

## Final Rule

LSA Document #11-741(F)

## DIGEST

Amends [210 IAC 3-1-1](#) to add new definitions to provide greater clarity throughout the administrative rule. Amends [210 IAC 3-1-2](#), concerning administration and organization, to provide clarification for jail management and level of supervision and to provide parameters for required written report. Amends [210 IAC 3-1-3](#) concerning fiscal management regarding the internal handling of monies. Amends [210 IAC 3-1-4](#) concerning jail personnel and the establishment of policies, including a code of ethics, that is to be provided to new employees. Amends [210 IAC 3-1-5](#), concerning staff training and development, to add a minimum numbers of hours of documented training required of jail commanders in addition to the orientation and training needed prior to job assignment and required certified training. Amends [210 IAC 3-1-6](#), concerning management information systems and inmate records, to add new requirements for information that is to be obtained regarding the intake of an offender and make provisions for written procedures prior to the release of an offender. Amends [210 IAC 3-1-7](#), concerning physical plant, to add and update the minimum requirements for all inmate living, activity, and receiving areas in addition to new construction and renovations for adult detention facilities in order to bring them into compliance with applicable ACA standards. Amends [210 IAC 3-1-8](#) concerning the commissary. Amends [210 IAC 3-1-9](#), concerning safety and sanitation, to add provisions for maintenance of safety data sheets and necessary cleaning materials to be made readily accessible. Amends [210 IAC 3-1-10](#) concerning clothing, bedding, and personal hygiene. Amends [210 IAC 3-1-11](#) concerning medical care and health services. Amends [210 IAC 3-1-12](#), concerning diet and food preparation, to add time for review of diets, menus, kitchen facilities, and kitchen workers. Amends [210 IAC 3-1-13](#) concerning jail policies for security and control. Amends [210 IAC 3-1-14](#) concerning the supervision of inmates. Amends [210 IAC 3-1-15](#) concerning inmate rights. Amends [210 IAC 3-1-16](#), concerning mail and telephone communication, to add provisions for jail officials to monitor an offender's incoming and outgoing mail correspondence and telephone communications. Amends [210 IAC 3-1-17](#), concerning written rules for discipline of inmates, to add rules of inmate conduct for the maintenance of order and discipline among inmates. Amends [210 IAC 3-1-18](#), concerning inmate classification, to add written procedures for overriding an inmate's objective classification result to accommodate local needs. Amends [210 IAC 3-1-19](#), concerning new inmate admissions, to provide for the establishment of written procedures for the reception, orientation, release, or transfer of inmates. Adds [210 IAC 3-1-20](#) concerning suicide screening and prevention. Effective 30 days after filing with the Publisher.

[210 IAC 3-1-1](#); [210 IAC 3-1-2](#); [210 IAC 3-1-3](#); [210 IAC 3-1-4](#); [210 IAC 3-1-5](#); [210 IAC 3-1-6](#); [210 IAC 3-1-7](#); [210 IAC 3-1-8](#); [210 IAC 3-1-9](#); [210 IAC 3-1-10](#); [210 IAC 3-1-11](#); [210 IAC 3-1-12](#); [210 IAC 3-1-13](#); [210 IAC 3-1-14](#); [210 IAC 3-1-15](#); [210 IAC 3-1-16](#); [210 IAC 3-1-17](#); [210 IAC 3-1-18](#); [210 IAC 3-1-19](#); [210 IAC 3-1-20](#)

SECTION 1. [210 IAC 3-1-1](#) IS AMENDED TO READ AS FOLLOWS:

**[210 IAC 3-1-1](#) Definitions**

**Authority:** [IC 11-8-2-5](#); [IC 11-12-4-1](#)

**Affected:** [IC 11-8-2-1](#); [IC 11-12-4-2](#)

Sec. 1. **Definitions:** (a) "Administrative segregation" shall mean **means** the physical separation of inmates who are:

- (1) determined to be mentally ill;
- (2) escape prone;
- (3) assaultive or violent;
- (4) **undergoing a disciplinary investigation**; or
- (5) likely to need protection from other inmates;

where such administrative segregation **separation** is determined to be necessary in order to achieve the objective of protecting **protect** the welfare of prisoners and staff.

(b) "Arrestee" means a newly detained inmate awaiting arraignment.

(c) "Bed" means a permanently installed fixture used for sleeping that is elevated at least twelve (12)

**inches off the floor.**

**(d) "Chronic care" shall mean means** medical service rendered to an inmate over a long period of time, ~~i.e.,~~ **for example, but not limited to, the treatment of:**

- (1) diabetes;**
- (2) asthma; or**
- (3) epilepsy.**

**(e) "Commissioner" means the chief executive of the department.**

**(f) "Contraband" shall mean means** property ~~the possession of which is~~ **that, if in possession of an arrestee or inmate, is a violation of an Indiana or federal statute. law.**

**(g) "Convalescent care" shall mean means** medical service rendered to an inmate to assist in the ~~recovery~~ **from treatment of illness or injury.**

**(h) "Department" means the department of correction established under [IC 11-8-2-1](#).**

**(i) "Director, detention services" means the staff member appointed as the commissioner's designee and agent who shall do the following:**

- (1) Supervise the jail inspectors.**
- (2) Oversee the inspection of all jails.**
- (3) Ensure reports are properly prepared and distributed.**
- (4) Provide technical assistance to counties upon request.**

**(j) "Disciplinary segregation" shall mean that status means the assigned status of an inmate, as a consequence or means of control ~~resulting from a~~ **for violation of jail rules, following due process protections, including a hearing and the right to present a defense or a guilty plea by the inmate,** which consists of confinement in a cell, room, or other housing unit separate from inmates who are not on disciplinary segregation status.**

**(k) "Disturbance" means any unauthorized inmate activity that disrupts the normal operation of a jail.**

**(l) "Emergency care" shall mean means** care for an acute illness or unexpected health care need that cannot be deferred until the next scheduled sick call or physician's visit.

**(m) "Indigent" means any inmate with a balance below the amount established by the sheriff in the inmate's trust account.**

**(n) "Inmate" shall mean any means** a person ~~detained or~~ **who is** confined in ~~any a~~ jail. ~~governed by these rules.~~

**(o) "Inspection" means an on-site visit to a jail by an inspector serving as an agent of the commissioner.**

**(p) "Jail" shall mean a means any** secure county **operated or privately contracted** detention facility used to confine prisoners prior to appearance in court and sentenced prisoners. **arrestees and inmates.**

**(q) "Jail administrator", unless expressly stated otherwise, shall mean means a** sheriff or ~~either~~ **another** individual who has been assigned, designated, or delegated full-time responsibility and authority for the administration and operation of the jail by the sheriff.

**(r) "Jail officer" shall mean means** a sheriff's employee whose primary duties are the daily or ongoing supervision of jail inmates.

**(s) "Major disturbance" means a disruption in the normal operation of the jail that threatens:**

- (1) staff control of the inmates; or**
- (2) the safety or security of the jail.**

**(t) "Medically trained personnel" means those jail staff that have been trained by the appropriate health care provider, to perform a specific medical function that does not require an independent medical judgment.**

~~(u) "Medical preventive maintenance" shall mean those health services including~~ **means** health education, medical services, and instruction in self-care for chronic conditions.

**(v) "Notice of noncompliance" means the report prepared and distributed by the jail inspector, which shall be deemed as statutory notice of noncompliance in accordance with [IC 11-12-4-2](#).**

**(w) "Obscene materials" means material that, to the average person when applying contemporary standards, appeals to the prurient interest, which depicts or describes sexual conduct that, when taken as a whole, lacks serious literary, artistic, political, or scientific value.**

**(x) "Operational capacity" means the total number of beds, including those located in temporary holding areas such as the following:**

- (1) Booking.**
- (2) Segregation.**
- (3) Medical.**

**(y) "Crowding" means the total number of inmates exceeds the capacity of a jail.**

~~(z) "Policy" shall mean~~ **means** a statement declaring **the following:**

- (1) Mission.**
- (2) Purpose. and ideological**
- (3) Ideological position.**

~~(aa) "Procedure" shall mean~~ **means** a statement establishing the action plan to accomplish **the** policy.

~~(bb) "Prohibited property" shall mean~~ **means** property, other than contraband: ~~that~~

- (1) the Jail Administrator ~~sheriff~~ does not permit an inmate to possess;**
- (2) that exceeds the quantity of authorized property; or**
- (3) that is the personal or authorized property of another inmate.**

**Property that an inmate is otherwise permitted to possess may become prohibited property if it has been altered or due to the means by which it is possessed or used.**

~~(cc) "Physician" shall mean~~ **means** an individual holding a license to practice medicine in Indiana. ~~issued by the medical licensing board of Indiana.~~

**(dd) "Publishers only rule" means the material mailed to an inmate directly from the publisher, distributor, or an accredited institution of higher learning.**

~~(ee) "Qualified medical personnel" shall mean~~ **means** individuals engaged in the delivery of a medical or health care service who have been licensed, certified, or otherwise properly qualified under the laws of Indiana applicable to that particular service.

**(ff) "Rated bed capacity" means the total number of permanently installed beds.**

**(gg) "Secured perimeter" means that portion of a jail in which inmates are secured and inmate**

movement is controlled by staff.

(hh) "Strip search" means the purposeful observation of the unclothed body, based on reasonable suspicion, for the purpose of:

- (1) detecting contraband; or
- (2) deterring the introduction of contraband into the jail.

(ii) "Temporary holding" means the status assigned to the following:

- (1) Newly admitted inmates.
- (2) Inmates in padded cells and detoxification cells.

(jj) "Unusual occurrence" shall mean ~~shall mean~~ **means** any significant incident or disruption of normal jail procedures, policies, routines, or activities, such as **the following**:

- (1) A fire.
- (2) A riot.
- (3) A natural disaster.
- (4) A suicide.
- (5) An escape.
- (6) An assault.
- (7) A medical emergency.
- (8) A hostage taking. ~~or other~~
- (9) Any other violation of jail rules or state laws.

