



NEW MEXICO CORRECTIONS DEPARTMENT

Secretary
Alisha Tafoya Lucero

CD-040100 Inmate Records	Issued: 4/14/90 Effective: 4/14/90	Reviewed: 6/22/26 Revised: 6/9/16
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

AUTHORITY:

- A. NMSA 1978, Sections 1-4-27.1, 14-2-1, 31-13-1, 31-21-6, 31-21-10.1 and 31-26-1, as amended.
- B. Policy *CD-010100*.

REFERENCE:

- A. ACA Standards 2-CO-1E-01, 2-CO-1E-02, 2-CO-1E-03, 2-CO-1E-04, 2-CO-1E-05, 2-CO-1E-06, 2-CO-1E-07, 2-CO-1E-08, 2-CO-1E-09, and 2-CO-4G-02, *the Administration of Correctional Agencies*, 2nd Edition.
- B. ACA Standards 5-ACI-IE-01, 5-ACI-IE-02, 5-ACI-IE-05, 5-ACI-1F-10, and 5-ACI-3D-16, *Performance Based Standards and Expected Practices for Adult Correctional Institutions*, 5th Edition.

PURPOSE:

To establish an accurate, efficient and secure system for the recording, managing and maintaining of case record data which enables quick location of all inmates and maintenance of an accurate record of all inmate movement into, within and outside of an institution.

APPLICABILITY:

The Facility Records staff and/or other employees of the Adult Prison's Division of the New Mexico Corrections Department (NMCD) including contract facilities, whose duties involve admission, transfer or release of inmates.

FORMS:

- A. **Request for Records** form (*CD-040101.1*)
- B. **Certificate of Completion** form (*CD-040101.2*)
- C. **Release Checklist** form (*CD-040101.3*)
- D. **File Transfer Receipt** form (*CD-040101.4*)
- E. **IAD Form I - Notice Of Untried Indictment, Information Or Complaint And Of Right To Request Disposition** form (*CD-040104.5*)
- F. **IAD Form II - Inmate's Notice Of Place Of Imprisonment And Request For Disposition Of Indictments, Information Or Complaints** form (*CD-040104.6*)
- G. **IAD Form III – Certificate of Inmate Status** form (*CD-040104.7*)
- H. **IAD Form IV – Offer To Deliver Temporary Custody** form (*CD-040104.8*)

- I. **IAD Form V – Request for Temporary Custody** form (CD-040104.9)
- J. **IAD Form VI – Evidence of Agent’s Authority To Act For Receiving State** form (CD-040104.10)
- K. **IAD Form VII – Prosecutor’s Acceptance Of Temporary Custody Offered With An Inmate’s Request For Disposition Of A Detainer** form (CD-040104.11)
- L. **IAD Form VIII – Prosecutor’s Acceptance Of Temporary Custody Offered In Connections With Another Prosecutor’s Request For Disposition Of A Detainer** form (CD-040104.12)
- M. **IAD Form IX – Prosecutor’s Report Of Disposition of Charges** form (CD- 040104.13)
- N. **Probation Notification** form (CD-040101.14)
- O. **Records Tracking Log** form (CD-040101.15)
- P. **Release to Probation** form (CD-040101.165)

ATTACHMENTS:

- A. **Inmate Record Index** Attachment (CD-040101.A)
- B. **Appendix L Agreement on Detainers** Attachment (CD-040104.B)

DEFINITIONS:

- A. Active Felony Warrant – No Detainer: A written legal writ authorizing the arrest of a specific individual for felony charges but the detaining agency is not requesting to place a hold on the individual.
- B. Active Misdemeanor Warrant – No Detainer: A written legal writ authorizing the arrest of a specific individual for misdemeanor charges but the detaining agency is not requesting to place a hold on the individual.
- C. Advanced Records Coordinator: Individual assigned to assist Records Manager and in the absence of the Records Manager, assist in ensuring the Records Manager functions continues.
- D. Central Office Inmate File: An inmate file maintained at Central Office which is on active status for an inmate who is serving his or her sentence out-of-state; or, which is on inactive status due to the inmate's discharge, escape or death; or, a microfilmed file maintained at Central Office.
- E. Certificate of Completion: A document given to an inmate by the facility records manager when that inmate has served the entirety of his or her sentence imposed for a felony conviction, including a term of probation or parole.
- F. Criminal Complaint: A document issued by a police officer or law enforcement agency charging a specific individual with a crime.
- G. Detaining Agency: The agency that issues a detainer, indictment, warrant or criminal complaint may be a District Attorney’s Office, Federal law enforcement agencies (e.g. FBI, U.S. Marshals, INS, Alcohol, Tobacco and Firearms), U.S. or State Attorney General’s Office, police departments, probation/parole officers, Children, Youth & Families Department (CYFD) and sheriff’s departments.

- H. Felony Detainer: A request from a detaining agency to place a hold on a person who has been formally charged or convicted with a crime, probation violation or parole violation. This request must be accompanied by a formal written charging or conviction document (e.g. grand jury indictment, criminal information, warrant, judgment and sentence, etc.)
- I. Indictment: A legal process by which a formal accusation is made against an individual by a grand jury.
- J. Inmate File: An inmate file on active status that contains all original signed documents necessary for the daily supervision of the inmate and is maintained at a facility.
- K. Inmate Record: A complete inmate file will contain, at a minimum, the judgment and sentence or commitment order, an admissions summary, a photograph, the receipt for state prisoner, a description of the inmate, and a current Good Time Figuring Sheet, a Pre-Sentence Report, NCIC and/or FBI Rap Sheet, STG file, Mental Health, Medical and Education file. This information must be updated into the Criminal Management Information System.
- L. Inter-State Agreement on Detainers (IAD): The process by which inmates may return to another state to receive a disposition on untried felony charges.
- M. Intrastate: Within the State of New Mexico between institutions that are part of the New Mexico Corrections Department.
- N. Issue Number Only (INO): An Inmate who has been sentenced to a prison term in New Mexico that is running concurrent with a prison sentence in another jurisdiction even if the New Mexico concurrent sentence exceeds the term of the sentence in the other jurisdiction but the inmate has not been placed in the custody of the New Mexico Corrections Department to serve the New Mexico sentence.
- O. Misdemeanor Detainer: A written request from a detaining agency to place a hold on a person who has been formally charged with or convicted of a misdemeanor. This request must be accompanied by a formal written charging document.
- P. Records Bureau (OMS): Central Office Records Unit.
- Q. Records (OMS) Bureau Chief: Individual assigned by the Secretary of the Corrections Department to coordinate records activities system-wide and who has general and legal custody of all inmate records in the Department.
- R. Records Coordinator: Individual assigned at state operated facility that is responsible for the proper management of the inmate file.
- S. Records Manager: Individual assigned at each facility to administer and oversee the facility inmate records system and management, final release authority.
- T. Verbal Notification of a Detainer: Initiated by the RDC classification staff or facility records staff and verbally issued at the request of a law enforcement agency or district attorney's office.

POLICY:

The New Mexico Corrections Department shall maintain the security of inmate records, process inmate files in an appropriate and timely manner, provide appropriate information to other agencies and ensure that proper notifications are made regarding the release of inmates from the facilities. This policy shall be reviewed annually and updated as necessary.

- A. Record management shall include, but not be limited to, the establishment, use, content, privacy, security, preservation, and destruction of case records. [2-CO-1E-01] [5-ACI-1E-01]
- B. There shall be a case record maintained on persons committed to the care of the Department. All major decisions, pertinent background, and events shall be recorded. [2-CO-1E-02]
- C. All contents of the case record shall be identified and separated into one (1) of six (6) categories in accordance with the **Inmate Record Index** Attachment (*CD-040101.C*). [2-CO-1E-03]
- D. All case files, medical files, and mental health files shall be updated prior to and transferred simultaneously with an inmate when the inmate is transferred from one institution to another. [2-CO-1E-04] [5-ACI-1E-02]
- E. All inmate sentences shall be computed and recorded in conformance with applicable statutes and regulations. [2-CO-1E-05]
- F. All institutions shall control the access to information in an inmates file and use a “release of information consent form” in accordance with applicable federal and state regulations. Unless required by statute, the inmate shall sign the consent form prior to the release of information, and a copy of the completed form is maintained in the case record. [2-CO-1E-06] [2-CO-1E-07] [5-ACI-1E-05]
- G. Case records shall be safeguarded from unauthorized and improper disclosure. [2-CO- 1E-08]
- H. All case records shall be reviewed and updated as necessary to ensure that the record is accurate and current. [2-CO-1E-09]
- I. Victims of a crime shall be notified prior to any release and immediately following the escape of the convicted offender from confinement. Follow-up notifications shall be made when an offender is returned to custody from an escape. [2-CO-4G-02]
- J. All case records associated with claims of sexual abuse, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling shall be retained in accordance with an established schedule. [5-ACI-3D-16]
- K. Any inmate who has a valid detainer will not be released from a Corrections Department facility, whether State or privately operated, unless the detaining jurisdiction either exercises or withdraws the detainer.

- L. The facility records manager is responsible for notifying the detaining agency, in writing or by phone, of an inmate's anticipated release date thirty (30) days prior and then again at five (5) days prior to that release date. A copy of the correspondence must be placed in the inmate's file.
- M. Inmates who have charges pending for untried felony charges in another state will be given the opportunity to return to that jurisdiction under the Inter-State Agreement on Detainers (IAD)
- N. A verbal detainer will be honored for only ninety (90) days.



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AUTHORITY:

Policy *CD-040100*

PROCEDURES: [5-ACI-3D-16]

A. Establishment of Inmate Files: [2-CO-1E-01] [5-ACI-1E-01]

All case records shall be established during intake at the Reception and Diagnostic Center (RDC). All records shall be identified and separated into six (6) sections as follows:

[2-CO-1E-03]

Section I Classifications:

Section II Reception and Diagnostic Data:

Section III Inmate Adjustment:

Section IV Legal:

Section V General Information:

Section VI Probation and Parole:

(Refer to the **Inmate Record Index** Attachment *CD-040101.C*) (3 Pages)

B. Maintenance and Security of Inmate Files: [2-CO-1E-01] [5-ACI-1E-01]

1. Inmate Records shall be kept in a secure location, safeguarded from unauthorized and improper disclosure, and will not be available to inmates at any time, unless an inmate is authorized by the Warden, or designee, to inspect his or her file or the contents thereof. Every effort shall be made to preserve all inmate records. [2-CO- 1E-08]
2. Access to the file room at the facilities will be limited to authorized personnel. During normal operations the Advanced Records Coordinator or the Records Manager shall determine who has authorized access. After-hours access, will be determined by the shift supervisor.

