



State of North Carolina
Department of Correction
Division of Prisons

POLICY AND PROCEDURE

Chapter: G
Section: .0100
Title: **Outstanding Charges/
Detainers**
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.0101 GENERAL

Outside agents frequently express custody interest or request release information about offenders confined under the control of the North Carolina Division of Prisons. Recognized authorities include any in-state, out-of-state or federal criminal justice or law enforcement agency, and other authorized governmental agencies such as the Immigration and Customs Enforcement, U.S. Military, and Secret Service. Inquiries of this type are defined by the Division as pending charges, detainers or notifications and may relate to criminal, civil or status (i.e.; deportation proceedings) actions. Such actions come to the attention of staff either by way of official documentation or other credible sources (Administrative Office of the Courts database, Division of Criminal Information Computerized Criminal History, direct communication with court or law enforcement officials), or the inmate's submission of a request for a speedy trial. Actions that become known due to official documentation are established as detainers or notifications; whereas actions revealed by other means are specified as pending charges.

.0102 DEFINITIONS

- (a) Pending Charges: A charge is deemed pending when information is received from a reliable and credible source that a criminal, civil or status action has been initiated against an inmate by a recognized authority and is awaiting resolution; however, no official documentation has been received requesting the Division of Prisons to transfer custody of the offender to that authority upon discharge from prison. The absence of documentation does not preclude the requesting authority from proceeding with Court action while the inmate is incarcerated.
- (b) Detainers: A detainer is an officially documented request from a recognized authority to the Department of Correction to provide notice of an inmate's release and requires the Department to transfer custody to the requesting authority or their agent, based on civil, criminal or status actions at release. As with pending charges, cases for which a detainer has been filed may be prosecuted prior to the inmate's release from prison.
- (c) Notifications: A notification is an officially documented request for Department of Correction to formally notify the requesting authority of an offender's release consideration so a decision can be made regarding further action by that authority. Notifications may also apply to status, criminal or civil cases.
- (d) Victim/Witness Notifications: A victim/witness notification is a formal request by an

associated victim or witness to be notified by the Division of Prisons of an inmate's promotion to minimum custody, imminent release date, escape from custody, or death in accordance with the Fair Treatment for Victims and Witnesses Act.

.0103 PROCESSING REQUIREMENTS

(a) **PENDING CHARGES:**

- (1) Facility staff are responsible for verifying and entering pending charges into the automated inmate record system. When a facility receives information from a credible source suggesting the presence of an outstanding charge against an offender, staff will substantiate it with the appropriate Clerk of Court or District Attorney and will then view the Detainer screens (OR44 and OR45) to determine if the information has already been entered. If no entry is found for the specific charge, staff will immediately add the necessary information to the Detainers and Pending Charges (OR45) screen, using a type code of P (Pending Charge). The use of the type code of D (Detainer), in this instance, is strictly prohibited.
- (2) A District Attorney or Clerk of Court may send a written request, in the form of a Writ of Habeas Corpus ad Prosequendum or Prosecutor's letter, to the Division of Prisons for an inmate's presence in Court to answer a pending charge. Writs are processed by the Population Management Section of the Division of Prisons, MSC Box 4274, Raleigh, North Carolina 27699-4274, fax number (919) 733-0772, and should be forwarded to that section immediately if received at a facility. Population Management staff will enter the information on the Writ Scheduling Request (IP75) screen in the automated inmate record system. This will automatically update the Writ Listing (IP76) screen for each facility. Facility staff are responsible for viewing the IP76 screen daily and shall ensure inmates are transported to court. Transporting officers shall be provided a copy of the court's writ prior to departing the facility in case questions arise related to the court appearance.
- (3) If a law enforcement officer from the requesting county arrives at the facility to transport an inmate to trial, staff will require the officer to produce adequate credentials, including a copy of the Writ. Any questions regarding the authenticity of the request should be directed to the Clerk of Court or the District Attorney in the county in which the charge originates. The Population Management section may also be contacted for further assistance, if needed. Once the request has been verified, the facility will release the inmate to the local authorities for a period not to exceed sixty (60) days, in accordance with G. S. 15A-71. The Transfer of Custody form shall be provided to the receiving officers in an effort to provide details related to the inmate's prison adjustment. In the event the sixty (60) days period is exceeded, facility staff will contact the holding authority to verify the inmate's status and every sixty (60) days thereafter, if necessary, until the inmate

is returned to the custody of the Division.

