

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.

9/18/11 MAILED 1ST CLASS

Mr. Souen Kim # T84956
MCI – Norfolk
PO Box 43
Norfolk, MA 02056

Re Maine Out of State Prisoners Return Policy 23.5

Dear Mr. Kim

I am glad to learn that you have decided to initiate your request to return. Here's how the process has shaken out so far, and some suggestions.

1. Five people have applied to return. One was approved, one was turned down (a federal prisoner), one has the decision pending, two are in early stage of review (including you)
2. Director of Classification Scott McCaffery will write back to you confirming your request and asking for you to detail your reasons for wishing to return.
3. He will write to the Mass Dept of Corrections and to Maine state prison warden Patricia Barnhart. (Two copies of Barnhart returnee memos below)

3A. Massachusetts will be asked for "the following information from the beginning of Mr. Kim's incarceration with the Massachusetts Department of Correction:

"Any disciplinary or other incident reports
Any segregation or other high security housing placement reports
Compliance with case management plans
Any work assignments
Any involvement in mental health services and counseling services
Any other program and rehabilitative services involvement.

Please also provide me information about Mr. Kim's housing status and any other information you deem relevant to his request to return to Maine.

Please mark as confidential any information you do not wish the inmate to have access to.

I would appreciate receiving this information within 3 weeks of your receipt of this letter. Please contact me with any questions."

-Scott Mccaffery

3.B Maine state prison warden Barnhart will be asked to “please provide to me in writing your recommendation as to whether Mr Kim’s request should be granted or denied, along with detailed reasons to support your recommendation”

Note that Barnhart in all 4 cases she has responded to so far has recommended against any of them being returned. As she was not in Maine when you were sent out, she relies on reports written in the past by the previous warden and his staff. two typical memo of hers (nearly all wording identical except for individual prisoner’s details which are partly blanked out here.

Note that the first prisoner reviewed below by Barnhart DID get approved for return. The other his case is still pending.

Department of Corrections Maine State Prison

MEMO

To: Scott McCaffery

From: Patricia Barnhart, Warden

Date: June 27, 2011

Re: Prisoner _____ Transfer

Prisoner ____ was committed to the Department of Corrections on February 4, 2005 for the charge of Murder and was sentenced to 40 years. He has consecutive sentences to follow.

In June 2009 it was discovered that prisoner _____ was encouraging other prisoners to engage in hunger strikes and other protests in an attempt to acquire more programs for prisoners in SMU. He also believed his actions and the actions of others would assist in acquiring televisions and radios for prisoners in the Special Management Unit.

A request for Out of State Transfer was submitted in August 2009 and he was transferred to Florida in September 2009.

Prisoner _____ did not do well in general population and was transferred to the special Management Unit 9 times in the 4 years he was here. He has a significant disciplinary history. Prisoner Belanger was charged with assault on another prisoner in 2006 and was found not guilty. He has known enemies at the prison, including _____ and _____, who is currently in the Special Management Unit.

His background and failure to adjust to conditions of confinement offered to general population are well documented. I would anticipate that prisoner Belanger would spend most of his time in SMU. I see no persuasive reason to bring him back to the Maine State Prison.

Thank you.

Warden Patricia Barnhart

Barnhart memo 2

Department of Corrections Maine State Prison

To: Scott McCaffery

From: Warden Barnhart

Date: June 27, 2011

Re: Prisoner _____ Transfer

Prisoner _____ was committed to the Department of Corrections on May 8, 2003 for the charge of Murder and was sentenced to 58 years. He assaulted a prisoner and was transferred to the Special Management Unit in August 2003. Prisoner _____ transferred to Arizona on May 2, 2004. Subsequently, he appealed his original conviction and was returned to Maine in December 2004. After he returned to Maine he assaulted another prisoner in 2006 and received a non-concurrent sentence of 15 months in 2006. He was transferred back to Arizona in November 2008.

Records indicate that prisoner _____ had a history of planned assaults on other prisoners. He has one known enemy at the prison. Unit Manager Charlton noted that prisoner _____ stated that he had assaulted two prisoners because "he had been disrespected" and would assault someone again if he was disrespected even if it meant he lost his contact visits with his children or words to that effect. I see no persuasive reason to bring him back to the Maine State Prison. I believe that if prisoner _____ returned to Maine he would be a threat to Security and the safety of other prisoners.

Thank you.

P Barnhart

4. That information from Barnhart and Massachusetts Dept of Corrections will then be sent to you for you to respond to . Once you respond, a date is set for the out of state returns committee to meet and discuss your application.

5. If you would like MPAC to follow the course of your return efforts, you must

5 A. Submit to Commissioner Ponte a **notarized** authorization for me to view your files at MDOC. Attached is a signable template with the necessary wording. Get your signature notarized and send it to me. I'll copy it and send original to Commissioner Joe Ponte via certified mail.

5B. Even then, Maine won't let us see documents that Massachusetts sends them about your return application unless (1) you send copies of them to us by your own mailing or (2) you get the Massachusetts Dept of Corrections to affirm to Maine DOC that I am authorized as a member of Maine Prisoner Advocacy Coalition to review the files they send Maine about your return request, so Maine can include them in the packet it sends me - once you authorize me under Maine law

The relevant Massachusetts law appears to be:

103 CMR 157 Access to and Dissemination of Evaluative Information

157.10 Access to Evaluative Information by Third Parties, Part 1 and 3

1. Access to Evaluative Information by Reintegration, Rehabilitation, or Health Agencies.

Agencies or individuals furthering the reintegration, rehabilitation, or health of an individual may have access to evaluative information pertaining to the individual where access to such evaluative information is necessary to facilitate such reintegration, rehabilitation, or health.

Informed consent for such access is necessary unless the individual is unable to give informed consent.

3. Access to Evaluative Information by Other Agents for the Sole Purpose of Dissemination. Any other person may have access to evaluative information pertaining to the individual, subject to the provision of 103 CMR 157.08(3), provided that the individual has given his/her **informed consent** for such access. Such access shall be for the sole purpose of disseminating the evaluative information to the individual where inspection and copying by the individual would cause undue burden. Persons who are presently parolees or inmates, or who have been parolees or inmates within the last five years, shall not be permitted access to evaluative information unless the superintendent, or the director of research approves such access.

Mr Kim, when citing either of these you must write "I give my informed consent that Mr Huber and MPAC review these documents" something to that effect.

5. Your family. If you can help me get in touch with them, I can help them meet the commissioner and the deciding staffers. I think it made a difference in the case of Arthur Belanger, and it should in yours too.

That's it for now. See attached unsigned undated authorization letter.

Sincerely

Ron Huber

Mr. Souen Kim # T84956
MCI – Norfolk
PO Box 43
Norfolk, MA 02056

Date

Commissioner Joseph Ponte
Maine Department of Corrections
111 State House Station
Augusta ME 04333-0111

Dear Commissioner Ponte

I am writing to give my informed written consent for Ronald Huber of Maine Prisoner Advocacy Coalition to review and copy any and all documents relevant to my return application that are held by Maine Department of Corrections pertaining to me that I may disclose pursuant to MRSA 34-A Section 1216 “Confidentiality of Information”. I do not want to review the documents being sought by Mr. Huber ahead of time.

Mr Huber’s address is
Ronald Huber,
Maine Prisoner Advocacy Coalition
c/o WRFR Community Radio
20 Gay Street
Rockland ME 04841

Sincerely

Souen Kim

NOTARY PUBLIC: