

# INTERNAL MANAGEMENT POLICY & PROCEDURES

## STATEMENT OF ANNUAL REVIEW

**IMPP #11-104**

**Title: DECISION MAKING: Interstate Corrections Compact - Facility Transfer**

The above referenced Internal Management Policy and Procedure (IMPP), issued effective 12-07-02, was reviewed during February 2006 by the KDOC Policy Review Panel per IMPP 01-101. At the time of this annual review, the Policy Review Panel determined that: no substantive changes and/or modifications to this IMPP are necessary at this time, and the IMPP shall remain in effect as issued on the above stated date.

**The next scheduled review for this IMPP is February 2007.**

**This statement of annual review shall be placed in front of the referenced IMPP in all manuals.**

05/26/06

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Debi Holcomb, Victim Services Director  
Policy Review Committee Chairperson

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Date

A handwritten signature in black ink, appearing to read "Roger Werholtz", is written over a circular stamp. The stamp contains the text "VALID ONLY FOR IMPPS" repeated multiple times around the perimeter.

05/30/06


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Roger Werholtz, Secretary of Corrections

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Date

# KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b>  11-104	<b>PAGE NUMBER</b>  1 of 7
	<b>SUBJECT:</b>  <b>DECISION MAKING: Interstate Corrections Compact - Facility Transfer</b>		
<b>Approved By:</b>   <div style="text-align: right;"><b>Acting Secretary of Corrections</b></div>		<b>Original Date Issued:</b>	<b>08-15-82</b>
		<b>Current Amendment Effective:</b>	<b>12-07-02</b>
		<b>Replaces Amendment Issued:</b>	<b>02-07-98</b>

## 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 purposes of confining inmates under the custody of the Secretary in another state or for purposes of receiving inmates from outside the state for incarceration in a Kansas Department of Corrections facility. 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.

Wardens may recommend, and inmates may request, Interstate Corrections Compact transfers to provide for greater safety of an inmate, 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 inmates to other states is available to the Department when the need dictates such transfers shall generally be based upon population management considerations. No inmate shall be involuntarily transferred to any state in which the inmate has a pending indictment, and, requests for inmate transfers to other states to facilitate family visitation shall not be considered.

All interstate transfers of inmate supervision to and from out-of-state jurisdictions shall be handled in accordance with interstate compacts and other interstate agreements. (ACO 2-4B-02)

## DEFINITIONS

Admission Data Summary: A document generated by the KDOC management information system that contains a summary of offender information maintained on that system, including commitment, sentence and conviction data, identifying marks, detainer and escape information, and family history on a particular offender. Previously this document was generated manually as form #DC-043 and some versions of that form which exist may be labeled as an Admissions Data Sheet, Inmate Data Summary, or, Inmate Face Sheet.

Corrections Compact Administrator: An employee of the KDOC, supervised by the Deputy Secretary of Facility 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 offenders.

Party States to Interstate Corrections Compact: Those States which have appropriate legislation which permit inmate transfers, and, which have negotiated contracts between other sending and receiving states. A list of Party States and the states under contract with Kansas is contained in Attachment A.

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 inmate program agreements, furlough applications and transfer request/recommendations.

## **PROCEDURE**

### **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 Facility 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.

### **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 Facility 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 Facility 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.

### **III. Submission Of Requests For Interstate Corrections Compact Placement**

- A. Inmate requests for transfer shall be initiated through the inmate'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 inmate's request shall be disapproved and returned to the inmate, with an explanation for the disapproval.

- B. Inmate 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 inmate 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, form #11-104-001) 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 Facility 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, form #11-104-003).
  - 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 Facility Management for final approval or disapproval.
  - 4. The Corrections Compact Administrator shall inform the facility of the final decision within ten (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 institution along with an explanation for the disapproval.
    - a. The warden or designee shall notify the inmate 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 Facility 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 inmate when the transfer occurs.

#### **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, form #11-104-003).
- 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 Facility Management for final approval or disapproval.
- D. The Corrections Compact Administrator shall inform the sending state of the final decision within ten (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 inmate shall be assigned to a facility for housing.
  - 2. The Corrections Compact Administrator shall inform the sending state of the facility at which the inmate is housed.

#### **V. Removal of Inmate From Compact Status**

- A. All requests for removal of a Kansas inmate 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 inmate to an appropriate facility within thirty (30) days.
  - 2. If the request is from the inmate, 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, form #11-104-003).

