

CHAPTER: 1000

Releases/Community Supervision

DEPARTMENT ORDER:

1004 – Inmate Transfer System

OFFICE OF PRIMARY
RESPONSIBILITY:

EPCR
OPS
CRPM

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Arizona Department of Corrections Rehabilitation and Reentry



Department Order Manual

A handwritten signature in black ink, appearing to read "Ryan Thornell", is written over a horizontal line.

Ryan Thornell, Director

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PURPOSE

This Department Order (DO) 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 DO also establishes a system for control of costs associated with temporary placement of inmates or offenders in holding law enforcement agencies.

PROCEDURES

1.0 RETURN OF RELEASE VIOLATORS TO DEPARTMENT INSTITUTIONS – Costs **incurred** with the temporary placement of release violators by county or local holding law enforcement agencies or Community Corrections shall be **reduced** 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** are not authorized to directly receive Release Violators.

1.1 The Warrant Service/Hearings Unit Manager or designee shall contact holding law enforcement agencies within one **business** day of arrest notifications to determine the status of any court actions.

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

1.1.2 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 **the** holding law enforcement agency, Community Corrections staff, or Department Transportation staff in accordance with DO #705, Inmate Transportation.

1.2.1.1 Community Corrections or Department Transportation staff shall, within one **business** day of notification, transport Release Violators to the closest Department **operated prison complex**.

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 **Foreign National Criminals** 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 DO #1001, Inmate Release System.

1.2.2 **Central Office Transportation Coordinator** shall:

- 1.2.2.1 Request transportation assistance from the nearest **state prison complex** if the holding law enforcement agencies or Community Corrections staff is unable to transport Release Violators to the nearest **state** institution. **Community Corrections staff will make efforts to conduct the transport.**
- 1.2.2.2 Provide the **state prison complex or Community Corrections staff the following:**
 - 1.2.2.2.1 Name and Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR) number of the Release Violator.
 - 1.2.2.2.2 Name and address of the holding law enforcement agency or Community Corrections Office having custody.
 - 1.2.2.2.3 Name and telephone number of a contact person.
 - 1.2.2.2.4 Location where the Release Violator is being held.
- 1.2.2.3 If a Release Violator is **originating** from a **hospital** 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 **medical and mental** health of the Release Violator.
- 1.2.2.4 Notify the Warrant Service/Hearings Unit.
- 1.2.2.5 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 **A** minimum of two urban designated Community Corrections staff are not available to provide transportation and a holding law enforcement agency staff, or a Special Investigator, is not able to assist.
 - 1.2.3.2 **A** Release Violator poses a sufficient risk to the safety of the public or the Community Corrections staff.
- 1.3 Institutional Responsibilities
 - 1.3.1 The nearest **state prison complex** shall have one **business** day from the notification to transport Release Violators as outlined in this section.
 - 1.3.2 Upon receipt of a Release Violator, 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 for 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 901-2, is completed in accordance with DO #901, Inmate Records Information and Court Action.
- 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 DO #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 DO #901, Inmate Records Information and Court Action.
- 1.3.2.6 Copies of all forms are properly distributed. Master Record File copies shall be forwarded through the institution Offender Information Unit (OIU) and to the **Calculation, Records and Population Management Bureau (Central Office)**, OIU.
- 1.3.2.7 The **Transportation Coordinator** or the Warrant Service/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 ADCRR number, the date and time, and the transporting holding law enforcement agency.
- 1.3.2.8 Release Violators **shall be**:
 - 1.3.2.8.1 Searched, and any contraband **shall be** disposed of in accordance with DO #909, Inmate Property.
 - 1.3.2.8.2 **Placed in a two-man cell with a roommate.**
 - 1.3.2.8.2.1 **Any exception must be justified and documented in ACIS notes under housing.**
 - 1.3.2.8.3 **Seen and assessed by licensed mental health staff or Registered Nurse within 24 hours of arrival.**
 - 1.3.2.8.3.1 **If the assessment cannot take place prior to housing, the inmate shall be housed with another inmate, or placed on a 10-minute security watch.**

- 1.3.2.8.4 Seen by **healthcare** staff within eight hours of arrival.
 - 1.3.2.8.4.1 **Healthcare staff shall complete the medical intake assessment and administer a Purified Protein Derivative (PPD) test the day of arrival. The PPD test shall be read on the third calendar day. The PPD test can be read by medical if inmate is transferred before day three.**
- 1.3.2.8.5 Classified by Classification staff and approved for movement by the **Calculation, Records and Population Management Bureau no later than the fourth calendar day or the next applicable business day.**
- 1.3.2.8.6 **Moved to the appropriate unit no later than the fifth calendar day or next applicable business day.**
 - 1.3.2.8.6.1 **If an active medical hold is applied, every attempt shall be made to house the inmate within the current complex.**
 - 1.3.2.8.6.2 **In the event appropriate housing is not available in the current complex, movement shall be coordinated through the Healthcare Services Division to ensure continuity of care.**
 - 1.3.2.8.6.3 **A medical hold is not a basis to remain in an intake or detention area.**
- 1.3.2.8.7 Served with warrants upon receipt from the Warrant Service/Hearings Unit if warrants have not been served by Community Corrections staff.
- 1.3.2.9 The Warrant Service/Hearings Unit is notified within 24 hours of serving the warrant or **of a Release Violator's request for a probable cause hearing, whichever is first.**
- 1.3.2.10 A copy of the warrant service page is forwarded to the designated Community Corrections staff within one **business** day.
- 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 **Calculation, Records and Population Management Bureau, Time Computation Unit (TCU).**
 - 1.3.3.3 Use the Arizona Correctional Information System (ACIS) automated file to determine the accurate status of Release Violators.

