



Department of Corrections

INTERNAL MANAGEMENT POLICY & PROCEDURE


Applicability: ADULT Operations Only JUVENILE Operations Only DEPARTMENT-WIDE

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DECISION MAKING: Interstate Corrections Compact – Facility Transfer

Original Date Issued: 02-07-23 Replaces IMPP Issued: N/A **CURRENT EFFECTIVE DATE: 02-07-23**

Approved By:  , Secretary Next Scheduled Review: 09/2025

POLICY

The Department of Corrections may enter into a contract on behalf of the State of Kansas with any other state which has legislation adopting the Interstate Corrections Compact. Such contracts shall be for the purpose of confining residents under the custody of the Secretary in another state or for the purposes of receiving residents from outside the state for incarceration in a Kansas Department of Corrections facility.

Wardens may recommend, and residents may request, Interstate Corrections Compact transfers to provide for greater safety of a resident, to enhance security within a facility and/or for other reasons deemed by the warden to be compelling and in keeping with the Department's Mission and goals. The primary factors to be considered shall be the other state's participation in the Interstate Corrections Compact Agreement and the exchange balance between the other state and Kansas. To ensure that the ability to transfer residents to other states is available to the Department when the need dictates such transfers shall generally be based upon population management considerations.

All interstate transfers of resident supervision to and from out-of-state jurisdictions shall be handled in accordance with interstate compacts and other interstate agreements.

DEFINITIONS

Admission Data Summary: A document generated by the KDOC management information system that contains a summary of resident information maintained on that system, including commitment, sentence and conviction data, identifying marks, detainer and escape information, and family history on a particular resident.

Corrections Compact Administrator: An employee of the KDOC, supervised by the Deputy Secretary of Facilities Management who is, by position description, designated as the person responsible for the administration of the Interstate Corrections Compact.

Corrections Compact Coordinator: The staff person designated by the facility warden to develop and maintain all documents at the facility level and to serve as the liaison for all compact matters with the Corrections Compact Administrator.

Interstate Compact Agreement: An agreement under which the designated states serve as each other's agents in the housing, care, and control of incarcerated residents.

Party States to Interstate Corrections Compact: Those States which have appropriate legislation which permit resident transfers, and, which have negotiated contracts between other sending and receiving states

Program Management Committee (PMC): A facility panel, consisting of the warden or designee and an administrative/supervisory representative from the programs and the operations divisions of the facility, responsible to review and approve or deny exceptions to the established custody classification criteria, amendments to resident program agreements, furlough applications and transfer request/recommendations.

PROCEDURES

I. Establishment of Contracts

- A. All proposals for Interstate Corrections Compact Contracts shall be submitted, through the Secretary of Corrections, to the Party State(s) to Interstate Corrections Compact.
 - 1. Such proposals shall be initiated by the Deputy Secretary of Facilities Management and reviewed by the Chief Legal Counsel prior to submission.
 - 2. Negotiations regarding such proposals shall be the responsibility of the Chief Legal Counsel.
- B. Copies of each contract into which the Department has entered into shall be maintained by the Chief Legal Counsel.
- C. A list of Party States and the states under contract with Kansas is contained in Attachment A.

II. Administration of the Interstate Corrections Compact

- A. Responsibility for the administration of the Interstate Corrections Compact Program shall rest with the Deputy Secretary of Facilities Management who shall, by position description, designate an administrator.
- B. A contract with a particular state may modify some terms and time frames provided by this policy.
 - 1. In such cases, the terms of the contract shall control.
 - 2. Contracts with specific states shall be reviewed by the Deputy Secretary of Facilities Management and legal division to ensure compliance with the compact.
- C. All communication between Kansas and another receiving state shall be through the Interstate Corrections Compact Administrator unless:
 - 1. There is an emergency situation and the Compact Administrator is unavailable, or
 - 2. The Compact Administrator has directed facility staff to conduct a particular transaction.
- D. Approval of exchanges and referrals to other states shall be coordinated, to the extent possible, to maintain equity with other states participating in the compact with regard to reasons for placement and exchange ratios.

III. Submission of Requests for Interstate Corrections Compact Placement

- A. Resident requests for transfer shall be initiated through the resident's unit team.
 - 1. If the established criteria are met, the unit team shall submit a recommendation to the facility's Program Management Committee (PMC).
 - 2. If this criteria is not met, the resident's request shall be disapproved and returned to the resident, with an explanation for the disapproval.
 - a. Requests for resident transfers to other states to facilitate family visitation shall not be considered.
- B. Resident requests for transfer which are approved by the unit team and facility-initiated requests shall be reviewed by the PMC.
 - 1. If the request is disapproved, the resident and the unit team shall be notified, by copy of the PMC Review.

