



Virginia Department of Corrections

Community, Media, and Other Agency Relations

Operating Procedure 020.2

Compact for Interstate Transfer of Inmates

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REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

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DEFINITIONS

Acceptability - The level of acceptance of the inmate by the community; specifically, the length of sentence and nature of the crime may preclude the inmate from being approved. Acceptability can be assessed using such documents as the Pre-Sentence Investigation and other documentation related to expressed community sentiment.

Administrative Compact Transfer - An Interstate Corrections Compact transfer initiated by DOC administrators for the purpose of addressing the inmate's case plan, safety, security, reentry or therapeutic needs, custody/control needs, security needs of the DOC, or public safety. This transfer may be implemented without the inmate's consent or request.

Annual Review - A uniform yearly review of an inmate's classification, needs, and objectives. The Initial Classification Date (ICD) is used to establish the review date for an inmate received on or after February 1, 2006. The Custody Responsibility Date (CRD) is used to establish the review date for an inmate received prior to February 1, 2006.

Central Classification Services (CCS) - Staff members from the Offender Management Services Unit who review certain recommendations made by the Institutional Classification Authority and Multi-Disciplinary Team to render a final decision regarding inmate status and assignments.

Compact Coordinator - The individual delegated responsibility for managing, supervising, and coordinating the day-to-day administration of the Interstate Corrections Compact. The Director of Offender Management Services will designate a Compact Coordinator.

Eligibility - The utilization of objective, measurable standards, or criteria to determine an inmate's program status (transfer, security level, program placement, etc.)

Formal Due Process Hearing - A classification hearing that requires prior formal notification to the inmate indicating the reason for, purpose of, and possible results of the classification hearing, the inmate's right to be present at the hearing, and receive notice of the results of the hearing and the reason for the decision.

Health Authority - The individual who functions as the administrator of the facility medical department.

Inmate - A person who is incarcerated in a Virginia Department of Corrections facility or who is Virginia Department of Corrections responsible to serve a state sentence.

Institutional Classification Authority (ICA) - The institutional employee designated to conduct inmate case review hearings.

International Prisoner Transfer Request - A foreign born inmate applying to be transferred back to their country to serve the remainder of their sentence in that country.

Interstate Compact Administrator - An administrator appointed by the Director of the Department of Corrections to whom all duties incumbent by law under the Interstate Corrections Compact have been delegated. The Chief of Corrections Operations is designated as the Interstate Compact Administrator.

Interstate Corrections Compact - Contracts which with the advice and concurrence of the Director, in the form approved by the Office of the Attorney General, have been negotiated and executed by and between the State of Virginia and other Interstate Corrections Compact member jurisdictions.

Inmate Compact Transfer Request - An Interstate Corrections Compact transfer request initiated by the inmate from Virginia to another jurisdiction with which Virginia has a contractual agreement that addresses treatment, safety, custody, control, or reentry needs. DOC administrators may deny the request if it does not meet the Department's needs.

Reserve Account - Account established at the facility to hold funds to be applied toward authorized payments until the total amount of the obligations are satisfied.

Retake - The temporary or permanent return to the sending state of an inmate previously transferred under the Interstate Corrections Compact.

Suitability - A reasoned, professional judgment regarding an inmate's ability to perform in a certain security level or institution environment; it calls for a discerning judgment relative to length of sentence, crime, prior record, as well as sociological, medical, and psychological considerations. Suitability differs with each individual inmate



depending upon the inmate's institution, parole eligibility, Mandatory Parole Release Date, or Good Time Release Date.

Utilization Manager (UM) - Person responsible for reviewing, approving, and suggesting alternative plans to consultation requests; the UM is also responsible for training users and maintaining the UM process.



PURPOSE

This operating procedure provides for implementation of the Interstate Corrections Compact under which Virginia Department of Corrections (DOC) inmates may receive consideration for transfer to serve their sentences in the correctional system of another state or jurisdiction. This operating procedure also provides for inmates from other states and jurisdictions to serve their sentences in the Virginia DOC.

