



KANSAS DEPARTMENT OF CORRECTIONS

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|  Department of Corrections | INTERNAL MANAGEMENT POLICY AND PROCEDURE | SECTION NUMBER 05-108A | PAGE NUMBER 1 of 12 |
| | | INFORMATION TECHNOLOGY & RECORDS: Detainer Processing For All Offenders | |
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POLICY STATEMENT

Upon the receipt of a journal entry, warrant, or an official notice evidencing an untried indictment, information, complaint, motion to revoke probation ordered by a Kansas court, a sentencing disposition that cannot be executed by the Secretary of Corrections, or a pending deportation proceeding, the Kansas Department of Corrections shall lodge a detainer in favor of the appropriate jurisdiction. Upon the receipt of a journal entry or a sentencing disposition regarding a sentence to be executed by the Kansas Secretary of Corrections or a warrant for the violation of release supervision conditions issued by the Kansas Secretary of Corrections, the Kansas Department of Corrections shall issue a detainer request to the appropriate jurisdiction.

Also upon receipt of a warrant or an official notice evidencing an untried indictment, information, or complaint, or a motion to revoke probation pending in a Kansas state court, the Department shall duly notify the offender subject of such pending action against the subject, the lodging of a detainer in connection with receipt of the warrant or official notice, and a statement of the offender's right to request disposition of the detainer, in accordance with the Mandatory Disposition of Detainers Act, (MDDA) at K.S.A. 22-4301, *et seq.* The Department shall thereafter comply with the requirements of the MDDA in the event that the offender requests disposition of any such pending detainer.

Upon receipt of a warrant or an official notice evidencing an untried indictment, information, or complaint pending in the courts of another jurisdiction, the Department shall duly notify the offender subject of such pending action against the subject, the lodging of a detainer in connection with receipt of the warrant or official notice, and a statement of the offender's right to request disposition of the detainer, in accordance with the Interstate Agreement on Detainers (IAD) at K.S.A. 22-4401, *et seq.* The Department shall thereafter comply with the requirements of the IAD in the event that the offender requests disposition of any such pending detainer.

Pursuant to a systematic and reciprocal agreement between KDOC and the Department of Homeland Security, Immigration, and Customs Enforcement (ICE), the Department shall seek to ensure a consistent statewide approach to providing assistance to ICE in identifying illegal immigrants among the offender population and in processing ICE detainees. Such a cooperative arrangement shall promote the goals of clarity in the identification and processing of foreign born offenders to allow for successful standardization in their tracking, consistency in the location and timeliness of identifying such offenders in KDOC custody (including the appropriate application of ICE data), and continuity in the status tracking and final disposition of each foreign born subject.

It is the policy of the Department, in conformity with state law, to determine, through state and federal databases, the existence of warrants/wants and detainees issued for offenders being processed for release from confinement. Therefore, the procedures contained within this document shall be utilized prior to the release of an offender from confinement.

DEFINITIONS

ALERT: The Automated Law Enforcement Response Team, a computerized criminal justice information system designed to serve criminal justice agencies within the regional Kansas City metropolitan area.

ALL Message: Administrative message delivered to all KCJIS law enforcement agencies (excluding ALERT and non-law enforcement).

Case manager: A KDOC staff person who takes a comprehensive approach to post-conviction supervision of offenders to reduce risk and support reintegration by; assessment, development and implementation of strategies, programs and interventions using a case management plan. This includes unit team counselors, parole officers and reentry case managers.

CJIS: Criminal Justice Information System, a nationwide computerized information system established by the Federal Bureau of Investigation to provide a secure means of communications between law enforcement agencies. Other systems that may be accessed thru CJIS include: NCIC, ALERT, NLETS, and Kansas CJIS.

Compact Administrator: The staff member who serves as the chief administrative officer for overall supervision of all activities associated with the Department's participation in the Interstate Compact for Adult Offender Supervision (Compact), carried out by the KDOC Interstate Compact Unit.

Detainer: A notice filed by the Department of Corrections acknowledging that it is in receipt of a detainer request from another jurisdiction.

Detainer Clerk: The facility records staff member designated to process detainer requests and to contact jurisdictions regarding the status and resolution of pending detainers. NOTE: The warden or designee may designate additional staff persons to contact jurisdictions about resolution of pending detainers above and beyond the Detainer Clerk.

Detainer request: A notice received from a jurisdiction having an interest in an offender by virtue of a journal entry, warrant or other official notice evidencing either an untried indictment, information, or complaint, a motion to revoke probation ordered by a Kansas court, or a sentencing disposition sent to the jurisdiction having physical custody of the offender requesting notification prior to the offender's release from custody.

Detainer Verification: Contact with a law enforcement agency that has lodged a detainer with the Department of Corrections for the purpose of confirming the existence of a detainer and to arrange necessary transportation of the offender to the jurisdiction of the lodging agency, while making an effort to resolve the detainer prior to release.

Detainer Resolution: Contact with a law enforcement agency that has lodged a detainer with the Department of Corrections, for the purpose of determining the agency's intentions regarding the detainer and to discuss options that will allow the offender to release as scheduled to an approved plan, while still satisfying the legal requirements of that agency.

Detainer Coordinator: A position in Central Office in the Facilities Management Division who serves as a liaison between KDOC and various agencies that have lodged detainers on incarcerated offenders.

Deputy Compact Administrator: The assistant to the Compact Administrator. Responsible for supervision of the Kansas Department of Corrections Interstate Compact Unit staff and for day to day operations of the unit.

ICE: An acronym for the federal Bureau of Immigration and Customs Enforcement, Department of Homeland Security.

Immigration and Custom Enforcement (ICE) Detainers: A judgment and commitment or untried detainer request filed by the Department of Immigration and Naturalization Services. Judgment and Commitment Detainers: A detainer request indicating there is a conviction or sentencing disposition on an offender in the Departments custody.

Kansas Administrative Message (KAM): A free text message containing any approved information that is sent to only Kansas CJIS agencies.

NCIC: National Crime Information Center, a nationwide computerized information system established as a service to all criminal justice agencies local, state and federal.

NCIC Wanted Person File: A database maintained in NCIC containing entries from law enforcement agencies on individuals for whom a felony or serious misdemeanor warrant is outstanding.

NLETS: National Law Enforcement Telecommunications System, a nationwide computerized information network established to facilitate communication between law enforcement agencies in different states.

Notification Only Detainers: A detainer request indicating a need to notify a jurisdiction of an offenders pending release from custody.