- (4) Upon the inmate's return from the local authorities, facility staff will confirm the disposition of the charge on the Administrative Office of the Court's database or by direct contact with the Clerk of Court or District Attorney. If a disposition was made by the Court, facility staff will immediately update the OR45 screen to reflect the resolved status (code 7) of the pending charge. Comments explaining the disposition of the charge and the confirmation source must be entered first. Any additional commitments received will be recorded in the automated inmate record system on the OT21 screen (Inmate Sentence Structure) by facility staff. A copy of the commitment, along with completed fingerprints, will be sent to the Fingerprint Identification section, MSC Box 4276, Raleigh, North Carolina 27699-4276, Courier number 53-71-00, for identification confirmation, after which it will be forwarded to Combined Records for auditing. A copy of the commitment will also be placed in the inmate's unit/institution file.

(b) **DETAINERS:**

- (1) The Combined Records Section of the Department of Correction is responsible for the processing of all officially documented detainers; however, in the event a detainer is received at a facility, facility staff will immediately enter the record on the Detainers and Pending Charges (OR45) screen as an undocumented detainer, type code D (detainer), and then forward the documentation to Combined Records at MSC Box 4226, Raleigh, North Carolina 27699-4226. Upon receipt of a detainer, Combined Records will authenticate and enter or update, as appropriate, the record on the OR45 screen as a documented detainer. Only Combined Records can enter or update documented detainers in the automated inmate record system.
- (2) Detainers filed by authorities within the state of North Carolina will be processed and maintained entirely by Combined Records. Out-of-state detainers will be entered and updated in the automated inmate record system by Combined Records, after which they will be forwarded to the office of the Interstate Agreement on Detainers Administrator, Department of Correction, MSC Box 4224, Raleigh, North Carolina 27699-4224 for further processing, per the Interstate Agreement on Detainers Act. Note: United States jurisdictions which are not a party to the Interstate Agreement on Detainers are Louisiana and Mississippi. Requests filed by these jurisdictions will be forwarded to the Governor's Office, via the Interstate Agreement Administrator, for necessary processing. Detainers filed by federal authorities will be acknowledged and entered and updated in the automated inmate record system by Combined Records. Any additional processing will be completed by the requesting federal agency.

- (3) In-State Detainers:
- (A) Upon receipt of a detainer from a District Attorney/Clerk of Court within the state of North Carolina, Combined Records will determine if a list of the charges against the inmate has been included, and if not, will take necessary action to obtain that list. That office will then enter the detainer information in the automated inmate record system and acknowledge receipt of the detainer to the requesting authority on a Form DC-214A. Two (2) copies of the Acknowledgment (DC-214A) , along with two (2) copies of Form DC-215A (Certificate of Inmate Status) and three (3) copies of Form DC-215 (Notice to Inmate) will be sent to the facility housing the inmate to which the detainer refers. Facility staff will provide the inmate with copies of those forms, as well as thoroughly inform and advise the inmate in accordance with G.S. 15A-711, that 1) he/she has the right to request the appropriate prosecuting official of the jurisdiction where the charges are pending to proceed against him/her; 2) if they do proceed, that he/she will be brought to trial within six (6) months unless other provisions are made or a continuance is granted; 3) if the prosecutor does not proceed within the six (6) months, the detainer will be withdrawn; and 4) if he/she does not request a speedy trial, the prosecutor may make a written request for his/her presence to stand trial for charges pending against him/her and that he/she will be released to local authorities for a period not to exceed sixty (60) days.
- (B) Should the inmate decide to initiate the process of obtaining a resolution to pending charges, he/she will be instructed by facility staff to make a written request for a speedy trial directly to the Clerk of Court in the county where the charges are pending. The request, along with a copy of Forms DC-215 and DC-215A, will be sent by registered mail. The date the request is mailed and the registered mail identification number will be recorded on the bottom of the remaining two copies of Form DC-215. Facility staff will return one (1) of those copies to Combined Records. The other copy will be filed in the inmate's unit/institution jacket.
- (C) If the prosecutor does not proceed against the inmate within six (6) months of the date of the inmate's request, Combined Records will send Form DC-215C to the appropriate Clerk of Court/District Attorney advising them that the detainer is being returned and cannot be re-filed, pursuant to G. S. 15A-711(c). Combined Records will subsequently withdraw the detainer from the inmate's record by updating the status code on the OR45 screen.
- (D) In those cases where a detainer has been filed, but the prosecutor subsequently decides not to proceed against the inmate, the prosecutor
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may officially request that the detainer be canceled and returned. Combined Records will update the OR45 screen in the automated inmate record system to reflect the appropriate status code and return the detainer, along with Form DC-215-B (Cancellation Letter) to the requesting official.