- 1.3.3.4 Enter Release Violators' status on the ACIS 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 ACIS Offender Comment screen using the violator transaction type.
- 1.3.3.6 Ensure the appropriate staff member enters Release Violator movement on the ACIS Movement screen and reports this information to the **Calculation, Records and Population Management 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 ACIS Personal Characteristics screen and annotate the Offender Comments screen.
- 1.3.3.8 Place the appropriate ACIS Movement Hold code on all inmates scheduled for an **Arizona Board of Executive Clemency (ABOEC)** hearing upon receipt of the ABOEC Calendar.
- 1.3.3.9 Review the daily ACIS 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 **Calculation, Records and Population Management Bureau**, Accountability and Movement Officer to cancel the move if the inmate has been scheduled to move **when an ABOEC hearing is scheduled**.
 - 1.3.3.9.2 The **Calculation, Records and Population Management 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 Officer (**CO**) III or designated staff for completion and inmate signature, and, after verifying they are complete and signed, return them to the ABOEC within three **business** days from receipt from the ABOEC.
- 1.3.4 **Qualified healthcare professionals (QHCP)** shall:
 - 1.3.4.1 Perform medical examinations on Release Violators, in accordance with DO #1101, Inmate Access to Health Care, and/or Medical and Dental Services Technical Manual.
 - 1.3.4.2 Arrange for a complete medical/mental health intake process if Release Violators have been out of the Department's custody for over 90 calendar days.
 - 1.3.4.3 Retrieve Release Violators' Medical Records.

1.4 Community Corrections Responsibilities

1.4.1 The **Assistant Director for Education, Programming and Community Reentry** or designee, on the next **business** day 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 service of the Warrant of Arrest within 10 **business** days of the Release Violator's return to custody and ensure the Warrant of Arrest is provided to the appropriate designated staff (e.g., Community Corrections staff, Community Corrections Transportations Officers or the institutional OIU staff) for service to the offender.

1.4.1.2.1 If service of the Warrant of Arrest is coordinated with the institution OIU, the OIU shall distribute received Warrant of Arrests to the CO 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 Service/Hearings Unit staff members coordinate ABOEC probable cause and revocation hearings in accordance with this DO and the DO #1003, Community Corrections and/or the **Community Corrections** Technical Manual.

1.4.2 Warrant Service/Hearings Unit staff shall:

1.4.2.1 Forward a Warrant of Arrest to the ABOEC on a bi-monthly 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 Ensure annotations are completed in the ACIS **notes and** comment screen **areas** stating 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 Service/Hearings Unit staff, within five **business** 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, **and** Interstate Corrections Compact).
 - 1.4.3.2 Enter all actions on the ACIS Offender Comment screen using the appropriate violator transaction types.
 - 1.5 **Calculation, Records and Population Management** Responsibilities – The TCU staff shall:
 - 1.5.1 Upon notification by the Warrant Service/Hearings Unit of a Release Violator’s return to Department custody, verify the ACIS Movement screen entries.
 - 1.5.2 Within three **business** days 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 **business** days from the receipt of notification, prepare a time sheet for Release Violators and forward it to the Warrant Service/Hearings Unit.
 - 1.5.4 Within five **business** days after receiving notification probable cause has been found or waved on an administrative release; enter the appropriate violator revocation codes on the ACIS 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 ACIS Release Violator’s Personal Characteristic screen.
 - 1.6 Payment for Transportation and/or Housing
 - 1.6.1 The Financial Services Business Office staff shall forward to the Warrant Service/Hearings Unit invoices from holding law enforcement agencies for Release Violator transportation and/or housing costs. After review by **the Calculation, Records and Population Management Bureau**, invoices shall be forwarded to **the** Warrant/Services Hearing Unit.
 - 1.6.1.1 Invoices shall be separated by **the** holding law enforcement agency.
 - 1.6.2 The Warrant Service/Hearings Unit Manager shall:
 - 1.6.2.1 Review invoices to ensure release dates noted by **the** holding law enforcement agency **is** the actual date 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 Financial Services Business Office upon completion of review.

2.0 TRANSFER OF INMATES TO FOREIGN COUNTRIES/US TREATY AGREEMENTS – Eligible **Foreign National Criminal** inmates 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.

