

State of Iowa Department of Corrections

Policy and Procedures

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Chapter 4: INSTITUTIONAL SERVICES

Sub Chapter: CLASSIFICATION

Related DOC Policies: AD-CR-05, AD-GA-06, HSP-741, IO-SC-12, ISC-01, IS-CL-02

Administrative Code Reference: N/A

Subject: INTER-INSTITUTIONAL INCARCERATED INDIVIDUAL TRANSFER

PREA Standards: N/A

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Authority:

1. PURPOSE

To establish the guidelines by which inter-institutional incarcerated individual transfers following initial reception classification are initiated, processed, and approved/denied.

2. POLICY

It is the policy of IDOC that, with oversight and management by the Deputy Director of Institution Operations/Designee, department resources and incarcerated individual success shall be optimized by housing incarcerated individuals in facilities consistent with their case plan, custody classification, program, medical and mental health needs.

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3. DEFINITIONS – As used in this document:

- A. Committee - As used in this document, Committee refers to those established by institutional procedures as being responsible for reviewing the original transfer request and making a determination whether to proceed with a formal transfer request (i.e., ICON-Transfer Instance). The Committee may be established as the Unit Management Team, Classification Team, or Treatment Team.
- B. Sex Offender Civil Commitment (SOCC) Process – A system of reviews and committees to determine an incarcerated individual is to be prosecuted for civil commitment as a sexually violent predator.
- C. Transfer Level One Decision - The decision made by the Committee whether to proceed with initiating a formal incarcerated individual transfer request via ICON-Transfer Instance.
- D. Transfer Level Two Decision - The Warden/Designee decision whether to forward a Committee-approved ICON-Transfer Instance to the Deputy Director of Institution Operations/Designee for processing.
- E. Transfer Level Three Decision - A determination made by the Deputy Director of Institution Operations/Designee to approve, modify or deny an ICON-Transfer Instance.

4. PROCEDURES

A. Incarcerated Individual Transfer – General

- 1. Incarcerated individuals may be subject to transfer to another IDOC institution for the following reasons, but not limited to:

- a. Bed utilization
 - b. Board of Parole recommendation
 - c. Case management
 - d. Custody classification does not match facility designation
 - e. Custody status change
 - f. Pending discipline
 - g. Program and treatment
 - h. Safety
 - i. Security
 - j. Segregation status
 - k. Release preparation/ re-entry
2. Incarcerated individual transfers, except the Deputy Director of Institution Operations/Designee-initiated transfers, are subject to three decision levels, which include:
- a. Transfer Level One Decision – Committee
 - b. Transfer Level Two Decision - Warden/Designee
 - c. Transfer Level Three Decision - the Deputy Director of Institution Operations/Designee
3. Incarcerated individual transfers between the following facilities are not subject to the Deputy Director of Institution Operations/Designee Office approval. However, such transfers shall be recorded in ICON-Generic Notes and will include the basis for the transfer.
- a. Ft. Dodge Correctional Facility (FDCF) - North Central Correctional City (NCCF)
 - b. Iowa Correctional Institution for Women (ICIW) - ICIW Minimum Live Out Center (ICW-MLO)

- c. Mt. Pleasant Correctional Facility (MPCF) - MPCF Minimum Live Outs (MPCF-MLO)
 - d. Newton Correctional Facility (NCF) - Correctional Release Center (CRC)
- 4. All case records related to inter-institutional incarcerated individual transfers shall be in electronic format and maintained in ICON.

B. Incarcerated Individual Transfer - Mental Health

Incarcerated individuals who are subject to transfer in order to meet individual mental health needs shall be transferred in accordance with **HSP-741** *Mental Health Transfers*.

C. Incarcerated Individual Transfer – Initiation

1. An incarcerated individual transfer may be initiated by:
 - a. The Deputy Director of Institution Operations/Designee
 - b. Staff
 - c. Incarcerated Individual
2. The Deputy Director of Institution Operations/Designee staff may initiate an incarcerated individual transfer by submitting a request to the Warden/Designee outlining the basis for the requested transfer.
3. Designated institutional staff may initiate an incarcerated individual transfer by submitting a request to the incarcerated individual's assigned Correctional Counselor outlining the basis for the requested transfer.
4. An incarcerated individual may initiate an incarcerated individual transfer by submitting a request to his/her assigned Correctional Counselor that outlines the basis for justifying the request and identifies the institution the incarcerated individual would like to be transferred to.

