

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 398

H. P. 301

House of Representatives, February 7, 1979

On Motion of Mrs. Prescott of Hampden referred to the Joint Select Committee on Correctional Institutions. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Prescott of Hampden.

Cosponsors: Mr. Hickey of Augusta, Ms. Lund of Augusta and Mr. Boudreau of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**RESOLVE, to Authorize Kennebec County to Develop a Pilot Program for
Inmates Incarcerated at the County Jail.**

Preamble. Whereas, recent decisions of Federal District Courts and the United States Supreme Court have upheld and affirmed the rights of detainees in local jails to be housed and handled in a manner which is at least comparable to the housing and handling of sentenced offenders; and

Whereas, incarceration of detainees causes hardships on their families and places burdens on the county and the State for housing and support of families; and

Whereas, national studies have shown that many of the persons detained in jails prior to adjudication do not require incarceration; and

Whereas, the Maine Revised Statutes do not mandate the assignment of detainees to medium or minimum security programs or settings and limit the use of certain alternatives for sentenced offenders; and

Whereas, Kennebec County desires to implement an alternative project on a trial basis as a means to address these problems; now, therefore be it

Kennebec County authorized to develop pilot program for inmates incarcerated

at county jail. Resolved: Kennebec County is authorized to develop and implement a 2-year pilot project for inmates incarcerated at the Kennebec County Jail; and be it further

Resolved: That during the 2-year pilot project, the Kennebec County sheriff's department shall develop a detailed intake and classification system which is to be applied to all incoming inmates at the jail. The system will be developed to provide distinct stages of information gathering and verification, based on the length of time an inmate has been incarcerated. The system shall be developed in conjunction with appropriate criminal justice officials and agencies and shall require the approval of the resident Superior Court Justice, the District Attorney and reviewed by the county commission, Bureau of Corrections and citizens' committee for the jail, prior to implementation. The purpose of the intake and classification system will be to secure reliable information on all incoming inmates, in order to increase the safety and appropriateness of their incarceration. The information secured through that system shall be used by the courts and bail commissioners as a resource in the setting and review of bail, and in the alternative sentencing and treatment of convicted offenders; and be it further

Resolved: That notwithstanding the provisions of the Revised Statutes, Title 34, sections 952-A and 1007 to 1009, in order to fully implement this project, Kennebec County shall be granted permission to allocate temporary leaves from the jail to detainees and offenders who pose no threat to the community, to facilitate voluntary participation in community-based programs consistent with the well-being and treatment of the individual and the protection of the public; and be it further

Resolved: That the Kennebec County sheriff shall review the circumstances of all persons incarcerated as detainees after 3 days of incarceration, using the intake and classification system. The sheriff shall make recommendations for changes in the bonds or circumstances of each detainee which are judged advisable based on the results of the system. Recommendations are to be presented to appropriate court justices for each case by the 5th day of incarceration of each detainee. The justice shall respond to each recommendation within 3 business days after receipt of the recommendation from the sheriff. If responses are not made within the allocated period, the recommendations shall be considered approved and shall be implemented. The sheriff shall also review the circumstances of each detainee after the 30th, 60th and 90th days of incarceration, and every 60 days thereafter. Resulting recommendations shall be presented to, and considered by, appropriate court justices, in the same manner described herein; and be it further

Resolved: That a detailed and comprehensive evaluative component shall be implemented concurrent with the implementation of the intake and classification system. This component shall identify and monitor the impact of the project on the jail population and operations, the courts, criminal justice system and human services system. The evaluative component shall also estimate direct and indirect

costs and benefits associated with the project. Quarterly reports shall be submitted to all reviewing and approving agencies outlining the progress and functioning of the project. A detailed evaluation shall be submitted to the Legislature by the end of the 14th month of operations of the intake and classification system. This report shall evaluate the operation of the first 12 months of the system and shall recommend adjustments in the system. A final evaluation shall be submitted no later than 2 months after the completion of the 2-year trial period.

STATEMENT OF FACT

The purpose of this Resolve is stated in the preamble.