PROCEDURE

- I. Interstate Corrections Compact
 - A. This operating procedure governs the interstate transfer of inmates; for information on the transfer of probationers/parolees for supervision in another state under the *Interstate Compact for the Supervision of Adult Offenders (ICAOS)*; see Operating Procedure 920.4, *Interstate Transfer of Supervision*.
 - B. The United States entered into an international treaty with many countries that permits a foreign national prisoner from one of the treaty countries to transfer back to their home country to serve the remainder of their sentence.
 1. The State of Virginia enacted legislation to allow the Department of Corrections (DOC) to participate in the international prisoner transfer program.
 2. The international prisoner transfer program is discretionary and not every inmate who applies is qualified or approved for a transfer.
 - a. To request a transfer back to their home country under the international prisoner transfer program, the inmate must contact their Counselor to determine eligibility and complete the *International Prisoner Transfer Program Application Short Form 020_F4* at their annual review.
 - b. The Counselor will submit the completed *International Prisoner Transfer Program Application Short Form 020_F4* to the Compact Coordinator at Headquarters for review and processing.
 - c. Upon notification from the Compact Coordinator that the inmate may be eligible for the requested transfer, the Counselor will meet with the inmate to complete an *International Prisoner Transfer Case Summary 020_F1*.
 - d. The Counselor will send the completed *International Prisoner Transfer Case Summary 020_F1* to the Compact Coordinator for review and approval as required in the *Outgoing Compact Transfer* section of this operating procedure.
- II. Establishment of Interstate Corrections Compact Contracts(2-CO-4B-02)
 - A. Compact transfers between Virginia and other jurisdictions will be considered if there is a legitimate contractual agreement between the State of Virginia and the other state or jurisdiction only; see *Interstate Corrections Compact Contract 020_F5*.
 - B. The Virginia Compact Administrator will negotiate and enter into an *Interstate Corrections Compact Contract 020_F5* with another Interstate Corrections Compact member state or jurisdiction when the contract is potentially beneficial to Virginia.
 1. *Interstate Corrections Compact Contracts* must bear signatory approval of both the Virginia Interstate Compact Administrator and the Interstate Compact Administrator of the negotiating state or jurisdiction.
 2. The Attorney General's Office will review and must concur with such *Interstate Corrections Compact Contracts* prior to approval.
 - C. The Compact Coordinator will maintain and, as needed, update a list of all member states and jurisdictions to include their restrictions on transfers to or from those states and jurisdictions; see Attachment 1 *Interstate Corrections Compact Participating States*.
 - a. Compact transfers will only be considered with states and jurisdictions that have an official



Interstate Corrections Compact Contract with Virginia.

2. A compact transfer request should be considered only when an inmate in Virginia may be exchanged for an inmate in the proposed receiving state, or when a reasonable arrangement can be made with the proposed receiving state to give future credit for or against an inmate's transfer to the benefit of the Virginia DOC.
3. Virginia and other states or jurisdictions will not exchange funds for the cost of incarcerating inmates transferred under a compact transfer, except for reimbursements authorized under the *Interstate Corrections Compact Contract*.

III. Limitations on Backlogs of Approved Requests

- A. The Director of Offender Management Services will establish reasonable limitations on the number of approved but unexecuted compact transfers that the Compact Coordinator can backlog.
 1. Backlog limitations will apply to both incoming and outgoing transfers.
 2. The limitations will depend on the workloads that established staffing levels are able to manage as well as factors such as cooperation with other states or jurisdictions, the number of transferred inmates staff are managing, etc.
- B. Once the backlog of approved and pending transfers to or from a given member state or jurisdiction reaches the limit(s) set by the Director of Offender Management Services, the Compact Coordinator will not consider any further requests for a transfer to or from that state or jurisdiction until the backlog is reduced.
- C. When it becomes apparent that a member state or jurisdiction with whom Virginia has an *Interstate Corrections Compact Contract* is unwilling to negotiate potential transfers, the Compact Coordinator will not consider any further requests for a transfer to or from the state or jurisdiction until the other state or jurisdiction indicates an interest in actively negotiating compact transfers
- D. The Compact Coordinator will update the list of *Interstate Corrections Compact Participating States* once a state or jurisdiction reaches the established limits or consideration of requests to a particular state or jurisdiction is halted for other reasons.
 1. Institution staff should not consider requests from inmates for transfer to those identified states or jurisdictions.
 2. The Compact Coordinator will reject compact transfer requests received that involve those states or jurisdictions and will return them to the facility.
 3. The Compact Coordinator will hold any requests involving a state or jurisdiction received prior to updating the *Interstate Corrections Compact Participating States*.
 4. Once the temporary cessation is canceled, the Compact Coordinator will update the list of *Interstate Corrections Compact Participating States* and backlogged requests will be considered in the order the Compact Coordinator received them.

IV. Retakes

- A. The Compact Coordinator will handle all requests from another state for the retake of a Virginia inmate back into to the Virginia system and all Virginia requests for the removal of another state's inmate from the Virginia system. Generally, retake requests must be facilitated within 30 calendar days.
- B. The Compact Coordinator must notify the Central Transportation Supervisor when an out-of-state compact inmate in Virginia is to be released from a Virginia institution for retake out-of-state. The order or accompanying documents will identify the time, place, and appropriate authorities to take custody of the inmate.
- C. To retake a Virginia compact inmate from out of state, the Compact Coordinator will submit an *Approved*



Transfer Action in VACORIS; notify the Central Transportation Supervisor, institution, and Extradition and Fugitive Services Unit. Upon confirmation of the return date, the Compact Coordinator will schedule the transfer in VACORIS.

V. Compact Records Management and Reporting

A. Records Management

1. The Compact Coordinator will maintain compact contract files that contain copies of the executed *Interstate Corrections Compact Contract* by jurisdiction and will maintain an appropriate logging system for file accountability and control.
2. The Compact Coordinator will maintain individual inmate compact case files while each case is under review or negotiation and while the inmate is incarcerated in Virginia.
 - a. Once a transfer is approved and executed, the Compact Coordinator or designee will upload all pertinent material in the compact case file to the inmate's VACORIS record.
 - i. The electronic case file for inmates coming in from other states will be maintained in the office of the Compact Coordinator.
 - ii. The Compact Coordinator or designee will send a copy of the physical case file to the reception center or institution receiving the inmate for classification.
 - b. The Compact Coordinator will retain and dispose of all compact records in accordance with Operating Procedure 025.3, *Public Records Retention and Disposition*.

B. Statistical Records Keeping and Reporting

1. The Compact Coordinator will issue statistical reports as requested by the Interstate Compact Administrator or Director of Offender Management Services.
2. The Compact Coordinator will maintain statistical records that include, at a minimum, the following elements:
 - a. Number of transfer requests received from within Virginia and from other jurisdictions
 - b. Number of requests pending review
 - c. Number of requests approved, disapproved, or rejected due to ineligibility or other reasons
 - d. Number of active compact transfers in place in and out-of-state
 - e. Virginia's transfer balance with other contract jurisdictions

VI. Outgoing Compact Transfers

A. Staff will consider the following factors when reviewing outgoing inmate compact transfer requests:

1. Concerns expressed by law enforcement and justice agencies, community opposition to the transfer, and the inmate's eligibility, suitability, and acceptability for transfer.
2. The inmate must meet the eligibility criteria to request and receive consideration for an outgoing compact transfer request from Virginia to another state or jurisdiction; see Attachment 2, *Out Of State Compact Transfer Criteria*.
 - a. The Facility Unit Head or Institutional Classification Authority (ICA) can waive the eligibility criteria only in extreme hardship cases where such action is necessary to meet an immediate need.
 - b. The Facility Unit Head or ICA must request the Interstate Compact Administrator's approval for such a waiver and provide ample written justification.
3. Interstate Compact staff will apply the following suitability standards as guides when considering an inmate's Outgoing Inmate Compact Transfer Request from Virginia to another state or jurisdiction:
 - a. There must be a favorable assessment that the receiving state will be able to meet the inmate's re-entry case plan, treatment, and security needs adequately and on a sustained basis.
 - b. There must be a favorable assessment that a legitimate need exists for the compact transfer and that



the transfer is likely to do one of the following:

- i. Facilitate the establishment or maintenance of meaningful and important family ties better.
 - ii. Enable the criminal justice system to meet the inmate's treatment and re-entry needs better.
 - iii. Significantly aid the inmate in preparing for their eventual release.
 - iv. Enable the Virginia DOC to meet the inmate's and/or correctional system's security, control, and bed management needs adequately.
- c. There must be a favorable assessment that the inmate is capable of demonstrating a stable adjustment based on the inmate's overall institutional adjustment.

