
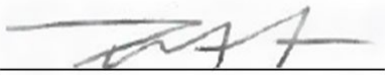


<b>POLICY TITLE: RESIDENT TRANSFERS FROM AND TO THE DEPARTMENT (INCLUDING FEDERAL HOLDS, SAFEKEEPERS, AND BOARDERS)</b>		<b>PAGE 1 OF 14</b>
<b>POLICY NUMBER: 23.5</b>		
<b>CHAPTER 23: CLASSIFICATION AND CASE MANAGEMENT</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT of CORRECTIONS</b>  <b>Approved by Commissioner</b>  	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VIII</b>
<b>EFFECTIVE DATE:</b> <b>May 9, 2011</b>	<b>LATEST REVISION:</b> <b>February 13, 2023</b>	<b>CHECK ONLY IF</b> <b>APA [ ]</b>

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Sections 1403

**II. APPLICABILITY**

All Department Adult Facilities

**III. POLICY**

It is the policy of the Department of Corrections to provide for a process for transfers of adult residents out of state, including to other states and the federal system, and returns of transferred residents to Maine.

It is also the policy of the Department to provide a process for the review of requests for individuals to be transferred to the Department from other jurisdictions, including from other states and the federal system, and from jails.

**IV. DEFINITIONS**

1. Boarder – an individual who

- a. has been ordered detained in or has been sentenced to a jail and due to reasons other than misbehavior cannot be housed at that or another jail and as a result is transferred to the Department;
- b. has been ordered detained in or has been sentenced to a jail and who needs mental health treatment and as a result is admitted to a Department Intensive Mental Health Unit;
- c. is in the criminal justice system and has been committed to the custody of Department of Health and Human Services (DHHS) and cannot be housed at a

State mental health institute and as a result is admitted to a Department Intensive Mental Health Unit; or

- d. is a current Department resident and has been ordered detained in or has been sentenced to a jail, but for whom it would be overly disruptive to their case plan to release them to the jail and as a result is retained in a Department facility.
2. Federal hold resident – an individual who has been ordered detained in or has been sentenced to federal custody who needs to be housed in Maine while awaiting further federal court proceedings or while awaiting post-sentencing transfer to a federal correctional facility and as a result is transferred to the Department.
3. Interstate Compact resident – an individual who has been sentenced to another state’s custody who the other state requests be transferred to Maine and as a result is transferred to the Department.
4. Safekeeper – an individual who has been ordered detained in or has been sentenced to a jail and due to assaultive behavior toward staff or other misbehavior cannot be housed at that or another jail and as a result is transferred to the Department.

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## VI. ATTACHMENTS

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- Attachment B: Safekeeper and Boarder Request form

## VII. PROCEDURES

### Procedure A: Transfers, General

1. All decisions made by the Commissioner, or designee, under this policy are within their complete discretion.
2. Nothing limits the authority of the Commissioner, or designee, to make decisions about transfers outside of this policy at any time for any reason in their complete discretion.

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## **Procedure B: 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 residents to be transferred out of state and transferred resident 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 resident to be returned to Maine.
3. All transfers out of state shall be made pursuant to the Interstate Corrections Compact (or the New England Interstate Corrections Compact) or pursuant to arrangements with the federal Bureau of Prisons.

## **Procedure C: Transfers Out of State - Involuntary**

1. The Chief Administrative Officer, or designee, of the facility where a resident is currently housed may make a written request to the Department's Director of Classification, or designee, for the resident 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 also be provided. A report from the facility Special Intelligence and Investigation Unit (SII) shall be included in the relevant documentation.
2. A resident may be transferred to an out of state correctional facility involuntarily when the resident constitutes a threat to safety or security, including, but not limited to, by assaultive behavior, drug trafficking, escape risk, or gang-related activities, membership, or affiliation, even if housed in a restrictive housing unit in a Department facility; when there is a threat to the resident if housed in general population or protective custody in a Department facility; or when the resident requires medical or mental health treatment unavailable in Maine.
3. If it appears that one of the above criteria is met, the Director of Classification, or designee, shall make preliminary inquiries of appropriate other states and, if applicable, the federal correctional system to determine whether another jurisdiction might be willing to accept a transfer of the resident. If it appears no other jurisdiction would be willing to accept the transfer, the Chief Administrative Officer, or designee, shall be so informed and the process shall be discontinued.
4. If it appears another jurisdiction might be willing to accept the transfer, 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

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designee, within thirty (30) days of receipt of the request by the Director of Classification, or designee.