2. If the request is approved, the request shall be forwarded to the Corrections Compact Administrator for processing.
- C. Cases forwarded to the Corrections Compact Administrator shall include the following material:
1. "Transfer Request Cover Sheet" (Attachment B) signed by the warden;
 2. Copies of journal entries and other commitment documents for each active sentence;
 3. FBI criminal history abstract;
 4. Most recent evaluation report prepared by TCF-RDU/EDCF-RDU;
 5. All progress reports completed within the past two (2) years;
 6. Computer generated Admission Summary; and,
 7. Current Health Summary.
- D. The Corrections Compact Administrator shall review all transfer requests and submit a recommendation to the Deputy Secretary of Facilities Management for a decision.
1. Upon receipt of a transfer request from a facility, the Corrections Compact Administrator shall prepare a Review of Interstate Compact Request form (Attachment D).
 2. The request shall be reviewed by the Corrections Compact Administrator, who shall approve or disapprove the request with appropriate comments.
 3. The request shall then be reviewed by the Deputy Secretary of Facilities Management for final approval or disapproval.
 4. The Corrections Compact Administrator shall inform the facility of the final decision within 10 working days of the receipt of that decision.
 5. If approved, case material shall be forwarded to the proposed receiving state's Corrections' Compact Administrator.
 6. If disapproved, the case material shall be returned to the sending facility along with an explanation for the disapproval.
 - a. The warden or designee shall notify the resident of any disapprovals.
- E. Final approval of all Interstate Corrections Compact transfers shall rest with the receiving state.
- F. In an emergency situation, the Deputy Secretary of Facilities Management or designee may negotiate an exchange with another state through the receiving state's Corrections Compact Administrator.
1. The receiving state's Corrections Compact Administrator shall be contacted by telephone to negotiate the exchange.
 2. If the exchange was made without the submission of case material, the materials shall accompany the resident when the transfer occurs.
- G. No resident shall be involuntarily transferred to any state in which the resident has a pending indictment.

IV. Review of Transfer Requests from Other States

- A. Upon receipt of a transfer request from a sending state, the Corrections Compact Administrator shall prepare a Review of Interstate Corrections Compact Request form (Attachment D).
- B. The request shall be reviewed by the Corrections Compact Administrator who shall approve or disapprove the request with appropriate comments.
- C. The request shall then be reviewed by the Deputy Secretary of Facilities Management for final approval or disapproval.
- D. The Corrections Compact Administrator shall inform the sending state of the final decision within 10 working days of the receipt of that decision.
- E. All Interstate Corrections Compact cases shall be admitted to the Department of Corrections through the Reception and Diagnostic Unit of either the El Dorado or the Topeka Correctional Facility.
 - 1. Following review by staff at either EDCF-RDU or TCF-RDU, the resident shall be assigned to a facility for housing.
 - 2. The Corrections Compact Administrator shall inform the sending state of the facility at which the resident is housed.

V. Removal of Resident from Compact Status

- A. All requests for removal of a Kansas resident from a receiving state shall be forwarded to the Corrections Compact Administrator.
 - 1. If the request is from an administrative authority of the receiving state, the Compact Administrator shall direct the KDOC Transportation Unit to return the resident to an appropriate facility within 30 days.
 - 2. If the request is from the resident, the request shall be forwarded to the sending Kansas facility.
 - a. The PMC at the sending facility shall consider the request and forward a recommendation to the Corrections Compact Administrator.
 - b. Upon receipt of a recommendation from the PMC, the Corrections Compact Administrator shall prepare a Review of Interstate Corrections Compact Request form (Attachment D).
 - (1) The request shall be reviewed by the Corrections Compact Administrator who shall recommend a course of action to the Deputy Secretary of Facilities Management.
 - (2) The decision of the Deputy Secretary of Facilities Management shall be final.
 - c. If approval for transfer back to Kansas is granted, the Corrections Compact Administrator shall arrange for transportation through the KDOC Transportation coordinator.
- B. Compact residents from other states may be removed from the Kansas Department of Corrections under the following circumstances:
 - 1. If the resident can no longer safely be housed in the KDOC;
 - 2. If the resident's presence in KDOC presents a threat to the operation of a correctional facility; or,
 - 3. Other compelling reasons which are clearly documented.