B. Outgoing Compact Transfer Requests and Referrals

1. Inmate Requested Transfers - Institution Responsibility

- a. The Counselor will ensure the *Interstate Corrections Compact Transfer Application 020_F6* is completed in its entirety to include the *Summary Information Sheet* section of the *Compact Transfer Application*.
- b. Staff must not provide the inmate with a copy of the *Summary Information Sheet* or the *Interstate Corrections Compact Transfer Application 020_F6*.
- c. Prior to completion of the *Interstate Corrections Compact Transfer Application*, the Counselor must verify the inmate has on file or has applied for an official copy of their birth certificate and their social security card; see Operating Procedure 820.2, *Inmate Re-entry Planning*.
- d. The Counselor will refer the inmate's compact transfer request to the ICA during the inmate's next annual review.
 - i. The ICA may review an inmate's compact transfer requests outside of their established annual review cycle on a case-by-case basis.
 - ii. The Counselor will attach a written rationale as to why the ICA should consider the compact transfer request outside of the inmate's annual review cycle.
- e. The ICA will review the inmate's compact transfer request and advance recommendations for approval to the Facility Unit Head.
- f. The Facility Unit Head will review and approve or disapprove the ICA's recommendation for a compact transfer.
 - i. If disapproved, staff will upload a copy of the completed *Interstate Corrections Compact Transfer Application 020_F6* along with the reason for disapproval into VACORIS *Classification Actions* and will provide the inmate with written notification of the decision.
 - ii. If approved, staff will upload a copy of the completed *Interstate Corrections Compact Transfer Application 020_F6* as an external document attached to the *ICA Hearing Notification* in VACORIS and will escalate it to the Compact Coordinator. The *Interstate Corrections Compact Transfer Application 020_F6* must be accompanied by:
 - (a) A completed *Interstate Compact Medical Assessment 020_F7*.
 - (b) A current *Progress Report* that provides detailed information on the inmate's progress toward their re-entry case plan objectives.
- g. Staff will forward a copy of the *Institutional Classification Authority Hearing* report to the inmate as notification of the ICA's and Facility Unit Head's decision; see Operating Procedure 830.1, *Institution Classification Management*.

2. Administrative Compact Transfers - Institution Responsibility

- a. The Counselor will ensure the *Interstate Corrections Compact Transfer Application 020_F6* is completed in its entirety to include the *Summary Information Sheet* section of the *Compact Transfer Application*.
- b. Staff must not provide the inmate with a copy of the *Summary Information Sheet* or the *Interstate Corrections Compact Transfer Application 020_F6*.
- c. The Counselor should provide the *Summary Information Sheet* and any available supporting



documentation for the transfer to the ICA with the *Interstate Corrections Compact Transfer Application*.

- d. The Counselor will serve the *Institutional Classification Authority Hearing Notification* on the inmate as notice of the formal due process ICA hearing for interstate compact transfer; see Operating Procedure 830.1, *Institution Classification Management*.
- e. The ICA will review the administrative compact transfer referral and advance their recommendations to the Facility Unit Head. The ICA must review the administrative referral in a formal due process ICA hearing.
- f. The Facility Unit Head will review and approve or disapprove the ICA's recommendations.
 - i. If disapproved, staff must upload a copy of the completed *Interstate Corrections Compact Transfer Application* along with the reason for disapproval into VACORIS *Classification Actions* and will provide the inmate written notification of the decision.
 - ii. If approved, staff will upload a copy of the completed *Interstate Corrections Compact Transfer Application 020_F6* as an external document attached to the *ICA Hearing Notification* in VACORIS and will escalate it to the Compact Coordinator. The *Interstate Corrections Compact Transfer Application 020_F6* must be accompanied by:
 - (a) A completed *Interstate Compact Medical Assessment 020_F7*.
 - (b) A current *Progress Report* that provides detailed information on the inmate's progress toward their re-entry case plan objectives.
- g. Staff will forward a copy of the *Institutional Classification Authority Hearing* report to the inmate as notification of the ICA's and Facility Unit Head's decision; see Operating Procedure 830.1, *Institution Classification Management*.

