

State of Iowa Department of Corrections

Policy and Procedures

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Applicability: Institutions

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Chapter 4: INSTITUTIONAL SERVICES

Sub Chapter: CLASSIFICATIONS

Related DOC Policies: AD-CR-01, AD-CR-04, AD-CR-05, IO-SC-12, IS-CL-02, ISC-01, ISC-04, IS-RO-03

Administrative Code Reference: N/A

Subject: INTERSTATE CORRECTIONS COMPACT TRANSFER FOR PRISON

PREA Standards: 115.12(a)(b), 42(a)

Responsibility: Nick Lamb

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Authority:

1. PURPOSE

The purpose of this policy is to outline operating procedure that provides for implementation of the Interstate Corrections Compact under which incarcerated individuals assigned to the Iowa Department of Corrections (IDOC) may receive consideration for transfer to serve their sentences in the correctional system of another jurisdiction. This operating procedure also provides for incarcerated individuals from other jurisdictions to be received to serve their sentences in the IDOC and establishes guidelines by which interstate correctional compact transfers are initiated, processed, and approved/denied.

This operating procedure applies only for prison-to-prison transfers of incarcerated individuals; see IDOC Policies **ISC-01**, *Transfer of Supervision of Iowa Cases to Other States* and **ISC-04**, *Transfer of Supervision to Iowa*, for transfer of incarcerated individuals to receive probation or parole supervision in another state in accordance with the Interstate Compact for the supervision of adult incarcerated individuals.

2. POLICY

It is the policy of the IDOC that the Corrections Compact allows the IDOC to exchange incarcerated individuals with other states and the Federal Bureau of Prisons when a Corrections Compact contract exists between Iowa and the respective jurisdiction. The contract is based on the department's cooperation with the federal government and other party states in order to serve the best interests of society and affected incarcerated individuals. **(Iowa Code 913.2 and 218B)**. Practices and procedures shall comply with applicable State and Federal laws and regulations, Board of Corrections policies and regulations, ACA standards, PREA standards, and IDOC directives and operating procedures.

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3. DEFINITIONS - As used in this document:

- A. Classification Committee – As used in this document, Classification 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. The Committee may be established as the Unit Management Team, Classification Team, or Treatment Team.
- B. Administrative Compact Transfer Request – A request initiated by the Institution Operations Office, the Director of Institution Operations, Director, or Warden for Interstate Corrections Compact transfer of an incarcerated individual to another state or jurisdiction with or without consent of the incarcerated individual.
- C. Annual Review – A uniform yearly review of an incarcerated individual's needs and objectives.
- D. 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 Deputy Director of Institution Operations is designated as the Compact Administrator.

- E. Compact Coordinator – The individual delegated responsibility for managing, supervising, and coordinating the day-to-day administration of the Interstate corrections compact. The Deputy Director of Institution Operations shall designate a Compact Coordinator.
- F. Convenience Basis – An Interstate Corrections Compact transfer based on the incarcerated individual's or IDOC administration's desire (with the incarcerated individual's concurrence) to place the incarcerated individual in another location which will be more conducive to establishing or maintaining family ties and support for therapeutic or release preparation purposed.
- G. Convenience Applicant – An incarcerated individual applying to be transferred closer to his family.
- H. Eligibility – The utilization of objective, measurable standards, or criteria to determine an incarcerated individual's program status (transfer, security level, program placement, etc.).
- I. Institutional Classification Committee – The facility staff persons designated to conduct incarcerated individual case review sessions.
- J. 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 Iowa and other Interstate Corrections Compact member jurisdictions.
- K. Suitability – A reasoned, professional judgment regarding an incarcerated individual's ability to perform in a certain security level or facility environment; it calls for a discerning judgement relative to length of sentence, crime, prior record, as well as sociological, medical, and psychological considerations. Suitability differs with each individual incarcerated individual depending upon the incarcerated individual's facility, parole eligibility, Mandatory Parole Release Date or Tentative Discharge Date.