D. Incarcerated Individual Transfer - Initial Request Processing

1. The incarcerated individual's assigned Correctional Counselor is

responsible for coordinating the processing of transfer requests, which includes:

- a. Meeting with the incarcerated individual (incarcerated individual-initiated transfer request), if applicable, to review the request and discuss mutually acceptable options that may not require a transfer to another institution. The results of the meeting shall be documented in ICON Generic Notes, if the request is denied.
- b. Preparing to report or make available up-to-date information germane to the transfer request for the Committee's review, to include:
 - 1) Reason for transfer - detailed justification/situation prompting the transfer request
 - 2) Crime/length of sentence
 - 3) Admission date
 - 4) Transition Incentive Program (TIP) status
 - 5) Tentative discharge date/mandatory minimum
 - 6) Custody score/override (include basis for any overrides), which may include recommendation to move to correct institution based on custody score
 - 7) Program intervention needed and completed, if applicable
 - 8) Board of Parole review date/code
 - 9) Mental health review, as needed, identifying whether incarcerated individual has a mental health diagnosis. If yes, consult with mental health professional regarding the incarcerated individual's stability, treatment needs, potential impact of transfer, level of care required, etc. (see **HSP-741** *Mental Health Transfers*).
 - 10) Discipline history, in last 12 months

- 11)Keep separates, if applicable must be reviewed with incarcerated individual and updated accordingly
 - 12)Detainers, warrants, and/or SOCC, if applicable
 - 13)Medical restrictions (e.g., limited to lower bunk)
 - 14)Sexual Violence Propensity (SVP-R) reviewed/updated (Note: Do not include the SVP designation in the comments; rather, only note that it was updated/reviewed.)
- c. Scheduling a meeting within 30 days of receipt of transfer request with the Committee who will consider the transfer request.
 - d. Presenting the transfer request to the Committee, to include available relevant information.
- 2. The Committee will consider transfer requests within 30 days of the Correctional Counselor's receipt of the transfer request. Institutional procedures shall outline the role of mental health staff in the Committee's review of transfer requests.
 - 3. In processing a transfer request, the Committee shall consider:
 - a. Information outlined in D.1.b, eligibility criteria based on custody classification.
 - b. Incarcerated individual's Transition Incentive Program (TIP) status.
 - c. Whether the requested transfer complies with the intent of the transfer policy.

Based on these considerations, the Committee shall approve, deny or modify the transfer request and inform the Correctional Counselor of the decision.

- 4. The Correctional Counselor shall inform the incarcerated individual of the Committee decision and record the Committee's decision, including the basis for the decision, as a classification decision in ICON-Generic Notes.

5. Prior to transfer approval, the SVP-R Assessment shall be reviewed and updated if changes are needed for an accurate assessment. The new SVP-R assessment shall be added if it has been one year or more since the most recent assessment.

E. ICON - Transfer Instance Processing

1. An ICON-Transfer Instance shall be initiated on all approved transfers within seven days of Committee approval. The incarcerated individual's assigned Correctional Counselor is responsible for completing the Transfer Instance.
2. In completing the ICON-Transfer Instance, the Correctional Counselor shall:
 - a. Update custody classification assessment, if needed
 - b. Include up-to-date information in the Transfer Instance comment section, that contains:
 - 1) The information required by D.1.b above
 - 2) Updated custody classification described in E.2.a.
 - 3) If an incarcerated individual has a serious mental illness, an Interqual is required. A chart review is required for those incarcerated individuals having a mental illness. In addition, a mental health professional will be consulted regarding the incarcerated individual's stability, treatment needs, potential impact of transfer, level of care required, etc. (see IDOC Policy **HSP-741**).
 - 4) Any changes regarding the incarcerated individual since the Committee's decision that may impact the decision to transfer the incarcerated individual.
 - c. Notify the Warden/Designee that a Transfer Instance is complete and awaiting institutional action.
3. The Warden/Designee shall review all Transfer Instance requests for completeness, and render institutional approval, modification, or denial of the requests, which may include providing additional information or modifications for the Deputy Director of Institution

Operations/Designee consideration. The Warden/Designee shall record his/her decision and the basis for the decision in the ICON-Transfer Instance. The Warden/Designee shall render a decision within 14 days of receipt of the transfer request.

4. Approved transfer requests are automatically forwarded electronically via ICON-Transfer Instance to the Deputy Director of Institution Operations/Designee for processing.
5. The Deputy Director of Institution Operations/Designee will approve, modify or deny transfer requests. the Deputy Director of Institution Operations/Designee shall consider the following in making transfer decisions:
 - a. Information provided by Procedure D.1.b.
 - b. Receiving facility's available bed space.
 - c. Receiving facility's ability to meet medical and/or mental health needs.
 - d. Incarcerated individual's custody classification matches the proposed receiving institution's custody designation.
 - e. Incarcerated individual's program needs can be met at the receiving facility.
 - f. Presence of Keep Separates at receiving facility.
 - g. Presence of Security Threat Group (STG) issues/concerns.
 - h. Alignment with incarcerated individual's geographic region of release or reentry case plan.
 - i. TIP status.
 - j. Incarcerated individual institutional behavior record.
 - 1) Incarcerated individual institutional behavior that is persistently disruptive or involvement in an act that results in loss of life, serious injury, sexual assault, or major institutional incident (e.g., major fire, riot, and escape) may be a basis for denial.