5. The Commissioner, or designee, shall inform the Director of Classification, or designee, of their decision. If the decision is to transfer the resident, the Director of Classification, or designee, shall make the appropriate arrangements to implement it, including, if appropriate, arranging for the Department to accept an individual from the other state in exchange for the other state accepting the Department resident. The resident's case plan, along with other appropriate documentation, shall be forwarded to the receiving facility.
6. A resident shall never be informed that their involuntary transfer has been requested or is under review. A resident shall never be informed that a decision has been made to involuntarily transfer them until after the resident has been transferred.
7. After the resident is transferred, the Director of Classification, or designee, shall inform the Department's Director of Victim Services, or designee, of the transfer.

**Procedure D: Transfers Out of State - Voluntary**

1. A resident 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 resident's Unit Management Team to be transferred out of state. The request shall include the reason(s) for the requested transfer.
2. A resident may be transferred to an out of state correctional facility voluntarily if the resident has a substantial reason (i.e., not just for new surroundings).
3. If the resident meets the above requirements of being disciplinary free and having a substantial reason for the request, 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 their 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 also be provided.
5. The Director of Classification, or designee, shall make preliminary inquiries of appropriate other states and, if applicable, the federal correctional system to determine whether another jurisdiction might be willing to accept a transfer of the resident.
6. If it appears no other jurisdiction would be willing to accept the transfer, the Chief Administrative Officer, or designee, shall be so informed and the process shall be discontinued.
7. If it appears another jurisdiction might be willing to accept the transfer, the Director of Classification, or designee, shall inform the Department's Director of Victim Services, or designee, for their input on the resident's request.

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8. 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 the Director of Victim Services, or designee, 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 recommendation of the facility Chief Administrative Officer, or designee, by the Director of Classification, or designee.
9. The Commissioner, or designee, shall inform the Department's Director of Classification, or designee, of their decision. If the decision is to transfer the resident, the Director of Classification, or designee, shall make the appropriate arrangements to implement it, including, if appropriate, arranging for the Department to accept an individual from the other state in exchange for the other state accepting the Department resident. The resident's case plan, along with other appropriate documentation, shall be forwarded to the receiving facility.
10. 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.
11. The Commissioner, or designee, shall notify the resident of their decision in writing, but, if approved, the resident shall not be informed of the date of transfer.
12. 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 resident out of state without following the transfer process described in this procedure.

**Procedure E: Returns to Maine - Voluntary and Involuntary**

1. A resident 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 (or to be transferred elsewhere).
2. Within ten (14) fourteen days of receipt of the request, the Department's Director of Classification, or designee, shall contact the out of state facility where the resident is currently housed to obtain reports about the transferred resident, including, but not limited to, reports about the resident'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 resident has been housed).
3. If the resident 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

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request and the out of state facility's reports to the Chief Administrative Officer, or designee, of the Department facility where the resident was last housed.

4. The facility Chief Administrative Officer, or designee, shall forward their 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 also be provided. If the resident had been transferred out of state involuntarily, a report from the facility Special Intelligence and Investigation Unit (SII) shall be included in the relevant documentation.
5. The Director of Classification, or designee, shall inform the Department's Director of Victim Services, or designee, for their input on the resident's request.
6. The out of state transfer committee shall review the request for return (or transfer elsewhere), the recommendation of the Chief Administrative Officer, or designee, of the facility where the resident was last housed, including any information and supporting documentation provided by the facility, the reports provided by the out of state facility, and any input provided by the Director of Victim Services, or designee, 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.
7. The Commissioner, or designee, shall inform the Department's Director of Classification, or designee, of their decision. If the decision is to return the resident (or to transfer the resident elsewhere), the Director of Classification, or designee, shall make the appropriate arrangements to implement it, including, if appropriate, arranging for the Department to return an interstate compact resident to the other state if the latter was accepted by the Department in exchange for the other state accepting the Department resident.
8. The Director of Classification, or designee, shall inform the Department's Director of Victim Services, or designee, of the return decision, regardless of whether the return is approved or denied (and, if applicable, of the decision whether to transfer the resident elsewhere).
9. The Commissioner, or designee, shall notify the resident of their decision in writing.
10. If the reason for a 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 request, including, if appropriate, asking the Commissioner, or designee, to make a decision whether to return the resident to Maine (or transfer the resident elsewhere) without following the transfer process described in this procedure.
11. Any request from the other state for a resident to be returned to Maine shall be forwarded to the Department's Director of Classification, or designee.