(Department of Correction; [210 IAC 3-1-1](#); filed Jul 27, 1981, 10:30 a.m.: 4 IR 1808; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: [20070725-IR-210070277RFA](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))

SECTION 2. [210 IAC 3-1-2](#) IS AMENDED TO READ AS FOLLOWS:

### [210 IAC 3-1-2](#) Administration and organization

Authority: [IC 11-8-2-5](#); [IC 11-12-4-1](#)

Affected: [IC 11-12-4-1](#)

Sec. 2. ~~Administration and Organization.~~ (a) Each jail shall be managed by a single jail administrator, **supervised by the sheriff**, to whom all employees or units of management are responsible.

(b) Each ~~Jail Administrator~~ **sheriff** shall prepare annually **and submit, not later than March 31 after the conclusion of each calendar year**, a written report setting forth the **annual statistical data and the** extent and availability of services and programs to inmates ~~Said~~ **identifying major events that have occurred in the jail and unfunded operational needs. The** report shall be directed to the circuit court judge, and copies shall be provided to the state jail inspector, president of the county council or city-county council, **prosecutor**, and president of the ~~County~~ **board of commissioners. The report shall also be provided to the county auditor and be maintained as a public record. At a minimum, the report shall include the following:**

- (1) The total number of beds.
- (2) The total number of bookings with at least the top ten (10) identified by offense.
- (3) The average daily inmate population.
- (4) The total number of jail and in-custody deaths by type (suicide, natural causes, homicide) with a summary of each occurrence.
- (5) The number of escapes.
- (6) The total number of juveniles booked into the jail via waiver or direct file.
- (7) The availability of services provided at the jail.
- (8) A statement on the adequacy of jail staffing levels.
- (9) A statement on the maintenance and upkeep of the jail.
- (10) Unfunded needs and projects essential to jail operation and maintenance.
- (11) The average length of stay, for all inmates housed in the jail as of December 31, of the preceding year.

(c) Each sheriff shall develop **and maintain** a manual of policies and procedures ~~which that~~ shall guide the operation of ~~his county's~~ **the jail. This manual shall be sheriff's office property.** All policies and procedures must be in writing **and bear the signature approval of the sheriff.** The sheriff shall encourage the participation of other community agencies in the development of policy for the jail through coordinated planning and interagency consultation. The advice and consultation of the sheriff's staff should also be ~~sought~~ **included** in the development of policies and procedures for each jail. The manual shall be ~~reviewed and updated~~ **as needed, reviewed** annually, and ~~distributed~~ **documented with the sheriff's signature page in the manual. The manual shall be made available** to all employees- **jail staff.** It shall include, but not be limited to, **the following:**

(1) A statement of the:

- (A) mission;
- (B) philosophy;
- (C) goals; and
- (D) purposes;

of the jail.

(2) Operations and maintenance of the jail.

(3) Organizational ~~structure of the jail, its staff and program with grouping of similar functions, services and activities into administrative sub-units;~~ **structure of the jail.**

(4) ~~Delineation of channels of communication;~~

(5) **(4)** A procedure for the monitoring of operations and programs through required inspections and reviews.

(6) **(5)** A system of written reports ~~to be directed to the sheriff or jail administrator,~~ **at the sheriff's request, regarding the normal operation of the jail,** including, as at a minimum, **the following:**

- (A) Information on major development.
- (B) Serious incidents.
- (C) Population data.
- (D) Staff and inmate morale.
- (E) Major problems and proposed plans to resolve them.

(7) **(6)** Staff training **and professional development.**

(8) ~~Employee management relations; and~~

(9) ~~Staff inmate communication.~~

(Department of Correction; [210 IAC 3-1-2](#); filed Jul 27, 1981, 10:30 a.m.: 4 IR 1809; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: [20070725-IR-210070277RFA](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))

SECTION 3. [210 IAC 3-1-3](#) IS AMENDED TO READ AS FOLLOWS:

### **[210 IAC 3-1-3](#) Fiscal management**

**Authority:** [IC 11-8-2-5](#); [IC 11-12-4-1](#)

**Affected:** [IC 11-12-4-1](#)

Sec. 3. Fiscal Management. (a) Each sheriff shall establish written procedures to govern the internal handling of monies. ~~All such procedures shall be~~ **money** consistent with all requirements of the state board of accounts **and state law.**

(b) ~~Each sheriff shall maintain fiscal records which will clearly indicate the annual costs for his county's jail. Any such records shall reflect all monies collected and disbursed during any budget period and shall be established in compliance with all requirements of the State Board of Accounts.~~

(c) ~~Each sheriff shall prepare and present annually a budget request to the appropriate government funding body. The jail budget request should accurately reflect the needs and objectives of the subject facility.~~

(d) ~~Each sheriff shall maintain a written inventory of county jail property. The inventory shall be reviewed and updated annually.~~

(Department of Correction; [210 IAC 3-1-3](#); filed Jul 27, 1981, 10:30 a.m.: 4 IR 1809; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: [20070725-IR-210070277RFA](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))

SECTION 4. [210 IAC 3-1-4](#) IS AMENDED TO READ AS FOLLOWS:

**[210 IAC 3-1-4 Personnel](#)**

**Authority:** [IC 11-8-2-5](#); [IC 11-12-4-1](#)

**Affected:** [IC 11-12-4-1](#)

Sec. 4. ~~Personnel.~~ (a) Each sheriff shall establish written jail personnel policies and procedures **to include a code of ethics, and a copy shall be provided to each new jail employee.**

*(Department of Correction; [210 IAC 3-1-4](#); filed Jul 27, 1981, 10:30 a.m.: 4 IR 1810; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: [20070725-IR-210070277RFA](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))*

SECTION 5. [210 IAC 3-1-5](#) IS AMENDED TO READ AS FOLLOWS:

**[210 IAC 3-1-5 Training and staff development](#)**

**Authority:** [IC 11-8-2-5](#); [IC 11-12-4-1](#)

**Affected:** [IC 11-12-4-1](#)

Sec. 5. ~~Training and Staff Development.~~ (a) Each sheriff shall establish a written training and staff development plan for all jail employees. This plan shall be:

- (1) based on the jail's manual of policies and procedures; ~~It shall be~~ **and**
- (2) evaluated and revised as needed annually.

(b) Each new jail officer, **including part-time staff**, shall receive ~~forty (40)~~ **the following:**

- (1) **A minimum of eighty (80)** hours of orientation and training at the jail prior to job assignment. ~~and shall receive~~
- (2) An additional forty (40) hours certified training during the first year of employment. ~~Each jail officer shall receive documented training each year thereafter.~~ **This training must include annual training in suicide prevention, intervention, and mental health issues.**

The forty (40) hours of certified training ~~during~~ **in** the first year of employment shall be received through the Indiana law enforcement training board. **Each jail officer shall receive sixteen (16) hours of training each subsequent year to ensure compliance with these standards.**

**(c) In addition to the training required in subsection (b), each jail commander shall receive a minimum of twenty-four (24) hours of documented training each calendar year.**

~~(e)~~ **(d)** All personnel authorized to use firearms shall be trained ~~in weaponry~~ on a continuing in-service and documented firearms training course. Failure to qualify for ~~continued~~ firearm use shall be deemed just cause for administrative reevaluation ~~or~~ **to include dismissal. Other compliance factors are as follows:**

- (1) No employee shall be authorized by the sheriff to use firearms ~~unless~~ **until** that employee has been given training in the legal requirements of firearm use and the legal aspects of the use of deadly force.
- (2) Detailed training records are required and shall be maintained on all firearms training.

~~(e)~~ **(e)** Each sheriff shall include training as a budget item in his ~~jail's~~ **the** annual budget request to pay for this required training.

**(f) A training file shall be maintained for each jail employee.**

*(Department of Correction; [210 IAC 3-1-5](#); filed Jul 27, 1981, 10:30 a.m.: 4 IR 1810; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: [20070725-IR-210070277RFA](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))*

**210 IAC 3-1-6 Management information systems and inmate records**

**Authority:** [IC 11-8-2-5](#); [IC 11-12-4-1](#)

**Affected:** [IC 11-12-4-1](#)

Sec. 6. ~~Management Information Systems and Inmate Records.~~ (a) ~~An intake form shall be completed for~~ Every inmate admitted to any county jail ~~Such form shall contain, but not limited to,~~ **shall have** the following information **recorded**, unless ~~otherwise~~ prohibited by statute:

- (1) Booking number.
- (2) Date and time of intake.
- (3) Name and aliases.
- (4) Last known address.
- (5) Date and time of commitment and authority therefor.
- (6) Name, title, and signature of delivering officer.
- (7) Specific **charge or** charges.
- (8) Physical description, **including any scars, marks, or tattoos.**
- (9) Mug shot and fingerprints.
- (10) Sex.
- (11) Age and date of birth.
- (12) Place of birth.
- (13) Race.
- (14) Occupation.
- (15) **Name and address of last place of employment; employer.**
- (16) Health status.
- (17) Name and relationship of next of kin.
- (18) Address of next of kin.
- (19) Court and sentence.
- (20) Notation of cash and personal property. ~~and~~
- (21) ~~Space for remarks (to include~~ Notation of any:
  - (A) open wounds; ~~of~~
  - (B) sores requiring treatment;
  - (C) evidence of disease or body vermin; ~~or tattoos~~;
  - (D) **tattoos.**
- (22) **Name of health insurance carrier.**
- (23) **Name of primary care physician.**
- (24) **Education level, to include the name and location of last school attended if no high school diploma.**
- (25) **Prior commitments.**
- (26) **Nationality or citizenship.**
- (27) **Social Security number, and if any Social Security benefits are currently being received.**

(b) Records shall be maintained on all inmates committed or assigned to any county jail. ~~Such~~ **The** records shall contain, but are not limited to, **the following**:

- (1) Intake information.
- (2) Commitment papers and court **order or** orders.
- (3) Cash and personal property receipts.
- (4) Reports of disciplinary actions or unusual occurrences.
- (5) Work record.
- (6) Program involvement. ~~and~~
- (7) Medical orders issued by the jail physician or his **or her** designee.

(c) Each sheriff **or designee** shall **do the following**:

- (1) Maintain on a daily basis written data concerning population movement, including, but not limited to, **the following**:
  - (1) **(A) Admission.**
  - (2) **(B) Processing. and**
  - (3) **(C) Transfer; and**

(D) Release of pretrial detainees and sentenced inmates.

~~(d) Each sheriff shall~~ (2) Establish a written procedure requiring the prompt reporting of all incidents that:

(A) result in physical harm;

(B) threaten the safety of any person in the jail; or

(C) threaten the security of the jail.

~~(e) Each sheriff shall~~ (3) Establish written policies and procedures regarding access to and release of inmate records. ~~Such~~ **The** policies and procedures shall ~~insure~~ **ensure** that inmate records are current, accurate, and safeguarded from unauthorized and improper disclosure.

~~(f)~~ (d) An inmate's medical record file shall not be in any way part of the confinement record.

(e) Each sheriff shall establish a written procedure requiring that, prior to the release of any inmate or arrestee, the jail staff shall, unless otherwise prohibited by any statute or law:

(1) perform an Indiana Data and Communications System (IDACS) and National Corrections Information Center (NCIC) search; or

(2) contact the department to determine whether:

(A) the offender is currently under the department's jurisdiction; or

(B) there are any other outstanding wants or warrants for the offender.

*(Department of Correction; 210 IAC 3-1-6; filed Jul 27, 1981, 10:30 a.m.: 4 IR 1810; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: 20070725-IR-210070277RFA; filed Sep 11, 2012, 2:30 p.m.: 20121010-IR-210110741FRA)*

SECTION 7. [210 IAC 3-1-7](#) IS AMENDED TO READ AS FOLLOWS:

### [210 IAC 3-1-7](#) Physical plant

Authority: [IC 11-8-2-5](#); [IC 11-12-4-1](#)

Affected: [IC 11-12-4-1](#)

Sec. 7. ~~Physical Plant.~~ (a) All inmate living and activity areas in each jail shall provide for the following minimum requirements:

(1) Illumination shall be sufficient for reading and writing throughout the living area. Readings of at least **twenty** (20) foot-candles are required at desk level **and in grooming areas**.

(2) Circulation of fresh air sufficient to remove stale air and ~~orders~~ **odors** from the living area. This requirement shall be satisfied if the ~~County Board of Health certifies~~ **jail inspector documents, per American Correctional Association (ACA) standards**, that the air in the living area is not harmful to the inmates. **provides sufficient cubic feet of air per minute per inmate. Performance-Based Standards for Adult Local Detention Facilities, Fourth Edition (2004, Ref. No. 1-56991-215-7). These standards are available at the American Correctional Association, 206 N. Washington St., Suite 200, Alexandria, VA 22314 or [www.aca.org/store/bookstore/view](http://www.aca.org/store/bookstore/view).**

(3) A heating system sufficient to ~~insure~~ **ensure healthy** and comfortable living and working conditions for all inmates and staff. Temperatures shall be maintained at a **an acceptable** comfortable level consistent with exterior conditions, clothing and bedding issued.

(4) Each cell shall have direct access to **the following**:

(A) A toilet.

(B) A washbasin with **hot and cold** running water. ~~and~~

(C) A ~~bunk~~ **bed**.

(5) There shall be at least one (1) toilet and one (1) shower per twelve (12) inmates. ~~in the activity area.~~ This requirement shall be satisfied as to toilet access if cells are accessible to the inmates at all **the time**.

(b) ~~The reception~~ **inmate receiving** area shall be located inside the security perimeter ~~but outside inmate living quarters.~~ It shall **and** have the following minimum components:

(1) Weapon lockers, located outside the security area.

(2) A temporary holding space ~~which~~ **that has the following**:

(A) Sufficient seating capacity for all inmates assigned.

(B) Audio and visual communication. ~~and~~

(C) Available toilets and washbasins with **hot and cold** running water.



- (3) **A booking area, with close circuit television (CCTV) camera recording. Retention of video recordings shall be based upon local retention schedules for video recordings.**
- (4) A medical examination area.
- (5) Shower facilities.
- (6) ~~Vault or~~ Secure area for storage of inmate's personal property. and
- (7) Telephone facilities.

(c) ~~To provide security and assure compliance with fire safety regulations,~~ Supply areas shall be separate from inmate living and activity areas **and kept secured when not in use.** There shall be adequate space for **the following:**

- (1) Storage and security of keys.
- (2) Weapons.
- (3) Medications.
- (4) Tools.
- (5) Evidence.
- (6) Recovered stolen property.
- (7) Bedding.
- (8) Housekeeping equipment and supplies.
- (9) Clothing.
- (10) Prisoner's property.
- (11) Commissary and hygiene items. and
- (12) Records.

(d) ~~Arsenals~~ **Weapons storage** shall be located outside the security perimeter of the inmate living and activity areas. Provisions shall be made for the secure storage, care, and issuance of weapons and related security equipment. ~~The arsenal shall be equipped with an alarm system.~~

(e) Each **new jail constructed after November 15, 2012,** shall have **the following:**

(1) At least one (1) area suitable for inmates who must be under special medical supervision, **which shall include a negative airflow system for the control of communicable diseases.**

~~(f) Each jail shall have~~ (2) A space available for the supervision of ~~offenders~~ **inmates and arrestees** who represent special behavioral problems including ~~intoxification~~ **intoxication** and self-destructive behavior. This area shall:

(A) be equipped with audio-video communication; and

(B) have access to toilet **facilities** and running water.

~~(g) There shall be~~ (3) One (1) bed for each inmate. ~~and the~~

(f) **The** capacity of a jail shall be determined with the sheriff taking into consideration the following factors:

~~(A)~~ (1) A bed for each inmate.

~~(B)~~ (2) The size of the cell or sleeping area.

~~(C)~~ (3) The size of the day room or range to which the prisoner has free access during nonsleeping hours.

~~(D)~~ (4) Time spent in activities out of **the** cell. ~~and/or time spent out of range.~~

(g) The state jail inspector may adjust the ~~rated~~ **operational** capacity of any jail ~~in the event that~~ **if there is a** change in the **physical plant** structure, or the use of ~~that the~~ facility ~~indicate that such~~ **indicates a** change ~~would be is~~ appropriate. ~~Prior to any adjustment in rated capacity~~ The state jail inspector shall **will** review the proposed adjustment with the sheriff ~~and the County Commissioners.~~ **prior to any adjustment in the facility's rated capacity.**

(h) All ~~major~~ **new** jail construction, **renovations, or additions** beginning ~~January 1, 1982~~ **after November 15, 2012** shall comply with **the most current** jail construction standards established by the ~~American Correctional Association.~~ **ACA Performance-Based Standards for Adult Local Detention Facilities, 4th Edition, with the exception of those standards listed in subsection (h). New or revised ACA standards shall not be adopted without amending this article. Counties shall not be held to physical plant standards not in effect prior to the construction of their jail except as may be ordered by the courts or statute. However, renovation or addition(s) of an existing jail must bring the jail into compliance with applicable building and fire codes.**

(i) **The following physical plant standards are applicable to all additions or renovations after November**

15, 2012:

- (1) Cells may be multiple occupancy, providing there is at least thirty-five (35) square feet of space per inmate. In dormitories, there shall be at least fifty (50) square feet of total space per inmate.
- (2) Detoxification cells shall have fixed seating elevated not less than twelve (12) inches from the floor. There shall be a water hose connection adjacent to this area accessible by staff only.
- (3) There shall be no unsecured opening greater than five (5) inches in the secured perimeter of the jail.
- (4) Sight separation of male and female inmates is required except for incidental contact.
- (5) Video visitation is authorized.
- (6) Collapsible devices shall be used in cells to suspend clothing. Clothing hooks may not be used.
- (7) CCTV cameras shall be placed in:
  - (A) all inmate day rooms;
  - (B) all temporary holding cells;
  - (C) all booking areas;
  - (D) the intoxilizer room; and
  - (E) all isolation cells;to assist staff in the supervision and control of inmates. The privacy rights of inmates shall be observed in toilet and shower areas. CCTV equipment shall serve as a supplement to, not a substitute for, staff supervision.

(j) Each sheriff shall have a written plan for preventive maintenance. The plan shall be reviewed **annually** and updated ~~annually~~: **as needed**.

(Department of Correction; [210 IAC 3-1-7](#); filed Jul 27, 1981, 10:30 a.m.: 4 IR 1811; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: [20070725-IR-210070277RFA](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))

SECTION 8. [210 IAC 3-1-8](#) IS AMENDED TO READ AS FOLLOWS:

#### **[210 IAC 3-1-8](#) Commissary**

Authority: [IC 11-8-2-5](#); [IC 11-12-4-1](#)

Affected: [IC 11-12-4-1](#)

Sec. 8. ~~Commissary.~~ (a) ~~Each~~ If a jail **provides inmate commissary services**, it shall be managed and operated in a manner consistent with Indiana law.

(Department of Correction; [210 IAC 3-1-8](#); filed Jul 27, 1981, 10:30 a.m.: 4 IR 1811; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: [20070725-IR-210070277RFA](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))

SECTION 9. [210 IAC 3-1-9](#) IS AMENDED TO READ AS FOLLOWS:

#### **[210 IAC 3-1-9](#) Safety and sanitation**

Authority: [IC 11-8-2-5](#); [IC 11-12-4-1](#)

Affected: [IC 11-12-4-1](#)

Sec. 9. ~~Safety and Sanitation.~~ (a) Each jail shall be maintained in a safe and sanitary condition in compliance with state and local health, sanitation, safety, and fire laws.

(b) ~~Inmates incarcerated in each jail shall have the responsibility for maintaining their own cells and living areas in a safe and sanitary condition. Jail officials shall make~~ **Necessary** cleaning equipment including ~~mops, brooms, scouring cleanser, soap and disinfectant, available~~ **materials shall be provided** to inmates on a daily basis ~~to assist inmates in meeting their cleaning responsibility.~~ **and as needed**.