- (E) Where the prosecutor does proceed against the inmate, either of his/her own volition or in response to an inmate's request for a speedy trial, he/she will follow the same procedures as those established for pending charges, with regards to Writ requests and temporary Court releases. (See 2 and 3 under .0102 (A) Pending Charges).
 - (F) As with pending charges, facility staff will confirm the Court action upon the inmate's return, process any additional sentences, if received, on the OT21 screen, and forward a copy of the new commitment, along with fingerprints, to Combined Records, via the Identification Branch. OR45 screen status updates; however, will be done by Combined Records. In the event a new sentence was not imposed by the Court, the prosecutor will notify Combined Records in writing of the Court disposition.
- (4) Out-of-State Detainers:
- (A) When a detainer is filed by an out-of-state authority, it will initially be sent to Combined Records for acknowledgment and entry into the automated inmate record system on the OR45 screen, after which it will be forwarded to the Interstate Agreement on Detainers Administrator for further processing. A copy of the acknowledgment (DC-214) and a Form 1 (Notice of Indictment, Information on Complaint and Right to Request Disposition) will be sent to the inmate and the facility informing them of the detainer. Facility staff will advise the inmate of his/her right to request a speedy trial and of the prosecutor's right to proceed against him/her as specified in Form 1.
 - (B) Prosecutor's Request:
 - (i) Where the prosecutor initiates a request for trial, he/she will submit a Form 5 (Request for Temporary Custody) to the Interstate Agreement on Detainer Administrator, in accordance with the Interstate Agreement on Detainers. The Administrator will forward a copy of that form to the inmate, accompanied by a Form 5-A (Prisoner Option of Rights and Advisory Form), advising the inmate of his/her right to contest his/her return to the requesting state in a hearing before a Judge or by petition to the Governor. The inmate will indicate by witnessed signature on Form 5-A,

his/her intention to request or waive a hearing to determine if the requesting state or jurisdiction has presented the proper papers and correctly identified the accused, and return it to the Administrator.

- (ii) In the interim, the Administrator will determine if a detainer is already on file in the automated inmate record system or if one accompanied the request form. If the detainer is not on file or if one was not attached to the request, the Interstate Agreement Administrator will ask the out-of-state prosecutor to file under the Interstate Agreement on Detainers. If the detainer is on file or is received with the request, the Administrator will prepare a Form 3 (Certificate of Inmate Status) and send it to the prosecuting attorney. In the event detainers are on file from other jurisdictions within the same state, copies of Form 3 will also be sent to them, along with a cover letter requesting an immediate reply regarding their intentions. Concurrently, the Administrator will notify the Governor of North Carolina in writing of the out-of-state request for temporary custody of the inmate. If the Governor disapproves the request, the requesting authority will be contacted and actions under the agreement will terminate.
- (iii) If the out-of-state prosecutor does not respond within thirty (30) days of receipt of Form 3, and if the Governor has not disapproved the request during this period (signifying tacit approval), the Interstate Administrator will send signed copies of Form 4 (Offer to Deliver Temporary Custody) to the out-of-state prosecutor, the other officials in the same state who received a copy of Form 3, and the inmate. The prosecutor will also receive a copy of Form 5-A, indicating the inmate's decision to waive or request a hearing to contest his/her return to that state/jurisdiction.
- (iv) If the inmate exercises his/her right to a hearing, the Interstate Agreement Administrator will send copies of Form 5, Form 5-A and the warrant/detainer, as well as necessary inmate identification data, to the Court official of the county in which the inmate is confined. That official is responsible for scheduling a hearing before the Court, preparing the Judge's Order, pursuant to the Interstate Agreement on Detainers, and returning said Order to the Interstate Agreement Administrator.
- (v) In the event the out-of-state prosecutor does not respond within sixty (60) days after Form 4 is forwarded, the Interstate Administrator will remind the prosecuting official in writing of the one hundred and eighty (180) day limitation under the uniform

agreement.

(C) Inmate's Request:

- (i) The inmate may petition for final disposition of an outstanding charge by submitting a written request to the Interstate Agreement on Detainers Administrator for a speedy trial. Upon receipt of that request, the Interstate Agreement Administrator will verify that a detainer is on file in the automated inmate record system. If the detainer has not been recorded, the Interstate Administrator will advise the inmate in writing to file a written request to the appropriate jurisdictional authority, petitioning the out-of-state prosecutor to proceed, pursuant to G. S. 15A-761.
- (ii) If a detainer is on file, the Interstate Agreement Administrator will prepare Form 2 (Inmate's Notice of Place of Imprisonment and Request for Disposition of Indictments, Information or Complaints) and Form 4 (Offer to Deliver Temporary Custody) and send them to the inmate in question, along with a cover letter, instructing him/her to carefully read both forms, indicate his/her choice of counsel or make a request of the Court to appoint counsel, sign and return for further processing.
- (iii) Upon receipt of the signed copies of Forms 2 and 4 from the inmate, the Interstate Administrator will prepare Form 3 (Certificate of Inmate Status) and forward signed copies of all three (3) forms, with a cover letter, to the Prosecuting Attorney, the Clerk of Court, the Agreement Administrator on Detainers for the other state, and the inmate. Correspondence to the Prosecuting Attorney and the Clerk of Court will be sent by certified mail.
- (iv) Should there be more than one detainer on file against the inmate from other jurisdictions within the same state, the Interstate Administrator will send officials from those jurisdictions signed carbon copies of Form 2, 3 and 4, so the inmate can be tried on all charges pending against him/her. Those officials will submit a Form 8 (Prosecutor's Acceptance of Temporary Custody Offered in Connection with Another Prosecutor's Request for Disposition of a Detainer) to the Interstate Agreement Administrator who will assist in making necessary arrangements for the inmate's presence at trial.
- (v) If the Interstate Agreement Administrator does not get a response from the out-of-state authorities regarding their intentions to

proceed after ninety (90) days from the date of receipt of Forms 2,3 and 4, that office will send a follow-up letter, reminding them of the one hundred eighty (180) day limitation.

- (vi) In either case, if no reply is received within one-hundred eighty (180) days, the out-of-state authorities will be requested to withdraw their detainer in accordance with the Interstate Agreement. Because a continuance may have been granted without notifying the Interstate Administrator, no additional communication will be sent which could prevent further action on their part.
- (vii) Where the prosecutor does reply, he/she will forward Form 7 (Prosecutor's Acceptance of Temporary Custody Offered in Connection with a Prisoner's Request for Disposition of a Detainer) and Form 6 (Evidence of Agent's Authority to Act for Receiving State) to the Interstate Agreement Administrator. If these forms are received at the facility where the inmate is housed, they will be forwarded immediately to the Interstate Administrator who will then effect the necessary action to transfer temporary custody of the inmate to the out-of-state authorities.
- (viii) When the Law Enforcement Agent assigned by the out-of-state authority to transport the inmate arrives at the facility, staff will inspect and verify his/her credentials, including his/her copy of Form 6, prior to transferring custody of the inmate. Additional verification, if necessary, may be obtained by contacting the Office of the Interstate Agreement on Detainers. All costs of transportation, caring for, keeping and returning the inmate are to be paid by the demanding state. The Division of Prisons is not authorized or required to transport inmates to or from trial in other states. The Transfer of Custody form shall be provided to the receiving officers in an effort to provide details related to the inmate's prison adjustment.
- (ix) After the inmate has been tried, the out-of-state prosecutor will prepare Form 9 (Prosecutor's Report on Disposition of Charges) and send it to the Interstate Compact Administrator. A copy of that form will be sent to Combined Records, the OR45 screen will be updated in the automated inmate record system based on the information provided, and a copy will be placed in the inmate's field jacket at the unit/institution. The Form 9 serves as notice that the inmate is to be released to the out-of-state authorities upon completion of his North Carolina sentence, provided another

sentence has been imposed.

(D) REQUEST FOR AN INMATE AS A WITNESS

- (i) The requesting out of state jurisdiction shall provide under seal of that court that there is a criminal prosecution pending in that state or a grand jury investigation has commenced and an inmate under the control of the Department of Correction is a material witness in the prosecution or investigation for a specific number of days. This petition is presented to a superior court judge in the county where the inmate is confined. The superior court judge will then set a date and time for a hearing and order the person having custody of the inmate to produce him/her at the hearing.
- (ii) At this hearing, the judge will determine if the inmate is a material and necessary witness in the requesting state. An order will then be issued for the inmate to appear in the court where the prosecution or investigation is pending, under terms and conditions as established by the judge, including provisions for the return of the inmate at the conclusion of his/her testimony, proper safeguards for his/her custody, and proper financial reimbursement or other payment for all expenses incurred in the production and return of the inmate.
- (iii) The inmate shall be released to the representatives of the petitioning jurisdiction upon presentation of valid identification.
- (iv) Appropriate OPUS files will be updated to reflect the inmate as out to court in the petitioning jurisdiction.
- (v) If the inmate has not been returned to custody by the date established by the superior court judge, then facility staff shall contact the receiving jurisdiction regarding his/her status.

