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		INTERSTATE CORRECTIONS COMPACT TRANSFER PROCEDURES	

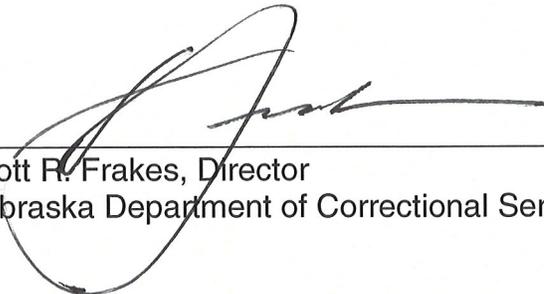
This Administrative Regulation is to be made available in law libraries or other inmate resource centers.

EFFECTIVE: January 18, 1982
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SUMMARY of REVISION/REVIEW

Annual review with no changes made

APPROVED:



 Scott R. Frakes, Director
 Nebraska Department of Correctional Services

	<p style="text-align: center;">ADMINISTRATIVE REGULATION</p> <p style="text-align: center;">Department of Correctional Services State of Nebraska</p>	<p style="text-align: center;">NUMBER</p> <p style="text-align: center;">213.01</p>	<p style="text-align: center;">Page 2 of 7</p>
		<p>INTERSTATE CORRECTIONS COMPACT TRANSFER PROCEDURES</p>	

PURPOSE

To establish uniform procedures for interstate transfer requests for all adult correctional facilities within the Nebraska Department of Correctional Services (NDCS).

GENERAL

In accordance with State Statute and the Interstate Corrections Compact Act contracts between Nebraska and those states under contract with NDCS for interstate transfer of inmates, it is the policy of NDCS to provide inmates the opportunity to request a transfer to another state for reasons defined in the State Statute and the Contracts.

This Administrative Regulation shall apply to all inmates, staff and adult correctional facilities within the jurisdiction of NDCS.

PROCEDURE

- I. NDCS is authorized to enter into contractual agreements with other states and the Federal Bureau of Prisons to assist rehabilitation efforts through interstate transfer of inmates. The Director is the approving authority for all Interstate Compact Contracts.
- II. The Programs and Community Services Division is responsible for all aspects of the Interstate Corrections Compact. The Interstate Corrections Compact Coordinator, under the supervision of the Deputy Director for Programs and Community Services shall coordinate and document all actions undertaken under the provisions of the Interstate Corrections Compact.
- III. Inmates requesting interstate transfer for one or more of the following reasons shall be given consideration:
 - A. To assist inmate treatment and rehabilitation by enabling the inmate to be closer to and maintain family ties or gainful employment.
 - B. To assist an inmate by allowing for the concurrent serving of sentences.
 - C. To provide for the greater immediate personal safety of an inmate.
 - D. To provide for greater institutional security, custody and control.
 - E. To provide for inmate treatment and rehabilitation through specialized programs not available in the sending state that is consistent with the terms of the Compact.
- IV. Nebraska inmates with pending litigation in Nebraska courts and/or detainers that have not been adjudicated or otherwise resolved shall not be considered for interstate transfer. Institutional staff will request a check of detainers/notifiers from the Special Services Supervisor and include it with the reclassification packet. Further criteria for referrals is as follows:
 - A. The inmate has not received Class I misconduct (disciplinary) conviction in the last 24 months, nor has he/she received a Class II misconduct (disciplinary) conviction in the last 12 months (or since arrival if he/she has been incarcerated less than the criteria time frame). There are no pending misconduct (disciplinary) actions, and

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there is no pattern of excessive misconduct (disciplinary) convictions in the inmate's history with NDCS (to be determined by case manager or Warden).