3. An inmate's record will contain only appropriate, relevant, and original information governed by form management numbers, required for the management of the record. All major decisions, pertinent background and events shall be recorded. Only original documents will be kept in the inmate file and no carbon copies shall be accepted. All legal documents (e.g., Good Time Figuring sheets, Detainers, J & S's, Parole/Discharge Certificates, etc.) that have been placed into an inmate's file will not be highlighted, underlined, circled or otherwise altered except as authorized by this policy. The information will be organized according to an appropriate format as directed by the Records Bureau Chief and all material will be filed in accordance with the approved format. [2-CO-1E-02]
4. All entries in the inmate file will be typed or written legibly with a ballpoint or hard tipped pen and in black ink, to ensure future photocopies will be legible.
5. No correction tape/white out on the Goodtime Figuring Sheet.
6. No inmate file shall be destroyed for any purpose. [2-CO-1E-01] [5-ACI-1E-01]

C. Requests for Inmate Files: [2-CO-1E-01] [2-CO-1E-06] [5-ACI-1E-01]

1. Information included in inmate active or inactive files will not be released by the Corrections Department, except in accordance with the following:
 - a. They are officially requested by a federal, state, or local criminal justice/law-enforcement agency through proper channels.
 - b. Other corrections agencies request such information through official channels.
 - c. An inmate will ordinarily be allowed to inspect and obtain copies of documents/records in his or her own file, except if the document/record contains sensitive information or confidential information from a source other than that inmate or disclosure of the information to the inmate would jeopardize security.
 - d. The contents of an inmate's file may not be disclosed to or possessed by another inmate.
 - e. The Corrections Department will not release records that were created by some other law enforcement agency if the records possibly contain confidential or sensitive information or if the records may be protected from disclosure by law, including non-conviction criminal history information.
 - f. Following a proper written request, members of the public may inspect and obtain copies of records/documents in an inmate's file that are public records and not protected from disclosure.
 - g. The following documents are not public records and shall not be released unless the Department has been ordered to produce the records in a specific court order (not simply a subpoena) issued by a judge after the Corrections Department has been given an opportunity to address the court and seek a protective order; or,

the release has been approved by the Secretary or the Office of Legal Services.

- 1) Any investigations, reports or other documents containing confidential information.
 - 2) Any pre-sentence report, pre-parole report or supervision history while on probation or parole.
 - 3) Any admissions summary or progress report.
 - 4) Any police reports.
 - 5) Any death certificate.
 - 6) Any FBI Criminal History or “rap sheets”.
 - 7) Any enemy alert cards.
 - 8) Any escape flyer.
 - 9) Any visitor questionnaires or application forms.
- h. Records Staff shall utilize **Request for Records** Form (*CD-040101.1*), as a guide in preparing the cover letter when responding to requests for inmate records.
- i. The Corrections Department will charge a copying fee of twenty-five (25) cents per page.
- j. Unless a release of information is required by statute or court order, the Advanced Records Coordinator or Records Manager shall not release any information that is not considered public record with or without the inmates consent. [2-CO-1E-07] [5-ACI-1E-05]

D. Processing and Filing of Documents: [2-CO-1E-01] [5-ACI-1E-01]

1. The Records Manager will ensure that all documents intended for filing in the inmate file are filed within three (3) working days.
2. The Records Manager will ensure that all documents received by the records department are date stamped on the day they are received.
3. The filing of documents in the inmate file will be handled in accordance with the inmate records index.
4. The Records Manager will respond to all written requests for information within ten (10) days, provided that the request for such documents is within the provisions of the Public Information Act.
5. The Records Manager will ensure the distribution of parole certificates as follows for all inmates who are released on parole:
 - a. A certified original will be placed in Section 6 of the inmate file.
 - b. A certified original will be given to the inmate on the date of his or her release. NOTE: The inmate will not sign his or her parole certificates until the date of his or her release.
 - c. A certified original will be sent to the Parole Officer.

- d. A certified original will be sent to the Adult Parole Board.
- e. A copy of the completed parole certificate shall be sent to the Probation and Parole Division at Central Office, Attention Interstate Compact.

NOTE: In the event that the inmate is paroled to a detainer or out-of-state, the parole certificate designated to the Parole Officer will be sent to the Probation and Parole Inter-State Compact Office at Central Office.

6. The Advanced Records Coordinator will issue the **Certificate of Completion** Form (*CD-040101.2*) for all inmates who have served the entirety of their sentence imposed for a felony conviction, including a term of probation or parole, distribution will be as follows:
 - a. The original certificate will be given to the inmate.
 - b. A copy of the certificate will be given to the Adult Parole Board.
 - c. A second copy of the certificate will be filed in Section 6 of the inmate file.

NOTE: The Advanced Records Coordinator will issue only one original **Certificate of Completion** Form (*CD-040101.2*).

7. The Records Coordinator or Records Manager shall inform the inmate who has served the entirety of his or her sentence that he or she is entitled to register to vote.

E. **Updating the Inmate File: [2-CO-1E-01] [5-ACI-1E-01]**

1. When an inmate receives a new conviction, the Advanced Records Coordinator or Records Manager will ensure that the facility photographs and fingerprints the inmate. The facility will make four (4) original sets of photos and fingerprints.
 - a. Two sets of photos and fingerprints will be sent to the Department of Public Safety.
 - b. One set of photos and fingerprints will be sent to the Records Bureau.
 - c. One set of photos and fingerprints will be placed in Section 2 of inmate file.
2. When an inmate receives a new Judgment and Sentence or an Amended Judgment and Sentence, the Records Manager will be responsible for interpreting the Judgment and Sentence and for constructing the good time figuring sheet. Also, the Advanced Records Coordinator will update the CMIS system to reflect the added sentences or new charges.
3. Any person in the Department who receives a Judgment and Sentence, an Amended Judgment and Sentence, or other court document that affects an inmate's sentence shall be responsible for providing such documents to the appropriate Advanced Records Coordinator or Records Manager and for documenting that fact they have done so.
4. Inmates received at RDC who have been convicted of or have pending charges for, serious or high-profile crimes, will have their file color coded with red tape by using a highly visible red tape placed over the outer cover. This will be the indicator to all

staff that release from the institution must be closely monitored.

5. The Records Coordinator will ensure that, upon receipt of an inmate, an entry will be made on the good time figuring sheet showing the specific facility and unit where the inmate was received.
6. The Records Coordinator or Records Manager will log in all misconduct reports on the good time figuring sheet as well as the Disciplinary Log sheet.
7. The Records Coordinator or Records Manager will post quarterly good time within fifteen (15) days of receiving the good time documentation from the Classification Department. [2-CO-1E-05]
8. The Facility Records Coordinator or Records Manager will post good time monthly for inmates who are within six (6) months of release. This will be done within fifteen (15) days of receiving the good time documentation from the Classification Department. [2-CO-1E-05]
9. The facility Records Department will conduct an audit of the inmate file within ten (10) working days of receiving the inmate.
10. The facility Records Department shall review inmate's file for any changes in the inmate's status or for pending filing, prior to the inmate's transfer to another facility. [5-ACI-1E-02]

F. Records Department Tracking Systems: [2-CO-1E-01] [5-ACI-1E-01]

1. The Records Coordinator will maintain an out-to-court log to track inmates' court status. The log will identify the reason the inmate is out to court (e.g., for new charges, as a witness, based on an appeal). The Records Department will check with the court weekly for an update on the status.
2. The Records Coordinator or Records Manager will check the status of all Detainers at each facility on a semiannually basis when written documentation is in the file using the CMIS Detainer and Hold Module. The Records Coordinator or Records Manager will ensure that all fields in this module have been entered properly. The facility records coordinator or manager shall enter the new "Agency Notified Date" and shall update the disposition, if any, of each detainer.
3. The Records Manager at each facility shall maintain a monthly tracking log on all correspondence received from and to both outside agencies and other facilities or departments on the **Records Tracking Log** Attachment (*CD-040101.B*). (e.g. Judgment and Sentence, Amended Judgment and Sentence, quarterly good time, etc.)
4. All Tracking logs will be retained for twelve (12) months and made available to the Records Bureau upon request.

G. Submission of IHP Reports and Parole Board Dockets

1. At facilities without Classification Supervisors, the Records Managers shall combine the IHP Reports and Parole Board Dockets received from the Unit Managers and ensure that one report per facility (e.g. PNM-Level II) is forwarded to the Central Office Administrator or Parole Board

H. Initial, Periodic and Pre-release Audit: [2-CO-1E-09]

1. The Records Coordinator or Records Manager shall be responsible for conducting periodic audits of inmate files to ensure the accuracy and proper maintenance and filing of documents. At a minimum the following audits must occur:
 - a. Conduct a complete file audit on every inmate record received within ten (10) working days of receiving the inmate. Records audits will include all requirements listed in the records policy. Particular attention will be paid to the accuracy of the goodtime application and calculations.
 - b. Conduct a complete file audit as part of the release preparation process within sixty (60) days of the inmates projected release. The Records Coordinator, Advanced Records Coordinator, Records Manager or Contract Monitor (for private facilities) shall audit each inmate file for accuracy of the goodtime application and calculation.
 - c. The Records Manager will ensure that all Records Staff have printed their name legibly (as reviewer) on the Inmate File Audit Form after they completed their file audit.
 - d. Release Checklist Procedures: Ensure that Inmate Release Check List is completed and forwarded to Central Office Classification Bureau on a timely basis.
 - 1) Sixty (60) to thirty (30) days prior to the release of an inmate on parole or discharge from the facility, it shall be the responsibility of the Records Manager to ensure that the **Release Check List** Form (CD-040101.3) is completed.
 - 2) The Records Manager shall ensure that the **Release Check List** is signed by appropriate staff; that records staff forward the **Release Check List** to the Central Office Classification Bureau no less than thirty (30) calendar days prior to an inmate's projected release date; and that the **Release Check List** is placed in the inmate's file prior to the inmate's release.
 - 3) The Records Coordinator, Advanced Records Coordinator, or Records Manager will ensure that all comments written on the Inmate File Audit Comment Form are legible and accurate and the Records Staff have printed their name.
 - 4) The Records Manager shall ensure that the following checks are conducted

by records staff. These checks shall be conducted at least thirty calendar days, but no less than twenty (20) calendar days, prior to an inmate's projected release date.