C. Offender Management Services Review and Action

1. The Compact Coordinator will ensure the *Interstate Corrections Compact Transfer Application 020_F6* is complete and when necessary, return the *Interstate Corrections Compact Transfer Application 020_F6* to the institution for additional information.
2. If the inmate is ineligible and the Facility Unit Head or ICA has not requested a waiver, the Compact Coordinator will return the application with an *Interstate Compact Disposition Notice 020_F8* stating why the inmate is ineligible.
3. The inmate must pay all court ordered restitution to be eligible for an inmate compact transfer request.
4. If the application is complete and the inmate is eligible, the Compact Coordinator will review the *Interstate Corrections Compact Transfer Application 020_F6* and record the disposition in VACORIS.
 - a. If disapproved, the Compact Coordinator will upload the *Interstate Corrections Compact Transfer Application 020_F6* to the inmate's VACORIS record and will instruct the Counselor to provide the inmate with the *Interstate Compact Disposition Notice 020_F8*.
 - b. If approved, the Compact Coordinator will send an *Interstate Compact Disposition Notice 020_F8* to the Counselor for delivery to the inmate.
 - i. For inmate requested transfers, the Compact Administrator will consult with Extradition and Fugitive Services Unit to obtain the estimated travel costs.
 - (a) The inmate must collect at least 25% of the determined cost and have the funds placed into a reserve account within the inmate's trust account.
 - (b) Within 90 days after the Compact Coordinator sends the *Interstate Compact Disposition Notice 020_F8*, the remaining funds must be deposited in the inmate's reserve account.
 - (c) The Compact Coordinator will not proceed until these funds are in place.
 - ii. The Compact Coordinator will send a *Request to Proposed Receiving State for Approval of Compact Transfer 020_F9* to the proposed receiving state along with a copy of the following documents:
 - (a) *Interstate Corrections Compact Transfer Application 020_F6*
 - (b) *Notarized Letter of Intent*, if applicable



- (c) Most recent *Progress Report*
- (d) Mental Health or Psychological Evaluation
- (e) Last Security Level Assignment from VACORIS; see Operating Procedure 830.2, *Security Level Classification*
- (f) *Pre-Sentence Investigation Report* or a copy of the intake/reception summary when no PSI or other field report exists
- (g) *Interstate Compact Medical Assessment 020_F7*
- (h) Identification photos or facsimile and identification information including a State Identification Number (SID) with a confirmation date from the Virginia State Police, *Convicting Court Order(s)* (copy), and *Sentence Summary*.
- (i) Detainers, Non-Detainer Holds, and/or Notify Requests
- (j) Other documentation that may be pertinent to the receiving state's assessment needs

5. Notification From Requested State

- a. When the Compact Coordinator receives notification from the requested state concerning the disposition, the Compact Coordinator will:
 - i. If disapproved, issue an *Interstate Compact Notice of Disposition 020_F8*.
 - ii. If approved, issue an *Interstate Compact Disposition Notice 020_F8*, a *Parole Board Notification of Interstate Corrections Compact Transfer 020_F10* and an *Interstate Compact Transfer Out Order 020_F11*.
- b. If the requested state approves the inmate, the Director of Offender Management Services or designee, will consult with the Attorney General's Office to determine whether the inmate initiated any pending litigation. If there are no pending cases that the inmate's transfer may complicate, the Chief of Corrections Operations, as the Interstate Compact Administrator, will cause the transfer to be executed.

6. Appeals

- a. An inmate may appeal the decisions made on their interstate corrections compact transfer at any level of the review process through the established grievance procedure; see Operating Procedure 866.1 *Offender Grievance Procedure*.
- b. The Director of Offender Management Services will review the inmate's appeal submitted on a *Regular Grievance 866_F1*. The inmate may use documentation of the decision to satisfy the as the informal process.
- c. The Director of Offender Management Services, in consultation with the Compact Administrator and DOC Administration, will make the final decision on all administrative appeals of Interstate Corrections Compact transfer decisions.

7. Executive Review

The DOC Director and the Interstate Compact Administrator, with appropriate justification, may administratively overrule and reverse or modify any interstate corrections compact transfer decision.

D. Inmate Payment of Transportation Costs

- 1. The Extradition and Fugitive Services Unit will determine the total travel costs in advance of a compact transfer and report the amount to the Compact Coordinator.
 - a. The Compact Coordinator will notify the inmate, inmate's Counselor, and the Business Manager at the inmate's assigned institution of the total travel costs.
 - b. The inmate must collect the necessary funds and have the funds placed in their reserve account.
 - c. Receipt of the funds is required within 90 days after the *Notice of Disposition* was sent.
- 2. Prior to transfer, the inmate must request that the facility Business Office issue a check from their reserve account for the full amount of the transportation costs.
 - a. The check is to be payable to the Virginia Department of Corrections and the facility Business

Manager or designee will send the check directly to the General Accounting Unit at Headquarters with a cover memorandum explaining the purpose.

- b. General Accounting Office staff at Headquarters will use the funds to pay the costs associated with the inmate's compact transfer.
3. The Compact Coordinator will confirm payment was made before finalizing transfer arrangements.
 - a. The DOC will absorb all costs that exceed the amount deposited in the inmate's reserve account to pay the transportation costs when the additional costs are due to no fault of the inmate.
 - b. If the transfer is canceled or modified and there is an impact on the amount of reimbursement to be paid, General Account Unit staff will return the check to the institution or a refund to the inmate's trust account will be made.

E. Inmate Transport

The DOC Extradition and Fugitive Services Unit will finalize a transfer date with the receiving state and transport the inmate.

VII. Incoming Compact Transfers

A. Incoming Compact Transfer Requests

1. Staff will use the following suitability standards to assess the acceptability of a compact transfer from another state to Virginia:
 - a. The inmate's corrections compact transfer request from the other state should document a consistent record of stable and satisfactory institutional adjustment or better.
 - b. It must be clear from the record that a family member resides in Virginia and that the transfer will serve to facilitate family contact and support and aid in meeting the inmate's re-entry and treatment needs.
 - c. The inmate must have a minimum of two years remaining to serve prior to mandatory release.
 - d. There must be a favorable assessment that the transfer will serve the best interests of Virginia and be cost effective from a bed management perspective.
 - e. The inmate should not possess severe, substantial medical or mental health problems, which would preclude routine or cost effective placement.
 - f. There must be a favorable assessment that the Virginia DOC can meet the inmate's treatment, re-entry, and security control needs adequately.
2. The Interstate Compact Administrator may waive the suitability standards where such action is deemed appropriate and necessary to meet the Virginia DOC's needs.

B. Incoming Compact Transfer Request Processing

1. Compact Coordinator Responsibilities
 - a. The Compact Coordinator will receive and process all requests from other state interstate compact administrators for compact transfer of inmates into the Virginia system.
 - i. Compact transfer requests must originate from the state's Office of the Interstate Compact Administrator.
 - ii. The Compact Coordinator will refer all requests received directly from inmates or non-compact staff to the Interstate Compact Administrator of the other state involved for necessary action.
 - b. The Compact Coordinator will ensure each compact request contains the following documents and information:
 - i. Sending state's request indicating nature, purpose, and reasons for the request.
 - ii. Convicting court order (copy) and commitment status information.
 - iii. *Pre/Post Sentence Investigation Report* or a social and criminal history field report.
 - iv. Medical reports, i.e., documents pertinent to medical history and condition, status, and treatment



- needs.
 - v. Identification photo or facsimile and identification information.
 - vi. Recent progress report or information pertinent to custody status, behavioral adjustment, program involvement, and treatment needs.
 - vii. Copy of the most recent mental health or psychological evaluation.
 - c. If any of the required documentation or information is missing or incomplete, the Compact Coordinator will send a written request to the requesting state for the additional information.
 - d. The Compact Coordinator will build a compact case file and review all completed compact transfer requests in the order received.
2. Notification to Requesting State
- a. The Compact Coordinator will communicate, by mail or electronically, Virginia's decision and the rationale to the requesting state in writing on the requesting state's form or by letter.
 - i. The official written notification of disapproval will be carefully framed and will set out, in general terms, the reasons for disapproval.
 - ii. Where possible, the Compact Coordinator will place a courtesy telephone call to the Interstate Compact Administrator in the requesting state once a disposition is reached.
 - b. The Compact Coordinator will record the disapproval in the established logging system and destroy the compact case file.
 - c. If the request is approved, the Compact Coordinator will prepare an *Interstate Compact Transfer In Order 020_F12* for the Interstate Compact Administrator's signature.
3. Staff will assign the inmate to an appropriate reception and classification center for full intake processing and initial classification.

