

Sunset Public Hearing Questions for
Interstate Compact on Detainers
Created by Section 40-31-101, Tennessee Code Annotated
(Sunset termination June 2017)

1. Provide a brief introduction to the compact, including information about its purpose, requirements, and the state officials involved.

a. The party States find that charges outstanding against a prisoner, detainees based on untried indictments, informations, or complaints and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party States and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainees based on untried indictments, informations, or complaints. The party States also find that proceedings with reference to such charges and detainees, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

b. State Officials: Douglas Stephens, all 31 District Attorney Generals and staff, each TDOC institution's Warden and Records Office staff.

c. T.C.A. § 40-31-101 Interstate Compact on Detainers.

2. Provide a list of the states with which Tennessee currently have agreements under the compact.

a. All states, except Louisiana and Mississippi, the District of Columbia and the United States government

3. In the past two years, how many persons have been transferred into or out of Tennessee pursuant to this compact?

a. 2014: 44 prisoners were taken out of state for trial; 169 prisoners were brought into state for trial; total of 213

b. 2015: 29 prisoners were taken out of state for trial; 168 prisoners were brought into state for trial; total of 207

4. How does the compact affect individual prisoners as well as the operations of the Tennessee correctional system?

a. The compact allows the disposition of untried charges against inmates, so that their sentences can be set, their total time to serve can be determined, and their rehabilitation can commence, or continue.

5. Describe the controls/procedures Tennessee's compact administrator has put in place to ensure that proper written notices are issued, all appropriate parties are informed of "fast and speedy" trial requests from an inmate or prosecutor, and all transfer papers are in accordance with statutory requirements.

a. Once a detainer is lodged against a Tennessee prisoner, the institutional Records Office has the responsibility to inform the prisoner of the out of state detainer for untried charges. The prisoner is informed of their rights to request 'fast and speedy' trial or not. If a prisoner wants to file a request for fast and speedy' trial, the appropriate forms are completed, at the institutional level, and then mailed to the appropriate jurisdiction. This action completes the institution's responsibility and the institution and the prisoner wait for the out of state prosecuting officials to respond to the prisoner's request. Once the out of state prosecuting officials respond, and take temporary custody of the prisoner for trial, the TDOC institution waits for the out of state jurisdiction to return the prisoner to his or her original place of imprisonment after trial is completed. A step by step process matrix is attached.

b. The institution's Records Office submits copies of the appropriate forms to the state Detainer Administrator for tracking and recording.

c. Once a Tennessee District Attorney's office has received a request for 'fast and speedy' trial from an out of state prisoner, the DA then completes the appropriate forms to obtain temporary custody of that prisoner for trial. They send the form VI's to the Compact Administrator for signature, and then the signed copies are sent to the DA's office, and the Custodial Officials, their copies so that the out of state prisoner can be taken into temporary custody for trial. Once trial is complete, the DA's office returns the prisoner to their original place of imprisonment.

d. Detailed, written guidelines in accordance with the state statutes, the Interstate Rendition Manual, and the National Association of Extradition Officials Interstate Agreement on Detainers Manual have been distributed to the appropriate officials of the offices which administer the compact. In addition, periodic, statewide training workshops are conducted to ensure that the officials comply with the directives in a timely manner to effectively implement the compact.

6. What were Tennessee's costs related to the compact during fiscal years 2014 and 2015 and to date in fiscal year 2016? What was the source of those funds? How are the compact's administrative costs allocated among participating states?

a. Tennessee administrative costs are borne by the Department's Legal section and operating budgets of the individual correctional facilities. Transportation costs are borne by the District Attorney's General's offices and the Sheriff's Departments in the states which receive temporarily the inmates for trial.

7. Does the compact administrator submit an annual report to legislative officials as required by Section 40-31-107(b), Tennessee Code Annotated? Please attach a copy of the most recent report.

a. Yes; see attached.

8. Describe any items related to the compact that require legislative attention and your proposed legislative changes.

a. None.

9. Should Tennessee continue its participation in the compact? What are the advantages and disadvantages of continued participation? How would Tennessee's failure to participate in the compact affect the public health, safety, or welfare?

a. Yes. To facilitate, and ensure, that Tennessee is able to prosecute crimes to the full extent of the law, and to allow prisoner's opportunity to request 'fast and speedy' trial to dispose of untried charges that are pending in out of state jurisdictions.

10. Have compact administrators developed and implemented quantitative performance measures for ensuring it is meeting its goals? (Please answer either yes or no). If the administrators have developed and implemented quantitative performance measures, answer questions 11 through 18. If the administrators have not developed quantitative performance measures, proceed directly to question 19.

a. None.

11. What are your key performance measures for ensuring the compact is meeting its goals? Describe so that someone unfamiliar with the program can understand what you are trying to measure and why it is important to the operation of your program.

a. NA.

12. What aspect[s] of the program are you measuring?

a. NA.

13. Who collects relevant data and how is this data collected (e.g., what types information systems and/or software programs are used) and how often is the data collected? List the specific resources (e.g., report, other document, database, customer survey) of the raw data used for the performance measure.

a. NA.

14. How is the actual performance measure calculated? If a specific mathematical formula is used, provide it. If possible, provide the calculations and supporting documentation detailing your process for arriving at the actual performance measure.

a. NA.

15. Is the reported performance measure result a real number or an estimate? If an estimate, explain why it is necessary to use an estimate. If an estimate, is the performance measure result recalculated, revised, and formally reported once the data for an actual calculation is available?

a. NA.

16. Who reviews the performance measures and associated data/calculations? Describe any process to verify that the measure and calculations are appropriate and accurate.

a. NA.

17. Are there written procedures related to collecting the data or calculating and reviewing/verifying the performance measure? Provide copies of any procedures.

a. NA

18. Describe any concerns about the compact's performance measures and any changes or improvements you think need to be made in the process.

a. NA.

19. Please list all compact programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity.

a. None.

20. If the compact does receive federal assistance, please answer questions 20 through 27. If the compact does not receive federal assistance, proceed directly to question 26.

a. NA.

21. Does the compact prepare a Title VI plan? If yes, please provide a copy of the most recent plan.

a. NA.

22. Does the compact have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.

a. NA.

23. To which state or federal agency (if any) does the compact report concerning Title VI? Please describe the information your compact submits to the state or federal government and/or provide a copy of the most recent report submitted.

a. NA.

24. Describe the compact's actions to ensure that association staff and clients/program participants understand the requirements of Title VI.

a. NA.

25. Describe the compact's actions to ensure it is meeting Title VI requirements. Specifically, describe any compact monitoring or tracking activities related to Title VI, and how frequently these activities occur.

a. NA.

26. Please describe the compact's procedures for handling Title VI complaints. Has the compact received any Title VI-related complaints during the past two years? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).

a. NA.

27. Please provide a breakdown of current compact staff by title, ethnicity, and gender.

a. NA.

28. Please list all compact contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.

a. NA.

**2015 - Interstate Agreement on Detainers (IAD) - Tennessee
Annual Report**

4/27/2016

Month	Sending State	Receiving State	Totals	%
January	5	8	13	6%
February	4	11	15	7%
March	4	15	19	9%
April	3	17	20	10%
May	4	14	18	9%
June	6	16	22	11%
July	4	9	13	6%
August	-	16	16	8%
September	1	19	20	10%
October	3	9	12	6%
November	3	19	22	11%
December	2	15	17	8%
Totals	39	168	207	
Percentage	19%	81%		

Notes:

1. Sending State - Tennessee prisoner taken out of state for trial.
2. Receiving State - Out of state prisoners were brought into Tennessee for for trial, including federal prisoners.