4. PROCEDURES

A. Compact Transfer

Compact transfers between Iowa and other jurisdictions will be considered only if there is a legitimate contractual agreement (**IS-CL-09 F-1**, *Interstate Corrections*

Compact Contract) between the state of Iowa and the other state or jurisdiction. Funds will not be exchanged between Iowa and other states or jurisdictions for costs of incarcerating prisoners transferred in accordance with this operating procedure, except for reimbursements authorized under the Interstate Corrections Compact contract.

B. Requirements for Transferring Iowa Incarcerated Individuals to Other Jurisdictions

1. Criteria

- a. An incarcerated individual may be considered for Corrections Compact transfer if the incarcerated individual is more than five years from recommended release date; unless this requirement is waived by the Director/Designee.
- b. When one or more of the following conditions exist:
 - 1) By the incarcerated individual's institutional behavior, he or she is determined to be a threat to the orderly operation of the institution.
 - 2) There is reason to believe the incarcerated individual's personal safety would be in jeopardy if he or she were to remain in an institution within the state. This will be verified through investigative and intelligence reports.
 - 3) There exists extenuating compassionate circumstances which demonstrate the transfer to be in the best interest of the incarcerated individual. At a minimum there is a verified support system in the requested state and the incarcerated individual has shown the ability to finance all transportation costs associated with the transfer.

2. Transfer Initiation

a. Institution Initiated

The institution in consultation with the Deputy Director of Institution Operations may request an incarcerated individual be transferred to another

state or the Federal Bureau of Prisons for appropriate reasons to include, but not be limited to, protective custody and security needs.

b. Incarcerated Individual Initiated Transfer Request

- 1) Any incarcerated individual may request a transfer to another state which is a member of the Interstate Corrections Compact and which has a contract with the state of Iowa.
- 2) Incarcerated Individual-requested transfers are not a right and can only occur with the approval of the IDOC and the receiving state. Interstate transfers are an exception to the routine placement of incarcerated individuals, and the incarcerated individual may be returned to the sending state at any time for any reason. The incarcerated individual shall be required to follow the policy and procedures of the receiving state and will be assigned to whatever custody status and institution deemed appropriate by the receiving state.
- 3) The incarcerated individual's initiated transfer request shall be referred to his or her case manager. If the case manager believes the request is appropriate, the request shall be forwarded to the Classification Committee for further consideration.
- 4) The Committee shall consider transfer requests within 30 days of the Case Manager's receipt of the transfer request. Mental health staff shall be consulted in the Committee's review.
- 5) The Case Manager shall inform the incarcerated individual of the Committee's decision and record the Committee's decision (including the basis for the decision) as a classification decision in ICON Generic Notes.
- 6) If the Classification Committee recommends the transfer, it is forwarded to the Warden for approval.
- 7) If approved by the Warden in consultation with the Deputy Director of Institution Operations, an application will be forwarded to the Institution Operations Office for review and approval or denial.
- 8) If the transfer is at the sole request of the incarcerated individual, the incarcerated individual shall be charged for the cost of transportation and security escorts or any portion thereof. Therefore, the incarcerated individual must have the appropriate amount of money to cover these costs on the books at the time of the approval. No costs shall be charged

to the incarcerated individual if the transfer is done for the sole benefit of the state.

3. Applications

Corrections Compact applications **(IS-CL-09 F-2)** will be completed electronically, unless specified otherwise. The application packet shall include all of the following when available:

- a. Information as identified in Form 2 outlining rationale for transfer and other documentation requested in Form 2 signed by the facility head;
- b. Copies of Judgment and Sentences and/or other commitment documents for each active sentence;
- c. FBI criminal history abstract;
- d. Evaluation report prepared by assigned case manager;
- e. Adjustment reviews;
- f. Admission Summary, Classification Summaries, and Progress Reports
- g. Disciplinary History
- h. Current health summary and mental health evaluation completed within the past six months, to include an assessment by medical services staff concerning the incarcerated individual's suitability for travel on an ICON "Medical Transfer Summary";
- i. Print a copy of the "Offender Personal History Data Sheet" with the incarcerated individual's photo attached;
- j. Pre-sentence investigation/district attorney narrative or any information regarding the offense itself; and
- k. "Earned Credit Class Report";
- l. Security Threat Group/Gang affiliation and enemies list;
- m. The incarcerated individual's SVP code and the code's definition. **(PREA 115.42(a))**.

