Massachusetts Department of Correction **POLICY**		Effective Date 10/14/2025	Responsible Division Deputy Commissioner, Clinical Services and Reentry
		Annual Review Date 7/24/2026	
Policy Name 103 DOC 419 FEDERAL/INTERSTATE COMPACT		M.G.L. Reference: M.G.L. c. 125, Appendix § 1-1; M.G.L. c. 125, § 2-1, M.G.L. Ch. 127 § 97A	
		DOC Policy Reference: 103 CMR 155; 103 CMR 410; 103 CMR 411; 103 CMR 420	
		ACA/PREA Standards: 2-CO-4B-02	
Attachments Yes ☐ No ☒	Library Yes ☒ No ☐	Applicability: Staff/Incarcerated Individuals	
Public Access Yes ☒ No ☐		Location: Department Central Policy File Each Institution's Policy File	

PURPOSE:
The purpose 103 DOC 419 is to establish Department policy and procedure regarding the transfer of incarcerated individuals between the Commonwealth of Massachusetts and other member states of the New England Interstate Corrections Compact, the Interstate Corrections Compact and between the Commonwealth of Massachusetts and the Federal Bureau of Prisons (FBOP).

RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:
Deputy Commissioner, Clinical Services and Reentry
Assistant Deputy Commissioner, Reentry
Director, Classification Division
Superintendents

CANCELLATION:
103 DOC 419 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules, and regulations regarding the Federal/Interstate Compact which are inconsistent with this policy.

SEVERABILITY CLAUSE:
If any article, section, subsections, sentence, clause or phrase of 103 DOC 419 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner, or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of this regulation.

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419.01 CRITERIA FOR TRANSFER

A. Under the provisions of the New England Corrections Compact (NECC), Interstate Corrections Compact (ICC) or Federal Agreement, an incarcerated individual may be transferred to another state (hereinafter included in the term "state") or the Federal Bureau of Prisons (FBOP) provided a contract has been executed between Massachusetts and the respective party and one (1) or more of the following are met:

1. All in-state alternatives have been considered and found unsuitable for providing the required degree of security for a particular incarcerated individual.

2. At the discretion of the Commissioner or designee.

419.02 ELIGIBILITY GUIDELINES FOR TRANSFER

A. The following factors shall normally preclude consideration for interstate or federal transfer:

1. Any unresolved issues of a criminal nature.

2. At the discretion of the Commissioner or designee.

419.03 CLASSIFICATION PROCESS

A. Recommendations for interstate or federal transfer shall normally occur via the classification process in accordance with 103 CMR 420, *Classification*.

Institution staff shall select and input the recommendations in the "Screen For" and "Placement Site" field as appropriate via IMS.

B. All institutions shall utilize the "Board Recommendation" section of the Classification Recommendation/Results screen and include all of the above information in the "Board's Rationale" field.

C. Regularly scheduled classification reviews, in accordance with 103 CMR 420, *Classification*, shall be conducted on incarcerated individuals pending interstate or federal transfer. The institution shall make a recommendation to the Commissioner or designee indicating the need or lack thereof for continued interstate or federal screening.

419.04 REFERRAL PROCESS

A. The County Federal and Interstate Unit (CFI Unit) shall be responsible for the referral of all incarcerated individuals to other states.

Upon approval by the Commissioner or designee, an application shall be referred to a designated state(s) and shall contain the following:

1. Information and documentation relating to the incarcerated individual's case history and reason for transfer, including but not limited to, classification report(s), disciplinary chronology, Security Threat Group (STG) information and medical clearance form.

2. Copies of Mittimus' for the sentences for which the incarcerated individual is confined, police reports and any orders or rulings relative to the same.

B. The receiving state shall have a reasonable amount of time to review the application and render a decision regarding the request for placement provided, however, that on an emergency basis the receiving state may informally accept and take custody of an incarcerated individual pending submission and review of complete documentation.

419.05 TRANSFER PROCESS

A. Upon notification to the CFI Unit of acceptance by a state, transportation arrangements shall be coordinated by the Central Transportation Unit (CTU) in conjunction with the CFI Unit to have the incarcerated individual delivered to the receiving state by the CTU.

B. Approved property and medicine shall accompany the incarcerated individual. CTU will retain a copy of the mittimus.

C. The sending institution shall notify the CTU of any security/transportation issues or concerns relating to the incarcerated individual.

D. In cases where there will be a mutual exchange of incarcerated individuals, arrangements may be made with the receiving state in an effort to minimize transportation expenses.

419.06 RESPONSIBILITY

Questions, concerns, or matters related to Massachusetts incarcerated individuals transferred to another state pursuant to the NECC, ICC or the Federal Agreement shall be directed to the CFI Unit.

