



State of Indiana
Indiana Department of Correction

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01-04-107

**POLICY AND ADMINISTRATIVE
PROCEDURE**
Manual of Policies and Procedures

Title

COMMUNITY TRANSITION PROGRAM

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 11-8-1-5.6 IC 11-10-11.5 IC16-42-19 IC 35-48-4 HEA 1006	01-04-101 01-04-105 01-06-101 01-07-101	

I. **PURPOSE:**

The purpose of this Policy and Administrative Procedure is to implement and maintain the Community Transition Program in accordance with Indiana Code 11-10-11.5, "Assignment to Community Transition Program."

II. **POLICY STATEMENT:**

The transition of offenders from incarceration to the community requires attention to relevant re-entry planning (i.e., appropriate housing, sustainable employment, reliable transportation, and positive social support systems) balanced against maintaining an appropriate level of supervision necessary to maintain public safety. The Department and the Courts have partnered to implement the Community Transition Program in accordance with Indiana Law to provide a variety of opportunities and case management services that will successfully link eligible offenders to available resources within the communities to which they will return.

III. **DEFINITIONS:**

- A. **ACTIVE SENTENCE** - Any sentence with a period of State incarceration which has not been discharged.
- B. **COMMITMENT PERIOD** - The period of time from the offender's effective date of sentence until the final discharge from all Indiana Department of Correction (IDOC) authority.

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- C. **COMMUNITY CORRECTIONS (CC) SUPPORT STAFF PERSON(S)** – IDOC CC Division staff person(s) responsible for administrative duties related to CTP.
- D. **COMMUNITY TRANSITION PROGRAM (CTP)** – A Department of Correction transition program governed by Indiana State statute allowing placement of offenders into their community during a specified amount of time under the direct supervision of a Community Corrections program, Probation Department, or Sheriff's Department of the sentencing county.
- E. **COMMUNITY TRANSITION PROGRAM COMMENCEMENT DATE (CTPCD)** – The date an offender will be eligible to transfer to a community transition program.
- F. **COMMUNITY TRANSITION PROGRAM COORDINATOR** – IDOC Community Corrections Division staff person, located in Central Office, responsible for managing the statewide program and collaborating with county supervising agencies for program delivery.
- G. **CTP1 REPORT** – A daily report generated by the offender information system of eligible offenders who are within 60 – 45 days prior to their CTPCD.
- H. **CTP2 REPORT** – A daily report generated by OFFENDER INFORMATION SYSTEM indicating those offenders ineligible for assignment to CTP.
- I. **CTP3 REPORT** – A daily report generated by OFFENDER INFORMATION SYSTEM indicating those offenders who are within 10 days of their CTPCD.
- J. **CTP8 REPORT** – A weekly report generated by the UTM listing offenders who are eligible for CTP within 60 days or less.
- K. **EARLIEST POSSIBLE RELEASE DATE (EPRD)** – The earliest date an offender is released to community corrections, probation and/or parole, or discharged for the current commitment period.
- L. **ELECTRONIC FUNDS TRANSFER** – A transfer of money by means of telecommunication networks from one financial institution to another.
- M. **OFFENDER CASE MANAGEMENT SYSTEM (OCMS)** – The IDOC automated offender case management computer system.
- N. **UNIT TEAM STAFF** – The IDOC facility staff person responsible for carrying out the CTP duties.

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IV. ELIGIBILITY FOR CTP:

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

- A. Offenders with indeterminate life sentences;
- B. Offenders sentenced to life without parole;
- C. Offenders sentenced to death;
- D. Safe keepers;
- E. Misdemeanants;
- F. Offenders with active warrants or detainees;
- G. Offenders who do not meet notification requirements;
- H. Offenders whose executed time is less than two (2) years, consecutively or concurrently;
- I. Offenders with out of state residence (IC 11-10-11.5-3.5); and,
- J. Offenders who have an out of state sentence which determines the EPRD.

