



Virginia Department of Corrections

Community, Media, and Other Agency Relations

Operating Procedure 020.2

Compact for Interstate Transfer of Incarcerated Offenders

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Incarcerated Offender

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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. Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

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PURPOSE

This operating procedure provides for implementation of the Interstate Corrections Compact under which offenders assigned to Department of Corrections institutions may receive consideration for transfer to serve their sentences in the correctional system of another state. This operating procedure also provides for offenders from other jurisdictions to be received to serve their sentences in the Virginia DOC.

PROCEDURE

- I. Interstate Corrections Compact
 - A. This operating procedure applies only for prison-to-prison transfers of incarcerated offenders; see Operating Procedure 920.4, *Interstate Transfer of Supervision*, for transfer of offenders to receive probation or parole supervision in another state in accordance with the *Interstate Compact for the Supervision of Adult Offenders*, ([ICAOS](#)).
 - B. The United States has entered into international treaties with many countries, which permit a foreign national prisoner from one of the treaty countries to transfer to their home country to serve the remainder of their sentence. The State of Virginia has enacted legislation, which allows it to participate in the international prisoner transfer program. The transfer program is discretionary and not everyone who applies will be qualified or will be approved for transfer.
 1. To determine if an offender may be eligible for transfer to their home country, the offender may contact their Counselor to complete the [International Prisoner Transfer Program Application Short Form 020_F4](#) to be submitted to the Interstate Compact Coordinator in the Offender Management Services office at DOC Headquarters.
 2. After notification from the Interstate Compact Coordinator that the offender may be eligible for the requested transfer, the Counselor should meet with the offender to complete an [International Prisoner Transfer Case Summary 020_F1](#).
 3. The Counselor will send the *International Prisoner Transfer Case Summary* to the Interstate Compact Coordinator in the Offender Management Services office at DOC Headquarters.
 4. Applications for International Prisoner Transfers (administrative or offender requests) should be completed and reviewed in accordance with the *Outgoing Compact Transfer* section of this operating procedure.
 - C. Establishment of Interstate Corrections Compact Agreement Contracts
 1. Compact transfers between Virginia and other jurisdictions will be considered only if there is a legitimate contractual agreement (See [Interstate Corrections Compact Contract, 020_F5](#).) between the State of Virginia and the other state or jurisdiction. Requests should be considered only when an offender in Virginia may be exchanged for an offender in a proposed receiving state, or when a reasonable arrangement can be made with the proposed receiving state to "bank" credit for or against the benefit of the Virginia Department of Corrections. Funds will not be exchanged between Virginia 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. (2-CO-4B-02)*
 2. *Interstate Corrections Compact Contracts* may be negotiated and entered into with other Interstate Corrections Compact member jurisdictions where a contract is potentially beneficial to the Commonwealth of Virginia. Such *Contracts* will be reviewed in advance and have the concurrence of the Attorney General. *Contracts* must bear signatory approval of both the Virginia Compact Administrator and the Compact Administrator of the negotiating jurisdiction. Compact transfers will not be considered with jurisdictions without an official Interstate Compact Agreement Contract.
 3. The listing of member jurisdictions and restrictions on transfers to or from those jurisdictions will be



updated as needed by the Compact Coordinator. (See Attachment 1 *Interstate Corrections Compact Participating States*.)

D. Limitations on Backlogs of Approved Requests

1. The Director of Offender Management Services will establish reasonable limitations on the number of approved but unexecuted compact transfers, which will be allowed to become backlogged. Limitations will apply to both *Incoming* and *Outgoing* transfers. The limitations will depend on workloads that can be managed within established staffing levels, as well as factors such as cooperation with other jurisdictions, the number of transferred offenders who are being managed, etc.
2. Once the backlog of approved and pending transfers to or from a given state reaches the limit(s) set by the Director of Offender Management Services or it becomes apparent that a member jurisdiction with whom Virginia has a *Contract* is unwilling to negotiate potential transfers, no further requests to transfer to or from that jurisdiction will be considered until the backlog is reduced, or the other jurisdiction indicates an interest in actively negotiating compact transfers.
3. When established limits are reached, or consideration of requests to a particular jurisdiction is halted for other reasons, the Compact Coordinator will update Attachment 1, *Interstate Corrections Compact Participating States*.
 - a. Facilities should not consider requests from offenders for transfer to those identified jurisdictions.
 - b. Requests received involving those jurisdictions will be rejected and returned to the facility.
 - c. The Compact Coordinator will hold any requests involving that jurisdiction which were received prior to update of the *Interstate Corrections Compact Participating States*.
 - d. When the temporary cessation is canceled, the *Interstate Corrections Compact Participating States* will be updated and backlogged requests will be considered in order based on the date received by the Compact Coordinator.

