



North Carolina Department of Correction
Division of Prisons
Policy Summary Sheet

Outstanding Charges/Detainers

Chapter : G

Section : .0100

Current Review Date: December 12, 2008
Reviewed By: DOP Auxiliary Services
Next Review Due: **December 12, 2009**

Current Revision Date: December 12, 2008
Supersedes Revision Dated: January 28, 2008

Current Revision Summary (if applicable):

The following change(s) are effective:

.0105 (c) If two (2) or more detainers are on file, the authority having the earliest dated detainer will have first choice; however, in-state detainers will be given priority over out-of-state detainers. **Regardless of when the detainers are filed, staff should ensure all other detainers and pending charges have been disposed of prior to releasing any inmate with an Immigration and Customs Enforcement (ICE) detainer on file since the inmate will likely be deported and unavailable for prosecution. The agency cited as having the detainer or pending charges should be contacted as outlined in the policy and advised of the upcoming release date and the deportation detainer. Should the jurisdiction opt to not pursue the criminal charge, staff should request withdrawal of the detainer. In those instances where a detainer has not been issued, but a pending charge exists, staff should request written verification that the inmate is no longer needed in that jurisdiction. The OR44/45 screen should be updated to reflect the information provided by the courts to include comments on the F11 screen.** Combined Records will send Form DC-217 notifying the other authorities of the inmate's status.

 12/12/08
Division Policy Coordinator Date