	DEPARTMENT OF PUBLIC SAFETY CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: MAR - 2 2012	POLICY NO.: COR.18.08
		SUPERSEDES (Policy No. & Date): COR.18.08 & 09/23/09	
SUBJECT: TRANSFER OF ADULT INMATES		Page 1 of 6	

1.0 PURPOSE

To ensure that inmate transfers are conducted in an appropriate and expeditious manner.

2.0 REFERENCES & DEFINITIONS

.1 References

- a. Department of Public Safety (PSD) Policy and Procedures (P&P) COR.18.01, Inmate Classification System
- b. Hawaii Revised Statutes (HRS), Chapter 706, Disposition of Convicted Defendants
- c. HRS, Chapter 706, Section 672, Relating to Place of Imprisonment
- d. HRS, Chapter 26, Section 26-14.6, PSD and HRS, Chapter 353, Section 353C-2, Director of Public Safety, Powers and Duties
- e. HRS, Chapter 353, Section 16.2, Transfer of Inmates to Out-of-State Institutions
- f. HRS, Chapter 353, Section 16, Transfer of Prisoner to Federal Institution
- g. HRS, Chapter 353H, Comprehensive Offender Reentry System
- h. HRS, Chapter 355, Western Interstate Corrections Compact
- i. Intergovernmental Agreement, State of Hawaii, ICA # 1GA-152-0
- j. Intergovernmental Agreement between Hawaii PSD and United States Department of Justice Federal Bureau of Prisons, Federal Detention Center, IGA Number 1GA 661-02.

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.2 Definitions

a. Custody Changes

Increases or decreases in custody levels, which may be indicative of a need to transfer to a higher or lower security facility.

b. Emergency Condition

A situation or occurrence of a serious nature, developing suddenly and unexpectedly, and demanding immediate action. Exists when, in the facility administration's discretion, there is reasonable cause to believe that there is a threat to 1) life or limb, 2) the security or good government of the facility, and/or 3) the community.

3.0 POLICY

Transfer of inmates either under inter-states compact agreement, to Out-of-State facilities, or between branches, shall be based on the inmate's classification, individual needs, resources and facilities available to the PSD, the exigencies of the community, and in consideration of the provisions of HRS §353H. The Reception, Assessment, and Diagnostic (RAD) Unit shall initiate transfer recommendations for newly committed sentence felons in conjunction with the Department's Mainland Branch. In emergency situations, facility Unit Team Managers may recommend immediate transfer of an inmate. It is also possible for the receiving facility to refer back to the Department Inmate Classification Office on any newly transferred inmate that is believed to be inappropriate for their facility.

.1 Transfer Criteria

a. Transfer of inmates to other facilities may be initiated as a result of change in classification as indicated by the computed custody level on the appropriate classification forms and/or as part of the sequential phasing process to begin and/or complete appropriate institutional rehabilitation, educational, vocational programs, and in consideration of the provisions of HRS §353H.

b. Transfers may be initiated through the Exception Case route.

c. Transfer of inmates may be warranted in instances when an inmate's single act (such as those in the Greatest or High categories on the Institutional Misconduct Severity Scale) indicates the

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inappropriateness of the current place of confinement, regardless of computed custody level.

.2 Intra-State Transfer Actions

- a. Inmate should fall into one of the above categories. The Classification Committee or Unit Team Manager (UTM)/Designee shall complete the Inmate Transfer Request form, PSD 8203 (attached) and forward to the Warden/Designee for review.
- b. Upon completion of the review by the Warden/Designee, the following materials shall be submitted to the Department's Classification Office:
 - 1) Current Classification Instruments
 - 2) The Initial Prescriptive Program Plan and the most recent Prescriptive Plan Update, which shall include a summary of the commitment offense and the inmate's criminal history.
 - 3) Inmate Transfer Request Form documenting reasons for transfer.
- c. The Department's Classification Officer shall review the material and submit a decision on the Inmate Transfer Request Form within 10 working days of receipt.
- d. If transfer is disapproved, all materials shall be forwarded back to the referring branch with reasons for disapproval.
- e. If the Warden contests disapproval of a transfer case by the Classification Officer, they may appeal to the Deputy Director for Corrections (DEPC) for resolution. The Warden/Designee shall complete the Inmate Transfer Request Form, PSD 8203.
- f. The sending and receiving Warden/Designee shall be responsible for arranging the actual transfer of the inmate within 5 working days of final decision by the Department Classification Officer. The Department Classification Office shall forward all materials to the receiving branch upon approval of transfers.

