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ASSISTED
PRISONER
TRANSPORTATION
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SERVICE

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Design Document Number 1.1

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ACQUISITION

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PREFACE

The Computer Assisted Prisoner Transportation Index Service (CAPTIS) Design Series is the first serial of CAPTIS program documentation. The Design Series is published with a three-fold purpose, as indicated by the three documents in the series. First, the Design Series introduces the CAPTIS program, explains its need, its philosophy and its implementation. This task is performed by Design Document Number 1.1: INTRODUCTION TO CAPTIS.

The second purpose is to detail the technical data necessary for utilization of the system, how to input information into the files, how to retrieve data from the files, how to modify records, how to cancel records, and other requisite technical format information. An additional goal of the second purpose is to guide user agencies in effecting a cooperative transport by providing a standard agreement for agency use. These two purposes are served by Parts I and II of Design Document 1.2: CAPTIS USER'S MANUAL.

The final purpose of the Design Series is to provide the technical information necessary to explain the CAPTIS system. This is a highly technical document, intended for limited distribution to programmers, engineers, analysts, and other professionals intimately familiar with computer systems.

The Design Series will be complete with the publication of three

Design Documents and can be expanded, should a need arise. A supporting document, CAPTIS OPERATOR'S GUIDE is published as a summary and handy reference for CAPTIS operators.

The published documents are:

- Design Document Number 1.1: INTRODUCTION TO CAPTIS
- Design Document Number 1.2: CAPTIS USER'S MANUAL
- Design Document Number 1.3: CAPTIS SYSTEM TECHNICAL DESIGN

Further information about the CAPTIS pilot system may be obtained by telephoning or writing:

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Design Document Number 1.1:

INTRODUCTION TO CAPTIS

In 1976 an estimated 50,000 prisoners were transported across state lines by criminal justice agencies at an approximate cost of 500 dollars per transport for a total of 25 million dollars in salary and trip expenses. Some 150,000 man days were required to accomplish these transports.(1) Not only do these figures show an appreciable increase over recent years in the money and manpower expended in moving prisoners between states for trial or institutionalization,(2) but indications are that the number of such transports that should be undertaken is mounting.(3)

- (1) For a detailed discussion of the volumes and costs in money and manpower of interstate transports see CAPTIS Research Study No. 2.2: Costs of Interstate Prisoner Transports: The Potential For CAPTIS Cost Benefits.
- (2) In 1976 the National Sheriffs' Association (NSA) gathered information on the volumes and costs of interstate transports conducted by seventy-eight sheriffs departments throughout the country. The sample, which was drawn from sheriffs and undersheriffs attending the National Sheriffs' Institute, was small and great care is necessary in making projections. The data obtained, however, is thought to be reasonably representative. The departments surveyed indicated that transport costs may have increased by as much as 41 percent during the 1973 - 76 time frame.
- (3) The Council of State Governments (CSG) has suggested that "[t]he fifty percent increase between 1970 and 1975 [citing CORRECTIONS MAGAZINE, March 1976] in our prisons represents a comparable percentage cost increase in the service required for interstate transfer." The Problem of Interstate Transfer of Criminal Offenders, 4(n.d.) (draft position paper on file at CSG Headquarters Office, Iron Works Pike, Lexington, Kentucky 40511).

Not surprisingly, many prosecutors, law enforcement officials, and corrections administrators have expressed a growing concern over the rising costs of interstate prisoner transports. Several have said that the expense and effort even now involved in these transports sometimes forces them to forego the return or transfer of prisoners except in the most urgent and extreme circumstances.

Many decision makers and practitioners believe that the present lack of timely interstate communication and coordination in scheduling transports is a major cause of the substantial expense and ineffective utilization of manpower so frequently associated with interstate prisoner returns and transfers. Criminal justice agencies in different states have seldom had the opportunity or means to arrange cooperative transports on a reciprocal basis, and countless examples have been cited of escort officers from different states crossing paths when transporting prisoners to and from the same points of destination or origin.