(c) ~~Each~~ **All areas of a jail** shall be inspected by a designated jail official at least once per week. Each living

area shall be inspected by designated jail officials daily. Written inspection reports shall be maintained, and steps shall be taken promptly to remedy unsafe or unsanitary conditions.

(d) Each jail shall be inspected weekly for evidence of insects and rodents. Licensed extermination services shall be obtained to spray or treat facilities as often as necessary to eliminate insects and rodents. Inmates shall be removed from an area if spraying or fogging is necessary and cannot properly be accomplished if inmates are present.

(e) **Faulty** plumbing fixtures shall be promptly repaired or replaced as ~~may be necessary. after receipt and confirmation of a report of malfunctioning equipment.~~

(f) Exits shall be:

- (1) clearly marked;
- (2) continuously illuminated;
- (3) kept clear **of obstructions**; and
- (4) in ~~usable~~ **usable** condition.

(g) The sheriff shall **do the following**:

(1) Establish a written evacuation plan for use in the event of fire or major emergency. Appropriate evacuation instructions shall be ~~posted~~ **maintained** in all living and working areas of each jail. **the main control room and all satellite control rooms. Fire drills shall be conducted as required by the state fire marshal and the results of each drill documented.**

~~(h) The Sheriff shall~~ (2) Request that the local board of health inspect the jail at least ~~semi-annually.~~ **annually.**

~~(i) The Sheriff shall~~ (3) Establish written policies and procedures concerning safety, sanitation, and control of supplies. **Material safety data sheets for all caustic, toxic, or flammable materials shall be maintained in the control room or an area accessible to staff twenty-four (24) hours per day.**

*(Department of Correction; [210 IAC 3-1-9](#); filed Jul 27, 1981, 10:30 a.m.: 4 IR 1811; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: [20070725-IR-210070277RFA](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))*

SECTION 10. [210 IAC 3-1-10](#) IS AMENDED TO READ AS FOLLOWS:

### **[210 IAC 3-1-10](#) Clothing, bedding, and personal hygiene**

Authority: [IC 11-8-2-5](#); [IC 11-12-4-1](#)

Affected: [IC 11-12-4-1](#)

Sec. 10. ~~Clothing and Personal Hygiene.~~ (a) Each jail shall provide for the issue of **clean**, suitable clothing, bedding and towels **linen, a towel, and a sleeping mat** to each new inmate. ~~Clean~~ **Each inmate shall be provided adequate material and disinfectant to cleanse their sleeping mat prior to transfer or release. Jail clothing bedding and towels authorized personal undergarments shall be laundered or exchanged at least weekly. Bed linen shall be issued at least laundered weekly. These items and blankets shall be laundered at least monthly. All clothing and bedding shall be maintained in serviceable condition and in sufficient number quantity** to supply each jail's inmate population.

(b) Each inmate shall be provided with **items necessary to maintain personal hygiene**. Shaving materials ~~bar soap, toothbrush, and toothpaste. Industrial hand soap shall not be issued to inmates. Women available at least three (3) times per week unless the inmate poses a security, safety, or suicide risk. Female inmates shall be provided with choice of tampons or personal sanitary napkins.~~ **items.**

(c) Inmates shall:

- (1) shower **and shampoo their hair** upon admission to the jail's general population; and shall
- (2) be afforded the opportunity to shower at least three (3) times per week thereafter unless an emergency or a threat to jail security exists.

(d) Each inmate shall be:

(1) allowed, upon request, to have ~~his-her~~ **their** hair cut at least once every six **(6)** weeks **at his or her own expense; and**

~~(e) All inmates shall be~~ **(2)** provided the opportunity to wear their personal clothing when they appear in court for a jury trial.

~~(f)~~ **(e)** The sheriff, **or designee**, may supervise and control the hygiene, grooming, and attire of jail inmates to the extent reasonably necessary to maintain a sanitary, safe, and secure environment. **The sheriff shall reserve the right, with reasonable cause, to order an inmate's hair be cut by a licensed barber or beautician in order to maintain a sanitary and secure living and work environment.**

*(Department of Correction; [210 IAC 3-1-10](#); filed Jul 27, 1981, 10:30 a.m.: 4 IR 1812; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: [20070725-IR-210070277RFA](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))*

SECTION 11. [210 IAC 3-1-11](#) IS AMENDED TO READ AS FOLLOWS:

**[210 IAC 3-1-11](#) Medical care and health services**

**Authority:** [IC 11-8-2-5](#); [IC 11-12-4-1](#)

**Affected:** [IC 11-12-4-1](#)

~~Sec. 11. Medical Care and Health Services.~~ (a) A ~~duly~~ licensed physician shall be responsible for medical services in each jail.

(b) Procedures necessary to deliver medical services to inmates shall be:

- (1)** in writing; ~~and shall be~~
- (2)** approved by the responsible physician; **and**
- (3)** **reviewed by the sheriff.**

(c) State licensing ~~and/or~~ **or** certification requirements and restrictions shall apply to all health care personnel working with jail inmates. Copies of all licensing ~~and/or~~ certification **and** credentials shall be on file with the sheriff **or designee**. Jail security regulations shall apply to all medical personnel.

(d) Whenever medical services are to be delivered routinely in any jail, adequate space, equipment, supplies, and materials as determined by the responsible physician shall be provided.

(e) First aid kits shall be available in each jail. The responsible physician shall approve the contents ~~number~~ **and location of such kits** and the procedure for periodic inspection of all first aid kits.

(f) Each inmate **or arrestee** shall be medically screened upon ~~admission~~ **admittance** to jail and before placement in the general population or living area. Screening data must be recorded on a form approved by the responsible physician and shall include, but not be limited to, **the following**:

- (1) Current illnesses and health problems, including those specific to women.
- (2) History of drug ~~and/or~~ **or** alcohol, **or both**, use.
- (3) **Current** medications taken.
- (4) Special health requirements.
- (5) Screening of other health problems designated by the responsible physician.
- (6) Behavioral observations, including state of consciousness and **observable** mental status.
- (7) Notation of **the following**:
  - (A)** Body deformities.
  - (B)** Trauma. ~~markings.~~
  - (C)** Bruises.
  - (D)** Lesions.
  - (E)** Jaundice. ~~and ease~~
  - (F)** **Restriction** of movement.
- (8) Condition of skin and **visible** body orifices, including rashes and infestation. ~~and~~
- (9) Disposition **or** referral of **the** inmate to qualified medical personnel on an emergency basis.

(g) Within fourteen (14) days following arrival at the jail, an inmate shall ~~be given the opportunity to receive~~ **undergo** a medical ~~examination~~ **assessment** conducted by the responsible physician or ~~his designees~~; **a licensed nurse**.

(h) **An inmate shall be informed upon admission that** medical complaints shall be collected daily and responded to by medically trained personnel. Qualified medical personnel shall follow up **on** all complaints and allocate treatment according to priority of need. A physician shall be available at least ~~once a week~~ **weekly** to evaluate and respond to inmate medical complaints.

(i) Each jail shall ~~provide~~ **arrange for twenty-four** (24) hour emergency medical, ~~and~~ dental, **and psychological** care availability pursuant to a written plan ~~which that~~ includes, as a minimum, arrangements for **the following:**

- (1) Emergency evacuation of the inmate from within the facility.
- (2) Use of an emergency medical vehicle.
- (3) Use of one **(1)** or more designated hospital emergency rooms or other appropriate health facilities.
- (4) Emergency on call physicians and dentist services when the emergency health facility is not located in a nearby community. ~~and~~
- (5) Security procedures that provide for the immediate transfer of inmates when appropriate.
- (6) Arrangements for emergency psychological services.**

(j) Jail personnel shall be trained in the use of emergency care procedures and shall have ~~current~~ training in basic first aid equipment **that is currently available in the jail**. At least one **(1)** person per shift shall have training in receiving, screening, cardiopulmonary resuscitation (CPR), and recognition of ~~symptoms~~ **symptoms of the common** illnesses. ~~most common to the facility~~. All jail officers shall be trained regarding recognition of symptoms of mental illness and retardation **and suicide screening and prevention. All jail personnel are to ensure that the following is complied with:**

- (1) No jail shall accept delivery of an unconscious or critically injured person. **In consultation with the responsible physician, the sheriff shall establish a blood alcohol content (BAC) level above which the jail may refuse to accept an inmate without medical screening. All medical screenings prior to booking shall be at the arrestee's expense. A copy of this policy shall be provided to local law enforcement agencies.**
- (2) ~~All~~ **Any inmate** injured ~~inmates~~ **while detained in the jail** shall be examined immediately by a competent medical person. A description of the injury ~~should~~ **shall** be recorded and photographs taken when appropriate. **Any inmate's refusal of medical care shall be:**
  - (A) thoroughly documented;**
  - (B) signed by the inmate; and**
  - (C) witnessed by staff.**

(k) ~~Jail officials shall use their best efforts to obtain any medication prescribed by a physician.~~ All medications shall be administered in the dosage and with the frequency prescribed. No substitutions of medications shall be made without the ~~prescribing~~ **responsible** physician's **written** approval.

- (1) Any jail officer who administers medication shall have received **documented** training ~~from~~ **through** the responsible physician. ~~and The jail administrator~~ **sheriff:**
  - (A)** is accountable for ~~administering~~ **the administration of** medications according to orders; and
  - (B) the sheriff or designee** must record ~~the all~~ administration of medication in a manner and on a form approved by the responsible physician.
- (2) A structured system for pharmacy storage, **accountability**, and distribution shall be established in accordance with recognized medical standards as determined by the responsible physician.
- (3) An inmate's prescribed medication, by a responsible physician, shall accompany the inmate in the original container with the inmate's medical records upon transfer to another facility or upon release.**

(l) ~~Each jail~~ **The responsible physician** shall ~~be listed~~ **list the jail** with the Drug Enforcement Administration as a place of practice. ~~by the responsible physician.~~ **Missing controlled substances shall be reported to the Indiana board of pharmacy using DEA Form 106.**

(m) Each sheriff shall **do the following:**

- (1) Establish policies and procedures for the development and disposition of each inmate's medical records.**

~~and shall~~

(2) Provide secure and confidential storage of ~~such~~ **the** records consistent with physician-patient privileges. **Nonmedical personnel shall have access to these records as provided by law. A sealed copy of an inmate's facility medical record shall accompany the inmate upon transfer to another facility.**

**(n) Each sheriff shall have a policy providing for the provision of private medical, dental, and optometry services when requested by the inmate. Services that are determined to be medically elective shall be at the inmate's own expense.**

*(Department of Correction; [210 IAC 3-1-11](#); filed Jul 27, 1981, 10:30 a.m.: 4 IR 1812; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: [20070725-IR-210070277RFA](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))*

SECTION 12. [210 IAC 3-1-12](#) IS AMENDED TO READ AS FOLLOWS:

**[210 IAC 3-1-12](#) Diet and food preparation**

**Authority:** [IC 11-8-2-5](#); [IC 11-12-4-1](#)

**Affected:** [IC 11-12-4-1](#)

Sec. 12. ~~Diet and Food Preparation.~~ (a) Each sheriff shall establish written policies and procedures concerning the quantity and quality of food served to inmates.