E. Retakes

1. Requests for the retake of an out-of-state Virginia offender back to Virginia or a Virginia request for removal of an out-of-state offender from the Virginia system will be handled through the Virginia Compact Coordinator.
2. Generally, retake requests must be facilitated within 30 calendar days.
3. The Compact Coordinator must complete a *Departmental Reclassification Order* in VACORIS and notify Central Transportation when an out-of-state offender in Virginia is to be released from a Virginia facility for retake out-of-state. The order or accompanying documents will identify the time, place, and appropriate authorities to take custody of the offender.
4. To retake a Virginia compact offender 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.

F. Compact Records Management

1. The Compact Coordinator will maintain an appropriate logging system for accountability and control and maintain Compact Contract Files, which will contain copies of the executed *Contracts* by jurisdiction.
2. The Compact Coordinator will maintain individual compact case files while each case is under review or negotiation and while the offender is incarcerated in Virginia.
 - a. Once a transfer is approved and executed, all pertinent material in the compact file will be uploaded to the offender's VACORIS file. The physical (hard copy) case file for offenders coming in from other states will be maintained in the Office of the Compact Coordinator. A hard copy file will also be sent to the reception center or institution receiving the offender for classification by the Up-



Front section of Court & Legal.

- b. All pertinent compact records will be retained in accordance with Operating Procedure 025.3, *Public Records Retention and Disposition*.

G. Statistical Records Keeping and Reporting

1. The Compact Coordinator will issue statistical reports as may be called for by the Compact Administrator or Director of Offender Management Services.
2. Statistical records will be maintained and 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

II. Outgoing Compact Transfer Requests

A. The factors that should be considered for Outgoing Compact Transfer for Offender Compact Transfer Requests include:

1. The expressed concerns of law enforcement, justice agencies, or community opposition to the transfer and the eligibility, suitability, and acceptability standards applied to the transfer of the offender
2. The following eligibility standards and requirements must be met before an offender may request and receive consideration for an Offender Compact Transfer Request from Virginia to another state or jurisdiction: (See Attachment 2, *Out Of State Compact Transfer Criteria*).
 - a. The offender must have served a minimum period of one year from date of physical admission to a Virginia DOC facility.
 - b. The offender must be assigned Good Time Award Level I or equivalent at the time of the request or earning the maximum allowable good time under the EGT system and must be GCA-1 or maximum allowed EGT at the time of the transfer.
 - c. The offender must be of general good behavior, and not considered as a disciplinary or management problem when requesting a transfer.
 - d. The offender must not have had a major disciplinary infraction (Category I - offense code 100 through 199) within the past 12 months nor any 200 series offenses that are considered to be of a serious nature by the Interstate Corrections Compact Staff.
 - e. The offender must be actively pursuing and making meaningful progress toward established Re-entry Case Plan goals.
 - f. The offender must have a minimum of two years remaining to serve prior to mandatory parole or good time release.
 - g. It must be clear from the record that the offender has no family or significant and meaningful ties in the State of Virginia, such ties exist or can exist elsewhere in the event of compact transfer, the offender's program or reentry needs cannot be addressed adequately in the Virginia system, and that such needs can be substantially and more adequately addressed through the compact transfer.
 - h. If the purpose of the transfer is to facilitate establishment of or to strengthen family ties, the offender must attach a *Notarized Letter of Intent* (See [Interstate Corrections Compact Transfer Application 020_F6](#) - page 9) from a family member in the requested state to document that a transfer will facilitate family contact or support and aid in meeting the offender's re-entry needs.
 - i. The *Notarized Letter of Intent* will include:
 - i. The name of the primary family member with whom the offender's transfer is intended to strengthen family ties



