



*State of North Carolina
Department of Public Safety
Prisons*

Chapter: C
Section: .1000
Title: **Interstate Corrections Compact**
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POLICY AND PROCEDURE

References

North Carolina General Statute [148-119, 120, 121](#)

.1001 PURPOSE

It is the policy of North Carolina Department of Public Safety, Prisons to establish guidelines and procedures for the exercise of authority under the Interstate Corrections Compact (ICC) to transfer prison offenders among state and federal government correctional systems. The provisions of this section shall apply only to offender transfers to and receipt of offenders from participating states and the Federal Bureau of Prisons.

.1002 APPLICATION

- (a) Transfers of offenders to or from the custody of the North Carolina Department of Public Safety (DPS) shall be on a cooperative exchange basis founded upon the best interests of the State of North Carolina, Department of Public Safety, the incarcerated offender and the receiving or sending Correctional system.
- (b) The purpose of the Interstate Corrections Compact (ICC) as prescribed by law provides for the full utilization and improvement of institutional facilities and the provision of adequate programs for the confinement, treatment, and rehabilitation of various types of offenders through the mutual development and execution of programs for the confinement, treatment, and rehabilitation of offenders.
- (c) There must be on file in the ICC Administrator's office a copy of a signed Interstate Corrections Compact contract signed by both State representatives for Corrections.
- (d) Nothing in this Section shall be construed to create on behalf of any offender a right or entitlement to a transfer to or from the custody of the North Carolina Department of Public Safety. Transfers under this Section shall be upon the following conditions:
 - (1) To provide for the personal safety of Correctional staff and/or an offender subject to an identifiable threat of harm after consideration of all available housing alternatives.
 - (2) To provide for effective pre-release program assignments for offenders in minimum or medium custody within three years of an established release date at the time of transfer. This time frame may be waived by the Secretary of DPS/designee.

- (3) In any case where the **Secretary of DPS/designee** issues a finding that such a transfer is in the best interest of the State of North Carolina, the Department, the **offender**, and criminal justice objectives.

.1003 PROCEDURES AS THE SENDING STATE

(a) Request for Transfer

- (1) Initiation of Request. Requests for Interstate Transfer under this Section may be initiated by region or facility **wardens** or classification authorities, by **offenders** acting on their own behalf, or by other sources. Such requests will be referred to the **Manager of Classification** for investigation and review prior to further classification action. In exceptional cases where immediate action is deemed necessary, the **Secretary of DPS/designee** order it pursuant to the Compact without prior review through the Divisional chain of command. **Heightened Sanction control offenders are required to participate in the Interstate Compact for five (5) years, as exemption to the review process.**
- (2) Review and authorization of transfer. The Manager of Classification will review requests for Interstate Transfer upon referral from the **Interstate Compact Administrator** and submit recommendations for approval to the **Secretary of DPS/designee**. No requests for Interstate Transfer will be approved except with the approval of the **Secretary of DPS/designee**.
- (3) **ICC Administrator** Responsibilities. The **ICC Administrator**, who shall be the Manager of Classification or designee, will make application to the receiving state for approved requests. If a request has been disapproved by **the receiving State**, then the **ICC Administrator** will submit, as warranted, a new review file to another state. Recommended transfer requests must be reviewed and signed off by the **Assistant Director of Rehabilitative Services, Director of Rehabilitative Services, and the Secretary of DPS/designee**. The **ICC Administrator** will notify the referring **State** authority of **all approvals and disapprovals**. The application to the receiving state for approved requests shall include at least the following:
 - (A) A copy of **current** judgments and commitments.
 - (B) A copy of the **Health Wellness report on physical and mental health**.
 - (C) A copy of pertinent classification **status** and **disciplinary history** if available.
 - (D) Other information as may be required by the receiving state.
 - (E) Letter of transmittal setting forth the reason(s) for the request to transfer.

