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# STATE OF MAINE



# DEPARTMENT OF CORRECTIONS

**Sec. 24. 34-A MRSA §1402, sub-§13 – Report on Jails**

**To the**

**Joint Standing Committee on Criminal Justice and  
Public Safety**

**January 15, 2017**



STATE OF MAINE  
DEPARTMENT OF CORRECTIONS  
111 STATE HOUSE STATION  
AUGUSTA MAINE  
04333-0111

PAUL R. LEPAGE  
GOVERNOR

DR. JOSEPH FITZPATRICK  
COMMISSIONER

January 15, 2017

Senator Rosen,  
Representative Warren,  
Members of the Joint Standing Committee on Criminal Justice and Public Safety,

The following report complies with Sec. 24. 34-A MRSA §1402, sub-§13, Report on Jails, as outlined in Maine Public Law 335 of July 12, 2015.

Subsection 13 requires the Department of Corrections, in collaboration with a statewide association of sheriffs and a statewide association of county commissioners, to report on the mandatory standards, policies and procedures for jails adopted pursuant to section 1208-B and the status of funding for the jails from the County Jail Operations Fund established in section 1210-D, county taxes and other sources. Further, The department and representatives of the associations shall conduct a review of the funding provided to county jails pursuant to subsection 12 and section 1210-D and the distribution formula established by the department pursuant to section 1210-D, subsection 4. If the department and the associations find that changes are needed to the distribution method or procedures or the level of General Fund support, the department shall report that finding to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and shall recommend changes in the formula determined pursuant to section 1210-D, subsection 4 and the level of General Fund support. After reviewing the report, the joint standing committee is authorized to submit legislation to address issues raised by the report and to improve the funding and operation of the jails.

The Department has been in regular contact to maintain a collaborative effort with county representatives and has received input from both MSA (Maine Sheriff's Association) and MCCA (Maine County Commissioner's Association). With the creation of the "Formula Distribution" the jails have received their funding up front and we have received very little feedback or concerns regarding the funding formula. This formula is also to be applied to quarterly Court Fines and Surcharge payments made to the jails. Enhancements have been made to both the BARS (Bed Availability Reporting System) and CRAS (Corrections Reporting of Actuals System) to accommodate the new data collection and reporting requirements of Public Law 335. This cost has been absorbed by the Department.

Please let me know if you should have any questions regarding this report as required by Public Law 335.

Sincerely,

A handwritten signature in black ink that reads "Dr. Joseph R. Fitzpatrick".

Dr. Joseph Fitzpatrick  
Commissioner

# Report On The Mandatory Standards, Policies And Procedures For Jails

**Update Provided by:**

Ryan Andersen  
 Manager of Correctional Operations  
 Maine Department of Corrections

**34-A MRSA §1208-B. STANDARDS, POLICIES AND PROCEDURES APPLICABLE TO JAILS**

**1. Establishment.** The commissioner shall establish mandatory standards, policies and procedures for jails. The standards, policies and procedures must be established by rule and must be evidence-based and reflect best practices for the administration and operation of jails. The rules must include policies and procedures for assisting jails to achieve compliance and for imposing penalties for noncompliance.

**34-A MRSA §1208. STANDARDS FOR COUNTY AND MUNICIPAL DETENTION FACILITIES**

**2. Inspections.** Inspections of county and municipal detention facilities are governed as follows.

A. The commissioner shall conduct a comprehensive inspection of each county and municipal detention facility every 2 years, in order to provide the department with information, verified by on-site inspection, regarding compliance with all department standards. The commissioner may dispense with this inspection if, when it is due, the facility is accredited by a nationally recognized correctional accrediting body. [2013, c. 27, §1 (AMD).]