Offender: A person who is in the legal custody of the Secretary of Corrections. This term refers to both inmates and persons under post-incarceration supervision.

OMIS: Offender Management Information System.

ORI: Originating Agency Identifier, a nine-character identifier assigned by FCI CJIS staff to an agency that has met the established qualifying criteria for ORI assignment to identify the agency in transactions on the NCIC System.

Originating authority: Authority or jurisdiction from which a detainer request originates.

Private KASPER: The Department's intranet-based "Kansas Adult Supervised Population Electronic Repository" consisting of basic biographical, criminal history record information, photo, facility movement and disciplinary records for individual offenders committed to Departmental custody and available only to KDOC, community corrections, and selected contract staff.

Sex Predator Commitment Act Administrator: Screens all offenders to ensure that those requiring additional processing under the Sex Predator Commitment Act are properly referred to the Multidisciplinary Team.

TOADS: Total Offender Activity Documentation System

Triple I (III): The Interstate Identification Index, a computerized file maintained in NCIC that provides personal descriptors and criminal histories of individuals who have been arrested. Source documents of all descriptors and criminal history is supported by fingerprint cards.

Untried Indictment: A detainer request informing the Department there is an untried indictment, information or complaint filed against an offender in the Departments custody.

PROCEDURES

I. Identifying Detainers at Admission

- A. When an offender enters through RDU (EDCF or TCF) designated intake staff shall identify pending warrants (or detainers), criminal and civil, from all jurisdictions, regarding the offender, including lodged and unlodged, using these strategies:
 1. Review Pre-Sentence Investigation report, Journal Entries, or other documents from the county of latest conviction that arrive with the offender.
 2. Interview the offender, using the attached Detainer Interview Guide (Attachment A), covering at least the last ten years, to identify potential jurisdictions with warrants.
 3. Review parole and community corrections contact notes, closing summary, or other relevant portions of TOADS, if the offender has been on supervision in the community.

4. Query and send an administrative message (KAM) to the following systems:
 - a. NCIC Wanted Filed
 - b. NCIC Triple I
 - c. KCJIS ALLL
 - d. Kansas Wanted File
 - e. NLETS ALLL
 - (1) Missouri
 - (2) Colorado
 - (3) Nebraska
 - (4) Oklahoma
 - f. Other states where it is learned that the offender might have a pending warrant
 5. Contact jurisdictions identified by the offender, where no warrant was found through any electronic records check as described above, by either sending an Originating Agency Indicator (ORI) electronically, or sending a form letter to the jurisdiction, using the form letter at Attachment B.
- B. Enter all identified warrants (or detainees) into the detainer database in TOADS, with full information known.
 - C. Make a chronological entry in TOADS stating the search was done and whether anything was found and entered in the detainer database.
 - D. Determine the impact of any found warrants on the offender's custody classification.
 - E. Image all hard copy documents received regarding all warrants (or detainees).
 - F. Notify the offender of the pending detainees using Attachment C, and as applicable, either Attachment M or Attachment N, and record that this notification was done in the TOADS detainer screen.
 - G. If the offender has thirty (30) days or less to serve, notify the RDU Reentry Specialist at EDCF and the R3 Coordinator at TCF or designee, so they can help try to resolve the detainer or, if it cannot be resolved, factor it into the release plan.

II. Addressing Detainers After Admission

- A. After an offender arrives at his home facility, the facility shall continue to review information about pending warrants or detainees as described in this section.
 1. The facility Detainer Clerk or designee shall review the detainer information in the TOADS database, and determine if information is missing; if so, s/he shall follow up and obtain and enter the rest of the information on known warrants and detainees.

- a. If there is not a hard copy of the warrant or detainer already obtained and imaged, the facility Detainer Clerk shall obtain the copy and image it.
 2. If the facility receives notice of new warrants and detainers, full information on the warrant and detainer shall be obtained, imaged, and entered into the TOADS database as described in this policy.
- B. Further electronic inquiry as described at Section I.A. above shall be done to determine if there are new warrants and detainers:
1. Before a custody change to minimum custody;
 - a. If the offender was removed from minimum custody status due to a disciplinary conviction and is subsequently being returned, a check need not be conducted if one has been run in the past twelve (12) months.
 2. Before placement in work release or private industry;
 3. Any time facility staff receive information indicating there may be a new warrant that has been issued;
 4. Sixteen (16) months pre-release, if no inquiry has been done in the last twelve (12) months;
 5. Six (6) months pre-release, using the language and process at Attachment D.
 6. Two (2) weeks pre-release at the same time notification of release is being made, using the language and process at Attachment E.

III. Resolution of Detainers

- A. All staff working on a case has responsibility to participate in the effort to resolve pending warrants and detainers when it is appropriate and possible to do so.
- B. In order to ensure quality and avoid overwhelming the various jurisdictions with calls about detainers, the warden or his/her designee shall designate the person(s) who, beyond the Detainer Clerk, is/are authorized to contact jurisdictions to resolve pending warrants and detainers.
- C. When a unit team counselor receives a new case, s/he shall review the information in TOADS to determine if there are pending unresolved warrants and detainers and follow up , including:
 1. Interviewing the offender about unknown warrants and detainers using Attachment A, if this has not been done (or not done recently); and
 2. Determining if there is additional or missing information about pending detainers.
 3. If this effort produces information of a possible additional warrant or detainer, the unit team counselor shall contact the facility Detainer Clerk and request that a check be done in the jurisdiction indicated, and the unit team counselor shall follow up on the detainer consistent with this policy.
 - a. The facility Detainer Clerk shall contact the jurisdiction indicated, with the details provided from the unit team counselor, to determine if there is a pending warrant and detainer. All information learned shall be entered in the TOADS database and imaged in accordance with this policy. The offender shall be notified of the newly learned warrant and detainer in accordance with this policy.

- D. The unit team counselor assigned to the case shall take the responsibility to initiate resolution of pending warrants and detainers when appropriate and possible. This shall be considered an essential part of case management.

IV. Withdrawal of Warrants and Cancellation of Detainer

- A. If a warrant is withdrawn and a detainer canceled, the facility shall request written verification of this fact.
- B. The facility Detainer Clerk shall enter the withdrawal and cancellation information in the TOADS database, shall make a chronological entry in TOADS of the withdrawal and cancellation, shall image the written verification, shall notify the unit team counselor, and shall notify the offender using Attachment F.
1. If the withdrawal and cancellation were done with the understanding or agreement that the offender would follow up on any criminal or civil matter, this shall be expressly noted in the reentry plan so that appropriate follow up can be done.