VIII. Compact Transfer Inmate Management

A. Progress Reporting - Determination of Good Time Earning Levels

1. Other State Inmates in Virginia
- a. The Compact Coordinator will send a copy of a current *Progress Report* directly to the original sending state every six months.
 - b. If the record contains no current *Progress Report*, the Coordinator will request institution staff prepare and forward a report to the sending state.
2. Virginia Inmates in Other States
- a. Every six months, the Compact Coordinator will prompt all holding states to prepare and forward a *Progress Report* and good time earnings recommendations.
 - b. The Compact Coordinator will docket and schedule each case for review by Central Classification Services (CCS).
 - c. CCS will determine an appropriate Good Time level and rate of good time earning based on the holding state's *Progress Report* and, when provided, any recommendations. The *Progress Report* and a copy of related correspondence will be uploaded to the inmate's record in VACORIS.
 - d. When CCS determines that an inmate's good time earning level should be reduced, the Compact Coordinator will send a written notice to the inmate with the reasons why the good time earning level is being considered for possible reduction.
 - i. The inmate will have an opportunity to respond in writing within 20 calendar days to CCS with any information that may have a bearing on their progress and the specific concerns expressed by CCS.
 - ii. At the end of 20 days, CCS will make a decision on the appropriate level of good time earnings regardless of whether CCS received a response from the inmate. CCS staff will consider any input received from the inmate.

- e. The Compact Coordinator will forward any changes in good time earning level to the Manager of Court and Legal Services, who will update each inmate's time computation.
- f. The Compact Coordinator will notify the inmate of any changes in good time by forwarding the *Legal Update* issued by Court and Legal Services.

B. Time Computation

1. Out-of-State Inmates in Virginia

- a. Once the *Interstate Corrections Compact Transfer Application* 020_F6 and approval process is complete, the Compact Coordinator will ensure all required case file material has been received and is uploaded into VACORIS.
- b. The Compact Coordinator or designee will complete an "*Upfront Worksheet*" and send it to Court and Legal Services.
- c. If out-of-state inmate does not have a Virginia DOC number, Court and Legal Services will establish a DOC number for the inmate in VACORIS
- d. Court and Legal Services will prepare an initial "*Legal Update*" on the out-of-state inmate transferring.
 - i. After the initial "*Legal Update*", Virginia DOC staff do not perform any time computation for out-of-state inmates.
 - ii. This "*Legal Update*" will reflect the inmate's sentence and release status information and will be secured in VACORIS.
- e. If the inmate's sentencing or good time earning level changes, the out-of-state Interstate Compact Administrator may issue any time computation updates.

2. Virginia Inmates in Other States

- a. The Court and Legal Services Section will maintain the inmate's time computation and issue update notices as needed.
- b. Copies will be forwarded via the Virginia Compact Coordinator who will contact the coordinator in the inmate's out of state location.

C. Virginia Inmates in Other States - Requiring Legal Assistance with Virginia Law

1. Inmates confined in an institution pursuant to the terms of an interstate corrections compact is subject to the jurisdiction of the sending state at all times. Confinement in a receiving state will not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending state; see COV §53.1-216, *Interstate Corrections Compact; Governor to execute*,.
2. Court appointed attorneys are made available to all inmates incarcerated in a Virginia institution; see COV §53.1-40, *Appointment of counsel for indigent prisoners*, and Operating Procedure 866.3, *Inmate and CCAP Probationer/Parolee Legal Access*.
3. Staff must provide out-of-state inmates with the name and address of the current Court Appointed Attorney for the inmate's last permanently assigned institution in Virginia and will instruct the inmate to write to the attorney for assistance regarding any legal matter relating to their incarceration.
 - a. Staff should copy the Court Appointed Attorney on their correspondence to the inmate.
 - b. The Court Appointed Attorney should receive a letter from the Interstate Compact Unit that addresses assisting Virginia inmates housed out-of-state under the *Interstate Corrections Compact Contract*.
4. Inmates should send their complaints about Court Appointed Attorneys directly to the attorney, the local Circuit Court, or the Virginia State Bar.

D. Reporting Disciplinary Infractions

1. Out-of-State Inmates in Virginia - It is the institution's responsibility to forward a copy of all



disciplinary infractions directly to the Compact Coordinator for Virginia.

2. Virginia Inmates in Other States - The Compact Coordinator for Virginia will extract all disciplinary information from the holding state's *Progress Report*. CCS staff will use this information when determining appropriate good time earning rates.

E. Inmate Trust Fund and Other Accounts

1. Out-of-State Inmates in Virginia

- a. The Virginia Compact Coordinator, when scheduling the transfer, will request that the sending state or jurisdiction forward a check containing the inmate's accumulated funds with the inmate at time of transfer.
- b. The check must be made payable to the inmate, only, and delivered directly to the receiving institution, unless instructed otherwise by the Virginia Compact Coordinator upon the inmate's arrival.