(b) Food shall not be used as a reward or withheld as a disciplinary measure. All meals shall be served under the supervision of the jail administrator or his **or her** designee. There shall be ~~no~~ **not** more than fourteen (14) hours between the evening meal and breakfast. Inmates shall be served three (3) meals each day. **At least one (1) meal each day shall be served hot: cooked.**

(c) Menus shall:

**(1) be prepared in advance, and records of all menus and all meals served shall be retained; ~~Menus shall meet the approval of~~**

**(2) be approved by** a qualified dietician; ~~and food preparation and the storage shall be in compliance with local and state health standards. Each menu shall include the recommended dietary allowance for food nutrients specified by the National Academy of Science, Food and Nutrition Board.~~

**(3) reflect the average daily caloric intake; and**

**(4) be reviewed every two (2) years or after any substantial change in daily inmate physical activity.**

All food service areas and equipment shall be inspected daily by administrative jail personnel. All food must be placed on racks off the floor. Food must be covered **or enclosed** while being transported to the inmate area.

(d) To ~~insure~~ **ensure** that the jail kitchen is maintained in a safe and sanitary condition, the following requirements shall be met:

(1) All kitchen equipment and floors shall be cleaned daily. Walls and vents shall be cleaned regularly.

(2) The sheriff ~~or jail administrator~~ shall request ~~that~~ the local health officer, or an otherwise qualified agency, conduct ~~periodic~~ inspections of the kitchen facilities **at least annually**, to ~~insure~~ **ensure** compliance with established health and sanitary standards.

(3) Eating utensils shall be sanitized **after each use**. Alternatively, plastic disposal utensils may be used for each meal.

(4) Kitchen equipment must be operational and safe for use.

(5) Inmates working in the kitchen shall be given a preservice examination and ~~periodic examinations~~ **a daily visual examination** thereafter to ~~insure~~ **ensure** that they do not have any **obvious signs of** contagious diseases or other ailments ~~which~~ **that** could facilitate food contamination. Inmates shall wear clothing approved for food handling when ~~they are assigned to~~ **working in the kitchen and during the delivery of food to inmates.**

(e) Medical diets approved by the responsible physician shall be honored. **A request for a religious diet should be honored when the failure to honor such diet would impose a substantial burden on an inmate's free exercise of religion.** ~~Religious diets shall be honored to the extent that the required food is readily accessible in the community where the jail is located. Any refusal to grant a medical or religious diet shall be~~

~~reported in writing to the sheriff or jail administrator.~~

(f) Each sheriff shall establish in writing a control system to monitor and control food pilferage, misuse, or spoilage.

(Department of Correction; [210 IAC 3-1-12](#); filed Jul 27, 1981, 10:30 a.m.: 4 IR 1813; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: [20070725-IR-210070277RFA](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))

SECTION 13. [210 IAC 3-1-13](#) IS AMENDED TO READ AS FOLLOWS:

**[210 IAC 3-1-13](#) Security and control**

**Authority:** [IC 11-8-2-5](#); [IC 11-12-4-1](#)

**Affected:** [IC 11-12-4-1](#)

Sec. 13. ~~Security and Control.~~ (a) Each sheriff shall establish a manual setting forth the jail's policies and procedures for security and control. This manual shall be distributed **available** to all jail personnel and shall be reviewed annually and updated as needed. **Documentation of this review shall be signed by the sheriff and maintained in front of the manual.** The manual shall include, but not be limited to, **the following:**

- (1) Supervision.
- (2) Searches and seizures.
- (3) Facility security.
- (4) Shakedowns.
- (5) Firearms and other weapons.
- (6) Maintenance of security equipment.
- (7) Key control.
- (8) ~~Tool~~ Control **of the following:**
  - (A) Tools.**
  - (B) Sharp culinary equipment.**
  - (C) Medical instruments.**
  - (D) Razors.**
- (9) Records control **and release of information according to Indiana law.**
- (10) Population count.
- (11) Chemical agents.
- (12) Post orders.
- (13) Escapes.
- (14) Emergency situations, including **the following:**
  - (A) A fire.**
  - (B) A disturbance.**
  - (C) An assault.**
  - (D) A taking of hostages.**
  - (E) Natural disasters.**
- (15) Transportation of inmates. ~~and,~~
- (16) **The** use of physical force.
- (17) Responding to a suicide attempt or suicidal inmate.**

Jail officers shall be trained consistent with provisions of the security and control manual. ~~Pre~~ **Pretraining** and posttraining examinations shall be administered to each jail officer and the results made part of the employee's record.

(b) Inmates shall not be permitted to handle, use, or have jail keys of any type in their possession. There shall be at least one **(1)** full set of keys, separate from those in use, stored in a safe place accessible only to jail personnel, for use in event of an emergency. ~~Keys are to be color coded and classified pursuant to a key numbering and lettering system.~~

(c) The use of physical force by jail personnel shall be restricted to instances of justifiable self-protection, **protection of inmates from self-harm**, protection of others, protection of property, and prevention of escapes. ~~Only that force shall be used only to the degree necessary and consistent with any statutory limitations to control~~

**an inmate shall be authorized.** Written reports following any use of force shall be promptly submitted to the sheriff or his **or her** designee. **Jail personnel should ensure the following:**

- (1) Only weapons approved by the sheriff shall be used by jail personnel in emergency situations. Any jail employee who discharges a firearm in the course of his **or her** duty shall promptly submit a written report to the sheriff.
- (2) **Lethal** weapons shall not be permitted beyond a designated area to which inmates have ~~no~~ access, except in emergency situations **as approved by the sheriff.**
- (3) Persons designated to authorize the use of ~~tear gas, mace, or other chemical agents~~ **less lethal repellants or security devices** shall be:
  - (A) named in writing; and ~~shall be~~
  - (B) trained in the proper ~~employment~~ **deployment** of the ~~chemical agents.~~ **these items.**
- (4) Each sheriff shall establish procedures for the treatment of persons injured as a result of ~~a weapon or chemical agent.~~ **the application of force.**

(d) Each jail shall maintain a secure communication control center separate from other jail detention and administrative functions. Jail officers and other personnel assigned to jail duty shall be trained in security measures and **the** handling of special incidents such as **the following:**

- (1) Assaults.
- (2) Disturbances.
- (3) **Deaths.**
- (4) Fires. ~~and~~
- (5) **Suicide attempts.**
- (6) Natural disasters.

Each jail shall have an audio communication system between the communication control center and the inmate living area **that can be activated from the inmate living areas in an emergency.**

(e) Each jail shall have equipment necessary to maintain central lights, power, and communication in an emergency. Emergency equipment shall be:

- (1) tested at least weekly for effectiveness; and ~~shall be~~
- (2) **promptly** repaired or replaced as necessary.

(f) Security equipment shall be:

- (1) sufficient to meet facility needs; and ~~shall be~~
- (2) stored in a secure **place, but** readily accessible ~~area.~~ **to staff.**

**There shall be a sufficient quantity of restraints, mechanical or disposable, or both, to evacuate all inmates from the jail in an emergency.**

(g) All:

- (1) security perimeter entrances;
- (2) control center doors;
- (3) **main** cellblock doors; and
- (4) cell doors **or housing units** opening into a corridor;

shall be kept locked except when used for admission or exit of employees, inmates, or visitors and emergencies. No jail officer shall enter a high security cell area, **or any other area in which a disturbance is occurring,** without backup assistance **being alerted and available for immediate assistance.**

(h) Jail officials may perform searches and seize contraband or prohibited property. **Sheriffs may limit the personal items an inmate may possess in their living area by both quantity and volume. However, an inmate may possess those legal papers necessary for access to the courts and legal matters pertaining to their current court case or cases and responses to grievances.** Jail officials ~~may~~ **shall** inform ~~an inmate~~ **inmates** of the items of property ~~he is~~ **they are** permitted to possess, in which event all other property not contraband is prohibited property. Property that an inmate is otherwise permitted to possess may become prohibited property due to the means by which it is possessed or used **or if the quantity possessed exceeds that permitted.** The sheriff or jail administrator shall establish written procedure providing for a written record concerning the seizure of contraband or prohibited property, receipts for property seized, and appropriate disposition of seized property. **Jail personnel should ensure the following:**

- (1) Notice in writing shall be given inmates and visitors as to the items not considered contraband or prohibited property.
- (2) Visitors ~~and inmates may~~ **shall** be searched at jails where contact visiting is permitted. **Visitors must be**



provided:

- (A) clear notice of the possibility of a search; and
- (B) the opportunity to decline their visit request upon receiving the notice.

(3) Body cavity searches of visitors may be conducted: only

(A) by medical personnel of the same sex as the person being searched. Visitors must be given clear notice of the possibility of body cavity searches and may decline their request to visit upon receiving this notice.

The grounds on which body cavity searches may be conducted shall be clearly stated; only; and

(B) solely as a result of the execution of a search warrant.

(4) Inmates permitted to leave the jail temporarily, for any reason, shall be thoroughly searched prior to leaving and **strip searched** before reentering the jail. Searches and seizures shall be conducted so as to avoid unnecessary force, embarrassment, or indignity to inmates.