V. Release of an Offender to an Active Warrant and Detainer

- A. Except for Notification Only Detainers or Detainers for Sexually Violent Predator Petitions, within thirty (30) days of the offender's scheduled release, the facility detainer clerk shall contact the originating authority so that arrangements can be made to transport the offender to the appropriate jurisdiction.
1. If the detainer is a Notification Only Detainer, either mail or fax a notice (Attachment G) to the originating authority. The facility detainer clerk may also follow up with a documented phone call or FAX.
 2. If the detainer is for a Sexually Violent Predator Petition, when the facility is notified by the Sexually Violent Predator Petition Administrator or designee that the jurisdiction that will be taking the offender is ready for the offender to be transferred, the Detainer Clerk shall contact the Sheriff's Department of that jurisdiction to schedule pick up by the county of the offender.
 - a. If no such notification is received within five (5) working days of the offender's scheduled release, the detainer clerk shall notify the Sex Predator Commitment Act Administrator or designee to determine the status of the pick-up of the offender and make a reminder that the offender's release date is approaching.
 - (1) If neither the Sex Predator Commitment Act Administrator nor designees are available, the detainer clerk shall contact the Attorney General's Office.
- B. The detainer clerk shall log all contacts with the originating authority in the Electronic Chronological File (Contact Type – Detainer) in TOADS.
1. Written correspondence shall be imaged under section L4: Detainers and Warrants of the electronic records system.
- C. Upon the release of an offender identified in the detainer request, the detainer clerk shall notify the appropriate jurisdiction of the detainer cancellation, using the Detainer Canceled Notice (Attachment G), and place a copy of the notice with the detainer in the offender's master file.
1. The facility detainer clerk shall make the necessary changes to TOADS.
 2. Designated facility staff shall place the physical address of the agency taking custody as the release address in OMIS.

- D. When it is necessary to release an offender with detainers from multiple jurisdictions, the release shall be prioritized and notifications provided to interested agencies.
1. The order of release shall be as follows:
 - a. When either the offender or prosecuting authority has made a request for disposition of an untried complaint, indictment, or information, or a motion to revoke probation ordered by a Kansas court, the jurisdiction from which the detainer request originated shall receive preference in obtaining custody of the offender. Conflicts between multiple jurisdictions involving requests for disposition of untried complaints, indictments, or information shall be prioritized pursuant to Section III.D.1.c.
 - b. Detainers arising from a journal entry or other official notice evidencing a sentencing disposition. Conflicts between multiple jurisdictions involving sentencing dispositions shall be prioritized pursuant to Section III.D.1.c.
 - c. Detainers arising from untried complaints, indictments, or information for which a request for disposition has not been made, probation, or post-release supervision violations, and conflicts between multiple jurisdictions shall be prioritized as follows:
 - (1) Sexually Violent Predator Civil Commitment Act Detainer;
 - (2) In State Detainers;
 - (3) Federal Detainers (except ICE);
 - (4) Out of State Detainers (non-Federal);
 - (5) Probation and post-release supervision violations; and,
 - (6) Federal Immigration and Customization and Enforcement (ICE) Detainers; and,
 - d. Any priority agreed to by the jurisdictions from which detainer requests have originated or a priority established by the Kansas Detainer Compact Administrator shall supersede the priorities established by this IMPP.
 2. All jurisdictions that have filed a detainer request shall be notified of the offender's release.
 - a. A list of all remaining known detainers from other jurisdictions shall be forwarded to the jurisdiction to which the offender is released.
 3. When releasing an offender to the custody of another jurisdiction who has active detainers from jurisdictions other than that to which the offender is being released, the records officers shall complete Offender Clearance Form (Attachment H).
 - a. If the KDOC Transportation Unit is assisting in the transportation of an offender who is being transferred to the custody of another jurisdiction, the transportation officer shall ensure that the Offender Clearance Form (Attachment H) is signed and returned to the appropriate Records Officer.
- E. When an offender is released on post release supervision to an out-of-state (includes federal) detainer, notification shall be made by the Classification Administrator designee, on the date of release to the Kansas Department of Corrections Interstate Compact Office, via email to kscompact@doc.ks.gov. Such notification shall include (but not be limited to):
1. KDOC Conviction Name and number;
 2. Name on detainer, if different from KDOC conviction name;

3. Date of release from a KDOC facility;
 4. Agency taking custody of the offender;
 5. Physical address of the facility/agency taking custody of the offender;
 6. Projected release date from the detainer if known;
 7. Proposed residence upon release from the detainer; and
 8. Other information relevant to the release or other jurisdictions with an interest in the offender.
- F. Except as indicated in Section 1. below, an offender released to a detainer shall not be eligible for cash gratuity.
1. If an offender paroled or released to a detainer is subsequently released from that and all other detainers within thirty (30) days from release from prison, the offender shall be eligible for cash gratuity pursuant to procedures in IMPP 04-105A.
- G. Subsequent to an escape, notification shall be made to the jurisdictions(s) lodging the detainer (s).
1. This notification shall be carried out in concert with all applicable provisions of IMPP 01-113, IMPP 19-101D, as well as Facility Emergency Plans governing Escapes.
 2. Once notification has taken place, the pending detainers shall be closed in TOADS. Information should be documented in the Notes section of the detainer screen.

VI. Mandatory Disposition of Warrants and Detainers

- A. Notification of an offender's opportunity to file a request for a final disposition of any untried indictment, information, motion to revoke probation, or complaint pending against such person in this state shall be made at the time that the offender is served with a detainer.
1. Such requests for the Mandatory Disposition of Kansas in-state Detainers shall be processed in accordance with the Mandatory Disposition of Detainers Act, at K.S.A. 22-4301, et al.
 2. Municipal detainers are excluded from the notification requirements of KSA. 22-4303, but a request for disposition of such a detainer by either the offender subject or the agency or prosecutor lodging the detainer shall nonetheless be processed as otherwise provided by the relevant statutory provisions of the MDDA (Attachment M), and Notification of a Warrant/Detainer (Attachment C) and MDDA shall then be provided to said offender.
- B. Notification of an offender's opportunity to file a request for a final disposition of any untried indictment, information, or complaint pending against such person in another state or a federal court shall be made at the time that the offender is served with a detainer thereon.
1. Such requests for the Mandatory Disposition of Detainers for all Out-of-State and Federal Detainers shall be processed in accordance with the Interstate Agreement on Detainers, at K.S.A. 22-4401, et seq.
- C. Efforts should be made to encourage and assist the offender in the resolution of all other detainers, including but not limited to city, municipal, traffic, etc.
1. All efforts should be properly documented in TOADS.
 2. Any request for disposition of a warrant and detainer sent by an offender shall be sent by Certified Mail, Return Receipt Request, addressed to the prosecutor and the court in which the pending charges or warrant is filed, as required by statute, at the offender's expense, except:

- a. When an offender is indigent as defined by KDOC policy IMPP 12-127.
 - b. If the unit team counselor identifies a significant reason to advance a case plan in consideration of the full financial picture of the offender, where resolution will be consistent with public safety and the offender's reentry and reintegration into society, the Classification Administrator can approve an exception, and the facility can pay the cost.
- D. In the event that the request for disposition was filed and the timeframes have expired with no response from the agency receiving the request, the facility detainer clerk will forward, by US mail, a request for Order Cancelling State Detainer (Attachment I), which requests review and consideration of possible dismissal of the information and arrest warrant.
1. Unless and until an order canceling the detainer, or a written notice or request to withdraw or cancel the detainer by the prosecutor or agency lodging the detainer is received, the detainer shall remain active and shall be treated accordingly.

VII. Issuing KDOC Notices

- A. Holds
1. In those instances in which an individual in the custody of the Secretary of Corrections is released to court or another jurisdiction and that individual owes time remaining on the prison part of his or her sentence, a KDOC hold shall be placed on the offender using the following:
 - a. A letter to the holding agency that includes the offender's name, KDOC number, the name of the facility requesting the KDOC hold, and any other active cases (Attachment J); and
 - b. Indication of the request for a KDOC holds on the Body Receipt to the effect that "the facility records department shall be notified prior to the offender's release".
- B. Notifications
1. In those cases when only a notification is required in order to assume/resume supervision, a letter advising the receiving jurisdiction to notify the KDOC upon the offender's release from custody shall be sent to the holding agency.

VIII. Issuing KDOC Notices on Sexually Violent Offenders

- A. Upon receiving notification from the Attorney General's office that a petition will be filed on an offender under the provisions of the Sex Predator Commitment Act the Administrator or designee shall notify the classification administrator or designee at the facility housing the offender, by e-mail.
- B. The classification administrator or designee shall forward the notification to the facility detainer clerk or designee.

IX. In Absentia Cases

- A. Except as provided in Section F below, upon notification that there may be an offender sentenced to the Secretary of Corrections who is serving a concurrent or consecutive sentence in another state or in a Federal prison, the Corrections Counselor II assigned to the Centralized Sentence Computation Unit shall:
1. Confirm the information;
 2. Request two copies of Certified Journal Order of Sentencing and supporting documentation from the appropriate Clerk of Court;

3. Confirm the current location of the offender and his or her registration number;
 4. Request the projected release dates from the jurisdiction in which the offender is being housed;
 5. Enter sentencing data from the Journal Entry of Sentencing and create the necessary OMIS records;
 6. Create and compute the Good Time Log (concurrent sentences only); and,
 7. Establish an *in absentia* file.
- B. At the time the OMIS records are established, the CCII assigned to the Centralized Sentence Computation Unit or designee shall:
1. Ensure that the consecutive sentence "Release Notification" (Attachment K) or the concurrent sentence "Detainer Notice Letter" (Attachment L) is mailed to the jurisdiction in which the *in absentia* offender is being housed.
 - a. The notice shall be sent certified mail, return receipt requested; or
 - b. Sent via electronic mail with confirmation requested.
 2. No less than twenty (20) days prior to release on the Kansas sentence:
 - a. Secure the number of the offender and the latest date of release on the Kansas sentence and verify that the offender is still in custody;
 - b. Request the Kansas Parole Board to issue a release certificate.
 3. No less than fifteen (15) days prior to release:
 - a. Forward the release certificate and materials to the jurisdiction in which the offender is in custody.
 - (1) Include a cover letter stating the date that the offender will satisfy the prison portion of his or her Kansas sentence, and advising the officials of the confinement jurisdiction that the department has issued a "Notification Request" (Attachment K) from the Kansas Department of Corrections Interstate Compact Coordinator or designee.
 - b. Via e-mail, advise the Department's Deputy Compact Administrator or designee for Parole the name, location and registration number of the offender.
 4. Conduct an annual review of the status of all *in absentia* offenders.
- C. The Deputy Compact Administrator or designee for Parole shall submit to the Kansas Parole Board, not more than thirty (30) days prior to the date of the scheduled discharge on the Kansas sentence, a request for the issuance of a Certificate of Discharge.
- D. The CCII assigned to the Centralized Sentence Computation Unit or designee shall notify the KDOC Transportation Coordinator to schedule for admission and transfer of *in absentia* offenders scheduled for release from another state that still have time remaining on the prison portion of their Kansas sentence.
- E. The Deputy Compact Administrator or designee for Parole shall track the supervision of *in absentia* offenders released from another state that have served the prison portion of their Kansas sentence.
- F. Upon notification that there may be an offender sentenced to the Secretary of Corrections who is serving a concurrent sentence in another state or in a Federal prison who has reached the latest release date on the prison portion of the Kansas sentence, the Corrections Counselor II assigned to the Centralized Sentence Computation Unit or designee shall:

1. Create an *in absentia* record;
2. Request a release Certificate of Release from the Kansas Parole Board; and
3. Complete procedures outlined in Section B3 above.

X. Immigration & Customs Enforcement (ICE) Detainers

A. Identification, Reporting, and Tracking of Foreign-Born Offenders

1. Upon intake into any KDOC facility, all offenders shall be screened in regard to nationality, and the completed inmate data summary sheet of any foreign-born subject shall be immediately faxed to that facility's designated ICE office for review, investigation, and disposition as concerns the matter of detainer status for that subject as determined by ICE.
 - a. Screening shall consist of review of documentation concerning nationality or citizenship, including but not limited to passports, visas, work permits, etc., if any, and a personal interview of the subject offender.
 - b. When fingerprinting intake offenders, KDOC staff shall run an additional copy of the fingerprint cards, and shall maintain these at the facility for pick-up by staff of the facility's designated ICE office.
 - c. Facility staff shall notify appropriate ICE office staff by Email and/or FAX as to the identity of the offender or offender's fingerprinted, and of the availability of the fingerprint cards.

