Maine Prisoner Advocacy Coalition

c/o Ron Huber, WRFR Community Radio, 20 Gay Street, Rockland ME 04841

(207) 594-0721 station office \*\* (207) 593-0013 call-in line.

3/11/11

Mr. Souen Kim # T84956

MCI – Norfolk

PO Box 43

Norfolk, MA 02056

Dear Mr. Kim

Thank you for your March 27th reply. Very useful and I will contact your attorney and private eye

However, Commissioner Ponte just threw a little monkeywrench into things:

He has decided to require that letters granting me and M-PAC permission to access your files **will have to be notarized.**  Ponte said every prison has a notary public service. He claimed it prevents fraud.

Its his policy. Do you mind doing this – same letter of authorization but get it stamped by the notary public?

The Bangor Daily News just came out with an article about Maine inmate transfers. I have printed a copy for you. You are in it.

I will talk about it on my “weekend roundtable” show about corrections. This airs every Saturday at 1pm on WRFR. We stream live on the web at [www.wrfr.org](http://www.wrfr.org), so you can may be able to have someone there record it for you.

Sincerely

Ron Huber producer,

WRFR Community radio

# Inmates, and their families, seek more say in out-of-state transfer decisions

By [Heather Steeves](http://new.bangordailynews.com/author/hsteeves/), BDN Staff April 01, 2011, at 12:45 p.m.

ROCKLAND, Maine — Pamela Belanger wants to hug her son. She’d settle for seeing him behind a glass wall. But since the Maine Department of Corrections transferred him to a Florida penitentiary in 2009 she hasn’t been able to visit him.

“When he was in Maine it was a two-hour ride for us. We could visit him on my days off. In Florida I haven’t been able to visit him at all. I can’t afford to go to Florida. I work at Walmart. I don’t have a high-paying job, but I work, and I can’t see him,” Belanger said. “It’s punishment for us.”

Belanger favors legislation proposed this session that would give Maine inmates a say about whether they can be transferred to out-of-state prisons.

Her son Arthur Belanger is serving a 50-year sentence for murder and other crimes he committed in 2005, when he was 23. For the first four years, when he was housed at the Maine State Prison in Warren, his mother would make the four-hour round trip from her Madison home to visit and hug her son. She’d sit across the table from him and talk about his friends back home, whom Pamela Belanger would run into at work. Now she says her heart hurts — she hasn’t seen her son in a year and a half.

“Every single day I wish I could visit him. It makes me sick. It’s heartbreaking,” she said. “The families haven’t done anything and they’ve made victims of us. We haven’t done anything. Even though [he has] done wrong, he’s still my son and I’d still like to visit him and hug him. I’d still like to visit him and see he is OK.”

In an effort to change how prisoner transfers work, Ron Huber of Rockland wrote the first draft of [LD 690](http://www.google.com/url?q=http%3A%2F%2Fwww.mainelegislature.org%2FLawMakerWeb%2Fsummary.asp%3FID%3D280040021&sa=D&sntz=1&usg=AFQjCNECYPh66CXKXKXoNyUKiTo9Q6BBGA), “An Act to Amend the Laws Governing the Transfer of Prisoners to Other States.”  The bill is sponsored by Rep. Ralph Chapman, D-Brooksville. Huber, who hosts a local radio show featuring inmate letters and phone calls concerning prison conditions, believes some prisoners are transferred out of state as a form of punishment.

Prisoner Deane Brown used to be a regular on Huber’s show, during which he named specific prison staffers he believed were not doing their jobs well. Brown, who was imprisoned in Maine in 1996 after being convicted for leading a burglary ring, first was transferred in 2006 to a prison in Maryland. Then in 2010 he was transferred from there to New Jersey. During his stay in Maryland, Brown filed a lawsuit against the Maine Department of Corrections accusing the department of infringing on his First Amendment rights by sending him far away from the newspaper and radio station to which he leaked information. A court dismissed the lawsuit, stating that he did not exhaust his administrative remedies before filing the suit.

“I’m invested because I feel Deane Brown has been exiled for being on my radio show,” said Huber, a member of the Maine Prisoner Advocacy Coalition.

Huber feels responsible for Brown’s transfer, stating that Maine sent him away for being a whistle-blower — an allegation the Maine Department of Correction denies. Huber said he won’t stop his work until his prisoner friend gets back to Maine.

According to Department of Corrections documents, 31 Maine prisoners are being housed out of state.

Of them, eight are in New Hampshire, five are in New Jersey, four are in Connecticut, three are in Pennsylvania, two each are in Florida and Massachusetts, and one each are in Colorado, California, Delaware, Texas and Maryland. No information was available this week on one inmate housed in a federal prison out of state, and the location of another was described by corrections officials as confidential.

Denise Lord, the former associate commissioner of the Maine Department of Corrections, could not discuss specific inmates because of state confidentiality laws, but said the only reasons the Maine State Prison transfers an inmate out of Maine are because that person has family in another state, because that person is a danger to others, or because that person is at risk of being harmed in the prison. Lord recently was let go from the position when the new DOC  commissioner rebuilt his team, but she had spoken to the Bangor Daily News in a series of interviews while she was still acting as the associate commissioner.