2.1 **A Foreign National Criminal inmate must follow the transfer application procedure required by the sentencing state.**

2.2 **The application must be approved at both the state and federal levels.**

2.2.1 **If the state denies the transfer request, it cannot be reviewed by the Department of Justice (DOJ).**

2.3 **If the application is approved, it is forwarded to the DOJ for consideration. If the DOJ approves the transfer, it will send the approval package to the foreign government.**

2.4 **If the foreign government approves the transfer, a consent verification hearing will be held. Thereafter, the foreign government will make arrangements with the Bureau of Prisons to retrieve the inmate.**

2.5 **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. **Foreign National Criminal inmates** shall:

2.5.1 **Be a national or citizen of the receiving country.**

2.5.2 **The offense or conviction must also be a crime in the receiving country (dual criminality).**

2.5.3 **The DOJ, the inmate, and receiving country must consent to the transfer before the DOJ can consider the application.**

2.5.4 **Transfer Treaty relationship must exist between the U.S. and the receiving country.**

2.5.5 **Judgment and sentence must be final, e.g., no pending appeals or collateral attacks against the conviction or sentence.**

2.5.6 **Not be committed to the Department for a military, **political**, or immigration offense.**

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

2.6 **A transfer cannot occur unless the DOJ, the inmate, and the receiving country consent.**

2.7 The **DOJ** may deny the release of inmates under the U.S. Treaty Agreement for cause or sound correctional practice.

2.8 **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:

2.8.1 **Canada** – Applicants shall submit the following completed documents and/or materials:

- 2.8.1.1 The Request for Transfer to Canada Application Documentation, Attachment B
 - 2.8.1.2 The Transfer to Canada under Offenders Act, Form 1004-6
 - 2.8.1.3 The Statutory Declaration Non-Renunciation of Canadian Citizenship, Form 1004-3
 - 2.8.1.4 The Inmate Property Inventory, Form 909-4, and if necessary, the Inmate Property Inventory Supplement, Form 909-1
 - 2.8.1.5 The Inmate Property/Contraband/Disposition Tracking, Form 909-6, if applicable
 - 2.8.1.6 A copy of the Notification in Case of Accident, Serious Illness or Death and Disposition of Personal Property, Form 711-1
 - 2.8.1.7 The original birth certificate with the raised seal
 - 2.8.1.8 Photographs acceptable for a passport - Inmates may be requested by their embassy to pay for the issuance of a passport.
- 2.8.2 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.
- 2.9 Other Criteria – Inmates with detainers from any jurisdiction other than ICE may be considered for transfer if:
- 2.9.1 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.
 - 2.9.2 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.
- 2.10 Ineligibility – Inmates shall not be considered for transfer if they:
- 2.10.1 Are in any capacity involved in a known investigation.
 - 2.10.2 Are serving a term without a specific duration, unless such duration is subsequently fixed by a court or by the ABOEC.
 - 2.10.2.1 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 DO #1001, Inmate Release System and DO #1002, Inmate Release Eligibility System.
 - 2.10.2.2 Requests for commutation shall be included with application packages.
 - 2.10.3 Have been released on a One-Half Deport and were returned to the Department to complete the balance of their imposed sentence.

- 2.11 Reception Center Procedures for Identification of **Foreign National** Criminals – Reception Center intake staff, in accordance with DO #901, Inmate Records Information and Court Action shall ensure:
 - 2.11.1 During the initial ACIS data entry for a newly committed inmate, the accurate "Place of Birth" is entered into the ACIS Personal Characteristics screen.
 - 2.11.2 All inmates who have been identified as a **Foreign National** Criminal or have the potential to be identified as a **Foreign National** Criminal are processed through the ICE Unit at in-take.
 - 2.11.3 Department 287(g) Officers in the Immigration and Customs Enforcement (ICE) Unit make the determination of citizenship, ensure the citizenship of all **Foreign National** Criminals is correct in ACIS, and place detainers when deemed necessary.
- 2.12 Institution Procedures for Identification of **Foreign National** Criminals – CO IIIs shall ensure **Foreign National** Criminals meet the criteria when determining if they are eligible for transfer and:
 - 2.12.1 Review and meet with **Foreign National** Criminals.
 - 2.12.2 Research ACIS data, Pre-sentence Investigation Reports, commitment documents and any other documentation within Institutional Files to determine eligibility status.
 - 2.12.3 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 **Elegibilidad** – Tratado De Estados Unidos, Form 1004-15S.
 - 2.12.4 If determined to be ineligible, annotate the reason(s) on the ACIS Offender Comment screen using the appropriate U.S. Treaty transaction type.
 - 2.12.5 Ensure **Foreign National** Criminals receive the International Treaty Participants (Attachment **C**) and the Informational Handout for Non-U.S. Citizens (English/Spanish) (Attachment D).
 - 2.12.6 If a Mexican Citizen, ensure **Foreign National** Criminals receive the handout provided by the Mexican Government, Embajada de México – Traslado de Reos Mexicanos Recluidos en E.U.A (**Embassy of Mexico – Transfers of Mexican Inmates Held in the United States**), Attachment A.
 - 2.12.7 Ensure **Foreign National** Criminals are advised of their right to contact the Foreign Consulate Office of their country in accordance with DO #901, Inmate Records Information and Court Action.
 - 2.12.8 Enter the following on the ACIS Offender Comment screen, under "U.S. Treaty" heading:
 - 2.12.8.1 Interview date
 - 2.12.8.2 Whether inmates meet the eligibility criteria
 - 2.12.8.3 Whether inmates have volunteered for a transfer
 - 2.12.8.4 The CO III's initials as assigned on ACIS