- B. The inmate is not within nine months of his/her discharge date or tentative release date.
 - C. The inmate is not administratively segregated. The inmate must have been out of administrative segregation for 12 months prior to being eligible for referral.
- V. Transportation expenses for transferring inmates shall be the responsibility of the sending state.
- A. All transportation expenses for transferring Nebraska inmates to other states are to be paid by the inmate. The amount of the cost of the transfer shall be frozen in the inmate's institutional account prior to consideration for transfer. If the transfer is anticipated to be made on an even exchange basis, only half the amount of the cost needs to be frozen. Estimated costs will be computed by the Special Services Supervisor and can be obtained by institutional staff through the Interstate Corrections Compact Coordinator.
- Exceptions to the inmate paying for transportation expenses must be approved by the Director's Review Committee.
- B. Transportation expenses for Nebraska inmates in another state wishing to return to Nebraska shall be paid by the inmate unless otherwise decided by the Director's Review Committee. If the inmate needs to be returned immediately to Nebraska, but does not have the funds available, the transfer may be made and the inmate's account frozen until the funds are available.
- VI. Nebraska inmates wishing to transfer to another state must do so on a volunteer basis. No inmate shall be transferred against his/her will.
- A. The inmate must initiate the request for interstate transfer by contacting his/her Case Manager and completing the following forms:
 - 1. Application for the Use of the Interstate Corrections Compact Services; (Attachment A)
 - 2. Waiver to Appear Before the Parole Board (Attachment B)
 - 3. Inmate Account Status for Interstate Transfer Request (Attachment C)
 - B. The request shall be processed at the institution through normal classification procedures. A financial status check must be made through Inmate Accounting.
 - C. If the request is denied at the institution level, the denial is final, and the inmate shall be informed of the decision and the reason(s) for it. A copy of the request and reasons for denial shall be forwarded to the Interstate Corrections Compact Coordinator.

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- D. If the request is approved at the institution level, the following shall be forwarded to the Interstate Corrections Compact Coordinator:
1. Reclassification Action Form. If the Warden recommends payment of transfer costs by the state, the reasons for that recommendation shall be explicitly stated on this form;
 2. Application for the Use of the Interstate Corrections Compact Services (Attachment A);
 3. Waiver to Appear Before the Parole Board (Attachment B);
 4. Inmate Account Status for Interstate Transfer Request (if the inmate is to pay transportation expenses); (Attachment C);
 5. Medical Release;
 6. A check of detainers/notifiers/wanted person inquiry in NIS and NCIC.
- VII. Upon receipt of the packet from the Warden, the Interstate Corrections Compact Coordinator shall forward the Inmate Account Status for Interstate Request to Inmate Accounting to have transportation funds frozen.
- VIII. Upon receipt of all appropriate documentation, the Interstate Corrections Compact Coordinator shall review, make recommendations, and submit the request to the Director's Review Committee (DRC) for approval or denial. The Interstate Corrections Compact Coordinator is responsible for contacting the institution about the DRC's decision on the request for transfer. If approved, the Interstate Corrections Compact Coordinator will request a packet of file materials to be sent to him/her to provide to the other state. This packet shall include the following materials.
- A. Original Classification study and all updated classification studies;
 - B. Latest Institutional Progress Report;
 - C. Copy of the Court Commitment Papers;
 - D. FBI Sheet
 - E. Fingerprint Card and Photograph;
 - F. Latest five Work Reports;
 - G. Medical Examination Sheet;
 - H. Report of last two years' disciplinary history.
 - I. Any other pertinent file materials the other state should have knowledge of: other disciplinary history, significant problems, significant assets, etc.

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- IX. Upon receipt of the above packet, the Interstate Corrections Compact Coordinator shall include copies of the Application for the Use of the Interstate Corrections Compact Services Form and the Waiver (to Appear before the Nebraska Board of Parole) Form and forward all materials to the proposed receiving state's Interstate Compact Coordinator.
- X. The Interstate Corrections Compact Coordinator shall notify the appropriate Institution of the other state's decision about acceptance/denial for transfer, and the Institution Warden shall be responsible for informing the inmate of the decision.
- XI. The Interstate Corrections Compact Coordinator shall coordinate actual travel arrangements with the Special Services Supervisor and the appropriate staff in the receiving state and ensure the Institution Warden is notified of the transfer date.
- XII. The Interstate Corrections Compact Coordinator will ensure the Medical Department, Accounting and the Parole Board are advised when the transfer occurs.
- XIII. A log of the parole review dates shall be maintained by the Interstate Corrections Compact Coordinator. Two months prior to the scheduled review by the Board of Parole, the Interstate Corrections Compact Coordinator shall request a progress report from the receiving state and also request a courtesy review by the Parole Board in the receiving state. This information shall be forwarded to the Nebraska Board of Parole no later than the first day of the month the inmate is to have his/her case reviewed.
- XIV. Inmates remain under the jurisdiction of the sending state.
 - A. Requests by other states for custody promotions, furloughs, work/educational release programs, etc. for Nebraska inmates shall be processed through the NDCS classification system, with the Interstate Corrections Compact Coordinator acting as Warden. Such requests shall be forwarded to the Board of Parole for their decision when appropriate.
 - B. Custody promotions, furloughs, work/educational release programs, etc. for inmates from other states will be processed through normal classification procedures. However, upon completion of the process, the proposed action shall be sent to the Interstate Corrections Compact Coordinator to be forwarded to the sending state for appropriate action.
- XV. The receiving state, as agent for the sending state, shall have physical control over and power to exercise disciplinary authority over inmates from the sending state.
 - A. When reports concerning Nebraska inmates are received from other states, which constitute a violation punishable by loss of good time, the Interstate Corrections Compact Coordinator will make such a determination. Good time may be restored pursuant to NDCS policy with the Interstate Corrections Compact Coordinator acting as Warden. The inmate shall be notified in writing by the Interstate Corrections Compact Coordinator if good time is forfeited.
 - B. Disciplinary action for inmates from other states shall follow NDCS' normal disciplinary process. In those instances when the recommended sanction may affect the inmate's sentence structure (e.g., forfeiture of good time), the proposed action shall be sent to the Interstate Corrections Compact Coordinator to be forwarded to the sending state for appropriate action.