About 10 of the 31 prisoners housed out of state would benefit from the bill, Huber estimates based on a survey he conducted. In letters responding to his survey, some inmates thanked Huber for his interest but said they wanted to stay out of Maine.

Others have written to Huber in support of LD 690. Portland native Souen Kim sent Huber a letter, addressed to the Maine Legislature, explaining how he wants to see his family.

Since Maine transferred him to a prison in Massachusetts in 2009, contact with family members has been difficult.

In 1999, Kim was convicted of robbery and burglary and he won’t be out of prison until at least 2015. He said he has written frequently to the Maine Department of Corrections to get transferred back to Maine State Prison, but has been denied.

“What was a 45-minute drive to visit me has turned into a six-hour trek. My parents spend twice as much time traveling to see me as we usually get to actually visit. Weekly phone calls are now monthly due to high long-distance rates,” Kim wrote in the March 7 letter.

The inmate implores lawmakers to support the proposed legislation that would give Maine prisoners a say in whether they are transferred to other states.

“It may be the only chance I have to get home,” wrote Kim, who is in his early 30s.

Another handwritten letter Huber keeps in an accordion file is from inmate Brandon Thongsavanh, now in a Connecticut prison after he murdered a Bates College student in 2002. His release date is June 2062. He wants to see his children grow up as they visit him.

“Interaction with family and friends makes stress and emotional situations more bearable and less straining,” Thongsavanh wrote. “Also communication between all is more easily available [in Maine] making the bond between myself and children still possible.”

Prisoners can request a transfer out of or into Maine, but the Maine Department of Corrections ultimately decides. This bill would place more of that power in the hands of the inmates.

The bill states that “an inmate sentenced under the laws of this state may not be committed or transferred to an institution outside of this state unless that inmate has executed a written consent to the transfer or the transfer is approved by a court in this state.”

Further, after one year the prisoner could choose to come back to Maine, the bill states.

Huber accuses the Maine State Prison of sending prisoners out of state as a cruel punishment.

“There is no return date. As for punishment, it’s unparalleled because even if you’re in the hole [solitary confinement] for a month at least you know it’s a month,” Huber said.

But transferring a prisoner out of state isn’t a punishment, it’s a safety measure, according to Lord, who said transfers are done rarely and affect only 1.5 percent of roughly 2,200 inmates in Maine.

“We never transfer for punishment purposes,” Lord said.

The Maine State Prison also participates in the national Interstate Compact for Adult Offender Supervision. Being in the compact allows Maine to move prisoners to other facilities in any of the other 49 states. In return, Maine takes other states’ prisoners. According to Maine Department of Corrections documents, 29 inmates from other states are imprisoned in Maine.

Eight of those inmates are from New Hampshire, five from New Jersey, four from Connecticut, three from Massachusetts, two each from Maryland and Florida, and one each from Colorado, Delaware, Oklahoma, Oregon and Rhode Island.

Maine does not pay to send out prisoners and does not get paid to take in prisoners.

Transportation costs to send out prisoners from Maine are minimal, according to Lord. The only other situation in which Maine would pay another state for taking care of a Maine inmate would be for extreme medical costs, but Lord said were that to come up as an issue, Maine likely would just bring the prisoner back to Maine and take care of him.

Chapman, LD 690’s sponsor, thinks the bill would help prisoners re-enter society after their prison terms by keeping families nearby. This could help rehabilitate inmates and make it less likely they will commit crimes once released — saving the state money, he said.

The Maine Civil Liberties Union agrees.

“The best way to ensure that people in prison are able to rejoin society and become productive members of society is to have strong ties to the community. And when you transfer prisoners out of state you cut those ties. Shipping prisoners out of state makes us all less safe,” said the MCLU’s legal director, Zachary Heiden.

Heiden argues against transferring prisoners to protect them from other inmates or to keep them from harming other inmates.

“Managing difficult and dangerous people is a big part of the job of jails and prisons. When the state of Maine takes a person into custody, locks them up, it takes responsibility for them. And we’re not free to simply pass off that responsibility to people in another state — we shouldn’t be,” he said.

Chapman added that the bill could help the Department of Corrections by adding a check to its power to transfer inmates. A court would be involved if a prisoner wanted to get back into Maine.

“I think it’s helpful to the prison management to have an outside review because it takes the onus off them for being blameworthy,” Chapman said.

But the Department of Corrections does not support the measure, Lord said.

“I don’t think it’s achievable. I don’t think it’s implementable,” she said. “I don’t think any correctional agency would compromise safety to accommodate a prisoner’s request.”

The way the bill is worded also would preclude Maine from participating in the interstate compact, she said.

“I think [LD 690] would hurt prisoners and prevent us from being a safe facility,” Lord said.

Further, it shouldn’t be up to the prisoners, she said.

“I don’t think institutional placement is a right. I think it’s clear in the law that that’s the responsibility of the correctional facility to determine. The safety of other prisoners and staff have to be the paramount concern,” Lord said recently. “It’s not something that we use extensively. It’s a management tool to maintain appropriate intervention and safe secure facilities.”

There are currently no listed hearings or work meetings scheduled for LD 690, which is in committee. END OF ARTICLE