Minnesota Department of Corrections

Policy Number:	**203.110**
Title:	**Interstate Corrections Compact (Facility)**
Effective Date:	**5/7/19**

PURPOSE: To provide criteria and procedures to facilitate Interstate Corrections Compact (ICC) offender transfers.

APPLICABILITY: All adult facilities

DEFINITIONS:

Interstate Corrections Compact (ICC) – exchanges of offenders that are mutual, balanced, and at no additional cost to either state, with the exception of extraordinary health care costs resulting from off-site health care services, which must be pre-approved by the sending state.

Interstate transfer packet – a packet to be submitted to the deputy compact administrator/designee that includes the items outlined on the Interstate Corrections Compact Checklist (attached).

Transportation expenses – all costs related to the transport of offender initiated ICC transfers, including such examples as offender and staff vehicle and/or air transportation costs, meals, lodging, and escorting staff wages.

PROCEDURES:

A. The Interstate Corrections Compact (ICC) allows Minnesota to exchange incarcerated offenders with other states when a correctional contract exists between Minnesota and the respective state. Facility administration or an offender may initiate these exchanges, providing the criteria as outlined in this policy have been met.

1. All releases/discharges from custody are made in accordance with the applicable laws, statutes, and regulations of Minnesota and/or the sending state. As a general rule, offenders from other states must not be released in Minnesota unless they have been approved for interstate compact parole supervision (see Policy 206.020, "Interstate Compact for the Supervision of Adult Parolees and Probationers").

2. Transfer coordinators notify records staffregarding ICC transfers from their facilities. This includes such examples as, the return of transfers to the sending state, community release, closed cases, and Minnesota interstate transfers to other states.

3. Records staff must enter all ICC cases in such a way that the offender cannot be searched by name from the public website. Money transfers are not available for ICC offenders because the DOC cannot assure their location will not be disclosed.

4. Minimum custody placement of an interstate transfer offender requires the prior approval of both the sending and receiving state.

5. All correspondence to and from the receiving and sending states must be channeled through the ICC unit. The ICC unit staff forward all progress reviews to the assigned caseworker. The assigned caseworker is responsible for completing the annual progress review in the correctional operations management system (COMS).

6. The deputy compact administrator/designee from the sending and receiving states communicate about the allowable items prior to transfer. Allowable items that cannot transfer with the offender are sent at the offender's expense for offender-initiated transfers and at the department's expense for administrative-initiated transfers. The sending property department staff communicate to the receiving property department staff about how many packages are shipped, along with the date shipped and who shipped them. The receiving property department staff must notify the sender when the packages arrive. Property not allowed must be discarded, donated, or shipped to family/friends at the offender's expense. All property is inspected for compliance with Policy 302.250, "Offender Property" and that which has been shipped and is not allowed falls under the receiving state's disposal policy.

7. An interstate-transferred offender is subject to the receiving state's rules and policies.

8. Death bed and funeral visits are at the discretion of the deputy compact administrator/designee. Such visits must be within MN DOC's cost limits and not jeopardize the safety of the offender.

B. Reviewing ICC referral packets

1. The deputy compact administrator/designee receives referral packets and reviews exchanged status.

2. The deputy compact administrator/designee completes the ICC Review form (attached) and forwards it along with the referral packet to the designated group for review.

3. Each member of the designated group reviews the referral packet.

4. Each member of the designated group must sign the ICC Review form and indicate approval or denial. If denying, the member must explain the reason for denial. Then each member must e-mail the form back to the deputy compact administrator/designee.

C. ICC – sent

1. On approval for the transfer from the receiving state, the deputy compact administrator/designee provides a written notification to the facility ICC coordinator, facility records supervisor, and the department central transportation unit to make transportation arrangements.
   a) Minnesota facility staff send offender medication, a shoe box size of property, and transfer paperwork with the transportation officers.

   b) Minnesota correctional facility staff must send copies of the offender transportation report, copies of the offender's discipline history, case manager file, warrant of commitment, complaint, sentencing worksheet, and psychology and healthcare records, to the receiving state facility. If the offender requests, Minnesota correctional facility finance staff send the offender's remaining money to the receiving state.

2. Offender-initiated transfers

An offender may request an ICC transfer to another state if the offender has family ties or release plans to that state. The offender may only request a transfer to one state at a time for processing.

a) The offender must contact the offendeer's caseworker to verify that Minnesota has a contract with the state to which the offender wishes to transfer. The caseworker determines through the ICC unit whether the exchange balance is favorable.

b) To be considered for interstate transfer, the offender must:
   (1) Not be classified maximum custody;
   (2) Have at least 18 months until the offender's supervised release date;
   (3) Have no major discipline infractions for a minimum of six months prior to the request;
   (4) Have verifiable family ties or release plans to the requested state;
   (5) Have sufficient funds to cover the estimated travel expense amount, and have completed the appropriate withdrawal request per Policy 203.112, "Interstate Corrections Compact (Facility) Fund Withdrawal Process;"
   (6) Have signed an interstate transfer agreement;
   (7) Have no administrative reclassification resulting in an elevation of custody classification; and
   (8) Have successfully completed any mandated alcohol or drug (AOD) and sex offender treatment.

c) The assigned caseworker must submit the interstate transfer request to the program review team.

d) If the transfer is approved, the facility ICC coordinator forwards the interstate transfer packet by e-mail to the ICC unit.

e) Once the transfer request is accepted by the receiving state, the offender must continue to meet the criteria identified in Procedure C.2.b.

f) If the transfer request is denied by the receiving state, the deputy compact administrator/designee must notify the facility caseworker, who forwards a copy of the notification to the facility offender accounts staff and notifies the offender.

g) On completion of the transfer, the offender's account is billed for the actual transportation expenses.

