ARIZONA DEPARTMENT OF CORRECTIONS	CHAPTER: 1000 RELEASES/COMMUNITY SUPERVISION	OPR: CC OPS
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PURPOSE

This Department Order establishes a system for the transfer of Department inmates to holding law enforcement agencies, other jurisdictions, states or nations having prisoner transfer treaties with the United States. This Department Order also establishes a system for control of costs associated with temporary placement of inmates or offenders in holding law enforcement agencies.

PROCEDURES

1004.01 ARREST OF OFFENDERS - POST EARNED RELEASE CREDIT DATE

1.1 Designated Department staff shall place a detainer with arresting agencies upon notification that offenders with a date offense prior to January 1, 1994, who have been released by the Department but have not reached their Sentence Expiration Date (SED), are arrested for new felony offenses, misdemeanors involving violence, sex offenses, or crimes against children.

1.1.1 The Warrant Services/Hearings Unit staff shall place detainers during State business hours (i.e., Monday through Friday, 0800 to 1700 hours).

1.1.2 The Central Office Communications Center (Communications Center) staff shall place detainers after regular State business hours to include weekends and State holidays.

1.2 Community Corrections staff and Communications Center staff shall release detainers under the following circumstances:

1.2.1 A jurisdictional court grants offenders a release on their own recognizance.

1.2.2 Offenders post bond and jurisdictional courts impose pre-trial supervision.

1.2.3 Upon final disposition of the current charges.

1.2.4 Offenders reach their SED.

1004.02 ARRESTS OF OFFENDERS BY PEACE OFFICERS - Offenders shall be protected from unreasonable search and seizure (arrest) and shall not be released to police custody without a court order.

1.1 When a Peace Officer presents a Search Warrant, the Community Corrections Supervisor or designee shall accompany the Peace Officer and permit a reasonable and proper search, consistent with the Search Warrant, of the offender and the offender's housing area and property.

1.2 When a Peace Officer presents an Arrest Warrant, the Community Corrections Supervisor or designee shall ensure the offender named on the Arrest Warrant is detained until an Order to Secure Attendance is presented.

1.2.1 When a Peace Officer presents an Order to Secure Attendance, the Community Corrections Supervisor or designee shall ensure the court order is complied with.

1004.03 **RETURN OF RELEASE VIOLATORS TO DEPARTMENT INSTITUTIONS** - Costs associated with the temporary placement of Release Violators by County or local holding law enforcement agencies or Community Corrections shall be minimized by returning Release Violators to the Department's custody, unless there are pending charges without disposition and/or court action by the Department or other criminal justice agencies. Contract Beds facilities are not authorized to directly receive Release Violators.

1.1 The Warrant Services/Hearings Unit Manager or designee shall:

1.1.1 Notify the Arizona Board of Executive Clemency (ABOEC) within two workdays of any Release Violator who is arrested while on Community Supervision.

1.1.2 Contact holding law enforcement agencies within one workday of arrest notifications to determine the status of any court actions.

1.1.2.1 If court actions are pending, the Warrant Services/Hearings Unit Manager or designee shall facilitate the return of Release Violators upon the disposition of charges.

1.1.2.2 If court actions are not pending, Release Violators shall be returned to the Department, as outlined in this section.

1.2 Transportation of Release Violators Detained by Holding Law Enforcement Agencies/Community Corrections or Returned from an Emergency Room

1.2.1 Release Violators arrested pursuant to a Department issued warrant shall be returned to Department custody by holding law enforcement agencies, Community Corrections staff or Department Transportation staff in accordance with Department Order #705, Inmate Transportation.

1.2.1.1 Community Corrections or Department Transportation staff shall, within one workday of notification, transport Release Violators to the closest Department institution.

1.2.1.2 Holding law enforcement agencies may return Release Violators at their convenience, such as the next scheduled transport of new commitments to ASPC-Phoenix or ASPC-Perryville. Release Violators arrested on new charges may be held by arresting holding law enforcement agencies pending the disposition of those charges.

1.2.1.3 Criminal Aliens transferred to the custody of the Immigration and Customs Enforcement Agency (ICE) later deemed non-deportable by ICE shall be monitored and processed, in accordance with Department Order #1001, Inmate Release System.

1.2.2 Communications Center staff shall:

1.2.2.1 Request transportation assistance from the nearest Department institution if holding law enforcement agencies or Community Corrections staff are unable to transport Release Violators to the nearest institution. The Communications Center shall provide the closest institution the:

1.2.2.1.1 Name and Arizona Department of Corrections (ADC) number of the Release Violator.

1.2.2.1.2 Name and address of the holding law enforcement agency or Community Corrections Office having custody.

1.2.2.1.3 Name and telephone number of a contact person.

1.2.2.1.4 Location where the Release Violator is being held.

1.2.2.2 If a Release Violator is coming from an Emergency Room, notify the institutional Health Unit and request the holding law enforcement agency/Department Transportation staff secure any medical documentation/information pertinent to the health of the Release Violator.

1.2.2.3 Notify the Warrant Services/Hearings Unit.

1.2.2.4 Ensure all actions taken are entered in the appropriate logs and/or journals.

1.2.3 Community Corrections staff shall not transport Release Violators when:

1.2.3.1 The minimum of two urban designated Community Corrections staff are not available to provide transportation and holding law enforcement agency staff or a Special Investigator is not able to assist.

1.2.3.2 Release Violators are being detained in rural Community Corrections Offices.

1.2.3.3 Release Violators pose a sufficient risk to the safety of the public or the Community Corrections staff.

1.3 Institutional Responsibilities

1.3.1 The nearest Department institution shall have one workday from the notification to transport Release Violators as outlined in this section.

1.3.2 Upon receipt of Release Violators, the Warden or designee shall ensure:

1.3.2.1 The receiving officer verifies the status (type of release) of the Release Violator.

1.3.2.2 A Request of Inmate Placement and Hold, Form 1004-1, is signed by both the transporting and receiving officers before the Community Corrections staff or holding law enforcement agency officers leaves the institution.

1.3.2.3 An Intake/Transfer of Custody – Body Receipt, Form 705-1, is completed in accordance with Department Order #705, Inmate Transportation.

1.3.2.4 Release Violators receive and sign the Inmate Arrival and Transfer - Money/Valuables Receipt, Form 901-17.

1.3.2.4.1 If Release Violators do not have any money, the word "none" shall be placed in the amount field.

1.3.2.4.2 Any money belonging to Release Violators shall be placed in a sealed money envelope.

1.3.2.4.3 The original signed Intake/Transfer of Custody – Body Receipt form shall be stapled to the envelope.

1.3.2.5 Photographs are taken of Release Violators and they receive an Inmate Identification Card, in accordance with Department Order #901, Inmate Records Information and Court Action.

1.3.2.5.1 Fingerprints and/or FAST ID shall be taken on all Release Violators, in accordance with Department Order #901, Inmate Records Information and Court Action.

1.3.2.6 Copies of all forms are properly distributed as indicated on the bottom of the forms. Master Record File copies shall be forwarded through the institution Offender Information Unit (OIU), to the Offender Services Bureau OIU.

1.3.2.7 The Communications Center or the Warrant Services/Hearings Unit is notified of the Release Violator's return from a holding law enforcement agency, for inclusion in the Morning Report, and include the Release Violator's name and ADC number, the date and time, and the transporting holding law enforcement agency.

