	<b>DEPARTMENT OF CORRECTIONS AND REHABILITATION</b> <b>CORRECTIONS ADMINISTRATION</b> <b>POLICY AND PROCEDURES</b>	<b>EFFECTIVE DATE:</b> January 01, 2024	<b>POLICY NO.:</b> COR.18.08
		<b>SUPERSEDES (Policy No. &amp; Date):</b> COR.18.08 of May 01, 2020	
	<b>SUBJECT:</b> <b>TRANSFER OF ADULT INMATES</b>		Page 1 of 11

## 1.0 PURPOSE

To provide guidelines to accurately process inmate transfers in an appropriate and expeditious manner.

## 2.0 SCOPE

This policy and procedure shall apply to all correctional and contracted facilities, and the personnel authorized to work there. To the extent, any individual facility's policy conflicts with the statewide policy, COR.18.08 shall control.

## 3.0 REFERENCES, DEFINITIONS & FORMS

### .1 References

- a. Department of Corrections and Rehabilitation (DCR), Classification Coding Instructions Manual (revised 2016)
- b. Department of Corrections and Rehabilitation (DCR), Policy and Procedures (P&P), COR.13.03, Adjustment Procedures Governing Serious Misconduct Violations and the Adjustment of Minor Misconduct Violations.
- c. DCR, P&P, COR.14.03, Prescriptive Program Plans.
- d. DCR, P&P, COR.14.15, Inmate Furlough Program.
- e. DCR, P&P, COR.14.22, Electronic Monitoring Service (EMS).
- f. DCR, P&P, COR.14.26, Offender Assessment Protocols.
- g. DCR, P&P, COR.14.27, Inmates with Disabilities.
- h. DCR, P&P, COR.14.30, Communication Access.
- i. DCR, P&P, COR.16.07, Return of Inmate to Island of Commitment.
- j. DCR, P&P, COR.18.01, Inmate Classification System.
- k. DCR, P&P, COR.18.04, Reclassification of Prison Inmates.
- l. DCR, P&P, COR.18.07, Exception Case.

**NOT CONFIDENTIAL**

DCR  P & P M	<b>SUBJECT:</b>  <b>TRANSFER OF ADULT OFFENDERS</b>	<b>POLICY NO.:</b> <b>COR.18.08</b>
		<b>EFFECTIVE DATE:</b> <b>January 01, 2024</b>
		<b>Page 2 of 11</b>

- m. HRS § 353-16, Transfer of Prisoner to Federal Institution.
- n. HRS § 353-16.2, Transfer of Inmates to Out-of-State Institutions.
- o. HRS Chapter 353H, Comprehensive Offender Reentry System.
- p. HRS Chapter 355, Western Interstate Corrections Compact.
- q. HRS Chapter 355D, Interstate Corrections Compact.
- r. Intergovernmental Agreement, State of Hawaii, ICA # 1GA-152-0.
- s. Intergovernmental Agreement between Hawaii Department of Public Safety and United States Department of Justice Federal Bureau of Prisons, Federal Detention Center, IGA Number 1GA 661-02.

**.2 Definitions**

- a. Adjustment Committee – A Committee of 1-3 staff members, dictated by the size of the facility, who convene to determine guilt or innocence of an inmate accused of facility misconduct. Committee member(s) convene once an investigation is completed and review the contents of that investigation to render a decision.
- b. Administrative Segregation (AS) – Inmates who are temporarily separated from the general population (GP) on the order of a Warch Commander or higher authority. Action occurs when the inmate’s continued presence in GP poses an imminent threat to the safety of self, or others, jeopardizes the integrity of an internal investigation, or disrupts the good government of the facility.
- c. Adverse Classification Action – Any increase involving one(1) or more steps in custody to provide a more restrictive setting, Act is often associated with the occurrence of a misconduct or a change in sentencing status.
- d. Adult Substance Abuse Survey (ASUS) – A 64-item self-report survey designed to assess an inmate’s perceived alcohol and other drug use.

