

IC 11-13

ARTICLE 13. PROBATION AND PAROLE

IC 11-13-1

Chapter 1. Probation Administration

IC 11-13-1-1

Probation officers; appointment; qualifications; term, responsibility, salaries, expenses, bond

Sec. 1. (a) A court or division of a court authorized to impose probation shall appoint one (1) or more probation officers, depending on the needs of the court, except that two (2) or more divisions within a court, two (2) or more courts within a county, or two (2) or more courts not in the same county may jointly appoint and employ one (1) or more probation officers for the purpose of meeting the requirements of this section.

(b) A person may be appointed as a probation officer after the effective date established by the judicial conference of Indiana only if that person meets the minimum employment qualifications adopted by the conference, except that this requirement does not apply to any person certified as a qualified probation officer before that effective date. Any uncertified person appointed as a probation officer after the effective date who fails to successfully complete the written examination established under section 8 of this chapter within six (6) months after the date of the person's appointment is prohibited from exercising the powers of a probation officer as granted by law.

(c) Probation officers shall serve at the pleasure of the appointing court and are directly responsible to and subject to the orders of the court. The amount and time of payment of salaries of probation officers shall be fixed by the county, city, or town fiscal body in accordance with the salary schedule adopted by the county, city, or town fiscal body under IC 36-2-16.5. The salary of a probation officer shall be paid out of the county, city, or town treasury by the county auditor or city controller. Probation officers are entitled to their actual expenses necessarily incurred in the performance of their duties. Probation officers shall give a bond if the court so directs in a sum to be fixed by the court.

(d) A court, or two (2) or more courts acting jointly, may designate a probation officer to direct and supervise the work of the probation department.

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.89, SEC.1; P.L.277-2003, SEC.2.

IC 11-13-1-2

Administrative personnel; appointment; term; salaries

Sec. 2. The courts authorized to appoint probation officers shall appoint administrative personnel needed to properly discharge the probation function. These personnel serve at the pleasure of the

appointing court. The amount and time of payment of salaries of administrative personnel shall be fixed by the court to be paid out of the county or city treasury by the county auditor or city controller.
As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-1-3

Probation officers; mandatory duties

Sec. 3. A probation officer shall:

- (1) conduct prehearing and presentence investigations and prepare reports as required by law;
- (2) assist the courts in making pretrial release decisions;
- (3) assist the courts, prosecuting attorneys, and other law enforcement officials in making decisions regarding the diversion of charged individuals to appropriate noncriminal alternatives;
- (4) furnish each person placed on probation under his supervision a written statement of the conditions of his probation and instruct him regarding those conditions;
- (5) supervise and assist persons on probation consistent with conditions of probation imposed by the court;
- (6) bring to the court's attention any modification in the conditions of probation considered advisable;
- (7) notify the court when a violation of a condition of probation occurs;
- (8) cooperate with public and private agencies and other persons concerned with the treatment or welfare of persons on probation, and assist them in obtaining services from those agencies and persons;
- (9) keep accurate records of cases investigated by him and of all cases assigned to him by the court and make these records available to the court upon request;
- (10) collect and disburse money from persons under his supervision according to the order of the court, and keep accurate and complete accounts of those collections and disbursements;
- (11) assist the court in transferring supervision of a person on probation to a court in another jurisdiction; and
- (12) perform other duties required by law or as directed by the court.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-1-3.5

Probation officers; requirements for carrying handgun

Sec. 3.5. A probation officer may not carry a handgun as described in IC 35-47-2-1 while acting in the scope of employment as a probation officer unless all of the following conditions are met:

- (1) The appointing court enters an order authorizing the probation officer to carry the handgun while on duty.

(2) The probation officer is issued a license to carry the handgun under IC 35-47-2.

(3) The probation officer successfully completes a handgun safety course certified by the law enforcement training board under IC 5-2-1-9(m).

As added by P.L.45-2001, SEC.2.

IC 11-13-1-3.8

Applicability of IC 34-13-3

Sec. 3.8. The provisions of IC 34-13-3 apply whenever:

(1) a governmental entity or its employee is sued for civil damages; and

(2) the civil action arises out of an act within the scope of a probation officer's employment or duties.

As added by P.L.45-2001, SEC.3.

