



*State of North Carolina
Department of Correction
Division of Prisons*

POLICY AND PROCEDURE

Chapter: C
Section: .1000
Title: **Interstate Corrections Compact**
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.1001 PURPOSE

This policy establishes guidelines and procedures for the exercise of authority under the Interstate Corrections Compact to transfer prison inmates among state and federal government correctional systems. The provisions of this section shall apply only to inmate transfers to and receipt of inmates from party states and the federal government.

.1002 APPLICATION

- (a) Transfers of inmates to or from the custody of the North Carolina Department of Correction shall be on a cooperative exchange basis founded upon the best interests of the State of North Carolina, Department of Correction, the incarcerated offender and the receiving or sending Correctional system.
- (b) The purpose of the Interstate Corrections Compact as prescribed by law provides for the full utilization and improvement of institutional facilities and the provision of adequate programs for the confinement, treatment, and rehabilitation of various types of offenders through the mutual development and execution of programs for the confinement, treatment, and rehabilitation of offenders.
- (c) Nothing in this Section shall be construed to create on behalf of any inmate a right or entitlement to a transfer to or from the custody of the North Carolina Department of Correction. Transfers under this Section shall be upon the following conditions:
 - (1) To provide for the personal safety of an inmate subject to an identifiable threat of harm after consideration of all available housing alternatives.
 - (2) To provide for effective pre-release program assignments for inmates in minimum or medium custody within three years of an established release date at the time of transfer.
 - (3) In any case where the Secretary of Correction issues a finding that such a transfer is in the best interest of the State of North Carolina, the Department, the inmate, and criminal justice objectives.

.1003 PROCEDURES AS THE SENDING STATE

- (a) Request for Transfer
- (1) Initiation of Request. Requests for Interstate Transfer under this Section may be initiated by region or facility administrators or classification authorities, by inmates acting in their own behalf, or by other sources. Such requests will be referred to the appropriate facility classification authority for investigation and review prior to further classification action. In exceptional cases where immediate action is deemed necessary, the Director of Prisons, with the approval of the Secretary of Correction, may order it pursuant to the Compact without prior review through the Divisional chain of command.
 - (2) Classification action. The Facility Classification authority shall evaluate each inmate request for a transfer and document this action on the IC10 screen as a part of the routine classification review. A recommendation for approval of an Interstate Transfer will be recorded on the appropriate OPUS screens of the IC10 and upon the approval of the facility Administrator, referred to the Classification Manager or designee for review.
 - (3) Review and authorization of transfer. The Classification Manager will review requests for Interstate Transfer upon referral from the Facility Classification authority and submit recommendations for approval to the Director of the Division of Prisons and the Secretary of Correction. No requests for Interstate Transfer will be approved except with the concurrence of the Director and the Secretary.
 - (4) Compact Administrator's Responsibilities. The Interstate Compact Administrator will make application to the receiving state for approved requests. If a request has been disapproved by the Director's Review Committee, the Director, or the Secretary, the Compact Administrator will notify the referring Classification authority of the action taken so that the inmate may be properly informed. The application to the receiving state for approved requests shall include at least the following:
 - (A) A copy of the judgment and commitment.
 - (B) A copy of the admission summary and pre-sentence report if available.
 - (C) A copy of pertinent classification actions and pre-parole investigation if available.
 - (D) Other information as may be required by the receiving state.
 - (E) Letter of transmittal setting forth the reason(s) for the request to transfer.

(b) Transfer Procedures Upon Approval

- (1) Parole/Post Release Review. Upon approval of an application, the Interstate Compact Administrator will advise the North Carolina Parole Commission of the pending transfer application to the end that a parole review may be scheduled for the inmate prior to transfer if applicable.
- (2) Population Control. The Interstate Compact Administrator will advise the respective facility Administrator as to the date or dates the transfer is to be made, the institution and receiving state to which the inmate is to be transferred, and other such information as may be required to accomplish the transfer.
- (3) Waiver of Extradition and Release of Information. The sending institution will have the inmate being transferred execute Waiver of Extradition and Release of Information forms.
- (4) Inmate Trust Fund. The sending facility will transfer all funds pertaining to the inmate in question on deposit in the inmate's trust fund to the receiving state to which the inmate is transferred. The funds should accompany the inmate at the time of transfer.
- (5) Records Transmittal. The complete Unit Jacket will be transferred to the receiving institution. This record, along with the trust funds account check, will be forwarded in a sealed, labeled envelope with copies of the letters of authorization from both the sending and receiving jurisdiction, the DOC Fingerprint Card, and a DOC Identification Card attached to the outside of the record's packet. These materials will accompany the inmate at the time of transfer.

.1004 PROCEDURES AS A RECEIVING STATE

(a) Receipt of Inmate.

- (1) No inmate from a party state will be accepted prior to written authorization from the Director of Prisons and the Secretary of Correction.
- (2) Requests for transfers into the State of North Carolina will be coordinated by the Interstate Compact Administrator in accordance with this policy.
- (3) Inmates from party states approved for acceptance will be received at the appropriate Reception and Diagnostic Center for intake processing and subsequent assignments. Usually, Central Prison will receive adult male inmates, the North Carolina Institution for Women female inmates, Polk Youth Institution for youthful offenders, and Western Youth Institution for youthful offenders under eighteen years of age.

(b) Records Preparation.

- (1) Inmate received under the Interstate Corrections Compact will be assigned OPUS numbers for identification purposes.
- (2) Classification Review. The receiving facility will process the inmate using the usual admission procedures. Processing will include fingerprinting and photographing the inmate for identification purposes. A classification interview and initial classification referral will be generated on the IC04 screen on each inmate received from a sending state. The classification report will indicate the facility and program involvement, which has been recommended in keeping with usual processing procedures.