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12. Regardless of whether a resident has requested to be returned to Maine (or to be transferred elsewhere), the resident shall be removed from the other state if requested by the other state or if determined by the Commissioner, or designee, to be appropriate. The Director of Victim Services, or designee, shall be informed of the return.

**Procedure F: Interstate Compact Transfer Requests**

1. Any request for an individual to be transferred to the Department from another state under the Interstate Corrections Compact (or under the New England Interstate Corrections Compact) shall be forwarded to the Department’s Director of Classification, or designee. A request coming from an individual incarcerated in another state, family member, or other person shall be responded to by advising that the individual will need to address the transfer request to the other state’s corrections agency.
2. If the transfer request comes from the other state’s corrections agency, the Director of Classification, or designee, shall obtain all appropriate documentation from the other state, to include, but not be limited to, documentation relating to the individual’s behavior, compliance with programs, medical and mental health needs, whether the transfer would be involuntary or voluntary, connection with Maine, if any, and reason for the request.
3. The Director of Classification, or designee, shall consult with the Regional Medical Director, Department’s Health Services Coordinator, or designee, the Department’s Director of Operations, or designee, and the appropriate facility Chief Administrative Officer.
4. The Director of Classification, or designee, shall review the request and the documentation provided by the out of state facility and make a recommendation to the Commissioner, or designee, whether to approve the transfer.
5. The recommendation to accept or reject an interstate compact transfer shall be based primarily on determining the suitability of the individual to be housed in a Department facility based on risks to safety and security, including, but not limited to, the existence or absence of assaultive behavior, drug trafficking, and gang-related activities, membership, or affiliation, as well as the seriousness of any medical and mental health needs. Other factors that may be considered include, but are not limited to, whether there is a bed available in the appropriate housing unit, and whether it would benefit the Department to accept the individual in exchange for the other state accepting a Department resident.
6. If the recommendation includes that a Department resident should be exchanged for the individual, the Director of Classification, or designee, shall initiate a review of the possible transfer of the Department resident by the out of state transfer committee as set out above.
7. The Commissioner, or designee, shall inform the Department’s Director of Classification, or designee, of their decision.

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8. The Department's Director of Classification, or designee, shall notify the requesting state of the transfer decision. If the decision is to accept the resident, the Director of Classification, or designee, shall make the appropriate arrangements to implement it.
9. When the individual arrives, the intake, reception, and classification processes shall be followed in accordance with applicable Department policies.
10. Any request from the other state for a resident who has been transferred to the Department to be returned to the other state or to be transferred elsewhere shall be forwarded to the Department's Director of Classification, or designee.
11. A request coming from a resident, family member, or other person shall be responded to by advising that the resident will need to address the return or transfer request to the other state's corrections agency.
12. Regardless of whether a resident has requested to be returned to the other state (or to be transferred elsewhere), the resident shall be returned to the other state if requested by the other state or if determined by the Commissioner, or designee, to be appropriate.

**Procedure G: Federal Hold Requests**

1. Any request from the U.S. Marshal's Service for a federal hold resident to be housed in a Department facility while awaiting federal court proceedings or while awaiting post-sentencing transfer to a federal correctional facility shall be forwarded to the Department's Director of Classification, or designee.
2. The Department's Director of Classification, or designee, shall review the request and any documentation provided by the U.S. Marshal's Service and make a recommendation to the Commissioner, or designee, whether to approve the request.
3. The Commissioner, or designee, shall inform the Department's Director of Classification, or designee, of their decision.
4. The Director of Classification, or designee, shall notify the U.S. Marshal's Service of the decision. If the decision is to accept the resident, the Director of Classification, or designee, shall make the appropriate arrangements to implement it.
5. When the individual arrives, the intake and reception processes shall be followed in accordance with applicable Department policies.
6. The resident shall not be classified but shall be treated as close custody and remain close custody until they are sentenced to the Department, returned to the federal authorities, or released from custody, unless the Director of Classification, or designee, in consultation with the Chief Administrative Officer, or designee, determines they are to be treated as a lower custody.
7. The resident shall be housed in an appropriate housing unit, as determined by the Director of Classification, or designee, in consultation with the Chief Administrative

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Officer, or designee, and, if applicable, in accordance with Department policies governing special housing.

8. A federal hold resident shall be offered out-of-cell time, activities, and programs similar to other residents where they are housed but shall not be required to participate.
9. A federal hold resident shall be returned to the U.S. Marshal's Service once the federal court proceedings are completed or the resident is ready for their post-sentencing transfer, as applicable, or if determined by the Commissioner, or designee, to be appropriate, unless the resident has been ordered to be released from custody by the federal court.

**Procedure H: Transfer Requests from Jails – Safekeepers**

1. Any request from a Maine jail for a jail resident to be transferred to the Department as a safekeeper due to assaultive behavior toward staff or other misbehavior shall be forwarded to the Department's Director of Classification, or designee. The Director of Classification, or designee, shall ensure that the jail completes a Safekeeper and Boarder Request form (Attachment B) and provides the necessary supporting documentation, including, but not limited to, documentation relating to the resident's behavior, medical and mental health needs, and reason for the request, including, if applicable, efforts made to transfer the resident to another jail.
2. If the form or supporting documentation is not complete, the request shall not be considered.
3. If the form and supporting documentation is complete, the Director of Classification, or designee, shall consult with the Regional Medical Director, Department's Health Services Coordinator, or designee, the Department's Director of Operations, or designee, and the appropriate facility Chief Administrative Officer.
4. The Director of Classification, or designee, shall review the request and make a recommendation to the Commissioner, or designee, whether to approve the transfer.
5. The recommendation to accept or reject a safekeeper shall be based on whether the resident cannot be housed at the requesting jail or another jail due to assaultive behavior toward staff or other misbehavior.
6. The Commissioner, or designee, shall inform the Department's Director of Classification, or designee, of their decision.
7. The Director of Classification, or designee, shall notify the jail of the decision. If the decision is to accept the resident, the Director of Classification, or designee, shall make the appropriate arrangements to implement it.
8. When the individual arrives, the intake and reception processes shall be followed in accordance with applicable Department policies.

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9. A safekeeper shall not be classified but shall be treated as close custody and remain close custody until they are sentenced to the Department, returned to the jail, or released from custody.
10. The resident shall be housed in an appropriate housing unit, as determined by the Director of Classification, or designee, in consultation with the Chief Administrative Officer, or designee, and, if applicable, in accordance with Department policies governing special housing.
11. A safekeeper shall be offered out-of-cell time, activities, and programs similar to other residents where they are housed but shall not be required to participate.
12. The safekeeper shall be returned to the jail if requested by the jail or once the circumstances that gave rise to the transfer are resolved, unless the resident has since been given or is likely to be given a Department of Corrections sentence within the next ninety (90) days, or if determined by the Commissioner, or designee, to be appropriate, unless the resident has been ordered released from custody by a court or is otherwise no longer in the criminal justice system.
13. The resident's Unit Management Team shall conduct a review at least every thirty (30) days (unless and until the resident has been sentenced to the Department) and shall make a recommendation to the Director of Classification, or designee, whether the resident should be returned to the jail.