- n. The reasons for the transfer, current custody, and treatment involvement, and any other information relevant to classification.

4. Processing of an Approved Transfer

- a. Once an incarcerated individual has been referred to the Corrections Compact Coordinator for out-of-state placement, all communication to and from the receiving state shall be routed through the Corrections Compact Coordinator in the Institution Operations Office.
- b. Once the transfer occurs the Case Manager at the sending facility shall remain the Primary Case Manager and the Compact Coordinator in Institution Operations Office shall serve as the Secondary Case Manager.
- c. While the Compact Coordinator shall maintain communication with the receiving state, the Primary Case Manager shall be responsible for maintaining the file and updating the custody score sheet as necessary.

5. Transfer Approval and Coordination

- a. The IDOC Institution Operations Office is responsible for the final approval and the processing and coordination of transfers to other states under the Corrections Compact agreement.
- b. Once the incarcerated individual is accepted by another state, arrangements will be made for such transfer at which time the only ICON record entered will be done by the respective institution Records staff to assign a 'virtual' facility in ICON for tracking purposes. (Note: No ICON-Transfer Instance is required.)
- c. The referring institution is responsible for coordinating the actual transfer of the incarcerated individual and shall be responsible for the costs to transfer. Institutional procedures shall outline persons responsible, to include required activity and steps, for coordinating the transfer of incarcerated individuals.
- d. 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**, *File Transfer*.

- e. The only staff that can cancel an approved Prison Compact Transfer is the Deputy Director of Institution Operations and designated Corrections Compact Coordinator.

6. Iowa Incarcerated Individual Return

- a. The Institution Operations Office will assign incarcerated individuals returning from out of state to the most appropriate institution regardless of where the incarcerated individual was assigned prior to the out-of-state transfer.
- b. Except where there is an immediate security concern, all out-of-state male incarcerated individuals returning to IDOC custody shall be received at the Iowa Medical and Classification Center (IMCC). Female incarcerated individuals shall be received at the Iowa Correctional Institution for Women (ICIW). IMCC/ICIW shall provide the reception report, custody classification update, and health screen. All documentation as outlined in IDOC Policy **IS-CL-09 F-1**, *Corrections Compact Contract*, is to be received by Corrections Compact Coordinator in Institution Operations for follow-up with the sending state.
- c. In the case where a male incarcerated individual is assigned directly to an institution other than IMCC, the receiving institution shall provide the reception report, custody classification update, and health screen.

7. Costs

If the transfer is at the sole request of the incarcerated individual, the incarcerated individual shall be charged for the cost of transportation and security escorts or any portion thereof. Therefore, the incarcerated individual must have the appropriate amount of money to cover these costs on the books at the time of the approval. No costs shall be charged to the incarcerated individual if the transfer is done for the sole benefit of the state.

8. ICON, Record Keeping, and Reporting

- a. All case records related to Interstate Corrections Compact incarcerated individual transfers shall be maintained in ICON.
- b. The Compact Coordinator shall maintain an appropriate logging system for accountability and control and maintain Compact Contract Files which will contain copies of the executed contracts by jurisdiction.
- c. All compact records shall be retained in accordance with IDOC Policy **AD-CR-01**, *Incarcerated Individual Records* and **Iowa Code 904.601 and 218.21**, Records of Incarcerated Individuals. Also per Iowa Record Series Schedule Section SOC 14-02-0.51.
- d. Statistical records shall be maintained and include, at a minimum, the following elements:
 - 1) Number of active compact transfers in place in and out-of-state.
 - 2) Iowa's transfer balance with other contract jurisdictions.