- B. KDOC facility and community supervision staff shall thereafter make timely inquiry to ICE as to detainer status of any such offender, as needed for purposes of programming, facility and housing assignment, and other matters of offender management, as well as release planning.

XI. Collaborative Activities Between KDOC and ICE Staff

- A. Upon verification of employment and authorization to engage in immigration law enforcement activities, ICE officers shall be allowed access to Private KASPER in order to facilitate their ability to more readily identify illegal immigrants in Departmental custody.
- B. ICE officers and legal counsel, as well as federal immigration judges and their staff, shall be permitted to utilize video teleconferencing capabilities in KDOC facilities, and to also visit facilities upon prior arrangement in order to conduct deportation hearings, and/or to obtain a signed deportation waiver.
- C. Cooperative efforts between KDOC staff, ICE officers, and the federal judiciary shall be directed toward developing a realistic plan for the disposition of outstanding detainers on foreign-born nationals in KDOC custody.
 1. As deportation is no longer the norm for offender's facing ICE detainers, the issuance of a "No Plans" community placement document for offenders releasing to an ICE detainer shall no longer be the accepted practice.
 2. Facility personnel, in cooperation with appropriate field services staff shall, in all cases where deportation has not been assured, prepare secondary plans for the offender's reentry to the community.

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 employees, 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 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

K.S.A. 22-4301; K.S.A. 22-4401; K.S.A. 22-4605
IMPP 01-113; 04-105A; 11-102; 12-127; 19-101D

ATTACHMENTS

| Attachment | Title of Attachment | Page Total |
|-------------------|---|-------------------|
| A | Offender History Interview Guide | 2 Page(s) |
| B | Jurisdictional Warrant and Detainer Inquiry | 1 Page(s) |
| C | Notification of a Warrant and Detainer | 1 Page(s) |
| D | Inquiry for Warrants and Detainers (Release Planning) | 1 Page(s) |
| E | Inquiry for Warrants and Detainers (2-Week Pre-Release) | 1 Page(s) |
| F | Withdrawal & Cancellation Notice | 1 Page(s) |
| G | Detainer Action Letter | 1 Page(s) |
| H | Offender Clearance Form | 1 Page(s) |
| I | Request for Order Cancelling State Detainer | 1 Page(s) |
| J | Detainer [KDOC Hold] | 1 Page(s) |
| K | Release Notification | 1 Page(s) |
| L | Notification Request | 1 Page(s) |
| M | Mandatory Disposition of Detainers Act (MDDA) | 1 Page(s) |
| N | State of Kansas Agreement on Detainers Form I | 1 Page(s) |

Kansas Department of Corrections
Offender History Interview Guide

As a part of our ongoing process to improve your opportunities for success upon release from the Kansas Department of Corrections (KDOC) we are collecting the following information. This will help you and KDOC staff identify resources that may be available to assist you as well as possible barriers to your release. If barriers such as warrants or detainers are identified we will assist you in contacting those jurisdictions and in developing a plan to resolve the detainer so that you will be able to develop a release plan that offers you the best opportunity for success.

Name _____ KDOC # _____ Date _____

Where did you live at time of your arrest on current charges?

Street City State Zip code

What did you consider your home address at time of admission to the Kansas Department of Corrections?

Street City State Zip code

For the ten (10) years prior to this incarceration please list the addresses where you lived. If you do not recall the complete address, please indicate city and state.

Street City State Zip code

Street City State Zip code

Street City State Zip code

Street City State Zip code

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| Street | City | State | Zip code |
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| Street | City | State | Zip code |
|--------|------|-------|----------|

Reflecting back over the last 10 year period please list those Cities and States in which you have traveled and have had Law Enforcement contact in which you *may* still have pending traffic charges, unpaid ticket(s) or fines and court costs owing.

Are you aware of any law enforcement agency that may be investigating you on any further charges or any jurisdiction that may be holding charges on you that have not been filed yet? If so – please list:

714 SW Jackson, Suite 300
Topeka, KS 66603



Phone: (785) 296-3317
Fax: (785) 296-0014
Email: kdocpub@ks.gov
www.doc.ks.gov

Joe Norwood, Secretary

Sam Brownback, Governor

Jurisdictional Warrant and Detainer Inquiry

To: _____
(Address)

Date: / /

Re: _____ KDOC # _____
DOB: / / SSN: - -
Known Alias: _____

Attn: _____:

I am currently incarcerated in a Kansas Department of Corrections Facility. Prior to my incarceration, I had contact with Law Enforcement Officers in your area. I am uncertain if there are any wants or warrants for me with your agency or surrounding jurisdictions.

I am requesting notification from your agency of any outstanding wants or warrants you may have for me at this time.

To address risk factors that may lead to future criminal behavior, the Kansas Department of Corrections needs to establish a case plan that includes reentry services. Warrants that are identified early in the incarceration can be addressed as part of my case plan. Restitution and/or court costs payment plans can be developed to satisfy those issues related to detainers prior to my release.

Detainers that will require me to serve a sentence in a local jurisdiction can also be addressed or included in the case plan. The KDOC can help me develop a release plan prior to transfer to the local jurisdiction that includes appropriate housing, transportation, and employment. Plans that include these three factors contribute to public safety by reducing the likelihood of criminal behavior.

Your assistance with this process will help your agencies, the Kansas Department of Corrections, your community and myself, work together for the common goal of safer communities,

Please provide the status of any want or warrant and/or any pending charges to me through the following KDOC Detainer Clerk:

Name
Facility
Address
City, Kansas Zip Code

Thank you for your time and attention in this matter.

Signed: _____ Staff Reviewer: _____

KANSAS DEPARTMENT OF CORRECTIONS

Notification of a Warrant and Detainer

DATE: _____

NAME: _____

KDOC NUMBER: _____

HOLD ORDER REQUESTED FROM:

County/Sheriff Name

Address

Warrant/Case Number

Crime/Violation

_____ FELONY

_____ MISDEMEANOR

_____ NOTIFICATION ONLY

_____ JUDGMENT (Journal entry or order of sentencing)

_____ SEXUALLY VIOLENT PREDATOR CIVIL COMMITMENT DETAINER

_____ UNITED STATES MARSHAL'S SERVICE

_____ UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

Inmate's Signature and Number Acknowledging Receipt

Signature of Staff as Witness/Date

Any person who is imprisoned in a penal or correctional institution of this state may request final disposition of any untried indictment, information, motion to revoke probation, or complaint pending against such person in this state. The request shall be in writing, addressed to the court in which the indictment, information, motion to revoke probation, or complaint is pending and to the county attorney charged with the duty of prosecuting it, and shall set forth the place of imprisonment, pursuant to KSA 22-4301.

You also have the right to request disposition of any untried criminal indictment, information or complaint filed against you in any other state or with a Federal Court, pursuant to KSA 22-4401, *et seq.*

Distribution: Unit Team
 Offender
 Originating Authority
 L-4 Imaging(Master File)

Inquiry for Warrants and Detainers
(Release Planning)

The Kansas Department of Corrections is in the release planning phase with the following offender [s]. Part of release planning is identifying and resolving barriers that directly affect the plan and the successful reintegration into our communities. Please advise this facility immediately whether your agency has any warrants/wants or detainers for this [these] offender[s] by contacting _____ at the _____ Correctional Facility, telephone number _____. Warrants/wants and detainers may also be FAXED to _____.

Inmate Name: _____ KDOC Reg. No. _____ FBI No. _____
KS. Bureau of Inv. No. _____ Sex: _____ Race: _____ Date of Birth: _____
Social Security No. _____

Inmate Name: _____ KDOC Reg. No. _____ FBI No. _____
KS. Bureau of Inv. No. _____ Sex: _____ Race: _____ Date of Birth: _____
Social Security No. _____

Inmate Name: _____ KDOC Reg. No. _____ FBI No. _____
KS. Bureau of Inv. No. _____ Sex: _____ Race: _____ Date of Birth: _____
Social Security No. _____

Inmate Name: _____ KDOC Reg. No. _____ FBI No. _____
KS. Bureau of Inv. No. _____ Sex: _____ Race: _____ Date of Birth: _____
Social Security No. _____

Inmate Name: _____ KDOC Reg. No. _____ FBI No. _____
KS. Bureau of Inv. No. _____ Sex: _____ Race: _____ Date of Birth: _____
Social Security No. _____

Facility operator: _____

Databases queried:

NCIC Wanted File: Date queried _____

NCIC Triple I: Date queried _____

KCJIS ALLL: Date queried _____

KS Wanted File : Date queried _____

NLETS ALLL:

Missouri Date queried _____

Colorado Date queried _____

Nebraska Date queried _____

Oklahoma Date queried _____

Other State(s) with arrests/convictions: _____

Others: _____ Date queried _____

_____ Date queried _____

Inquiry for Warrants and Detainers
(2-Week Pre-Release)

The Kansas Department of Corrections will be releasing the following offender(s). Please advise this facility immediately, but in no case later than two weeks prior to the scheduled release date as to whether your agency has any warrants/wants or detainers for this [these] offender[s] by contacting _____ at the _____ Correctional Facility, telephone number _____. Warrants/wants and detainers may also be FAXED to _____.

Inmate Name: _____ KDOC Reg. No. _____ FBI No. _____
KS. Bureau of Inv. No. _____ Sex: ____ Race: _____ Date of Birth: _____
Social Security No. _____ Date of Scheduled release: _____

Inmate Name: _____ KDOC Reg. No. _____ FBI No. _____
KS. Bureau of Inv. No. _____ Sex: ____ Race: _____ Date of Birth: _____
Social Security No. _____ Date of Scheduled release: _____

Inmate Name: _____ KDOC Reg. No. _____ FBI No. _____
KS. Bureau of Inv. No. _____ Sex: ____ Race: _____ Date of Birth: _____
Social Security No. _____ Date of Scheduled release: _____

Inmate Name: _____ KDOC Reg. No. _____ FBI No. _____
KS. Bureau of Inv. No. _____ Sex: ____ Race: _____ Date of Birth: _____
Social Security No. _____ Date of Scheduled release: _____

Inmate Name: _____ KDOC Reg. No. _____ FBI No. _____
KS. Bureau of Inv. No. _____ Sex: ____ Race: _____ Date of Birth: _____
Social Security No. _____ Date of Scheduled release: _____

Facility operator: _____

Databases queried:

| | |
|-------------------|--------------------|
| NCIC Wanted File: | Date queried _____ |
| NCIC Triple I: | Date queried _____ |
| KCJIS ALLL: | Date queried _____ |
| KS Wanted File : | Date queried _____ |
| NLETS ALLL: | |
| Missouri | Date queried _____ |
| Colorado | Date queried _____ |
| Nebraska | Date queried _____ |
| Oklahoma | Date queried _____ |

Other State(s) with arrests/convictions: _____

Others: _____ Date queried _____
 _____ Date queried _____

Withdrawal and Cancellation Notice

DATE: _____

NAME: _____ KDOC NUMBER: _____

HOLD ORDER REQUESTED BY:

County/Sheriff Name

Address

Warrant/Case Number

Crime/Violation

_____ FELONY

_____ MISDEMEANOR

_____ NOTIFICATION ONLY

_____ JUDGMENT

_____ SEXUALLY VIOLENT PREDATOR CIVIL COMMITMENT DETAINER

_____ UNITED STATES MARSHAL'S SERVICE

_____ UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

CANCELLATION DUE TO:

Records Staff Signature

Distribution: Inmate
L-4 Imaging

DETAINER ACTION LETTER
KANSAS DEPARTMENT OF CORRECTIONS

To: (Jurisdiction)

From: (Facility)
Telephone #
Fax #

RE: Case/Docket #
Inmate's Name
KDOC #
DOB/RACE/SEX
Aliases:

Other Identifiers:

The below checked paragraph relates to the above named offender:

- This office is in receipt of the following report: _____. Will you please investigate this report and advise what disposition, if any, has been made of the case. If subject is wanted by your department and you wish a detainer placed, it will be necessary for you to forward a certified copy of your warrant to us along with a cover letter stating your desire to have it lodged as a detainer. If you have no further interest in the subject, please forward a letter indicating so.
- A detainer has been filed against this subject in your favor charging _____ - _____. Release is scheduled for _____, however, we will notify you no later than thirty (30) days prior to actual release. To check on an offender's location/status, please check our KASPER website at www.doc.ks.gov.
- Enclosed is your detainer warrant. Your detainer against the above named has been removed in compliance with your request.
- Your detainer warrant has been removed on the basis of the attached _____. Notify this office immediately if you do not concur with this action.

Request any known fine, court costs and restitution.

Other:

Respectfully,

(Name)
(Position)

Original – Addressee, Copy – Imaging L-4, Copy – Offender

OFFENDER CLEARANCE FORM

NAME: _____, _____ **NUMBER:** _____ **CH:** _____ **CUSTODY:** _____

Shall be released to the custody of the _____ purpose

Of _____ on _____ at _____ destination of _____

Detainer by KDOC for sentence in cases: _____
(current/consecutive) KDOC sentences)

Active detainer from other jurisdiction: _____

If the offender is released from the custody of the Secretary of Corrections for less than all of the KDOC sentences identified above, the offender must be detained and returned to the Department of Corrections. If there are no KDOC sentences remaining, and there is a detainer(s) from another jurisdiction as identified above, the offender must be detained for that jurisdiction.

Approved by: _____
Records Clerk Major/Deputy Warden - Operations

BODY RECEIPT

Received into my custody on this day _____ the above offender from the Warden at _____ CORRECTIONAL FACILITY and also received the sum of \$_____ personal funds of the above named offender because of the following reasons: For release to court. The offender is to remain in the custody of the SHERIFF OF _____ at all times, and is to be returned to the Department of Corrections or other jurisdiction as provided above upon completion of the court proceedings. Please notify this facility of final disposition of this case if not returned. (ESCAPE FLYER ATTACHED)

Signature: _____ Title: _____

County: _____ State: _____

(This offender's custody may be impacted by his or her behavior while in your custody or by court actions that result in new charges or disposition of existing charges or convictions. Please advise KDOC staff of any inappropriate behavior by this individual while in your custody and/or any new charges or dispositions).

Request for Order Cancelling State Detainer

714 SW Jackson, Suite 300
Topeka, KS 66603



Phone: (785) 296-3317
Fax: (785) 296-0014
Email: kdocpub@ks.gov
www.doc.ks.gov

Joe Norwood, Secretary

Sam Brownback, Governor

The Honorable Judge
County District Court
County Court House
, Kansas

November 29, 2017

RE: Inmate ; KDOC # , Warrant #

Judge ,

presently has warrant # outstanding in . On , Offender filed a 180 day disposition of detainer with the Court Clerks office in , County, as entitled to him/her under the Mandatory Disposition of Detainers Act. To date, the Kansas Department of Corrections or Offender , have not received a response to that filing.

At this time we are forwarding a copy of that request along with the stamped certified receipt. Due to the fact that more than 180 days have passed since date of receipt of that notice by the court and prosecutor, with no indication that a trial or hearing was scheduled within that time frame or that a trial has been scheduled and then continued, for the purpose of appropriate classification and release planning for this offender, the Department respectfully requests your review and consideration of possible dismissal of the information and arrest warrant, or motion to revoke probation, as applicable. Should Your Honor decide to grant this request, then the Department respectfully requests a copy of the order of dismissal be forwarded to our office at the address indicated below.

Your time and assistance in this matter are greatly appreciated. If you have any questions, please do not hesitate to contact me at; .

Respectfully,

Records Office
Correctional Facility
PO Box
, Kansas

cc: Ass't DA/CA
Defense Counsel (if any)
Offender
Records

714 SW Jackson, Suite 300
Topeka, KS 66603



Phone: (785) 296-3317
Fax: (785) 296-0014
Email: kdocpub@ks.gov
www.doc.ks.gov

Joe Norwood, Secretary

Sam Brownback, Governor

DETAINER

DATE: (mo., day, year)

ADDRESS: (Address of the correctional facility currently housing the offender).

ATTENTION: (Detainer/Records Adm.)

RE: **Name:** (name of Offender)
 KDOC: (XXXXXX)
 YOUR: (XXXXXX)

This facility has received from _____ County District Court, in (City), Kansas, Kansas Journal Entries for Case(s) _____, sentencing the above offender to the custody of the Kansas Department of Corrections. The conviction(s) is/are for _____. The term is _____ months, and is to run consecutive to your term. We are enclosing a copy of the Journal Entry of Judgment and a copy of our Offender Data Summary.

Please place a judgment detainer hold against the above offender in our favor and notify us when he/she is to be released. If this offender is transferred from your facility please forward this request with the offender and notify us of the new location.

Please send us a copy of the following: Sentence Data Summary; Classification Review; Photo; and Identifying Descriptors.

If you have further questions, please contact me at (____) ____-____ Ext. _____.

Sincerely,

[Name of Staff Member]

Enclosure(s)

714 SW Jackson, Suite 300
Topeka, KS 66603



Phone: (785) 296-3317
Fax: (785) 296-0014
Email: kdocpub@ks.gov
www.doc.ks.gov

Joe Norwood, Secretary

Sam Brownback, Governor

Release Notification

DATE

FACILITY

ATTN: Records Department

ADDRESS

CITY, STATE, ZIP

RE: OFFENDER, KDOC #xxxxxxx (Federal #xxxxxxx)

The above referenced offender has been serving an xx-month Kansas sentence at your facility under the Interstate Corrections Compact. On DATE, inmate LAST NAME reached the earliest release date on this sentence. Attached, please find four copies of offender LAST NAME's Certificate of Post-Release Supervision from the Kansas Prisoner Review Board. Please direct appropriate staff to instruct LAST NAME to sign and date all four copies. Please also ask that staff witness his signature. One copy is intended for your record, one copy is included for the inmate, and I am requesting that the two remaining copies be returned to my attention at the address reflected on this letterhead. Also, please **withdraw and return our warrant** issued by the KDOC on **DATE**.

As offender LAST NAME may be on supervised release until his maximum sentence discharge date of DATE, I am also asking that you contact the following office should offender LAST NAME be released from your jurisdiction prior to that date.

Kansas Department of Corrections
Attn: Interstate Compact Office
Jayhawk Walk
714 SW Jackson, Suite 300
Topeka, Kansas 66603
Phone: 785-296-5111 Fax: 785/296-0759

Thank you for your assistance in this matter. If you have any questions concerning this request, please feel free to call me at 785-296-5111 or contact me via e-mail at: _____@ks.gov.

Sincerely,

Staff Member
Corrections Manager
Facility Management
CC: Interstate Compact Office
In Absentia File

714 SW Jackson, Suite 300
Topeka, KS 66603



Phone: (785) 296-3317
Fax: (785) 296-0014
Email: kdocpub@ks.gov
www.doc.ks.gov

Joe Norwood, Secretary

Sam Brownback, Governor

NOTIFICATION REQUEST

DATE: (mo., day, year)

TO: Address of the correctional facility
currently housing the offender)

ATTENTION: (Detainer/Records Administrator)

RE: **Name:** (name of offender)
 KDOC#: (XXXXXX)
 YOUR#: (XXXXXX)
 DOB: (XX-XX-XX)
 SSN: (XXX-XX-XXXX)

To whom it may Concern:

The above referenced offender was released from a Kansas Department of Corrections facility on (date). We understand that the offender has been committed to your institution.