A. THE PHILOSOPHY OF CAPTIS

CAPTIS was conceived as a practical tool to assist prosecutors, law enforcement officials, and corrections administrators who are hard pressed between citizen demands for a better functioning criminal justice system on the one hand, and on the other, the rising costs of the resources required to improve the administration of criminal justice. Though by no means a cure-all, this concept may provide significant savings in manpower and money. These savings should

increase the capabilities of every criminal justice agency choosing to participate in CAPTIS. The end result will be more perfect administration of law enforcement and corrections.

Every effort will be made to design and implement a pilot system able to serve the needs of all criminal justice agencies involved in interstate prisoner transports. Comments and inquiries from agencies interested in CAPTIS are welcome.

B. THE CAPTIS PILOT SYSTEM

The Computer Assisted Prisoner Transportation Index Service (CAPTIS) outlined herein has been proposed to facilitate the rapid and convenient communication and coordination required to arrange cooperative transports of prisoners across state lines. CAPTIS is an innovative concept designed to provide interested criminal justice agencies with comprehensive, up-to-date information on the location and availability for transport of prisoners held in custody in sister states. Using this information, these agencies may agree with each other for cooperative transports on a cost reimbursement or exchange-of-services basis. Preliminary calculations indicate that in some instances CAPTIS could result in savings of up to 200 dollars per transport. Though it is unlikely that cooperative arrangements could be worked out for all of the 50,000 transports accomplished annually, if only 10 percent or 5000 of these transports could be conducted on a cooperative basis, total savings of as much as 1 million dollars every year could be realized by state and local criminal justice communities.

The National Sheriffs' Association (NSA), with the sponsorship of the National Criminal Justice Information and Statistics Service, of the Law Enforcement Assistance Administration, U.S. Department of Justice, and the assistance of numerous criminal justice agencies in the field, is now completing the design and development of a pilot system to test the feasibility of the CAPTIS concept. The pilot system will consist of a small computer data base located at the NSA headquarters in Washington, D.C. This data base is simply a computerized file or index containing basic logistics information regarding prisoners awaiting transport. It will be linked to the highly effective and accessible National Law Enforcement Telecommunications Systems, Inc. (NLETS).

The CAPTIS pilot system will be fully operational in selected states in early 1978. The NSA will maintain the pilot system and monitor its performance during the evaluation period. If it demonstrates that the promise of CAPTIS can be realized, a nationwide system may be implemented in the near future.

C. HOW CAPTIS WORKS

1. The Basics Of System Operation

The operation of CAPTIS is simple and straightforward. Criminal justice agencies that a) must move prisoners across state lines and b)

are interested in arranging cooperative transports to do so, would provide CAPTIS with essential elements of information (EEI) regarding the status and location of the prisoners they desire to return or transfer. The EEI is to consist of such data as:

- Identification, location, and transport coordinator (name and telephone number) of the agency wanting custody of the prisoner.
- Prisoner sex, height, and weight.
- Date prisoner is available for transport.
- Latest date transport must be made.
- Identification, location, and transport coordinator (name and telephone number) of the agency having custody of the prisoner.

Every criminal justice agency retains an unqualified property interest in the EEI it enters into the system. Thus each agency can add, delete, or modify EEI from the CAPTIS data base. Data entry will be accomplished by data terminals in accordance with a carefully designed EEI format. The system processor will edit all data entries to assure that the EEI is accurate and the format requirements have been met.

CAPTIS will index all EEI for retrieval by zone, state, and region according to the origin and destination of impending transports. For example, a fugitive to be transported from Santa Barbara, California to Hyannis, Massachusetts might be indexed in the following manner:

	ORIGIN	DESTINATION
LOCATION	Santa Barbara, California	Hyannis, Massachusetts
ZONE	Southern California	Cape Cod
STATE	California	Massachusetts
REGION	Southwest	New England

This index will be time-ordered according to the date the prisoner is available for transport.