- 2.12.9 For new commitments, review the Pre-sentence Investigation Report and citizenship records during the initial classification or Correctional Plan review.
- 2.12.10 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 CO III shall complete sections 2.12.8 through 2.12.8.4 after each interview.
- 2.13 Pre-Transfer Process (Institution Responsibilities) – When an inmate consents to return to their country of citizenship and upon completion of the Certificate of Eligibility - **U.S. Treaty, Form 1004-15**, the CO III shall:
 - 2.13.1 Ensure the inmate submits a completed Application for Transfer to Foreign Country, Form 1004-5.
 - 2.13.2 Request all the information required for the Status of Offender, Form 1004-7, from the TCU, or if appropriate, the Spanish version, Estado Del **Delincuente**, Form 1004-7S.
 - 2.13.3 Request the most recent Medical History Report form and the Continuity of Care/Transfer Summary, Form 1101-8, from the institution Health Unit.
 - 2.13.4 Request an ACIS printout of the "Escape Bulletin" with photographs in accordance with DO #901, Inmate Records Information and Court Action, from the institution OIU.
 - 2.13.5 Ensure the inmate's fingerprints are verified prior to transfer.
 - 2.13.6 Request the inmate's current inmate trust account balance from Inmate Banking.
 - 2.13.7 Request the inmate's most current ACIS visitation list from the Visitation Office.
 - 2.13.8 Obtain lists of family members and addresses in the receiving country from inmates.
 - 2.13.9 Obtain a copy of the following documents from the inmate's Institutional File:
 - 2.13.9.1 Pre-sentence Investigation Report
 - 2.13.9.2 All current and consecutive commitment documents
 - 2.13.9.3 All detainers
 - 2.13.9.4 Certificate of Eligibility - U.S. Treaty
 - 2.13.9.5 Criminal History Summary, which is normally included in the Pre-Sentence Investigation Report
 - 2.13.10 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.
 - 2.13.11 Upon receipt of the approval or denial from the Warden or Deputy Warden, submit the application packet to the **Special Services Manager**.

2.14 Special Services Manager Pre-Transfer Process

2.14.1 Upon receipt of the completed application packet, the **Special Services Manager** shall:

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

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

2.14.1.3 Maintain the original application packet. Exception - The original Request for Transfer to Canada Application Documentation and the original birth certificate shall be included.

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

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

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

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

2.14.1.8 Direct the physical transfer process.

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

2.15 Physical Transfer Process for Inmates Approved for Transfer

2.15.1 The **Inspector General or designee** 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 OIU Unit Supervisor and the TCU, Release Notification Unit.

2.15.2 The Warden or Deputy Warden shall ensure:

2.15.2.1 The following items accompany inmates to verification hearings:

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

2.15.2.1.2 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.)

- 2.15.2.2 The Status of Offender, Form 1004-7, or the Spanish version of the Estado Del **Delincuente**, Form 1004-7S, is updated as of the actual transfer date and clearly marked "Updated as of (date)."
- 2.15.2.3 Inmates are transported to verification hearings and provided security throughout the hearing.
- 2.15.2.4 Inmates retracting volunteer statements are returned to the **state** institution.
- 2.15.3 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 OIU Supervisor.
- 2.15.4 The institution OIU Supervisor shall ensure movement is entered on the ACIS External Movement screen upon receipt of transfer receipts.
- 2.15.5 The TCU, Release Notification Unit shall notify victims in accordance with DO #1001, Inmate Release System.

3.0 TRANSFER PURSUANT TO THE INTERSTATE CORRECTIONS COMPACT

- 3.1 Inmates may be considered for Interstate Corrections Compact transfer if one of the following conditions exists:
 - 3.1.1 The inmate **has been deemed** to be a threat to the orderly operation of the institution.
 - 3.1.2 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.
 - 3.1.3 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 3.1.1 and 3.1.2 shall have priority over compassionate transfers. Compassionate transfers shall include the following regulations:
 - 3.1.3.1 Inmates shall:
 - 3.1.3.1.1 Be medium custody or lower at the time of application.
 - 3.1.3.1.1.1 An increase in custody above medium at any time during the process shall result in a denial of their application.
 - 3.1.3.1.1.2 If already approved, an increase in custody above medium shall result in a rescission of **their application**.
 - 3.1.3.1.2 Be Phase II or III.

