



# WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

## GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Wendy Montils

Name of Individual Certifying this Document/Proposed Document

Office of Management + Budget Director

Title


Wendy Montils

Signature

6/25/19

Date Signed

Department of Corrections – Wisconsin  
Office of the Secretary  
Wis. Stat. § 227.112(6)  
DOC-2910 (6/2019)

 <p style="text-align: center;"><b>DIVISION OF ADULT INSTITUTIONS</b></p> <p style="text-align: center;"><b>POLICY AND PROCEDURES</b></p>	<b>DAI Policy #:</b> 302.00.03	<b>Page</b> 1 of 7
	<b>Original Effective Date:</b> 01/01/86	<b>New Effective Date:</b> 07/01/18
	<b>Supersedes:</b> 302.00.03	<b>Dated:</b> 09/13/12
	<b>Administrator's Approval:</b> Jim Schwochert, Administrator	
<b>Required Posting or Restricted:</b>		
<input checked="" type="checkbox"/> <b>Inmate</b> <input checked="" type="checkbox"/> <b>All Staff</b> <input type="checkbox"/> <b>Restricted</b>		
<b>Chapter:</b> 302 Inmate Classification, Sentence and Release Provisions		
<b>Subject:</b> International Transfer of Inmates		

**POLICY**

The Division of Adult Institutions shall consider requests for international transfer by inmates who are citizens or nationals of a foreign country.

**REFERENCES**

Wisconsin Statutes s. 302.185 – Transfer to foreign countries under treaty  
U.S. Code, Title 18, Chapter 306, Section 4100-4115 – Transfer To or From Foreign Countries  
U.S. DOJ – International Prisoner Transfer Program  
U.S. DOJ List of Participating Foreign Countries  
Memo from DOC Secretary – Administrator Interstate Corrections Compact

**DEFINITIONS, ACRONYMS, AND FORMS**

BOCM – Bureau of Classification and Movement

DOB – Date of birth

DOC – Department of Corrections

DOC-003A – Face Sheet – Intake and Investigation

DOC-20/CR-212 – Judgment of Conviction (JOC)

DOC-45 – Temporary Release – Request/Order/Cancellation

DOC-172 – Offender Data

DOC-173 – Offender Conduct Record

DOC-223 – Psychological Services Report

DOC-1000 – Finger Print Card

DOC-1163 – Authorization for Disclosure of Non-Health Confidential Information

DOC-1163A – Authorization for Use and Disclosure of Protected Health Information (PHI)

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DOC-2611 – International Prisoner Transfer Packet Checklist

DOC-2611A – Inmate Transfer Request to a Foreign Country Notification/  
Acknowledgement

DOC-2611B – Prisoner Transfer Application to a Foreign Country

DOC-3003 – Health Summary

DOC-3034 – Patient Medication Profile

Treaties – Agreements between the United States and other countries that permit federal and state inmates to be transferred to their country of citizenship to serve their sentences or supervision.

U.S. DOJ – United States Department of Justice

Verification Hearings – A hearing before a U.S. Magistrate Judge or U.S. District Court Judge to document the inmate’s voluntary consent to transfer.

## **PROCEDURE**

### **I. Criteria For International Transfer**

Criteria considered by the State of Wisconsin shall include, but not be limited to:

- A. The inmate must be convicted of a crime that is punishable under the laws of the receiving country.
- B. The receiving country must ensure the inmate will be incarcerated for the inmate’s entire remaining Wisconsin sentence based upon a DOC sentence query with the receiving country.
- C. The inmate must accept responsibility for and admit to committing offenses.
- D. There must be no pending legal proceedings, e.g., pending charges or appeal of committing case.
- E. Likelihood of social rehabilitation as a result of transfer.
- F. Law enforcement concerns.
- G. Likelihood of return to the United States.
- H. Remaining Wisconsin sentence incarceration time of more than 60 months to permit processing of the request.

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- I. Guidelines for the evaluation of transfer applications as determined by the U.S. DOJ.
  - J. Transfers to a foreign country will be voluntary and must be approved by both countries.
- II. Inmate Transfer Request Packet Shall Include:**
- A. DOC-2611.
  - B. DOC-2611A.
  - C. DOC-2611B.
  - D. Proof of citizenship (copy of birth certificate or valid passport).
  - E. Current BOCM Initial Classification Report.
  - F. Most recent BOCM Re-Classification Report.
  - G. Prosecutor Notification Response.
  - H. Sentencing Court Notification Response.
- III. Inmate Transfer Application Packet Shall Include:**
- A. Inmate Transfer Request packet.
  - B. Offender basic information sheet (current photograph, DOC Number, DOB, height, weight, race, hair color, eye color and sex).
  - C. DOC-1163.
  - D. DOC-1163A.
  - E. Certified Case Summary for State Inmate for International Transfer.
  - F. DOC-172.
  - G. DOC-173.
  - H. DOC-003A.
  - I. DOC-1000.

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- J. DOC-3003.
- K. DOC-0223.
  