**NOT CONFIDENTIAL**

DCR  P & P M	<b>SUBJECT:</b>  <b>TRANSFER OF ADULT OFFENDERS</b>	<b>POLICY NO.:</b> <b>COR.18.08</b>
		<b>EFFECTIVE DATE:</b> <b>January 01, 2024</b>
		<b>Page 3 of 11</b>

- e. Classification Committee – A Committee of 1-3 staff members(s) who convene when there is a need to determine an institutional classification action, including actions that result from an adjustment hearing.
- f. Custody Level – The degree of physical control and staff supervision mandated to manage inmates placed into a specific housing unit. A single facility may have more than one(1) level of security within its perimeter: a) Maximum, b) Close, c) Medium, d) Minimum, and e) Community.
- g. Disciplinary Segregation – The temporary placement of an inmate in a segregated housing unit/cell separated from GP. Typically, follows a guilty finding by an Adjustment Committee. Disciplinary Segregation includes the loss of certain privileges consistent with COR.11.01, Administrative Segregation and Disciplinary Segregation, and as authorized by the Warden.
- h. 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.
- i. Exception Case – Administrative request for an override of a “Comprehensive Custody Score” to ensure appropriate placement of an inmate. Action is typically requested as a result of the inmate’s action/inaction and aims to provide for the safety of staff, other inmates, the community, and/or the good management of the facility. Form DCR 8202, Exception Case Request shall be used in accordance with COR.18.07, Exception Case.
- j. Initial Prescriptive Plan (IPP) – A report, generated during the RAD process for all newly-sentenced felons. Identifies programs and activities (using the LSI-R, ASUS, and Pre-Sentence Investigation (PSI) report, and other sources) in preparation to satisfy parole minimum sentence requirements and which identifies their needs and custody classification.
- k. Interstate Compact or Dual Jurisdiction Cases – Where a convicted felon is placed in a state/federal facility that differs from the jurisdiction his criminal offense was originally set.
- l. Jail Inmate - Any individual who is convicted of a crime and committed by the courts for a period of LESS THAN one (1) year (this includes probation

**NOT CONFIDENTIAL**

DCR  P & P M	<b>SUBJECT:</b>  <b>TRANSFER OF ADULT OFFENDERS</b>	<b>POLICY NO.:</b> <b>COR.18.08</b>
		<b>EFFECTIVE DATE:</b> <b>January 01, 2024</b>
		<b>Page 4 of 11</b>

violators awaiting adjudication of their violation hearings, pretrial detainees, Federal/other State holds).

- m. Jail Inmate Custody Review Instrument – A tool used to record adjustments that have an effect on a jail inmate’s custody designation: change in legal status, guilty outcome of a misconduct, new charges, State/Federal holds or detainers.
- n. Level of Service Inventory-Revised (LSI-R) – A predictive risk and needs scale that assesses an inmate’s propensity for further unlawful and rule-violating behavior based on criminal history and dynamic risk factors.
- o. Mainland Branch (MB) - The office designated to monitor the care and custody of all inmates relocated to the Mainland (continental United States).
- p. Prison Inmate - Any individual who is convicted of a crime and sentenced by the courts for a period of MORE THAN one (1) year (this includes CONSECUTIVE terms of more than one (1) year combined) and parole violators returned to custody.
- q. Prison Reclassification Instrument – A tool used to record adjustments in an inmate’s custody designation that either follows the outcome of a misconduct(s) or involves new information received such as new charges, State/Federal hold, or detainers.
- r. Reception, Assessment, Diagnostic (RAD) – A procedural system and/or unit that assesses all newly admitted, sentenced felons remanded to the care and custody of the Department of Corrections and Rehabilitation (DCR). The system is designed to evaluate the inmate to determine initial programming and custody designation, using tools such as the LSI-R, ASUS, PSI, and any other relevant justice-involved resources.
- s. Recommended Treatment Level (RTL) – An inmate’s substance abuse treatment level as determined by the LSI-R and ASUS.
- t. Reclassification – A formal review that is conducted as a minimum every six(6) months, following the last classification action, or every twelve(12) months (if designated community custody or housed in a contracted facility). Can also be initiated following any changes that may affect the inmate’s security or custody level designation, such as the establishment of the minimum term by the Hawai’i Paroling Authority (HPA), adjudicated