1.3.2.8 Release Violators are:

1.3.2.8.1 Searched and any contraband is disposed of in accordance with Department Order #909, Inmate Property.

1.3.2.8.2 Seen by health staff within eight hours of arrival or within two hours of arrival if in a lock down status.

1.3.2.8.3 Placed in detention beds until screened and classified by Classification staff and approved for movement by the Offender Services Bureau Classification Unit, in accordance with the Department Order #801, Inmate Classification Technical Manual (801-TM-OPS).

1.3.2.8.4 Served with warrants upon receipt from the Warrant Services/Hearings Unit if warrants have not been served by Community Corrections staff.

1.3.2.9 The Warrant Services/Hearings Unit is notified within 24 hours of serving the warrant or a Release Violator's request for a probable cause hearing.

1.3.2.10 A copy of the warrant service page is forwarded to the designated Community Corrections staff within one workday.

1.3.3 The institution OIU staff shall:

1.3.3.1 Ensure all paperwork is completed and copied for Institutional Files.

1.3.3.2 Forward the original copies of all Release Violator paperwork to the Offender Services Bureau, Time Computation Unit (TCU).

1.3.3.3 Use the Adult Information Management System (AIMS) Automated file to determine the accurate status of Release Violators.

1.3.3.4 Enter Release Violators' status on the AIMS External Movement screen. If unable to determine their status, institution OIU staff shall contact the TCU for verification.

1.3.3.5 Enter all of the processing officer's actions into the AIMS Offender Comment screen using the violator transaction type.

1.3.3.6 Ensure the appropriate staff member enters Release Violator movement on the AIMS Movement screen and reports this information to the Offender Services Bureau Accountability and Movement Officer each morning no later than 0730 hours.

1.3.3.7 Enter a "V" designator on the Release Violator's suffix field of the AIMS Personal Characteristics screen and annotate the Offender Comments screen.

1.3.3.8 Place the appropriate AIMS movement hold code on all inmates scheduled for an ABOEC hearing upon receipt of the ABOEC Calendar.

1.3.3.9 Review the daily Movement screens to ensure inmates scheduled for an ABOEC hearing are not scheduled to move.

1.3.3.9.1 Institution OIU staff shall contact the Offender Services Bureau Movement Accountability and Movement Officer to cancel the move if the inmate has been scheduled to move. The Offender Services Bureau Administrator or designee shall approve all exceptions for the movement of an inmate with a scheduled ABOEC hearing and notify the ABOEC if the inmate has moved.

1.3.3.10 Upon receipt from the ABOEC, forward Notification of Board Hearing forms to the Correctional III or designated staff for completion and inmate signature, and, after verifying they are complete and signed, return them to the ABOEC within three workdays from receipt from the ABOEC.

1.3.4 Health staff shall:

1.3.5.1 Perform medical examinations on Release Violators, in accordance with Department Order #1101, Inmate Access to Health Care, and/or Health Services Technical Manuals.

1.3.5.2 Arrange for a complete health intake process if Release Violators have been out of the Department's custody for over 90 calendar days.

1.3.5.3 Retrieve Release Violators' Medical Records.

1.4 Community Corrections Responsibilities

1.4.1 The Community Corrections Operations Director or designee, on the next workday after being notified Release Violators have been returned to Department custody shall:

1.4.1.1 Ensure due process issues have been initiated on all Release Violators returning to Department custody for Conditions of Supervision violations.

1.4.1.2 Coordinate serving the Warrant of Arrest, Form 1003-13, and ensure the Warrant of Arrest is provided to the institution OIU within five calendar days from the date of the Release Violator's return to custody for service of the warrant.

1.4.1.2.1 The institution OIU shall distribute received Warrant of Arrests to the Correctional Officer III for service and ensure they are returned with service completed to the Community Corrections Officer within five calendar days. The inmate shall be provided all documents contained in the warrant.

1.4.1.3 Ensure Warrant Services/Hearings Unit staff coordinate ABOEC probable cause and revocation hearings in accordance with this Department Order and the Department Order #1003, Community Corrections Technical Manual.

1.4.2 Warrant Services/Hearings Unit staff shall:

1.4.2.1 Forward a Warrant of Arrest form to the ABOEC on a weekly basis for Release Violators sentenced as an inmate under Truth in Sentencing requesting a preliminary hearing/probable cause hearing.

1.4.2.2 Forward all warrants to the ABOEC within 30 calendar days of the Release Violator's return to Department custody.

1.4.2.3 Immediately annotate in OMS and on the AIMS DT08 RV screen the extenuating circumstances which delay forwarding warrants to the ABOEC (i.e., Release Violator is arrested on a Native American reservation, arrest for violent crime, etc.).

1.4.2.4 Schedule Release Violators for administrative probable cause hearings using the Administrative Probable Cause/Rescission Hearing Notification/Waiver, Form 1003-23A.

1.4.2.5 Schedule Release Violators for Interstate Compact hearings using the Interstate Compact Probable Cause Hearing Notification/Waiver, Form 1003-24A.

1.4.3 Warrant Services/Hearings Unit staff, within five days of the completion of the probable cause hearing, shall:

1.4.3.1 Electronically forward the Administrative Probable Cause Hearing Summary, Form 1003-23B, or the Interstate Compact Probable Cause Summary, Form 1003-24B, to the supervising Community Corrections staff for service to the Release Violator and the appropriate unit (i.e., TCU, OIU, Interstate Corrections Compact).

1.4.3.2 Enter all actions on the AIMS Offender Comment screen using the appropriate violator transaction types.

1.5 Offender Services Bureau Responsibilities - The TCU staff shall:

1.5.1 Upon notification by the Warrant Services/Hearings Unit of a Release Violator's return to Department custody, verify the AIMS Movement screen entries.

1.5.2 Within three workdays from the receipt of notification of a Release Violator's return, recalculate their final release date and provide the results of the recalculation to the OIU at their current location.

1.5.3 Within five workdays from the receipt of notification, prepare a time sheet for Release Violators and forward it to the Warrant Services/Hearings Unit.

1.5.4 Within five workdays after receiving notification probable cause has been found or waved on an administrative release; enter the appropriate violator revocation codes on the AIMS Movement screen.

1.5.5 Ensure all phases of the Release Violator's processing have been completed.

1.5.6 Remove the "V" designator on inmates in Department custody from the Release Violator's Personal Characteristic screen.

1.6 Payment for Transportation and/or Housing

1.6.1 The Offender Operations Business Office staff shall forward to the Warrant Services/Hearings Unit invoices from holding law enforcement agencies for Release Violator transportation and/or housing costs within seven calendar days of receipt. Invoices shall be separated by holding law enforcement agency.

1.6.2 The Warrant Services/Hearings Unit Manager shall:

1.6.2.1 Review invoices to ensure release dates noted by holding law enforcement agencies are the actual dates they were returned to Department custody.

1.6.2.2 Make changes to reflect the accurate date(s) if discrepancies exist.

1.6.2.3 Forward invoices to the Offender Operations Business Office upon completion of review.

1.7 Assignment of Release Violators to ASP – Florence West

1.7.1 Release Violators returned to Department custody shall be evaluated by assigned Classification staff within one workday of their return to custody, in accordance with 801-TM-OPS.

1.7.2 A medical/mental health evaluation shall be completed within 72 hours of Release Violators' return to custody in accordance with applicable Department Orders and Health Services Technical Manuals. Health staff shall:

1.7.2.1 Receive a copy of the daily Movement Sheet.

1.7.2.2 Complete a Medical History Report, Form 1101-29.

1.7.2.3 Complete a Physical Examination, Form 1101-77, if a physical examination is required.

1004.04 TRANSFER OF INMATES TO FOREIGN COUNTRIES/US TREATY AGREEMENTS - Eligible Criminal Aliens are encouraged to request transfer to their country of origin, provided their country has executed a treaty with the United States as outlined in Attachment C, International Treaty Participants.

1.1 U.S. Treaty Criteria - The following eligibility criteria as established by U.S. Treaty are common to all treaty nations and apply to all applicants. Criminal Aliens shall:

1.1.1 Be a citizen of the receiving country.

1.1.2 Consent to the transfer.

1.1.3 Not be committed to the Department for a military or immigration offense.

1.1.4 Have at least six months of the current sentence remaining to be served, at the time of request for transfer.

1.1.5 Not have pending appeal proceedings, any legal action challenging their current conviction and/or any requested court action to alter their sentence structure.

1.2 The Department may deny the release of inmates under the U.S. Treaty Agreement for cause or sound correctional practice.

1.3 Special Criteria for Other Countries - In addition to the U.S. Treaty and Department criteria, applicants for the following countries shall also meet the following criteria:

1.3.1 Bolivia - Applicants shall have complied with each provision of the current sentence, other than the period of detention, to include all fines, restitution(s) and court costs.

1.3.2 Canada - Applicants shall submit the following completed documents and/or materials:

1.3.2.1 The Request for Transfer to Canada Application Documentation, Attachment B.

1.3.2.2 The Transfer to Canada Under Offenders Act, Form 1004-6.

1.3.2.3 The Statutory Declaration Non-Renunciation of Canadian Citizenship, Form 1004-3.

1.3.2.4 The Inmate Property Inventory, Form 909-4, and if necessary, the Inmate Property Supplement, Form 909-1.

1.3.2.5 The Inmate Property/Contraband Release, Form 909-6, if applicable.

1.3.2.6 A copy of the Notification in Case of Accident, Serious Illness or Death and Disposition of Personal Property, Form 711-1.

1.3.2.7 The original birth certificate with the raised seal.

1.3.2.8 Photographs acceptable for a passport. Inmates may be requested by their embassy to pay for the issuance of a passport.

1.3.3 Mexico - Applicants must not have resided in the United States, with the intent to remain permanently, for a period of at least five years prior to the arrest which led to their conviction.

1.4 Other Criteria - Inmates with detainers from any jurisdiction other than ICE may be considered for transfer if:

1.4.1 For a Tried Detainer, the detainer is for a felony conviction meeting Department eligibility criteria. All documents regarding the detainer shall be included with the application packet.

1.4.2 For an Untried Detainer, inmates shall use the Interstate Agreement on Detainers or the Uniform Mandatory Disposition of Detainers Act to resolve untried offenses prior to submitting application packages. Application packets shall include all documents regarding the disposition.

1.5 Ineligibility - Inmates shall not be considered for transfer if they:

1.5.1 Are involved in any known investigation in any capacity.

1.5.2 Are serving a term without a specific duration, unless such duration is subsequently fixed by a court or by the ABOEC.

1.5.2.1 Inmates may apply for commutation of a sentence without a specific duration to a fixed number of years by applying to the ABOEC, in accordance with Department Orders #1001, Inmate Release System and #1002, Inmate Release Eligibility System.

1.5.2.2 Requests for commutation shall be included with application packages.

1.5.3 Have been released on a One-Half Deport and were returned to the Department to complete the balance of their imposed sentence.

1.6 Reception Center Procedures for Identification of Criminal Aliens - Reception Center intake staff, in accordance with Department Order #901, Inmate Records Information and Court Action shall ensure:

1.6.1 During the initial AIMS data entry for a newly committed inmate, the accurate "Place of Birth" is entered into the AIMS Personal Characteristics screen.

1.6.2 All inmates who have been identified as a Criminal Alien or have the potential to be identified as a Criminal Alien are processed through the ICE Unit at in-take.

1.6.3 Department 287(g) Officers in the ICE Unit make the determination of citizenship, ensure the citizenship of all Criminal Aliens is correct in AIMS, and place detainers when deemed necessary.

1.7 Institution Procedures for Identification of Criminal Aliens - Correctional Officer IIIs shall ensure Criminal Aliens meet the criteria when determining if they are eligible for transfer and:

1.7.1 Review and meet with Criminal Aliens.

1.7.2 Research AIMS data, Pre-sentence Investigation Reports, commitment documents and any other documentation within Institutional Files to determine eligibility status.

1.7.3 Interview inmates using an interpreter, if necessary, and complete the Certificate of Eligibility - U.S. Treaty, Form 1004-15 or for the Spanish version, Certificacion De Eligbilidad – Tratado De Estados Unidos, Form 1004-15S.

1.7.4 If determined to be ineligible, annotate the reason(s) on the Offender Comment screen using the appropriate U.S. Treaty transaction type.

1.7.5 Ensure Criminal Aliens receive the International Treaty Participants Attachment and the Informational Handout for Non-U.S. Citizens (English/Spanish), Attachment D.

1.7.6 If a Mexican Citizen, ensure Criminal Aliens receive the handout provided by the Mexican Government, Embajada de México – Traslado de Reos Mexicanos Recluidos en E.U.A, Attachment A.

1.7.7 Ensure Criminal Aliens are advised of their right to contact the Foreign Consulate Office of their country in accordance with Department Order #901, Inmate Records Information and Court Action.

1.7.8 Enter the following on the AIMS Offender Comment screen, under "U.S. Treaty" heading:

1.7.8.1 The interview date.

1.7.8.2 Whether inmates meet the eligibility criteria.

1.7.8.3 Whether inmates have volunteered for a transfer.

1.7.8.4 The Correctional Officer III's initials as assigned on AIMS.

1.7.9 For new commitments, review the Pre-sentence Investigation Report and citizenship records during the initial classification or Correctional Plan review.

1.7.10 During each Corrections Plan review, encourage inmates who previously declined to volunteer for transfer or return to their country of citizenship to do so. The Correctional Officer III shall complete 1.7.8 through 1.7.8.4 of this section after each interview.

1.8 Pre-Transfer Process (Institution Responsibilities) - When an inmate consents to return to their country of citizenship and upon completion of the Certificate of Eligibility form, the Correctional Officer III shall:

1.8.1 Ensure the inmate submits a completed Application for Transfer to Foreign Country, Form 1004-5.

1.8.2 Request all the information required for the Status of Offender, Form 1004-7, from the TCU, or if appropriate, the Spanish version, Estado Del Delinquente, Form 1004-7S.

1.8.3 Request the most recent Medical History Report form and the Continuity of Care/Transfer Summary, Form 1101-8, from the institution Health Unit.

1.8.4 Request an AIMS printout of the "Escape Bulletin" with photographs in accordance with Department Order #901, Inmate Records Information and Court Action, from the institution OUI.

1.8.5 Ensure the inmate's fingerprints are verified prior to transfer.

1.8.6 Request the inmate's current inmate trust account balance from Inmate Banking.

1.8.7 Request the inmate's most current AIMS visitation list from the Visitation Office.

1.8.8 Obtain lists of family members and addresses in the receiving country from inmates.

1.8.9 Obtain a copy of the following documents from the inmate's Institutional Files:

1.8.9.1 The Pre-sentence Investigation Report.

1.8.9.2 All current and consecutive commitment documents.

1.8.9.3 All detainers.

1.8.9.4 Certificate of Eligibility - U.S. Treaty.

1.8.10 Assemble all information into an application packet and submit it to the Warden or Deputy Warden for review and recommendation of approval or denial. The Warden or Deputy Warden's recommendation shall be provided in a memo and included with the application packet.

