

MAINE STATE LEGISLATURE

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SMG

L.D. 1611

Date: 4-5-10

(Filing No. S-518)

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STATE OF MAINE
SENATE
124TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1139, L.D. 1611, Bill, "An Act To Ensure Humane Treatment for Special Management Prisoners"

Amend the amendment by striking out the substitute title and replacing it with the following:

'Resolve, Regarding the State's Policy of Secure and Humane Use of Segregation in Correctional Facilities and Establishing a Policy and Procedure Review Process'

Amend the amendment by striking out all of sections 1 and 2 (page 1, lines 17 to 31 in amendment) and inserting the following:

'Sec. 1. Policy of secure and humane use of segregation. Resolved: That the working group under section 2 shall review the policy described in this section. In order to provide a safe, secure and humane correctional environment that meets primary security objectives while promoting inmate rehabilitation, it is the policy of this State to employ segregation sparingly when needed to protect inmates and prison personnel from anticipated harm from dangerous inmates or to protect inmates from themselves. It is the policy of the State that such segregation is carried out in a manner consistent with efforts to preserve inmates' physical and mental health and to enable opportunities for the inmates' future progress; and be it further

Sec. 2. Working group. Resolved: That the Director of the Office of Program Evaluation and Government Accountability shall convene a working group, referred to in this resolve as "the working group," and invite the following members to attend:

1. A member of a group that advocates for inmate rights, recommended by that group;

2. A person who holds an advanced degree in psychology and has studied the effects of long-term solitary confinement, recommended by a group that advocates for inmate rights;

3. An attorney who has expertise in due process procedures and inmate rights, recommended by a group that advocates for inmate rights;

1 4. A former inmate who has experienced long-term solitary confinement,
2 recommended by a group that advocates for inmate rights;

3 5. A member of a union representing guards and other prison employees,
4 recommended by the union;

5 6. The Commissioner of Corrections and up to 2 employees of the Department of
6 Corrections, appointed by the commissioner; and

7 7. The Director of the Office of Program Evaluation and Government
8 Accountability; and be it further

9 **Sec. 3. Chair. Resolved:** That the Director of the Office of Program Evaluation
10 and Government Accountability shall serve as chair at the first meeting of the working
11 group. At that meeting the members shall take a vote and elect a chair; and be it further

12 **Sec. 4. Duties. Resolved:** That the working group shall review the policy of
13 secure and humane use of segregation as set forth in section 1, departmental policies,
14 rules and practices related to the placement of special management inmates and the
15 availability of resources and data specific to this State including the following:

16 1. How policies relating to the amount of time inmates may spend in special
17 management are implemented and the factors that may affect consistent application of
18 these policies;

19 2. The current role of advocates for inmates in the review and assessment process
20 relating to special management and determinations to terminate or continue special
21 management;

22 3. The funding of mental health treatment options and appropriate facility design and
23 whether the implementation of special management policies is affected by the availability
24 of these and other resources; and

25 4. Information relating to the number of inmates in special management, their release
26 to the community, recidivism rates, mental health status, whether they are incarcerated
27 for violent or nonviolent offenses, whether English is their primary language, repeated
28 confinements and other factors that may be useful in evaluating the implementation of
29 these policies over the past 5 years; and be it further

30 **Sec. 5. Staffing. Resolved:** That staffing for the working group must be
31 provided by the Office of Program Evaluation and Government Accountability; and be it
32 further

33 **Sec. 6. Recommendations and report by working group. Resolved:** That
34 the working group shall provide an interim report to the joint standing committee of the
35 Legislature having jurisdiction over corrections matters by November 15, 2010, which
36 must include the data collected under section 4 and any initial findings and
37 recommendations relating to whether the State's policy of secure and humane use of
38 segregation is consistently applied. Any resources, policies and procedures that may be
39 necessary to fully implement this policy in a consistent manner throughout the State's
40 correctional facilities must also be included in the report. The working group shall
41 identify any additional information or resources that may be needed to complete its
42 review and shall provide a final report including any policy or legislative changes to the

1 joint standing committee of the Legislature having jurisdiction over corrections matters
2 by December 15, 2011; and be it further

3 **Sec. 7. Appropriations and allocations. Resolved:** That the following
4 appropriations and allocations are made.

5 **CORRECTIONS, DEPARTMENT OF**
6 **Administration - Corrections 0141**

7 Initiative: Provides one-time funds for the Department of Corrections to contract for
8 assistance in providing the records review and data collection that are expected from the
9 working group's review of the placement of certain prisoners.


10	GENERAL FUND	2009-10	2010-11
11	All Other	\$0	\$10,000
12			
13	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$10,000</u>
14			

15 **SUMMARY**

16 This amendment replaces the review of policies related to placement of special
17 management inmates provided in Committee Amendment "A" with a requirement that the
18 Director of the Office of Program Evaluation and Government Accountability convene a
19 working group to review the policy of secure and humane use of segregation as set forth
20 in this amendment and departmental policies, rules and practices related to the placement
21 of special management inmates. The amendment requires the working group to provide
22 an interim report to the joint standing committee of the Legislature having jurisdiction
23 over corrections matters by November 15, 2010 and a final report including any
24 suggested legislation to the committee by December 15, 2011. It also adds an
25 appropriations and allocations section.

26 **FISCAL NOTE REQUIRED**

27 (See attached)

28 SPONSORED BY: 
29 (Senator NUTTING, J.)
30 COUNTY: Androscoggin



124th MAINE LEGISLATURE

LD 1611

LR 2289(09)

An Act To Ensure Humane Treatment for Special Management Prisoners

Fiscal Note for Senate Amendment "A" to Committee Amendment "A"

Sponsor: Sen. Nutting of Androscoggin

Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Net Cost (Savings)				
General Fund	\$0	\$10,000	\$0	\$0
Appropriations/Allocations				
General Fund	\$0	\$10,000	\$0	\$0

Fiscal Detail and Notes

The Department of Corrections will require a one-time General Fund appropriation of \$10,000 to contract for assistance in providing the records review and data collection and analysis that is expected from the working group's review of the placement of certain prisoners. The additional costs of the working group created by this amendment can be absorbed by the Office of Program Evaluation and Government Accountability utilizing existing budgeted resources.