V. COMMUNITY TRANSITION COMMENCEMENT DATE (CTPCD) DETERMINATION:

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

- A. 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.
- B. 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 IC 35-48-4 and/or IC 16-42-19 may serve up to 180 days prior to his/her EPRD on CTP if approved by court order through the sentencing court.
- C. 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.
- D. 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 IC 35-48-4 and/or IC 16-42-19 may serve up to 120 days prior to his/her EPRD on CTP if approved by court order through the sentencing court.

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- E. 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.
- F. Offenders will have at least thirty (30) days remaining until his/her EPRD after the court's consideration.
- G. The assigned CTPCD shall not affect facility transition programming, work release eligibility, or work release effective date.
- H. 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 (IC 11-10-11.5-9).

VI. VICTIM NOTIFICATION:

Victim Witness and Zachary Law notification shall be made as soon as the Department is aware of CTP eligibility. Victims shall be advised of their right to submit a statement to the court within ten (10) days, regarding the offender's eligibility for CTP (IC 11-10-11.5-4.5).

VII. GENERATION OF THE PROGRESS REPORT:

As per IDOC policy 01-07-101, "The Development and Delivery of Re-Entry and Adult Case Management":

Sixty (60) days prior to the offender's CTP commencement date, Unit Team staff shall create a progress report for the court and complete the IRAS-SRT. Unit Team staff shall notify their supervisor that the progress report and IRAS-SRT have been completed. The supervisor shall review and lock the progress report in OCMS and ensure the IRAS-SRT has been completed in INcite. Unit Team staff shall verify that placement has been entered. If not yet entered, staff shall enter the placement and submit the placement investigation request to parole if necessary.

VIII. CTP NOTIFICATION TO COURTS, COMMUNITY CORRECTIONS AGENCIES, AND/OR SHERIFFS BY DEPARTMENT CENTRAL OFFICE CTP COORDINATOR:

- A. In compliance with Indiana Code 11-10-11.5-1, the CTP Coordinator shall review the daily list of eligible offenders for CTP by using the CTP1 report and shall ensure the notification of the offender's CTPCD is forwarded to the proper entities.

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B. Not earlier than sixty (60) days and no later than forty-five (45) days before an offender's possible CTPCD, the CTP Coordinator shall ensure all courts with active sentences receive written notice of the offender's eligibility for CTP and a current Department progress report. The notice shall include, but is not limited to the following information:

1. A description of the offense(s) for which the offender was committed to the Department;
2. The offender's expected release date;
3. The offender's CTPCD;
4. The offender's current security and credit time classification;
5. Facility conduct information.

The Department may send any other information regarding the offender, which may assist the sentencing court in issuing an order. In turn, the sentencing court may request any additional information deemed necessary (IC 11-10-11.5-3).

C. The Department shall provide the above-mentioned information to the local Community Corrections agency, Probation Department, or Sheriff's Department, which shall be responsible for the offender upon release to CTP.

D. The Department may provide a copy notification to the prosecuting, where the person's case originated, upon request (IC 11-10-11.5-4).

E. If the offender has multiple sentences from one or more courts; the most serious offense of all active sentences is used to determine the appropriate CTPCD. The offender shall be assigned to the program located in the community where the court imposed the longest active sentence (IC 11-10-11.5-3.6).

All sentencing courts with jurisdiction of an offender's active sentence(s) shall receive notifications of an offender's eligibility and approaching CTPCD.

1. 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 CTP.
2. If any sentencing court denies participation in CTP, an offender is deemed ineligible and shall not be transported to CTP on his/her CTPCD.

F. Community Corrections Support staff shall be responsible for documenting receipt of approved or denied CTP court orders, entering approval or denial information in offender information system on the CTP screen, uploading said orders into OCMS, documenting any pertinent notes in the note section of OCMS and delivery original.

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- G. After reviewing the CTP 2 report, the CTP Coordinator shall notify the county contracts of any changes affecting an offender's eligibility status.
- H. An offender may request a courtesy Transfer of Supervision to a county other than the sentencing county. The CTP Coordinators shall arrange for the transfer of supervision with all parties involved.
- I. The sentencing county or counties and receiving county must be in agreement of the transfer.