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3 Interstate (Compact Agreement Transfer Action) State Transfers

- a. Inmate should fall under one of the categories listed in Section 3.1 above, "Transfer Criteria." The Warden/Designee shall create a satellite file containing the following documents and forward it to the Department's Classification Office.
- 1) Current Classification Instrument(s)
 - 2) Initial Prescriptive Plan and most recent Prescriptive Plan Update, which shall include a summary of the commitment offense and the inmate's criminal history.
 - 3) Inmate Transfer Form documenting reasons for transfer.
 - 4) Judgment and Mittimus for all offenses.
 - 5) Order Fixing Minimum Terms and/or any parole documents
 - 6) Misconduct Reports (last 24 months)
 - 7) Program Hearing results (if applicable)
 - 8) Detainer(s) if applicable
- b. Upon approval by the Department Classification Officer, all materials with a letter requesting that the selected mainland facility consider the transfer shall be submitted to the Director through the DEPC.
- c. Upon formal acceptance of transfer, the Department's Classification Officer shall inform the respective facility to make all travel arrangements to the respective facility.

4 Out-of-State Transfer Actions

- a. Inmate should fall into one of the categories, but not limited to the listed in Section 3.1 above, "Transfer Criteria." The Department's Mainland Branch shall determine the eligibility status of each inmate screened for out-of-state transfer based on the following qualifications:
- 1) Time left to serve on sentence

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- 2) Program refusals, non-clinical discharge, or misconducts incurred
- 3) Parole violators with more than 12 months to serve
- 4) No pending criminal charges
- 5) No medical or mental health conditions that may affect an inmate's ability to function within a normal range.
- 6) Inmates that volunteer and have cleared all facility holds.
- 7) Transfer of inmates with minimum custody or lower shall require the written approval of the DEPC.
- 8) Consideration of the provisions of HRS §353H.

b. Upon selection of inmates for out-of-State transfer, the Department's contracted agency of private prisons will complete the final screening and selection in accordance with the appropriate state statutes.

c. The Department's Mainland Branch shall make all transfer arrangements with the contracted agency.

.5 Emergency Transfers

- a. In the case of emergency transfers, the personal appearance of the inmate is not necessary.
- b. The emergency condition requires that the transfer should occur within 24 hours.
- c. The requesting Warden/Designee shall contact the Department's Institutions Division Administrator (IDA) or the DEPC by phone requesting emergency transfer.
- d. The requesting Warden/Designee shall verify with the IDA or the DEPC that the provisions of HRS §353H were considered.
- e. The Department IDA or the DEPC shall approve or disapprove the request.
- f. The Department IDA or the DEPC shall designate and inform the receiving facility that the inmate shall be placed in that facility.
- g. The Warden/Designee initiating the request shall make all transfer arrangements with the designated facility.

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h. Due process safeguards shall be provided to the inmate as soon as possible after the transfer.

.6 Notification of Transfer

All inmates shall be given written notification of their transfer. This shall apply to Inter-Facility transfers as well as out-of-State transfers. The written notification, at a minimum shall include the following:

- a. Name and location of the facility the inmate will be transferred to.
- b. Reasons for the transfer.
- c. The provisions of HRS §353H were considered in the transfer decision.

At the discretion of the Warden/Designee, the written notification of transfer may be given to the inmate prior to or after the transfer. A post-transfer notification shall be given to the inmate no later than 5 working days after the transfer is completed.

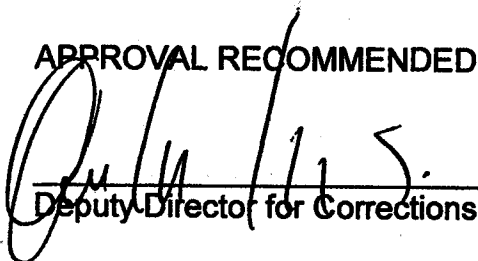
4.0 RESPONSIBILITY

The Warden/Designee shall ensure compliance with the provisions of this policy.

5.0 SCOPE

This policy and procedure applies to all correctional facilities including the Mainland Branch and their assigned personnel.

APPROVAL RECOMMENDED:


 Deputy Director for Corrections


 Date

APPROVED:


 DIRECTOR


 Date

**STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY**

INMATE TRANSFER REQUEST

DATE: _____

INMATE NAME: _____ SID: _____

SENDING FACILITY: _____ RECOMMENDED TRANSFER FACILITY: _____

CUSTODY LEVEL: _____ POINT TOTAL: _____ DATE COMPLETED: _____

REASON FOR TRANSFER: _____

Classification Committee Chair or UTM/Designee: _____
Signature Date

Review by Branch Administrator/Designee: _____
Signature Date

MAIL OR FAX (587-3481) TO CENTRAL INMATE CLASSIFICATION

RECOMMENDATION OF CLASSIFICATION OFFICER: APPROVED DISAPPROVED

Classification Committee Chair or UTM/Designee: _____
Signature Date

Sending Facility Notified Yes No Receiving Facility: _____

Receiving Facility Notified Yes No Transfer Date: _____

COMMENTS: