



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: Interstate Corrections Compact and Witness Protection		Policy Number: 11.5.2
Date of Issue: September 16, 2011	Authority: Signature on File John Wetzel, Secretary	Effective Date: September 23, 2011

I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. APPLICABILITY

This policy is applicable to all facilities operated under the jurisdiction of, or conducting business with the Department of Corrections.

III. POLICY

The Department administers the agreement made and entered into between the Commonwealth of Pennsylvania acting through the Department of Corrections and compact member states to provide for and facilitate the transfer of offenders pursuant to and in accordance with the provisions of the Interstate Corrections Compact enacted by Pennsylvania as the Act of December 30, 1974, O.L. 1075, No. 348, § 1061 *et seq.*

IV. PROCEDURES

All applicable procedures are contained in the procedures manual that accompanies this policy document.

V. SUSPENSION DURING AN EMERGENCY

In an emergency or extended disruption of normal facility operation, the Secretary/designee may suspend any provision or section of this policy for a specific period.

VI. RIGHTS UNDER THIS POLICY

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department of Corrections.

VII. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY

A. Release of Information

1. Policy

This policy document is public information and may be released upon request.

2. Confidential Procedures (if applicable)

Confidential procedures for this document, if any, are not public information and may not be released in its entirety or in part, without the approval of the Secretary of Corrections/designee. Confidential procedures may be released to any Department of Corrections employee on an as needed basis.

B. Distribution of Policy

1. General Distribution

The Department of Corrections' policy and procedures shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution of confidential procedures to other individuals and/or agencies is subject to the approval of the Secretary of Corrections/designee.

2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures either in hard copy or via email, whichever is most appropriate.

VIII. SUPERSEDED POLICY AND CROSS REFERENCE

A. Superseded Policy

1. Department Policy

This document establishes policy on this subject.

2. Facility Policy and Procedures

This document supersedes all facility policy and procedures on this subject.

B. Cross Reference(s)

1. Administrative Manuals

a. 6.3.1, Facility Security

b. 11.5.1, Reception and Classification

2. ACA Standards

a. Administration of Correctional Agencies: None

b. Adult Correctional Institutions: None

c. Adult Community Residential Services: None

d. Correctional Training Academies: None



PROCEDURES MANUAL
Commonwealth of Pennsylvania • Department of Corrections

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Interstate Corrections Compact and Witness Protection

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Authority:

**Signature on File
Shirley Moore Smeal**

Effective Date:

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Release of Information:

Policy Document: This policy document is public information and may be released upon request.

Procedures Manual: The procedures manual for this policy may be released in its entirety or in part, with the prior approval of the Secretary/designee. Unless prior approval of the Secretary/designee has been obtained, this manual or parts thereof may be released to any Department employee on an as needed basis only.

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Section 1 – Processing Cases for Interstate Corrections Compact (ICC) Transfer

A. Consideration of Transfer Requests from Pennsylvania (PA) to a Member State

1. The Interstate Corrections Compact (ICC) allows transfer requests for the following reasons:
 - a. security of the facility when all means to securely house the inmate have been exhausted and to continue housing the inmate in PA would be a breach of security;
 - b. safety of the inmate when the only means of maintaining the safety of the inmate is through housing in long term Administrative Custody (AC); and/or
 - c. to facilitate family visitation or family reunification.
2. The Department generally will not accept an ICC transfer or transfer a PA inmate for family visitation or family reunification purposes.

B. Responsibilities

1. Facility Responsibilities
 - a. Transfers from PA to a member state are initiated at the facility. The counselor shall prepare a **DC-46, Vote Sheet**, which must provide a reason for the referral.
 - b. If approved by the Facility Manager/designee, a referral packet shall be forwarded to the ICC Coordinator, Bureau of Standards and Sentence Computation (BSSC). The referral packet shall include a cover memo summarizing the rationale for the request. The summary shall be organized as indicated below.
 - (1) Section 1 – Classification
 - (a) **DC-46**;
 - (b) Integrated Case Summary (ICSA)/Classification Summary;
 - (c) Pennsylvania Additive Classification Tool (PACT);
 - (d) housing performance report;
 - (e) work performance report;
 - (f) separations;
 - (g) signed **ICC Transfer Request and Action (Attachment 1-A)**; and