9. PREA Standards

- a. A public agency that contracts for the confinement of its incarcerated individuals with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards.
- b. Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards. **(PREA 115.12(a)(b))**

C. Requirements for Receiving Incarcerated Individuals from Other Jurisdictions

1. Eligibility Criteria for Receiving a Corrections Compact Incarcerated Individual

- a. The incarcerated individual must be more than five years from the recommended release date, unless this requirement is waived by the Director/designee.
- b. The incarcerated individual must have needs which can be effectively addressed by the IDOC.

2. Application Process

- a. Sending state must complete the application process by completing **IS-CL-09 F-2, *Interstate Corrections Compact Transfer Application***, or sending state's complementary form, and forward all requested accompanying information to the IDOC Institution Operations Office for review.
- b. The Corrections Compact Coordinator in the Institution Operations Office shall review the application and packet information, prepare a written recommendation, and consult with the IDOC Director or designated Compact Administrator.
- c. The Compact Coordinator shall notify the requesting jurisdiction of the decision.

3. Transfer Procedures

The Compact Coordinator shall:

- a. Inform the sending jurisdiction when the transfer is to take place;
- b. Inform the assessment and reception center's security office of the impending transfer;
- c. Coordinate with the sending jurisdiction's compact administrator the incarcerated individual's transportation to the assessment and reception center;
- d. Ensure incarcerated individual will complete the reception process just as any incoming incarcerated individual in the Iowa prison system.

4. Supervision of Corrections Compact Cases from Other States

The receiving facility shall assign a Primary Case Manager in ICON while the Corrections Compact Coordinator in Institution Operations shall serve as the Secondary Case Manager and will communicate with the sending state. The Primary Case Manager shall complete progress reports utilizing **IS-CL-09 F-3, *Progress Report for Interstate Compact Incarcerated Individuals***, scan into ICON Offender Attachments and forward the original to the receiving state for each interstate compact incarcerated individual on a bi-annual basis. The reports indicate the progress of the incarcerated individual from January through June and July through December of a given year, and are due to the Compact Coordinator by January 1 and July 1.

- a. The 'Progress Report' shall include the following information:
 - 1) A narrative, completed by the incarcerated individual's case manager, including overall adjustment, disciplinary history, attitude, behaviour, etc.;
 - 2) Work status (job type, number of days worked per week, performance rating);
 - 3) School/program participation (type of program, frequency of attendance, dates attended, performance rating, certificates, completions);
 - 4) Summary/additional comments; and a copy of all disciplinary misconducts and disciplinary hearing decisions received by the incarcerated individual during the reporting period.
- b. The Compact Coordinator shall be advised by the sending jurisdiction of impending release by parole or discharge.
- c. The out-of-state incarcerated individual is to be returned to the sending state for release under arrangements made by the Compact Coordinator unless the IDOC Director/Compact Administrator and the sending state agree to release from the assigned facility. The sending state is responsible to forward funds to pay for the items listed below:
 - 1) A bus ticket to the city/town of incarcerated individual's intended place of residence;

- 2) If the incarcerated individual does not have at least \$50 in the total (draw and statutory savings) account, a check for the difference will be drawn on the facility petty cash fund made payable to the incarcerated individual; and
 - 3) Discharge clothing for the incarcerated individual in accordance with IDOC Policy **IS-RO-03**, *Incarcerated Individual Personal Property*.
- d. Should the interstate incarcerated individual escape, the assigned facility shall initiate escape procedures in accordance with IDOC Policy **IO-SE-06**, *Emergency Response Plan*. Escapes are to be reported as soon as possible to the Compact Coordinator who shall inform the sending jurisdiction no later than the following working day. The sending jurisdiction shall be notified by the Compact Coordinator that they are responsible for extradition procedures if the escapee is captured out of state.
 - e. Should the interstate incarcerated individual be injured or require emergency medical attention, the Compact Coordinator shall be notified within 24 hours so the sending state can be notified of the incident.
 - f. Medical costs incurred by incarcerated individuals out-of-state shall be the responsibility of the referring facility.