**NOT CONFIDENTIAL**

DCR  P & P M	<b>SUBJECT:</b>  <b>TRANSFER OF ADULT OFFENDERS</b>	<b>POLICY NO.:</b> <b>COR.18.08</b>
		<b>EFFECTIVE DATE:</b> <b>January 01, 2024</b>
		<b>Page 5 of 11</b>

misconducts by an Adjustment Committee, or for the purpose of transferring to a different facility other than the one currently assigned.

- u. Summary Score Sheet – Scoring sheet that combines the LSI-R score with the ASUS disruption score to determine a Recommended Treatment Level (RTL).
- v. Sex Offender Classification Review (SOCLR) – An instrument that is used to review an inmate’s program status and custody level designation.

**.3 Forms**

- a. DCR 8202 – Exception Case Request
- b. DCR 8203 – Offender Transfer Request
- c. DCR 8760 – SOCLR

**4.0 POLICY**

- .1 Transfer of inmates under an Interstate Compact Agreement, intra-state (between facilities), or between branches or other agencies, shall be based on the inmate’s classification, individual needs, resources, and facilities availability to the Department of Corrections and Rehabilitation (DCR), the exigencies of the community, and in consideration of the provisions of HRS Chapter 353H.
- .2 In emergency situations, facility Wardens may recommend and initiate immediate transfer of an inmate. However, receiving facility Wardens may refer back to the department’s Inmate Classification Office (ICO) on any newly transferred inmate they believe to be inappropriate for their facility.
- .3 DCR shall implement an object transfer process that is fair, objective, reliable, and measurable.
- .4 An inmate shall be placed in the least restrictive environment using varying degrees of security to promote public safety and afford opportunities for the inmate to reintegrate.
- .5 All State and contracted facilities shall be required and Wardens are to be held responsible for ensuring inmates have regularly scheduled reclassifications completed per policy and contractual agreement.

**NOT CONFIDENTIAL**

DCR  P & P M	<b>SUBJECT:</b>  <b>TRANSFER OF ADULT OFFENDERS</b>	<b>POLICY NO.:</b> <b>COR.18.08</b>
		<b>EFFECTIVE DATE:</b> <b>January 01, 2024</b>
		<b>Page 6 of 11</b>

.6 Wardens shall be responsible for ensuring compliance with the provisions of this policy.

## 5.0 PROCEDURES

### .1 Transfer Criteria

- a. As a result of a change in classification, as indicated by the computed custody level on the appropriate classification forms.
- b. As part of the sequential phasing process to begin, and/or complete appropriate institutional rehabilitation, educational, vocational, and furlough programs.
- c. In consideration of the provisions of HRS Chapter 353H.
- d. Transfer preclusions may occur and can include the consideration of parole violators who recently absconded from parole. ICO will consider how recent the incident occurred, and how long the period of absence was.
- e. Transfers may also be initiated through DCR, P&P, COR.18.07, Exception Case.
- f. Transfer of an inmate 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, refer to DCR, P&P, COR.13.03), indicates the inappropriateness of the current place of confinement, regardless of computed custody level.
- g. After sentencing, all felons are to be transferred to the Halawa Correctional Facility or the Women's Community Correctional Center to complete their RAD process.

