

1.4.G.3 Interstate Compact

I Policy Index:



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Office of Primary Responsibility: DOC Administration

II Policy:

The South Dakota Department of Corrections (DOC) will participate in the Interstate Compact for Adult Offender Supervision program, pursuant to SDCL §§ 1-15-10.1 and 1-15-10.3. The program establishes a means to allow offenders to transfer to and from other correctional systems. The Classification and Transfer Manager (CTM) shall be the Adult Facilities Interstate Compact Administrator for the DOC.

III Definitions:

Interstate Compact for Adult Offender Supervision:

A formal agreement between member states that seeks to promote public safety by systematically controlling the interstate movements of certain adult offenders.

Man Day Credit:

The total number of inmate days that another correctional system owes the State of South Dakota.

Man Day Debt:

The total number of inmate days owed to another correctional system by the State of South Dakota.

Mixed:

Inmate sentences to the South Dakota prison system as a result of a parole violation or a suspended sentence violation with an additional conviction and sentence where at least one (1) of the prison sentences is a new system offense. Inmates with mixed sentences may have multiple parole dates.

New System:

Inmate sentences to the South Dakota prison system as a result of a crime committed on or after July 1, 1996.

Old System:

Inmate sentences to the South Dakota prison system as a result of a crime committed prior to July 1, 1996.

Receiving State:

A state to which an offender requests transfer or is transferred.

Sending State:

A state requesting the transfer of an offender, or which transfers an offender.

IV Procedures:

1. Overview of the Interstate Compact Policy:

- A. No inmate has an implied right or expectation to be housed in any particular facility, participate in any specific program, or receive any specific service. Inmates are subject to transfer from any facility, program or service at the discretion of the Warden or Secretary of Corrections (See SDCL § 24-2-27).
- B. The DOC may transfer any inmate from any institution under its control to another state or federal government for like institutional care and custody (See SDCL § 1-15-10.3), even if the transfer was not requested by the inmate. Nothing in this policy nor its application may be the basis for establishing a constitutionally protected liberty, property or due process interest in any inmate.
 - 1. To be eligible to receive a South Dakota offender, the receiving institution shall be compliant (or working towards compliance) with the Prison Rape Elimination Act (PREA) and established standards, as they apply to housing inmates in custody.
- C. This policy does not apply to interstate compact transfers of parolees. Parole is included as a unit affected by this policy to address the conduct of parole hearings for South Dakota inmates housed in other jurisdictions through an inmate interstate compact transfer.

2. Requests by South Dakota Inmates to Transfer Out of State:

- A. Inmates requesting transfer to an out of state correctional system must submit an *Interstate Compact Request* form (See [Attachment 1](#)) to their unit staff.
 - 1. Unit staff will review the request and gather information pertinent to the request for transfer.
 - 2. This information will be included with the request and will be forwarded to the Classification and Transfer office.
- B. Upon receipt of the *Interstate Compact Request*, the Director of Classification or designee will determine the disposition of the request.
 - 1. Possible dispositions are “denied”, “filed” or “continued for approval”.
 - 2. The following factors may be considered:
 - a. The circumstances of the inmate’s confinement, including the term of the inmate’s sentence that is remaining.
 - b. Protection issues, including monitoring, separation requirements or protective custody (See DOC policies 1.4.B.2 [Male Inmate Classification](#) and 1.4.B.14 [Female Inmate Classification](#)) and other specific needs of the inmate or availability of accommodations currently provided to the inmate.
 - c. The inmate’s prior state of residence.
 - d. The availability of transportation options.

- e. The fiscal impact of the transfer.
 - f. The man-day credit balance with the system in question.
 - g. Interests of the State of South Dakota and the legitimate penological interests of the SD DOC.
3. The disposition will be documented on the *Interstate Compact Transfer Request Response* form (See [Attachment 2](#)). The disposition will be returned to the inmate's unit staff. Unit staff will notify the inmate of the decision. If the disposition is "continued for approval", unit staff will proceed with the steps in Section 4 of this policy (See "Out of State Transfer Application Continued for Approval").
- C. Involuntary transfers of South Dakota inmates to another system may be ordered by the Secretary of Corrections of South Dakota.