IX. FACILITY NOTIFICATION TO THE OFFENDER OF APPROACHING CTPCD:

When an offender's name appears on the CTP8 report at the facility level, the facility Release/CTP Coordinator or Designee shall meet with the eligible offender and explain his/her CTP status, the county's specific program components (levels of supervision including but not limited to work release, home detention, and day reporting), the possibility of fees assessed to the participant, and his/her right to request a denial for participation through the sentencing court(s).

X. OFFENDER RESPONSE TO CTP NOTIFICATION:

- A. An offender shall be informed of his/her eligibility for CTP when their name and DOC number are identified on the CTP1 report. The offender shall sign State Form 49719 indicating he/she have been informed of their eligibility.
- B. An offender may write his/her sentencing court(s) within ten (10) days of notification of his/her eligibility to request a denial by the court for CTP, but the offender is to be made aware, this is only a request and the court may assign him/her regardless (IC 11-10-11.5-4.5).
- C. An offender may request his/her enrollment in CTP be delayed until the completion of any departmental programming (IC 11-10-11.5-11.5). This request must be made in writing to the offender's case manager and a copy forwarded to the CTP Coordinator.
- D. Before commencing on CTP, an offender may request a transfer of supervision from one county to another. He/she must submit in writing the reason for the transfer and include supporting documentation to his/her case manager. The facility's CTP staff shall notify the CTP Coordinator in Central Office of this request. The sentencing court and receiving county must agree to the transfer.

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XI. 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 IC 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 IC 11-10-11.5-6 Commencement Date; order under IC 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):

- A. Approve;
- B. Deny: A court order of denial is effective for one year from date of signing; or,
- C. No action;
 - 1. 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 shall not be transported for CTP placement as he/she is denied by default.
 - 2. 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 shall be transported for CTP placement as he/she is approved by default.
 - 3. 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.
- D. Modification under the Purposeful Incarceration Program:

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.

When courts consider sentence modification from the Department to CTP, the following language, or equivalent language, will be used:

“The Court has suspended sufficient time to modify the IDOC release date to 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.”

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XII. FACILITY RELEASE OF AN OFFENDER TO THE DESIGNATED CTP PROGRAM:

- A. The designated Unit Team Member (UTM) shall obtain a list of upcoming CTP offenders by using the CTP 8 report.
- B. The Release Coordinator or Designee shall ensure all funds in the offender’s trust account, less any outstanding debits, are returned to the offender by debit card on day of transfer to CTP, in accordance with Policy and Administrative Procedure 04-01-104, “Offender Trust Fund.”
- C. Offender’s property shall be searched, inventoried, and packed for transport to the supervising county.
- D. The offender shall be transported in personal clothing to the supervising agency. The facility shall arrange for at least two (2) sets of clothing appropriate for the season, if the offender does not have any personal clothing.
- E. Offenders requiring ongoing medication shall be provided the prescribed medication with dosage instruction. Offenders shall be provided with at least on (1) week’s supply of medication and any additional information. If an offender is on psychotropic medications, a thirty (30) day supply must go with the offender when released. Health Services shall be given advanced notice of any medicines needed prior to the offender’s release to CTP. Offenders with health care issues should, whenever possible, be prepared for CTP release as if it was a normal release from IDOC, including health care contacts and appointments.
- F. It shall be the responsibility of the releasing facility to transport the offender to the CTP placement (IC 11-10-11.5-7). The offender may not be transported prior to the CTPCD (or when recorded, the Court Modified Commencement Date) found in offender information system under the Community Transition screen. The facility may not refuse to transport an offender to the CTP placement unless there is a pending disciplinary charge against the offender.
- G. It shall be the responsibility of the releasing facility to provide the offender with a release identification card.
- H. When an offender is released to CTP, the offender’s facility and medical packets shall be retained by IDOC and forwarded to the Reception Diagnostic Center or Rockville Correctional Facility.
- I. Offenders released to the Community Transition Program shall not receive gateage.