Any criminal justice agency seeking information about prisoners awaiting transport could request index information by selecting the origin and destination areas that best suit its requirements along with a specific time "window" during which it wishes to accomplish a cooperative transport. CAPTIS would then respond with a summary geographic list of all the possible transports that fit these criteria. If the agency identifies a potential cooperative transport from this list, it will request specific EEI and use this detailed data for a further evaluation and, possibly, to telephone or teletype the other agency to negotiate an agreement for a cooperative interstate prisoner transport.

The possibility of a cooperative interstate transport can come about in many ways. Two criminal justice agencies in different states may each be holding or have local access to a prisoner the other wants to return or transfer. Here, all that is required is that one of these

agencies dispatch its officer with the other's prisoner in tow. Or a prisoner wanted by an agency located in a distant state may be held at some point along the trip route of an escort officer traveling in that direction to pick-up a prisoner wanted by his agency. When this occurs, it may be feasible for the escort officer to obtain custody of the prisoner enroute and deliver him to personnel of the demanding agency at a convenient rendezvous.

A number of more complex variations upon these basic patterns are also possible. For example, some law enforcement and corrections departments now transport prisoners distances of up to several hundred miles with small single or twin-engined airplanes which they may either own or else charter from agencies of state or county governments or from private flying services. Agencies using such light aircraft to return or transfer prisoners could easily query CAPTIS to identify possible cooperative transports along planned flight paths. By arranging to "share" their planes in this way, these agencies could make the flights almost pay for themselves.

Even criminal justice agencies that have no immediate requirements to move a prisoner across state lines can participate in CAPTIS. Thousands of officers travel between the states every year to receive instruction, attend informational seminars and conferences, perform liaison, observe innovative programs, and gather information first-hand from other criminal justice agencies for a wide variety of worthwhile purposes. Many of these officers are fully qualified by training and experience to transport prisoners, and their parent agencies could

greatly alleviate the fiscal burdens imposed by these trips by offering escort services through CAPTIS.

Finally, it should be noted that though conceived for interstate prisoner transports, CAPTIS is equally suitable for intrastate application. No changes in the practices and procedures for the operation of the pilot system are needed to permit agencies to use CAPTIS to arrange cooperative transports from one location to another within their state. This additional capability is important, for many times the distances traveled when transporting prisoners intrastate may exceed those of transports to and from adjoining or nearby states.

2. CAPTIS And Contract Law Enforcement (4)

CAPTIS is the electronic intermediary or go-between of a contract law enforcement program. Therefore to thoroughly understand the processes and structure of CAPTIS, it is necessary to know how law enforcement services are purchased or exchanged under the terms of intergovernmental contracts. A contract law enforcement transaction is: a voluntary relationship in which one unit of government enters into a formal, legally binding agreement to provide law enforcement or corrections services to another unit of government for consideration and without altering the fundamental powers and responsibilities of either government. Therefore an agreement arranged through CAPTIS to

- (4) This discussion is derived from findings developed by the NSA as part of its nationwide study of contract law enforcement which was accomplished in concert with the University City Science Center (USC) and supported by Grant Number 75-N1-99-0103 of the National Institute of Law Enforcement and Criminal Justice. These findings are presented in: CONTRACT LAW ENFORCEMENT: A PRACTICAL GUIDE TO PROGRAM DEVELOPMENT (1977), [hereinafter cited as PRACTICAL GUIDE], a manual designed to help law enforcement managers and local government officials apply their professional knowledge and experience to contracting for law enforcement services. The PRACTICAL GUIDE was prepared in conjunction with the USC's, A Judgemental Assessment of Contract Law Enforcement (1976). Both of these final products draw heavily from information generated by two initial reports: An Evaluation Study in the Area of Contract Law Enforcement: A Review of the Literature (1975) and Contract Law Enforcement: Site Visit Case Reports (1976). The Judgemental Assessment, Literature Review, and Case Reports are unpublished documents of limited circulation on file at the NSA headquarters office, 1250 Connecticut Avenue, N. W., Washington, D.C. 20036.