(c) NOTIFICATIONS:

- (1) Any written requests for notification of an inmate's release date from a recognized authority will be forwarded to Combined Records for authentication and entry in the automated inmate record system on the OR45 screen as type N. As with detainees, receipt of the request will be confirmed in writing to the requesting authority by Combined Records. In the event a pending criminal charge is determined to be associated with a notification, facility staff will also enter the record as a pending charge for classification purposes.
 - (2) In those cases where a victim/witness formally requests to be notified of an
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inmate's release, either individually or through the prosecuting attorney, record entries will be documented on the OR92 (Victim/Witness Notification) screen by Combined Records. That section will acknowledge the request in writing and send copies to the victim, the prosecuting attorney, if necessary, and the facility housing the inmate in question. It is the responsibility of the victim/witness to advise Combined Records of any address and/or telephone number changes.

(These procedures are to be followed until such time as they may be superseded by another automated record system for victims/witnesses).

.0104 RECLASSIFICATION OF INMATES WITH PENDING CHARGES/DETAINERS

- (a) Upon determination that a serious pending felony charge or detainer, generally defined as those felonies involving sexual assault, threat to human life or unprovoked physical violence, exists or has been filed against an inmate, facility staff will generate a reclassification action for a custody review and, if necessary, job/program removals, after ensuring that the information has been properly recorded on the OR45 screen. Entry of this information will automatically update the Inmate Custody Classification Case Factor screen to reflect the suggested classification. In cases where the seriousness of a criminal or status detainer, as in out-of-state or Federal actions, cannot be readily determined, it will be accorded the maximum number of case factor points.
- (b) Each time an inmate has a custody evaluation, facility staff will verify any and all pending charges/detainers recorded on the Detainers and Pending Charges screen (OR45) with the appropriate Clerk of Court or District Attorney, prior to completion of the classification action. If the charges have been resolved, facility staff will update the OR45 screen to reflect the new status, provided the charges have been entered as pending or undocumented. Note that comments explaining the disposition of the charges and the confirmation source must be entered before updates can occur. In the case of documented detainers that have been resolved, Combined Records will update the status code, upon receipt of written notification from the appropriate Clerk of Court/District Attorney. Entries of this type will update the Inmate Custody Classification Case Factor screen, accordingly.
- (c) In the case of a felon who, because of a serious pending felony charge/detainer, case factors at a more secure custody grade than his/her current assignment, facility staff will make a recommendation for demotion or retention in custody based on an objective analysis of all pertinent factors. Further investigation of a serious detainer, to determine the basis of the charge and the prosecuting official's intention to proceed, may be initiated by facility staff prior to making a recommendation. If a hearing by a classification committee is required, the accused inmate will be notified by facility staff at least twenty-four (24) hours in advance of the hearing, by way of Form DC-123. The notice will specify the nature of the charge so the inmate may speak in his/her own behalf. Final custody action decisions will be made in accordance with Departmental classification

request and review procedures. (See policy on Classification).

- (d) Misdemeanants with serious pending felony charges/detainers will be considered for retention in level I and assignment to appropriate control housing. As with felons, if required, the accused inmate is entitled to notice and an opportunity to be heard by the Director's Classification Committee prior to control housing placement.
- (e) In any case in which a detainer is based on serious charges and the inmate's presence at the unit/institution constitutes a threat to order and security, the inmate may be placed on Administrative Segregation pending a hearing and transfer to a more secure facility. (See policy on Administrative Segregation).