- a) The NCIC printout will be obtained in order to check for any outstanding wants or warrants or criminal history on the inmate. (At private facilities, the NMCD Contract Monitors will be responsible for obtaining NCIC printouts and forwarding it to Records for review and filing.
2. File Audit Procedure: The following areas of the inmate's file and the CMIS must be reviewed by the facility records coordinator to ensure that the inmate's sentence has been accurately calculated. **[2-CO-1E-05]**
- a. Compare the crime on the Judgment and Sentence to the crime on the good time figuring sheet to ensure that they are identical. Compare the term of incarceration on the J & S to ensure that it is correctly stated on the good time figuring sheet.
 - 1) If the sentence is expressed in terms of days only, begin with the total number of days. If the total number of days is 365, indicate that the sentence is for one (1) year, zero months and zero days (1-00-00).
 - 2) If an inmate is sentenced to a term of 364 days, the sentence shall be interpreted as eleven (11) months and twenty-nine (29) days.
 - 3) If the total number of days exceeds 365, subtract 365 (one year) from the total number of days as many times as possible before ending with a negative number. For example, $480 - 365 = 115$. You can only subtract 365 from 480 one time before you get a negative number on the next attempt. So far, you have a sentence of one year, but you do not know how many months or days are left (1-mm-dd). Next, take the remainder (115) and subtract 30 (one month) from the remainder as many times as possible before ending with a negative number.

To continue the example, $115 - 30 = 85$; $85 - 30 = 55$; $55 - 30 = 25$. You can subtract 30 from 115 three times before you get a negative number. Now you know you have a sentence of one year, three months and twenty-five (25) days (1-03-25).
 - 4) When an inmate is sentenced to be incarcerated to a specific date, the records coordinator will calculate the length of sentence using the date of sentencing and the specific end of incarceration date indicated in the Judgment and Sentence. The records coordinator shall attempt to obtain an amended Judgment and Sentence which deletes the specific end or incarceration date and substitutes a sentence containing a specific number of years, months and/or days. The inmate is entitled to earn good time in these cases.
 - b. Ensure that the "Sentence Began" date on the good time figuring sheet and CMIS is correct. This will usually be the sentencing date on the Judgment and Sentence,

or in cases of probation revocation, the “Sentence Began” date will be the date of the revocation. There are special circumstances when this date will be different. For example, the judge may have ordered the defendant to turn himself or herself in to the Department of Corrections or a law enforcement agency on a specific date. The J & S may order that the sentence be served consecutive to another J & S.

- c. Ensure that all credits have been properly awarded on both the good time figuring sheet and the CMIS, utilizing the calendar calculator, (e.g. pre-sentence confinement and probation credit). Inmates with consecutive sentences are not entitled to post sentence credit. For example: 2/3/2004 thru 1/26/2006=724 days =1 year 11 months and 24 days
- d. Every attempt shall be made by the facility records staff when any Judgment and Sentence and/or other court order contain portions contrary to law or illegal. The Records Bureau will assist in obtaining amended orders once the facility records staff has exhausted all attempts to acquire said amended orders.
 - 1) The Records Staff will attempt to get an Amended J&S by making telephone contact. (These contacts will be documented on a contact chrono stating the name of the person spoken to and phone number and brief overview on the conversation). If after three attempts with no avail, The Records Staff will draft a letter for the Records Manager and Wardens signature to the District Attorney’s stating the problems with the J&S in question. A copy of the letter will then be placed in the inmates file.
- e. If an amended order of judgment and sentence is issued which affects an inmate’s release or will change the initial term of imprisonment, the Records Bureau will notify the NMCD Victim Services Coordinator who will in turn notify the District Attorney Victim Advocate.
- f. Ensure that the Judgment and Sentence is for the correct term of parole. The parole term is determined by the degree of the felony, for instance, 2nd and 3rd degree felonies carry a two-year parole term and 4th degree felonies carry a one-year parole term. Misdemeanor charges do not carry a parole term.
- g. Inmates cannot earn good-time towards your probation, If an inmate has multiple counts and the court runs them consecutively, and the inmate violates and returns, you will do a parole term for each count.

Parole terms for Life Sentences

Life sentences prior to July 1, 1979

- h. Eligible to see the Parole Board after serving 10 years, minus pre-sentence credits.
- i. Must maintain six (6) months clear conduct to be eligible for Parole Board.
- j. If parole is denied inmate is eligible to see the Parole Board annually (must

maintain six (6) months clear conduct to be eligible for Parole Board.

- k. If approved Parole, parole expiration date is “Indefinite.”
- l. If parole is revoked, inmate is eligible for review annually, based on parole revocation date. (Must maintain six (6) months clear conduct to be eligible for Parole Board).

Life sentences from February 24, 1980 to Present

- m. A. Eligible to see Parole Board after thirty (30) years minus pre-sentence credit.
- n. B. If Parole is denied, eligible for Parole Board review every two (2) years.
- o. C. If Parole is granted, the Parole expiration date is “Indefinite”. If Judgment and Sentence reflects a 5-year parole term, no need to amend.
- p. D. If Parole is revoked, the inmate is eligible for review every two (2) years based on parole revocation date.

Sex Offender Parole Terms

Sex offenders whose crimes were committed on or after February 3, 2004 for the following offenses carry an indeterminate five (5) to twenty (20) year period of parole:

- 1) Kidnapping (when committed with intent to inflict a sexual offense upon the victim);
- 2) Criminal Sexual Penetration (1st, 2nd and 3rd degree);
- 3) Criminal Sexual Contact of a Minor (2nd or 3rd degree);
- 4) Sexual Exploitation of Children (2nd degree); and
- 5) Sexual Exploitation of Children by Prostitution (1st or 2nd degree).

Sex offenders whose crimes were committed on or after July 1, 2007 for the following offenses carry a parole term of not less than five (5) years and not in excess of twenty (20) years:

- 1) Kidnapping when committed with the intent to inflict a sexual offense upon the victim;
- 2) Criminal Sexual Penetration (3rd degree);
- 3) Criminal Sexual Contact of a Minor (4th degree); or
- 4) Sexual Exploitation of Children (2nd degree).
- 5) Child Solicitation by Electronic Communication Device (2nd, 3rd and 4th degrees.)

Sex offenders whose crimes were committed on or after July 1, 2007 for the following offenses carry a parole term of not less than five (5) years and up to natural life:

- 1) Aggravated Criminal Sexual Penetration;
- 2) Criminal Sexual Penetration (1st or 2nd degree);
- 3) Criminal Sexual Contact of a Minor (2nd or 3rd degree); and

4) Sexual Exploitation of Children by Prostitution (1st or 2nd degree).

In the event that the parole term is incorrect, the records department will make every attempt to get an amended order.

- q. Compare credits on the quarterly good time forms, the good time figuring sheet and the CMIS to ensure accuracy of credits. Ensure that all months have been accounted for regardless of the amount of good time earned.
- r. If good time for any month is pro-rated, ensure that it was awarded correctly. Review the good time policies and pro-rate scales.
- s. Ensure that all misconduct reports are listed on the good time figuring sheet and misconduct report logs. All forfeitures must be processed correctly. Ensure that all forfeitures have the appropriate signatures.
- t. Areas of Alert Regarding Good Time: Inmates who are earning MGT and receive a misconduct report are taken off MGT for ninety (90) days and must maintain clear conduct.

Inmates who committed their crime before June 19, 1981, may lose a maximum of 100% of MGT. Inmates who committed their crime on or after June 19, 1981, but before May 18, 1988, are only eligible to lose 50% of good time earned for the previous year. The remainder is vested time.

- u. Review Sections 2, 4 and 6 of the inmate file for detainers, warrants, grand jury indictments, criminal complaints, target letters and untried indictments, also review the CMIS for possible warrants or detainers:
 - 1) Interstate agreements on detainer forms; see Section 4.
 - 2) Issues regarding detainers, see procedure *CD-040104*.
 - v. Follow-Up Procedure on Parole Violators:
 - 1) Follow-up with the Parole Officer regarding parole violations to verify if the inmate has new charges or pending charges. See Section 6 in the violation report.
 - 2) In cases of parole violation, contact the county District Attorney's office where the inmate was serving parole to check for new charges or pending charges.
 - w. The Records Manager or Records Coordinator is responsible for updating new detainers and/or warrant information on the CMIS system. Such Detainers or Warrants should be indicated in the "Detainer" section.
3. Pre-release procedures will be handled in accordance with the **Release Checklist Form (CD-040101.3)**.