Note: This worksheet is automatically updated when the IAD Statistics Breakdown worksheet is updated.

Douglas Stephens
Tennessee IAD Administrator
Office of the General Counsel
Tennessee Department of Correction

2015 - Interstate Agreement on Detainers (IAD) - Tennessee Annual Report - Breakdown by State / Federal

4/27/2016

State	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	%
Alabama			1								1	1	3	1%
Alaska													-	0%
Arizona										1	1		2	1%
Arkansas			1										1	0%
California	1												1	0%
Colorado													-	0%
Connecticut													-	0%
Delaware													-	0%
Florida		1			2			1		1		1	6	3%
Georgia		1	3	3		2			2	1	1		13	6%
Hawaii													-	0%
Idaho													-	0%
Illinois				2		1			2		1		6	3%
Indiana			1						1		1		3	1%
Iowa							1						1	0%
Kansas													-	0%
Kentucky	2		1	1	4			1	1		3	3	16	8%
Louisiana (F)													-	0%
Maine													-	0%
Maryland	1												1	0%
Massachusetts													-	0%
Michigan	1	1	1					1	1				5	2%
Minnesota													-	0%
Mississippi (F)													-	0%
Missouri								1	1		1		3	1%
Montana													-	0%
Nebraska													-	0%
Nevada													-	0%
New Hampshire													-	0%
New Jersey													-	0%
New Mexico													-	0%
New York													-	0%
North Carolina				1		1	2		1		2		7	3%
North Dakota													-	0%
Ohio	1		1						1				3	1%
Oklahoma													-	0%
Oregon													-	0%
Pennsylvania													-	0%
Rhode Island													-	0%
South Carolina						1							1	0%
South Dakota													-	0%
Texas	1							1					2	1%
Utah													-	0%
Vermont													-	0%
Virginia		1	1	2	4	1	1	3	3	2		5	23	11%
Washington													-	0%
West Virginia													-	0%
Wisconsin			1										1	0%
Wyoming													-	0%
Fed	1	7	4	8	4	10	5	8	6	4	8	5	70	34%
Subtotal	8	11	15	17	14	16	9	16	19	9	19	15	168	81%
Tennessee	5	4	4	3	4	6	4		1	3	3	2	39	19%
Total	13	15	19	20	18	22	13	16	20	12	22	17	207	
Percentage	6%	7%	9%	10%	9%	11%	6%	8%	10%	6%	11%	8%		

Douglas Stephens
IAD Administrator
Office of the General Counsel, TDOC

**2014 - Interstate Agreement on Detainers (IAD) - Tennessee
Annual Report**

4/27/2016

Month	Out of State	In State	Totals	%
January	4	16	20	9%
February	2	10	12	6%
March	7	11	18	8%
April	1	17	18	8%
May	2	14	16	8%
June	4	18	22	10%
July	4	18	22	10%
August	5	9	14	7%
September	4	17	21	10%
October	1	20	21	10%
November	4	9	13	6%
December	6	10	16	8%
Totals	44	169	213	
Percentage	21%	79%		

Notes:

1. Out of State - Tennessee prisoner taken out of state for trial.
2. In State - Out of state prisoners were brought into Tennessee for for trial, including federal prisoners.

Note: This worksheet is automatically updated when the IAD Statistics Breakdown worksheet is updated.

Douglas Stephens
Tennessee IAD Administrator
Office of the General Counsel
Tennessee Department of Correction

2014 - Interstate Agreement on Detainers (IAD) - Tennessee Annual Report - Breakdown by State / Federal

4/27/2016

State	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	%
Alabama					1	1			1			2	5	2%
Alaska													-	0%
Arizona													-	0%
Arkansas													-	0%
California		1									1		2	1%
Colorado													-	0%
Connecticut										1			1	0%
Delaware													-	0%
Florida	1	1	1				2	1					6	3%
Georgia	3	2	1	2	2	1			3				14	7%
Hawaii													-	0%
Idaho													-	0%
Illinois	1						1			2			4	2%
Indiana				1			1				1		3	1%
Iowa													-	0%
Kansas													-	0%
Kentucky	4	1	3	2	1	1		1	4	1	2	1	21	10%
Louisiana (F)													-	0%
Maine													-	0%
Maryland					1								1	0%
Massachusetts													-	0%
Michigan										1			1	0%
Minnesota													-	0%
Mississippi (F)													-	0%
Missouri	1							1					2	1%
Montana													-	0%
Nebraska													-	0%
Nevada													-	0%
New Hampshire													-	0%
New Jersey													-	0%
New Mexico				1									1	0%
New York													-	0%
North Carolina					1	1	5			1			8	4%
North Dakota													-	0%
Ohio	1							2			1		4	2%
Oklahoma													-	0%
Oregon													-	0%
Pennsylvania				1								1	2	1%
Rhode Island													-	0%
South Carolina									1				1	0%
South Dakota													-	0%
Texas								1		1			2	1%
Utah													-	0%
Vermont													-	0%
Virginia		3		6	2	2	4		3	6		1	27	13%
Washington													-	0%
West Virginia													-	0%
Wisconsin													-	0%
Wyoming													-	0%
Fed	5	2	6	4	6	12	2	6	5	7	4	5	64	30%
Subtotal	16	10	11	17	14	18	18	9	17	20	9	10	169	79%
Tennessee	4	2	7	1	2	4	4	5	4	1	4	6	44	21%
Total	20	12	18	18	16	22	22	14	21	21	13	16	213	
Percentage	9%	6%	8%	8%	8%	10%	10%	7%	10%	10%	6%	8%		

Douglas Stephens
IAD Administrator
Office of the General Counsel, TDOC

Exhibit A1

T.C.A. § 40-31-101 Interstate Compact (Agreement) on Detainers (IAD)

Inmates Request for Final Disposition of a Detainer Procedures and Information

(Each IAD form provides distribution instructions.)