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- (h) signed **Notice of Inmate Rights (Attachment 1-B)**.
 - (2) Section 2 – Mental Health and Medical
 - (a) psychological or psychiatric reports; when no reports are available a notation should be included to explain the reason that a report is not necessary; and
 - (b) **DC-481, Medical Release Summary**, must include current PPD (within one year).
 - (3) Section 3 – Security and Security Threat Groups
 - (a) any information related to gang membership, positions currently or previously held, and retaliatory information; and
 - (b) security and housing concerns.
 - (4) Section 4 – Adjustment
 - DC-141, Inmate Misconduct Report** and related reports.
 - (5) Section 5 – Criminal History
 - (a) official version of facts of current crime;
 - (b) criminal history summary; and
 - (c) Pre-Sentence Investigation (PSI), when available.
 - (6) Section 6 – Sentencing
 - (a) **DC-16E, Sentence Status Summary**; and
 - DC-300B, Court Commitment** and/or written court commitment orders.
 - (7) Section 7 – Identification
 - (a) current photograph, mug shot and scars/marks/tattoos; and
 - (b) photocopy of fingerprint card.
- c. notify the inmate of the Secretary’s decision regarding the referral using the **ICC Request Approval/Denial Memo (Attachment 1-C)**.

2. ICC Coordinator's Responsibilities include the following:
 - a. log receipt of the packet using the **ICC Requests to Other States Spreadsheet (Attachment 1-D)**;
 - b. review the documentation relating to the transfer requests from the facility for completeness using the **ICC Documentation Checklist (Attachment 1-E)**;
 - c. notify the Office of the Victim Advocate (OVA) to solicit victim input; victim comments shall be treated as confidential and will not be included in the referral packet;
 - d. prepare a cover memo for the Secretary using the **ICC Cover Memo for the Secretary (Attachment 1-F)**, briefly note whether victim contact was made and summarize any victim concerns; and forward it with the referral packet along to the Secretary for approval or denial;
 - e. return the original memo denying/approving ICC placement to the facility for placement in the **DC-15, Inmate Records Jacket**, a copy shall be retained in the central folder;
 - f. notify the facility immediately using an **ICC Request Memo to Requesting Facility Manager (Attachment 1-G)**;
 - g. solicit a minimum of three states for placement when a referral has been approved by the Secretary;
 - h. forward a copy of the referral packet along with a **Receiving State ICC Coordinator Cover Letter (Attachment 1-H)** to the member states being solicited for placement; and
 - i. place the original ICC Referral Packet in the central folder.

C. Transfer Process

1. Upon acceptance, the ICC Coordinator will coordinate with the sending facility and the ICC Coordinator from the member state to establish a transfer date.
2. Transfers that do not involve overnight travel shall be made by the sending facility staff.
3. The Office of Population Management (OPM) will coordinate with the Department's contracted prisoner transport company for all trips that require overnight travel.
4. A copy of the medical record shall be sent with the inmate to the member state.

D. Records Maintenance and Case Management

1. The original medical file will remain at the sending facility.
2. Upon completion of transfer, the inmate's **DC-15** and **DC-14, Counselor File** will be transferred to the Central Office Technical Records Section where it will be maintained until the inmate is returned to the Department.
3. The Central Office Technical Records Section shall:
 - a. maintain a time file for all ICC transfers;
 - b. maintain a **Progress Report Tracking Spreadsheet (Attachment 1-I)** to track the timely receipt of six month progress reports from the member state; and
 - c. request all overdue progress reports from the member state using the **Overdue Progress Report Memo (Attachment 1-J)**; and
 - d. notify the ICC Coordinator when the inmates are within nine months of their minimum sentence date.
4. The ICC Coordinator will coordinate all requests for special placement or clearances including, but not limited to outside work details with the member state.
5. The ICC Coordinate shall initiate the parole review process.
6. The ICC Coordinator shall ensure the return of the inmate to PA one month prior to his/her release when the inmates release plans are for PA or any state other than the current ICC placement. When the inmate intends to remain in the ICC state, return to PA is not necessary.
7. For parole cases where the parolee will remain in the ICC state and not return to PA, the PBPP 10 and PBPP 11 will be forwarded to the ICC Coordinator of the holding state for inmate signature.
8. Central Office Technical Records staff will complete the release procedures as outlined in Department policy **11.5.1, "Records Office Operations," Section 2.**
9. Upon release of the inmate, the **DC-15** and **DC-14** will be returned to the sending facility for archival purposes.