- L. DOC-3034.
  
- M. DOC-1003, if available.
  
- N. Offender separation need alerts
  
- O. Inmate account information.
  
- P. Certified JOCs.

**IV. Inmate Shall:**

- A. Accept responsibility for committing offenses.
  
- B. Resolve legal preceding(s), including but not limited to, appeal of committing offense, criminal investigation, court testimony, etc.
  
- C. Resolve pending charges.
  
- D. Resolve fine, fee, assessment and restitution obligations.
  
- E. Have no criminal detainers.
  
- F. Have DOC intake and classification processing completed.
  
- G. Determine if requested country and the United States have a treaty in effect permitting transfer consideration. This is available in the prison library.
  
- H. Complete and forward to Social Worker:
  - 1. DOC-2611A.
  - 2. DOC-2611B.
  - 3. Proof of citizenship (copy of birth certificate or valid passport).
  
- I. Attend the verification hearing.

**V. Social Worker Shall:**

- A. Receive and ensure completion of DOC-2611A and DOC-2611B.
  
- B. Forward to DOC International Prisoner Transfer Treaty Administrator:
  - 1. DOC-2611.
  - 2. DOC-2611A.
  - 3. DOC-2611B.
  - 4. Proof of citizenship (copy of birth certificate or valid passport).
  - 5. BOCM Initial Classification Report.

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6. BOCM Reclassification Report (most recent).
- VI. DOC International Prisoner Transfer Treaty Administrator Shall:**
- A. Serve as DOC liaison to U.S. DOJ International Prisoner Transfer Program.
  - B. Ensure facility libraries receive updated list of countries having treaties with U.S. permitting transfer of a foreign national prisoner.
  - C. Review and evaluate inmate transfer request.
    1. Verify the requested receiving country has a treaty with the United States.
    2. If initial DOC policy requirements and U.S. DOJ guidelines permitting transfer application appear to be met, forward inmate Transfer Request Packet to the DOC Secretary for preliminary review.
    3. If DOC Secretary approves continued evaluation of request, ensure request and receipt of:
      - a. Prosecutor Notification Response.
      - b. Sentencing Court Notification Response.
    4. If citizenship or nationality is verified, submit a sentence query to the receiving country or U.S. DOJ to ensure the inmate is convicted of a crime that is punishable under the laws of the receiving country.
    5. Submit Inmate Transfer Request Packet to the DOC Secretary for approval or denial.
      - a. If approved forward the Transfer Application Packet to the Governor's Office for transfer consideration.
      - b. Requests denied by the Secretary are final and not appealable by the inmate.
    6. Upon the Governor's approval for transfer consideration, forward the application to the U.S. DOJ and notify Office of Victim Services and Programs.
    7. Notify the inmate and the sending institution of request status.
- VII. Designated DCI Record Staff Shall:**
- A. If the inmate is determined to be eligible pursuant to VI.C.2, notify the prosecutor and sentencing judge and forward response to DOC International Prisoner Transfer Treaty Administrator.
  - B. If the inmate is determined to be eligible pursuant to VI.C.5, complete the Inmate Transfer Application Packet and forward response to DOC International Prisoner Transfer Treaty Administrator.
- VIII. Institution Staff Shall:**
- A. Assist DCI record staff in preparing Transfer Application Packet.
  - B. Receive the U.S. DOJ notice regarding the inmate's verification hearing and prepare DOC-45.
  - C. Transport approved inmate to verification hearing.

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1. Prepare all property, medication, and funds to accompany the inmate as if being released from the verification hearing.
  2. Provide transportation and security throughout the hearing.
  3. If custody changes, transport officers must obtain a body receipt from the U.S. Marshal or U.S. Bureau of Prisons officials at the time for custody change.
  4. The transport officers are to notify an institution supervisor of the hearing results.
  5. Security staff must forward a copy of the body receipt to the Records Office.
- D. Notify the U.S. Immigration and Customs Enforcement of completed transfer for cases with detainers on file.

**IX. Secretary's Office Shall:**

- A. Appoint DOC International Prisoner Transfer Treaty Administrator.
- B. Evaluate inmate request to transfer to foreign country:
  1. If approved, advise DOC International Prisoner Transfer Treaty Administrator to prepare Inmate Transfer Application Packet for Governor's consideration.
  2. If denied, advise International Prisoner Transfer Treaty Administrator to notify inmate and Warden.

**Administrator's Approval:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_  
Jim Schwochert, Administrator

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

<b>Facility:</b> Name		
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<b>Chapter:</b> 302 Inmate Classification, Sentence and Release Provisions		
<b>Subject:</b> International Transfer of Inmates		
<b>Will Implement</b> <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
<b>Warden's/Center Superintendent's Approval:</b>		

**REFERENCES****DEFINITIONS, ACRONYMS, AND FORMS****FACILITY PROCEDURE**

I.

A.

B.

1.

2.

a.

b.

c.

3.

C.

II.

III.

**RESPONSIBILITY**

I. Staff

II. Inmate

III. Other