- ii. The family member's relationship to the offender
 - iii. The family member's home address and phone number
 - iv. A brief explanation of how they believe the transfer will be beneficial to the offender and family
 - v. Confirmation of anyone (name and address) other than the offender committed to paying the cost of physical transportation.
 - (a) The cost of physical transportation may range on average from \$700 to \$7,500 or more, depending upon the approved transfer location.
 - (b) These cost estimates do not apply to international transfer requests.
3. The following suitability standards will be applied as guides when considering an Offender 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 offender's case plan, treatment, and security needs adequately and on a sustained basis.
 - b. There must be a favorable assessment that there is a legitimate need for the Compact Transfer and that it is likely to better facilitate establishment or maintenance of meaningful and important family ties, enable the criminal justice system to better meet the offender's treatment needs, significantly aid the offender in eventual release preparation, or better enable the Virginia DOC to adequately meet the offender's and/or prison system's security, control, and bed management needs.
 - c. There must be a favorable assessment that the offender is capable of demonstrating stable adjustment based upon the offender's overall institutional adjustment.
4. Waiver of Eligibility Standards - Eligibility standards may be waived only in extreme hardship cases where such action is considered necessary to meet an immediate need. The Institutional Classification Authority (ICA) and/or Facility Unit Head may request the Compact Administrator's approval for such a waiver only on the above stated basis and must provide ample written justification.

B. Outgoing Compact Transfers

1. Offender Compact Transfer Request - Facility Responsibility

- a. The Counselor will ensure the [Interstate Corrections Compact Transfer Application](#) 020_F6 is completed in its entirety to include page 4 (*Summary Information Sheet*) of the application. The offender should not be provided with a copy of the *Summary Information Sheet* or the application.
- b. The Counselor will refer the request to the Institutional Classification Authority (ICA) during the offender's next scheduled annual review. Requests outside of the established annual review cycle may be reviewed on a case-by-case basis. The Counselor will attach a written rationale as to why the case should be considered outside of the annual review cycle.
- c. The ICA will be responsible for reviewing compact transfer requests and advancing recommendations to the Facility Unit Head.
- d. The Facility Unit Head will review and approve or disapprove ICA compact transfer recommendations.
- e. The offender will be notified of the ICA's and Facility Unit Head's actions by copy of the *Institutional Classification Authority Hearing* report. (See Operating Procedure 830.1, *Facility Classification Management*.)
- f. If disapproved, the original application along with the reason for disapproval will be uploaded into VACORIS *Classification Actions* and the offender is to receive written notification.
- g. If approved, a copy of the completed [Interstate Corrections Compact Transfer Application](#) 020_F6 will be attached as an External Document to the *ICA Hearing Notification* in VACORIS and escalated to the Interstate Corrections Compact Coordinator, and must be accompanied by:
 - i. A completed [Medical Assessment - Interstate Compact](#) 020_F7
 - ii. A current *Progress Report* that provides detailed information regarding progress toward case plan objectives.



2. Administrative Compact Transfers - Facility Responsibility

- a. The Counselor will ensure the [Interstate Corrections Compact Transfer Application](#) 020_F6 is completed in its entirety (to include page 4 *Summary Information Sheet*) which should be provided to the ICA with the *Application* and any received supporting documentation for the transfer. The offender should not be provided with a copy of the *Summary Information Sheet* or *Application*.
- b. The Counselor will ensure that the offender is provided an *Institutional Classification Authority Hearing Notification* as notice of the formal due process ICA hearing for interstate compact transfer in accordance with Operating Procedure 830.1, *Facility Classification Management*.
- c. The Institutional Classification Authority (ICA) will be responsible for reviewing the compact transfer requests and advancing recommendations to the Facility Unit Head. An administrative referral must be reviewed in a formal due process ICA hearing.
- d. The Facility Unit Head will review and approve or disapprove ICA compact transfer recommendations.
- e. The offender will be notified of the ICA's and Facility Unit Head's actions by copy of the *Institutional Classification Authority Hearing* report. (See Operating Procedure 830.1, *Facility Classification Management*.)
- f. If disapproved, the original *Application* along with the reason for disapproval will be uploaded into VACORIS *Classification Actions* and the offender is to receive written notification.
- g. If approved, a copy of the completed *Application* will be attached as an external document to the *ICA Hearing Notification* in VACORIS and escalated to the Interstate Corrections Compact Coordinator, and must be accompanied by:
 - i. A completed [Medical Assessment - Interstate Compact](#) 020_F7
 - ii. A current *Progress Report* that provides detailed information regarding progress toward treatment program objectives.