.0105 RELEASE PROCEDURES

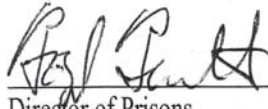
- (a) Where a detainer has been filed, Combined Records will send three (3) copies of Form DC-216 (Notice of Release) to the authority due to receive custody of the inmate by detainer, at least thirty (30) days in advance of the inmate's release date, or immediately if the release date is less than thirty (30) days away. Two (2) of the three (3) copies will be returned to Combined Records with appropriate entries regarding that authority's intent to accept the inmate into custody upon his/her release. One (1) of the two (2) copies returned will be sent to the facility housing the inmate in question. Facility staff can also obtain information about scheduled detainer releases in a selected time period by viewing the OR46 screen in the automated inmate record system. The same release notice procedures apply in those cases in which the one-hundred eighty (180) days time limitation has elapsed. Any correspondence sent or received on a particular inmate regarding detainers can be accessed by the facility on the OR47 screen.
- (b) Upon proper credential verification by facility staff, the inmate will be released to the Law Enforcement Agent authorized to take him/her into custody. If the Law Enforcement Agent does not arrive to take the inmate into custody by 4:00 p.m. on the date his/her sentence expires, facility staff will make arrangements for the inmate to be released to the local sheriff's office to await arrival of the requesting authority. In the event the local sheriff's department is unable to take the inmate into custody, facility staff will contact sheriff's departments from surrounding counties to accept custody, provided the authority who issued the detainer agrees. If an agreement cannot be reached, facility staff will advise the issuing authority of the Division's obligation to release the inmate. If the detainer was issued by Immigration and Customs Enforcement (formerly Immigration and Naturalization Services) for deportation, the Division of Prisons may hold the inmate for 48 hours, excluding federal holidays and weekends, to aid ICE officers in assuming custody. ICE officers should contact the facility prior to the scheduled release and request that the inmate be held past the scheduled release should this provision be needed. The inmate should then be placed on administrative segregation for this period of his/her confinement after his release date. This is in compliance with federal law 8CFR 287.7(d).

- (c) If two (2) or more detainers are on file, the authority having the earliest dated detainer will have first choice; however, in-state detainers will be given priority over out-of-state detainers. Regardless of when the detainers are filed, staff should ensure all other detainers and pending charges have been disposed of prior to releasing any inmate with an Immigration and Customs Enforcement (ICE) detainer on file since the inmate will likely be deported and unavailable for prosecution. The agency cited as having the detainer or pending charges should be contacted as outlined in the policy and advised of the upcoming release date and the deportation detainer. Should the jurisdiction opt to not pursue the criminal charge, staff should request withdrawal of the detainer. In those instances where a detainer has not been issued, but a pending charge exists, staff should request written verification that the inmate is no longer needed in that jurisdiction. The OR44/45 screen should be updated to reflect the information provided by the courts to include comments on the F11 screen. Combined Records will send Form DC-217 notifying the other authorities of the inmate's status.
- (d) To satisfy an out-of-state detainer, the inmate is given the option of signing a waiver of extradition. If he/she signs the waiver, Combined Records will so inform the out-of-state authority and necessary arrangements will be made to transfer custody of the inmate. In the event the inmate refuses to waive extradition, Combined Records will notify the out-of-state authority who will then decide whether or not to enter into extradition proceedings. If these proceedings are not completed by the inmate's release date, Combined Records will inform facility staff who will assist the out-of-state authority in making arrangements for the inmate to be temporarily detained by the local or a nearby county sheriff's department.
- (e) If any two (2) in-state jurisdictions insist on obtaining the inmate for trial at the time of his/her release, the matter will be resolved by the Superior Court Judge having authority to act in criminal cases in the district in which the inmate is confined.
- (f) In cases where a prosecuting authority has not filed a detainer but has requested notification of an inmate's release date by official documentation, Combined Records will inform the requesting authority of the inmate's release date, thirty (30) days in advance, by way of Form DC-216. Subsequent to that notice, the prosecutor may initiate appropriate action to take custody of the inmate at the time of his release.
- (g) If the OR45 screen reflects unresolved pending charges at the time of the inmate's release, facility staff should contact authorities in the jurisdiction in which the charges originate, to advise them of the scheduled release. As in the case of notifications, this will allow the authorities to take further action, if desired.
- (h) Where a victim or witness has made a formal request to the Division of Prisons to be notified of an inmate's release from custody, Combined Records will send a written notice to the victim and the prosecuting attorney, if requested, approximately thirty (30) days in advance of the inmate's scheduled discharge date. A list of inmates who have a

victim/witness attached to their present sentence and are scheduled for release in a selected time period, is available on the OR95 screen of the automated inmate record system. This screen also shows if the victim/witness letter has been sent. If the release date changes subsequent to the notice or if the inmate escapes, it is the responsibility of the facility head or his/her designee to notify the victims and any requesting authorities. (These procedures are to be followed until such time as they may be superseded by another automated record system for victims/witnesses).

.0106 EXCEPTIONAL CASE CONSIDERATIONS

Exceptions to these procedures may be made by the Director of Prisons or other authority as designated by that Office.

 12-12-08

Director of Prisons Date

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