

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
CLASSIFICATION DIVISION

103 DOC 461

INMATE TRANSFER

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MASSACHUSETTS DEPARTMENT OF CORRECTION	DIVISION: CLASSIFICATION
TITLE: INMATE TRANSFER	NUMBER: 103 DOC 461

PURPOSE: To establish Department of Correction ("Department") policy and procedure regarding inmate transfers.

REFERENCES: M.G.L. c. 124, § 1 (c) & (q); M.G.L. c. 127 §§ 97, 97A, & 120

APPLICABILITY: Staff/Inmates **PUBLIC ACCESS:** Yes

LOCATION: Department Central Policy File
Classification Division
Each Institution's Policy File
Each Inmate Library

RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:
Deputy Commissioner of the Classification, Programs
and Reentry Division
Superintendents
Assistant Deputy Commissioner, Classification
Division
Director of State Transportation

EFFECTIVE DATE: 11/03/2013

CANCELLATION: 103 DOC 461 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules, and/or regulations regarding Inmate Transfers that are inconsistent with this policy.

SEVERABILITY CLAUSE: If any part of 103 DOC 461 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner, or otherwise inoperative, such decision shall not affect the validity of any part of this policy.

461.01 Definitions

Commissioner - The Commissioner of the Department of Correction.

Department - The Department of Correction.

Department Transfer Coordinator - A staff member of the Classification Division designated by the Director to schedule and coordinate transfers of inmates and detainees from one Department institution to another. Transfers to and from the county system, other states and the Federal system are scheduled and coordinated as well.

Deputy Commissioner of the Classification, Programs and Reentry Division - The Department Deputy Commissioner whose duties include, but are not limited to, the management of the Classification Division, Female Offender Services, Inmate Education and Training Division, Reentry and Program Services Division and the Health Services Division.

Director of the Central Transportation Unit - The unit director who reports directly to the Deputy Commissioner of Prisons and whose responsibilities include, but are not limited to, the management of:

1. Transportation Unit
2. Vehicle Maintenance Program

Director of the Classification Division - A program manager responsible for ensuring compliance with the Department's classification policies, developing procedures as needed, monitoring adherence to such procedures, and overseeing the performance of classification staff.

Inmate Management System ("IMS") - The Department's automated information system that provides processing, storage and retrieval of inmate-related information needed by Department personnel and other authorized users within the criminal justice system.

Institution Transfer Coordinator - A staff member designated by the superintendent to coordinate transfers to and from the institution.

Superintendent - The chief administrative officer of a state correctional institution.

461.02 Departmental Goal

It is the Department's goal that the most effective use of bed space is afforded by the transfer of inmates to those facilities and security levels to which they are most appropriately suited. The rules set forth herein establish policy for effectuating the intra-institutional and inter-departmental transfer of inmates. Nothing in this policy shall be deemed to limit the discretion of the Commissioner or his/her designee to transfer inmates pursuant to his/her statutory authority.

461.03 Transfer Waiting Lists

The Director of the Classification Division or designee shall maintain an accurate and updated waiting list. Waiting lists shall be maintained automatically in the IMS database. Inmates shall normally be transferred according to the date of the Commissioner or designee's approval for said transfer.

461.04 Notification of Transfer

The Department Transfer Coordinator or designee shall give advance notice to the sending and receiving institutions and to the Director of the Central Transportation Unit or designee prior to the actual inmate transfer. The Department Transfer Coordinator shall schedule all transfers by 2:00 pm the day prior, utilizing the "Schedule Inmate Transfer" screen in the IMS. The Institution Transfer Coordinator shall utilize the "Detailed Institutional Wait List Query" screen in the IMS daily to identify inmates scheduled to transfer in and out of their institution for the following day. For any transfer scheduled after 2:00 pm, the Department Transfer Coordinator shall contact institutional staff and state transportation directly by e-mail or telephone. All Superintendents shall designate an Institution Transfer Coordinator at their respective institutions to accept notice of transfer. Inmate transfers shall occur after the designated institutional staff and the Director of the Central Transportation Unit or designee have received advance notice of the actual transfer. In instances where female inmates are transferred to Spectrum's Women and Children's Program, in addition to the above notification, South Middlesex Correctional Center shall normally receive notification forty-eight

(48) hours prior to transfer. Lack of available resources shall not preclude inmate transfers where institutional personnel and resources can be utilized with the respective Superintendent's approval. The Central Transportation Unit shall first be consulted before any transfer is implemented via institutional resources.

461.05 Superintendent's Responsibility

Each superintendent shall ensure that:

1. An Institution Transfer Coordinator is designated to act as contact person with the Department Transfer Coordinator.
2. Having received prior notification of transfer, the inmate shall be made available for transfer prior to the arrival of the transporting correctional officers or personnel.
3. The mittimus accompanies the inmate upon transfer, or in instances of federal or out-of-state transfers, a copy of the mittimus.
4. An inmate's updated case file shall be simultaneously transferred with the inmate except for transfer to an out-of-state or federal institution. All institutions shall maintain information within the IMS. For male inmates transferred to another state or federal institution, the updated case file shall be sent to the Centralized Date Computation Unit at MCI-Concord (clearly marked Out of State or Federal) and retained at that location until the inmate returns to Massachusetts custody. For female inmates, the updated case file shall be retained at MCI-Framingham.
5. The medical record and/or an updated health record or summary (including health status report), accompanies the inmate upon transfer, except for transfers to an out-of-state or federal institution, as a medical transfer summary is forwarded to the receiving state as part of the referral process in accordance with 103 DOC 419, Federal/Interstate Compact.
6. Inmate property shall be handled in accordance with 103 CMR 403, Inmate Property.

7. The inmate's case shall be reviewed for any changes prior to transfer. The IMS Classification Recommendations/Results Information Change screen shall be utilized as a tool to identify changes. This shall include but not be limited to a review of the offender's DNA status, conflicts, parole status, disciplinary status, legal issues (updated electronic checks should be run and reviewed in accordance with 103 DOC 417, Criminal History Records Information. When an issue arises that changes an inmate's status or precludes a transfer (e.g. DNA not secured, conflict situation, parole hearing, recent disciplinary report, non-permissible outstanding legal issues), consultation with the central office Classification Division should occur. Refer to 103 DOC 487, DNA Sample Collection for specific information relative to collection of DNA.
8. Any inmate pending transfer as a result of an institutional failure (return to higher security or laterally based on a failure) shall be maintained under constant visual observation. The inmate shall remain on said status until medically screened and cleared by the receiving facility.

461.06 Emergencies

Whenever, in the opinion of the Commissioner or designee an emergency exists which requires suspension of all or part of this regulation, the Commissioner or designee may authorize such suspension. Whenever, in the opinion of the Superintendent of a state correctional institution, an emergency exists within that institution, which requires suspension of all or part of this regulation, the Superintendent may authorize such suspension, provided, that any suspension lasting more than forty-eight (48) hours shall be approved by the Commissioner.