(5) The sheriff shall establish written policies and procedures concerning **the following**:

(A) Contraband, prohibited property, searches and seizures of property.

(B) Searches. Personal searches may include the following:

(i) Pat down searches.

(ii) Frisk searches.

(iii) Strip searches.

(iv) Body cavity searches.

(v) Metal detection scanners.

(vi) Other designated, legally approved devices.

Cell and area searches will also be conducted routinely by staff.

(6) Incidental visual observation during clothing exchange and showering is not considered a search.

However, the use of:

(A) privacy barriers;

(B) opaque partitions; and

(C) same gender observation;

are encouraged.

(7) Generally, the least invasive form of search and observation should be conducted. Strip searches shall only be conducted when a reasonable suspicion exists that an inmate may be in possession of weapons, drugs, or contraband. Mere admission to a jail (arrestee) is insufficient cause alone to conduct a strip search.

(8) All strip searches and body cavity searches conducted shall be:

(A) documented on the form prescribed by the sheriff; and

(B) maintained in the inmate's file.

(i) Arrestee strip searches shall be conducted only when there is reasonable suspicion that the arrestee is in possession of a contraband item. Reasonable belief must be based on an individualized suspicion relevant to the following:

(1) The current charge or charges or previous conviction or convictions for any of the following:

(A) Escape.

(B) Possession of drugs or weapons.

(C) Crimes of violence.

(2) Fugitive or detainee for any of the above crimes.

(3) Current or a history of institutional possession of contraband or prohibited property or attempted escape.

(4) Refusal to submit to a frisk or pat search.

(5) Weapons or drugs discovered during pat or frisk search.

(6) Alerted by a metal or drug detection device.

(7) Reliable information arrestee possesses drugs, weapons, or contraband.

(j) Strip searches conducted on an arrestee who can be held apart from the general population may not be reasonable. Strip searches of such individuals should only be conducted when jail officials have individualized reasonable suspicion that the arrestee is in possession of a contraband item.

(k) Each sheriff shall enter into a mutual aid agreement with necessary local and adjacent county law enforcement agencies for the provision of services in the event of an emergency exceeding the department's capability. Aid agreements shall also be established with local agencies for the provision of housing, material, and services in an emergency.

**(l) In the event of a disturbance, a sheriff may place groups of inmates in lockdown status until such time as an investigation into the disturbance can be completed and the safety and security of the jail is assured. Such decision shall be reviewed by the sheriff at least every seven (7) days.**

(Department of Correction; [210 IAC 3-1-13](#); filed Jul 27, 1981, 10:30 a.m.: 4 IR 1814; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: [20070725-IR-210070277RFA](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))

SECTION 14. [210 IAC 3-1-14](#) IS AMENDED TO READ AS FOLLOWS:

**[210 IAC 3-1-14](#) Supervision of inmates**

**Authority:** [IC 11-8-2-5](#); [IC 11-12-4-1](#)

**Affected:** [IC 11-12-4-1](#)

Sec. 14. ~~Supervision of Inmates.~~ (a) There shall be sufficient jail personnel present in the jail **at all times** to provide adequate ~~twenty-four hour~~ supervision of inmates **and to ensure staff and inmate safety. Jail personnel should ensure the following:**

- (1) A jail officer shall ~~provide personal observation~~ **conduct a visual check**, not including observation by a monitoring device, of each inmate at least once every sixty (60) minutes. ~~between the hours of 8:00 p.m. and 7:00 a.m. Such~~ **The observation checks** may be conducted on an irregular schedule ~~but~~ **and** shall be documented.
- (2) ~~High risk,~~ Suicidal inmates shall be provided appropriate, **more frequent**, supervision consistent with ~~that behavior.~~ **the jail's suicide screening and prevention procedures.**
- (3) **High risk inmates shall be provided more frequent supervision consistent with their classification level.**

(b) The sheriff shall establish **the following:**

**(1) A** written procedure for the **cross gender** supervision of female inmates by male staff and the supervision of male inmates by female staff. These procedures shall take into consideration the privacy rights and needs of inmates. **All reports of inappropriate sexual conduct by staff shall be investigated, and a copy of the investigation must be provided to the county prosecutor upon completion.**

~~(e) The sheriff shall establish~~ **(2)** Written procedures for the segregation of inmates with serious behavioral problems, ~~inmates~~ requiring protective custody, or ~~inmates~~ charged with disciplinary misconduct. **Jail personnel should ensure the following:**

- ~~(4)~~ **(A)** An inmate charged with disciplinary misconduct may be confined or separated from the general population of the jail. **An inmate may be administratively segregated** for a reasonable period of time if his **or her** continued presence in the general population poses a serious threat to himself **or herself**, others, property, or the security of the jail. Jail officials shall review the status of ~~that inmate~~ **administratively segregated inmates** at least once every seven (7) days to determine if the ~~reason~~ **basis** for segregation still exists. Time spent confined or separated from the general population before a determination of guilt must be credited toward any period of disciplinary segregation imposed.
- ~~(2)~~ **(B)** No inmate shall be kept in disciplinary segregation for a period in excess of thirty (30) days for any single instance of disciplined conduct without administrative review.
- ~~(3)~~ **(C)** Jail officials shall maintain a permanent written record of **inmate behavior and activity while** in disciplinary and administrative segregation. ~~areas.~~

~~(d) Each area of the jail shall be visited:~~ **(c) Jail visits by personnel shall comply with the following:**

- (1)** by the sheriff or his **or her** designee at least once weekly; and
- (2)** daily by supervisory staff.

All ~~inspections~~ **visits** shall be documented.

~~(e)~~ **(d)** Inmates shall not be authorized to supervise or exert control or assume any authority over other inmates.

(Department of Correction; [210 IAC 3-1-14](#); filed Jul 27, 1981, 10:30 a.m.: 4 IR 1815; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: [20070725-IR-210070277RFA](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))

SECTION 15. [210 IAC 3-1-15](#) IS AMENDED TO READ AS FOLLOWS:

**[210 IAC 3-1-15](#) Inmate rights**

**Authority:** [IC 11-8-2-5](#); [IC 11-12-4-1](#)

**Affected:** [IC 3-7-46-6](#); [IC 11-12-4-1](#)

Sec. 15. ~~Inmate Rights.~~ (a) The right of jail inmates to have access to the courts shall be ~~insured.~~ **ensured.** Inmates shall have confidential access to their attorneys and the authorized representatives of their attorneys. ~~Jail~~ Inmates ~~not represented by counsel~~ shall have reasonable access to **the courts to challenge their sentences and conditions of confinement and reasonable access to** an adequate law library. **Inmates with an appointed public defender shall be provided the opportunity to speak to their attorney.**

(b) Inmates shall not be subject to discrimination based on **any of the following:**

- (1) Race.
- (2) National origin.
- (3) Color.
- (4) Creed.
- (5) Sex.
- (6) Economic status. ~~or~~
- (7) Political belief.

There shall be equal access to programs or services for male and female inmates.

(c) Inmates shall have the right of access to reading material except pornography as defined by Indiana law, or reading matter which jail officials have reasonable grounds to believe poses an immediate danger to the safety of an individual or a serious threat to the security of the jail.

(d) An inmate is entitled to believe in the religion of his **or her** choice, and attendance at religious services is not required. To the greatest extent possible consistent with jail security, programs, and resources, an inmate is entitled to **the following:**

- (1) Observe the ~~religious~~ days of worship or holidays of his **or her** religion.
- (2) Possess ~~and wear~~ religious artifacts **that do not compromise the safety and security of the jail.**
- (3) Receive and possess religious literature **and for his or her individual use.**
- (4) Communicate, correspond with, and be visited by a ~~clergyman~~ **clergy** or religious counselor of his ~~choice~~ **or her faith during reasonable times, as approved by a community pastoral committee or sheriff, or both. The sheriff reserves the right to determine the pastoral status of clergy and may limit nonclergy.**

(e) An inmate shall be ~~given~~ **provided** a reasonable opportunity for physical exercise ~~and recreation~~ outside of his ~~the~~ immediate living quarters and ~~out-of-doors where~~ **sleeping areas, outdoors, if feasible, and** consistent with the security and resources of the jail. **Segregated inmates shall be offered the opportunity for at least one (1) hour of daily exercise, five (5) days each week, outside of their cell unless jail officials find and document that this opportunity will jeopardize the physical safety of the inmate or others or the security of the jail.**

(f) ~~Each~~ **The sheriff shall make arrangements with election officials to facilitate an** ~~provide a list of all~~ inmates, ~~right to vote by absentee ballot provided that the inmate is otherwise qualified to vote.~~ **sentenced and incarcerated, to the county clerk quarterly, as required by [IC 3-7-46-6](#).**

(g) Each jail shall maintain a written inmate work assignment plan providing for inmate employment, subject to the:

- (1) number of available work opportunities; and ~~the~~
- (2) maintenance of facility security.

Unsentenced inmates **may volunteer for work assignments within the jail but** shall not be required to work except as ~~may be~~ necessary to maintain their living quarters in a safe and sanitary condition.

(h) All inmates shall have the right to file written grievances regarding treatment of conditions in the jail with

the sheriff or his **or her** designee. Grievances shall be promptly investigated, and a written report stating the disposition of the grievance shall be provided **to** the inmate. The sheriff shall establish in writing a grievance procedure, which shall be made known and distributed to all inmates upon arrival and initial screening.

(i) Inmates may receive visitors ~~at reasonable times.~~ **during established hours of visitation.** Jail officials may, ~~however,~~ for the purposes of maintaining jail security, individual safety, and administrative manageability, place reasonable restrictions on visitation. **Visitation by minors within the secure perimeter of a jail may be restricted as necessary for the orderly management and security of a facility. Visitors with a prior criminal conviction may be denied visitation. Visitors may also be denied for, but not limited to:**

(1) Each sheriff shall establish written procedures providing for inmate telephone access; general visitation; special visitation; visitation for high-security risk inmates; and visitor registration, including search procedures.