3. Denial/Reapplication of Out-of-State Transfers:

- A. If the request for transfer to a specific correctional system(s) in another state is denied, the inmate may reapply for a transfer to that specific system one year from the date the request was denied.
- B. If the request for transfer is denied, the inmate may reapply for a transfer to another system one (1) year from the date of denial.
- C. If the request is filed, staff will maintain it for future reference, should the circumstances contributing to the decision to file the request change; e.g. a change in man-day credit balance.
- D. Once an inmate has an active/open request on file to transfer to a specific correctional system, they may not reapply to the same system while the request is on file.
- E. Duplicate requests submitted by an inmate will be disposed of without a response.

4. Out of State Transfer Application Continued for Approval:

- A. Unit staff will have the inmate sign an *Application for Transfer Pursuant to the Interstate Corrections Compact* form (See [Attachment 3](#)) and forward this to DOC Central Records in Sioux Falls, SD for placement in the inmate's legal file.
- B. The Director of Classification or designee will initiate the *Transfer Mental Health Care Summary* and *Transfer Health Care Summary* (See [Attachments 4 & 5](#)), which Behavioral Health and Health Services staff will complete and return to the Director of Classification or designee.
- C. The CTM will send copies of the following information to the compact administrator for the prospective receiving system/state:
 - 1. Judgment and sentence papers.
 - 2. Pre-sentence report (if available).
 - 3. NCIC III.
 - 4. Fingerprint card.
 - 5. Recent inmate photo.

6. Most recent classification review.
 7. Transfer screen.
 8. Assignment screen.
 9. Sentence information.
 10. Disciplinary record.
 11. Visit list.
 12. Copy of completed Attachments [3](#), [4](#) and [5](#).
 13. Health evaluation.
 14. Case summary.
- D. Upon acceptance by the receiving correctional system, the Director of Classification or designee will make the necessary arrangements to transfer the inmate to the receiving system/state. If the inmate requested the transfer, he/she may be responsible for all or part of the transportation expenses associated with the transfer. Inmates who are involuntarily transferred are not generally responsible for transportation expenses associated with the transfer.
- E. If the request to transfer is denied by the receiving state, the CTM will notify the inmate's unit staff, who will notify the inmate of the denial.

5. Requests to Transfer to the South Dakota Correctional System:

- A. All requests to transfer to the South Dakota correctional system that are received from inmates housed in another state's correctional system, must be reviewed and approved by the Director of Classification or designee.
1. Requests from male inmates must be approved by the respective Warden of the receiving male facility. Requests from female inmates must be approved by the Warden of the South Dakota Women's Prison.
 2. This review and approval/denial will be documented on the *Interstate Compact Transfer Review* (See [Attachment 6](#)).
- B. If the application is approved, the Director of Classification or designee will contact the sending correctional system to coordinate the transfer.
- C. If the application is denied, the Director of Classification or designee will notify the sending correctional system and coordinate the destruction or return of the information packet.
- D. The Director of Classification or designee will be responsible for maintaining an accurate record of the man-day debts and credits for the SD DOC.
- E. The Director of Classification or designee will notify the Secretary of Corrections, Director of Prison Operations and the applicable Warden of all finalized transfers to or from another correctional system on a monthly basis.

6. Parole Hearings for South Dakota Inmates Held Out of State:

- A. Parole hearings for inmates held out-of-state will be conducted telephonically (See SDCL §§ [24-15-8](#) and [24-15A-35](#)).
1. If an out-of-state inmate wishes to admit to noncompliance with the individual program directive or wishes to admit to an alleged violation of conditions of parole, the inmate/parolee may waive his hearing.
 2. The Parole Board may receive documentary evidence via facsimile machines or other electronic means of document transfer.

V Related Directives:

SDCL §§ [1-15-10.1](#), [1-15-10.3](#), [24-2-27](#), [24-15-8](#) and [24-15A-35](#).