### .2 Intra-State Transfer Actions

- a. The inmate should fall into one of the above categories. Form DCR 8203, Inmate Transfer Request along with materials outlined below [b.1) through b.8)], shall be initiated and forwarded to the Warden or designee for review.
- b. Upon completion of the review by the Warden or designee, the following materials shall be submitted to the ICO for final review and approval/disapproval:

**NOT CONFIDENTIAL**

DCR  P & P M	<b>SUBJECT:</b>  <b>TRANSFER OF ADULT OFFENDERS</b>	<b>POLICY NO.:</b> <b>COR.18.08</b>
		<b>EFFECTIVE DATE:</b> <b>January 01, 2024</b>
		<b>Page 7 of 11</b>

1. The current classification instrument (summary form).
  2. For prison inmates: The initial or most recent update of the Prescriptive Program Plan, and any certificate of program completion.
  3. For jail inmates: A brief history that includes a summary of the commitment offense, the inmate's criminal history, and a summary of why the transfer is being requested along with supporting facts or justification for the request.
  4. Form DCR 8203, Inmate Transfer Request, briefly describing the reasons for transfer.
  5. Documents substantiating active convictions (CJIS, eCourt, Judgments).
  6. Documentation verifying that any outstanding felony charge (within two (2) years on CJIS) has been dismissed or dropped (documentation shall include case manager's case notes on conversations he/she has had with the police department and/or prosecutor's office detailing content of conversation, and the date and time of said conversation).
  7. Other completed forms as needed (Sex Offender Custody Level Review (SOCLR), Recommended Treatment Level (RTL) overrides). **Transfer requests submitted with incomplete forms shall be rejected.**
  8. LSI-R, ASUS, and Summary Score sheet – LSI-R to be within six (6) months of transfer request submission for prison inmates.
  9. Health Status Classification Report (HSCR) or Medical Clearance to be within twelve (12) months if transfer request is to a minimum facility.
- c. ICO shall review the material and render a decision on DCR 8203, Inmate Transfer Request form, within ten (10) working days of receipt.
- d. If transfer is disapproved, written notification shall be forwarded to the referring branch with reasons for disapproval.

**NOT CONFIDENTIAL**

DCR  P & P M	<b>SUBJECT:</b>  <b>TRANSFER OF ADULT OFFENDERS</b>	<b>POLICY NO.:</b> <b>COR.18.08</b>
		<b>EFFECTIVE DATE:</b> <b>January 01, 2024</b>
		<b>Page 8 of 11</b>

- e. If the request for transfer is disapproved by ICO, the Warden may appeal this decision by submitting DCR 8203, Inmate Transfer Request Form with the appeal for re-determination to the Deputy Director for Corrections (Dep-C).
- f. If the request for transfer is approved by ICO, all pertinent documents shall be forwarded to the sending and receiving facilities/branch. The sending and receiving Wardens shall be responsible for coordinating the transfer of the inmate upon receipt of approval. Actual movement shall be dependent upon available vacancy and based on priority considerations.
- g. Anytime a temporary/emergency transfer (medical, Warden request, etc.) becomes permanent (more than three months), a Transfer Packet shall be submitted to the ICO for approval.

**.3 Interstate (Compact Agreement Transfer Action) State Transfers**

- a. Inmates shall be screened for transfer only AFTER completing the RAD process in its entirety.
- b. Inmate should fall under one of the categories listed in Section 5.0.1 above, "Transfer Criteria." The Warden shall create a satellite file containing the following documents and forward it to the ICO.
  - 1. The current classification instrument.
  - 2. The initial and the most recent update of the Prescriptive Program Plan, including a description of the commitment offense, criminal history, institutional adjustment, and any certificate of program completion.
  - 3. Form DCR 8203, Inmate Transfer Request, documenting reasons for transfer.
  - 4. The Judgment and Mittimus document for all offenses.
  - 5. The Order Fixing Minimum Terms and the most recent parole document.
  - 6. Misconduct Hearing results from the last 24 months, including any High or Greatest misconduct that is still active.