transport prisoners across state lines, may be described as:

- VOLUNTARY: It is established by mutual consent.
- FORMAL: It is accomplished according to stipulated obligations, conditions, and standards of performance.
- LEGALLY BINDING: It creates a legal relationship among the participants that guarantees their rights and duties.
- INVOLVES CONSIDERATION: It requires the reimbursement of costs or an in-kind exchange for services rendered.
- DOES NOT ALTER FUNDAMENTAL GOVERNMENTAL POWERS AND RESPONSIBILITIES: It involves only a very limited and temporary transfer of authority to enable one unit of government to become the paid agent of another for the purposes and duration of the agreement.

Each CAPTIS agreement transaction will involve four participants:

1) THE PROVIDER GOVERNMENT:

The state, county, or municipal government that agrees to provide the service of prisoner transportation under contract.

2) THE PURCHASING GOVERNMENT:

The government that purchases the service of prisoner transportation.

3) THE PRODUCER AGENCY:

The provider government's criminal justice agency that actually "manufactures" and delivers this service, i.e., performs the transport.

4) THE RECIPIENT AGENCY:

The recipient government's criminal justice agency that directly "consumes" the service of prisoner transportation.

This classification of participants is concerned only with recurring prototypes: That is, each and every agreement transaction arranged through CAPTIS will include a provider and purchaser government and a producer and recipient agency, regardless of just who these entities might actually be. However, units of government and their criminal justice agencies may participate in different capacities from one CAPTIS transaction to the next. For example, a law enforcement or corrections department may be a producer in one transaction and a recipient in another. Similarly, a state or local government may act as provider or purchaser depending upon the immediate circumstances of particular transactions in which its criminal justice agency becomes involved. And, of course, a criminal justice agency or unit of government engaged in separate CAPTIS agreement transactions at the same time may act in different participant capacities simultaneously.

Successful contract law enforcement transactions are organized to achieve a productive relationship of interlocking responsibilities in which the participants play leading functional roles in those sectors of contract administration most directly connected with their own special expertise and interests -- roles that when fitted together accomplish the total management of any particular transaction, regardless of whether the period of performance that is involved lasts but a few hours, several days, or several years. Within the framework of CAPTIS, the provider and purchasing governments retain final authority and control over the contract law enforcement activities of their respective criminal justice agencies. Though, of course, neither

government becomes involved in the everyday details of CAPTIS transports, both are generally responsible for:

- Permitting their criminal justice agencies to become engaged in the production and receipt of CAPTIS transport services
- Establishing broad policy guidelines as may be necessary or appropriate for participation in the CAPTIS pilot program
- Maintaining oversight of fiscal aspects of CAPTIS transports
- Assuring that CAPTIS agreement obligations are fulfilled
- Integrating the benefits, requirements, and impacts of CAPTIS transport services within the relevant state or local criminal justice community.

Though ultimately responsible to their parent governments, the producer and recipient agencies play largely independent roles in negotiations and the production and receipt of CAPTIS transport services. Both focus upon "in-house" policy and operational matters relevant to the technical tasks of interstate prisoner transports. Their working level perspectives and prerogatives, however, are quite different. On the one hand, the recipient agency, as consumer, is responsible for:

- Specifying the exact requirements for each CAPTIS transport it desires to negotiate
- Evaluating the feasibility and desirability of potential CAPTIS transports
- Accepting or rejecting "best offers" for CAPTIS transports.

On the other hand, the producer agency, as manufacturer, is responsible for:

- Planning, organizing, and scheduling CAPTIS transports
- Assigning, directing, and supervising escort officers
- Determining and applying standards of performance and discipline used in the delivery of CAPTIS

transport services

- Deciding any other law enforcement matter arising from participation in the CAPTIS pilot program and affecting the internal management of the department.