h) An interstate transferred offender may not request a return back to Minnesota or request another interstate transfer for a minimum of one year.

i) After one year, if an interstate-transferred offender desires to return to Minnesota or transfer to another ICC state, the offender must make the request through the deputy compact administrator/designee, who forwards the request to the designated group of facility ICC coordinators for review. If the request is approved, the offender is required to have the estimated transportation costs in an offender trust account prior to processing the request.

j) If the receiving state requests that an offender-initiated transfer be returned to Minnesota, the offender is required to reimburse the department for all transportation expenses on return.

k) If an offender chooses to withdraw a request for an interstate transfer after receiving Minnesota approval, the offender is ineligible to reapply for an interstate transfer for two years from the date of withdrawal.

l) If Minnesota or the receiving state denies the interstate transfer request; the offender is ineligible to reapply to that state for interstate transfer for two years from the date of denial.

3. Administrative-initiated transfers
Offenders who are unable to make a safe or satisfactory adjustment in general population of Minnesota adult facilities may be referred for an ICC transfer by the facility administrative staff. Incompatibility, facility management, or other administrative reasons may be used when it is in the best interest of the department or the offender that the offender transfer to another state.

a) The warden/superintendent or designee identifies the offender requiring an administrative ICC transfer and notifies the facility ICC coordinator.

b) The facility ICC coordinator instructs the assigned caseworker to prepare an interstate transfer packet (leaving the state placement blank), and then forwards it to the deputy compact administrator/designee.

c) The deputy compact administrator/designee makes the determination of state placement, and provides final approval. Final approval includes review and approval of the DOC assistant director of the office of special investigations (OSI). The deputy compact administrator/designee then distributes the packet to the recommended state(s).

d) Travel costs are at the department's expense.

4. The deputy compact administrator/designee maintains a current tracking spreadsheet of ICC cases sent, and retains all forms related to the transfer.

5. The central transportation unit captain maintains and retains a travel log for all ICC cases sent, according to the record retention schedule.

D. ICC – received

1. On receipt of a referral packet from a sending state, the deputy compact administrator/designee reviews the exchange status with that state and, if appropriate, forwards the referral packet to a designated group of facility ICC coordinators, the DOC assistant director of OSI, and the DOC director of health services for approval or denial.

2. Upon final approval or denial, the deputy compact administrator/designee provides the sending state with a written notification of the final decision. If the exchange is approved, the deputy compact administrator/designee must forward copies of the notification to the intake facility ICC coordinator, sentence administration unit (SAU, located at MCF-FRB), and the facility records supervisor.

3. Sending state's obligations upon approval
   a) The sending state must fill out the Release Health Case Summary form (attached) and the ICC Records Intake Information form (attached).

   b) The sending state must notify the Minnesota Correctional Facility – St. Cloud (or Minnesota Correctional Facility – Shakopee) intake facility ICC coordinator of the transportation arrangements five days prior to the scheduled arrival date.

   c) The sending state must provide offender photo identification at the time of actual transfer to the appropriate Minnesota intake facility.

   d) The sending state must provide the following offense information: the mandatory release date, expiration date, date of offense, date(s) sentenced, offense description, and sentence length.

   e) The sending state must provide, if needed, canes, walkers, or wheelchairs for offenders.

4. All ICC transfers are required to comply with the policies and procedures of the Minnesota DOC.

5. If the assigned Minnesota facility administration requests the return of an interstate-transferred offender back to the sending state, justification must be provided in writing and must include documentation supporting why the offender is in need of specialized management or housing. The facility administration forwards the written justification to the deputy compact administrator/designee. If the justification is approved, the deputy compact administrator/designee forwards notification to the sending state. The sending state must provide written information outlining the scheduled transportation date, authorized transport staff, and release authorization to the deputy compact administrator/designee, who forwards it to the facility ICC coordinator and records supervisor.

6. If the sending state requests the return, transfer, or release of an interstate offender housed in Minnesota, the sending state must provide written information outlining the scheduled transportation date, authorized transport staff, and release authorization to the deputy compact administrator/designee. The deputy compact administrator/designee forwards this information to the facility ICC coordinator and records supervisor.

7. If the sending state requests the return of a Minnesota offender, the sending state must provide to the deputy compact administrator/designee written justification and must include documentation supporting the need to return the offender back to Minnesota.

8. Other state offenders requesting a return to their sending state must do so by contacting the other state's ICC office.

9. The deputy compact administrator/designee maintains a current tracking spreadsheet of ICC cases received, and retains all forms related to the transfer.

INTERNAL CONTROLS:

A. The deputy compact administrator/designee maintains a current tracking spreadsheet of ICC cases sent and received, and retains all forms related to the transfer.

B. The central transportation unit captain maintains and retains a travel log for all ICC-sent cases according to the record retention schedule.

C. Progress reports are retained electronically in COMS.

ACA STANDARDS: 2-CO-4B-02

REFERENCES: Minn. Stat. §§ 241.29 and 241.08
Division Directive 203.112, "Interstate Corrections Compact (Facility) Fund Withdrawal Process"
Policy 206.020, "Interstate Compact for the Supervision of Adult Parolees and Probationers"
Policy 302.250, "Offender Property"

REPLACES: Division Directive 203.110, "Interstate Corrections Compact (Facility)," 10/7/14. All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Interstate Corrections Compact Checklist (203.110A)
Interstate Corrections Compact Transfer Agreement (203.110C)
Interstate Corrections Compact Transfer Request Instructions (203.110D)
Interstate Corrections Compact Review form (203.110F)
Interstate Corrections Compact Records Intake Information form (203.110G)
Release Health Case Summary form (203.012A; available only on COMS)

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Facility Services