C. Offender Management Services Review and Action

1. The Compact Coordinator will ensure the *Application* is complete and if necessary, will return the *Application* for additional information.
2. If the offender is ineligible and no waiver is requested, the Compact Coordinator will return the application with a [Notice of Disposition](#) 020_F8 stating why the offender is ineligible.
3. If the application is complete and the offender is eligible, the Compact Coordinator will review the request and record the disposition in VACORIS.
4. Disapproved Requests - The Compact Coordinator will upload the original *Application* to the offender's case file in VACORIS and instruct the Counselor to provide the offender with the [Notice of Disposition](#) 020_F8.
5. Approved Requests
 - a. The Compact Coordinator will send a [Notice of Disposition](#) 020_F8 to the Counselor for distribution to the offender.
 - b. For an *Offender Compact Transfer Request*, the Extradition and Fugitive Services Unit will inform the Compact Coordinator of the estimated travel costs.
 - c. It will be the offender's responsibility to collect at least 25% of the determined cost and have the funds placed into a reserve account in the offender's trust account.
 - i. The Compact Coordinator will not proceed until these funds are in place.
 - ii. Receipt of the funds is required within 90 days after the *Notice of Disposition* has been sent.
 - d. 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 the following documents:
 - i. *Application* (copy)
 - ii. *Letter of Intent*, if applicable (copy)



- iii. Most recent *Progress Report*, psychological evaluation, and last security level change action (See Operating Procedure 830.2, *Security Level Classification*.)
 - iv. *Pre-Sentence Investigation Report* (copy) - Where no PSI or other field report exists, a copy of the intake/reception summary will be sent.
 - v. A completed [Medical Assessment - Interstate Compact](#) 020_F7 (to be furnished by institution)
 - vi. 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*.
 - vii. Detainers, Non-Detainer Holds, and/or Notify Requests
 - viii. Other information which may be pertinent to the receiving state's assessment needs
6. Notification From Requested State - When the notice of the requested state's disposition is received, the Compact Coordinator will:
- a. If accepted, issue a [Notice of Disposition](#) 020_F8 advising of the proposed receiving state's action, a [Notice to Parole Board of Interstate Corrections Compact Transfer](#) 020_F10 and an [Interstate Compact Transfer Order - Out](#) 020_F11.
 - b. If the offender is accepted by the proposed receiving state the Offender Management Services Director or designee, will consult with the Attorney General to determine whether there is any pending litigation initiated by the offender. If there are no pending cases that may cause complication if the offender is transferred, the Chief of Corrections Operations will, in the name of the Compact Administrator, cause the transfer to be executed.
 - c. If disapproved, issue a [Notice of Disposition](#) 020_F8
7. Appeals
- a. An offender may appeal Interstate Corrections Compact Transfer decisions at any level of review by the using the grievance procedure. (See Operating Procedure 866.1 *Offender Grievance Procedure*.) Documentation of the decision may be used as the informal process.
 - b. The Director of Offender Management Services will review offender grievance appeals of Interstate Corrections Compact Transfer decisions in accordance with the *Offender Grievance Procedure*.
 - c. The Director of Offender Management Services, in consultation with the Compact Administrator and DOC administration, will determine the final outcome in all administrative appeals of Interstate Corrections Compact transfer decisions.
8. Executive Review
- a. The Compact Administrator, with appropriate justification, may administratively overrule and reverse or modify any Interstate Corrections Compact Transfer decision.
 - b. The DOC Director, with appropriate justification, may administratively overrule and reverse or modify any Interstate Corrections Compact Transfer decision.
- D. Offender Payment of Transportation Costs
1. The Extradition and Fugitive Services Unit will determine the total travel costs in advance of compact transfer and report the amount to the Compact Coordinator.
 - a. The Interstate Corrections Compact Coordinator will notify the offender, offenders' Counselor, and the Business Manager at the offender's assigned facility.
 - b. It will be the offender's responsibility to collect the necessary funds and have them placed in their trust/reserve account.
 - c. Receipt of the funds is required within 90 days after the *Notice of Disposition* has been sent.
 2. Prior to transfer, at the request of the offender, the facility Business Office will issue a trust fund check from the offender's account for the full amount of the transportation costs.
 - a. The check is to be made payable to the Virginia Department of Corrections and sent directly to the