1.8.11 Upon receipt of the approval or denial from the Warden or Deputy Warden, submit the application packet to the institution Offender Information Unit Supervisor.

1.9 Pre-Transfer Process

1.9.1 Upon receipt of the completed application packet, the institution Offender Information Unit Supervisor shall:

1.9.1.1 Check the application packet for completeness and prepare the Attestation by Records Custodian, Form 1004-9.

1.9.1.2 Deliver the application packet to the County Superior Court for certification by the Presiding Judge and the Clerk of the Court.

1.9.1.3 Maintain the original application packet, and submit two complete copies to the Special Services Manager. Exception - The original Request for Transfer to Canada Application Documentation and the original birth certificate shall be included in one of the two copies.

1.9.1.4 Document all action taken on the AIMS Offender Comment screen under "U.S. Treaty" heading.

1.9.2 The Special Services Manager shall:

1.9.2.1 Review the application packet to ensure compliance with this Department Order.

1.9.2.2 Submit the complete application packet to the Director for approval or denial.

1.9.2.3 Notify institution staff and the applicant of the Director's approval or denial.

1.9.2.4 Submit application packets approved by the Director to the U.S. Department of Justice and other appropriate agencies.

1.9.2.5 Act as a liaison with the Department of Justice and the appropriate Foreign Consulate Offices and provide additional information as required.

1.9.2.6 Direct the physical transfer process.

1.9.2.7 Document all action taken on the AIMS Offender Comment screen, under "U.S. Treaty" heading.

1.10 Physical Transfer Process for Inmates Approved for Transfer

1.10.1 The Special Services Manager shall furnish the name(s), date, time and place of verification hearings for inmates approved by the United States and the government of the receiving country to the appropriate Warden or Deputy Warden, the institution Offender Information Unit Supervisor and the TCU, Release Notification Unit.

1.10.2 The Warden or Deputy Warden shall ensure:

1.10.2.1 The following items accompany inmates to verification hearings:

1.10.2.1.1 The original transfer documents maintained in the Institutional File and the final check from the inmate's trust account.

1.10.2.1.2 An inventory and package of their property in clearly marked sealed containers, with a copy of the inventory affixed to the outside of each container. (Canada allows property equal to two standard size suitcases or one duffle bag to be transferred with the inmate.)

1.10.2.2 The Status of Offender form, or the Spanish version of the form, Estado Del Ofensor, is updated as of the actual transfer date and clearly marked "Updated as of (date)."

1.10.2.3 Inmates are transported to verification hearings and provided security throughout the hearing.

1.10.2.4 Inmates retracting volunteer statements are returned to the institution.

1.10.3 At the time of a custody change, receipts signed by the U.S. Marshal or U.S. Bureau of Prisons personnel taking custody of inmates shall be obtained by Department Transportation staff and delivered to the institution Offender Information Unit Supervisor.

1.10.4 The institution Offender Information Unit Supervisor shall ensure movement is entered on the AIMS External Movement screen upon receipt of transfer receipts.

1.10.5 The TCU, Release Notification Unit shall notify victims in accordance with Department Order #1001, Inmate Release System.

1004.05 TRANSFER PURSUANT TO THE INTERSTATE CORRECTIONS COMPACT

1.1 Inmates may be considered for Interstate Corrections Compact transfer if one of the following conditions exist:

1.1.1 Based upon their behavior, inmates are determined to be a threat to the orderly operation of the institution.

1.1.2 There is reason to believe their personal safety would be in jeopardy if the inmate were to remain in a Department institution. This shall be verifiable through investigative and intelligence reports.

1.1.3 There exists extenuating compassionate circumstances to indicate the transfer is in the best interest of an inmate and, at a minimum, through written documentation there is a verified immediate family member in the requested state. Transfer of inmates as described in sections 1.1.1 and 1.1.2 of this section shall have priority over compassionate transfers.

1.2 Compassionate transfers shall include the following regulations:

1.2.1 Inmates shall:

1.2.1.1 Be medium custody or lower at the time of application.

1.2.1.1.1 An increase in custody above medium at any time during the process shall result in a denial of their application.

1.2.1.1.2 If already approved, an increase in custody above medium shall result in a rescission of their application.

1.2.1.2 Have an Internal Risk Score of 3 or below.

1.2.1.3 Be Phase II or III.

1.2.2 Inmates shall not be considered for compassionate transfers when they:

1.2.2.1 Have any major discipline violations during the last six months.

1.2.2.2 Have been validated or in the process of being validated as a member of a Security Threat Group, in accordance with Department Order #806, Security Threat Groups (STGs).

1.2.3 Inmates shall be required to reimburse the Department for all travel expenses for compassionate transfers.

1.2.4 Upon the Division Director for Offender Operations' approval for compassionate transfer nominations, the Special Services Manager shall notify the Warden or Deputy Warden and affected inmates of the estimated travel costs. Inmates shall have the estimated travel costs deposited into their trust accounts prior to nomination to a requested state.

1.2.6.1 Once inmates have been nominated to and accepted by the requested state, their name shall be placed on a waiting list for that state.

1.2.6.2 Compassionate transfers nominations, as an exchange, shall be submitted from requested states and accepted by Arizona before compassionate transfers can occur.

1.2.6.3 After the completion of travel, inmate trust accounts shall be billed for the actual travel costs. Any remaining balance shall be forwarded to the inmate.

1.2.7 If receiving states request compassionate transferees be returned to Arizona for cause, inmates shall be required to reimburse the Department for all travel expenses upon return.

1.2.8 Arizona Interstate Corrections Compact inmates in receiving states desiring to return to Arizona or transfer to another receiving state for extenuating compassionate circumstances shall request such a transfer in writing to the Special Services Manager, and include all circumstances.

1.2.6.1 If approved by the Division Director for Offender Operations, inmates shall be required to deposit the estimated amount of travel costs into a special Arizona inmate trust account prior to further travel arrangements.

1.2.6.2 After completion of travel, inmate trust accounts shall be billed for the actual travel costs. Any remaining balance shall be forwarded to the inmate.

1.2.9 Inmates electing to withdraw a request for compassionate transfer after the final Arizona approval or failing to deposit the estimated travel costs by the specified date shall be ineligible to apply for a compassionate transfer for two years.

1.2 The following documentation and approval processes shall be completed prior to inmates being considered for an Interstate Corrections Compact transfer:

1.3.1 Inmates shall sign an Interstate Corrections Compact - Inmate Request for Transfer, Form 1004-11, and the Interstate Corrections Compact - Inmate Statement of Pending Legal Actions, Form 1004-13 and have them witnessed by their assigned Correctional Officer III.

1.3.2 If transfer requests are for compassionate circumstances, inmates shall also complete the Interstate Corrections Compact - State of Preference and Compassionate Circumstances, Form 1004-12, and have them witnessed by their assigned Correctional Officer III. Inmates shall request no more than one state on this form.

1.3.3 Upon receiving completed Interstate Corrections Compact State of Preference and Compassionate Circumstances forms and/or the Inmate Request for Transfer forms from the Correctional Officer III, the Warden or Deputy Warden shall determine if inmates meet the criteria for Interstate Corrections Compact transfers.