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- XVI. Institutional staff shall prepare progress reports for inmates from other states on at least an annual basis, or more frequently if requested by the sending state. The Nebraska Board of Parole will schedule inmates from other states for courtesy reviews the same as for Nebraska inmates or as requested by the sending state. All reports and notices shall be forwarded to the other states through the office of the Interstate Corrections Compact Coordinator or as directed by the Interstate Corrections Compact Coordinator.
- XVII. Only those inmates from other states indicating a willingness to transfer to Nebraska will be considered. Primary consideration will be given to inmates who have resided in Nebraska or have immediate family currently residing in Nebraska. Inmates accepted from other states are to sign a form indicating their understanding that Nebraska's disciplinary policies and procedures may differ from the sending state, and waiving the right to the disciplinary policies and procedures of the sending state while incarcerated in Nebraska. However, the forfeiture of good time, or any other sanction, which may affect an inmate's sentence structure, will not be imposed without the approval of his/her sending state.
- XVIII. Extraordinary medical expenses, for service other than that rendered by staff personnel in regularly maintained facilities operated or utilized by the receiving institution, shall be the responsibility of the sending state. Unless an emergency is involved, the sending state will be contacted in advance for approval to provide the medical services. In the case of an emergency, medical services are to be provided and the sending state contacted as soon as possible and provided details of condition, treatment, and estimated cost.
- XIX. Pursuant to their respective policies and procedures, the sending states are responsible for providing gate pay, bus tickets, etc. to their inmates upon discharge or parole.
- XX. The process for returning inmates to the sending state will be as follows:
- A. Inmates from other states wishing to return to their home state shall make their request to the officials in their home state. Names and addresses of whom to contact shall be made available through the Interstate Corrections Compact Coordinator's office.
 - B. Wardens in Nebraska recommending return of an inmate to the sending state shall notify the Interstate Corrections Compact Coordinator with his/her request. The Interstate Corrections Compact Coordinator shall process the request through the Director's Review Committee, and if approved, contact the sending state to coordinate the return.
 - C. Nebraska inmates requesting to return to Nebraska shall do so through the Interstate Corrections Compact Coordinator who will process the request through the Director's Review Committee for a final decision. Nebraska inmates will be returned at the request of officials in the receiving state and such requests do not need Director's Review Committee approval. Transportation arrangements to return Nebraska inmates will be made through the Special Services Supervisor.
 - D. Inmates returned from interstate placement shall be returned to the Diagnostic and Evaluation Center or the Nebraska Correctional Center for Women, for an updated assessment and classification.
- XXI. Any questions concerning interstate cases shall be directed to the Interstate Corrections Compact Coordinator, as well as all correspondence provided to other states.

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Nothing in this Administrative Regulation shall prohibit the Director from taking other actions outside the above stated guidelines when deemed necessary.

REFERENCE

I. ATTACHMENTS

- A. Application for the Use of the Interstate Corrections Compact Services (DCS-A-adm-110-PC REV 03/2003)
- B. Waiver to Appear Before the Nebraska Board of Parole (DCS-A-adm-111-pc)
- C. Inmate Account Status for Interstate Transfer Request (DCS-A-adm-112-pc)

II. ACA STANDARDS- None noted.