**NOT CONFIDENTIAL**



DCR P & P M	<b>SUBJECT:</b>  <b>TRANSFER OF ADULT OFFENDERS</b>	<b>POLICY NO.:</b> <b>COR.18.08</b>
		<b>EFFECTIVE DATE:</b> <b>January 01, 2024</b>
		<b>Page 9 of 11</b>

7. Program Hearing results (if applicable).
  8. Detainer(s) if applicable.
- c. Upon approval by ICO, all materials accompanied by a formal letter on DCR Letterhead stationery, to the selected facility requesting that it consider the transfer, shall be submitted to the Director through the Dep-C.
  - d. Upon formal acceptance of transfer, ICO shall notify the requesting facility to make all arrangements, coordinate with the receiving facility and forward written confirmation of travel back to the DCR/ICO.
- .4 Out-of-State Transfer Actions
- a. Inmate shall be screened for transfer only AFTER completing the RAD process in its entirety.
  - b. Inmate should fall into, but not limited by, the categories listed in Section 5.0.1 above, "Transfer Criteria." In addition, the MB shall further review the eligibility status of each offender screened for out-of-state transfer based on the following qualifications:
    1. Time left to serve on sentence.
    2. Program refusals, non-clinical discharge, or misconducts incurred.
    3. Parole violators with more than twelve (12) months to serve.
    4. No pending criminal charges.
    5. Medical or mental health factors which may preclude an inmate from being transferred to DCR's contracted agency of private prisons for a particular transport.
    6. Inmates that volunteer and have cleared all facility holds.
    7. Consideration of the provisions of HRS Chapter 353H.
  - c. Upon selection of inmates for out-of-state transfer, DCR's contracted agency of private prisons shall complete the final screening and selection, in accordance with the appropriate state statutes.

**NOT CONFIDENTIAL**

DCR  P & P M	<b>SUBJECT:</b>  <b>TRANSFER OF ADULT OFFENDERS</b>	<b>POLICY NO.:</b> <b>COR.18.08</b>
		<b>EFFECTIVE DATE:</b> <b>January 01, 2024</b>
		<b>Page 10 of 11</b>

- d. MB shall make all transfer arrangements with the contracted agency.
- e. For out-of-state transfers, the receiving facility shall make all necessary accommodations/reasonable modifications for inmates with a disability, in accordance with DCR, P & P, COR.14.27, Offenders with Disabilities and DCR, P & P, COR.14.30, Communication Access.

.5 Emergency Transfers

- a. In the case of emergency transfers, the personal appearance of the inmate is not necessary.
- b. All courtesies will be made to ensure that movement in an emergency situation, occurs within 24-hours of making the request.
- c. The requesting Warden shall contact DCR's Institutions Division Administrator (IDA) or the Dep-C by phone requesting emergency transfer.
- d. The requesting Warden shall confirm with IDA or Dep-C that the provisions of HRS Chapter 353H were considered.
- e. IDA or Dep-C shall approve or disapprove the request.
- f. IDA or Dep-C shall designate and inform the receiving facility that the inmate shall be placed in that facility.
- g. The Warden initiating the request shall make all transfer arrangements with the receiving facility.
- h. Due process safeguards shall be provided to the inmate as soon as possible following the transfer.
- i. All required documentation involved in the emergency transfer will be submitted to the ICO as soon as possible.

.6 Notification of Transfer

- a. All inmates shall be given written notification of their transfer, this includes inter-facility and out-of-state transfers. At a minimum the written notification shall include the following:
  - 1. Name and location of the facility the inmate will be transferred to.

**NOT CONFIDENTIAL**


DCR  P & P M	SUBJECT:  TRANSFER OF ADULT OFFENDERS	POLICY NO.: COR.18.08
		EFFECTIVE DATE: January 01, 2024
		Page 11 of 11

2. Reasons for transfer.
  3. A statement that the provisions of HRS Chapter 353H were considered in the transfer decision.
- b. In accordance with DCR, P&P, COR.14.30, Communication Access, inmates with communication disabilities shall be provided with notice of transfer in an appropriate and understandable mode of communication.
  - c. At the discretion of the Warden, 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 five (5) working days** after the transfer is completed.