1.4. B.2 – [Male Inmate Classification](#)

1.4. B.14 – [Female Inmate Classification](#)

VI Revision Log:

October 2002: Revised Director of Classification Transfer and Scheduling (DCTS) to Classification and Transfer Manger (CTM) throughout policy. **Added** Health evaluation and Case Summary to Requests by SD Inmates to Transfer Out of State G.3.

March 2004: Revised policy statement. **Divided** policy into additional sections.

November 2004: **Added** references to SDCL § 24-15-8, 24-15A-21 and 24-16A-1; and DOC policy 1.4.B.2.

November 2005: **Changed** the reference from § 24-16A-1 to §§ 1-15-10.1 and 1-15-10.3. **Revised** attachment 5 into attachments 5 & 6.

October 2006: **Revised** the policy statement. **Revised** duties between the CTM and Unit Staff.

Revised the source for disciplinary records and the visit list.

November 2007: **Added** language to clarify that the DOC can require an inmate to be moved to another state, even if the inmate didn't request the transfer. **Revised** attachments 4a and 4b. Minor style/format revisions.

October 2008: **Revised** formatting of policy and attachments in accordance with DOC policy 1.1.A.2.

Added ss (A2 of Requests by SD Inmates to Transfer Out of State). **Revised** titles of attachments to be consistent with policy, attachments and WAN. **Combined** Attachments 4a and 4b into Attachment 4 to include both new and old systems. **Removed** DOC logo from bottom of Attachments 5 and 6.

October 2009: **Deleted** reference to forwarding onto the AW of former ss (A2 of Requests by SD Inmates to Transfer Out of State). **Revised** DOC policy 1.4.B.2 into its two respective policies of 1.4.B.2 and 1.4.B.14. **Added** hyperlinks.

October 2010: **Revised** formatting of Section I.

October 2011: **Reviewed with no changes**

November 2012: **Added** "The completed form will be returned to the inmate's unit staff. Unit staff will notify the inmate of the CTM's decision" in Section 3 B. 3. **Deleted** "Last classification packet" and **Replaced** with "Most recent classification review" in Section 4 C. 6. **Added** "Inmates who are an involuntary transfer are not responsible for transportation expenses associated with the transfer" in Section 4 D. **Deleted** "If an inmate has signed the Acknowledge of Parole Hearing Process and Waiver of Personal Appearance, the SD Board of Pardons and Paroles may elect, at the discretion of the Board, to hold any review through:" and **Replaced** with "Parole hearings for inmates held out of state will be conducted telephonically (See SDCL)" in Section 6 A. **Deleted** "A hearing by the paroling authority in the receiving state (See SDCL) and **Replaced** with "If an out of state inmate wishes to admit to noncompliance with the individual program directive or wishes to admit to an alleged violation of conditions of parole, the inmate/parolee may waive his hearing" in Section 6 A. 1. **Deleted** "A hearing by teleconference, and/or a hearing based on a review of the inmate's record including any written materials the inmate has submitted on his or her behalf" and **Replaced** with "The Parole Board

may receive documentary evidence via facsimile machines or other electronic means of document transfer” in Section 6 A. 2. **Deleted** B. “If an inmate has not signed the Acknowledgement of Parole Hearing Process and Waiver of Personal Appearance, the SD Board may elect, at the discretion of the Board, to hold parole hearings” in Section 6. **Deleted** 1. “For old system cases through:” **Deleted** a. “A hearing by the paroling authority in the receiving state and/or” and **Deleted** b. “A hearing by teleconference” and **Deleted** 2. “For new system cases through” and **Deleted** a. “A hearing by the paroling authority in the receiving state and/or” and **Deleted** b. “A hearing by teleconference (A hearing by teleconference is not allowed for an initial non-compliance hearing or revocation hearing)” all in Section 6 B. **Deleted** Attachment 4 “Acknowledgement of Parole Hearing Process and Waiver of Personal Appearance”.

October 2013: Added 1. “To be eligible to receive a South Dakota offender, the receiving institution shall be compliant (or working towards compliance) with the Prison Rape Elimination Act (PREA) and the accompanying standards.” to Section 1 B.