In considering arrangements for a cooperative transport, every criminal justice agency that must move a prisoner across state lines will have two basic options: a) It can dispatch an escort officer to return or transfer its prisoner, defraying expenses "on the way out" by agreeing as a producer agency to transport a prisoner for a recipient agency or b) it can agree instead as the recipient agency for the transport of its prisoner by an escort officer from a producer agency. Either option eliminates "deadhead" trip time for the escort officers involved and thus reduces the waste of resources that might otherwise occur in a single-handed transport.

An agency that need not presently move prisoners across state lines but that does happen to have officers traveling interstate for other reasons and wishes to reduce trip costs by participating in cooperative transports, would, of course, provide escort services under the first option as a producer agency. But because those officers would normally deadhead to and from their destination, this agency could contract out their services on either or both the outward or inward bound leg of their journey.

It is important to understand that any agency is at liberty to choose either the producer or recipient option to move its prisoner or

to decide not to participate in a cooperative interstate transport at all. The agency is guided in this choice solely by its consideration of what best fits its needs and circumstances. For example, a sheriff's or state police department that desires to return a fugitive accused of a serious crime may wish to dispatch the investigating officer or officers who are completely familiar with the case to accomplish the transport.(5) Here the producer option will be selected. On the other hand, a corrections department may desire to effect a routine transfer of an inmate to or from a penal institution located in another state. Having no special reason to accomplish this transport with its own officers, the corrections department may find the recipient option best suited to its needs. Again, the agency involved is perfectly free to decide that for one reason or another it is not feasible to arrange or attempt to arrange a cooperative transport. Voluntarism is the key to CAPTIS.

(5) Such arrangements are strongly advocated in some jurisdictions. See e.g., Office of the District Attorney, County of Los Angeles, California, THE DISTRICT ATTORNEY'S ROLE IN EXTRADITION AND RELATED PROCEDURES 3 (n.d.).

It is also important to realize that it is the prerogative of the criminal justice agencies using CAPTIS to establish the terms and procedures of each cooperative interstate transport in which they propose to participate. CAPTIS does not become involved in transport negotiations. When queried, CAPTIS supplies information regarding possible opportunities for cooperative transports, but it does not superintend or mediate the exploitation of these opportunities. The names and telephone numbers of designated agency transport coordinators are provided so that agencies can arrange interstate transports among themselves quickly, conveniently, and directly.

D. THE LEGAL FEASIBILITY OF CAPTIS

The prospect of a cooperative prisoner transport raises a number of significant legal questions that must be answered satisfactorily before participation in the CAPTIS pilot system becomes a possible and responsible course of action for criminal justice agencies seeking to save money and manpower. The CAPTIS project staff has addressed these questions, carefully isolated the critical issues, and, after extensive research, has arrived at the following findings: a) both the existing federal and state statutory mandates for interstate prisoner transportation and the present state and local laws governing public offices and employments permit the officials of one state to appoint an officer of another state to act as their agent to accomplish the transport of a prisoner; b) most state and local governments and their criminal justice agencies now have the authority to contract with other

units of government in other states for the transport of prisoners; c) an officer may transport the prisoner of another state without being specially deputized by that state; and d) the exchange of EEI about the status and availability for transport of prisoners envisaged by CAPTIS either fall outside of or comply with federal and state privacy and security requirements safeguarding the collection, storage, and dissemination of criminal history information.

Though many aspects of the legal authority for CAPTIS are undoubtedly jurisdictional in character and may vary somewhat in scope and specifics from state to state, the above findings indicate that CAPTIS is indeed legally feasible under the generally prevailing substantive statutory and decisional law.

E. THE PROBLEM OF LIABILITY

Effectively dealing with tort liability in the event of injury or death to the escort officer, his prisoner, or a citizen bystander is an important concern to those who desire to participate in CAPTIS. Closely allied to this concern is that of who shall be liable for any indemnity arising from the terms and conditions of employment with a parent agency should an escort officer be killed or suffer disabling injury while transporting a prisoner for another state.

First it should be understood that the possibility of death or injury is very, very low. A survey of over 1500 sheriffs' and police

departments that together transported some 15,000 prisoners in 1976 revealed that only one injury occurred during the course of these many thousand transports. In this incident a prisoner who had previously suffered a leg injury struck the escort officer with his crutch. The officer received first aid in a hospital emergency room and was then released. There were no reports of injuries of any kind to prisoners or citizens.

Though precise statistical comparisons are impossible, it is obvious that this single minor injury compares very favorably to the number of injuries suffered by law enforcement and corrections personnel, subjects, and members of the public generally as the result of incidents arising during the same time frame while criminal justice agencies were attempting to carry out their primary missions. And it must not be overlooked that participation in CAPTIS might well make it possible to reduce still further what little risk of death or injury there is. Because of the present high manpower costs of interstate prisoner transports, many criminal justice agencies are forced to forego the precautionary measure of assigning two escort officers to each prisoner that must be returned or transferred. Though unnecessary if the transport goes well, in the unlikely event of trouble the extra officer provides an invaluable margin of safety, and, moreover, his presence may prevent trouble in the first instance. By increasing productivity and thus lowering per escort officer costs, CAPTIS could permit participating agencies to stretch their transport budget dollar enough to assign an additional officer whenever the circumstances warrant.

It must also be understood that the interstate character of the cooperative transports arranged through CAPTIS does not entangle the participants in a host of complex legal difficulties over the allocation of "pocket liability" should an injury or death occur. Past experience in hundreds of contract law enforcement programs in jurisdictions throughout the United States has shown the way to a very satisfactory solution to the allocation problem. In almost all instances, participants in contract law enforcement programs stipulate that the provider government shall a) assume liability for, b) defend against, and c) secure the purchasing government from all costs or damages for injury to person or property caused by the negligence or intentional misconduct of producer agency officers when delivering agreed upon services. They also stipulate that the purchasing government shall not be liable for indemnity to any officer of the producer agency for injury arising out of their assignment to provide law enforcement services under the agreement.(6)

In short, the participants agree to make certain that established legal bases of liability will prevail. Liability generally follows control, and though personnel of the producer agency are performing law enforcement at the request of the purchasing government

(6) NSA PRACTICAL GUIDE 43 - 44, 78 - 81 (1977).

and its recipient criminal justice agency and for their benefit, the producer agency invariably retains full control of its officers. The standard allocation formula developed in contract law enforcement simply makes it certain that the producer agency continues to have the same dollar-and-cents liability -- no more, no less -- for what its escort officers do or fail to do while they are in interstate transit with the prisoner of a recipient agency, as it would have if its own prisoner were being transported. The escort officers are personnel of the producer agency and there can be no doubt that it remains responsible for their conduct -- regardless of whose prisoner is being transported. By the same token, the recipient agency is assured that it will have no "pocket liability" for torts committed by escort officers belonging to the producer agency.

Finally, and perhaps most importantly, it is possible for the producer agency to insure against the risk of injury or death while providing escort services, and many criminal justice agencies already have this protection under the terms and conditions of their current comprehensive liability policy. For example, the NSA's "Law Enforcement Officers' Comprehensive Liability Insurance," explicitly extends full coverage to contract law enforcement programs and activities. Approximately 60,000 criminal justice personnel are protected by this particular policy.

F. FURTHER REFERENCES: CAPTIS PUBLICATIONS

CAPTIS is not a complex system, its utilization and concomitant advantages are readily available to any agency seeking to reduce its costs for prisoner transports. The training necessary for operators is minimal and the cost savings may well be significant. The effectiveness depends upon the user agencies, for to realize a cooperative transport each user agency must input information as soon as a transport date can be identified.

The Design Series answers the fundamental questions of "how" and "why" and is sufficient for proper utilization of the system. However there are many questions which may arise concerning the legal permissibility of cooperative transports. The documentation of the CAPTIS system identifies the pertinent questions, analyzes the appropriate statutes, case law and regulations, and makes recommendations as to the need for CAPTIS, and the legal justification for cooperative prisoner transports.