I. **Release Checklist:**

1. Inmates who have been convicted of or have pending charges for serious or high-profile crimes, will have their file color-coded with red tape by using a highly visible red tape placed over the outer cover. This will be the indicator to all staff that release from the institution must be closely monitored.
2. Sixty (60) to thirty (30) days prior to the release of an inmate on parole or discharge from the facility, it shall be the responsibility of the Records Coordinator, Advanced Inmate Records Coordinator and Records Manager to conduct an audit of the entire inmate's file in accordance with the **Release Checklist Form (CD-040101.3)**.
3. The Records Manager shall ensure that the **Release Check List** is signed by appropriate staff; that records staff forward the **Release Check List** to the Central Office Classification Bureau no less than thirty (30) calendar days prior to an inmate's projected release date; and that the **Release Check List** is placed in the inmate's file prior to the inmate's release.
4. Classification Officers shall be responsible for Probation and Parole Notification to Region Managers and Transition Coordinators as required in section C of the Release Checklist. The Notification shall be made at least sixty (60) days prior to an inmate's release.
5. The Records Manager will ensure that all Records Staff have printed their name legibly (as reviewer) on the Inmate File Audit Form after they have completed their file audit.
6. The following checks shall be conducted by the records staff within the following time frames.
 - a) Ten days prior to release, the CMIS will be checked for appropriateness of release. Records Coordinators are responsible for ensuring that inmates are on the release list in the CMIS (Only when discharge and/or parole certificates are in the inmates file) and responsible for ensuring that the release list is accurate (e.g. inmates that have paroled or discharged are removed from the list).
 - b) Thirty (30) days prior to release, the NCIC printout will be obtained in order to check for any outstanding wants or warrants on the inmate. A copy of the NCIC report will be placed in Section 2 of the file prior to sending it to RDC. When/If an inmate is placed on IHP for any length of time, the Release Checklist will be resubmitted to CBC and a (1) one day wants and warrant check will be run prior to the inmate paroling/discharging.
 - c) One (1) day prior to release, a wants and warrants check will be conducted to check for any outstanding charges on the inmate.
 - d) Internet site www.nmcourts.com will be checked for pending charges.
 - e) The Records Manager will ensure the correct Parole Term has been applied to

the Hardcopy of the GTFS and CMIS before the inmate is being paroled.

7. All contacts with the custodian of records for the detaining authority, (courts, District Attorney's office, county jails, etc.), will be documented in the inmate file on the NMCD **Contact Chrono** (CD-080102.12) to include the full name and title of the individual contacted, the date and time of the discussion, the telephone number called and a full description of what was discussed.
8. The detaining authority must be notified by the Records Coordinator of the inmate's release from the facility thirty (30) days prior to the inmate's release, with a follow-up notification five days prior to the inmate's release.
9. In the event that the Classification staff and/or records staff are unable to obtain a certified copy of an inmate's detainer from the detaining authority, it shall be the responsibility of the Records Manager to draft a letter for the Warden's signature to be sent to the detaining authority requesting the certified copy of the detainer. This will be documented on a **Contact Chrono** (CD-080102.12).
10. If a detainer has been dropped by the detaining authority, it shall be the responsibility of the Records Manager to obtain written notification of the dismissal. Verbal confirmation will not be acceptable.
11. At the time that an inmate is released from the facility to a detainer, it is the responsibility of the Records Coordinator to provide a copy of the parole discharge certificate to the agency that takes the inmate into custody.
12. In the event you have an inmate who has a detainer (s) lodged against him/her, and the inmate dies in the custody of NMCD, it is the responsibility of the Records Manager to notify the agency of the death.
13. In the event an inmate has multiple detainers, it is the responsibility of the Records Manager to notify all agencies that lodged a detainer against the inmate, as to the inmate's date of release and what agency the inmate was released to. This will ensure that these agencies follow-up with a detainer with the agency that has custody of the inmate.

J. Issue Number Only (INO)

1. It shall be the responsibility of the Records Manager to ensure INO files are maintained and Goodtime is updated Per Policy.
2. It shall be the responsibility of the Records Manager to ensure that all INO files have Detainers Letters from the New Mexico Department of Corrections filed with the other jurisdiction where the inmate is being housed. (i.e. Federal Custody etc.)
3. It shall be the responsibility of an assigned Classification Officer to monitor and process good time credits in accordance with good time policies CD-08200 Good Time Deductions, CD-080600 Meritorious Deductions, CD-080400 Earned Meritorious Deductions.

4. It shall be the responsibility of the Records Manager to ensure quarterly/monthly goodtime is posted on the hard copy of the goodtime figuring sheet and the CMIS.
5. An (INO) inmate who completes his or her New Mexico prison sentence in another jurisdiction and does not serve any of their sentence in a NMCD facility or NMCD contract facility is not required to serve a parole term. However, an INO inmate who is returned to the NMCD to complete serving the remainder of their New Mexico sentence is required to serve the mandatory parole term.
6. It shall be the responsibility of the Records Manager to ensure INO inmates are scheduled for transports back to the New Mexico Department of Corrections to complete serving the remainder of their New Mexico sentence.
7. It shall be the responsibility of an assigned Classification Officer to do a parole plan when the INO inmate is returned to the New Mexico Department of Corrections.

K. Notifications:

In compliance with State law, the Corrections Department will work in concert with the District Attorneys and the Adult Parole Board in a coordinated effort to notify victims, witnesses or others of escapes and releases in a timely and appropriate manner.

1. Victim Notification:

All victim notifications shall be handled in accordance with Policy *CD-045000* and Procedure *CD-045001* (Victim's Services).

2. Probation Portion of Sentence:

The Classification Officer is responsible for notifying the inmate of any supervised probation that the inmate may be required to serve and forwarding a completed **Probation Notification** Attachment (*CD-040101.A*) to the Records Manager.

The Classification Officer will then give to the completed form to the Records Coordinator to file the attachment in Section 6 of the inmate file and the Classification Officer will forward a copy of the **Probation Notification to the Probation/Parole Division Regional office** in the case of a facility discharge. In the case when an inmate is released on parole with concurrent probation, the Records Coordinator will send a copy of the attachment with the parole certificate to the Parole Officer, prior to the inmate's release.

3. Sex Offender Notification:

All sex offender notifications shall be handled in accordance with Policy *CD-040900* and Procedure *CD-040901* (Sex Offender Registration).

4. Parole and Discharge Files:

- a. All inmates will be photographed by the facility prior to release; the photos will be placed in the inmate file and updated on the CMIS.

- b. Records Coordinator will forward updated parole and discharge files to the Reception and Diagnostic Center within five days of release.
- c. Interstate Compact releases: Records Coordinator will forward the Parole Certificates, Travel Permits and a Departure Notice to the Interstate Compact Services office.

L. **Intrastate Transfer of Inmate Records**

1. The Reception and Diagnostic Center will be responsible for all transfers of inmates from one institution to another institution within the State.
 - a. No inmate will be transferred intrastate without a complete Inmate Record and the Criminal Management Information System. The inmate file will be stored in the Institution's Inmate Records Department if the institution receives an inmate after office hours, on weekends or on holidays.
 - b. All institutions will insure that each record file room is accessible to key employees on a twenty-four-hour basis.
 - c. Each institution will be responsible for developing internal procedures consistent with this policy.
 - d. Updated case files or a summary for any inmate shall be transferred from one institution to another simultaneously. Summaries, originals, or copies of the health record shall accompany the inmate to the facility to which he or she is transferred. All case files shall be transferred within seventy-two (72) hours. **[2-CO-1E-04] [5-ACI-1E-02]**
 - e. Each institution shall maintain a daily report on inmate population movement. **[5-ACI-1F-10]**
2. **Institutional Responsibilities:**
 - a. The Classification Bureau Chief will notify the sending facility of the intent to transfer an inmate one (1) working day before the transfer is to take place (unless an emergency) and will request that the Inmate Record be prepared for the transfer from the holding institution.
 - b. The Facility Records Staff & Classification Staff will collect and verify the completeness of information in the Inmate Record, including parole certificate, revocation papers, misconduct reports and all filing. Good time will be updated prior to the transfer to include the updated information in the Criminal Management Information System.
 - c. The Records Coordinator will prepare the Dress Out and/or any release forms.
 - d. The Records Coordinator will prepare in triplicate (3) the **File Transfer Receipt Form (CD-040101.4)** and sign all three copies. After the RDC Transport Officer signs all three copies the Records Coordinator will keep one copy, the second

and third copy will be given to the RDC Transport Officer. The RDC Transport Officer will keep a copy of RDC Transport and the third copy will go to the Records Coordinator where inmate is being transferred to.

- e. If an inmate is within thirty (30) days of release, the Records Manager shall notify the Central Office Classification Bureau so that the transport will be cancelled.

3. RDC Transportation Officer's Responsibilities:

- a. The RDC Transportation Officer, when picking up the inmate at the sending institution, will secure the complete Inmate Record, all pertinent information and any release forms from the sending institution.
- b. The RDC Transportation Officer will clear the inmate through the Chief of Security or Warden of the sending institution.
- c. The RDC Transportation Officer will transport the inmate, complete Inmate Record and all pertinent information and forms to the receiving institution.
- d. The Warden or a designee of the receiving institution will sign the transfer form and keep one copy.

NEW MEXICO CORRECTIONS DEPARTMENT
Request for Records

Date: _____

SUBJECT: Request for Records

Dear, _____

You have requested a copy of the institutional file for inmate _____, Offender# _____. Enclosed is a true and correct copy of the file with the exception of the following items that, if contained in the file, are being withheld for the reasons set out below.

1. Any investigations, reports or other documents containing confidential information.
2. Any pre-sentence report, pre-parole report or supervision history while on probation or parole.
3. Any admissions summary or progress report.
4. Any police reports.
5. Any death certificate.
6. Any FBI Criminal History or "rap sheets".
7. Any enemy alert card.
8. Any escape flyer.
9. Any visitor questionnaires or application forms.

This information is being withheld pursuant to various legal authorities, including, but not limited to NMSA 1978 Sections 31-21-6, 14-2-1, as amended.

RELEASE CHECKLIST

Inmate Name: _____ Offender #: _____ Facility: _____

DOB: _____ SSN: _____ Projected Release Date: _____

Parole, Discharge or Discharge to Probation (Circle One)

Yes No

A. Sentence Structure:

1. All Judgment and sentences match all good time figuring sheets?
2. Calculations are correct:
3. Good time recorded properly in file and on offender management system and documentation is in file:
- a. Forfeited Goodtime: _____
- b. Restored Goodtime: _____
- c. LSA's _____
4. Misconduct reports are reviewed for proper processing of forfeitures and restorations:
5. Misconduct reports are reviewed for possible pending charges (e.g. Assaults or possession of dangerous contraband)
Contact Person and Phone number: _____
6. Parole term(s) are correct?
7. Was victim notification sent? Date Sent: _____
8. Is the Offender currently serving or has served a sentence for a Sex Offender?
YES: _____
NO: _____

If yes, has the Notice to Register been completed and faxed to the Sheriffs Department, Department of Public Safety and the Records Bureau?

YES: _____ Date Sent: _____
NO: _____

B. Detainers/Wants/Warrants:

1. Has inmate ever been to court (If yes continue to a and b)
- a. If yes reason out to court _____
- b. If for pending charge, what was the disposition _____
2. File and offender management system has been reviewed for pending charges (Detainers and Warrants)
3. Agency contacted for pending charges _____ Contact Person and Phone number _____

4. Internet site www.nmcourts.com has been checked.

RELEASE CHECKLIST
(Continued)

C. Probation and Parole Notifications:

- 1. Probation Term: If yes attach copy of e-mail notification to Region Manager and Transition Coordinator.
- 2. Parole Term: If yes attach copy of e-mail notification to Region Manager and Transition Coordinator.
- 3. Discharge: If yes attach copy of e-mail notification to Region Manager and Transition Coordinator (County of conviction).

D. Miscellaneous:

- 1. Current photo from offender management system _____(within ninety (90) days of release)
- 2. Date DNA test completed _____
- 3. Date NCIC Triple I form completed and reviewed thirty (30) days prior at facility _____
- 4. Records Manger has verified the correct Parole term has been applied to Hardcopy /Offender Management GTFS.
- 5. Records Manger has verified that all Records Staff names are printed their legibly on the Inmate File Audit Sheet/Inmate File Audit Comment Form.

Records Coordinator (Print/Signature)

Date:

Advanced Inmate Records Coordinator (Print/Signature)

Date:

Records Manager (Print/Signature)

Date:

Classification Officer (Print/Signature)
Initiate sixty (60) days in advance of the inmate's release.

Date:

Contract Monitor (Print/Signature)

Date:

CBC Use Only

Date Wants and Warrants report run and checked _____

CBC Administrator Signature _____

Comments: _____

NEW MEXICO CORRECTIONS DEPARTMENT
Probation Notification

Date: _____

To: *Probation/Parole Officer or Region Manager*

From: _____ Classification Officer

RE: Probation Notification

Probation/Parole Officer or Region Manager

Please be advised that inmate _____ Offender # _____ will be released on Parole/Discharge on _____. The Judgment and Sentence indicates that this offender has probation supervision in your county. If I can be of further assistance please contact this office at (505) _____.

Inmate Notification

Notice to inmate _____ Offender # _____. You are hereby notified of probation supervision in the county of _____, and are ordered to report to the Probation/Parole office in that county.

Inmate Signature: _____ Date: _____

CC: Inmate
Inmate File

NEW MEXICO CORRECTIONS DEPARTMENT
Inmate Record Index

TOP LEFT

- A. Photograph (Current Photos Only)
- B. Escape Flyer (Current flyer-Destroy other)
- C. Alert Cards (Transfer information to new card-destroy other)
- D. Inmate Record Index
- E. Chronological Data (Classification, medical, dental, mental health, segregation chronos)

TOP RIGHT

- *A. Good Time Figuring Sheet
- B. Movement Sheet (Court & Seg.)
- C. Committee Action Sheet
- D. Inmate File Audit Form
(Inmate file audit comment form)

INFORMATION FILED IN EACH SUB-SECTION WILL BE MAINTAINED IN CHRONOLOGICAL ORDER.

Section I Classifications:

- A. Custody Scoring Form (Current and last 3 scoring forms)
 - 1. Behavioral Observation Form
 - 2. Special Management Forms and Attachments
 - a. CD-141001.1 (Predatory Behavior Management Referral form)
 - b. CD-141001.2 (Predatory Behavior Management Placement form)
 - c. CD-141002.1 (Predatory Behavior Management Progression/Regression form)
 - d. CD-141002.2 (Temporary Suspension of Privileges)
 - e. CD-141002.3 (Individual Inmate Behavior Log)
 - f. CD-141003.1 (Predatory Behavior Management Release Review)
 - g. CD-141003.2 (Predatory Behavior Management Hearing Notice)
 - h. CD-141001.A (Appeal of Predatory Behavior Management Placement or Retention Decision)
 - i. CD-141101.1 (Voluntary Request for Protective Custody)
 - j. CD-141500.1 (Restrictive Housing/PHD Placement Form/Temporary Restrictive Housing)
 - k. Special Management Population referral memorandum with Approval or Denial
 - l. Drug Suppression Unit Recommendation
 - m. CD-14200.1 (Unit Management Team DSU Completion Decision)
- B. Classification Committee Hearing Notice
- C. Inmate Classification Review and Assessment
- D. Quarterly Good Time
- E. Institutional Work Assignment (To be kept only if award is not full credit)
 - 1. Work Assignment / MD / SSGT / & LSA Recommendations / Inmate time card
 - 2. Corrections Industries Good Time Recommendation
 - 3. Community Corrections / ISP Good Time Recommendations
- F. Recommendation for Restoration of Forfeited Good Time
- G. Recommendation/Reinstatement to Earn Good Time
- H. All Recommendations for Lump Sum Good Time Awards
- I. Termination and/or Forfeiture of Good Time / Meritorious Deductions
- J. Offender Management System Good Time Figuring Sheets
- K. Work/ School Release Program Agreement
- L. Application and Agreement for Assignment
- M. Community Activity Information
 - 1. Community Activity Furlough
 - 2. Community Activity Furlough Sponsor's Agreement

NEW MEXICO CORRECTIONS DEPARTMENT

Inmate Record Index

(Continued)

- N. Furlough Sponsor's Agreement (Furlough Sponsor's Information Form)
- O. Application for Furlough
- P. Furlough Agreement
- Q. Escorted Furlough Information
 - 1. Escorted Furlough Application
 - 2. Escorted Furlough Authorization
- R. Family Visitation Log (Family Visitation Request Forms)
 - 1. Clearance memo
 - 2. Internal clearances from medical and mental health
 - 3. Documents of relationships (Birth certificates – marriage license)

Section II Reception and Diagnostic Data:

- A. Special Needs Form (Native American Identification)
- B. Admission Summaries
 - 1. New Commitments
 - 2. Update for Parole Violators and Re-Admitted Diagnostic Evaluatees
- C. Pre / Post Sentence Report, Police Report, Case Material
- D. FBI Rap Sheet
- E. NCIC Report
- F. FBI Fingerprint Card
- G. Urinalysis Drug Testing
- H. Authorization and Emergency Notification for Money and Clothing (Personal property and disposition inventory sheet)
- I. Receipt for State Prisoner
- J. Transport Memorandum
- K. Orientation Form for Intakes
- L. Sixty Day Diagnostic Evaluation

Section III Inmate Adjustment:

- A. Disciplinary Report Log
- B. Disciplinary Reports
 - 1. Completed Adjudicated Disciplinary Packets (Guilty findings only – no dismissals)
 - 2. Completed Adjudicated Disciplinary Appeals and Decisions
- C. Inmate Requests / Referrals for Administrative Segregation
 - 1. Placement
 - 2. Request for Administrative Segregation
 - 3. Waiver of Protective Custody
 - 4. Administrative Segregation Committee Hearing
 - 5. Individualized Treatment Plan (ITP)
 - 6. Notification of Administrative Segregation Classification Hearing
 - 7. Waiver of Committee
- D. Institutional Progress Reports
 - 1. Out-of-State Progress Reports
 - 2. Documentation on Inmate's Behavior

NEW MEXICO CORRECTIONS DEPARTMENT

Inmate Record Index

(Continued)

Section IV Legal:

- A. Active Detainers
 - 1. Detainers
 - 2. Form USM 16
 - 3. Form I 127
 - 4. Interstate Compact Detainer Forms I through VII
- B. Court Documents
 - 1. Judgment and Sentence
 - 2. Commitment Papers
 - 3. Court Orders Affecting Sentence Computation
- C. Inactive Detainers
 - 1. Detainers
 - 2. Interstate Agreement Detainer
 - 3. Fugitive Writs (NM) – (Out-of-State)

Section V General Information:

- A. Internal (Institutional / Departmental)
 - 1. Inmate Request Regarding Classification, Complaints and Inquiries
 - 2. Memos Referencing the Inmate (Victim Notification, etc)
 - 3. Correspondence from Inmate
 - 4. Mail Room Logs
 - 5. Visiting Questionnaire and Statement of Understanding (English) and/or (Spanish)
 - 6. Visiting Logs
 - 7. Legal Consultation Forms
 - 8. Community Corrections Forms
- B. External (Non-departmental)
 - 1. Inquiries from other Agencies / States
 - 2. Requests That Need to be documented
 - 3. Information Provided by Us to Outside Agencies / States
 - 4. Notification of Immigration and Naturalization Services of Incarcerated Foreign Nationals
 - 5. Inquiries / Correspondence from Family or Friends of Inmates
 - 6. Attachment CD-040101.A (Victim Notification of Parole / Discharge)
 - 7. DNA
 - 8. 45 & 1 Drug Test Memorandums

Section VI Probation and Parole:

- A. Probation and Parole
 - 1. Parole Revocation Memo from Parole Board
 - 2. Retake Warrants
 - 3. Parole Revocation Hearing Memorandum
 - 4. Preliminary Hearing Materials (Findings of fact, conclusions, recommendation, waiver of hearing, notice of hearing, etc)
- B. Institution
 - 1. Discharge Certificate / Parole Certificate
 - 2. Parole Plan Investigation Requests (Inter-state and intra-state)
 - 3. Parole Board Actions
 - 4. Progress Reports
 - 5. Attachment CD-040901.A (Sex Offender Registration)
 - 6. Attachment CD-040101.B (Probation Notification)
 - 7. Form CD-080102.11 (Release Checklist)
 - 8. New Mexico Courts.com
- C. Community Corrections Form



NEW MEXICO CORRECTIONS DEPARTMENT

Secretary
Alisha Tafoya Lucero

CD-040102 Release of Inmate for Court	Issued: 5/31/91 Effective: 5/31/91	Reviewed: 07/31/23 Revised: 6/9/16
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

AUTHORITY:

Policy *CD-040100*

PROCEDURES:

A. Inmate Transport Orders:

The following procedures shall apply to any inmate who requires transport from an NMCD facility for the purpose of a court appearance in any New Mexico jurisdiction.