- HQ General Accounting Unit with a cover memorandum explaining the purpose.
- b. The HQ General Accounting Office will make appropriate disposition of funds.
3. The Compact Coordinator will confirm that payment has been made before finalizing transfer arrangements.
 - a. Any cost overruns due in no part to any fault of the offender will be absorbed by the DOC.
 - b. If the transfer is canceled or modified, and there is an impact on the amount of reimbursement to be paid, the trust fund check will be returned to the institution or a refund to the trust account will be made.
4. The DOC Extradition and Fugitive Services Unit will finalize the transfer date with the receiving state and transport the offender.

III. Incoming Compact Transfer Request

A. Incoming Compact Transfer Request Standards

1. The following suitability standards will be used to assess the acceptability of Interstate Corrections Compact Transfers from other states to Virginia:
 - a. The offender's *Corrections Compact Transfer Request* should document a consistent record of stable and satisfactory or better institutional adjustment.
 - 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 offender's re-entry and treatment needs.
 - c. The offender 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 the Commonwealth of Virginia and be cost effective from a bed management perspective.
 - e. The offender 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 offender's treatment, re-entry, and security control needs can be met adequately by the Virginia DOC.
2. Suitability standards may be waived only where such action is considered appropriate and necessary by the Compact Administrator 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 compact administrators for compact transfer of offenders to the Virginia system. Requests must originate in that state's Office of the Compact Administrator. Requests received directly from offenders or non-compact personnel will be referred to the Compact Administrator of the state concerned for necessary action.
- b. The Compact Coordinator will ensure each request is accompanied by the following documents and information. If any of the listed information is missing or incomplete, the Compact Coordinator will send a written request to the requesting state for the additional information needed.
 - 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 or psychological evaluation
- c. The Compact Coordinator will build a compact file and review all completed requests in the order they are received.
- 2. Notification to Requesting State - The Compact Coordinator will communicate Virginia's decision and rationale to the requesting state in writing, either on the requesting state's "*Turnaround Form*" or by letter.
 - a. The official denial disposition will be carefully framed and will set out, in general terms, the reasons for denial.
 - b. Where possible, a courtesy telephone call will be placed by the Compact Coordinator to the Compact Administrator in the requesting state once a disposition is reached.
- 3. If the request is disapproved, the Compact Coordinator will log the action and dismantle and destroy the compact case file. If the request is approved, the Compact Coordinator will prepare an [Interstate Compact Transfer Order - In 020_F12](#) for the Compact Administrator's signature.
- 4. The offender will be received initially at the appropriate reception and classification center for full intake processing and initial classification.

IV. Management of Offenders Transferred Under the Interstate Compact

A. Progress Reporting - Determination of Good Time Earning Levels

- 1. Out-of-State Offenders 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 the facility prepare and forward a report to the sending state.
- 2. Virginia Offenders in Other States
 - a. Annually, 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 level and rate of good time earning based on the holding state's *Progress Report* and any recommendations offered.
 - d. When the CCS determines that an offender's good time earning level should be reduced (less good time received), the Compact Coordinator will send a written notice to the offender with reasons why the good time earning level is being considered for possible reduction.
 - e. The offender will have an opportunity to respond in writing within 20 calendar days to the CCS with any information that may have a bearing on their progress and the specific concerns expressed by the CCS. At the end of 20 days, regardless of whether a response has been received from the offender, the CCS will make a decision as to an appropriate level of good time earnings. Consideration will be given to any input received from the offender.
 - f. The Compact Coordinator will forward any changes in good time earning level to the Court and Legal Services Section Manager, who will update each offender's time computation.
 - g. The offender will be informed of the decision by receipt of a *Legal Update* issued by the Court and Legal Services Section. The *Progress Report* and a copy of related correspondence will be placed in the offender's case file in VACORIS.