(b) Transfer Procedures Upon Approval

- (1) Population Control. The ICC Administrator will advise the respective facility Warden as to the date or dates the transfer is to be made, the institution and receiving state to which the offender is to be transferred, and other such information as may be required to accomplish the transfer.
- (2) Waiver of Extradition and Release of Information. The sending institution will have the offender being transferred execute Waiver of Extradition and Release of Information forms, which are required for family visits transfers only.
- (3) Offender Trust Fund. The sending facility will transfer all funds pertaining to the offender in question by depositing in the offender's trust fund to the receiving state to which the offender is transferred. The funds should accompany the offender at the time of transfer in form of a check.
- (4) The Offender Authorized Movement Order form (Exchange of Custody), along with the offender's current ID picture and a copy of their current medical report is given to the NCDPS Extradition Section prior to transfer. The Extradition officers are to ensure the Movement Order is signed by the sending and receiving authority and the original is given to the Interstate Compact Administrator to be placed in the offender's record file in the ICC office.
- (5) The NCDPS-Extradition office handles and coordinates the method of transport from NC to the receiving State.
- (6) Records Transmittal. The complete ICC File will be a .pdf-scanned email to a verified State Interstate Corrections Compact Office.

.1004 PROCEDURES AS A RECEIVING STATE

(a) Receipt of Offender.

- (1) No offender from a participating state will be accepted prior to written authorization from the Secretary of DPS/designee.
- (2) Requests for transfers into the State of North Carolina will be coordinated by the ICC Administrator in accordance with this policy.
- (3) Offenders from participating states approved for acceptance by the Secretary of DPS/designee, will be received at the appropriate Reception and Diagnostic Center for intake processing and subsequent assignments. Central Prison or Granville Correctional Institution will receive adult male offenders, Foothills Correctional Institution will receive youthful offenders under eighteen years of

age and North Carolina Correctional Institution for Women (NCCIW) will receive female offenders.

(b) Records Preparation.

- (1) Offenders received under the Interstate Corrections Compact will be assigned OPUS numbers and picture ID for identification purposes.
- (2) Classification Review. The receiving facility will process the offender using the usual admission procedures. Processing will include fingerprinting and photographing the offender for identification purposes. A classification interview and initial classification referral will be generated through OPUS on the web on each offender received from a sending state. The classification report will indicate the sending state's custody recommendation, the facility and program involvement, which has been recommended in keeping with usual processing procedures.
 - (A) For all future custody classifications and facility transfers, the ICC Administrator will collaborate with the participating sending state for review to determine a final decision.
 - (B) The ICC Administrator will generate Central Monitoring through OPUS to reflect the recommended facility housing and custody classification level.
- (3) The ICC Administrator is to forward to Combined Records a copy of the sending state offender's Court Ordered Commitments and Judgement papers. This is documented on the ICC Case Admission cover-sheet, showing the offenders' current crimes, sentences, and the projected release date.

(c) Records Maintenance.

- (1) Modification of Sentence. The ICC Administrator will provide the sending state an annual progress report reflecting the offender's fulltime job or program participations, current custody level, disciplinary history, and any other significant information. The sending state maintains and modifies their offender's sentence credits based on the progress reports.
- (2) Transfers. When an offender from the sending state is transferred from one facility to another within the department, the Population Management section shall advise the ICC Administrator. The ICC Administrator will monitor all interstate transfers on a monthly basis.
- (3) Public Information. Institutional or other officials of North Carolina shall not be authorized to release publicity concerning offenders from the sending state. North Carolina officials shall not release personal histories or photographs of such offenders or information concerning their arrival or departure, or permit reporters

or photographers to interview or photograph such offender, without the written permission of such offenders. Requests for information regarding offenders of sending states shall be referred to the sending state. However, information of public record, such as sentence data or information concerning the escape of an offender, may be given directly to the press by North Carolina officials. Offenders from a sending state may be photographed as a means of identification for official use only.

- (4) The ICC Administrator will maintain a complete ICC offender file on all participants and these files will remain in the ICC office in a locked file cabinet.
- (5) Releases. The release of an offender confined under the Interstate Corrections Compact will be in accordance with instructions from the sending state.
- (6) Disposition of Records. Records compiled on offenders confined under the Interstate Corrections Compact will be maintained at the facility level as the offender's Prison Field Jacket. All Interstate offender files will be maintained under the NCDPS Prison's Forms Retention Schedule. The offender's Prison Field Jacket will be forwarded to Combined Records when the offender has been returned to the sending state. A complete copy of the unit jacket may be forwarded to the sending state with the sending state's extradition staff when the offender is picked up for transport back to the sending state.

(d) Custody and Control.

The care, custody, and control of offenders transferred to the State of North Carolina under the Interstate Corrections Compact will be in accordance with the existing policies and procedures of the North Carolina Prisons as set forth in the Policy and Procedures Manual.

(e) Offender's Responsibility.

