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POLICY NUMBER: 23.5		
CHAPTER 23: CLASSIFICATION AND CASE MANAGEMENT		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner 	PROFESSIONAL STANDARDS: See Section VII
	EFFECTIVE DATE: May 9, 2011	LATEST REVISION: May 25, 2018

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Sections 1403, [9223](#), and [9423](#).

II. APPLICABILITY

All Department Adult Facilities

III. POLICY

It is the policy of the Department of Corrections to provide for a classification process for the review of requests for prisoners to be transferred out of state and the review of transferred prisoner requests to be returned to Maine. Nothing within the provisions of this policy may be construed to limit the authority of the Commissioner, or designee, to transfer prisoners out of state or to return prisoners to Maine, without using the classification process, at any time for any reason in his or her complete discretion.

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VI. PROCEDURES

Procedure A: Out of State Transfer Committee

1. The Commissioner, or designee, shall designate three (3) staff to serve on the Department's out of state transfer committee. The committee shall be comprised of the Department's Director of Classification, or designee, who shall serve as the chairperson, a Central Office or other supervisor with expertise in program and/or treatment services, and a Central Office or other supervisor with expertise in security.
2. The committee shall review requests for prisoners to be transferred out of state and transferred prisoner requests to be returned to Maine. The committee shall complete the Review of Out of State Transfer and Return Requests form (Attachment A) and make written recommendations to the Commissioner, or designee, regarding any request for out of state transfer and any request for a transferred prisoner to be returned to Maine.

Procedure B: Transfers Out of State - Involuntary

1. The Chief Administrative Officer, or designee, of the facility where a prisoner is currently housed may make a written request to the Department's Director of Classification, or designee, for the prisoner to be transferred out of state. The reason(s) for the request and the facts in support of the reason(s), including any relevant documentation, shall be provided at the same time. A report from the facility Special Intelligence and Investigation Unit shall be included in the relevant documentation.
2. A prisoner may be transferred to an out of state correctional facility involuntarily if the prisoner constitutes a threat to safety, security, or orderly management of a Department facility; the prisoner cannot be safely managed in general population or protective custody in a Department facility; or the prisoner requires medical or mental health treatment unavailable in Maine.
3. The out of state transfer committee shall review the request for transfer, including any information and supporting documentation provided by the facility, and shall forward the materials reviewed and its recommendation and reason(s) for the recommendation, using the Review of Out of State Transfer and Return Requests form, to the Commissioner, or designee, within thirty (30) days of receipt of the request by the Director of Classification, or designee.
4. The Commissioner, or designee, shall inform the Department's Director of Classification, or designee, of his or her decision. If the decision is to transfer the prisoner, the Director of Classification, or designee, shall implement it. After the prisoner is transferred, the Director of Classification, or designee, shall inform the Department's Director of Victim Services, or designee, of the transfer.

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5. A prisoner shall never be informed that his or her involuntary transfer has been requested or is under review. A prisoner shall never be informed that a decision has been made to involuntarily transfer him or her until after the prisoner has been transferred.
6. The prisoner may write to the Commissioner, or designee, an appeal of an involuntary transfer decision, including a transfer decision made by the Commissioner, or designee, outside the classification process. Any appeal must be received by the Commissioner, or designee, within fourteen (14) days following the prisoner's arrival at the out of state correctional facility. The Commissioner, or designee, shall review the appeal, consulting with the out of state transfer committee in his or her discretion, and shall notify the prisoner, in writing, of his or her decision on the appeal.
7. The decision whether to transfer a prisoner to an out of state correctional facility or whether to grant a prisoner appeal of a transfer decision is within the complete discretion of the Commissioner, or designee.

Procedure C: Transfers Out of State - Voluntary

1. A prisoner who has not been found guilty of a Class A or B disciplinary violation within the past year and has no Class A or B disciplinary matter pending may make a written request to the prisoner's Unit Management Team to be transferred out of state. The request shall include the reason(s) for the requested transfer.
2. A prisoner may be transferred to an out of state correctional facility voluntarily if the prisoner has a substantial reason (i.e., not just for new surroundings). Unless the Commissioner, or designee, makes an exception, the prisoner must be able to pay for the cost of transport to the out of state facility.
3. If the prisoner meets the above requirements of being disciplinary free, the Unit Management Team shall review the request within thirty (30) days of its receipt and forward a copy of the request and its recommendation to the facility Chief Administrative Officer, or designee.
4. The facility Chief Administrative Officer, or designee, shall forward his or her recommendation to the Department's Director of Classification, or designee. The reason(s) for the recommendation and the facts in support of the reason(s), including any relevant documentation, shall be provided at the same time.
5. The Director of Classification, or designee, shall inform the Department's Director of Victim Services, or designee, for input on the prisoner's request.
6. The out of state transfer committee shall review the request for transfer, the recommendation of the facility Chief Administrative Officer, or designee, including any information and supporting documentation provided by the facility, and any input provided by Victim Services, and shall forward the materials reviewed and

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its recommendation and reason(s) for the recommendation, using the Review of Out of State Transfer and Return Requests form, to the Commissioner, or designee, within thirty (30) days of receipt of the recommendation of the facility Chief Administrative Officer, or designee, by the Director of Classification, or designee.