IC 11-13-1-4

Probation department; annual compilation of statistical information; contents

Sec. 4. (a) Every probation department shall annually compile, and make available to the judicial conference of Indiana upon request, accurate statistical information pertaining to its operation, including:

(1) presentence and predisposition reports prepared;

(2) investigations and reports regarding cases assigned to that probation department and disposed of prior to trial;

(3) cases disposed of by termination of supervision, including revocation of probation;

(4) that probation department's operational costs, including salaries of probation officers and administrative personnel; and

(5) persons employed.

(b) Before January 5 of each year each probation department shall send to the judicial conference the following statistical information concerning home detention for the preceding calendar year:

(1) The number of persons supervised by the department or by a community corrections program who were placed in home detention under IC 35-38-2.5.

(2) The number of persons supervised by the department or by a community corrections program who successfully completed a period of home detention ordered under IC 35-38-2.5.

(3) The number of persons supervised by the department or by a community corrections program who failed to complete a period of home detention ordered under IC 35-38-2.5, and a description of the subsequent disposition for those persons.

(4) For each person under home detention supervised by the department or by a community corrections program, a description of the most serious offense for which the person was convicted with the resulting sentence including a period of

home detention ordered as a condition of probation.

(5) The amount of home detention user fees collected by the department under IC 35-38-2.5.

(6) The amount of home detention user fees deposited into the community corrections home detention fund for the county in which the department is located.

(7) The average expense per person placed in home detention supervised by the department with a monitoring device.

(8) The average expense per person placed in home detention supervised by the department without a monitoring device.

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.89, SEC.2; P.L.98-1988, SEC.2.

IC 11-13-1-5

Probation officers; permissive powers

Sec. 5. A probation officer may:

(1) visit and confer with any person under investigation or under his supervision;

(2) exercise those powers necessary to carry out his duties; and

(3) act as a parole officer for the department when requested by the department and when the request is approved by the court.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-1-6

Probation standards and practices advisory committee; establishment; membership

Sec. 6. There is established within the judicial conference of Indiana a probation standards and practices advisory committee, consisting of the following ten (10) members, not more than five (5) of whom may be affiliated with the same political party:

(1) the chief justice of the supreme court or his designee, who shall serve as chairman of the committee;

(2) the commissioner or his designee;

(3) one (1) judge of a circuit or superior court having criminal jurisdiction;

(4) one (1) judge of a county or municipal court having criminal jurisdiction;

(5) one (1) judge of a circuit or superior court having juvenile jurisdiction;

(6) one (1) supervising probation officer;

(7) two (2) probation officers, one (1) whose primary responsibility is adult supervision and one (1) whose primary responsibility is juvenile supervision; and

(8) two (2) lay persons.

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.89, SEC.3.

IC 11-13-1-7

Probation standards and practices advisory committee; appointment; term; vacancies; salaries and expenses; meetings

Sec. 7. (a) Other than the commissioner and the chief justice, who shall serve by virtue of their offices, or their designees, members of the probation standards and practices advisory committee shall be appointed by the governor. All appointments shall be made for terms of four (4) years or while maintaining the position held at the time of appointment to the committee, whichever is the lesser period. Appointees shall serve as members of the committee only while holding the office or position held at the time of appointment.

(b) Vacancies on the committee caused by resignation, death, or removal shall be filled for the unexpired term of the member succeeded in the same manner as the original appointment. Members may be reappointed for additional terms. The appointed members of the committee may be removed by the governor for cause after an opportunity to be heard by the governor upon due notice.

(c) Each appointed member is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b) for each day engaged in the official business of the committee. In addition, each member is entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures established by the state department of administration and approved by the state budget agency. The committee shall meet at least three (3) times a year and at other times at the call of the chairman. The chairman shall call the organizational meeting of the committee within thirty (30) days after the last initial appointment to the committee has been made by the governor. For the purposes of transacting business, a majority of the membership constitutes a quorum.

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.89, SEC.4.

IC 11-13-1-8

Rules and regulations by judicial conference of Indiana; minimum standards and examinations for probation officers; training and technical assistance for probation departments

Sec. 8. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

(b) The board shall adopt rules consistent with this chapter, prescribing minimum standards concerning:

- (1) educational and occupational qualifications for employment as a probation officer;
- (2) compensation of probation officers;
- (3) protection of probation records and disclosure of information contained in those records;
- (4) presentence investigation reports;
- (5) a schedule of progressive probation incentives and violation sanctions, including judicial review procedures; and

(6) qualifications for probation officers to administer probation violation sanctions under IC 35-38-2-3(e).

(c) The conference shall prepare a written examination to be used in establishing lists of persons eligible for appointment as probation officers. The conference shall prescribe the qualifications for entrance to the examination and establish a minimum passing score and rules for the administration of the examination after obtaining recommendations on these matters from the probation standards and practices advisory committee. The examination must be offered at least once every other month.

(d) The conference shall, by its rules, establish an effective date for the minimum standards and written examination for probation officers.

(e) The conference shall provide probation departments with training and technical assistance for:

(1) the implementation and management of probation case classification; and

(2) the development and use of workload information.

The staff of the Indiana judicial center may include a probation case management coordinator and probation case management assistant.

(f) The conference shall, in cooperation with the department of child services and the department of education, provide probation departments with training and technical assistance relating to special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the training and technical assistance must include the following:

(1) Eligibility standards.

(2) Testing requirements and procedures.

(3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.

(4) Procedures and requirements for placement in residential special education institutions or facilities under IC 20-35-6-2.

(5) Development and implementation of individual education programs for eligible children in:

(A) accordance with applicable requirements of state and federal laws and rules; and

(B) coordination with:

(i) individual case plans; and

(ii) informal adjustment programs or dispositional decrees entered by courts having juvenile jurisdiction under IC 31-34 and IC 31-37.

(6) Sources of federal, state, and local funding that is or may be available to support special education programs for children for whom proceedings have been initiated under IC 31-34 and IC 31-37.

Training for probation departments may be provided jointly with training provided to child welfare caseworkers relating to the same

subject matter.

(g) The conference shall, in cooperation with the division of mental health and addiction (IC 12-21) and the division of disability and rehabilitative services (IC 12-9-1), provide probation departments with training and technical assistance concerning mental illness, addictive disorders, intellectual disabilities, and developmental disabilities, including evidence based treatment programs for mental illness and addictive disorders and cognitive behavior treatment.

(h) The conference shall make recommendations to courts and probation departments concerning:

- (1) selection, training, distribution, and removal of probation officers;
- (2) methods and procedure for the administration of probation, including investigation, supervision, workloads, record keeping, and reporting; and
- (3) use of citizen volunteers and public and private agencies.

(i) The conference may delegate any of the functions described in this section to the advisory committee or the Indiana judicial center.

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.89, SEC.5; P.L.240-1991(ss2), SEC.68; P.L.1-1992, SEC.71; P.L.18-1995, SEC.2; P.L.55-1997, SEC.2; P.L.98-2004, SEC.82; P.L.85-2004, SEC.44; P.L.1-2005, SEC.125; P.L.141-2006, SEC.10; P.L.145-2006, SEC.31; P.L.1-2007, SEC.102; P.L.147-2012, SEC.2; P.L.117-2015, SEC.9; P.L.179-2015, SEC.8; P.L.149-2016, SEC.41.

IC 11-13-1-9

Powers and duties of judicial conference

Sec. 9. (a) The judicial conference of Indiana shall:

- (1) keep informed of the work of all probation departments;
- (2) compile and publish statistical and other information that may be of value to the probation service;
- (3) inform courts and probation departments of legislation concerning probation and of other developments in probation;
- (4) submit to the general assembly before January 15 of each year a report in an electronic format under IC 5-14-6 compiling the statistics provided to the judicial conference by probation departments under section 4(b) of this chapter; and
- (5) require probation departments to submit a community supervision collaboration plan as described in IC 11-12-2-4.

(b) The conference may:

- (1) visit and inspect any probation department and confer with probation officers and judges administering probation; and
- (2) require probation departments to submit periodic reports of their work on forms furnished by the conference.

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.89, SEC.6; P.L.98-1988, SEC.3; P.L.28-2004, SEC.84; P.L.24-2014, SEC.2.

IC 11-13-1-10**Conferences and workshops; expenses for attendance**

Sec. 10. The judicial conference of Indiana may arrange conferences or workshops for probation officers and judges administering probation in order to enhance knowledge about and improve the delivery of probation services. The judicial conference of Indiana may arrange joint conferences or workshops for probation officers, judges administering probation, community corrections officers and employees, prosecuting attorneys, and defense attorneys in order to enhance knowledge about, coordinate, and improve the delivery of probation and community corrections services. The expenses of probation officers and judges incurred in attending these conferences or workshops shall be paid in the same manner as other expenses are paid in the courts in which they serve. The expenses of community corrections officers and employees may be paid by the county in the same manner as other county employee expenses are paid.

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.89, SEC.7; P.L.179-2015, SEC.9.