- (1) The request shall be reviewed by the Corrections Compact Administrator who shall recommend a course of action to the Deputy Secretary of Facility Management.
  - (2) The decision of the Deputy Secretary of Facility 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 inmates from other states may be removed from the Kansas Department of Corrections under the following circumstances:
1. If the inmate can no longer safely be housed in the KDOC;
  2. If the inmate'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 inmate, 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 Facility 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, form #11-104-003).
    - 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 Facility Management for final approval or disapproval.
    - c. If the request is approved, the Corrections Compact Administrator shall notify the sending state within ten (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 inmate is housed of the disapproval and the reasons therefore, within ten (10) working days of the receipt of the decision.
      - (1) The warden or designee shall notify the inmate 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 inmates housed in other states, the Compact Administrator shall request progress reports every six months.
- 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 Inmate Status Review form (Attachment C, form #11-104-002). 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. Inmate;
    - b. Receiving State Compact authority;
    - c. Sending Kansas facility;
    - d. KDOC inmate file; and,
    - e. Interstate Compact files.
- E. Corrections Compact inmates from other states housed in Kansas shall be reviewed on the same basis as Kansas inmates.
  - 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 inmates shall not be returned to Kansas for parole hearings.
  - 1. Inmates serving their Kansas sentence in another state shall be docketed for an inabsentia hearing at the sending facility during the month prior to the inmate's parole eligibility.
  - 2. Three 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 inmate 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 Kansas Parole Board.
  - C. Requests for courtesy hearings to be conducted for compact inmates by the Kansas Parole Board shall be forwarded to the Kansas Parole Board.
    1. Copies of requests for courtesy hearings of compact inmates received at the KDOC shall be forwarded to the facility parole officer at the receiving facility.
    2. Any results of hearings for compact inmates received by the Department of Corrections shall be forwarded to the Compact Administrator in the receiving state.

#### **VIII. Release Of Corrections Compact Inmates**

- A. Kansas inmates 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 inmate shall be returned to Kansas for release.
- D. Release of a compact inmate from another state is dependent upon the instructions of the sending State.
  1. All such releases shall be coordinated by the Compact Administrator.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities who are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to either employees, offenders, or third parties. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

#### **REPORTS REQUIRED**

None.



**REFERENCES**

KSA 76-3001, 76-3002, 76-3003.  
ACO 2-4B-02

**ATTACHMENTS**

Attachment A - Party States to the Interstate Corrections Compact, 1 page  
Attachment B - Transfer Request Cover Sheet, 1 page  
Attachment C - Interstate Corrections Compact Status Review, 1 page  
Attachment D - Interstate Corrections Compact Request, 1 page

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

To transfer an inmate under the Interstate Corrections Compact there are two primary requirements:

1. That a state have 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 inmates 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	

07-02

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

Date: \_\_\_\_\_

Inmate Name: \_\_\_\_\_ Number: \_\_\_\_\_

Current Institution: \_\_\_\_\_ Requesting Transfer To: \_\_\_\_\_

The inmate ( \_\_\_\_\_ is aware/ \_\_\_\_\_ is not aware) that this transfer is being requested.

Does the inmate 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 "Inmate Face Sheet" which is attached.

This inmate's earliest possible release date is \_\_\_\_\_.

The inmate's earliest possible release date ( \_\_\_\_\_ is/ \_\_\_\_\_ is not) affected by good time.

The inmate'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

Form #11-104-001

**KANSAS DEPARTMENT OF CORRECTIONS**  
**Interstate Corrections Compact Status Review**

Date of Review:

Period Covered:

Inmate Name:

KS Number:

Housing Facility:

\_\_\_\_\_ Number:

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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 inmate has been awarded \_\_\_\_\_ days of a possible \_\_\_\_\_ days. There are a total of \_\_\_\_\_ days remaining to be earned.

Has the inmate 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

Form #11-104-002

**KANSAS DEPARTMENT OF CORRECTIONS**  
**Review of Interstate Corrections Compact Request**

[     ]     Proposed transfer from the State of

[     ]     Proposed transfer to the State of

[     ]     Compact inmate proposed return to sending State of

Name: \_\_\_\_\_ ID #

Offenses:

Sentence:

Sentence Begins: \_\_\_\_\_ Parole Eligibility:

COMMENTS:

\_\_\_\_\_  
Approve     Disapprove     Interstate Corrections Compact Designee

\_\_\_\_\_  
Approve     Disapprove     Deputy Secretary of Facility Management