Step	Action Initiated By	Action (for detailed procedures and instructions see Exhibit B)
1	Prosecuting officials (Receiving State)	A detainer is lodged against the prisoner at the institution by the Prosecuting officials.
2	Custodial officials (Sending State)	<p>1. Once a detainer has been lodged, the Custodial officials are required to notify the prisoner using the Form I. (2 copies - the form with original signatures is retained by the Custodial officials & one copy is given to the Prisoner)</p> <p>2. If the Prisoner wants to request final disposition of a detainer a Form II (6 copies) must be completed. Have the prisoner sign a Form II and it must be witnessed by the Custodial officials. Only one Form II need original signatures then make 5 copies. See Article III, TCA 40-31-101.</p> <p>Note: <u>If the Prisoner does not want to request final disposition of a detainer, then no further action is required.</u></p> <p>3. Once the Prisoner signs the Form II the Custodial officials must complete a Form III (6 copies) & Form IV (6 copies). Only one Form III and IV need original signatures then make 5 copies.</p> <p>4. Form II with attachment of Forms III & IV is sent <u>registered or certified mail, return receipt requested</u>, to the Prosecuting officials (1 set) and Clerk of the Court (1 set).</p> <p>5. The following each get a copy of the Form II, III and IV: the Prisoner (1 set), Agreement Administrator for the Receiving State (1 set), Agreement Administrator for the Sending State (1 set), & the Custodial officials (1 set-copy of Form II and the Form III & Form IV with original signatures). See Article V, TCA 40-31-101.</p>
3	Prosecuting officials (Receiving state)	<p>1. Receives the Forms II, III, & IV from the Custodial officials. <u>(The Prosecuting officials should always confirm that a detainer has been lodged at the facility where the prisoner is imprisoned.)</u></p> <p>Note: If receiving state Prosecuting officials receives these forms & they are not aware of a detainer being lodged against the Prisoner and/or is not sure what to do, the Agreement Administrator should be contacted for assistance.</p> <p>Note: The receiving state Prosecuting officials have 180 days to start trial from the date that the Forms II, III, & IV are received. (See Article VI for more information.)</p> <p>2. The Form VI (5 copies) is completed; each form must have original signatures to include the agents name and signature that will transport the Prisoner. All copies are sent to the receiving state Agreement Administrator for signature.</p> <p>3. The Form VII (6 copies) is completed, each form must have original signatures, and then mailed to the appropriate persons.</p>

Step	Action Initiated By	Action (for detailed procedures and instructions see Exhibit B)
4	Agreement Admin (Receiving State)	The Agreement Administrator for the Receiving State, receives and signs each Form VI (5 copies) and mails them out.
5	Prosecuting officials (Receiving State)	<ol style="list-style-type: none"> 1. Prosecuting officials receives 2 copies of the Form VI from the Agreement Administrator. <ol style="list-style-type: none"> a. One Form VI is for the Prosecuting officials file. b. One Form VI is for the agents that will transport the Prisoner for trial. 2. Proceed to make arrangements to take temporary custody of the Prisoner. 3. It is recommended that you notify the Custodial officials at least three business days prior to the pickup date to make sure the Prisoner is ready and available for transport. <p>Note: Prosecuting officials are encouraged to keep track of the 180 days deadline to commence trial.</p>
6	Other jurisdictions (Receiving State)	Subsequent jurisdictions in the receiving state will complete a Form VIII (copy as needed). Each form must have original signatures. The Agreement Administrator should be contacted for assistance if there is a question of need to use this form.
7	Prosecuting officials (Receiving State)	Once trial and sentencing are completed, the Prosecuting officials in the receiving state must complete the Form IX (4 copies).
NOTE	Prosecuting officials (Receiving State)	Until the Prosecuting officials receive the Form IV from the Custodial officials the prisoner is not available for trial. See Article VI, T.C.A. § 40-31-101.

Exhibit A2

T.C.A. § 40-31-101 Interstate Compact (Agreement) on Detainers (IAD)

Inmates Request for Final Disposition of a Detainer

Information and Procedures

General Information

1. The following information in this exhibit provides the proper forms and procedures for:

- a. A Prisoner who wants to formally request final disposition (speedy trial request) of a detainer that has been lodged from an out of state jurisdiction; excluding the state Louisiana and Mississippi who do not participate.
- b. Custodial official's response to a Prisoner's request for final disposition of a detainer and to offer temporary custody of the Prisoner to the Prosecuting officials regarding the Prisoner's request for final disposition a detainer.
- c. Prosecuting official's response to a Prisoner's request and the Custodial official's offer of temporary custody of the Prisoner for final disposition a detainer.

2. Definitions:

- a. Receiving state (Prosecuting officials) - shall mean the State in which trial is to be had on an indictment, information, or complaint, or otherwise identified as a detainer, pursuant to Article III or Article IV hereof.
- b. Sending state (Custodial officials) - shall mean a State in which a prisoner is imprisoned at the time and the prisoner initiates a request for final disposition of a detainer pursuant to Article III hereof or Article IV hereof.

NOTE: T.C.A. § 40-31-105 Surrender of prisoner provides, "It is lawful and mandatory upon the warden or other official in charge of a penal or correctional institution in this state to give over the person of any inmate of the penal or correctional institution whenever so required by the operation of the agreement on detainer."

- c. Prisoner - a person who has entered upon a term of imprisonment in a penal or correctional institution of a party State.
- d. Detainer - indictment, information or complaint from an out of state jurisdiction that has been formally lodged by the appropriate jurisdiction.
- e. Agreement Administrator - per T.C.A. § 40-31-107 paragraph (a) states, "The governor is empowered to designate the officer who will serve as central

administrator of, and information agent for, the agreement on detainers, pursuant to the provisions of article VII. (See T.C.A. § 40-31-101)

3. A detainer must have been lodged, in accordance with T.C.A. § 40-31-101 Article III, before a Prisoner can formally request final disposition (speedy trial request) of a detainer, using the Form II.

4. The Custodial officials should ensure that a detainer has been lodged against a Prisoner when a formal request (Form II) for final disposition of the detainer is received from the Prisoner. (See T.C.A. § 40-31-101 Article III)

5. If the Custodial officials have any questions regarding what does/does not qualify as a detainer under T.C.A. § 40-31-101 Article III, they should contact their state Agreement Administrator.

6. The following does not qualify as a detainer:

- knowledge of untried indictment, information or complaint
- knowledge that a warrant of any kind has been issued against the prisoner
- a NCIC report

7. Each official, Prosecuting officials or the Custodial officials, should have the appropriate blank forms listed below. The Agreement Administrator will have all of the blank forms available upon request. (Each form provides distribution instructions.)

a. Custodial officials will use the following forms for procedures outlined herein:

- Form I - Notice of Untried Indictment, Information or Complaint and of Right to Request Disposition
- Form II - Prisoner's Notice of Place of Imprisonment and Request for Disposition of Indictments, Informations or Complaints
- Form III - Certificate of Prisoner's Status
- Form IV - Offer to Deliver Temporary Custody

b. Prosecuting officials will use the following forms for procedures outlined herein:

- Form VI - Evidence of Agent's Authority to Act for Receiving State
- Form VII - Prosecutor's Acceptance of Temporary Custody Offered in Connection with a Prisoner's Request for Disposition of a Detainer
- Form VIII - Prosecutor's Acceptance of Temporary Custody Offered in Connection with Another Prosecutor's Request for Disposition of a Detainer

- Form IX - Prosecutor's Report on Disposition of Charges

Custodial Officials Procedures

1. Once a detainer has been lodged against the Prisoner, the Custodial officials should use the **Form I** to notify the Prisoner that a detainer has been lodged.

a. The Prisoner should sign the **Form I** acknowledging he has been informed of the detainer and the Custodial officials should witness the form. The Custodial officials will then need to make a copy of the **Form I**. The Custodial official keeps the **Form I** with the original signatures and the Prisoner gets the copy.

2. Make sure the prisoner is advised of the following:

- the Prisoner will be on temporary loan to the receiving state
- the Prisoner's sentence continues to run while out of state
- the Prisoner will be returned to the facility after trial and sentencing

NOTE: Even though the Prisoner receives a **Form I** from the Custodial officials, the Prisoner is not required to request final disposition of an untried indictment, information or complaint.

NOTE: If a **Form V** is received, see exhibit B2 for procedures.

3. If the Prisoner decides to make a formal request for final disposition of a detainer that has been lodged, then a **Form II** must be completed. (See T.C.A. § 40-31-101 Article III, paragraph (a) for more information.)