- 3.1.3.2 Inmates shall not be considered for compassionate transfers when they:
 - 3.1.3.2.1 Have any major discipline violations during the last six months.
 - 3.1.3.2.2 Have been validated, or in the process of being validated, as a member of a Security Threat Group, in accordance with DO #806, Security Threat Groups (STG)/Criminal Street Gangs (CSG)/Disruptive Groups/Terrorist Monitoring.
 - 3.1.3.3 Upon the Director's approval or denial for compassionate transfer nominations, the **Inspector General or designee** shall notify the Warden or Deputy Warden and affected inmates.
 - 3.1.3.3.1 Once inmates have been nominated to and accepted by the requested state, their name shall be placed on a waiting list for that state.
 - 3.1.3.4 If receiving states request compassionate transferees be returned to Arizona for cause, inmates **may** be required to reimburse the Department for all travel expenses upon return.
 - 3.1.3.5 Arizona Interstate Corrections Compact inmates in receiving states desiring to return to Arizona or transfer to another receiving state for extenuating circumstances shall request such a transfer in writing to the **Inspector General or designee**, and include all circumstances.
 - 3.1.3.6 Inmates electing to withdraw a request for compassionate transfer after the final Arizona approval shall be ineligible to apply for a compassionate transfer for two years.
- 3.2 The following documentation and approval processes shall be completed prior to inmates being considered for an Interstate Corrections Compact transfer:
- 3.2.1 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 CO III.
 - 3.2.1.1 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 CO III. Inmates shall request no more than one state on this form.
 - 3.2.2 Upon receiving completed Interstate Corrections Compact - State of Preference and Compassionate Circumstances forms and/or the Inmate Request for Transfer forms from the CO III, the Warden or Deputy Warden shall determine if inmates meet the criteria for Interstate Corrections Compact transfers.
 - 3.2.3 Upon **recommending** the Inmate Request for Transfer, the Warden or Deputy Warden shall prepare a letter of nomination including, but not limited to:

- 3.2.3.1 A summary of institutional adjustment, such as disciplinary history, program involvement/completions and evaluations
- 3.2.3.2 Verifiable STG affiliations
- 3.2.3.3 Justification for the nomination
- 3.2.4 The following completed documentation shall be attached to nomination letters and forwarded to the **Inspector General or designee**.
 - 3.2.4.1 Inmate Interstate Corrections Compact - Request for Transfer, **Form 1004-11**
 - 3.2.4.2 Inmates' most recent custody classification
 - 3.2.4.3 Interstate Corrections Compact – State of Preference and Compassionate Circumstances, **Form 1004-12**, which shall only be used for nominations in accordance section 3.1.3
 - 3.2.4.4 All investigative and intelligence reports verifying the Warden or Deputy Warden's justification for the nomination in accordance with section 3.1.2
 - 3.2.4.5 Interstate Corrections Compact - Inmate Statement of Pending Legal Actions, **Form 1004-13**
 - 3.2.4.6 Pre-sentence Report
 - 3.2.4.7 Federal Bureau of Investigations (FBI) Criminal Identification (Rap Sheet)
 - 3.2.4.8 Identification sheet
 - 3.2.4.9 Psychological evaluation accomplished within the past six months
 - 3.2.4.10 Most recent time computation
 - 3.2.4.11 Commitment orders and detainers
 - 3.2.4.12 Continuity of Care/Transfer Summary, **Form 1101-8**
 - 3.2.4.13 ACIS printout of complete Disciplinary History
 - 3.2.4.14 For compassionate transfers, a verification letter from an immediate family member(s) in the requested state
- 3.2.5 The **Inspector General or designee** shall:
 - 3.2.5.1 Ensure all transfer requests are reviewed by the Assistant Director for Prison Operations or designee, Assistant Director for Healthcare Services Division, and the Calculation, Records and Population Management Administrator.
 - 3.2.5.2 If recommended, forward documents to the Director for final approval.

- 3.2.6 The Director may waive all or part of the requirements outlined in sections **3.2** through **3.2.5** based upon special circumstances, or for security reasons. **The Director is the final Approving Authority.**
- 3.3 The Department shall not accept inmates with catastrophic medical problems or **those who** have extraordinary medical requirements, as determined by the **Inspector General or designee** in consultation with the Assistant Director for **Healthcare** Services or designee.
- 3.4 The **Inspector General or designee** shall advise the Warden or Deputy Warden of the approval or denial of the nomination to a receiving state, **upon decision of the Director.**
- 3.4.1 Requests for a particular state shall not be accepted by the **Calculation, Records and Population Management Bureau** for nominations outlined in sections **3.1.1** and **3.1.2.**
- 3.4.2 Only nominations **recommended** by the Warden or Deputy Warden shall be processed through the **review and approval process, unless otherwise directed by the Director.**
- 3.4.3 The Interstate Corrections Compact – Inmate Statement of Pending Legal Actions, Form **1004-13**, shall be sent to the General Counsel on all approved transfers.
- 3.5 When Arizona is the receiving state, recommendations for assignment to a less secure **state** institution shall be in accordance with DO #801, Inmate Classification.
- 3.5.1 The Deputy Warden shall forward their recommendation for assignment to a less secure **state** institution to Central Office Classification.
- 3.5.2 Recommendations approved by Central Office Classification shall be forwarded to the **Inspector General or designee**, who shall contact the sending state.
- 3.5.3 Upon receipt of a response from the sending state, the **Inspector General or designee** shall advise Central Office Classification of the final decision.
- 3.5.4 Central Office Classification shall advise the Warden or Deputy Warden and the inmate of the final decision in writing.
- 3.6 The Warden or Deputy Warden shall ensure semi-annual progress reports using the Interstate Corrections Compact – Progress Report, Form 1004-4, are forwarded to the **Inspector General or designee**, who shall forward a copy to the sending state.
- 3.7 Inmates confined to the Department pursuant to the terms of the Interstate Corrections Compact shall be subject to **all** rules of the Department.
- 3.8 Inmates escaping from the assigned **state** institution shall be considered a fugitive from that state.
- 3.9 The Warden or Deputy Warden may submit written requests to the **Inspector General or designee** 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 **or outlining the necessity of their return.**