**Procedure I: Transfer Requests from Jails or DHHS – Boarders**

1. If a jail requests that a resident be transferred to the Department as a boarder due to a need for medical treatment in a Department infirmary, the request shall be forwarded to the Department's Director of Classification, or designee. The Director of Classification, or designee, shall ensure that the jail completes a Safekeeper and Boarder Request form (Attachment B) and provides the necessary supporting documentation, including, but not limited to, documentation relating to the resident's behavior, medical and mental health needs, and reason for the request.
2. If the form or supporting documentation is not complete, the request shall not be considered.
3. If the form and supporting documentation is complete, the Director of Classification, or designee, shall consult with the Regional Medical Director, the Department's Health Services Coordinator, or designee, the Department's Director of Operations, or designee, and the appropriate facility Chief Administrative Officer.
4. The Director of Classification, or designee, shall review the request and the documentation provided by the jail and make a recommendation to the Commissioner, or designee, whether to approve the transfer.
5. The Commissioner, or designee, shall inform the Department's Director of Classification, or designee, of their decision.

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6. The Director of Classification, or designee, shall notify the jail of the decision. If the decision is to accept the resident, the Director of Classification, or designee, shall make the appropriate arrangements to implement it.
7. When the individual arrives, the intake and reception processes shall be followed in accordance with applicable Department policies.
8. A boarder accepted into an infirmary shall not be classified but shall be treated as close custody and remain close custody until they are sentenced to the Department, returned to the jail, or released from custody, unless the Director of Classification, or designee, in consultation with the Chief Administrative Officer, or designee, determines they are to be treated as a lower custody.
9. The boarder shall be returned to the jail if requested by the jail or once there is no longer a need for treatment in a Department infirmary, unless the resident has since been given or is likely to be given a Department of Corrections sentence within the next ninety (90) days, or if determined by the Commissioner, or designee, to be appropriate, unless the resident has been ordered released from custody by a court or is otherwise no longer in the criminal justice system.
10. If there is a request from a jail or from the Department of Health and Human Services (DHHS) for a resident to be transferred to an IMHU as a boarder for observation and/or mental health care and treatment pursuant to 34-A M.R.S.A. Section 3069-A, 3069-B, or 3069-C, the process set out in Department Policy (AF) 18.6.1, Intensive Mental Health Unit shall be followed.
11. When the individual arrives, the intake and reception processes shall be followed in accordance with applicable Department policies.
12. A boarder accepted into an IMHU shall not be classified but shall be treated as close custody and remain close custody until they are sentenced to the Department, returned to the jail or state mental health institute, as applicable, or released from custody, unless the Director of Classification, or designee, in consultation with the Chief Administrative Officer, or designee, determines they are to be treated as a lower custody.
13. The boarder shall be returned to the jail or a state mental health institute, as applicable, if discharged from the IMHU in accordance with Department Policy (AF) 18.6.1, Intensive Mental Health Unit, unless the resident has since been given a Department of Corrections sentence or has been ordered released from custody by a court or is otherwise no longer in the criminal justice system.
14. If a jail requests that a resident be transferred to the Department as a boarder due to the resident not being able to be housed at that or another jail because of conflict with staff (e.g., staff is related to the victim), enemy issues with other residents, or other risk to the resident's safety, or because there is not sufficient bed space, either in general or for the specific type of resident (e.g., female, close custody, etc.), the request shall be forwarded to the Department's Director of Classification, or designee. The Director of Classification, or designee, shall ensure that the jail completes a Safekeeper and Boarder Request form (Attachment B) and provides the necessary supporting

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documentation, including, but not limited to, documentation relating to the resident's behavior, medical and mental health needs, and reason for the request.