- C. A request for removal of a compact resident, unless initiated by the sending state, shall be approved by the warden.
1. The request shall fully justify the compelling reasons for the removal.
 2. The request shall be forwarded to the Compact Administrator for review and consultation with the Deputy Secretary of Facilities Management.
 3. Upon receipt of the request from the warden, the Corrections Compact Administrator shall prepare a Review of Interstate Corrections Compact request form (Attachment D).
 - a. The request shall be reviewed by the Corrections Compact Administrator who shall approve or disapprove the request with appropriate comments.
 - b. The request shall then be reviewed by the Deputy Secretary of Facilities Management for final approval or disapproval.
 - c. If the request is approved, the Corrections Compact Administrator shall notify the sending state within 10 working days of the receipt of the decision.
 - d. If the request is disapproved, the Corrections Compact Administrator shall notify the warden of the facility where the resident is housed of the disapproval and the reasons therefore, within 10 working days of the receipt of the decision.
 - (1) The warden or designee shall notify the resident of the disapproval.

VI. Monitoring of Interstate Corrections Compact Cases

- A. Each facility sending compact cases out of state shall designate an employee as Compact Coordinator.
- B. The facility Compact Coordinator shall be the point of contact for all compact matters between the Compact Administrator and the facility.
- C. For Kansas residents housed in other states, the Compact Administrator shall request progress reports every six (6) months including any changes in medical or mental health information.
- D. Upon receipt of a progress report from a receiving state, the Compact Administrator shall forward the report to the sending Kansas facility.
 1. The facility Compact Coordinator shall prepare a Compact Resident Status Review form (Attachment C). This form shall be forwarded to the Compact Administrator.
 2. The Compact Administrator shall approve the review, if appropriate, and forward copies as follows:
 - a. Resident;
 - b. Receiving State Compact authority;
 - c. Sending Kansas facility;
 - d. KDOC resident file; and,
 - e. Interstate Compact files.
- E. Corrections Compact residents from other states housed in Kansas shall be reviewed on the same basis as Kansas residents.

1. Copies of all reviews shall be forwarded by the facility Compact Coordinator to the Compact Administrator.
2. The Compact Administrator shall forward these reports to the sending state.

VII. Compact Caseload Parole Hearings

- A. Kansas compact residents shall not be returned to Kansas for parole hearings.
 1. Residents serving their Kansas sentence in another state shall be docketed for an inabsentia hearing at the sending facility during the month prior to the resident's parole eligibility.
 2. Three (3) months prior to the parole hearing, the Compact Administrator shall request from the receiving state a progress report which includes a parole plan.
 3. Upon receipt of the progress report, it shall be forwarded to the sending facility.
 4. The sending facility shall prepare a parole eligibility report based on the progress report.
 5. The parole eligibility report shall then be processed the same as all other cases housed in-state.
- B. The Compact Administrator shall request a courtesy hearing of each Kansas compact resident before the receiving state's parole board.
 1. The request shall be made through the receiving state's Compact Coordinator.
 2. The results shall be forwarded directly to the Prisoner Review Board (PRB).
- C. Requests for courtesy hearings to be conducted by the PRB for compact residents shall be forwarded to the PRB.
 1. Copies of requests for courtesy hearings of compact residents received at the KDOC shall be forwarded to the facility parole officer at the receiving facility.
 2. Any results of hearings for compact residents received by the Department of Corrections shall be forwarded to the Compact Administrator in the receiving state.

VIII. Release of Corrections Compact Residents

- A. Kansas residents in other states may be released in the receiving state only if they have been accepted in that State for supervision under the provisions of the Interstate Corrections Compact.
- B. If such a plan has been approved, the facility parole officer (IPO) at the sending facility shall forward the applicable certificate of post release supervision, gratuity check, and reporting instructions to the Compact Administrator.
 1. The Compact Administrator shall forward the material to the receiving state with release instructions.
 2. In cases where time does not permit the above, the Compact Administrator may direct a facility's Compact Coordinator to forward the packet directly to the receiving state.
- C. In cases where arrangements for supervision in another state cannot be made, the resident shall be returned to Kansas for release.
 1. If the resident is being returned to Kansas upon release and requires medical and/or mental health follow up, or specialized home planning, the KDOC High Risk Mental Health Case

Manager shall be notified to initiate assessment and discharge planning no later than 90 days prior to release.

- D. Release of a compact resident from another state is dependent upon the instructions of the sending State.
 - 1. All such releases shall be coordinated by the Compact Administrator.

IX. This IMPP must serve as final policy in all departmental facilities, and no General Orders shall be developed or implemented on this subject.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff, residents and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees, residents or offenders, or an independent duty owed by the Department of Corrections to employees, residents, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure are not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS

None.