B. Time Computation

- 1. Out-of-State Offenders in Virginia
 - a. After the *Corrections Compact Transfer Request* approval process has been completed ([Interstate](#)



[Corrections Compact Transfer Application](#) 020_F6.) the Interstate Corrections Compact Coordinator will:

- i. Ensure that all required file material is present and uploaded into VACORIS.
 - ii. An “*Upfront Worksheet*” will be completed by our Interstate Compact Unit and sent to the Virginia DOC Court and Legal Unit.
 - iii. If no previous Virginia DOC inmate number exists, the Court and Legal Unit establishes a DOC Inmate Offender Number for the offender. This establishes the offender in VACORIS
 - iv. The Virginia DOC Interstate Compact Unit does an initial “*Legal Update*” on the out-of-state offender transferring into Virginia DOC.
 - v. After the initial “*Legal Update*”, Virginia DOC does not perform any “Time Computation” for out-of-state offenders.
 - vi. This “*Legal Update*” will reflect the offender's sentence and release status information and will be secured in VACORIS.
- b. If the offender's sentencing status or good time earning level changes time computation updates may be issued by the out-of-state compact administrator.
2. Virginia Offenders in Other States
- a. The Court and Legal Services Section will maintain the offender's time computation and issue update notices as needed.
 - b. Copies will be forwarded via the Compact Contact in the offender's out-of-state location.
- C. Virginia Offenders in Other States - Requiring Legal Assistance with Virginia Law
1. As directed by COV 53.1-216, *Governor to execute; form of compact*, “Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state” and the fact of “confinement in a receiving state shall 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”.
 2. Pursuant to COV §53.1-40, *Appointment of counsel for indigent prisoners*, and Operating Procedure 866.3, *Offender Legal Access*, court appointed attorneys are made available to offenders incarcerated in state institutions.
 3. Out-of-state offenders will be provided with the name and address of the current Court Appointed Institutional Attorney for the offender’s last permanently assigned Virginia institution and instructed to write to the attorney for assistance regarding any legal matter relating to their incarceration.
 - a. The Court Appointed Institutional Attorney should be copied on this correspondence to the offender.
 - b. The Court Appointed Institutional Attorney should receive a letter from the Interstate Compact Unit that addresses assisting Virginia offenders who are housed out-of-state under the Interstate Corrections Compact Agreement.
 4. The Court Appointed Institutional Attorney is paid as directed by the court from the criminal fund reasonable compensation on an hourly basis and necessary expenses based upon monthly reports to be furnished the court by the attorney.
 5. Offenders should send complaints about Court Appointed Institutional Attorneys directly to the attorney, the local Circuit Court, or the Virginia State Bar.
- D. Reporting Disciplinary Infractions
1. Out-of-State Offenders in Virginia - It is the facility's responsibility to forward a copy of any disciplinary infraction conviction report directly to the Virginia Corrections Compact Coordinator. .
 2. Virginia Offenders in Other States - Disciplinary information will be extracted from the holding state's *Progress Report* and used by the CCS when determining appropriate good time earning rates.



E. Offender Trust Fund and Other Accounts

1. Out-of-State offenders in Virginia - The Virginia Compact Coordinator, when scheduling a transfer, will request that the sending state forward with the offender at time of transfer a check containing the offender's accumulated funds. The check should be made payable to the offender only and delivered to the receiving facility unless instructed otherwise by the Virginia Corrections Compact Coordinator upon the offender's arrival.
2. Virginia offenders in Other States - The offender's funds will be held at the offender's last permanent facility assignment. Upon notification from the Compact Coordinator the facility business office will prepare a check payable to the offender from the spend and trust accounts (511 and 516) to be sent to the location designated by the Compact Coordinator.
3. Offenders 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 Offenders in Virginia - Where expenses are incurred for which Virginia is entitled to reimbursement under the Interstate Corrections Compact Contract, 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. The written request will include:
 - a. A description of services rendered or unusual costs incurred, date incurred, etc.
 - b. Amount being requested
 - c. Written documentation verifying payment of costs, (i.e., copy of billing and payment invoice)
 - d. Operating Procedure 720.2, *Medical Screening, Classification, and Levels of Care*, requires that other than for medical emergencies as determined by the facility health authority, any referral for medical services beyond the services available in DOC facilities must be reviewed by the Utilization Manager (UM). For Out-of-State offenders, the facility is required to submit an [Out-Of-State Medical Pre-Authorization Request](#) 020_F13 before providing such medical care.
2. Virginia Offenders in Other States - Upon receipt of a request for reimbursement, the Compact Coordinator will confirm the legitimacy and request reimbursement be made through the Virginia Health Services Analyst. The Coordinator will ensure items of information listed above are included with any request for reimbursement.

G. Release from Confinement

1. Out-of-State Offenders in Virginia - The original sending state sends Virginia DOC "*Release Authorization*", which may be in the form of a clemency or discretionary, mandatory parole release written authorization, which will serve as the Virginia DOC's authorization to release the offender.
2. The Records Office Manager of the offender's assigned facility will contact the Virginia Compact Coordinator in advance of the offender's release to confirm the validity of the release authorization received.
3. Virginia Offenders in Other States - The same authorization for release discussed above will be used in releasing Virginia offenders from out-of-state institutions. The Virginia DOC's Offender Release Unit will notify the Virginia Compact Coordinator in advance, where possible, of all parole releases of Virginia offenders from other compact jurisdictions.

DEFINITIONS OF TERMS USED IN THIS OPERATING PROCEDURE

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



Administrative Compact Transfer - An Interstate Corrections Compact transfer initiated by DOC administrators for the purpose of addressing the offender'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 offender's consent or request.

Annual Review - A uniform yearly review of an offender's needs and objectives, the Initial Classification Date (ICD) is used to establish the review date for an offender received on or after February 1, 2006. The Custody Responsibility Date (CRD) is used to establish the review date for an offender 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 render a final decision regarding offender status and assignments

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 Compact Administrator.

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 offender's program status (transfer, security level, program placement, etc.)

Formal Due Process Hearing - A classification hearing that requires prior formal notification to the offender indicating the reason for, purpose of, and possible results of the classification hearing, the offender's right to be present at the hearing, and receive notice of the results of the hearing and the reason for the decision. A formal due process hearing is required when an offender is considered for an Administrative Compact Transfer.

Institutional Classification Authority (ICA) - The facility staff person designated to conduct offender case review hearings.

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

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.

Offender Compact Transfer Request - An Interstate Corrections Compact transfer request initiated by the offender 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.

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

Suitability - A reasoned, professional judgment regarding an offender's ability to perform in a certain security level or facility 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 offender depending upon the offender's facility, parole eligibility, Mandatory Parole Release Date or Good Time Release Date.

REFERENCES

COV §53.1-216, *Governor to execute; form of compact*

COV §53.1-40, *Appointment of counsel for indigent prisoners*

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 830.1, *Facility Classification Management*

Operating Procedure 830.2, *Security Level Classification*

Operating Procedure 866.1, *Offender Grievance Procedure*

Operating Procedure 866.3, *Offender 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

[Medical Assessment - Interstate Compact](#) 020_F7

[Notice of Disposition](#) 020_F8

[Request to Proposed Receiving State for Approval of Compact Transfer](#) 020_F9

[Notice to Parole Board of Interstate Corrections Compact Transfer](#) 020_F10

[Interstate Compact Transfer Order - Out](#) 020_F11

[Interstate Compact Transfer Order - In](#) 020_F12

[Out-Of-State Medical Pre-Authorization Request](#) 020_F13