**(1) unacceptable attire;**

**(2) disruptive behavior;**

**(3) failure to control minor children; or**

**(4) failure to provide picture identification as established by jail policy.**

**A copy of the visitation policy shall be posted in the visitation area.**

*(Department of Correction; [210 IAC 3-1-15](#); filed Jul 27, 1981, 10:30 a.m.: 4 IR 1816; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: [20070725-IR-210070277RFA](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))*

SECTION 16. [210 IAC 3-1-16](#) IS AMENDED TO READ AS FOLLOWS:

### **[210 IAC 3-1-16](#) Mail and telephone communication**

**Authority:** [IC 11-8-2-5](#); [IC 11-12-4-1](#)

**Affected:** [IC 11-12-4-1](#)

Sec. 16. ~~Mail.~~ (a) Each sheriff shall establish a written procedure consistent with Indiana **and constitutional** law governing inmate mail correspondence.

(b) An inmate may send and receive an unlimited amount of correspondence to or from any person outside the jail in any language. ~~The sheriff may restrict correspondence between~~ **However, inmates shall be prohibited from corresponding with other** inmates within the jail or with inmates of any other jail or penal institution. **other correctional institutions without the prior written approval of the sheriff, their designee, and the proper authority of the other institution.**

(c) Correspondence to or from government officials, courts, **or** attorneys ~~or representatives of the public news media may not be opened, read, censored, copied or otherwise interfered with in regard to its prompt delivery or transmission.~~ However, if jail officials have reasonable grounds to believe that a piece of correspondence may contain contraband or prohibited property, said correspondence may be opened by **shall be considered privileged correspondence.** Jail officials **may open and inspect privileged correspondence only** in the presence of the addressee **inmate** for the purpose of examining the contents for contraband or prohibited property. Upon completion of the inspection, the item of correspondence must be promptly delivered or transmitted without:

**(1) reading;**

**(2) censoring;**

**(3) copying; or**

**(4) further interfering with its delivery or transmission.**

(d) Correspondence from a person not enumerated in ~~paragraph (c) of this section~~ **subsection (c)** may be opened to:

**(1) inspect for and remove contraband or prohibited property; and to**

**(2) permit removal of funds for crediting the addressee's account. Such**

**The correspondence may not be read, rejected, censored, or copied or otherwise interfered with unless jail officials have reasonable grounds to believe that it poses an immediate danger to the safety of an individual or a serious threat to the security of the jail. The addressee must be informed in writing of the amount of any funds removed. based upon the matrix in Table 1.**

(e) Correspondence to a person not enumerated in paragraph (c) of this section **subsection (c)** may be sealed by the inmate. However, if jail officials have reasonable grounds to believe that such correspondence may contain contraband or prohibited property or poses an immediate danger to the safety of an individual or a serious threat to the security of the jail, it may be opened for inspection and removal of the contraband or the prohibited property, when appropriate, or reading and appropriate action. **may read, reject, censor, or copy based on the matrix in Table 1.**

(f) Whenever jail officials delay **incoming or outgoing mail for more than forty-eight (48) hours** or censor, copy, or withhold correspondence, the addressee inmate shall be given prompt **written** notice in writing. **except as provided immediately below.** Jail officials shall maintain a record of each decision to withhold, copy, censor, delay, or otherwise interfere with the prompt transmission of correspondence. **Notice to the inmate of action taken on correspondence is not required based on reasonable suspicion or upon receipt of a written request from a supervising authority of any federal, state, or county agency stating the agency has reasonable grounds to believe that a crime is being committed or has been committed by the confined person and requesting the jail monitor the confined person's correspondence.**

(g) Jail officials may open all incoming and outgoing packages to inspect for and remove funds, contraband, or prohibited property. If contraband or prohibited property is removed from a package, the inmate must be notified in writing. ~~of such removal.~~

(h) Jail officials may inspect all printed matter and exclude any material that is contraband or prohibited property. **Following examination,** printed matter may not be excluded on the grounds it is obscene or pornographic unless it is obscene under Indiana law. **be read, rejected, censored, or copied based on the matrix in Table 1.** A periodical may be excluded only on an issue by issue basis. Jail officials who withhold printed matter must promptly notify the addressee **inmate of this action** in writing.

**Table 1: Mail Policy Matrix**

INCOMING	INSPECT	READ	CENSOR	COPY	REJECT	MISC
Personal	May, at random.	May, at random.	No	May, with probable cause.	May, with reasonable cause to believe contents are in violation of policy and procedures.	Books, magazines, and newspapers: "Publishers only rule" applies. Legally obscene material may be denied.
Privileged / Legal	Yes, in presence of inmate.	No	No	No	With reasonable cause. Author has right to protest.	Public and government officials mail has privileged status.
Religious	Yes	May, at random.	No	Yes, with reasonable cause.	Yes, if clear and present danger.	"Publishers only rule" applies.
OUTGOING	INSPECT	READ	CENSOR	COPY	REJECT	MISC
Personal	Yes, may at random.	May, at random.	No	May, with reasonable cause.	May, with reasonable cause.	
Privileged / Legal	Yes, in presence of inmate upon reasonable cause.	No	No	No	Yes, with reasonable cause, in the presence of inmate.	Public and government officials mail has privileged status.
Religious	Yes	May, at random.	No	Yes, with reasonable cause.	Yes, if clear and present danger.	

(i) Inmates shall not be permitted to mail, receive, or possess the following:

- (1) Any matter tending to incite:
  - (A) murder;
  - (B) arson;
  - (C) a riot; or

(D) any form of violence or physical harm to any person or:

- (i) ethnic;
  - (ii) gender;
  - (iii) racial;
  - (iv) religious; or
  - (v) other;
- group.

(2) Any matter pertaining to blackmail or extortion.

(3) Sending, receiving, or possessing contraband or prohibited property.

(4) Plans to escape or assist an escape.

(5) Plans to disrupt the order or breach the security of any facility.

(6) Plans for any activity that violates the law, jail policy, or procedure.

(7) Coded messages.

(8) A description or recipe for any:

- (A) weapon;
- (B) explosive;
- (C) poison; or
- (D) destructive device.

(9) Illustrations, explanations, or descriptions of how to sabotage or disrupt:

- (A) computers;
- (B) communications; or
- (C) electronics.

(10) Recordable media.

(11) Catalogs, advertisements, brochures, and material whose primary purpose is to sell a product or products or service or services, when taken as a whole, that lack serious literary, artistic, political, educational, or scientific value.

(12) Maps.

(13) Any matter pertaining to gambling or a lottery.

(14) Markings on an envelope or wrapper that are obscene materials as defined in this article.

(15) Obscene material and information concerning where, how, or from whom obscene material may be obtained.

(j) Indigent inmates shall be furnished with free writing supplies and postage sufficient for at least two letters (2) personal mailings per week.

(k) Upon mailing, indigent inmates shall be provided one (1) free copy of each legal correspondence that addresses issues involving their conditions of confinement. Indigent inmates shall be afforded sufficient postage, envelopes, and writing material for approved legal mailings.

(l) Inmate telephone conversations may be subject to monitoring and recording provided inmates are informed prior to or during each call, by signs posted on or near the telephones, a recorded message prior to the phone call informing the arrestee or inmate the call is being recorded or in the rule book provided each inmate. Conversations between an inmate and his or her legal representative may not be monitored or recorded without a court order.

(m) Inmate telephones may be turned off in those areas affected prior to the transport of inmates into the community or transfer to another facility, or for security reasons.

*(Department of Correction; [210 IAC 3-1-16](#); filed Jul 27, 1981, 10:30 a.m.: 4 IR 1816; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: [20070725-IR-210070277RFA](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))*

SECTION 17. [210 IAC 3-1-17](#) IS AMENDED TO READ AS FOLLOWS:

**[210 IAC 3-1-17](#) Discipline written rules**

Authority: [IC 11-8-2-5](#); [IC 11-12-4-1](#)

Affected: [IC 35-50-6-4](#); [IC 35-50-6-5](#)

Sec. 17. ~~Discipline.~~ (a) Each sheriff shall establish written rules of inmate conduct for the maintenance of order and discipline among inmates. ~~Such~~ **The** rules shall describe the:

- ~~(1)~~ conduct for which disciplinary action may be imposed; ~~the~~
- ~~(2)~~ type of disciplinary action that may be taken; and ~~the~~
- ~~(3)~~ disciplinary procedure to be followed.

Copies of these rules shall be **posted in the living areas** or distributed to all inmates. The disciplinary action imposed shall be proportionate to the seriousness of the rule violation. The use of physical force as a means of discipline is prohibited.

(b) All jail personnel who have regular inmate contact shall be provided training sufficient to make them thoroughly familiar with the rules of inmate conduct and the sanctions available.

(c) Any of the following may be imposed as disciplinary action on ~~jail~~ inmates:

- ~~(1)~~ A report, which may be made part of the inmate's record.
- ~~(2)~~ Extra work **cannot be imposed on pretrial detainees or arrestees. For inmates, extra work cannot exceed:**
  - (A) a total of twenty (20) hours for one (1) rule violation; or**
  - (B) four (4) hours in any twenty-four (24) hour period.**
- ~~(3)~~ Loss or limitation of privileges.
- ~~(4)~~ ~~Change in work assignment;~~
- ~~(5)~~ **(4)** Restitution.
- ~~(6)~~ ~~Transfer to the Department of Correction for safe keeping;~~
- ~~(7)~~ **(5)** Segregation from the general population for a fixed period of time.
- ~~(8)~~ **(6)** Reassignment to a lower credit time class under [IC 35-50-6-4](#).
- ~~(9)~~ **(7)** Deprivation of earned credit time under [IC 35-50-6-5](#).