1. The Central Bureau Classification (CBC) Administrative Assistant will be contacted by the County Sheriff's Department and/or the District Attorney's Office to determine the location of the inmate.
2. A copy of the Transport Order issued by the court will be faxed to the CBC Administrative Assistant.
3. The CBC Administrative Assistant will enter the Transport Order into the Criminal Management Information System (CMIS) and will delete the CMIS entry following the inmate's return from court.
4. The CBC Administrative Assistant will contact the Records Coordinator/Health Services Administrator at the facility where the inmate is located to advise them of the court appearance and will fax the Transport Order to the institutional Records Department/Health Services Administrator.
5. The Records Department will ensure that the Transport Order is filed in Section 4 of the inmate's file and will notify appropriate staff of the inmate's pending court appearance.
6. The Records Coordinator will note (in bold print in the comment section of the dress-out form) that the inmate is to be returned to the Corrections Department upon completion of court proceedings. **EXCEPTION:** If the inmate is paroled or discharged to the detainee, he will not be returned to the sending facility.

7. The Records Coordinator will request STG-related information from the institutional STG Coordinator, who will provide the STG card or will notify the Records Manager that there are no STG concerns.
8. The Records Coordinator will provide a copy of the inmate's Escape Flyer/ CBC Summary Review Report obtained from the CMIS to the Transporting Sheriff's Officer.
9. The Shift Commander will visually verify the identity of the inmate to be released by comparing the escape flyer to the inmate. The Shift Commander will also verify the identification of the Transporting Officer and ensure that he or she has provided the original certified copy of the transport order.
10. The Shift Commander will document the release of the inmate in the Master Control Log, which will include the receiving agency, date, time and signature of the Shift Commander.

B. Release of Inmate for Court Appearances:

The following procedures shall apply to inmates who are released from the facilities to the Sheriff's Department for court appearances:

1. The Sheriff's Officer will present photo identification at the facility.
2. The Sheriff's Officer must present the original certified copy of the Transport Order issued by the court.
3. The Sheriff's Officer will take custody of the inmate at the facility and sign for receipt of the inmate.
4. The Correctional Officer/Records Coordinator at the Facility will photocopy the identification of the Sheriff's Officer.
5. In the event you have an inmate who has a detainer (s) lodged against him/her, and the inmate dies in the custody of NMCD, it is the responsibility of the Records Manager to notify the agency of the death.
6. In the event an inmate has multiple detainers, it is the responsibility of the Records Manager to notify all agencies that lodged a detainer against the inmate, as to the inmate's date of release and what agency the inmate was released to. This will ensure that these agencies follow-up with a detainer with the agency that has custody of the inmate.



NEW MEXICO CORRECTIONS DEPARTMENT

Secretary
Alisha Tafoya Lucero

CD-040103 Central Office Records	Issued: 5/31/91 Effective: 5/31/91	Reviewed: 07/31/23 Revised: 6/9/16
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

AUTHORITY:

Policy *CD-040100*

PROCEDURES:

A. Maintenance and Security of Central Records Unit:

1. The maintenance and security of all central, manual and automated inmate records are the responsibility of the Records Bureau of the Adult Prisons Division.
2. Records shall never be removed from the Records Bureau area unless prior authorization is obtained from the Records Bureau Chief or designee. Records will be logged out on the designated sign-out sheet. Records can only be checked out of the Records Bureau between 8:30 a.m. and 4:30 p.m. unless prior authorization is obtained from the Records Bureau Chief or designee.
3. Access to areas where inmate files are stored is limited to authorized personnel during normal operations. The Records Bureau Chief will determine who is authorized to have access to these areas.
4. Inmate records shall be duplicated by records staff only. The Records Bureau Chief may authorize duplication by other employees, but only under the direct supervision of Records Bureau staff.

B. Coordination of Corrections Department Records Activities:

1. The Records Bureau is responsible for assisting with the interpretation of judgments, good time policies, New Mexico sentencing laws, detainer issues, and interstate agreements on detainers/extraditions. The Records Bureau will provide training for all facility records managers including those at the private facilities. The Records Bureau will conduct forty (40) hours of initial records training at Central Office or at other locations for all New Hires within (6) six months of their hire date.
2. The Records Bureau Chief also conducts quarterly Records Managers' meetings to distribute new information and reiterate on issues of concern to the Corrections Department regarding inmate records.
3. The Records Bureau Chief will provide documentation of any training and/or minutes of quarterly meetings, to each facility for staff training files.

C. The Records Bureau Chief acts as a Liaison between the Corrections Department and other agencies. Responsibilities consist of the following:

1. Agreements Administrator for the State of New Mexico: The Records Bureau Chief assists all counties in the State of New Mexico in returning individuals to face prosecution for untried charges. The process for returning persons for prosecution to the State of New Mexico is in accordance with the “*Inter-State Agreement on Detainers*”.
 2. Retrieve inactive inmate files stored at the State Records Center: These files are to be retrieved when an inmate returns to the Corrections Department, and for pen packets, court hearing, correspondence with inmates and the public, and news media.
 3. Answer inquiries received by correspondence or telephone calls directed to the Corrections Department from the general public and law enforcement agencies, (e.g. District Attorney’s office, Sheriffs’ Departments, FBI, U.S. Marshall, etc.) regarding inmate incarceration history.
 4. Assist in the return of inmates who have escaped from the custody of the New Mexico Corrections Department or who have violated parole.
 5. Distribution of Pen Packets: Pen packets consist of inmate file information, such as photos, finger print cards, judgment and sentences. District Attorneys (nationwide), ATF, U.S. Marshall and various other law enforcement agencies require this material for habitual offender prosecution.
- C. The Records Bureau Chief will conduct audits of the records section of each facility. The Records Bureau Chief may request assistance from a records manager at another facility. The audits will be conducted annually at all facilities including the private units. The Records Bureau Chief will schedule and notify all units thirty (30) days prior to the audit. Ten percent of the files will be audited.



NEW MEXICO CORRECTIONS DEPARTMENT

Secretary
Alisha Tafoya Lucero

CD-040104 Detainer Process	Issued: 5/31/91 Effective: 5/31/91	Reviewed: 07/31/23 Revised: 6/9/16
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

AUTHORITY

Policy *CD-040500*

PROCEDURES

A. Receipt of Detainer:

1. The Records Manager and/or Records Coordinator shall indicate receipt of the **Notice of Detainer** in the inmate's file. The file will be properly marked with a highly visible flag. This will consist of red flag indicating "**DETAINER**" to be placed over the **ESCAPE FLYER**. The detainer documentation will be filed in Section 4 of the inmate file. CMIS will also be updated to reflect the detainer information.

If the detainer is from another state and is an untried case, the Records Manager and/or Records Coordinator will be responsible for submitting **IAD Form I - Notice of Untried Indictment, Information or Complaint and of Right to Request Disposition** Form (*CD-040104.5*) to the inmate. A copy of Form I will be maintained in the inmate's file.

2. The Records Manager and/or Records Coordinator will immediately notify the Classification Officer of the detainer for scoring purposes. A copy of the detainer will be provided to the inmate by the Records Manager and/or Advanced Records Coordinator.
3. The Records Manager and/or Records Coordinator will be responsible for serving the inmate with a detainer from the U.S. Marshall.
4. The Records Coordinator or manager will check the status of any detainer at each facility on a semiannually basis when written documentation is in the file using the CMIS Detainer and Hold Module. The Records Coordinator or manager will ensure that all fields in this module have been entered properly. The Records Coordinator or Records Manager shall enter the new "Agency Notified Date" and shall update the disposition, if any, of each detainer.
5. All contacts with the custodian of records for the detaining authority, (courts, District Attorney's Office, county jail, etc.) will be documented in the inmate file on a **Contact Chrono** Form (*CD-080102.12*) to include the full name and title of the individual with whom spoken, the date, the telephone number and a description of what was discussed.

B. Pre-Release Notification

1. The Records Manager and/or Records Coordinator is responsible for notifying the detaining agency, in writing or by phone, of an inmate's anticipated release date 30 days prior and then again at 5 days prior to that release date. A copy of the correspondence must be placed in the inmate's file.

C. Interstate Agreement on Detainers (IAD) – Article III (Prisoner's Request for Final Disposition)

If the inmate agrees to return,

1. The inmate must inform the Records Manager and/or Records Coordinator in writing of his or her intention to return to that jurisdiction for prosecution.
2. The Records Manager and/or Records Coordinator will then issue **IAD Form II - Inmate's Notice of Place of Imprisonment and Request for Disposition of Indictments, Information's or Complaints Form (CD-040104.6)**, **IAD Form III - Certificate of Inmate Status Form (CD-040104.7)** and **IAD Form IV – Offer to Deliver Temporary Custody Form (CD-040104.8)** to the prosecuting agency. These forms will be sent by certified mail to the prosecuting agency. The certified mail documentation shall be maintained in the inmate's file.
3. Once the prosecutor receives the above forms, the prosecuting authority must submit **IAD Form VI - Evidence of Agent's Authority to Act for Receiving State form (CD-040104.10)** and **IAD Form VII - Prosecutor's Acceptance of Temporary Custody Offered with An Inmate Request's For Disposition of Detainer form (CD-040104.11)** prior to assuming custody.
4. The prosecuting agency then has 180 days from receipt of the forms in which to pick up the inmate and return him/her to that jurisdiction for prosecution. The inmate must be returned after sentencing. The prosecuting agency should submit **IAD Form IX - Prosecutor's Report of Disposition of Charges form (CD-040104.13)**.

D. Article IV “ Prosecutor's Request for Final Disposition:

1. The detaining agency may request temporary custody by issuing **IAD Form V - Request for Temporary Custody form (CD-040104.9)**.
2. The Records Manager and/or Records Coordinator will then issue a letter to the Governor of the State of New Mexico along with **IAD Form III - Certificate of Inmate Status form (CD-040104.7)** and the detainer. The letter will indicate the prosecuting state's interest in prosecuting the inmate.
3. The Governor will have thirty (30) days in which to grant temporary custody or take no action.
4. If no response is received, an Advisement of Rights hearing will be scheduled. The Records Manager and/or Records Coordinator are responsible for coordinating this hearing with the local District Attorney's office. The courts will then issue an order determining the next

course of action.