4. The **Form II** must be filled out by the Custodial officials listing the detainer information, signed by the Prisoner and witnessed by the Custodial officials and then make five (5) copies for distribution. Each of the following persons receives a copy of the **Form II**:

- Custodial officials (1 copy)
- Prosecuting officials (receives the **Form II** with original signatures)
- Clerk of the Court (1 copy)
- Prisoner (1 copy)
- Agreement Administrator of the sending state (1 copy)
- Agreement Administrator of the receiving state (1 copy)

NOTE: The **Form II** shall accompany the **Form III** and **Form IV**; see T.C.A. § 40-31-101, Article V.

5. Once the **Form II** is completed, the Custodial officials will then need to complete the **Form III** (six copies; see Article III) and the **Form IV** (six copies; see Article V). The Custodial Officials must sign the **Form III** and the **Form IV**.

a. The **Form III** (see Article III) provides the Prosecuting officials information regarding the Prisoner's status. Only one form needs original signatures and then the Custodial officials need to make five (5) copies. (See below for distribution)

b. The **Form IV** (see Article V) offers temporary custody of the Prisoner by the Custodial officials to the Prosecuting officials to commence trial. Only one form will need an original signature and then the Custodial officials will need to make five (5) copies. (See below for distribution)

6. The Custodial officials are required to mail the **Form II**, **Form III**, and the **Form IV** together and distribute the copies of the forms as outlined below: (a cover letter should accompany these forms) (see T.C.A. § 40-31-101, article V)

- Custodial Officials (hand delivered) (keeps **Forms III & IV** with original signatures)
- Prosecuting Officials (certified mail-return receipt requested)
- Clerk of Court having jurisdiction (certified mail return-receipt requested)
- Agreement Administrator of the sending state (regular mail)
- Agreement Administrator of the receiving state (regular mail)
- Prisoner (hand delivered)

NOTE: The Custodial Official's copies are kept in the institutional file so that no matter where the prisoner may be assigned within the sending state the IAD forms are maintained in the file. The Prisoner is given his copy of the forms to keep in his personal belongings.

7. If there are other jurisdictions in the receiving state that have lodged a detainer against Prisoner, the Custodial officials are required to notify all these other jurisdictions in the receiving state in accordance with Article III paragraph (d). A **Form II** must be completed for each separate detainer. Make as many copies of the applicable **Form II**, **Form III**, and **Form IV** as needed for distribution. (Distribution is outlined in paragraph 6 above.)

8. Once the Custodial officials have mailed the **Form II**, **Form III** and **Form IV** their procedures and responsibilities are complete until they receive the **Form VI** and **VII** from the Prosecuting Officials. The **Form VI** and **VII** are used by the Prosecuting Officials to obtain temporary custody of the prisoner for trial.

9. Once the Custodial officials receive the **Form VI** and **VII** from the Prosecuting officials, they should make sure the Prisoner is available for transfer and trial. The Prisoner cannot be released or transferred, in accordance with the IAD, without the Custodial officials receiving a **Form VI** and **VII** from the Prosecuting officials.

a. If for any reason and/or at any time after receiving the **Form VI** and **VII** the Prisoner becomes no longer available for trial the Custodial Officials must notify the Prosecuting officials and the receiving state Agreement Administrator as soon as possible.

b. Once the Custodial officials receive their **Form VI** and **Form VII** they wait for the Prosecuting officials to make arrangements to take temporary custody of the Prisoner for transfer and trial.

c. After the Prisoner is transferred to the receiving state for trial, the Custodial officials need to contact the Prosecuting officials, periodically, to keep track of the Prisoner's status.

10. If there are other party states that are in the process of trying to take temporary custody of the Prisoner when one party state has already taken temporary custody of the Prisoner, these other party states must be notified that the Prisoner is no longer available for trial. (See Article VI for more information.)

NOTE: If there is a problem of locating or finding out the status of the Prisoner while the Prisoner is in the receiving state for trial, the Custodial officials should contact the sending state Agreement Administrator for assistance.

Prosecuting Officials Procedures

1. When the Prosecuting officials receive the **Form II, III, and IV**, the **Form VI** and the **Form VII** should be completed, to obtain temporary custody of the prisoner**, when they are ready to commence trial. Five (5) copies of the **Form VI** are required and six (6) copies of the **Form VII** are required, each form must have original signatures.

****SPECIAL NOTE:** Until the Prosecuting Officials receive a **Form IV**, Offer of Temporary Custody, the prisoner is not available for trial. Without the **Form IV** the request for speed disposition is improper. The Prisoner cannot offer temporary custody to the Prosecuting Officials of their person.

a. The Prosecuting officials must send all five (5) copies of **Form VI** to the receiving state Agreement Administrator for signature. Make sure every copy of the **Form VI** has every agent's name printed along with their signature that may be assigned to transport the Prisoner.

b. The Prosecuting officials are responsible for distribution of the **Form VII** to the following individuals: (see note below for Tennessee)

- Prosecuting officials
- Custodial officials (**** except the state of Georgia, see below)
- Judge who signs the form
- Agreement Administrator of the sending state
- Agreement Administrator of the receiving state
- Prisoner

**** The state of Georgia requires that the **Form VI** and **Form VII** be mailed to their state Agreement Administrator. The Custodial officials at the prison will not honor the **Form VI** or **Form VII** and will only release a prisoner for temporary custody with a movement order from the Georgia Agreement Administrator.

NOTE: The **Form VII** should be mailed with enough time to allow the Custodial officials a reasonable amount of time to have the Prisoner ready for transport.

NOTE: In Tennessee only; if the Prosecuting officials will submit the **Form VII**'s along with the **Form VI**'s when submitted to the Agreement Administrator for signature, the Agreement Administrator will ensure that each **Form VII** is distributed with each **Form VI** when they are mailed out. The Tennessee Agreement Administrator will mail the **Form VI**'s out the same day the forms are signed.

NOTE: For your protection and if possible, when transporting a female prisoner, ensure that one of the transporting agents are female.

Agreement Administrator Procedures

Once the Agreement Administrator receives the **Form VI**'s from the Prosecuting officials for signature, the forms should be signed and mailed to the appropriate officials within a reasonable amount of time to allow the Prosecuting officials to take temporary custody of the Prisoner to commence trial (180 day rule) and to allow the Custodial officials time to make sure the Prisoner is available for trial. The following officials are required to receive a **Form VI**: Prosecuting officials (2), Custodial officials (1), and the Agreement Administrator sending state and receiving state.

Prosecuting Officials Procedures

1. The Prosecuting officials receive their 2 **Form VI**'s from the Agreement Administrator.
 - one **Form VI** is retained for the Prosecuting officials file.
 - one **Form VI** is given to the agent's that will take temporary custody and transport the Prisoner for trial in the receiving state.
 - a. If the Custodial officials contact you, while at any time that you are in the process of taking temporary custody of the Prisoner for trial, to inform you that the Prisoner is not available for trial, it is important to have the time tolled, see Article VI for more information, or contact the receiving state Agreement Administrator for assistance.