2. Virginia Inmates in Other States

- a. The inmate's accumulated funds will be held at the inmate's last permanent institution assignment.
- b. Upon notification from the Virginia Compact Coordinator, the institution Business Office staff will prepare a check payable to the inmate from the spend and trust accounts to be sent to the location designated by the Compact Coordinator.

3. Inmates who have personal accounts with outside financial institutions will be responsible for managing any change in personal account status.

F. Other Reimbursements

1. Out-of-State Inmates in Virginia

- a. When Virginia is entitled to reimbursement under the *Interstate Corrections Compact Contract* for expenses incurred, the Facility Unit Head will send a written request for reimbursement to the Compact Coordinator who will forward the request to the original sending state for reimbursement.
- b. The written request will include:
 - i. A description of services rendered or unusual costs incurred, date incurred, etc.
 - ii. Amount being requested
 - iii. Written documentation verifying payment of costs, i.e., copy of billing and payment invoice
- c. Virginia DOC requires that other than for medical emergencies as determined by the Health Authority, the Utilization Manager (UM) must review any referral for medical services beyond the services available in DOC institutions. For out-of-state inmates, the referring physician is required to submit an *Out-Of-State Medical Pre-Authorization Request* 020_F13 before providing such medical care; see Operating Procedure 720.2, *Medical Screening, Classification, and Levels of Care*.

2. Virginia Inmates in Other States

- a. Upon receipt of a request for reimbursement, the Compact Coordinator will confirm the legitimacy and request that reimbursement be made through the Virginia Health Services Analyst.
- b. With any request for reimbursement, the Compact Coordinator will ensure the written request includes the following
 - i. A description of services rendered or unusual costs incurred, date incurred, etc.
 - ii. Amount being requested
 - iii. Written documentation verifying payment of costs, i.e., copy of billing and payment invoice

G. Release from Confinement

1. Out-of-State Inmates in Virginia

- a. The original sending state will send the Virginia DOC a written release authorization, which may



- be in the form of a clemency or discretionary, mandatory parole release. The written release authorization will serve as the Virginia DOC's authorization to release the inmate.
- b. The Records Manager of the inmate's assigned institution will contact the Virginia Compact Coordinator in advance of the inmate's release to confirm the validity of the release authorization.
2. Virginia Inmates in Other States
 - a. Virginia will send the other state a written release authorization to release Virginia inmates from out-of-state institutions.
 - b. The Virginia DOC's Offender Release Unit will notify the Virginia Compact Coordinator, in advance where possible, of all Virginia inmates releasing on parole from other compact states or jurisdictions.

REFERENCES

COV §53.1-40, *Appointment of counsel for indigent prisoners*
COV §53.1-216, *Interstate Corrections Compact; Governor to execute Interstate Compact for the Supervision of Adult Offenders, (ICAOS)*
Operating Procedure 025.3, *Public Records Retention and Disposition*
Operating Procedure 720.2, *Medical Screening, Classification, and Levels of Care*
Operating Procedure 820.2, *Inmate Re-entry Planning*
Operating Procedure 830.1, *Institution Classification Management*
Operating Procedure 830.2, *Security Level Classification*
Operating Procedure 866.1, *Offender Grievance Procedure*
Operating Procedure 866.3, *Inmate and CCAP Probationer/Parolee Legal Access*
Operating Procedure 920.4, *Interstate Transfer of Supervision*

ATTACHMENTS

Attachment 1, *Interstate Corrections Compact Participating States*
Attachment 2, *Out Of State Compact Transfer Criteria*

FORM CITATIONS

International Prisoner Transfer Case Summary 020_F1
International Prisoner Transfer Program Application Short Form 020_F4
Interstate Corrections Compact Contract 020_F5
Interstate Corrections Compact Transfer Application 020_F6
Interstate Compact Medical Assessment 020_F7
Interstate Compact Disposition Notice 020_F8
Request to Proposed Receiving State for Approval of Compact Transfer 020_F9
Parole Board Notification of Interstate Corrections Compact Transfer 020_F10
Interstate Compact Transfer Out Order 020_F11
Interstate Compact Transfer In Order 020_F12
Out-Of-State Medical Pre-Authorization Request 020_F13
Regular Grievance 866_F1