E. Consideration of Transfer Requests to PA from a Member State

1. The ICC allows transfer requests for reasons as stated in **Subsection A.1.a. – c. above.**
2. ICC Coordinator's Responsibilities include the following:

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- a. upon receipt of the ICC Referral Packet from the requesting member state, log it into the **ICC Tracking Spreadsheet (Attachment 1-K)**;
 - b. review the ICC Referral Packet from the member state and write a brief synopsis using the **Referral Packet Review Memo (Attachment 1-L)**;
 - c. route the ICC Referral Packet along with the **Referral Packet Review Memo** to the Office of Special Investigations and Intelligence (OSII), for review of security threat group concerns. OSII shall note any gang activity or other concerns;
 - d. route the ICC Referral Packet with the **Referral Packet Review Memo** through the Central Office Security Division for any security or housing concerns and a recommendation to accept or decline the inmate;
 - e. route the ICC Referral Packet with the **Referral Packet Review Memo** to the Executive Deputy Secretary for review, comment and recommendation to accept or decline the inmate; and
 - f. route the ICC Referral Packet to the Secretary/designee for final approval/disapproval; the ICC Referral Packet is returned to the ICC Coordinator along with the final recommendation.
3. Disapproved Requests
- a. The ICC Coordinator shall inform the ICC Coordinator of the member state of the disapproval using the **Disapproval Notification Memo (Attachment 1-M)**.
 - b. The ICC Referral Packet shall be destroyed.
 - c. The ICC Coordinator shall maintain the **Referral Packet Review Memo** for one year and then destroy it.
4. Approved Requests
- a. The PA ICC Coordinator shall inform the ICC Coordinator of the member state of the approval using the **Approval Notification Memo (Attachment 1-N)**.
 - b. The appropriate Diagnostic and Classification Center (DCC) will be notified of the pending transfer.
 - c. The transfer date is coordinated by the PA ICC Coordinator and the sending state.
 - d. Upon reception, the ICC Referral Packet and the **Approval Notification Memo** are forwarded to be incorporated in the **DC-15**.
5. Case management of inmates being housed in the Department for a member state under ICC include the following:

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- a. processing for outside clearance, pre-release or other special programs/housing must be coordinated with the member state. Such requests must be submitted to the ICC Coordinator who will work with the ICC Coordinator in the other state for programming approval;
 - b. poor adjustment is a reason for returning an out of state inmate, if the inmate becomes a serious management problem, the ICC Coordinator shall be notified for possible return of the inmate;
 - c. any extraordinary event, i.e., escape, escape attempt, suicide attempt, death etc. shall be reported to the ICC Coordinator via the **DC-121, Extraordinary Occurrence Report**, as defined in Department policy **6.3.1, “Facility Security,” Section 17**;
 - d. the counselor shall complete six month progress review for the member state, in accordance with Department policy **11.4.1, Section 12, Progress Reporting and Interstate Transfers**, and send it to the Central Office Technical Records Section; and
 - e. the facility may be asked to complete parole reports for the sending states.
6. Return of the inmate for any reason to the member state shall be coordinated through the ICC Coordinator.
 7. The Central Office Technical Records Section shall maintain the **PA Inmates Out to Other States Spreadsheet (Attachment 1-O)** of ICC cases that were transferred in and out of PA.
 8. The Central Office Technical Records Section shall maintain the **ICC Contact Information Sheet (Attachment 1-P)**.
- F. Billing for Medical Services for Inmates from Other States Serving their Sentence in the Department**
1. ***Contracts with other states for housing their inmates permits the Department to bill those states for off-site medical, psychiatric or dental care, only after notification to the sending state. In the event of an emergency which does not permit prior notification, the Department shall notify the sending state as promptly thereafter as possible.***
 2. ***Staff from the Technical Records Division of the Centralized Sentence Computation Unit (CSCU) at Central Office will notify BHCS of all inmates currently being housed in the Department from other states.***
 3. ***Staff from BHCS will provide the CHCA of the names of inmates from other states being housed at his/her facility.***