419.07 MASSACHUSETTS INCARCERATED INDIVIDUALS IN OTHER JURISDICTIONS

A. A Massachusetts incarcerated individual transferred to another state shall receive classification reviews in accordance with 103 CMR 420.13, *Inmates Held in Other Jurisdictions*.

B. A Massachusetts incarcerated individual may be classified or reclassified by the receiving state as follows:

1. Between medium and maximum security at their discretion provided, however, no reduction in security occurs when Massachusetts notifies the receiving state that the incarcerated individual must be held in maximum security.

2. To a custody level below medium only with the prior approval of the Commissioner or designee.

C. Massachusetts incarcerated individuals in other jurisdictions shall be eligible for good time credits pursuant to regulations set forth in 103 CMR 411, *Deduction from Sentence.*

1. The CFI Unit shall request all work, program and education participation through bi-annual progress reports or as needed.

2. Good time shall be posted by the CFI Unit.

3. In accordance with 103 CMR 410, *Sentence Computations* and 103 CMR 155, *Inmate Six Part Folder*, sentence computation and Certificates for Discharge/Release shall be the responsibility of the Central Date Computation Unit (CDCU).

419.08 OTHER STATE INCARCERATED INDIVIDUALS IN MASSACHUSETTS

A. Incarcerated individuals transferred to Massachusetts pursuant to the NECC, ICC, or the Federal Agreement shall be classified in accordance with 103 CMR 420, *Classification*.

B. An out of state incarcerated individual may be classified or reclassified by Massachusetts as follows:

1. Between medium and maximum security at Massachusetts' discretion; however**,** no reduction in security shall occur when the other state notifies Massachusetts that the incarcerated individual must be held in maximum security.

2. To a custody level below medium with the prior approval of the other state.

C. Good time for an out of state incarcerated individual shall be determined as follows:

1. Progress reports are provided to the sending state upon request by the sending state.

2. Eligibility for good time credit is pursuant to the laws and regulations of the sending state.

3. Any reduction in release dates will be the responsibility of the sending state.

D. A request to return to the sending state shall be made by the incarcerated individual directly to said state.

419.09 GENERAL PROVISIONS

This section applies to both Massachusetts incarcerated individuals held in other states as well as with FBOP authorities and other state or federal incarcerated individuals held in Massachusetts.

A. Incarcerated individuals confined in an institution pursuant to the provisions of the NECC, ICC, or Federal Agreement shall be subject to the jurisdiction of the sending state.

B. The receiving state may impose on incarcerated individuals of sending state the receiving state's internal rules and regulations governing incarcerated individual behavior and discipline; provided, however, that the receiving state may not impose a type of discipline prohibited by the laws or regulations of the sending state or with the sentence imposed by the sending state.

C. Unless otherwise provided, transportation of incarcerated individuals of the sending state shall be at the expense of the sending state.

D. Upon demand of the sending state, the receiving state shall give up custody of an incarcerated individual of the sending state. If at that time of the request the incarcerated individual is either accused of or has a pending criminal charge committed within the receiving state, the incarcerated individual will not be returned to the sending state without the consent of the receiving state until discharge from prosecution or other proceedings, imprisonment, or detention for such offense.

E. Upon demand of the receiving state, the sending state shall retake any incarcerated individual of the sending state.

F. Upon termination of the period of commitment, the sending state shall retake any incarcerated individual of the sending state.

G. Upon agreement by and among the party states and with the consent of the incarcerated individual, the receiving state may discharge an incarcerated individual of the sending state within the borders of the receiving state at the completion of the confinement ordered by the sending state. The sending state shall provide at its expense, any clothing gratuity (gate money), or transportation appropriate or required in the circumstances.

H. In case of escape in the receiving state, the receiving state shall immediately report the escape to the sending state and shall use all reasonable means to recapture the incarcerated individual, at its expense. If an incarcerated individual of the sending state escapes from the receiving state and is thereafter found in a third state, it will be the responsibility of the sending state to extradite the incarcerated individual.

I. In the event of the death of an incarcerated individual, the receiving state shall immediately report to the sending state the death of an incarcerated individual of the sending state, furnish all information requested and follow the instructions of the sending state regarding disposition of the body. The sending state shall notify the relatives of the deceased incarcerated individual, if any, as soon as practicable thereafter.

1. The provisions of this section shall not affect the liability of any relative or other legally liable person for the disposition of the deceased or for any expenses therewith.

2. The sending state may, at its option and at its expense, return the deceased incarcerated individual to its jurisdiction for burial or arrange for burial and all matters incident thereto in the receiving state, at the expense of the sending state.

3. The receiving state shall forward to the sending state a certified copy of the death certificate for the deceased incarcerated individual.

419.10 EMERGENCIES

Whenever in the opinion of the Commissioner, an emergency exists which requires suspension of all or part of these regulations, the Commissioner may authorize such suspension.