- 3.9.1 **Requests for inmates to be returned to their sending state shall follow the approval process as outlined in sections 3.2.5 and 3.2.6.**
- 3.10 **Inmates who are requested to return to Arizona from the receiving state due to management issues may not be considered under Interstate Corrections Compact.**
- 3.11 Interstate Corrections Compact inmates shall not be permitted to leave the secure perimeter of an institution without staff escort.
- 3.12 The **Inspector General or designee** shall maintain logs listing the:
- 3.12.1 States with which the Department has compact contracts.
- 3.12.2 Names of inmates participating in the Interstate Corrections Compact.
- 3.12.3 Pending requests for reassignment to a less secure **state** institution.
- 3.12.4 **Other information and data required by the Director.**
- 3.13 All inmates discharged from custody shall be discharged pursuant to the applicable laws, statutes and regulations of the sending state.

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms **for the following:**

- **Department 287(g) Officers**
- **Offender**
- **Qualified Healthcare Professional (QHCP)**
- **Tried Detainer**
- **Untried Detainer**
- **Verification Hearing**

ATTACHMENTS

Attachment A - Embajada de México – Traslado de Reos Mexicanos reclusos 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 **(English/Spanish)**

FORMS LIST

711-1, **Notification in Case of Accident, Serious Illness or Death and Disposition of Personal Property**
901-2, **Intake/Transfer of Custody – Body Receipt**
901-17, **Inmate Arrival and Transfer - Money/Valuables Receipt**
909-1, **Inmate Property Inventory Supplement**
909-4, **Inmate Property Inventory**
909-6, **Inmate Property/Contraband/Disposition Tracking**
1003-23A, **Administrative Probable Cause/Rescission Hearing Notification/Waiver**
1003-24A, **Interstate Compact Probable Cause Hearing Notification/Waiver**
1003-23B, **Administrative Probable Cause Hearing Summary**
1003-24B, **Interstate Compact Probable Cause Summary**
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 Delincuente (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 Elegibilidad - Tratado de Estados Unidos (Spanish)
Form 1101-8, Continuity of Care/Transfer Summary

OTHER REFERENCES

Community Corrections Technical Manual
Medical and Dental Services Technical Manual

AUTHORITY

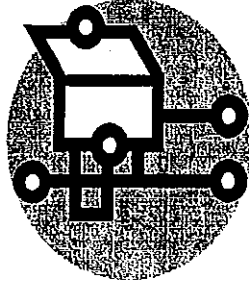
A.R.S. § 31-233, Order for Removal; Purposes; Duration; Continuous Alcohol Monitoring Program; Failure to Return, Classification
A.R.S. § 31-411, Parole or Discharge; Conditions of Parole; Release under Supervision of State Department of Corrections; Notice of Hearing; Exceptions, Drug Testing Costs
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 seq.**, 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
18 U.S.C. §§ 4100-4115

ATTACHMENT A

EMBAJADA DE MÉXICO – TRASLADO DE REOS MEXICANOS RECLUIDOS EN E.U.A

Embajada de México

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



Agosto 2007

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.