- 2) Incarcerated individual institutional behavior, excluding behavior outlined in E.5.j.(1.), that occurred more than 10 years prior and has not occurred again or continued, will not be the sole basis for a transfer denial.
6. The Deputy Director of Institution Operations/Designee will deny transfer requests that do not contain the required information outlined in E.2.b. In such instances, the Deputy Director of Institutional Operations/Designee shall note the denial in the ICON-Transfer Instance Decision and in the Decision Comment section note that the request was denied due to inadequate information submitted.
7. The Associate Warden of Treatment shall monitor active transfer requests and forward denied transfer requests due to incompleteness to the assigned Correctional Counselor for reprocessing.
8. The Deputy Director of Institution Operations/Designee shall record the decision and the basis for the decision in the comments section of the ICON-Transfer Instance. The Deputy Director of Institution Operations/Designee shall render a decision within 30 days of receipt of a transfer request.
9. Institutional procedures shall outline the process for tracking the status of ICON-Transfer Instances, to include type of report, frequency report is run, person(s) responsible, etc.
10. Correctional Counselors monitor the Transfer Instance reports and inform incarcerated individuals of transfer decisions. The Correctional Counselor notes that an incarcerated individual is informed of transfer decisions in ICON-Generic Notes.

F. Implementation of Approved ICON-Transfer Instance

1. The institution where the Transfer Instance originated is responsible for coordinating the actual transfer of the incarcerated individual. Institutional procedures shall outline persons responsible, to include required activity and steps, for coordinating the transfer of incarcerated individuals.
2. Except for reasons outlined below, approved transfers will occur within 60 days. Cases of pending transfers over 60 days and every

month thereafter shall be examined by the Deputy Director of Institution Operations/Designee, who will contact the originating institution to ascertain why the transfer has not been completed. Based upon the results of such review and examination, the Deputy Director of Institution Operations/Designee may cancel or modify the approved transfer. The Deputy Director of Institution Operations/Designee shall record reviews, cancellations, and modifications to an approved Transfer Instance in ICON-Transfer Instance.

3. With approval of the Associate Warden of Treatment, designated institutional personnel may suspend a scheduled transfer for any one of the following reasons that apply to the incarcerated individual being transferred:
 - a. Upcoming appointment in Iowa City within the next 30 days.
 - b. Scheduled for a BOP interview/review within the next 30 days.
 - c. Pending disciplinary reports.
 - d. Imposition of new disciplinary sanction since the Transfer Instance was approved.
 - e. A Keep Separate issue at receiving institution.
 - f. Placement in Restrictive Housing since the Transfer Instance was approved.
 - g. Change in mental health status/assessment.
4. Prior to a scheduled transfer being suspended, the Associate Warden of Treatment shall consider available options that will make the transfer viable.
5. The Associate Warden of Treatment shall periodically review Transfer Instance trip cancellations that have occurred to identify cancellations made without proper authorization and shall take the necessary steps to resolve any identified discrepancies or deficiencies.
6. The Warden/Designee may recommend modifications to or cancellation of an approved Transfer Instance to the Deputy

Director of Institution Operations/Designee by contacting and consulting with the Deputy Director of Institution Operations/Designee. The Deputy Director of Institution Operations/Designee shall provide directions regarding any authorized changes to the approved Transfer Instance.

7. The actual physical transfer of incarcerated individuals between institutions shall be in accordance with IDOC Policies **IO-SC-12** *Escorted Trips* and **AD-CR-05** *Releasing Incarcerated Individuals to Transporting Officers*.

G. Emergency Incarcerated Individual Transfer

1. In emergency situations occurring during normal business hours that require the immediate transfer of an incarcerated individual, the originating institution's designee shall contact the Deputy Director of Institution Operations/Designee and obtain authorization (verbal or electronic) for the transfer, with required documentation to follow as soon as practical and feasible.
2. In emergency situations occurring after normal business hours that require the immediate transfer of an incarcerated individual, the originating institution's Duty Officer shall contact the Deputy Director of Institution Operations/Designee or Assistant Deputy Director of Institution Operations/Designee and obtain authorization (verbal or electronic) for the transfer, with required documentation to follow as soon as practical and feasible.
3. In addition to the documentation required by this policy, a Critical Incident Report (CIR) is required when an emergency transfer is effected (see IDOC Policy **AD-GA-06** *Reporting of Critical Incidents and Duty Officer System*).

H. Incarcerated Individual Transfer Classification Appeals

Each institution shall have written procedures for incarcerated individuals to appeal classification decisions. Appeals beyond the institutional level are not allowed. Note: Classification decisions are not grievable, per IDOC Policy **IO-OR-06** *Incarcerated Individual Grievances Procedures*.

I. Incarcerated Individual Transfer - Out of State

Transfer of incarcerated individuals to an institution located outside the state of Iowa shall be effected in accordance with IDOC Policy **IS-CL-09**

Interstate Corrections Compact Transfer for Prison.