E. Verbal Notification of a Detainer:

1. A verbal detainer will be honored for ninety (90) days. If after two (2) monthly phone calls (documented on a CHRONO) and written notice has been sent to the agency placing the verbal hold does not result in a certified copy of detainer, the agency will be notified by the Records Manager and/or Records Coordinator in writing that the verbal hold will no longer be honored.
2. Immediately upon notification of a verbal detainer, the Classification Officer or Facility Records staff will document the name of the individual placing the verbal detainer, the date of contact and the agency the individual is representing in the inmate's file. CMIS will be updated by facility records staff.
3. A certified copy of the detainer must be sent to the Corrections Department if the agency having pending charges wishes to be notified of the inmate's pending release.
4. If documentation has not been received after ninety (90) days, it is the Records Manager and/or Records Coordinator's responsibility to check with the agency issuing the verbal detainer and clear the detainer if no documentation has been received.
5. Requests to drop or continue a verbal detainer must be documented and placed in the inmate's file.
6. The Records Manager and/or Records Coordinator is responsible for notifying the detaining agency, in writing or by phone, of an inmate's anticipated release date thirty (30) days prior and then again at five (5) days prior to that release date. A copy of the correspondence must be placed in the inmate's file.

F. Release to Detainer:

1. Inmates who are discharged to a detainer and who demanded disposition of the charges do not need an extradition hearing.
2. Inmates who are to be discharged to a detainer from an out-of-State jurisdiction and who are not scheduled to return under the IAD must be scheduled for an extradition hearing in the judicial district in which the New Mexico facility last holding the inmate is located.
3. Inmates who parole to a detainer in another state do not need an extradition hearing. By signing the parole certificate, the inmate in effect is waiving extradition.

G. Issue Number Only (INO)

1. It shall be the responsibility of the Records Manager to ensure that all INO files have Detainer Letters from the New Mexico Department of Corrections filed with the other jurisdiction where the inmate is being housed. (i.e. Federal Custody etc.)

APPENDIX L - AGREEMENT ON DETAINERS

Procedure Used When Inmate Initiates
 Request for Disposition of Charges Pending in Receiving State

<u>Step</u>	<u>Action Initiated By</u>	<u>Action</u>	<u>Form Number</u>
1	RECEIVING STATE PROSECUTOR	Detainer lodged with warden.	I
2	WARDEN	Notifies inmate of pending charges.	I
3	INMATE	Requests disposition of charges.	I
4	WARDEN	Certifies inmate's status and offers Temporary custody.	III IV
		Attaches Forms III and IV to Form II and sends by registered or certified mail, return receipt requested, to prosecutor. The <u>180-day time limitation</u> starts the day the return receipt is signed.	
5	RECEIVING STATE PROSECUTOR	Accepts offer of temporary custody.	
6	RECEIVING STATE PROSECUTOR	Requests agent's authority to act for receiving state.	VI
7	AGREEMENT ADMINISTRATOR	Authorizes agent to act for receiving state. Forwards copy to warden, DOC accounting office, and returns 2 copies to prosecutor.	VI
8	PROSECUTOR	Following sentencing, notices detainer administrator of disposition of charges.	IX

NEW MEXICO CORRECTIONS DEPARTMENT

APPENDIX L - AGREEMENT ON DETAINERS

Procedure Used When Receiving Prosecutor Initiates
Process for Bringing Inmate to Trial

<u>Step</u>	<u>Action Initiated By</u>	<u>Action</u>	<u>Form Number</u>
1	RECEIVING STATE PROSECUTOR	Detainer lodged with warden	
2	WARDEN	Notifies inmate of pending charges.	I
3	RECEIVING STATE PROSECUTOR	Requests temporary custody of inmate for purpose of bringing to trial.	V
4*	WARDEN	Offers inmate the opportunity to invoke right to speedy trial under Article III by signing Form II. If inmate does not sign form II, contact local prosecutor to arrange court hearing.	
5	SENDING STATE PROSECUTOR	Takes inmate to court for "Cuyler hearing"; furnishes court with copy of form V and Supporting documents (provided by correctional officials).	
6	COURT	Conducts arraignment (similar to extradition hearing). Advises inmate of right to counsel and to habeas corpus. If habeas corpus denied (or not sought by inmate): court authorizes delivery of inmate to receiving state –OR- court stays delivery to allow for habeas corpus to higher court.	
7	WARDEN	After court proceedings conclude, and 30 days have passed from the receipt of the prosecutor's IV request for temporary custody, certifies inmate's status and offers temporary custody.	III IV

NEW MEXICO CORRECTIONS DEPARTMENT

8	PROSECUTOR	Act for receiving state.	VI
9	AGREEMENT ADMINISTRATOR	Authorizes agent to act for receiving state. Forwards copy to warden in sending state, copy to DOC accounting office, two copies to receiving state prosecutor.	VI
10	AGENT	With proper authority and credentials, receives custody of inmate, return to receiving state. <u>Inmate must be brought to trial within 120 days of arrival in receiving state.</u>	
11	RECEIVING STATE PROSECUTOR	Following sentencing notifies Agreement Administrator of disposition of charges.	IX

* This is an optional step; it may benefit correctional personnel and the prosecutor if the inmate Signs a form II.

FORM I

INTERSTATE AGREEMENT ON DETAINERS

One copy of this form, signed by the inmate and the warden, should be retained by the warden. One copy, signed by the warden should be retained by the inmate.

NOTICE OF UNTRIED INDICTMENT, INFORMATION OR COMPLAINT AND OF RIGHT TO REQUEST DISPOSITION

Inmate _____ No. _____ Inst. _____

NOTICE OF UNTRIED INDICTMENT, INFORMATION OR COMPLAINT

Pursuant to the Interstate Agreement on Detainers (IAD), you are hereby informed that a detainer has been lodged for the following untried indictments, information, or complaints against you concerning which the undersigned has knowledge, and the source and contents of each:

(1) Jurisdiction/Agency: _____

Crime(s) charged: _____

(2) Jurisdiction/Agency: _____

Crime(s) charged: _____

(3) Jurisdiction/Agency: _____

Crime(s) charged: _____

RIGHT TO REQUEST DISPOSITION OF CHARGES AND TO SPEEDY TRIAL

You are hereby further advised that under the IAD you have the right to request the appropriate prosecuting officer of the jurisdiction in which any such indictment, information or complaint is pending, and the appropriate court, that a final disposition be made thereof. You shall then be brought to trial within 180 days, unless extended pursuant to provisions of the IAD, after said prosecuting officer and said court have received written notice of the place of your imprisonment and your request, together with a certificate of the custodial authority as more fully set forth in the IAD. However, the court having jurisdiction of the matter may grant any necessary or reasonable continuance

WAIVER AND CONSENT

Your request for final disposition will operate as a request for final disposition of all untried indictments, information or complaints on the basis of which detainers have been lodged against you from the state to whose prosecuting official your request for final disposition is specifically directed. Your request will also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein and a waiver of extradition to the state of trial to serve any sentence there imposed upon you, after completion of your term of imprisonment in this state. Your request will also constitute consent by you to the production of your body in any court where your presence may be required in order to effectuate the purposes of the IAD and a further consent to be voluntarily returned to the institution in which you are now confined.

Should you desire such a request for final disposition of any untried indictment, information or complaint, you are to notify _____ of the institution in which you are confined.

RIGHT TO OPPOSE REQUEST FOR TEMPORARY CUSTODY

You are also advised that under provisions of the IAD the prosecuting officer of a jurisdiction in which any such indictment, information or complaint is pending may request your temporary custody to obtain a final disposition thereof. In that event, you may oppose such request. You may request the Governor of this state to disapprove any such request for your temporary custody but you cannot oppose delivery on the grounds that the Governor has not affirmatively consented to or ordered such delivery. You are also entitled to the procedural protections provided in state extradition laws.

_____ Dated: _____
Warden

CUSTODIAL AUTHORITY

Name: _____

Institution: _____

Address: _____

City/State: _____

Telephone: _____

RECEIVED

INMATE: _____ NO: _____ DATE: _____
(Signature)

WITNESS: _____ DATE: _____
(Signature)

(Printed Name & Title)

FORM II

INTERSTATE AGREEMENT ON DETAINERS

Six copies, if only one jurisdiction within the state involved has an indictment, information or complaint pending. Additional copies will be necessary for prosecuting officials and clerks of court if detainees have been lodged by other jurisdictions within the state involved. One copy should be retained by the inmate. One signed copy should be retained by the institution. Signed copies must be sent to the Agreement Administrators of the sending and receiving states, the prosecuting official of the jurisdiction which placed the detainee, and the clerk of the court which has jurisdiction over the matter. The copies for the prosecuting official and the court must be transmitted by certified or registered mail, return receipt requested.

INMATE'S NOTICE OF PLACE OF IMPRISONMENT AND REQUEST FOR DISPOSITION OF INDICTMENTS, INFORMATIONS OR COMPLAINTS

TO: (1) _____ Prosecuting Officer _____
 (Jurisdiction)
 (2) Clerk of _____ Court _____
 (Jurisdiction)

And to all other prosecuting officers and courts of jurisdictions listed below in which indictments, information's or complaints are pending.

You are hereby notified that the undersigned, _____, is now
 (Inmate's Name & Number)

Imprisoned in _____ at _____.
 (Institution) (City and State)

I hereby request that final disposition be made of the following indictments, information's or complaints now pending against me:

Failure to take action in accordance with the Interstate Agreement on Detainers (IAD), to which your state is committed by law, will result in the dismissal of the indictments, information's or complaints.

