



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON
OFFENDER/SPANISH MANUALS

REVISION DATE
6/8/20

PAGE NUMBER
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DOC 330.700

POLICY

TITLE
**INTERNATIONAL TRANSFER OF INCARCERATED
INDIVIDUALS**

REVIEW/REVISION HISTORY:

Effective: 1/31/98
 Revised: 7/9/99
 Revised: 1/16/02
 Revised: 12/16/06
 Revised: 10/8/08
 Revised: 8/16/10
 Revised: 6/8/20

SUMMARY OF REVISION/REVIEW:

Major changes to include updating title and terminology throughout. Read carefully!

APPROVED:

Signature on file

STEPHEN SINCLAIR, Secretary
 Department of Corrections

5/7/20
 Date Signed

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REFERENCES:

DOC 100.100 is hereby incorporated into this policy; [RCW 72.68.010](#); [WAC 137-67-020](#); [DOJ Guidelines for Evaluating Prisoner Application for Transfer](#)

POLICY:

- I. The Department will identify incarcerated individuals who are citizens of other nations and will comply with legal mandates and expectations of the United States Department of Justice (DOJ) and United States Department of State regarding advising foreign nationals (i.e., individuals who are citizens of another nation or who have established dual citizenship) of their rights under international law and treaty agreements.
- II. The Department has an established process for applying for transfer to the respective country of citizenship under the International Treaty Agreement.

DIRECTIVE:

- I. General Requirements
 - A. During intake at a Reception Diagnostic Center (RDC), incarcerated individuals are required to identify citizenship. Case managers will inform individuals who have citizenship other than the United States that:
 1. There is the possibility of transfer under the International Treaty Agreement,
 2. Transfers are a privilege rather than a right as outlined in the agreement, and
 3. Transfer requests are voluntary per WAC 137-67-020.
- II. Request to Transfer Under the International Treaty Agreement
 - A. Individuals who are foreign nationals may request transfer under the International Treaty Agreement at any time during their incarceration and will be processed regardless of conduct or programming as long as the individual meets the legal requirements for application and the native country is listed in the [DOJ List of Participating Countries/Governments](#) under the [DOJ International Prisoner Transfer Program](#).
 - B. An individual with any of the following will not be eligible for transfer consideration until resolved:
 1. A detainer not issued by Immigration and Customs Enforcement,

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2. A pending appeal or collateral attack on the current conviction(s),
 3. A pending fine(s)/restitution obligation imposed by a United States court of competent jurisdiction, and/or
 4. A sentence for civil contempt.
- C. When an individual requests a treaty transfer at any time during the Prison sentence after leaving the RDC, the case manager will initiate the [International Treaty Transfer Process](#) to include:
1. Informing the individual of treaty transfer possibilities,
 2. Completing appropriate forms, providing a copy to the individual, and scanning them into the electronic imaging file,
 3. Documenting the individual's request/denial of treaty transfer in the case plan,
 4. Reviewing [DOJ Guidelines for the Evaluation of Transfer Requests Submitted by Foreign Nationals](#) with the individual.
 5. Documenting treaty status at all subsequent classification reviews and submitting updated plan changes and any related documentation (e.g., summary from health services, visitor information) to the Headquarters Classification Unit.
- D. The Headquarters Classification Manager/designee will continue the process in the International Treaty Process, including:
1. Reviewing the Plan Change and documenting the individual's eligibility for transfer.
 2. As appropriate:
 - a. Approve the Plan Change and set target dates consistent with next review dates for subsequent actions,
 - b. Contact the Community Victims Unit or Indeterminate Sentence Review Board (Board) Victim Liaison, if under Board jurisdiction, for input, and
 - c. Attempt to obtain recommendations from other stakeholders (e.g., Prosecuting Attorney's Office, Board, sentencing court).

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3. At the next action due date:

a. Forward the Plan Change to the Headquarters Community Screening Committee (HCSC) with clear recommendations regarding approval/denial.

E. The HCSC will review the Headquarters Classification Manager's recommendation and all related documentation and provide a recommendation that the Headquarters Classification Manager will submit to the Secretary.

1. Recommendations submitted to the Secretary will be documented on DOC 07-026 Formal HCSC Decision and in the Custody Facility Plan.

F. The Secretary will make the final recommendation to the Governor's office.

G. If an individual is denied an International Treaty Transfer, the individual may reapply after 2 years if there is new information that may positively affect the chances for transfer.

1. The Headquarters Classification Manager will review subsequent requests and follow the treaty transfer process.

2. Only subsequent requests that have been approved will be submitted to the Governor's office.

H. Final documents will be scanned into the individual's electronic imaging file.

III. Consular Notifications

A. In the event of a foreign national's death, the case manager will notify the Headquarters Classification Unit, who will notify the nearest consulate of the individual's country.

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

None

DOC FORMS:

[DOC 07-026 Formal HCSC Decision and in the Custody Facility Plan](#)