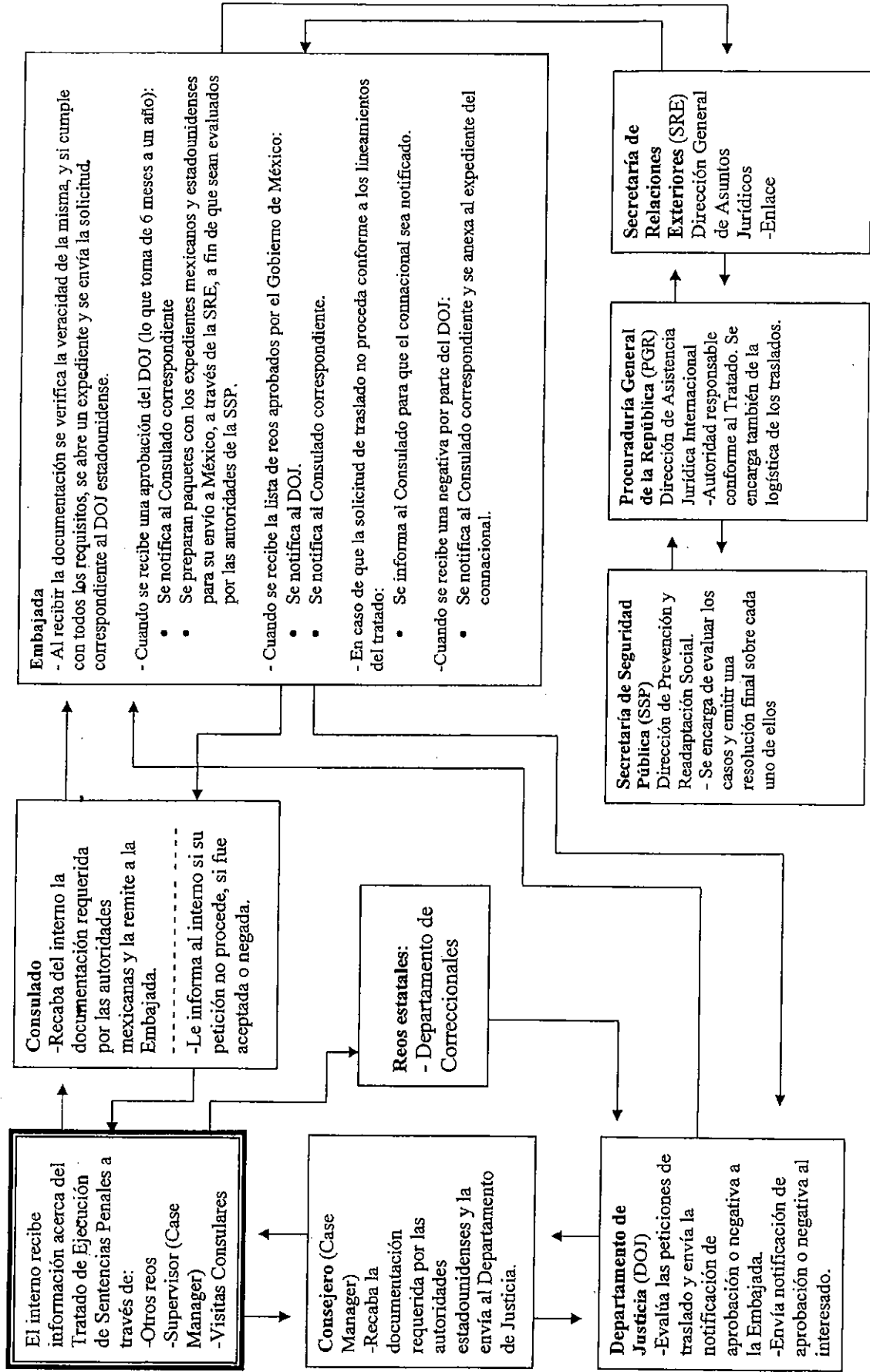
DOCUMENTOS REQUERIDOS Por las Autoridades Mexicanas

- 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 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.



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.

ATTACHMENT B

REQUEST FOR TRANSFER TO CANADA APPLICATION DOCUMENTATION



REQUEST FOR TRANSFER TO A FOREIGN STATE PURSUANT TO THE INTERNATIONAL TRANSFER OF OFFENDERS ACT (ITOA)

PUT AWAY ON FILE
▶ 1820-4 or 1820-8

and under the terms of the agreement between Canada and _____ (Foreign State) ▶ 1820-4

Or, if no agreement exists, under the terms of an Administrative Arrangement:

under Section 31 of the ITOA with _____ (Foreign State) ▶ 1820-8

OR

under Section 32 of the ITOA with _____ (Foreign State) ▶ 1820-8

Name	Offender Number	Institution	Region
Alias(es)		Date of Birth (YYYY-MM-DD)	
Place of birth (City)	Province/State	Country	
I am a citizen/national of _____ (Foreign State)			
and I request an international transfer from Canada to _____ (Foreign State)			
to complete my sentence under terms of the treaty.			
Offender's Signature		Date (YYYY-MM-DD)	
Witness' Name		Relationship to offender	
Witness' Signature		Date (YYYY-MM-DD)	



REQUEST FOR TRANSFER TO CANADA PURSUANT TO THE INTERNATIONAL TRANSFER OF OFFENDERS ACT (ITOA)

PUT AWAY ON FILE
▶ 1820-3 or 1820-8

and under the terms of the agreement between Canada and _____ (Foreign State) ▶ 1820-3

Or, if no agreement exists, under the terms of an Administrative Arrangement:

under Section 31 of the ITOA with _____ (Foreign State) ▶ 1820-8

OR

under Section 32 of the ITOA with _____ (Foreign State) ▶ 1820-8

Name	Offender Number	Institution
------	-----------------	-------------

1. 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

2. 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

Relationship to you ▶ My

3. 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.

4. 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:

Name	Offender Number
------	-----------------

<input type="checkbox"/> Newfoundland	<input type="checkbox"/> Nova Scotia	<input type="checkbox"/> Prince Edward Island	<input type="checkbox"/> New Brunswick
<input type="checkbox"/> Quebec	<input type="checkbox"/> Ontario	<input type="checkbox"/> Nunavut	<input type="checkbox"/> Saskatchewan
<input type="checkbox"/> Alberta	<input type="checkbox"/> British Columbia	<input type="checkbox"/> Northwest Territories	<input type="checkbox"/> 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:

<input type="checkbox"/> Atlantic	<input type="checkbox"/> Quebec	<input type="checkbox"/> Ontario	<input type="checkbox"/> Prairies	<input type="checkbox"/> 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.

5. SUPPORT

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

Name	Address	Telephone number	Relationship

6. OTHER INFORMATION

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

7. APPLICATION

I hereby request a transfer to Canada to complete my sentence

Offender's Name (print)	Signature	Date (YYYY-MM-DD)
Witness Name (print)	Signature	Date (YYYY-MM-DD)



NOTE: Reference document – CD 704

INFORMATION FORM IN SUPPORT OF A REQUEST FOR TRANSFER TO CANADA PURSUANT TO THE INTERNATIONAL TRANSFER OF OFFENDERS ACT (ITOA)

PUT AWAY ON FILE

▶ Original = 1820-3 or 1820-8

and under the terms of the agreement between Canada and _____ (Foreign State) ▶ 1820-3

Or, if no agreement exists, under the terms of an Administrative Arrangement:

under Section 31 of the ITOA with _____ (Foreign State) ▶ 1820-8

OR

under Section 32 of the ITOA with _____ (Foreign State) ▶ 1820-8

1. PERSONAL DATA

Last name	Given name(s)	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
Marital status	Language spoken <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Other (specify) ▶	Preferred working language <input type="checkbox"/> English <input type="checkbox"/> 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

3. STATUS

A) INCARCERATED OR	<input type="checkbox"/> Federal	<input type="checkbox"/> State	Institution/Address
	<input type="checkbox"/> Other (specify) ▶	_____	
ON SUPERVISION	<input type="checkbox"/> Parole	<input type="checkbox"/> Probation	Name of supervising authority
	<input type="checkbox"/> Other (specify) ▶	_____	Address
Offender's 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)	Most serious conviction(s) / Type of conviction(s)	Place	Year
<input type="checkbox"/> No	▶		
<input type="checkbox"/> Yes (specify)			
B) Previous institutional experience			
<input type="checkbox"/> No			
<input type="checkbox"/> Yes (specify) ▶			

i) Previous protective custody

- No
 Yes (specify) ▶

ii) Escape/Attempted escape history

- None Yes

Name of institution	Year	Attempted	Successful
<input type="checkbox"/> Institution ▶			
<input type="checkbox"/> 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 Death
 Minor

Specify:

Violent incident(s) included the use of:

- Firearms Other

Specify:

ATTACHMENT C

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	Guatemala	Panama
Andorra	Holy See	Paraguay
Argentina	Honduras	Peru
Armenia	Hungary	Poland
Australia	Iceland	Portugal
Austria	India	Qatar
Azerbaijan	Ireland	Romania
Bahamas	Israel	Russia
Belgium	Italy	San Marino
Belize	Japan	Saudi Arabia
Bolivia	Kazakhstan	Serbia
Bosnia and Herzegovina	Korea, Republic of	Slovakia
Brazil	Latvia	Slovenia
Bulgaria	Liechtenstein	Spain
Canada	Lithuania	Suriname
Chile	Luxembourg	Sweden
Costa Rica	The former Yugoslav (Republic of Macedonia)	Switzerland
Croatia	Malta	Thailand
Cyprus	Marshall Islands	Tonga
Czech Republic	Mauritius	Trinidad/Tobago
Denmark	Mexico	Turkey
Ecuador	Micronesia	Ukraine
El Salvador	Moldova	United Kingdom and the following United Kingdom Territories: Anguilla, Bermuda , 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
Estonia	Mongolia	Uruguay
Finland	Montenegro	Venezuela
France	Netherlands and the following Netherlands Territories : Aruba, Curacao, Sint Maarten, Bonaire, Sint Eustatius, and Saba	
Georgia	Nicaragua	
Germany	Norway	
Greece	Palau	

ATTACHMENT D

INTERNATIONAL TREATY PARTICIPANTS

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 DO 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.

ANEXO D

PARTICIPANTES EN TRATADOS INTERNACIONALES

Folleto informativo para ciudadanos no estadounidenses

Ha sido identificado como ciudadano de un país que no es Estados Unidos. Puede ser elegible para ofrecerse como voluntario para regresar a su tierra natal para cumplir su condena. Los Estados Unidos de América tienen tratados para el intercambio de prisioneros con los países enumerados en el Anexo C, Participantes en Tratados Internacionales.

Se reunirá con su oficial correccional III para determinar su estado de elegibilidad. Esta DO describe los criterios para determinar si usted es elegible. Debe dar su consentimiento para regresar a su país de ciudadanía para completar su sentencia. No te pueden obligar a hacer esto.

Se le pedirá que cumpla con los siguientes criterios del Tratado de los Estados Unidos que son comunes para todas las naciones del tratado:

1. La sentencia debe ser firme, tal como se define en el artículo I.3 de esta convención.
2. El condenado deberá consentir en el traslado, habiendo sido previamente informado de las consecuencias jurídicas del mismo.
3. El hecho por el cual la persona ha sido condenada también debe constituir un delito en el estado receptor. A estos efectos, no se tendrán en cuenta las diferencias de terminología o las que no guarden relación con la naturaleza del delito.
4. La persona sentenciada debe ser nacional de los estados receptores.
5. La sentencia a cumplir no debe ser la pena de muerte.
6. Deben quedar por cumplir al menos seis meses de la pena al momento de formular la solicitud.
7. La administración de la pena no debe ser contraria al derecho interno del Estado receptor.