October 2014: Reviewed with no changes.

October 2015: Reviewed with no changes.

October 2016: Reviewed with no changes.

October 2017: Reviewed with no changes.

October 2018: Replaced “CTM” with “Director of Classification or designee” in the policy. **Added** “and other specific needs of the inmate or availability of accommodations currently provided to the inmate” in Section 2 B. 2. b. **Added** “Director of Prison Operations” Section 5 E.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

12/11/2018

Date

Attachment 1: Interstate Compact Request

The **Interstate Compact Request** form is located on the state's WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **Interstate Compact Request** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Interstate Compact Request**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Interstate Compact Request Please refer to DDC policy 1.4.G.3 Inmate Interstate Compact
INTERSTATE COMPACT REQUEST	
Inmate Name: []	Number []
State in which placement is requested: []	
Reason for request: []	
Institution Recommendation: []	
Signature _____ Date _____	
Revised: 10/14/2008	Page 1 of 1

Attachment 2: Interstate Compact Transfer Request Response

The *Interstate Compact Transfer Request Response* form is located on the state's WAN.

A copy may be printed using *Microsoft Word* as follows:

1. Click [here](#) to access the *Interstate Compact Transfer Request Response* by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select *File/New* from the Menu Bar / Select the *DOC* tab / Select *Interstate Compact Transfer Request Response*.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Interstate Compact Transfer Request Response Please refer to DOC policy 1.4.G.3 Inmate Interstate Compact	
INTERSTATE COMPACT TRANSFER REQUEST RESPONSE			
Inmate Name:	█	Number:	█
Current facility placement:	█		
State placement(s) requested:	█		
Compact Director response:	█		
	Signature		Date:
Revised: 10/14/2008		Page 1 of 1	

Attachment 3: Application for Transfer Pursuant to the Interstate Corrections Compact

The **Application for Transfer Pursuant to the Interstate Corrections Compact** form is located on the state's WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **Application for Transfer Pursuant to the Interstate Corrections Compact** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Application for Transfer Pursuant to the Interstate Corrections Compact**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public	Attachment: App For Transfer Pursuant To The Interstate Corr Compact Please refer to DOC policy 1.4.G.3 Inmate Interstate Compact
APPLICATION FOR TRANSFER PURSUANT TO THE INTERSTATE CORRECTIONS COMPACT	
I, _____, # _____, hereby apply for confinement as an Inmate pursuant to the Interstate Corrections Compact Act for transfer of Inmates. I urge the authorities for whom this application is made, and all other judicial and administrative authorities, to recognize that confinement in another state, if granted as requested in this application, will be a benefit to me and will improve my opportunities for rehabilitation.	
It is understood by me that I will be under the authority of the State of South Dakota and the provisions under which I serve my sentence, am paroled or discharged from my sentence will be determined by the South Dakota Code. At all times I will remain under the jurisdiction of the State of South Dakota.	
I understand that the very fact my confinement will be in another state makes it likely there will be certain differences between the confinement I would receive in this state and the confinement which I will receive in any state to which I am requesting to go. Particularly, I understand the state I transfer to may have different disciplinary policies and procedures than the South Dakota Department of Corrections. I agree to abide by those policies and procedures and waive my right to the disciplinary policies and procedures of the South Dakota Department of Corrections while incarcerated in another state. In order to derive the advantages of supervision under the Interstate Corrections Compact for transfer of Inmates, I do hereby accept such differences in course and character of confinement as may be provided, and I do state that I consider the benefits of confinement under the compact to be worth any adjustments in my situation which may be required.	
I also agree that this request is deemed as my waiver of extradition with respect to any charge or proceeding contemplated hereby or included herein, and a waiver of extradition to another state to serve any sentence here imposed upon me, after completion of my term of imprisonment in this state.	
I also agree that this request constitutes a consent by me to the production of my body in any court where my presence may be required in order to effectuate the purpose of the Interstate Corrections Compact Act and I further consent voluntarily to be returned to the institution in which I now am confined.	
In view of the above, I do hereby apply for permission to be confined in the State of _____ for the following reasons:	
I _____ have read the above or _____ have had the above read and explained to me, and understand its meaning and agree thereto.	
Inmate Signature:	Date:
Witness:	Date:
Revised: 10/14/2008	Page 1 of 1