4. ***The CHCA shall mark on the inmate medical record and inform the Clinical Coordinator that “This inmate is an ICC transfer from (state).”***
 5. ***When a consult is ordered for an off-site medical service, the CHCA shall ensure what the Consultation Form is emailed to CR, CEN Inmate Records.***
 6. ***Staff from Central Office Technical Records Division will contact the sending state to obtain approval for this off-site visit and inform the CHCA of the decision from the sending state.***
 7. ***If the sending state approves the off-site service, then an appointment shall be made. The medical vendor will reimburse the provider and inform the CHCA of the charges for this service. The CHCA shall inform CR, CEN Inmate Records of those charges.***
 8. ***Staff from the Technical Records Division will notify the sending state of its financial obligations for this service.***
 9. ***If the sending state does not approve of this service, and the CHCA and practitioner determines that it is medically necessary, they should contact the BHCS Chief Clinician to discuss the case and a determination can be made to consider returning the inmate to the sending state.***
 10. ***Any services that are being paid through the Medicaid program, the CHCA will notify the BHCS of the dates of service, and staff from BHCS will obtain the charges for this service, and will inform CR, CEN Inmate Records, of those charges.***
- G. *Reimbursing the Receiving State for Medical Services for PA Inmates Serving their Sentence in another State***
1. ***The ICC Coordinator shall notify the BHCS when another state notifies him/her that an inmate from PA requires non-routine medical services.***
 2. ***Staff in BHCS shall determine whether to approve expenditures for the medical services or to recommend returning the inmate to the Department for medical care.***

Section 2 – Witness Protection Program

A. General

1. The Federal Bureau of Prisons will coordinate with the Central Office Records Administrator/designee when accepting an inmate into the Witness Protection Program.
2. Communications regarding inmates in witness protection are made through the U.S. Department of Justice (DOJ).
3. At the request of the DOJ, specific information relating the inmate to the Witness Protection Program shall not be discussed on the telephone. Acceptable methods of communication are secure email, fax, and U.S. mail.

B. Transfers

1. Transfer to the Witness Protection Program after sentencing and prior to reception at a Diagnostic Center (DCC):
 - a. the DOJ will notify the Records Administrator/designee when such a transfer occurs; and
 - b. the Central Office Technical Records Section shall:
 - (1) assign a Department ID number to the case;
 - (2) obtain the original sentence documents;
 - (3) compute the sentence structure and create a **DC-16E**;
 - (4) provide a copy of the **DC-16E**, the sentence calculations, and copies of the court orders to the DOJ; and
 - (5) create and maintain the **DC-15, Inmate Records Jacket**.
2. Transfer to the Witness Protection Program after reception in the Department:
 - a. The DOJ will notify the Records Administrator/designee when such a transfer is about to occur.
 - b. The Records Administrator/designee will coordinate the transfer with the facility.
 - c. The facility Records Office shall provide a transfer packet to the U.S Marshals who are transporting the inmate, for the DOJ, containing:
 - (1) **DC-16E**;

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- (2) Integrated Case Summary Application (ICSA);
 - (3) court commitments/court orders;
 - (4) misconduct history;
 - (5) Pre-Sentence Investigation (PSI), when available; and
 - (6) official version of current offense when available.
- d. The Medical Department shall provide a copy of the medical record for inclusion in the packet. The original medical record will remain at the facility.
 - e. After transfer the facility shall forward the **DC-15** and **DC-14, Counselor File** to the Central Office Technical Records Section.

C. Release process for Witness Protection Cases

1. The Central Office Technical Records Section shall:
 - a. maintain a time file for all witness protection cases;
 - b. maintain a **PA Inmates in the Bureau of Prisons (BOP) Spreadsheet (Attachment 2-A)**.
 - c. notify the Records Administrator/designee nine months prior to the minimum sentence date to initiate the parole review process;
 - d. upon approval of parole, complete the release checklist; and
 - e. forward the **PBPP 10 and 11, Release Orders** to the Department of Justice for the inmate's signature.
2. The Records Administrator/designee shall:
 - a. coordinate a parole interview date with the Pennsylvania Board of Probation and Parole (PBPP), DOJ and US Marshals;
 - b. secure a private conference room to facilitate the interview;
 - c. Coordinate the requirements for collection of a DNA sample and/or Megan's Law registration; and
 - d. forward a copy of the **PBPP-15, Board Action Notice** to the inmate through the DOJ.
3. The DOJ will return the original signed release orders to the Records Administrator and then to technical records for filing Department.

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4. Upon verification by the Central Office Technical Records Section that the inmate has been released, his/her records will be archived.
5. On sentence complete cases, the Central Office Technical Records Section shall:
 - a. complete the release checklist 30 days prior to the maximum date; and
 - b. notify the DOJ that the inmate is approaching his/her maximum date and has been cleared for release.
6. Upon verification that the release has occurred, the files shall be archived:
 - a. at SCI Camp Hill for male inmates who never physically arrived at the Department;
 - b. at SCI Muncy for female inmates who never physically arrived at the Department; and
 - c. archived at the permanent facility for inmates who transferred into Witness Protection after arrival to the Department.