APPROVAL RECOMMENDED:

  
 \_\_\_\_\_ JAN 01 2024  
 Deputy Director for Corrections Date

APPROVED:

  
 \_\_\_\_\_ JAN 01 2024  
 DIRECTOR Date

**NOT CONFIDENTIAL**

STATE OF HAWAII  
DEPARTMENT OF CORRECTIONS AND REHABILITATION

EXCEPTION CASE FORM

Date: \_\_\_\_\_

Name of Inmate: \_\_\_\_\_

SID #: \_\_\_\_\_

Current Facility Location: \_\_\_\_\_

Computed Custody Score: \_\_\_\_\_ Recommended Custody: \_\_\_\_\_

Reason for Exception Case Recommendation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Submitted By:

\_\_\_\_\_  
(Facility Classification Coordinator/Designee) \_\_\_\_\_ Date

Reviewed By:

\_\_\_\_\_  
(Warden/Designee) \_\_\_\_\_ Date

Forward this from to the Department Inmate Classification Officer along with:

- 1) Completed Classification Instrument(s)
- 2) Exception Case Summary

Approved/Disapproved:

\_\_\_\_\_  
(Department Classification Officer) \_\_\_\_\_ Date

If disapproved, reason: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When disapproved by the Classification Officer, exception case to automatically be sent to the Deputy Director for appeal and review.

Exception Request Granted / Not Granted.

\_\_\_\_\_  
(Deputy Director for Corrections) \_\_\_\_\_ Date

**STATE OF HAWAII  
DEPARTMENT OF CORRECTIONS AND REHABILITATION**

**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:



**SEX OFFENDER CUSTODY LEVEL REVIEW**

INMATE'S NAME: \_\_\_\_\_  
(Last) (First) (Middle Name or Initial)

INMATE'S ID: \_\_\_\_\_ DOB: \_\_\_\_\_  
(SID # / SS #) (Date of Birth)

PED/EPH: \_\_\_\_\_ TODAY'S DATE: \_\_\_\_\_  
(Parole Eligibility Date/Early Parole Hearing)

1. The inmate is incarcerated at:  
 Halawa Correctional Facility       Other \_\_\_\_\_  
Case Manager \_\_\_\_\_
2. In which Circuit was the inmate sentenced?  
 First, Oahu       Third, Hawaii  
 Second, Maui       Fifth, Kauai
3. Is inmate currently incarcerated because of a conviction for sexual offense?  
 Yes. CR# \_\_\_\_\_ Charge: \_\_\_\_\_  
 No. If not a sexual offense, on what charge is inmate convicted? CR# \_\_\_\_\_  
Charge: \_\_\_\_\_
4. If inmate is NOT convicted for a sexual offense, he/she may qualify as a sex offender because of a:  
 Instant offense sexually motivated.  
 Prior sex offense conviction as an adult.  
 Prior sex charge as an adult.  
 Prior sex charge as a juvenile.  
 Other: \_\_\_\_\_
5. Noteworthy factors include any history or incidents during incarceration of: ( all that apply)  
 Substance abuse, dirty UAs.  
 Pornography in cell, seeks subscription to erotica.  
 Violence/threats/attacks on ACO's, staff, or inmates.  
 Health problems that hinder work.  
 Poor performance on work details, firings, quitting.  
 Deviant sexual behavior/proposition to staff or inmates.  
 Non-compliance with programs, educational goals.  
 Escapes (including attempts).  
 Other: \_\_\_\_\_
6. Does offender refuse to participate in SOTP or deny he/she needs further treatment?  
 Yes       No
7. Comments

SOTP Administrator's Recommendation  
 Medium  
 Minimum  
 Community

\_\_\_\_\_  
SOTP Administrator's Signature  
\_\_\_\_\_  
Date