The above Kansas offender's sentence continues to run, so it is necessary for you to send us reports while he or she is in your custody. It is requested that you mark in your records to provide us with notification sixty (60) days prior to the offender's tentative release date to arrange for their Kansas supervision. At that time, we request information pertaining to the offender's proposed residence, employment plans and the name of the supervising officer if the offender will have supervision requirements in your state.

This is a request for notification only and should NOT be considered a detainer.

Sincerely:

Name of Staff Member
Kansas Interstate Compact
PHONE#: 785-296-5111
FAX: 785-296-0759

MANDATORY DISPOSITION OF DETAINERS ACT
KANSAS STATUTES ANNOTATED ARTICLE 43 (July 1, 2016)

22-4301. Request for final disposition of detainer by prisoners; duties of official custodian; dismissal, when.

- (a) Any inmate in the custody of the secretary of corrections may request final disposition of any untried indictment, information, motion to revoke probation or complaint pending against such person in this state. The request shall be in writing, addressed and delivered to the court in which the indictment, information, motion to revoke probation or complaint is pending, to the county attorney charged with the duty of prosecuting it and to the secretary of corrections. Such request shall set forth the place of imprisonment.
- (b) The secretary shall promptly inform each inmate in writing of the source and nature of any untried indictment, information, motion to revoke probation or complaint against such inmate of which the secretary has knowledge or notice, and of such inmate's right to make a request for final disposition thereof.
- (c) Failure of the secretary to inform an inmate, as required by this section, within one year after a detainer has been filed at the institution shall entitle such inmate to a final dismissal of the indictment, information, motion to revoke probation or complaint with prejudice.

22-4302. Delivery of request to custodian; official's duties. Upon receipt of a request made pursuant to [K.S.A. 22-4301](#), and amendments thereto, the secretary of corrections shall promptly:

- (a) Certify the term of commitment under which the inmate is being held, the time already served on the sentence, the time remaining to be served, the good time earned, the time of parole eligibility of the inmate, and any decisions of the prisoner review board relating to the inmate;
- (b) for crimes committed on or after July 1, 1993, certify the length of time served on the prison portion of the sentence, any good time earned and the projected release date for the commencement of the postrelease supervision term; and
- (c) send by registered or certified mail, return receipt requested, one copy of the request and certificate to the court and one copy to the county attorney to whom it is addressed.

22-4303. Trial within 180 days after receipt of request and certification, exceptions; dismissal, when.

- (a) Detainers shall be disposed of in the order in which they are placed with the secretary of corrections, except in the case of an inmate with detainers from multiple jurisdictions, the district or county attorneys in such jurisdictions may agree to a different order of disposition. The secretary of corrections shall allow transportation of the inmate for the purpose of disposing of detainers.
- (b) (1) Following the receipt of the certificate by the court and county attorney from the secretary of corrections, the indictment, information or complaint shall be brought to trial, or the motion to revoke probation shall be brought for a hearing:
 - (A) If the inmate has one detainer, within 180 days;
 - (B) if the inmate has detainers from multiple jurisdictions, the first detainer shall be brought within 180 days and each subsequent detainer shall be brought within 180 days after return of the inmate to the secretary or transportation of the inmate to the jurisdiction following disposition of a previous detainer; or
 - (C) within such additional time as the court for good cause shown in open court may grant.
- (2) The requirements of paragraph (1) shall not apply to any time during which a continuance or delay has been requested or agreed to by the inmate or the inmate's attorney.
- (3) The requirements of paragraph (1) shall not apply to any time during which a motion to determine competency of the inmate is pending or any time during which an inmate is determined to be incompetent to stand trial.
- (4) If, after receipt of such certificate, the indictment, information or complaint is not brought to trial within the time period specified in this subsection, or the motion to revoke probation is not brought for a hearing within that period, no court of this state shall any longer have jurisdiction thereof, nor shall the untried indictment, information, motion to revoke probation or complaint be of any further force or effect, and the court shall dismiss it with prejudice.

22-4304. Escape of prisoner voids request, when. Escape from custody of any inmate subsequent to such inmate's execution of a request for final disposition of an untried indictment, information, motion to revoke probation or complaint voids such request.

STATE OF KANSAS
Agreement on Detainers: Form I

INSTRUCTIONS: SUBMIT THIS FORM IN DUPLICATE. One copy of this form signed by the prisoner and the warden should be retained by the warden. One copy signed by the warden should be retained by the prisoner.

NOTICE OF UNTRIED INDICTMENT, INFORMATION OR COMPLAINT AND
OF RIGHT TO REQUEST DISPOSITION

Inmate _____ NO. _____ Institution _____

Pursuant to the Agreement of Detainers, you are hereby informed that the following are the untried indictments, informations, or complaints against you concerning which the undersigned has knowledge, and the source and context of each.

You are hereby further advised that by the provisions of said Agreement, you have the right to request the appropriate prosecuting officer of the jurisdiction in which any such indictment, information or complaint is pending and the appropriate court that a final disposition be made thereof. You shall then be brought to trial within 180 days, unless extended pursuant to provisions of the Agreement, after you have caused to be delivered to said prosecuting officer and said court written notice of the place of your imprisonment and your said request, together with a certificate of the custodial authority, as more fully set forth in said Agreement. However, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

Your request for final disposition will operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against you from the state to whose prosecuting official your request for final disposition is specifically directed. Your request will also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein, and a waiver of extradition to the state of trial to serve any sentence there imposed upon you, after completion of your term of imprisonment in this state. Your request will also constitute a consent by you to production of your body in any court where your presence may be required in order to effectuate the purposes of the Agreement on Detainers and a further consent voluntarily to be returned to the institution in which you are now confined.

You are also advised that under provision of said Agreement, the prosecuting officer of a jurisdiction in which any such indictment, information or complaint is pending may institute proceedings to obtain a final disposition thereof. In such event, you may oppose the request that you be delivered to such prosecuting officer or court. You may request the Governor of this state to disapprove any such request for your temporary custody, but you cannot oppose delivery on the ground that the Governor has not affirmatively consented to or ordered such delivery. You are also statutorily entitled to the procedural protections provided in state extradition laws.

Dated: _____

(Insert name and title of custodial authority)

BY: _____

(Warden – Superintendent – Director)

DATE: _____

INMATE: _____ NO: _____