I hereby agree that this request will operate as a request for final disposition of all untried indictments, information's or complaints on the basis of which detainees have been lodged against me from your state. I also agree that this request shall be deemed to be my waiver of extradition to your state for any proceeding contemplated hereby, and a waiver of extradition to your state to serve any sentence there imposed upon me, after completion of my term of imprisonment in this state. I also agree that this request shall constitute consent by me to the production of my body in any court where my presence may be required in order to effectuate the purposes of the IAD and a further consent to be returned to the institution in which I now am confined.

If jurisdiction over this matter is properly in another agency, court, or officer, please designate below the proper agency, court, or officer and return this form to sender.

The required Certificate of Inmate Status (Form III) and Offer of Temporary Custody (Form IV) are attached

_____	_____	_____
Inmate's Printed Name & Number	Inmate's Signature	Date

_____	_____	_____
Witness's Printed Name & Title	Witness's Signature	Date

FORM III

INTERSTATE AGREEMENT ON DETAINERS

In the case of an inmate's request for disposition under Article III, copies of this Form should be attached to all copies of Form II. In the case of a request initiated by a prosecutor under Article IV, a copy of this Form should be sent to the prosecutor upon receipt by the warden of Form V. Copies of this Form should be sent to all other prosecutors in the same state who have lodged detainers against the inmate. A copy may be given to the inmate.

CERTIFICATE OF INMATE STATUS

(Inmate)	(Number)
(Institution)	(Location)

_____ hereby certifies:
 (Custodial authority)

1. The inmate's commitment offense(s): _____
2. The term of commitment under which the inmate is being held: _____
3. The time already served: _____
4. Time remaining to be served on the sentence: _____
5. Good time earned/Good time release date: _____
6. The date of parole eligibility of the inmate: _____
7. The decisions of the state parole agency relating to the inmate: (If additional space is needed, use reverse side.) _____

8. Maximum expiration date under present sentence: _____
9. Security level/special security requirements: _____

10. Detainers currently on file against this inmate from your state: _____

Warden

Dated: _____

CUSTODIAL AUTHORITY

Name/Title: _____

Institution: _____

Address: _____

City/State: _____

Telephone: _____

FORM IV**INTERSTATE AGREEMENT ON DETAINERS**

Inmate's request: Copies of this Form should be attached to all copies of Form II. Prosecutor's request: This Form should be completed after the warden has approved the request for temporary custody, expiration of the 30 day period, and successful completion of a pre-transfer hearing. Copies of this Form should then be sent to all officials who receive (d) copies of Form III. One copy also should be given to the inmate and one copy should be retained by the institution. Copies mailed to the prosecutor should be sent certified or registered mail, return receipt requested.

OFFER TO DELIVER TEMPORARY CUSTODY

TO: _____ Prosecuting Officer

(Jurisdiction)

And to all other prosecuting officers and courts of jurisdictions listed below from which indictments, information or complaints are pending.

RE: _____ No. _____
(Inmate)

Pursuant to Article V of the Interstate Agreement on Detainers (IAD), the undersigned hereby offers to deliver temporary custody of the above-named inmate to the appropriate authority in your state in order that speedy and efficient prosecution may be had of the indictment, information or complaint which is

- Described in the attached inmate's request (Form II)
- Described in your request for custody (Form V) of _____
(Date)

The required Certificate of Inmate Status (Form III)

- Is enclosed
- Was sent to you with our letter of _____
(Date)

Indictments, information or complaints charging the following offenses are **also** pending against the inmate in your state and you are hereby authorized to transfer the inmate to the custody of appropriate authorities in these jurisdictions for purposes of disposing of these indictments, information or complaints

Offense:

County or Other Jurisdiction:

If you do not intend to bring the inmate to trial, please inform us as soon as possible.

Warden

DATE: _____

CUSTODIAL AUTHORITY

Name/Title: _____

Institution: _____

Address: _____

City/State: _____

Telephone: _____

City/State: _____ Telephone: _____

I hereby certify that the person whose signature appears above is an appropriate officer within the meaning of Article IV (a) and that the facts recited in this request for temporary custody are correct and that having duly recorded said request I hereby transmits it for action in accordance with its terms and the provisions of the IAD.

Signature: _____

Dated: _____

Judge

_____, Judge

(Printed name)

Court/Judicial District: _____

City/State: _____

Telephone: _____

FORM VI

INTERSTATE AGREEMENT ON DETAINERS

Five copies. All copies, with original signatures by the prosecutor and the agent, should be sent to the Agreement Administrator of their own state. After signing all copies, the Administrator should retain one for his or her files, send one to the warden/superintendent of the institution in which the inmate is located and return two copies to the prosecutor, who will give one to the agent for use in establishing his or her authority and place one in his or her files. One copy should also be forwarded to the Agreement Administrator in the sending state.

EVIDENCE OF AGENT'S AUTHORITY TO ACT FOR RECEIVING STATE

TO: _____
Administrator of the Agreement on Detainers

(Address)

_____ Is confined in _____
(Inmate's name and number) (Institution)

_____ and, pursuant to the Interstate Agreement on Detainers
(Address)

(IAD), will be taken into custody at the institution on or about _____
for delivery to the County of _____, State of _____ for trial.

After the completion of the trial, the inmate shall be returned to the sending state.

In accordance with Article V (b), I have designated the agent(s) named below to return the prisoner.

_____ Dated: _____
(Prosecutor's Signature)

Printed Name: _____ Title: _____

County: _____

Address: _____

City/State: _____ Telephone: _____

Agent(s) printed name(s) and signature(s):

_____ and/or

_____ and/or

TO: Warden/Superintendent

In accordance with the above representation and the provisions of the IAD, the persons listed above are hereby designated as Agents for the State of _____ to deliver _____
(Inmate's Name & Number)
to _____, State of _____ for trial. At completion of the trial
(Jurisdiction)
the above inmate shall be returned to _____.
(Institution & Address)

Signature: _____ Dated: _____
Agreement Administrator

Agreement Administrator: _____

Address: _____

City/State: _____

Telephone: _____

ARRANGEMENTS/INQUIRY: _____

Prosecutor's Signature: _____ Dated: _____

Printed Name/Title: _____

County/Jurisdiction: _____

Address: _____

City/State: _____

Telephone: _____

I hereby certify that the person whose signature appears above is an appropriate officer within the meaning of Article IV (a) and that the facts recited herein are correct and that having duly recorded this acceptance, I hereby transmit it for action in accordance with its terms and the provisions of the IAD.

Judge's Signature: _____ Dated: _____

Printed Name: _____

Court/Judicial District: _____

Address: _____

City/State: _____

Telephone: _____

FORM VIII

INTERSTATE AGREEMENT ON DETAINERS

Six copies. **IMPORTANT: This form should only be used when an offer of temporary custody has been received as the result of a prosecutor's request for disposition of a detainer.** [If the offer has been received because an inmate has initiated the request, use Form VII to accept such an offer.] **Include the bracketed sentence in the first paragraph if you have been offered custody as a result of another prosecutor's request for disposition.** Copies of Form VIII should be sent to the warden, the inmate, the other jurisdictions in your state listed in the offer of temporary custody, and the Agreement Administrators of the sending and receiving states. Each prosecutor in a receiving state jurisdiction should submit a Form VIII in accordance with these instructions. Copies should be retained by the person filing the acceptance and the judge who signs it.

PROSECUTOR'S ACCEPTANCE OF TEMPORARY CUSTODY OFFERED IN CONNECTION WITH A PROSECUTOR'S REQUEST FOR DISPOSITION OF A DETAINER

TO: _____

 Warden

 (Institution)

 (Address) (City/State)

According to your letter of _____,

 (Date) (Inmate's Name & Number)

Is being returned to this state at the request of _____

 (Name & Title of Prosecuting Officer)

of _____ [I hereby accept your offer of temporary custody of the above inmate,

 (Jurisdiction)

who is also under indictment, information, or complaint in _____

 (Jurisdiction)

of which I am the _____

 (Title of Prosecuting Officer)

I plan to bring this person to trial on said indictment, information, or complaint within the time specified in Article IV(c) of the Interstate Agreement on Detainers (IAD).

I hereby agree that immediately after the trial is completed in this jurisdiction, I will return the inmate directly to you or allow any jurisdiction you have designated to take temporary custody. I agree also to complete Form IX Prosecutor's Report of Disposition of Charges, immediately after trial, and return it to your state with the inmate.

Use the following space to make inquiry as to the order in which your jurisdiction will receive custody or to inform the warden of arrangements you have already made with other jurisdictions in your state in this regard.)

ARRANGEMENTS/INQUIRY: _____

Prosecutor's Signature: _____ Dated: _____
Printed Name/Title: _____
County/Jurisdiction: _____
Address: _____
City/State: _____
Telephone _____

I hereby certify that the person whose signature appears above is an appropriate officer within the meaning of Article IV (a) and that the facts recited herein are correct and that having duly recorded this acceptance, I hereby transmit it for action in accordance with its terms and the provisions of the IAD.

Judge's Signature: _____ Dated: _____
Printed Name: _____
Court/Judicial District: _____
Address: _____
City/State: _____
Telephone: _____

FORM IX

INTERSTATE AGREEMENT ON DETAINERS

Four copies. One copy to be retained by the prosecutor; one copy to be sent to the warden, superintendent, or director of the state of original imprisonment; one copy to be sent to the Agreement Administrator of each state.

PROSECUTOR'S REPORT OF DISPOSITION OF CHARGES

TO:

Warden

(Institution in which the Inmate was originally incarcerated)

(Address)

(City/State)

_____, was transferred to the State of

(Inmate's Name & Number)

_____ Pursuant to the Interstate Agreement on Detainers (IAD) for trial

Based on the charge or charges contained in the

IAD Form II (Inmate's Request)

IAD Form V (Prosecutor's Request)

The disposition of the charge(s), including any sentence imposed, in this jurisdiction was as follows:

Please withdraw detainer

Please lodge attached judgment/commitment as a detainer

Contact the following **30 to 60 days prior to release** to make arrangements to return the inmate:

Name/Title: _____

Address: _____

City/State: _____

Telephone: _____

Prosecutor's Signature: _____ Dated: _____

Printed Name/Title: _____

County/Jurisdiction: _____

Address: _____

City/State: _____

Telephone: _____