Attachment 4: Transfer Mental Health Care Summary

The **Transfer Mental Health Care Summary** form is located on the state's WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **Transfer Mental Health Care Summary** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Transfer Mental Health Care Summary**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Transfer Mental Health Care Summary Please refer to DOC policy 1.4.G.3 Inmate Interstate Compact	
TRANSFER MENTAL HEALTH CARE SUMMARY			
Name: <input type="text"/>		ID Number: <input type="text"/>	
Birth Date: <input type="text"/>	Supervised Release Date: <input type="text"/>	Expiration Date: <input type="text"/>	Case Manager: <input type="text"/>
Current Mental Health Problem/Diagnosis: <input type="text"/>			
<u>Mental Health Background Information</u>			
History of Suicide Attempts: <input type="text"/>			
Psychotropic Medications: <input type="text"/>			
Follow-up Appointments Needed: <input type="text"/>			
Name and Title (Mental Health Services Designee): <input type="text"/>			Date: <input type="text"/>
Revised: 10/14/2008		Page 1 of 1	

Attachment 5: Transfer Health Care Summary

The **Transfer Health Care Summary** form is located on the state's WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **Transfer Health Care Summary** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Transfer Health Care Summary**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Transfer Health Care Summary Please refer to DOC policy 1.4.G.3 Inmate Interstate Compact	
TRANSFER HEALTH CARE SUMMARY			
Name: <input type="text"/>		ID Number: <input type="text"/>	
Birth Date: <input type="text"/>	Supervised Release Date: <input type="text"/>	Expiration Date: <input type="text"/>	Case Manager: <input type="text"/>
Marriage Date: <input type="text"/>	Reside: <input type="text"/>	Check X-ray: <input type="text"/>	Reside: <input type="text"/>
If Marriage was positive, was INI administered? <input type="text"/>	Date INI completed: <input type="text"/>	If no INI administered/completed, was offender treated with any other medication? <input type="text"/>	
Current Dental Problem/Diagnosis: <input type="text"/>			
Follow-up Appointment: <input type="text"/>			
Current Medical Problem/Diagnosis: <input type="text"/>			
<input type="text"/>			
HIV Review: <input type="text"/>			
Physical Health Background Information			
Medications (Medication Administration Record Attached): <input type="text"/>			
Adaptive Device: <input type="text"/>			
Special Diet/Restrictions: <input type="text"/>			
Allergies: <input type="text"/>			
Exercising/Activities: <input type="text"/>			
Follow-up Appointment: <input type="text"/>			
*If Hepatic C positive, please provide liver function test results and biopsy results if available.			
Name and Title (Health Services Designer): <input type="text"/>		Date: <input type="text"/>	
<input type="text"/>			
Revised: 10/14/2008		Page 1 of 1	

Attachment 6: Interstate Compact Transfer Review

The *Interstate Compact Transfer Review* form is located on the state's WAN.

A copy may be printed using *Microsoft Word* as follows:

1. Click [here](#) to access the *Interstate Compact Transfer Review* by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select *File/New* from the Menu Bar / Select the *DOC* tab / Select *Interstate Compact Transfer Review*.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Interstate Compact Transfer Review Please refer to DOC policy 1.4.G.3 Inmate Interstate Compact
INTERSTATE COMPACT TRANSFER REVIEW	
Date:	█
Inmate:	█
Transfer From:	█
Transfer To:	South Dakota
Monthly Balance:	█
Additional Transfer Information: █	
Warden:	
<input type="checkbox"/> Recommend Approval	<input type="checkbox"/> Recommend Denial
Classification and Transfer Manager:	
<input type="checkbox"/> Recommend Approval	<input type="checkbox"/> Recommend Denial
Revised: 10/16/2008	Page 1 of 1