1.3.4 Upon approving the Inmate Request for Transfer, the Warden or Deputy Warden shall prepare a letter of nomination including, but not limited to:

1.3.4.1 A summary of institutional adjustment, such as disciplinary history, program involvement/completions and evaluations.

1.3.4.2 Verifiable STG affiliations.

1.3.4.3 Justification for the nomination.

1.3.5 The following completed documentation shall be attached to nomination letters and forwarded to the Special Services Manager, who shall forward them to the Division Director for Offender Operations for review and approval or disapproval:

1.3.5.1 The Inmate Request for Transfer form.

1.3.5.2 Inmates' most recent custody classification.

1.3.5.3 The Interstate Corrections Compact - State of Preference and Compassionate Circumstances form, which shall only be used for nominations in accordance 1.1.3 of this section.

1.3.5.4 All investigative and intelligence reports verifying the Warden or Deputy Warden's justification for the nomination in accordance with 1.1.2 of this section.

1.3.5.5 The Interstate Corrections Compact - Inmate Statement of Pending Legal Actions form.

1.3.5.6 Pre-sentence Report.

1.3.5.7 FBI Criminal Identification (Rap Sheet).

1.3.5.8 Identification sheet.

1.3.5.9 Psychological evaluation accomplished within the past six months.

1.3.5.10 Most recent time computation.

1.3.5.11 Commitment orders and detainers

1.3.5.12 A Continuity of Care/Transfer Summary form.

1.3.5.13 An AIMS printout of complete Disciplinary History.

1.3.5.14 For compassionate transfers, a verification letter from an immediate family member(s) in the requested state.

1.3.6 The Special Services Manager shall ensure all transfer requests involving management and/or Protective Custody cases are reviewed by the Division Director for Offender Operations or designee prior to final approval.

1.3.7 The Director may waive all or part of the requirements outlined in 1.3 through 1.3.6 of this section based upon special circumstances, or for security reasons.

1.4 The Department shall not accept inmates with catastrophic medical problems or have extraordinary medical requirements, as determined by the Special Services Manager in consultation with the Assistant Director for Health Services or designee.

1.5 The Special Services Manager shall advise the Warden or Deputy Warden of the approval or denial of the nomination to a receiving state.

1.5.1 Requests for a particular state shall not be accepted by the Offender Services Bureau for nominations outlined in 1.1.1 and 1.1.2 of this section.

1.5.2 Only nominations approved by the Warden or Deputy Warden shall be processed through the Offender Operations Division.

1.5.3 The Interstate Corrections Compact - Inmate Statement of Pending Legal Actions form shall be sent to the General Counsel on all approved transfers.

1.6 When Arizona is the receiving state, recommendations for assignment to a less secure institution shall be in accordance with Department Order #801, Inmate Classification.

1.6.1 The Deputy Warden shall forward their recommendation for assignment to a less secure institution to Central Office Classification.

1.6.2 Recommendations approved by Central Office Classification shall be forwarded to the Special Services Manager, who shall contact the sending state.

1.6.3 Upon receipt of a response from the sending state, the Special Services Manager shall advise Central Office Classification of the final decision.

1.6.4 Central Office Classification shall advise the Warden or Deputy Warden and the inmate of the final decision in writing.

1.7 The Warden or Deputy Warden shall ensure semiannual progress reports using the Interstate Corrections Compact – Progress Report, Form 1004-4, are forwarded to the Special Services Manager, who shall forward a copy to the sending state.

1.8 Inmates confined to the Department pursuant to the terms of the Interstate Corrections Compact shall be subject to the rules of the Department.

1.9 Inmates escaping from the assigned institution shall be considered a fugitive from that state.

1.10 The Warden or Deputy Warden may submit written requests to the Special Services Manager for inmates to be returned to their sending state. Justification shall include supporting documentation that they are a severe threat to the secure and orderly operation of the institution. The Division Director for Offender Operations has sole discretion to approve or disapprove the return of inmates to their sending state.

1.11 Interstate Corrections Compact inmates shall not be permitted to leave the secure perimeter of an institution without staff escort.

1.12 The Special Services Manager shall maintain logs listing:

1.12.1 States with which the Department has compact contracts.

1.12.2 Names of inmates participating in the Interstate Corrections Compact.

1.12.3 Pending requests for reassignment to a less secure institution.

1.13 All inmates discharged from custody shall be discharged pursuant to the applicable laws, statutes and regulations of the sending state and shall sign the Receipt of State Prisoner on Discharge from Arizona State Prison Complex, Form 1001-4.

IMPLEMENTATION

The Division Director for Offender Operations shall update and maintain the Department Order #1003, Community Corrections Technical Manual to include, but not be limited to the following:

- Out to court inmates whose temporary return to Department custody would pose significant management/security risks or concerns.

- Institutions which will temporarily house the inmate commensurate with their classification level, while the inmate is waiting to appear for a court date.

- How inmates will be transported from holding law enforcement agencies to the nearest Department institution and returned to holding law enforcement agencies in order to appear in time for the court date.

DEFINITIONS

DEPARTMENT 287(g) OFFICERS – Designated Department staff permitted to perform certain immigration enforcement functions within the Department as specified by the U.S. Immigration and Customs Enforcement (ICE).

OFFENDER - Any inmate who has been released from the Department on any form of community supervision, to include parolees or probationers accepted for supervision by Arizona or another state under the Interstate Compact and/or; any inmate with a date of offense prior to January 1, 1994, who has been released from the Department and has met an ERCD, but has not met the SED.

ORDER TO SECURE ATTENDANCE - A written court order requiring the Department to ensure inmates appear in court to answer charges.

POST-CONVICTION RELIEF - Any requested court action to alter an inmate's sentence structure.

TRIED DETAINER - Certified document(s) issued by a demanding agency in a County, State or Federal jurisdiction for parole/probation violations, unexpired portions of sentences, and/or new felony convictions.

UNTRIED DETAINER - Certified document(s) issued by a demanding agency in another County, State or Federal jurisdiction containing information that is based on untried indictments, information or complaints.

VERIFICATION HEARING - A hearing by a U.S. Federal Judge to verify an inmate's status to voluntarily return to their country of origin.

{Original Signature on File}

Charles L. Ryan
Director

ATTACHMENTS
Attachment A - Embajada de México – Traslado de Reos Mexicanos recluidos en E.U.A
Attachment B – Request for Transfer to Canada Application Documentation
Attachment C – International Treaty Participants
Attachment D - Informational Handout for Non-U.S. Citizens

FORMS LIST

1004-1, Request for Inmate Placement and Hold
1004-3, Statutory Declaration Non-Renunciation of Canadian Citizenship
1004-4, Interstate Compact – Progress Report
1004-5, Application for Transfer to Foreign Country
1004-6, Transfer to Canada under Offenders Act
1004-7, Status of Offender
1004-7S, Estado Del Delinquente (Spanish)
1004-9, Attestation by Records Custodian
1004-11, Interstate Corrections Compact - Inmate Request for Transfer
1004-12, Interstate Corrections Compact - State of Preference and Compassionate Circumstances
1004-13, Interstate Corrections Compact - Inmate Statement of Pending Legal Actions
1004-15, Certificate of Eligibility - U.S. Treaty
1004-15S, Certificacion de Eligibilidad - Tratado de Estados Unidos (Spanish)