Offenders confined under the Interstate Corrections Compact are responsible for abiding by the rules and regulations of the Prisons as set forth in the rules and policies of the management and conduct of offenders under the control of the Prisons.

(f) Participation in Treatment Programs.

Offenders confined under the Interstate Corrections Compact shall be afforded the opportunity and shall be required to participate in industrial or occupational training programs or other work programs on the same basis as offenders assigned to the Prisons from the State of North Carolina, provided such participation is not contrary to the laws of the sending state. Qualified offenders may be eligible for participation in work release programs, study release programs, and other community opportunities with the approval of the sending state. Approval will be obtained through the ICC Administrator.

(g) Hearings.

Upon request of the sending state, the authorities of the receiving state (North Carolina) will be authorized to and will conduct hearings, prepare and submit the records of such hearings, together with any recommendations of the hearing officials, to the sending state's ICC Office.

(h) The offender may notify their sending state ICC Administrator in regards to any issues with their sentence and/or participation concerns. The offender's Case Manager can contact the ICC Administrator's office to request the sending state's Interstate Office address and Administrator name to be provide to the offender.

(i) Parole.

Decisions concerning parole eligibility and release on parole will be determined by the sending state's parole authority.

(j) Parole/Post Release Review. Upon approval of an Interstate Parole application, the Interstate Parole Section will advise the North Carolina Parole Commission of the pending transfer application to the end that a parole review may be scheduled for the offender prior to transfer if applicable, approved, and the transfer fee has been paid.

.1005 ESCAPE OF OFFENDER FROM THE RECEIVING STATE

In the event of an escape from the receiving state, the facility Warden will provide full facts and details to the ICC Administrator, who in turn will notify the sending state. Routine escape procedures of the receiving state will be followed to accomplish this notification.

.1006 RETURN OF THE OFFENDER TO THE SENDING STATE

- (a) The procedure for the return of offenders to a sending state shall be made through routine classification action using OPUS on the web. The reasons for return may be as follows:
- (1) Failure to adjust to the management policies of the North Carolina Prisons as determined by disciplinary action or assaultive behavior of any dimension.
 - (2) The personal safety of the offender in the sending state is no longer a factor.
 - (3) Personal safety of an offender in the receiving state becomes a factor requiring his return to the sending state.
 - (4) At the request of the sending state.
 - (5) Other valid reasons.

- (b) The facility classification authorities shall make the recommendation for return.
- (c) Upon approval of the facility **Warden**, the **classification recommendation** will be electronically routed to the ICC Administrator acting as the designee for the Secretary of DPS to affect the return of the **offender** to the sending state.
- (d) The **ICC** Administrator shall notify the sending state.
- (e) The sending state shall receive the **offender** within thirty days of notification.
- (f) Return of **offenders** from other states will be coordinated by the ICC Administrator with the respective facility **Warden**.

.1007 PER DIEM EXPENSES FOR MAINTENANCE OF **OFFENDERS AND RECAPTURE OF ESCAPEES**

- (a) Except in unusual circumstances, the North Carolina Department of Public Safety will not transfer any **offender** to a receiving state, nor receive an **offender** from any sending state when the laws of the other state require that there be an actual transfer of funds from one state to the other to provide for the per diem expenses of maintaining a transferred **offender**. The North Carolina Department of Public Safety will arrange for a system of debits and credits with other states, and shall send and receive **offenders** on a “time banking” basis.
- (b) Federal law requires that **offenders** transferred to and from federal confinement facilities be accompanied by an actual cash transfer to cover per diem maintenance expenses of such **offenders when requested by the federal confinement facility**. Consequently, exchanges of **offenders** with the Bureau of Prisons will be accompanied by actual cash transfers, and the Bureau of Prisons shall pay to the State of North Carolina an amount which shall be based upon the per diem expenses of maintaining such **offenders** in the Prisons.
- (c) **NCDPS Prisons shall monitor all requests for medical treatment and procedures for out-of-state individuals. Requests for pre-approval on medical treatment and procedures shall be approved per Prisons policy AD III-7 Utilization Management. Pre-approval for emergency services is not required; however, Utilization Review shall determine if the treatment or procedure was emergent in nature. If it is determined the care received was not emergent, the charge will be refuted.**
- (d) When an **offender** received from the Federal Government shall escape, the cost of recapture, including the cost of payment of rewards, may be computed by the receiving state, and billed to the federal authority sending such prisoner.

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Commissioner of Prisons

01/19/22
Date

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