7. The Commissioner, or designee, shall inform the Department's Director of Classification, or designee, of his or her decision. If the decision is to transfer the prisoner, the Director of Classification, or designee, shall implement it. The Director of Classification, or designee, shall inform the Department's Director of Victim Services, or designee, of the transfer decision, regardless of whether the transfer is approved or denied.
8. The Commissioner, or designee, shall notify the prisoner of his or her decision in writing.
9. The prisoner may write to the Commissioner, or designee, an appeal of a denial of a voluntary transfer request. Any appeal must be received by the Commissioner, or designee, within fourteen (14) days following the prisoner's receipt of his or her written decision. The Commissioner, or designee, shall review the appeal, consulting with the out of state transfer committee in his or her discretion, and shall notify the prisoner, in writing, of his or her decision on the appeal.
10. If the reason for a transfer request is an extenuating circumstance, such as a terminal medical condition of a close family member in another state, the Department's Director of Classification, or designee, shall make reasonable efforts to verify the reason and to expedite the review of the transfer request, including, if appropriate, asking the Commissioner, or designee, to make a decision whether to transfer the prisoner out of state without following the classification process.
11. The decision whether to transfer a prisoner to an out of state correctional facility or whether to grant a prisoner appeal of a transfer decision is within the complete discretion of the Commissioner, or designee.

Procedure D: Case Plan

1. Within thirty (30) days after a prisoner's transfer out of state, the Unit Manager shall forward to Department's Director of Classification, or designee, the prisoner's most recent case plan.
2. The plan shall clearly identify the treatment services and programs recommended for the prisoner.
3. The Department's Director of Classification, or designee, shall ensure that the plan is forwarded to the receiving facility

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Procedure E: Returns to Maine

1. A prisoner who has been transferred out of state; who has been out of state for a least one (1) year; and who has not been found guilty of the equivalent of a Class A or B disciplinary violation within the past year and does not have the equivalent of a Class A or B disciplinary matter pending may make a written request to the Department's Director of Classification, or designee, to be returned to Maine.
2. Within ten (10) working days of receipt of the request, the Department's Director of Classification, or designee, shall contact the out of state facility where the prisoner is currently housed to obtain reports about the transferred prisoner, including, but not limited to, reports about the prisoner's behavior and compliance with the case plan forwarded to the receiving facility (if applicable, as modified by the out of state facility(s) where the prisoner has been housed).
3. If the prisoner meets the above time requirements and the above requirements of being disciplinary free, the Director of Classification, or designee, shall forward a copy of the request and the out of state facility's reports to the Chief Administrative Officer, or designee, of the Department facility where the prisoner was last housed.
4. The facility Chief Administrative Officer, or designee, shall forward his or her recommendation to the Department's Director of Classification, or designee. The reason(s) for the recommendation and the facts in support of the reason(s), including any relevant documentation, shall be provided at the same time. If the prisoner had been transferred out of state involuntarily, a report from the facility Special Intelligence and Investigation Unit shall be included in the relevant documentation.
5. The out of state transfer committee shall review the request for return, the recommendation of the Chief Administrative Officer, or designee, of the facility where the prisoner was last housed, including any information and supporting documentation provided by the facility, and the reports provided by the out of state facility, and shall forward the materials reviewed and its recommendation and reason(s) for the recommendation, using the Review of Out of State Transfer and Return Requests form, to the Commissioner, or designee, within thirty (30) days of receipt of the reports from the out of state facility by the Director of Classification, or designee.
6. The Commissioner, or designee, shall inform the Department's Director of Classification, or designee, of his or her decision. If the decision is to return the prisoner, the Director of Classification, or designee, shall implement it. The Director of Classification, or designee, shall inform the Department's Director of Victim Services, or designee, of the decision to return the prisoner.
7. The Commissioner, or designee, shall notify the prisoner of his or her decision in writing.

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8. The prisoner may write to the Commissioner, or designee, an appeal of a denial of a return request. Any appeal must be received by the Commissioner, or designee, within fourteen (14) days following the prisoner's receipt of his or her written decision. The Commissioner, or designee, shall review the appeal, consulting with the out of state transfer committee in his or her discretion, and shall notify the prisoner, in writing, of his or her decision on the appeal.
9. If the reason for a return request is an extenuating circumstance, such as a terminal medical condition of a close family member in Maine, the Department's Director of Classification, or designee, shall make reasonable efforts to verify the reason and to expedite the review of the return request, including, if appropriate, asking the Commissioner, or designee, to make a decision whether to return the prisoner to Maine without following the classification process.
10. The decision whether to return a prisoner from an out of state correctional facility or whether to grant a prisoner appeal of a return decision is within the complete discretion of the Commissioner, or designee.

VII. PROFESSIONAL STANDARDS

None

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