AUTHORITY

A.R.S. 31-233, Order for Removal; Purposes; Duration; Continuous Alcohol Monitoring Program; Failure to Return, Classification
A.R.S. 31-411, Parole or Discharge; Conditions of Parole; Release under Supervision of State Department of Corrections; Notice of Hearing; Exceptions, Drug Testing Costs
A.R.S. 31-412, Criteria for Release on Parole; Release; Custody of Parolee; Definition
A.R.S. 31-415, Violation of Parole or Community Supervision; Warrant for Retaking Parolee or Offender on Community Supervision
A.R.S. 31-467 ET sec., Interstate Compact for the Supervision of Adult Offenders
A.R.S. 31-471, Western Interstate Corrections Compact
A.R.S. 31-472, Commitment or Transfer of Inmate; Prohibition Against Transfer of Inmate Sentenced Under Arizona Law to Institution Outside State in Absence of Consent; Irrevocability of Consent
A.R.S. 31-475, Right of Transferred Prisoner on Release from Prison Outside this State
A.R.S. 31-491, Interstate Corrections Compact
A.R.S. 31-492, Powers of Director
A.R.S. 41-105, Exchange of Offenders under Treaty; Consent by Governor
Interstate Commission for Adult Offender Supervision

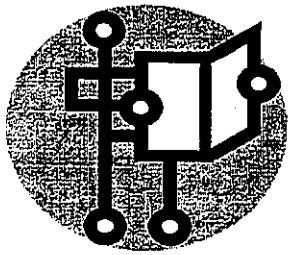
DEPARTMENT ORDER #1004
ATTACHMENT A

Embajada de México – Traslado de Reos Mexicanos recluidos en E.U.A

(NOT AVAILABLE IN ELECTRONIC FORMAT)

Embajada de México

Traslado de Reos Mexicanos recluidos en E.U.A.



Agosto 2007

El Traslado Internacional de Reos es el mecanismo mediante el cual los individuos que están purgando una condena en el extranjero pueden cumplir la sentencia en su país de origen a petición expresa y voluntaria del interesado.

El objetivo principal del Traslado es facilitar la readaptación social, permitiendo al sentenciado que cumpla su condena en el lugar donde reside su familia y amistades.

La aprobación de las solicitudes de traslado es una facultad discrecional que tienen las autoridades mexicanas y estadounidenses, de acuerdo con el tratado bilateral sobre la ejecución de sentencias penales en vigor entre ambos países, por lo que el hecho de presentar la documentación completa no significa que automáticamente se apruebe su petición.

REQUISITOS GENERALES

Ser mexicano/a

No estar domiciliado en este país (No haber vivido por más de 5 años consecutivos en Estados Unidos).

Que el crimen por el que fue sentenciado sea punible en México.

Que el crimen no sea político, militar o migratorio.

Tener sentencia determinada.

No tener procesos penales pendientes.

DOCUMENTOS REQUERIDOS
Por las Autoridades Mexicanas

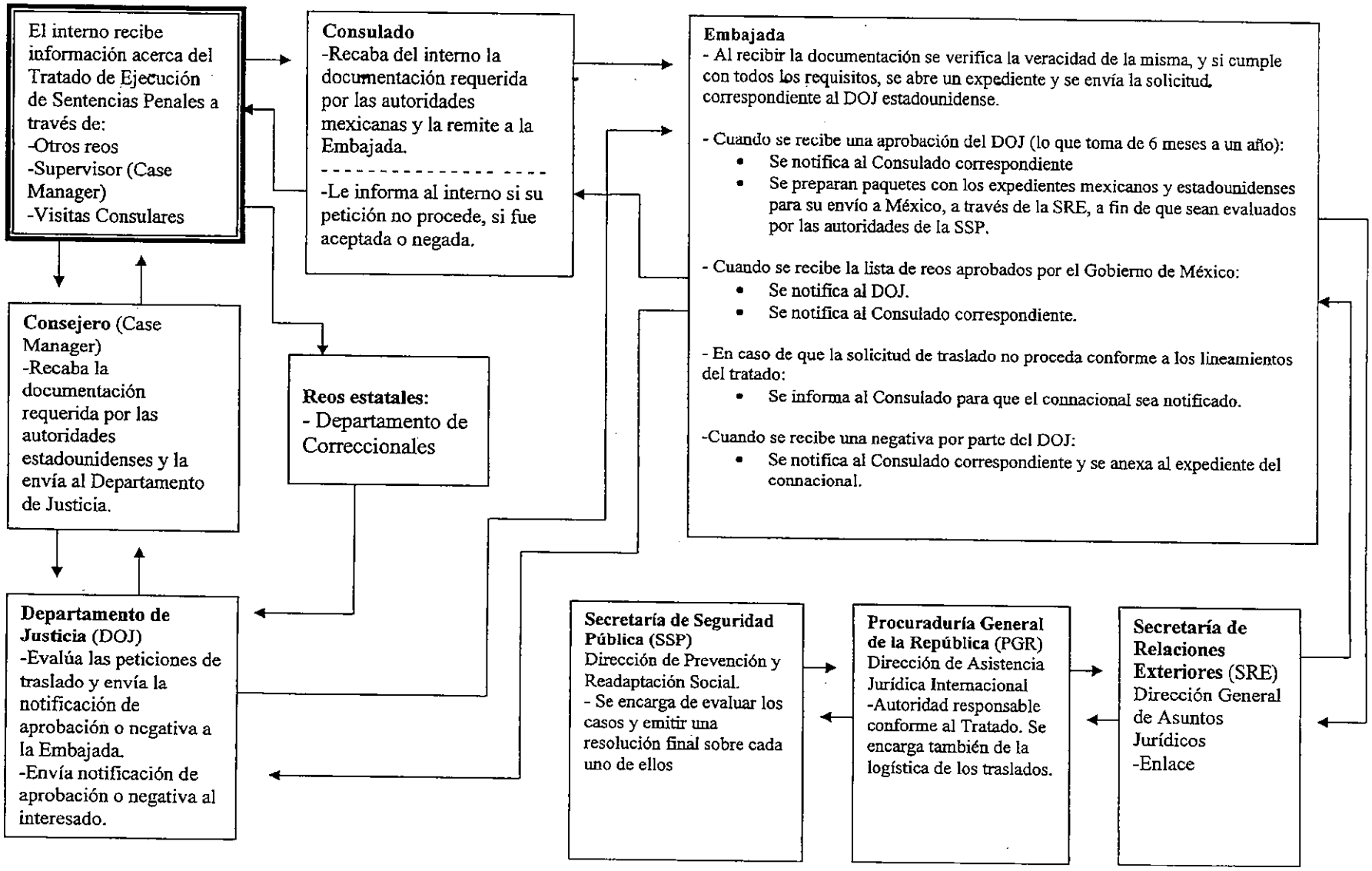
Cuestionario Solicitud

Constancia Consular

Acta de nacimiento

Copia de la sentencia

Deberán llenar los documentos en su totalidad, firmarlos y enviarlos al Consulado mexicano que corresponda a su área.


El interno recibe información acerca del Tratado de Ejecución de Sentencias Penales a través de:
-Otros reos
-Supervisor (Case Manager)
-Visitas Consulares
Consulado
-Recaba del interno la documentación requerida por las autoridades mexicanas y la remite a la Embajada.
-Le informa al interno si su petición no procede, si fue aceptada o negada.
Embajada
- Al recibir la documentación se verifica la veracidad de la misma, y si cumple con todos los requisitos, se abre un expediente y se envía la solicitud correspondiente al DOJ estadounidense.
- Cuando se recibe una aprobación del DOJ (lo que toma de 6 meses a un año):
• Se notifica al Consulado correspondiente
• Se preparan paquetes con los expedientes mexicanos y estadounidenses para su envío a México, a través de la SRE, a fin de que sean evaluados por las autoridades de la SSP.
- Cuando se recibe la lista de reos aprobados por el Gobierno de México:
• Se notifica al DOJ.
• Se notifica al Consulado correspondiente.
- En caso de que la solicitud de traslado no proceda conforme a los lineamientos del tratado:
• Se informa al Consulado para que el connacional sea notificado.
-Cuando se recibe una negativa por parte del DOJ:
• Se notifica al Consulado correspondiente y se anexa al expediente del connacional.
Consejero (Case Manager)
-Recaba la documentación requerida por las autoridades estadounidenses y la envía al Departamento de Justicia.
Reos estatales:
- Departamento de Correccionales
Departamento de Justicia (DOJ)
-Evalúa las peticiones de traslado y envía la notificación de aprobación o negativa a la Embajada.
-Envía notificación de aprobación o negativa al interesado.
Secretaría de Seguridad Pública (SSP)
Dirección de Prevención y Readaptación Social.
- Se encarga de evaluar los casos y emitir una resolución final sobre cada uno de ellos
Procuraduría General de la República (PGR)
Dirección de Asistencia Jurídica Internacional
-Autoridad responsable conforme al Tratado. Se encarga también de la logística de los traslados.
Secretaría de Relaciones Exteriores (SRE)
Dirección General de Asuntos Jurídicos
-Enlace

TRAMITE DE REOS ESTATALES

Cuando se trata de reos estatales o del orden común (sentenciados por el Estado), es primeramente el propio Estado que dictó la sentencia quien tiene la facultad de decidir sobre la autorización o negativa de la solicitud de traslado. En segunda instancia le corresponde resolver sobre la misma al Departamento de Justicia (autoridad federal) y, finalmente, al gobierno de México.

El procedimiento que deben seguir los reos estatales es el siguiente:

Someter su solicitud de traslado ante el Departamento de Correccionales del Estado que lo haya sentenciado (a través de un escrito dirigido directamente a esa autoridad);
Someter su petición de traslado ante el Consulado de México correspondiente, el cual enviará la documentación de traslado requerida por el gobierno de México a la Embajada, para que a su vez, en el supuesto de proceder la petición, esta última extienda una solicitud ante el Departamento de Justicia, y;

Someter su petición de traslado ante las autoridades carcelarias, quienes la turnarán al Departamento de Justicia para su estudio y resolución.

Al recibir el Departamento de Justicia la solicitud de traslado que elabora la Embajada a nombre del connacional o la de las autoridades carcelarias, el mismo informa a la autoridad estatal correspondiente (Departamento de Correccionales u Oficina del Gobernador, dependiendo de cada Estado) el interés del connacional de ser transferido a una prisión mexicana.

El Departamento de Correccionales, al recibir la comunicación del Departamento de Justicia y la solicitud que el propio interesado le dirige, requiere a las autoridades carcelarias diversa documentación e información del reo, a fin de proceder a valorar el caso.

La autoridad estatal correspondiente comunica directamente al connacional y al Departamento de Justicia la resolución que dicte sobre el caso en cuestión.

EL TRAMITE DE TRASLADO ES GRATUITO Y NO NECESITA ABOGADO O GESTOR LEGAL

Las autoridades mexicanas no se hacen responsables y son ajenas a cualquier tipo de publicidad o compromisos, de los que hubieran sido objeto los reos por parte de abogados o gestores, respecto de la aprobación de su traslado a México.

Elaborado por Carolina Esteva

DEPARTMENT ORDER #1004
ATTACHMENT B

Request for Transfer to Canada Application Documentation

(NOT AVAILABLE IN ELECTRONIC FORMAT)

Correctional Service Canada | Service correctionnel Canada

PROTECTED B ONCE COMPLETED

NOTE : Reference document = CD 704

PUT AWAY ON FILE
Administrative or Operational File
► **Original - 1820-4**

APPLICATION FOR AN INTERNATIONAL TRANSFER TO A FOREIGN STATE

Name	Inmate number	Institution

I am a citizen/national of _____ and I request an international transfer from Canada to _____
Foreign state — Foreign state

to complete my sentence under terms of the treaty

► _____ Offender's Signature — _____ Date YYYY-MM-DD

► _____ Witness' Signature — _____ Relationship to offender

_____ Witness' Name — _____ Date YYYY-MM-DD

Canada

Correctional Service Canada | Service correctionnel Canada

PROTECTED B ONCE COMPLETED

NOTE : Reference document = CD 704

PUT AWAY ON FILE
Administrative or Operational File
▶ **Original - 1820-3**

INFORMATION FORM IN SUPPORT OF A REQUEST FOR TRANSFER TO CANADA PURSUANT TO THE INTERNATIONAL TRANSFER OF OFFENDERS' ACT AND UNDER THE TERMS OF THE AGREEMENT BETWEEN CANADA AND ▶

Foreign state

1. PERSONAL DATA

Last name	Given name(s)	Sex
		☐ Male ☐ Female
Marital status	**Language spoken**	**Preferred working language**
	☐ English ☐ French ☐ Other (Specify) ▶	☐ English ☐ French

Synopsis of personal and family history

2. RESIDENCE ABROAD

	Years	Months
How long have you resided abroad? ▶		

Briefly state your reasons for being abroad

Canada

3. STATUS

A) INCARCERATED ☐ Federal ☐ State ☐ Other (Specify) ▶

OR

ON SUPERVISION ☐ Parole ☐ Probation ☐ Other (Specify) ▶

Offender's address

Institution/Address

Name of supervising authority

Address

Name of supervisor

B) Outstanding charges

Jurisdiction

4. CURRENT OFFENCE(S)

A) Type of offence	Sentence	Place sentenced	Date YYYY-MM-DD

B) Estimated aggregate sentence ▶	Years	Months	Date sentence commenced ▶	YYYY-MM-DD	Date sentence expires ▶	YYYY-MM-DD

C) Name of accomplice(s)

D) Offender's version of the offence

5. CRIMINAL HISTORY (In Canada and abroad)

A) Previous conviction(s)

☐ No

☐ Yes (Specify) ▶

Most serious conviction(s) / Type of conviction(s)	Place	Year

B) Previous institutional experience

☐ No

☐ Yes (Specify) ▶

I) Previous protective custody

☐ No

☐ Yes (Specify) ▶

II) Escape/Attempted escape history

☐ None ☐ Yes

	Name of institution	Year	Attempted	Successful
☐ Institution ▶				
☐ Other type(s) of escape (Specify) ▶				

Escape/Attempt(s) ha(s)ve included :

☐ Use of weapons ☐ Hostage taking

☐ Physical violence ☐ No violence

Escape/Attempt(s) ha(s)ve resulted in :

☐ Property damage ☐ Injury

☐ Death ☐ None of the preceding

III) Previous involvement in institutional incident(s)

☐ Sit down ☐ Riot

☐ Hostage taking ☐ Assault

Specify ▶

iv) Last institutional release

Name and type of institution ▶	Date YYYY-MM-DD	Type of release

C) Previous supervision experience

☐ No

☐ Yes (Specify) ▶

D) History of violence

Violent incident(s) involving offender ha(s)ve occurred in:

☐ No history of violence ☐ Community ☐ Prison/Institution

Specify ▶

Violent incident(s) resulted in:

☐ Property damage ☐ Injury ☐ Serious ☐ Minor ☐ Death

Specify ▶

Violent incident(s) included the use of:

☐ Firearms ☐ Other

Specify ▶

5. PROGRAM FACTORS

A) Occupational and program interests

TYPE	SPECIFY ACTIVITIES
☐ Educational training	▶
☐ Professional experience and/or training	▶
☐ Correctional programs	▶
☐ Other	▶

B) Drug/Alcohol involvement

☐ None ☐ Other (Non-opiates) ☐ Soft drugs ☐ Opiates ☐ Unknown ☐ Alcohol

Current offence related to drug or alcohol involvement

DRUGS				ALCOHOL	
☐ No	☐ Yes	☐ User	☐ Trafficker	☐ No	☐ Yes

Participation in drug/alcohol treatment

PAST	☐ No	☐ Yes	PRESENT	☐ No	☐ Yes

C) General health/Claimed medical ailments

☐ No ☐ Yes (Specify) ▶

Medication required

☐ No ☐ Yes (Specify) ▶

D) Offender's immediate needs

I) Protective custody requested ☐ No ☐ Yes Specify

ii) Request for treatment

☐ No (OR) ▶

Medical ☐ Specify ▶

Psychiatric ☐ Specify ▶

Psychological ☐ Specify ▶

III) Other identified needs

☐ No

☐ Yes (Specify) ▶

Offender's Signature	Witness' Signature	Date YYYY-MM-DD
▶	▶	

Correctional Service Canada | Service correctionnel Canada

PROTECTED B ONCE COMPLETED

NOTE : Reference document = CD 704

PUT AWAY ON FILE
Administrative or Operational File
▶ **Original - 1820-3**

REQUEST FOR TRANSFER TO CANADA PURSUANT TO THE INTERNATIONAL TRANSFER OF OFFENDERS ACT AND UNDER THE TERMS OF THE AGREEMENT BETWEEN CANADA AND ▶ _____ Foreign state

Name	Inmate number	Institution

1. APPLICATION

I hereby request a transfer to Canada to complete my sentence:

▶ _____ Signature ▶ _____ Witness _____ Date YYYY-MM-DD

2. PERSONAL IDENTIFICATION

Alias(es) | Date of birth YYYY-MM-DD

Place of birth (City, province/state, country)

Last address in Canada (Number, street, apt., city, province, postal code)

3. NEXT OF KIN

☐ Mr. ☐ Mrs. ☐ Miss ☐ Ms. | Last name | Given name(s) | Initial(s)

Address (Number, street, apt., city, province/state, postal code, country)

Telephone number | Relationship to you ▶ My

4. CITIZENSHIP

Are you a Canadian citizen by

a) Birth ☐ Yes ☐ No

b) the grant of a certificate of citizenship ☐ Yes ☐ No

c) the grant of a certificate of naturalization ☐ Yes ☐ No

NOTE: You are required to prove that you are a Canadian citizen. For assistance in this matter, contact the nearest Canadian diplomatic post.

5. CHOICE OF DESTINATION

a) The following is to be completed by an applicant who is

i) less than sixteen years of age, or
ii) serving a term of imprisonment of less than two years, or
iii) on parole, or
iv) on probation.

Number in order of preference (1, 2, 3, etc), the provinces or territories of Canada to which you would be interested in transferring:

☐ Newfoundland ☐ Nova Scotia ☐ Prince Edward Island ☐ New Brunswick ☐ Quebec ☐ Ontario ☐ Nunavut

☐ Manitoba ☐ Saskatchewan ☐ Alberta ☐ British Columbia ☐ Northwest Territories ☐ Yukon Territory

b) The following is to be completed by an applicant who has been sentenced to two years or more in a penal institution.

Number in order of preference, (1, 2, 3 etc), the regions to which you would be interested in transferring:

☐ Atlantic ☐ Quebec ☐ Ontario ☐ Prairies ☐ Pacific

NOTE: This application will be used to determine whether you will or will not be transferred to Canada. If you are transferred, your choice of province or region will be considered but your actual destination will be decided by Canadian correctional officials after your arrival.

Canada

6. SUPPORT

List persons who might be willing to give you support following your transfer.

Name	Address	Telephone number	Relationship

7. OTHER INFORMATION

Provide any other information that you think Canadian officials should know about you or your case.

International Treaty Participants

The United States has entered into international treaties with the following countries which may permit foreign born inmates from one of the treaty countries below to transfer to their home country to serve the remainder of their sentence.

Albania	Georgia	Nicaragua
Andorra	Germany	Norway
Armenia	Greece	Palau
Australia	Guatemala	Panama
Austria	Honduras	Paraguay
Azerbaijan	Hong Kong	Peru
Bahamas	Hungary	Poland
Belgium	Iceland	Portugal
Belize	Ireland	Romania
Bermuda	Israel	Russia
Bolivia	Italy	San Marino
Bosnia and Herzegovina	Japan	Saudi Arabia
Brazil	Korea, Republic of	Serbia
Bulgaria	Latvia	Slovakia
Canada	Liechtenstein	Slovenia
Chile	Lithuania	Spain
Costa Rica	Luxembourg	Sweden
Croatia	The former Yugoslav (Republic of Macedonia)	Switzerland
Cyprus	Malta	Thailand
Czech Republic	Marshall Islands	Tonga
Denmark	Mauritius	Trinidad/Tobago
Ecuador	Mexico	Turkey
El Salvador	Micronesia	Ukraine
Estonia	Moldova	United Kingdom and the following United Kingdom Territories: Anguilla, Cayman Islands, Gibraltar, Montserrat, Sovereign Base areas of Akrotiri and Dhekelia in the Island of Cyprus, St Helena and St. Helena Dependencies, British Indian Ocean Territory, Ducie and Oeno Islands, Henderson Island, Pitcairn, British Virgin Islands, Falkland Islands and Isle of Man.
Finland	Montenegro	Uruguay
France	Netherlands including Netherlands Antilles (Bonaire, Curacao, Sint Eustatius, Saba and Sint Maarten) and Aruba.	Venezuela

Informational Handout for Non-U.S. Citizens

You have been identified as a citizen of country other than the United States. You may be eligible to volunteer to return to your homeland to serve your sentence. The United States of America has treaties for the exchange of prisoners with the countries listed on Attachment C, International Treaty Participants.

You will meet with your Correctional Officer III to determine your eligibility status. This Department Order outlines criteria to determine if you are eligible. You must consent to return to your Country of Citizenship to complete your sentence. You cannot be forced to do this.

You will be required to meet the following U.S Treaty criteria which are common for all treaty nations:

1. The sentence must be final, as defined in Article I.3 of this convention.

2. The sentenced person must consent to the transfer, having been previously informed of the legal consequences thereof.

3. The act for which the person has been sentenced must also constitute a crime in the receiving state. For this purpose, no account shall be taken of differences of terminology or of those that have no bearing on the nature of the offense.

4. The sentenced person must be a national of the receiving states.

5. The sentence to be served must not be the death penalty.

6. At least six months of the sentence must remain to be served at the time the request is made.

7. The administration of the sentence must not be contrary to domestic law in the receiving state.