transported for CTP placement as he/she is approved by default.
 - c. The sentencing court may elect to modify an offender's EPRD for immediate CTP participation in accordance with Indiana Code 11-8-1-5.6.
2. Modification under the Purposeful Incarceration Program:
 - A. This partnership, an effort designed to reduce recidivism and enhance public safety, allows addicted offenders to receive the treatment needed and increases the offender's chances for successful re-entry. If an offender successfully completes the Therapeutic Community (TC) program, the presiding judge may choose to modify the offender's sentence and return the offender to the community to receive treatment through existing programs

such as Drug Courts, CTP, Work Release, and other Community Corrections programs.

- B. When courts consider sentence modification from the Department to CTP, the following language should be used:

“Defendant’s modified IDOC release date is mm/dd/yyyy. Defendant is approved for the Community Transition Program, effective mm/dd/yyyy, under Electronic Monitoring, Day Reporting, and/or Re-entry Court Supervision.”

E. CTP PARTICIPANT INTAKE AT SUPERVISING AGENCY

1. Each participant shall be informed of the CTP agency’s specific rules, expectations, and user fees at time of intake (I.C. 11-10-11.5-8).
2. Each CTP participant shall receive an IRAS-CST assessment, if a recent one has not been completed and a case plan shall be developed based on this assessment.
3. Services and programs made available to CTP offenders shall be based on Evidence Based Practices.

F. LEVELS OF CTP SUPERVISION

1. A participant may be placed in any supervision component deemed appropriate based on the IRAS score and as determined by the county agency CTP director or sentencing court.
2. Levels of supervision may include, but not limited to, day reporting, home detention with electronic monitoring, and work release, if available.

G. MEDICAL/DENTAL CARE

1. CTP participants shall have access to medical and dental care at their own expense, unless deemed indigent by the court. If a participant is not able to pay for ongoing medical/dental treatment, DOC has the right to return the participant to a DOC facility for medical care. If the court orders a participant indigent, DOC must be notified within 24 hours of ruling.
2. In the case of an emergency medical issue the County Community Transition Program must have a procedure in place to assure that the offender is transported to the nearest medical provider for treatment. The supervising agency shall contact the IDOC Central Office Community Transition Program Coordinator during normal business hours to report the specifics of the medical emergency.
3. The IDOC CTP Coordinator shall contact the DOC Health Services Division, who shall determine if the offender will be treated locally or returned to DOC.
4. CTP Coordinator shall contact the County Community Transition Staff regarding the DOC Medical Division determination. All invoices for reimbursement for emergency medical issues shall be sent to the CTP Program Manager who shall send a letter either

authorizing or denying payment of medical treatment and outlining reimbursement procedures.

H. CTP PARTICIPANT ACCOUNTABILITY AND COMPLIANCE

1. The CTP supervising agency may hold a participant accountable for adhering to the rules and regulations of the agency, as well as his/her case plan (IC 11-10-11.5-11). Failure to comply may result in a violation for the participant (I.C. 11-10-11.5-8).
2. If an offender, who is released to a Community Transition Program, fails to comply with a rule or condition, the community corrections agency or sentencing court may take any of the following actions:
 - a. Conduct a disciplinary hearing by way of the Disciplinary Hearing Board (DHB) and apply appropriate sanctions according to the Adult Disciplinary Policy and Procedures.
 - b. Utilize graduated sanctions for appropriate supervision level.
 - c. Terminate an offender from the program and return him/her to IDOC until the EPRD is reached.
3. If a participant escapes from or fails to return to the CTP program, the following procedure is observed:
 1. The agency director or designee shall request a DOC warrant on the absconder through the Central Warrants Division.
 2. The supervising agency shall complete agency escape procedures and forward all pertinent information to the CTP Coordinator within 5 hours.
 3. The CTP Coordinator shall place the offender in escape status in OIS and stop his/her time.
 4. Upon notification of apprehension of the offender, the supervising agency shall contact the CTP Coordinator to inform of the custody status and an incident report will be submitted.
 5. The CTP Coordinator shall return the offender to in custody status in OIS and restart his/her time reflective of the apprehension date.
 6. The supervising agency will conduct a Disciplinary Hearing Board according to IDOC Policy 02-01-104, "The Adult Disciplinary Code for Adult Offenders," and apply the appropriate sanctions if found guilty.
 7. The agency's CTP staff shall keep the CTP Coordinator in Central Office informed of any pending charges and impending court dates.

I. REPORTING THE DEATH OF A CTP PARTICIPANT

1. Upon learning of CTP participant's death while under the supervision of the local supervising agency, the agency shall notify the Community Transition Program Coordinator at Central Office during normal business hours.
2. Anytime the death of a CTP participant occurs, the local agency director shall request a copy of a coroner's report, if applicable; a death certificate; and if possible, a police report must be collected at the local level and forwarded to the Community Transition Program Coordinator as soon as possible.

3. If a CTP Participant dies in a work release setting, IDOC policy 01-02-101 Health Care Services Directive 1.16, "*Procedure in the Event of the Death of an Offender*," requires a mortality review to be completed within 30 days after death.

J. CTP PARTICIPANT RELEASE FROM DOC COMMITMENT

1. When the participant, assigned to the Community Transition Program, completes the fixed term of imprisonment (EPRD), he/she is required to sign and date the Confirmation of Release form, which is then forwarded by the supervising agency to the CTP Coordinator within three (3) business days from date of release.
2. At which time, the offender shall be:
 - a. released to the committing court if the offender's sentence included a period of probation and/or,
 - b. released on parole, if the offender's sentencing included a period of parole or,
 - c. discharged upon court order.

K. COMMUNITY TRANSITION PROGRAM REIMBURSEMENT

1. The Department shall reimburse the counties at a rate of twenty five dollars (\$ 25) per day for participants for all felony levels supervised on CTP
2. Counties shall complete a Request for Reimbursement form and submit to the Community Corrections Division, preferably by email, to IDOC Central Office by the 15th of the month for the previous month.
3. Community Corrections Support Staff shall reconcile the Request for Reimbursement form received from the county agency and shall return a CTP Billing Verification form to the county for their review.
4. The county shall review the form and contact Community Corrections Support Staff with any questions or discrepancies within 5 business days.
5. If the county has not contacted the Community Corrections Support Staff within five (5) business days from receipt of the CTP Billing Verification form, the Community Corrections Support Staff member shall send the form to the Fiscal Department for payment.
6. If an offender has violated any portion of his/her CTP participation contract and is residing in the county jail awaiting disposition, the county jail may seek reimbursement from the Community Correction Program at the current rate.
7. CTP reimbursements shall be made only after the Central Office Community Corrections Division staff has verified for accuracy. Once this has been completed, the Fiscal Division shall authorize payment(s) to the county. Payment(s) shall be sent by EFT to the county auditor within sixty (60) days of receipt by the Community Corrections Division staff.