(c) Records Maintenance.

- (1) Modification of Sentence. Any action taken which could have the effect of altering the inmate's release date shall be brought to the attention of the Interstate Compact Administrator. The Interstate Compact Administrator shall secure the approval of the sending state before departmental records governing the out-of-state case will be revised. Examples of such action would include the awarding of meritorious gain time and/or the loss of good conduct time as a result of disciplinary action.
- (2) Transfers. When an inmate from the sending state is transferred from one facility to another within the department, the transferring facility shall advise the Interstate Compact Administrator. The Interstate Compact Administrator will monitor all interstate transfers on a monthly basis.
- (3) Public Information. Institutional or other officials of North Carolina shall not be authorized to release publicity concerning inmates from the sending state. North Carolina officials shall not release personal histories or photographs of such inmates or information concerning their arrival or departure, or permit reporters or photographers to interview or photograph such inmate, without the written permission of such inmates. Requests for information regarding inmates of sending states shall be referred to the sending state. However, information of public record, such as sentence data or information concerning the escape of an inmate, may be given directly to the press by North Carolina officials. Inmates from a sending state may be photographed as a means of identification for official use only.
- (4) Releases. The release of inmate confined under the Interstate Corrections Compact will be in accordance with instructions from the sending state.
- (5) Disposition of Records. Records compiled on inmates confined under the Interstate Corrections Compact shall be forwarded to the sending state upon

release of the inmate and/or upon his return to the sending state. A complete copy of the unit jacket will be forwarded to the sending state.

(d) Custody and Control.

The care, custody, and control of inmates transferred to the State of North Carolina under the Interstate Corrections Compact will be in accordance with the existing policies and procedures of the North Carolina Division of Prisons as set forth in the Policy and Procedures Manual.

(e) Inmate's Responsibility.

Inmates confined under the Interstate Corrections Compact are responsible for abiding by the rules and regulations of the Division of Prisons as set forth in the rules and policies of the management and conduct of inmates under the control of the Division of Prisons.

(f) Participation in Treatment Programs.

Inmates confined under the Interstate Corrections Compact shall be afforded the opportunity and shall be required to participate in industrial or occupational training programs or other work programs on the same basis as inmates assigned to the Division of Prisons from the State of North Carolina provided such participation is not contrary to the laws of the sending state. Qualified inmates will be eligible for participation in work release programs, study release programs, and other community opportunities with the approval of the sending state. Approval will be obtained through the Interstate Compact Administrator.

(g) Hearings.

Upon request of the sending state, the authorities of the receiving state (North Carolina) will be authorized to and will conduct hearings, prepare and submit the records of such hearings, together with any recommendations of the hearing officials, to the officer(s) of the sending state.

(h) Parole.

Decisions concerning parole eligibility and release on parole will be determined by the sending state's parole authority.

.1005 ESCAPE OF INMATE FROM THE RECEIVING STATE

In the event of an escape from the receiving state, the facility administrator will provide full facts and details to the Interstate Compact Administrator who in turn will notify the sending state. Routine escape procedures of the receiving state will be followed to accomplish this notification.

.1006 RETURN OF THE INMATE TO THE SENDING STATE

- (a) The procedure for the return of inmates to a sending state shall be made through routine classification action using OPUS Classification files, to include IC04, IC05, and IC10 screens. The reasons for return may be as follows:
 - (1) Failure to adjust to the management policies of the North Carolina Division of Prisons as determined by disciplinary action or assaultive behavior of any dimension.
 - (2) The personal safety of the inmate in the sending state is no longer a factor.
 - (3) Personal safety of an inmate in the receiving state becomes a factor requiring his return to the sending state.
 - (4) At the request of the sending state.
 - (5) Other valid reasons.
- (b) The facility classification authorities shall make the recommendation for return. The special recommendation on the IC10 screen will be completed and submitted to the facility administrator for his concurrence.
- (c) Upon approval of the facility Administrator, the IC10 will be electronically routed to the Interstate Compact Administrator acting as the designee for the Secretary of Correction to effect the return of the inmate to the sending state.
- (d) The Interstate Compact Administrator shall notify the sending state.
- (e) The sending state shall receive the inmate within thirty days of notification.
- (f) Return of inmates from other party states will be coordinated by the Interstate Compact Administrator with the concerned facility administrator.

.1007 PER DIEM EXPENSES FOR MAINTENANCE OF INMATES AND RECAPTURE OF ESCAPEES

- (a) Except in unusual circumstances, the North Carolina Department of Correction will not transfer any inmate to a receiving state, nor receive an inmate from any sending state when the laws of the other state require that there be an actual transfer of funds from one state to the other to provide for the per diem expenses of maintaining a transferred inmate. The North Carolina Department of Correction will arrange for a system of debits and credits with other states, and shall send and receive inmates on a "time banking" basis.

- (b) Federal law requires that inmates transferred to and from federal confinement facilities be accompanied by an actual cash transfer to cover per diem maintenance expenses of such inmates. Consequently, exchanges of inmates with the Bureau of Prisons will be accompanied by actual cash transfers, and the Bureau of Prisons shall pay to the State of North Carolina an amount which shall be based upon the per diem expenses of maintaining such inmate in the Division of Prisons.
- (c) When an inmate received from the Federal Government shall escape, the cost of recapture, including the cost of payment of rewards, may be computed by the receiving state, and billed to the federal authority sending such prisoner.

 9-24-07
Director of Prisons Date

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