
From: coastwatch@gmail.com
Sent Date: Tuesday, May 03, 2011 8:43 PM
To: JOEL FULLER (42515066)
Subject: Re: RE: Re: Transfer!!!!!!!!!!!!

The hearing on LD 690 was smooth as silk. But here's what happened and is still happening as I write: the new commissioner offered to completely rewrite the interstate transfer policy, if our legislator "held the bill over" for a year, during which time we give the new policy a try. Details below. Details: all out of state transfers to be notified and offered a fresh review if they choose to return to Maine. Minimum criteria for return - according to Ponte himself is if the previous six months have been without being disciplined for a major infraction. That's not mentioned below. but elsewhere in the new policy the 6 months is enshrined

Here is DOC's draft on Procedure E on returning from out of state for consideration Friday at a final worksession on the bill. It will be finalized at that hearing(including any changes between now and then. We the MPAC group are still negotiating back and forth with DOC over the new policy, and will probably do so up to the moment the worksession starts. (There are also new Procedures ABC&D about shipping out and about establishing a case management plan for all the now and future transferred Mainer prisoners. But more about that another time) Please send me your comments. We sent them a bunch of suggestions this afternoon.

From: Pontes proposed new policy.

Procedure E: Returns to Maine

1. According to the timeframes stipulated in the plan, the prisoner or, if applicable, the prisoner's guardian or the prisoner's legal counsel may make a written request to the Department's Director of Classification, for the prisoner to be returned to Maine.
2. The Director of Classification shall notify the prisoner and, if applicable, the prisoner's guardian or the prisoner's legal counsel of the receipt of the request within five (5) working days of its receipt.
3. The Director shall forward a copy of the request to the Chief Administrative Officer of the Department facility where the prisoner was last housed. The Chief Administrative Officer, or designee, shall forward his/her recommendation to the Department's Director of Classification. Reasons to support the recommendation shall be forwarded at the same time.
4. Within ten (10) working days of receipt of the request, the Director of Classification shall contact the state where the prisoner is currently housed for information about the prisoner's compliance with his/her case management plan and any other information the Director determines to be relevant, with a request that the information be provided to the Director of Classification within twenty (20) working days of the contact.
5. The Department's Director of Classification shall provide to the prisoner, and, if applicable, the prisoner's guardian or the prisoner's legal counsel a summary of the information provided by the facility as permitted by state and federal confidentiality law, and that person shall be given an opportunity to submit to the Director reasons in writing in support of the prisoner's request to be returned. Any submission must be received by the Director of Classification within ten (10) working days of when the Director forwarded the summary.
6. The out of state transfer committee shall review the request for return, the information provided by the facility, and any written submission made in support of the prisoner's request and shall forward the materials reviewed and its recommendation and reasons for the recommendation, in writing, to the Commissioner within thirty (30) days of receipt of the information from the out of state facility by the Director of Classification.
7. The Commissioner, or designee, shall notify the prisoner and, if applicable, the prisoner's guardian or the prisoner's legal counsel of the Commissioner's decision and reasons for the decision, as permitted by state and federal confidentiality law, in writing.
8. The Commissioner may return any prisoner to Maine without following the above procedures if the

Commissioner determines it is necessary in his/her complete discretion.

9. The decision whether to return a prisoner from an out of state correctional facility is within the complete discretion of the Commissioner.
End of that section of Ponte's draft new policy.

JOEL FULLER on 5/3/2011 8:06:00 PM wrote
Hey Ron, How did the hearing go on the 29th? Did Ponte come up with something different? Hope so!!!!
Thanks again for your time.-----Take care-----Joel Fuller

-----Huber, Ron on 04/16/2011 12:48 AM wrote:

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I received your letter from atty Silverstein and have written back.

The situation with the bill LD 690 is this:

The hearing on the bill is April 29, 2011.

Commissioner Ponte has offered a compromise in advance. I and two attorneys who public defend Maine prisoners here and in another state replied to his compromise We will meet with him April 27th, two days before the public hearing on the bill.

Ponte: Instead of the judicial constraints of the bill LD 690 which he opposes as diminishing his authority as commissioner, he offers instead to toss out Maine DOC's existing dysfunctional interstate compact policies, spawn of Magnusson and his predecessors, and work with us to adopt new ones.

The new ones we have come up with requires transparency sets up a public/private interstate transfer oversight committee that includes prisoner advocacy group, religious types and corrections professionals, to vet all proposals to ship prisoners out, especially details of the return plan. And ditto for requests by prisoners to return to maine.

The Interstate Transfer Committee then makes a recommendation to the Commissioner. His basic requirement, he says, is showing a year of good behavior, no major infractions, and you arrive back in Maine in whatever classification you left the exile state in.

Under our proposal final decisions remain in the commissioner's hands, unlike the bill LD 690, which drops it right away into the courts. Also the Commissioner's decisions will have to be documented at enough detail to inform the court and other parties, if appeals need to be made through litigation.

Adopted he would immediately begin reviewing the cases of those exiles requesting return, and the cases of those regrettably heading out, as will likely continue as a practice, albeit within the new policy framework.

Commissioner Ponte has been around the block at enough prisons that he knows a disfunctional corrupt system when he sees one. He's fired two of his associate commissioners Denise Lord and Harold Doughty the interstate compact guy. He's willing to listen to critics of the old guard at Maine corrections, because we are persistent enough.

He seems practical.

Can you write two letters? One to Ponte and one to the legislature. The key points are that you have been kept out of Maine for an extended length of time, that your behavior has shown you are not a threat. That you support either passage of LD 690 or creation of the Commissioner's new policy making the transfer process more fair. And note that when back in Maine state prison, your family can have access to you. Also that you understand that returning will not shorten your sentence and has no bearing on your sentence. Addresses: Commissioner Joseph Ponte, Maine Department of Corrections, State House Station 111, Augusta, Maine 04333-0111 AND Chair, Criminal Justice and Public Safety Committee, c/o Maine Legislative Information Office, 100 State House Station, Augusta, ME 04333.

It may be best that your address them so, and then send them to us or to your lawyer. Twenty copies need to be made for the legislators and only one supplied to the commissioner's letter. If to your atty, be sure he sends us a copy, so weh know who said what. Also so we can keep the Bangor Daily News reporter posted.

Ron Huber

JOEL FULLER on 4/15/2011 8:10:52 PM wrote

Hey Ron, just a short note to see if you can get through on this end. Sometimes it's a trip!!!!!! You should be getting a letter that I wrote to you soon, it will be coming from my attorney in Bangor--Jeffrey Silverstein.

I been here two years now. They just denied my transfer to an F.C.I.- I believe that Maine had something to do with it.

OK Mr. Huber, I'll close this out and hopfully here back from you on this.---take care-----Joel Fuller