

FORM V

AGREEMENT ON DETAINERS

Six copies. Signed copies must be sent to the inmate and to the official who has the inmate in custody. A copy should be sent to the Agreement Administrator of both the sending and the receiving state. Copies should be retained by the person filing the request and the judge who signs the request. Prior to transfer under this Agreement, an inmate may be afforded a judicial hearing similar to that provided under the Uniform Extradition Act, in which the inmate may bring a limited challenge to the receiving state's request.

REQUEST FOR TEMPORARY CUSTODY

TO: _____

Please be advised that _____, who is presently an inmate of your facility, is under (indictment) (information) (complaint) in the _____ of which I am the _____

Said inmate is therein charged with the (offense) (offenses) enumerated below:

Offense

I propose to bring this person to trial on this (indictment) (information) (complaint) within the time specified in Article IV (c) of the Agreement.

In order that proceedings in this matter may be properly had, I hereby request temporary custody of such person pursuant to Article IV(a) of the Agreement on Detainers.

Attached herewith find in triplicate:

- A. Certified copies of the complaint, information, or indictment.
- B. Certified copies of the warrant.
- C. Certified copies of fingerprint cards, photographs, and physical description.

I hereby agree that immediately after trial is completed in this jurisdiction I will return the inmate directly to you or allow any jurisdiction you have designated to take temporary custody. I agree also to complete Form IX, the Notice of Disposition of a Detainer, immediately after trial.

Date: _____

Signed: _____

Address: _____

City/State: _____

Telephone No.: _____

I hereby certify that the person whose signature appears above is an appropriate officer within the meaning of Article IV (a) and that the facts recited in this request for temporary custody are correct and that having duly recorded said request I hereby transmit it for action in accordance with its terms and the provisions of the Agreement on Detainers.

Date: _____

Signed: _____

Court: _____

Judicial District: _____

City/State: _____

Telephone No.: _____

Summary Description of FORM V

Function:

- 1) Informs the inmate and other interested parties that the prosecutor's court has granted him legal approval to obtain temporary custody of the inmate.
- 2) Receipt of this form by the Interstate Detainer Coordinator in Central Office begins a thirty-day period in which the Governor may disapprove the prosecutor's request for temporary custody. The Governor may act on his own or at the request of the inmate.

Requirements:

- 1) The prosecutor will mail FORM V directly to the Warden where the inmate is incarcerated. Immediately upon receipt of FORM V, the Warden should check the inmate's file to determine if the requesting prosecutor has already filed a detainer.
- 2) If the requesting prosecutor has filed a detainer:
 - a) Give the inmate a copy of FORM V.
 - b) Determine whether the inmate objects to the request. That is, does the inmate intend to file a writ of habeas corpus, or to petition the Governor to disapprove the request for temporary custody?
 - c) Immediately advise Central Office as to whether or not the inmate objects. If the inmate does **not** object, have the inmate sign the "Inmate Acknowledgement of Notification of Request for Temporary Custody" (Attachment 9). Immediately fax this document to Central Office, then mail the **original** to Central Office.

RETENTION SCHEDULE:

Upon completion, a copy of this paperwork will be kept in the inmate case history file.