15. If the form or supporting documentation is not complete, the request shall not be considered.
16. If the form or supporting documentation is complete, the Director of Classification, or designee, shall consult with the Regional Medical Director, the Department's Health Services Coordinator, or designee, the Department's Director of Operations, or designee, and the appropriate facility Chief Administrative Officer.
17. The Commissioner, or designee, shall inform the Department's Director of Classification, or designee, of their decision.
18. The Director of Classification, or designee, shall review the request and the documentation provided by the jail and make a recommendation to the Commissioner, or designee, whether to approve the transfer.
19. The Director of Classification, or designee, shall notify the jail of the decision. If the decision is to accept the resident, the Director of Classification, or designee, shall make the appropriate arrangements to implement it.
20. When the individual arrives, the intake and reception processes shall be followed in accordance with applicable Department policies.
21. The boarder shall not be classified but shall be treated as close custody and remain close custody until they are sentenced to the Department, returned to the jail, or released from custody, unless the Director of Classification, or designee, in consultation with the Chief Administrative Officer, or designee, determines they are to be treated as a lower custody.
22. The boarder shall be offered out-of-cell time, activities, and programs similar to other residents where they are housed but shall not be required to participate.
23. The resident shall be returned to the jail if requested by the jail or once the circumstances that gave rise to the transfer are resolved, unless the resident has since been given or is likely to be given a Department of Corrections sentence within the next six (6) months, or unless the resident has been discharged from the criminal justice system.
24. If a Department resident:
  - a. receives a nonconcurrent jail sentence that tolls a Department sentence;
  - b. receives a consecutive jail sentence or concurrent jail sentence that is longer than their Department sentence and the jail sentence is ninety (90) days or less; or
  - c. has completed their Department sentence but has a charge for which they are likely to receive a Department sentence within the next six (6) months;

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and it would be overly disruptive to the resident’s case plan to release the resident to the jail, the Director of Classification, or designee, shall notify the jail of the Department’s willingness to keep the resident as a boarder during the pendency of the jail sentence or detention, as applicable. If the jail requests that the resident be kept as a boarder, the Director of Classification, or designee, shall note the request in CORIS and make the appropriate arrangements. If the jail does not make that request, the jail shall be required to pick up the resident at the appropriate time.

25. A resident who is kept as a boarder for one of the above reasons shall be maintained at their current custody level and in their current housing unless it is changed pursuant to applicable Department policies.
26. The resident shall be required to continue to comply with their current case plan unless it is changed pursuant to applicable Department policies.

**Procedure J: Appeals**

1. A resident who has been transferred to the Department from another jurisdiction, a jail, or DHHHS custody (i.e., an interstate compact resident, federal hold resident, safekeeper, or boarder) may not grieve or appeal a transfer or return decision to the Department but must contact the transferring agency if they disagree with the decision.
2. Other residents may not grieve decisions about transfers or returns.
3. A resident may appeal an involuntary transfer out of state by writing a letter to the Commissioner, or designee, via the U.S. Postal Service.
4. In order to be reviewed, the appeal must be postmarked within fifteen (15) days of the resident’s arrival at the out of state correctional facility.
5. A resident may appeal a denial of a voluntary transfer request by writing a letter to the Commissioner, or designee, via the U.S. Postal Service.
6. In order to be reviewed, the appeal must be postmarked within fifteen (15) days of the receipt of the denial decision.
7. A resident may appeal an involuntary return to Maine request by writing a letter to the Commissioner, or designee, via the U.S. Postal Service.
8. In order to be reviewed, the appeal must be postmarked within fifteen (15) days of the resident’s arrival at the Department’s correctional facility.
9. If an appeal is timely, after reviewing the case with the Department’s Director of Classification, or designee, the relevant facility Chief Administrative Officer, or designee, and other appropriate staff, the Commissioner, or designee, shall decide the appeal within fifteen (15) days after receiving the appeal. When it is sent to the resident, the decision on the appeal (or notation that the appeal was not timely) shall be marked as “legal mail” and processed as such at the facility where the resident is housed.

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10. Upon review of the appeal, the Commissioner, or designee, may:
  - a. approve the decision;
  - b. reverse the decision;
  - c. modify the decision; or
  - d. remand the matter for review at an earlier point in the process.
11. The Commissioner, or designee, shall provide a copy of the appeal and the response to the appeal to the Department's Director of Classification, and the Department's Director of Victim Services, or their designees.
12. The Commissioner, or designee, is the final authority on an appeal (i.e., there is no further administrative level of appeal).

**Procedure K: Documentation**

1. The Director of Classification, or designee, shall document every transfer and return request and decision in CORIS after the decision is made and, if applicable, not until after it is implemented.
2. The Review of Out of State Transfer and Return Requests and Safekeeper and Boarder Request forms and other records relating to transfer and return requests shall be filed in the confidential section of the resident's administrative record.

**VIII. PROFESSIONAL STANDARDS**

None

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