2. When the Prosecuting officials are ready for trial, the assigned agent(s) are sent to take temporary custody and transport the Prisoner for trial. The agent(s) may be from the Sheriff's Department, Police Department or a Private Transport Agency. The Prosecuting Officials have discretion in determining who the officers are who will transport the prisoner.
 - a. Agents taking temporary custody of the Prisoner should coordinate with the Custodial officials in advance to make sure the Prisoner is available and to arrange transport. (Three business days prior to the pickup date is recommended.)
 - b. In accordance with T.C.A. § 40-31-101 Article V (b), the following items must be available on demand when the agents arrive at the institution to take temporary custody of the Prisoner:
 - proper identification
 - the **Form VI** which is the evidence of the agent's authority to act for the receiving State into whose temporary custody this prisoner is to be given.
 - a duly certified copy of the indictment, information, or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the Prisoner has been made.

c. Without the above items the Custodial officials can refuse to release the prisoner; this is the Custodial official's right. It is critical that the Prosecuting officials ensure that the appropriate paperwork is in order prior to the agent's departure from receiving state's jurisdiction.

d. If there is any issue that would prevent the assigned agents from taking of temporary custody of the Prisoner, notify the Agreement Administrator in the sending state and/or the receiving state immediately for assistance.

3. In accordance with T.C.A. § 40-31-101 Article III the Prisoner's trial must commence within 180 days of receipt of the **Form II**, **Form III** and **Form IV** unless a necessary or reasonable continuance is granted by a Court of Record with criminal jurisdiction in accordance with T.C.A. § 40-31-101 Article III paragraph (a).

4. If trial does not commence within the 180 days and a continuance has not been granted the detainer will no longer be in effect for all charges in all the receiving state's jurisdictions that are listed, the Court with jurisdiction will issue an order dismissing the charges in accordance with T.C.A. § 40-31-101 Article III paragraph (a).

NOTE: It is the Prisoner and the Defense Attorney's responsibility, not the Prosecuting Officials, to challenge any alleged violation of the 180 day rule.

5. The Prosecuting officials need to make sure the court of jurisdiction and the local facility that is holding the Prisoner is aware of the temporary custody of the Prisoner to ensure the Prisoner is not released to bond or any other reason or to another jurisdiction, even if the charges are dismissed. If for any reason the Prisoner is released from custody, the Agreement Administrator in both the receiving and sending state and the Custodial officials of the Prisoner must be notified immediately.

6. Once trial is complete, the Prosecuting officials should complete a **Form IX**, whether the sentence is probated, dismissed, or otherwise ordered. The Prosecuting officials must arrange to return the Prisoner to the original place of imprisonment.

a. Four copies of the **Form IX** are required. One form has original signature, and then make 3 copies, and distribute as follows: Prosecuting officials (keeps form with original signatures and makes copies for distribution), Custodial officials, and the Agreement Administrator in the sending state and receiving state.

NOTE: Any other form or document may be generated locally by the Prosecuting officials for internal purposes and included with **Form IX**, but **Form IX** must be completed and forwarded according to Article V paragraph (e).

Prosecution by Subsequent Jurisdictions in the Receiving State

1. If other detainers are pending from more than one jurisdiction within the receiving state, the initial Prosecuting officials will use the **Form VII** to accept the offer of temporary custody of the Prisoner. All subsequent jurisdictions are required to use the

Form VIII to take temporary custody of the Prisoner once the original jurisdiction has completed their prosecution. (Each form must have original signatures - be sure all Prosecuting officials and Custodial officials get a copy of the **Form VIII**.)

2. If there are questions regarding the use of the **Form VIII**, contact the receiving state Agreement Administrator for assistance. Be sure the comments section is completed and transportation arrangements are completed between or among all jurisdictions.

3. Each subsequent jurisdiction, in the receiving state, that plans to prosecute the Prisoner must make sure that, after the Prisoner has arrived in the initial jurisdiction for trial, each subsequent jurisdiction ensures an entry is made in the court of record to toll the time and obtain a continuance per Article IV paragraph (c) or Article V. It is critical to ensure there is an entry in the court's record that the Prisoner is not available for trial, while they are involved in their current trial and to toll the time per Article VI. For assistance, contact the Agreement Administrator in the receiving state.

4. The last jurisdiction to complete prosecution, if there are multiple jurisdictions prosecuting, is responsible for returning the Prisoner to the original place of imprisonment. For assistance, contact the Agreement Administrator in the receiving state.

NOTE: The **Form VI**, **VII** and/or **Form VIII**, if applicable, are active until the Prisoner is returned to the original place of imprisonment. The length of trial or time in the receiving state to complete all prosecutions that are necessary has no bearing on deactivating the applicable **Form VI** and **Form VII** or **Form VIII**.

Detainers not covered by the Interstate Agreement on Detainers (IAD):

1. Parole violations
2. Probation violations.
3. Request to return inmates to serve unexpired portion of sentence(s).
4. Detainers for sentence imposition.
5. Detainers from Louisiana or Mississippi.
6. Immigration & Naturalization Detainers for deportation.
7. Detainers for Death Penalty offenses.
8. Detainers for mentally ill inmates.
9. Prisoner escaped from another prison and is wanted merely on the basis of the unsatisfied prison term.
10. Request to use the prisoner as a witness in a trial.

Exhibit B1

T.C.A. § 40-31-101 Interstate Compact (Agreement) on Detainers (IAD)

Prosecutors Request for Final Disposition of a Detainer

Procedures and Information

(each form will provide distribution instructions)

Step	Action Initiated By	Action (for detailed procedures and instructions see Exhibit D)
NOTE	Prosecuting officials (Receiving State)	<p>1. The Prosecuting officials need to confirm if a detainer has been lodged against the prisoner at the institution:</p> <ul style="list-style-type: none"> a. If there is a detainer, the prosecuting officials can proceed to request final disposition of the detainer by using a Form V; b. If there is not a detainer, the prosecuting officials may use the Form V to lodge a detainer.
1	Prosecuting officials (Receiving State)	<p>When the Prosecuting officials use a Form V (6 copies) and each form must have original signatures. The Form V lists the three items that must be attached to each Form V and each of these three items must be certified.</p>
2	Custodial officials (Sending State)	<p>1. Once the Form V is received, the Custodial officials must notify the Prisoner. The Custodial official can use either the Form V-A (6 copies) or V-B (6 copies) to notify the Prisoner of the request for temporary custody by the Prosecuting officials.</p> <ul style="list-style-type: none"> a. If the Prisoner signs Form V-A, the Prisoner must indicate on the form whether or not a <u>Cuyler v Adams</u> hearing is requested. If the hearing is not requested the Prisoner waives extradition for trial and sentencing and agrees to the request for temporary custody for trial. b. If the Prisoner signs a Form V-B extradition is waived for trial and sentencing and Prisoner agrees to the request for temporary custody for trial. <p>2. Once the Prisoner signs the Form V-A or V-B the Custodial officials must complete a Form III (6 copies) and Form IV (6 copies.); only one Form III and IV need original signatures, then make 5 copies.</p> <p>3. The Forms III, IV, and Form V-A or V-B should not be mailed until a 30 calendar day waiting period has expired from the date the Form V is received. The 30 calendar day period allows for the <u>Cuyler v Adams</u> hearing to be accomplished, if the prisoner requests it.</p> <ul style="list-style-type: none"> a. If the prisoner requests a hearing, the Custodial officials must notify their local District Attorney's office in the sending state to request the hearing. b. The Prosecuting officials in the receiving state must be notified of the prisoner's request for a <u>Cuyler v Adams</u> hearing. <p>4. The Form III and IV and the Form V-A or V-B are sent <u>registered or certified mail, return receipt requested</u> to the Prosecuting officials (1 set) and Clerk of the Court (1 set).</p> <p>5. The following persons receive a copy of each Form III and IV and Form V-A or V-B; the prisoner, Agreement Administrator for the Receiving State, Agreement Administrator for the Sending State, & the Custodial officials.</p>

Step	Action Initiated	Action (for detailed procedures and instructions see Exhibit D)
3	Prosecuting officials (Receiving State)	<p>1. Receives the Forms III, IV, and Form V-A or Form V-B (<i>whichever form is used</i>) from the Custodial officials.</p> <p>2. The Form VI (5 copies) should be completed when the Prosecuting officials are ready to proceed to trial; each form must have original signatures to include every agent's name and signature that will transport the Prisoner. All copies are sent to the receiving state Agreement Administrator for signature.</p> <p>3. The Form VII is not required when the Prosecuting officials use the Form V.</p> <p>Note: Once the 30 calendar day waiting period has expired, whether or not the hearing has been held, you may proceed to take temporary custody of the prisoner.</p>
4	Agreement Admin (Receiving State)	<p>The Agreement Administrator for the Receiving State, receives and signs each Form VI (5 copies) and mails them out.</p>
5	Prosecuting officials (Receiving State)	<p>1. Prosecuting officials receives 2 copies of the Form VI from the Agreement Administrator.</p> <p style="margin-left: 20px;">a. One Form VI is for the Prosecuting officials file.</p> <p style="margin-left: 20px;">b. One Form VI is for the agents that will transport the Prisoner for trial.</p> <p>2. Proceed to make arrangement to take temporary custody of the Prisoner for trial.</p> <p>3. It is recommended that you notify the Custodial officials at least three business days prior to the pickup date to make sure the prisoner is ready and available.</p> <p>Note: Once the prisoner arrives in the prosecuting jurisdiction, in the receiving state, trial must commence within 120 days.</p>
6	Other jurisdictions (Receiving State)	<p>Subsequent jurisdictions in the receiving state will complete a Form VIII (make copies as needed). Each form must have original signatures. The Agreement Administrator should be contacted for assistance if there is a question of need to use this form.</p>
7	Prosecuting officials (Receiving State)	<p>Once trial and sentencing is completed, the Prosecuting officials in the receiving state must complete the Form IX (4 copies) and distribute them as appropriate.</p>
NOTE	Prosecuting officials (Receiving State)	<p>Until the Prosecuting officials receive the Form IV from the Custodial officials the prisoner is not available for trial. See Article VI, T.C.A. § 40-31-101.</p>

Exhibit B2

T.C.A. § 40-31-101 Interstate Compact (Agreement) on Detainers (IAD)

Prosecutors Request for Final Disposition of a Detainer

Information and Procedures

General Information

1. The following information in this exhibit provides the proper forms and procedures for:

- a. The Prosecuting officials that want to request temporary custody of an out of state Prisoner for final disposition detainer regarding untried charges.
- b. The Custodial official's response to the Prosecuting officials who have requested temporary custody of the Prisoner regarding final disposition of a detainer regarding untried charges.
- c. The Prisoner's response to a request for temporary custody by the Prosecuting officials to complete the final disposition of a detainer regarding untried charges.

2. Definitions:

- a. Receiving state (Prosecuting officials) - shall mean the State in which trial is to be had on an indictment, information, or complaint, or otherwise identified as a detainer, pursuant to Article III or Article IV hereof.
- b. Sending state - (Custodial officials) - shall mean a State in which a prisoner is serving a term of imprisonment at the time the request for temporary custody was received, pursuant to Article III or Article IV, T.C.A. § 40-31-101.

NOTE: T.C.A. § 40-31-105 Surrender of prisoner provides, "It is lawful and mandatory upon the warden or other official in charge of a penal or correctional institution in this state to give over the person of any inmate of the penal or correctional institution whenever so required by the operation of the agreement on detainer."

- c. Prisoner - a person who has entered upon a term of imprisonment in a penal or correctional institution of a party State.
- d. Detainer - indictment, information or complaint from an out of state jurisdiction.
- e. Agreement Administrator - per T.C.A. § 40-31-107 paragraph (a) states, "The governor is empowered to designate the officer who will serve as central administrator of, and information agent for, the agreement on detainers, pursuant to the provisions of article VII. (See T.C.A. § 40-31-101)

3. The following does not qualify as a detainer:

- knowledge of untried indictment, information or complaint
- knowledge that a warrant of any kind has been issued against the prisoner
- a NCIC report

4. Each official, whether the Prosecuting officials or the Custodial officials, should have the appropriate blank forms listed below that will be used to complete the IAD process. The Agreement Administrator will have all of the blank forms available upon request. (each form provides distribution instructions)

a. Custodial officials will use the following forms for procedures outlined herein:

- Form III - Certificate of Prisoner's Status
- Form IV - Offer to Deliver Temporary Custody
- Form V-A - Prisoner Option of Rights and Advisory Form (Cuyler v Adams)
- Form V-B - Prisoner's Agreement to Temporary Transfer of Custody

b. Prosecution officials will use the following forms for procedures outlined herein:

- Form V - Request for Temporary Custody
- Form VI - Evidence of Agent's Authority to Act for Receiving State
- Form VIII - Prosecutor's Acceptance of Temporary Custody Offered in Connection with Another Prosecutor's Request for Disposition of a Detainer (as applicable)
- Form IX - Prosecutor's Report on Disposition of Charges

Prosecuting Officials' Procedures

1. The Prosecuting officials must first determine if a detainer has been lodged against the Prisoner at the institution.

a. If a detainer has been lodged against the Prisoner, the Prosecuting officials do not have to wait for the Prisoner to make a formal request for final disposition of the detainer. The Prosecuting officials can proceed to obtain the temporary custody of the Prisoner by completing a **Form V** to initiate final disposition in accordance with Article IV, T.C.A. § 40-31-101.

b. If a detainer has not been lodged against the Prisoner and the Prosecuting officials wants to proceed to initiate final disposition under Article IV, T.C.A. § 40-31-101, the **Form V** may be used to lodge a detainer.

2. To request temporary custody under Article IV, the Prosecuting officials must use the **Form V** and the following items must be attached to each form:

- a **certified** copy of indictment, information, or complaint
- a **certified** copy of the warrant
- a **certified** copy of the prisoner's fingerprints, photo, and physical description (if available)

3. Six (6) copies of the **Form V** are required and each form must have original signatures. Each of the following persons receives a **Form V** along with certified copies of the items listed above:

- Custodial officials
- Prosecuting officials
- Judge
- Agreement Administrator in the sending state
- Agreement Administrator in the receiving state
- Prisoner (see note below)

NOTE: It is not necessary for the prisoner to receive certified copies of the indictment, information, or complaint to include copies of the warrant, fingerprints, photo, and physical description.

4. This completes the procedures to request temporary custody of a Prisoner. No further action is required until the Custodial officials respond to the request for temporary custody by submitting a **Form III** and **Form IV** and the appropriate **Form V-A** or **V-B**.

Custodial Officials Procedures

1. Once a **Form V** is received, the Custodial officials must:

- a. Notify the Prisoner of a request for temporary custody by the Prosecuting officials using the **Form V-A** or **Form V-B**. Complete these forms using the information that accompanied the **Form V**.
- b. Notify the Governor and Extradition Officer of the sending state.
- c. Wait 30 calendar days from the date the **Form V** is received before sending the **Form III** and **Form IV** to the Prosecuting officials.
- d. Make sure the Prisoner is advised of the following:
 - the prisoner will be on temporary loan to the other state.
 - the prisoner's sentence continues to run while out of state.
 - the prisoner will be returned by the receiving state after trial and sentencing.

2. Six (6) copies of the **Form V-A** or the **Form V-B** are required, regardless of which form is used. Only one **Form V-A** or **V-B** needs original signatures. Then make five (5) copies for distribution. The Custodial officials need to make sure the Prosecuting officials receive the appropriate form (**Form V-A** or **V-B**) with original signatures.

- a. The **Form V-A** is used to notify the Prisoner of the request for temporary custody advising the Prisoner of their rights. The Prisoner should read, sign, and date the **Form V-A**. The Custodial officials must witness the form.
 - the Prisoner can either elect to waive extradition and agree to the temporary custody request, or the Prisoner can request a Cuyler v Adams hearing.
 - if the Prisoner requests a Cuyler v Adams hearing, then the Custodial officials need to contact their local District Attorney's office for assistance, or the Agreement Administrator in the sending state.

- should the Prisoner refuse to sign the **Form V-A**, then the Custodial officials will need to state this fact by writing in the prisoner's signature block the Prisoner's refusal to sign, and then the Custodial officials can sign and date this form. This will indicate the Prisoner has been advised of their right to have a hearing should a challenge arise later.

NOTE: The **Form V-A** replaces the "Request/Waiver of Hearing" that was previously used.

b. If a **Form V-B** is used, then the Prisoner is in agreement with the Prosecuting officials request for temporary custody, and waives extradition and does not request a Cuyler v Adams hearing. The Prisoner must read, sign, and date the **Form V-B**. The Custodial officials must witness the form. Should the Prisoner refuse to sign the **Form V-B**, then use the **Form V-A**. (see paragraph (2) (a) above for instructions)

NOTE: Make sure the prisoner is advised that a refusal to sign either form does not prohibit the prosecuting officials from taking temporary custody of the prisoner.

3. The Custodial officials must send one copy of **Form V-A** or **Form V-B** (which ever form is used) to each of the following:

- Custodial officials
- Prosecuting officials (gets the form with original signatures)
- Clerk of the Court
- Agreement Administrator for the sending state
- Agreement Administrator for the receiving state
- Prisoner

NOTE: Both the **Form V-A** and **Form V-B** include a waiver of extradition clause and regardless of which form is used, it must accompany the **Form III** and **Form IV**, when submitted to the Prosecuting officials.

4. Once a **Form V-A** or **Form V-B** is signed (which ever form is used) and witnessed, the Custodial officials should complete the **Form III** (six copies) and the **Form IV** (six copies). The Warden or his designated representative must sign the **Form III** and the **Form IV**.

a. The **Form III** provides the Prosecuting officials information regarding the Prisoner's status. Only one form needs original signatures and then make 5 copies.

b. The **Form IV** offers temporary custody, from the Custodial officials, of the Prisoner to the Prosecuting officials to commence trial. Only one form needs original signatures and then make 5 copies.

5. The Custodial officials should mail the **Form III, IV** and the **Form V-A** or **V-B** (which ever form is used) together. Distribution is outlined below: (a cover letter should accompany these forms)

- Custodial Officials (hand delivered) (keeps the **Forms III & IV** with original signatures)
- Prosecuting Officials (certified or registered mail, return receipt requested) (required)
- Clerk of Court (certified or registered mail, return receipt requested) (required)
- Agreement Administrator of the sending state (regular mail)

- Agreement Administrator of the receiving state (regular mail)
- Prisoner (hand delivered)

NOTE: The Warden's copies of the IAD forms are kept in the institutional file so that no matter where the prisoner may be assigned within the sending state the IAD forms are available by being maintained in the file. The Prisoner is given his copy of the forms to keep in his personal belongings.

6. If there are other jurisdictions in a party state that has requested temporary custody of the Prisoner and have pending indictments, informations or complaints against the Prisoner; the Custodial officials are required to notify all other jurisdictions in that party state, in accordance with T.C.A. § 40-31-101 Article IV paragraph (b) by making as many copies as necessary of the **Form V-A or V-B** and **Form II, III, and IV**. Distribution is outline in paragraph 5 above.

NOTE: If a Prisoner's release date is near, the Prosecuting officials will need to arrange for Extradition, or have local authorities or State Police, issue a Fugitive Warrant for arrest upon release or ask to have the Prisoner paroled to a detainer.

NOTE: It is recommended that one of the agents be female if the Prisoner to be transported is female.

7. Once the Custodial officials have mailed the **Form V-A or V-B, Form III and Form IV**, their procedures and responsibilities are complete until they receive the **Form VI**; which is proper notification that the Prosecuting officials are ready to take temporary custody of the Prisoner for transfer and trial.

8. Once the Custodial officials receive the **Form VI** from the Prosecuting officials, make sure the Prisoner is available for transfer and trial. The Prisoner cannot be released for transfer without receiving a **Form VI** from the Prosecuting officials.

a. If for any reason and/or at any time, after receiving the **Form VI**, the Prisoner becomes no longer available for transfer and/or trial the Prosecuting officials and the receiving state Agreement Administrator needs to be notified immediately.

b. Once the Custodial officials receive their **Form VI**, they must wait for the Prosecuting officials to make arrangements to take temporary custody of the Prisoner for transfer and trial.

c. After the Prisoner is transported to the receiving state for trial, the Custodial officials need to contact the Prosecuting officials, periodically, to keep track of the Prisoner status.

9. If there are other party states in the process of trying to take temporary custody of the Prisoner when one party state has already taken temporary custody of the Prisoner, these other party states must be notified, that the Prisoner is no longer available for trial.

NOTE: If there is a problem of locating or finding out the status of the Prisoner while the Prisoner is in the receiving state for trial, the Custodial officials should contact the sending state Agreement Administrator for assistance.

Prosecuting Officials Procedures

1. When the Prosecuting officials receive the **Form V-A** or **V-B** (which ever is used), **Form III**, and **Form IV** from the Custodial officials, the **Form VI** should be completed to take temporary custody of the Prisoner for trial. There is no time limit requirement for the Prosecuting officials to take temporary custody of the Prisoner for trial when the **Form V** has been used.

2. When the Prosecuting officials are ready to take custody of the Prisoner to commence trial they need to complete five (5) copies of the **Form VI**, each form must have original signatures, and send the forms to the receiving state Agreement Administrator for signature. Make sure every copy of the **Form VI** has every agent's name printed along with their signatures that are assigned to transport the prisoner.

NOTE: The **Form VII** is not required when the **Form V** is used to request temporary custody.

Agreement Administrator Procedures

Once the Agreement Administrator receives the **Form VI**'s from the Prosecuting officials for signature, the forms should be signed and mailed to the appropriate officials within a reasonable amount of time to allow the Prosecuting officials opportunity to make arrangements to take temporary custody of the Prisoner and to allow the Custodial officials time to make sure the Prisoner is available for transfer and trial. The following officials are required to receive a **Form VI**: Prosecuting officials (2), Custodial officials (1) (**see Georgia), and the Agreement Administrator sending and receiving state.