REFERENCES

None.

HISTORY

02-07-23 Original

ATTACHMENTS

Attachment	Title of Attachment	Page Total
A	Party States to the Interstate Corrections Compact	1 page
B	Transfer Request Cover Sheet	1 page
C	Interstate Corrections Compact Status Review	1 page
D	Review of Interstate Corrections Compact Request	1 page

Party States to the Interstate Corrections Compact ******

To transfer a resident under the Interstate Corrections Compact there are two (2) primary requirements:

1. That a state has appropriate legislation to permit such transfers, and
2. That there be a negotiated contract between the sending and receiving states.

Listed below are 41 states that have passed the appropriate legislation for the compact. Of these states, Kansas has negotiated contracts with 32 states and is, therefore, eligible to transfer residents to them. The states under contract are denoted by an asterisk "**".

*Alabama	*Nebraska
*Arizona	Nevada
*Arkansas	*New Mexico
California	*New Hampshire
*Colorado	*New Jersey
*Connecticut	*Ohio
*Delaware	*Oklahoma
*Florida	*Oregon
Georgia	*Pennsylvania
*Idaho	*North Carolina
*Illinois	South Carolina
*Indiana	*South Dakota
*Iowa	*Tennessee
Kansas	*Texas
*Kentucky	Utah
*Maine	*Vermont
*Maryland	*Virginia
*Massachusetts	*Washington
*Minnesota	*Wisconsin
*Missouri	*Wyoming
*Montana	

**Kansas Department of Corrections
Interstate Corrections Compact
Transfer Request Cover Sheet**

Date: _____

Resident Name: _____ Number: _____

Current Institution: _____ Requesting Transfer To: _____

The resident (_____ is aware/_____ is not aware) that this transfer is being requested.

Does the resident have family or other ties in the proposed receiving state? _____ Yes _____ No (If Yes explain and provide name, address, and explain relationship.)

Reason for recommending this transfer:

*For Biographical, Criminal History, Offense, and Sentence Information please refer to Kansas Department of Corrections Computerized "Resident Face Sheet" which is attached.

This resident's earliest possible release date is _____.

The resident earliest possible release date (_____ is/_____ is not) affected by good time.

The resident's current security classification is: _____.

Check Items Attached

_____ Journal Entries/Commitment Papers for each offense,

_____ FBI Report Date _____,

_____ Progress Report(s) dated: _____, _____, _____,

_____ Current Health Summary dated _____,

_____ Computerized Face Sheet,

_____ Most Recent,

_____ Most Recent Evaluation (SRDC/KCIL/TCF-RDU/EDCF-RDU) Report.

Warden

KANSAS DEPARTMENT OF CORRECTIONS
Interstate Corrections Compact Status Review

Date of Review:

Period Covered:

Resident Name:

KS Number:

Housing Facility:

_____ Number:

Parole Eligibility Date:

Sentence Begin Date:

Offense:

Controlling Sentence:

Method of earliest possible release is (parole) (post release supervision) (conditional release) (expiration of sentence).

If earliest possible release is via parole / post release supervision, is the date affected by good time? (Yes) (No)

If yes, based upon the most recent progress report from the other state, _____ days good time were awarded for the period _____ through _____. To date this resident has been awarded _____ days of a possible _____ days. There are a total of _____ days remaining to be earned.

Has the resident forfeited any good time? (Yes) (No)

If yes, the total number of days forfeited to date is _____.
(Please state specific case #, date and amount of each forfeiture.)

Comments/Recommendations:

Report prepared by _____
Name Date Facility

Report approved and forwarded to inmate through Interstate Compact Offices by:

_____ approved _____ disapproved
Interstate Compact Administrator Date

KANSAS DEPARTMENT OF CORRECTIONS

Review of Interstate Corrections Compact Request

- [] Proposed transfer from the State of _____
- [] Proposed transfer to the State of _____
- [] Compact resident proposed return to sending State of _____

Name: _____ ID # _____

Offenses:

Sentence:

Sentence Begins: _____ Parole Eligibility: _____

Reason for transfer:

Summary of disciplinary behavior while incarcerated:

History of escapes:

History of staff assaults:

Medical Summary:

Behavioral Health Summary:

Any known conflicts with current residents from the sending state:

Current resident balance between states:

COMMENTS:

Approve Disapprove Date _____
Interstate Corrections Compact Designee

Approve Disapprove Date _____
Deputy Secretary of Facility Management