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- J. On the day of the offender’s actual transport to CTP, the facility shall place the offender in transit to the facility XAD in OFFENDER INFORMATION SYSTEM. The offender’s time is not to be modified; this is a transfer of authority, not a release and the offender is still serving executed time, which includes earning credit time.
- K. Once a court order of approval has been received by the IDOC or the offender has reached his/her CTPCD and is approved by default (C or D felons), the Department may take disciplinary action under IC 11-10-11.5-8 against an offender who refuses to be transported to CTP on his/her CTPCD.

XIII. CTP PARTICIPANT INTAKE AT SUPERVISING AGENCY:

- A. Each participant shall be informed of the CTP agency’s specific rules, expectations, and user fees at time of intake (IC 11-10-11.5-8).
- B. 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.
- C. Services and programs made available to CTP offenders shall be based on Evidence Based Practices.

XIV. LEVELS OF CTP SUPERVISION:

- A. 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.
- B. Levels of supervision may include, but not limited to, day reporting, home detention with electronic monitoring, and work release, if available.

XV. MEDICAL/DENTAL CARE:

- A. 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, IDOC has the right to return the participant to an IDOC facility for medical care. If the court orders a participant indigent, IDOC shall be notified within 24 hours of ruling.
- B. 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.

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- C. The IDOC CTP Coordinator shall contact the DOC Health Services Division, who shall determine if the offender will be treated locally or returned to IDOC.
- D. CTP Coordinator shall contact the County Community Transition Staff regarding the IDOC 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.

XVI. CTP PARTICIPANT ACCOUNTABILITY AND COMPLIANCE:

- A. 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 (IC 11-10-11.5-8).
- B. 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:
 - 1. Conduct a disciplinary hearing by way of the Disciplinary Hearing Board (DHB) and apply appropriate sanctions according to Policy and Administrative Procedure 02-04-101, "Disciplinary Code for Adult Offenders."
 - 2. Utilize graduated sanctions for appropriate supervision level.
 - 3. Terminate an offender from the program and return him/her to IDOC until the EPRD is reached.
- C. If a participant escapes from or fails to return to the CTP program, the following procedure is observed:
 - 1. The agency director shall request a DOC warrant on the absconder by completing State Form 30496, "IDACS/NCIC Absconder/Escapee Report-Request for Warrant for the Retaking of Offender," and submitting it via email to the Community Corrections Division of the Department.
 - 2. The supervising agency shall complete agency escape procedures and forward all pertinent information to the CTP Coordinator within two (2) hours from the time the agency becomes aware of the offender's escape.

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3. The CTP Coordinator shall place the offender in escape status in offender information system 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 shall be submitted.
5. The CTP Coordinator shall return the offender to in custody status in offender information system and restart his/her time reflective of the apprehension date.
6. The supervising agency shall conduct a Disciplinary Hearing Board according to IDOC Policy 02-01-104, "The 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.

XVII. REPORTING THE DEATH OF A CTP PARTICIPANT

- A. 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.
- B. 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.
- C. If a CTP Participant dies in a work release setting, Adult Health Care Services Directive 1.16, "*Procedure in the Event of the Death of an Offender,*" requires a mortality review to be completed within thirty (30) days after death.

XVIII. CTP PARTICIPANT RELEASE FROM DOC COMMITMENT:

- A. 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.
- B. At which time, the offender shall be:

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1. released to the committing court if the offender’s sentence included a period of probation and/or,
2. released on parole, if the offender’s sentencing included a period of parole or,
3. discharged upon court order.

XIX. COMMUNITY TRANSITION PROGRAM REIMBURSEMENT

- A. 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
- B. 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.
- C. 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.
- D. The county shall review the form and contact Community Corrections Support Staff with any questions or discrepancies within five (5) business days.
- E. 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.
- F. 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.
- G. 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.
- H. Requests for Reimbursements shall not be approved if submitted to the Department later than three (3) months after the month it is billing.

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XX. APPLICABILITY:

This policy and administrative procedure is applicable to all facilities housing adult offenders.

_____ signature on file
 Robert E. Carter, Jr.
 Commissioner

_____ Date