*** The state of Georgia requires that the **Form VI** be mailed to their state Agreement Administrator. The Custodial officials at the institution will not honor the **Form VI** and will only release a Prisoner for temporary custody with a movement order from their Agreement Administrator.

Prosecuting Officials Procedures

1. The Prosecuting officials receive their 2 **Form VI**'s from the Agreement Administrator.

- one **Form VI** is retained for the Prosecuting officials file.
- one **Form VI** is given to the agent's, or agency, that will take temporary custody and transport the Prisoner for trial in the receiving state.

2. When the Prosecuting officials are ready for trial, the assigned agent(s) are sent to transport the Prisoner for trial. The agent(s) may be from the Sheriff's Department, Police Department or a Private Transport Agency.

a. Agents taking temporary custody of the Prisoner should coordinate with the Custodial officials in advance, to make sure the Prisoner is available, and arrange transport. (three business days prior to the pickup date is recommended)

b. In accordance with Article V (b), the following items must be available on demand when the agents arrive at the institution to take temporary custody of the Prisoner:

- proper identification
- **Form VI** - evidence of the agent's authority to act for the receiving State into whose temporary custody this prisoner is to be given.
- a duly certified copy of the indictment, information, or complaint on the basis of which the detainer has been lodged, and on the basis of which the request for temporary custody of the Prisoner has been made.

c. Without the above items the Custodial officials can refuse to release the prisoner. This is the Custodial official's right. It is critical to ensure that the paperwork is in order, prior to the agent's departure from receiving state's jurisdiction.

d. If there is any issue that would prevent the assigned agents from taking of temporary custody of the Prisoner, notify the Agreement Administrator in the sending state and/or the receiving state immediately for assistance.

3. In respect of any proceeding made possible by Article IV paragraph (c) trial shall be commenced within 120 days of the arrival of the prisoner in the receiving State, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

4. If trial does not commence within the 120 days and a continuance has not been granted by the court of jurisdiction, the detainer will no longer be in effect for all charges in all the receiving state's jurisdictions that are listed, and the Court with jurisdiction will issue an order dismissing the charges per T.C.A. § 40-31-101 Article V paragraph (c). (i.e...these charges cannot be brought up again)

NOTE: It is the Prisoner and the Defense Attorney's responsibility to seek relief regarding any alleged violation of IAD, if trial has not commenced within the 120 days, and no continuance has been granted.

5. The Prosecuting officials need to make sure the court of jurisdiction and the local facility holding the Prisoner for trial is aware of the temporary custody of the Prisoner to ensure the Prisoner is not released for any reason, or released to another jurisdiction, even if the charges are dismissed. If the Prisoner is released from custody, for any reason, the Agreement Administrator in both the receiving and sending state and the Custodial officials of the Prisoner must be notified immediately.

6. The Prosecuting officials should complete a **Form IX** after completion of the trial and sentence, whether the sentence is probated, dismissed or otherwise ordered. The Prosecuting officials must arrange to return the Prisoner to the original place of imprisonment.

- a. Four copies of the **Form IX** are required. One form has original signature and then make 3 copies and distribute as follows: Prosecuting officials, (keeps form with original signatures), Custodial officials (sending and receiving state), and the Agreement Administrator in the sending state.

NOTE: Any other form or document may be generated locally by the Prosecuting officials for internal purposes and included with **Form IX**, but **Form IX** must be completed and forwarded according to Article V paragraph (e).

Prosecution by Subsequent Jurisdictions in the Receiving State

1. If other detainees are pending from more than one jurisdiction within the receiving state, all subsequent jurisdictions are required to use the **Form VIII**. (each form must have original signatures) (be sure all Prosecuting officials and Custodial officials receive a copy of the **Form VIII**)
2. If there are questions regarding the use of the **Form VIII**, contact the receiving state Agreement Administrator for assistance. Be sure the comments section is completed and transportation arrangements are completed, between or among, all jurisdictions.
3. Each subsequent jurisdiction, in the receiving state, that plans to prosecute the Prisoner, must make sure that after the Prisoner has arrived in the initial jurisdiction for trial, each subsequent jurisdiction will need to make sure an entry is made in the court of record to toll the time and obtain a continuance pursuant to Article IV paragraph (c). It is critical to ensure there is an entry in the court's record that the Prisoner is not available for trial, while they are involved in their current trial, to toll the time per Article VI. For assistance, contact the Agreement Administrator in the receiving state.
4. The last jurisdiction to complete prosecution, if there are multiple jurisdictions prosecuting, is responsible for returning the Prisoner to the original place of imprisonment. For assistance, contact the Agreement Administrator in the receiving state.

NOTE: The **Form VI** and **VIII**, if applicable, are active until the Prisoner is returned to the original place of imprisonment. The length of trial or time in the receiving state to complete all prosecutions that are necessary has no bearing on deactivating the applicable **Form VI** and **Form VIII**.

Detainers not covered by Interstate Agreement of Detainers:

1. Parole violations.
2. Probation violations.
3. Requests to return prisoners to serve unexpired portion of sentence(s).
4. Detainers for sentence imposition.
5. Detainers from Louisiana or Mississippi.
6. Immigration & Naturalization Detainers for deportation.
7. Detainers for Death Penalty Offenses.
8. Detainers for mentally ill prisoners.
9. Prisoner escaped from another prison and is wanted merely on the basis of the unsatisfied prison term.
10. Request to use the prisoner as a witness in a trial.



STATE OF TENNESSEE
DEPARTMENT OF CORRECTION
6TH FLOOR RACHEL JACKSON BUILDING
320 SIXTH AVENUE NORTH
NASHVILLE, TENNESSEE 37243-0466
OFFICE (615) 741-1000 EXT. 8532 FAX (615) 741-9280

January 31, 2015

The Honorable Brian Kelsey
Chair, Senate Judiciary Committee
301 6th Avenue, North
Suite 7 Legislative Plaza
Nashville, TN 37243

Subject: Interstate Compact on Detainers Annual Report

Dear Mr. Kelsey:

The following information is to inform your office, as required by T.C.A. § 40-31-107, of the number of participants in the Interstate Compact on Detainers.

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Should you have any questions concerning this information, please contact me at (615) 253-8235.

Sincerely,

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Douglas C. Stephens
Interstate Compact on Detainers Administrator, Tennessee



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Encl: (1) Participant information

1/26/2015

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2. Breaking and Entering (1 ct) - 5 years Grand Larceny (1 ct) - 5 years	NECX	10/10/2013
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January 31, 2015

The Honorable William Lamberth
Chair, House Criminal Justice Committee
301 6th Avenue, North
Suite 22 Legislative Plaza
Nashville, TN 37243

Subject: Interstate Compact on Detainers Annual Report

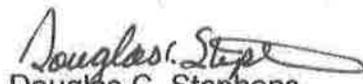
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January 31, 2015

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Speaker of the House of Representatives
Office of the Speaker
301 6th Avenue, North
Suite 19, Legislative Plaza
Nashville, TN 37243

Subject: Interstate Compact on Detainers Annual Report

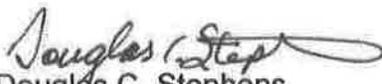
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Department of
Correction

January 29, 2016

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301 6th Avenue, North
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