Three additional serials of CAPTIS program documentation are now being published to meet these demands. These serials are the Research Series, the Legal Feasibility Series, and the Calculus of Risk Series. Each of these additional serials is oriented to a major subject area of importance to CAPTIS. Separate publications within these serials address selected topics of special interest. Copies of these CAPTIS

publications may be obtained from the NSA.

1. The Research Series

The purpose of the Research Series is to gather essential information and investigate significant issues of relevance to the interstate transport of prisoners so that findings and conclusions of real value may be made available to criminal justice policy makers. Though each is an individual monograph, when fitted together the Research Studies will provide a comprehensive analysis of present and future problems and opportunities for improvements in interstate prisoner transportation in the United States. Special attention will be given to evaluating the potential of CAPTIS as a means of reducing the costs of moving prisoners across state lines.

As presently planned, the Research Series is to consist of three Research Studies with others forthcoming should the need arise. The three Research Studies now scheduled for publications are:

Research Study Number 2.1: Mandates for Interstate
Prisoner Transports

Research Study Number 2.2: Costs of Interstate
Prisoner Transports:
The Potential for
CAPTIS Savings

Research Study Number 2.3: Evaluation of CAPTIS
Pilot System

2. The Legal Feasibility Series

The Legal Feasibility Series has been prepared to answer legal questions pertaining to the implementation of the CAPTIS pilot system. Each Legal Feasibility Analysis probes a single essential issue from the standpoint of: "Can we do it?" The objective is to discover and demonstrate a satisfactory legal foundation for the use of out-of-state officers to accomplish cooperative interstate prisoner transports on a cost reimbursement or exchange basis.

As now scheduled, the Legal Feasibility Series is to consist of five Legal Feasibility Analyses with others to be issued should the need arise. The Five Legal Feasibility Analyses immediately forthcoming are:

Legal Feasibility Analysis Number 3.1:

Do the existing federal and state statutory mandates for interstate prisoner transportation permit the officials of a demanding, requesting, or sending state to appoint the officer of another state to act as their agent to

accomplish the transport of a prisoner?

Legal Feasibility Analysis Number 3.2:

Do state and local governments and their criminal justice agencies now have the authority to contract with other units of government in other states for the transport of prisoners?

Legal Feasibility Analysis Number 3.3:

Do present state and local laws governing public offices and employments allow the officials of the demanding, requesting, or sending state to tender an appointment to an officer from another state to act as their escort officer and may this officer accept and serve such an appointment?

Legal Feasibility Analysis Number 3.4:

May an officer transport a prisoner of another state without being specially deputized by that state?

Legal Feasibility Analysis Number 3.5:

Does the exchange of essential elements of information about the status and availability for transport of prisoners envisaged by CAPTIS fall outside of or comply with federal and state privacy and security requirements safeguarding the collection, storage, and dissemination of criminal history information?

3. The Calculus Of Risk Series

The Calculus of Risk Series is intended to address those concerns of critical importance to user acceptance and the continuing, successful operation of the CAPTIS pilot system. Given that CAPTIS is feasible and that its cost benefits are promising, decision makers and practitioners must be assured that they may participate in the CAPTIS pilot system without fear of losing custody of any prisoner being transported or extraordinary vulnerability to tort suit should a mishap or incident occur during the journey.

Two Calculus of Risks providing an in-depth examination of these concerns are scheduled for publication. These are:

Calculus of Risk Number 4.1:

Risk of Loss of Custody When Out-Of-State
Officers Are Employed To Transport Prisoners.

Calculus of Risk Number 4.2:

Risk of Extraordinary Liability In The Event of
Injury or Death To The Escort Officer, Prisoner,
or Citizen Bystander.

It is planned that the CAPTIS program documentation will be complete with the publication of the Calculus of Risk Series.

END