(d) The following shall not be imposed as disciplinary action on ~~jail~~ inmates:

- ~~(1)~~ Corporal punishment.
- ~~(2)~~ Confinement without an opportunity for at least ~~one-half~~ **one (1) hour** of daily exercise **five (5) days each week** outside of immediate living quarters, unless jail officials find and document that this opportunity will jeopardize the physical safety of the inmate **or** others or the security of the jail.
- ~~(3)~~ A substantial change in:
  - (A)** heating;
  - (B)** lighting; or
  - (C)** ventilation.
- ~~(4)~~ Restrictions on:
  - (A)** clothing;
  - (B)** bedding;
  - (C)** mail; ~~visitation;~~
  - (D)** reading and writing materials; or
  - (E)** the use of hygienic facilities;

except for abuse of these, **unless jail officials find and document that this opportunity will jeopardize the physical safety of the inmate or others or the security of the jail.**

~~(5)~~ Restrictions on **the following:**

- (A)** Medical and dental care.
- (B)** Access to **the following:**
  - (i)** Courts.
  - (ii)** Legal counsel.
  - (iii)** Government officials. ~~or~~
  - (iv)** Grievance proceedings. ~~and access to~~
  - (v)** Personal legal papers and legal research materials.
- ~~(6)~~ A deviation from the diet provided to other inmates, unless approved by the responsible physician.
- ~~(7)~~ ~~Extra work exceeding a total of twenty (20) hours for one (1) rule violation, or exceeding four (4) hours in any twenty-four (24) hour period.~~

(e) Before imposing any disciplinary action, jail officials shall afford the inmate charged with misconduct a hearing to determine his **or her** guilt or innocence and the disposition of the charge. The charged inmate may waive his **or her** right to a hearing in writing. Also, before a charge is made, the inmate and a jail official may

agree to a disciplinary action in the ~~forms~~ **form** of extra work or loss or limitation of privileges if no record of the conduct or disciplinary action is placed in the inmate's file. In connection with the required hearing, the inmate is entitled to **the following**:

(1) **To** have not less than twenty-four (24) hours advance written notice of the ~~date, time and place of~~ **following**:

- (A) The hearing. ~~and of~~
- (B) The alleged misconduct. ~~and~~
- (C) The rule the misconduct is alleged to have violated.

(2) **To** have reasonable time to prepare for the hearing.

(3) **To** have an impartial decision maker.

(4) **To** appear and speak in his **or her** own behalf.

(5) **To** call witnesses and present evidence.

~~(6) confront and cross-examine witnesses, unless the decision maker finds that to do so would subject a witness to a substantial risk of harm.~~

~~(7)~~ (6) **To** have advice and representation by a lay advocate in those hearings based upon a charge of institutional misconduct when the decision maker determines he **or she** lacks the competency to:

- (A) understand the issues involved; or ~~to~~
- (B) participate in the hearing.

~~(8)~~ (7) **To** have a written statement of **the following**:

- (A) The findings of fact.
- (B) The evidence relied upon. ~~and~~
- (C) The reasons for the action taken.

~~(9)~~ (8) **To** have immunity if his **or her** testimony or any evidence derived from his **or her** testimony is used in any criminal proceedings.

~~(10)~~ (9) **May** have his **or her** record expunged of any reference to the charge if he **or she** is found not guilty or if a finding of guilt is later overturned.

Any finding of guilt must be supported by a ~~preponderance of the~~ **some** evidence presented at the hearing.

(f) An inmate shall receive written notice of any **formal** charge against him **or her** within twenty-four (24) hours of knowledge or discovery **or the conclusion of an investigation** of the alleged offense, ~~by jail officials,~~ excepting weekends and holidays. The notice shall specify **the following**:

- (1) The date, time, and place of the hearing.
- (2) The alleged misconduct.
- (3) The rule the misconduct is alleged to have violated.
- (4) The right to a hearing. ~~and~~
- (5) An explanation of the hearing process.

The hearing shall be held within ~~seventy-two (72) hours,~~ **seven (7) days excluding weekends and holidays**, of the alleged violation. ~~unless the inmate requests additional time to prepare for the hearing.~~

(g) The sheriff may delegate authority in writing to one (1) or more designees to conduct hearings for alleged violations of facility rules.

(h) An inmate may appeal the disciplinary decision of a hearing authority to the sheriff. The appeal may challenge the:

- (1) finding of guilt; or ~~the~~
- (2) type and degree of disciplinary action taken.

Any appeal shall be initiated within ten (10) days of the disciplinary decision. The sheriff may reduce but not increase any disciplinary action imposed by the hearing authority.

*(Department of Correction; [210 IAC 3-1-17](#); filed Jul 27, 1981, 10:30 a.m.: 4 IR 1817; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: [20070725-IR-210070277RFA](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))*

SECTION 18. [210 IAC 3-1-18](#) IS AMENDED TO READ AS FOLLOWS:

### [210 IAC 3-1-18](#) Inmate classification

Authority: [IC 11-8-2-5](#); [IC 11-12-4-1](#)

Affected: [IC 11-12-4-1](#)



Sec. 18. (a) Each sheriff shall establish a written plan for the following:

- (1) ~~Classifying and assigning inmates according to sex.~~
- (2) ~~The seriousness of their alleged crimes.~~
- (3) ~~The degree of risk of violence to other inmates.~~
- (4) ~~Their status as either youth or adults and pretrial detainees or convicted persons.~~

When the jail is at or near capacity, the sheriff shall use the best effort to maintain proper classification and segregation. **develop and implement an objective classification system by November 15, 2014. This system shall include written procedures for overriding an inmate's objective classification result to accommodate local needs, for example, physical plant design, program availability.**

(b) Juveniles alleged to be delinquent or adjudicated delinquent shall be held: ~~only~~

- (1) **in a manner reasonably calculated to protect their personal safety; and**
- (2) in accordance with [IC 31-6-1-21.3](#) and [IC 31-6-4-6.5](#) ~~(b)(1)~~. **all applicable law.**

(c) Inmates with contagious or communicable diseases shall be segregated from other inmates **upon direction of the jail medical staff**. Intoxicated **or suicidal** inmates and those inmates experiencing delirium tremens or drug withdrawal ~~shall~~ **may** also be segregated and given close observation. Allegedly insane or incompetent inmates who are held in custody:

- (1) during examination of their mental condition; or
- (2) while awaiting commitment to a mental institution;

~~shall~~ **may** be segregated and given close observation.

(d) Inmates shall not be segregated by:

- (1) race;
- (2) color;
- (3) creed; or
- (4) national origin;

in living area assignments.

*(Department of Correction; [210 IAC 3-1-18](#); filed Jul 27, 1981, 10:30 a.m.: 4 IR 1818; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1312; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: [20070725-IR-210070277RFA](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))*

SECTION 19. [210 IAC 3-1-19](#) IS AMENDED TO READ AS FOLLOWS:

### **[210 IAC 3-1-19](#) New inmate admissions**

**Authority:** [IC 11-8-2-5](#); [IC 11-12-4-1](#)

**Affected:** [IC 11-12-4-1](#)

Sec. 19. ~~Reception, Orientation, Property Control and Release.~~ (a) Each sheriff shall establish written procedures **for the following:**

(1) Governing the reception and orientation of newly admitted inmates. ~~Such~~ **The** procedures shall include, but not be limited to, **the following:**

- (4) **(A)** Verification of commitment papers.
- (2) **(B)** Complete search of the individual **in compliance with section 13(h) of this rule.**
- (3) **(C)** Disposition of clothing and personal property.
- (4) **(D)** Medical screening, including tests for infectious diseases, **as approved by the responsible physician.**
- (5) **(E)** Telephone calls.
- (6) **(F)** Showers and hair care, if necessary.
- (7) **(G)** Issue of jail clothing and supplies.
- (8) **(H)** Photographing and fingerprinting. ~~including~~
- (9) **(I)** Notation of identifying marks or unusual characteristics.
- (9) **(J)** Interview for obtaining identifying data.
- (10) ~~Classification for assignment to the living area;~~
- (11) ~~Assignment to the living area.~~

~~(b) Each sheriff shall establish written procedures~~ **(2) Providing for the following:**

**(A)** A written, itemized inventory of all personal property of newly admitted inmates.

**(B)** The secure storage of such the property, including money and other valuables. and

**(3) For the release or transfer of inmates, to include the return or transfer of each inmate's personal property, upon release, as well as the procedures governing release of The inmate handbook shall reflect inmates are responsible for the restitution of any negative balance remaining on the inmate's trust account. If an inmate is transferred to another facility, a sheriff may request restitution from the inmate's trust account at the receiving facility, and the holding sheriff must provide a written accounting of all debits on the inmate's trust account, consistent with the provisions for inmate indigent status.**

*(Department of Correction; [210 IAC 3-1-19](#); filed Jul 27, 1981, 10:30 a.m.: 4 IR 1818; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269; readopted filed Jul 6, 2007, 2:54 p.m.: [20070725-IR-210070277RFA](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))*

SECTION 20. [210 IAC 3-1-20](#) IS ADDED TO READ AS FOLLOWS:

**[210 IAC 3-1-20](#) Suicide screening and prevention**

**Authority:** [IC 11-8-2-5](#); [IC 11-12-4-1](#)

**Affected:** [IC 11-12-4-1](#)

**Sec. 20. (a) There shall be a written suicide prevention and intervention program that is reviewed and approved by a qualified medical or mental health professional.**

**(b) The program shall include procedures for the following:**

**(1) Screening/assessment.**

**(2) Communication.**

**(3) Housing.**

**(4) Supervision of low-risk and high-risk suicidal inmates.**

**(5) Intervention.**

**(6) Reporting.**

**(7) Mortality review.**

**(8) More frequent observation intervals for inmates determined to be at high risk.**

**(c) All staff responsible for inmate supervision shall be trained in the implementation of the suicide prevention program.**

*(Department of Correction; [210 IAC 3-1-20](#); filed Sep 11, 2012, 2:30 p.m.: [20121010-IR-210110741FRA](#))*

LSA Document #11-741(F)

Notice of Intent: [20111207-IR-210110741NIA](#)

Proposed Rule: [20120418-IR-210110741PRA](#)

Hearing Held: May 9, 2012

Approved by Attorney General: September 4, 2012

Approved by Governor: September 11, 2012

Filed with Publisher: September 11, 2012, 2:30 p.m.

Documents Incorporated by Reference: *Performance-Based Standards for Adult Local Detention Facilities, Fourth Edition*

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Posted: 10/10/2012 by Legislative Services Agency

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