<b>2016 Comprehensive Standards Inspections Completed</b>			
<b>Facility</b>	<b>Inspection Date(s)</b>	<b>Mandatory Standards Score</b>	<b>Desirable Standards Score</b>
Fort Fairfield PD	02/10/16	96%	N/A
Lisbon PD	02/24/16	100%	N/A
Bath PD	02/25/16	100%	N/A
Brunswick PD	02/25/16	100%	N/A
Topsham PD	02/25/16	100%	N/A
Freeport PD	02/25/16	95%	N/A
Yarmouth PD	02/25/16	100%	N/A
MCRRC (Waldo)	03/04/16	100%	N/A
Kittery PD	03/10/16	92%	N/A
Biddeford PD	03/10/16	96%	N/A
Old Orchard Beach PD	03/10/16	100%	N/A
Saco PD	03/10/16	100%	N/A
Bridgton PD	03/24/16	100%	N/A
Rumford PD	03/24/16	100%	N/A
Waterville PD	03/24/16	100%	N/A
Bar Harbor PD	04/26/16	100%	N/A
Hancock County Jail	04/27/16 - 04/28/16	100%	99.2%
Knox County Jail	06/15/16 – 06/16/16	95.3%	99.2%
Aroostook County Jail	11/30/16 – 12/01/16	100%	100%
Piscataquis County Jail	12/06/16 – 12/07/16	93.7%	97.6%

Explanation: Comprehensive inspections are completed once every two years with random cursory inspections in between. Smaller detention facilities (ex: Bath PD) utilized strictly for processing followed by bail or transfer to a county jail only have 27 required standards, all of which are mandatory. Full service county jails (ex: Aroostook County Jail) have 265 standards for which they are inspected. 136 are mandatory standards, and the remaining 129 are desirable. A jail must be compliant with 100% of mandatory standards, and 90% of desirable standards to pass inspection, otherwise corrective action will be required.

### 2016 Death Reviews Completed

Facility	Date Deceased
Kennebec County Jail	02/01/16
Cumberland County Jail	04/11/16
Washington County Jail	10/24/16
Androscoggin County Jail	12/02/16

Explanation: Pursuant to the Maine Attorney General’s protocol for in-custody deaths, any detention facility that has an in-custody death is required to notify the Department of Corrections. Once notification is received, a DOC Inspections Division staff performs an operational review of the circumstances leading up to the death to determine whether or not the agency’s handling of the individual violated required standards. If it is determined that the agency was not compliant with prescribed standards, corrective action would be required.

### 2016 County Jail Inmate Complaints Received and Investigated

2016	Androscoggin	Aroostook	Cumberland	Franklin	Hancock	Kennebec	Knox	Penobscot	Piscataquis	Somerset	Two Bridges	Washington	York
January	1	0	1	0	0	0	0	0	0	2	0	0	0
February	1	0	1	0	0	0	0	1	0	2	0	0	1
March	0	1	4	0	0	1	1	0	0	0	0	0	0
April	1	0	1	0	0	1	0	1	0	1	0	1	0
May	1	0	1	0	0	0	0	0	0	0	0	0	0
June	1	0	2	2	0	0	0	1	0	1	0	0	0
July	0	0	0	0	0	2	1	0	0	1	0	0	1
August	0	0	1	2	0	0	0	0	0	2	0	0	1
September	0	0	2	0	0	0	1	1	0	1	0	1	1
October	0	0	1	1	0	0	0	0	0	0	0	0	0
November	0	0	1	1	0	0	0	0	0	0	0	0	0
December	0	0	0	2	0	1	1	0	0	0	1	0	1
<b>Total Complaints</b>	<b>5</b>	<b>1</b>	<b>15</b>	<b>8</b>	<b>0</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>10</b>	<b>1</b>	<b>2</b>	<b>5</b>
<b>Prior Year (2015)</b>	<b>16</b>	<b>6</b>	<b>18</b>	<b>2</b>	<b>0</b>	<b>8</b>	<b>5</b>	<b>16</b>	<b>0</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>14</b>

Explanation: When an inmate has exhausted the internal grievance process at the facility in which they are incarcerated and still feels that standards violations still exist within the jail, they have the right to forward a letter of complaint to the Department of Corrections. When the letter is received, the complaint is investigated by DOC inspections staff to determine if in fact the jail has violated mandatory standards. If it is confirmed that they have, corrective action will be required of the jail. This table represents the data associated with the collection of those complaints. As you can see, there is a comparison provided between 2015 and 2016 data at the bottom of the table.

**Distribution of the \$12,202,104 according to Rule 03 201**

The rule required the distribution formula to be based on “prisoner days” which represented inmates from their “county of origin” regardless of where they were housed. Consideration was also given to TBRJ (Two Bridges Region Jail) as funds would be sent to Lincoln and Sagadahoc Counties. The calculation for TBRJ was based on the percentage of inmates combined for those counties and evenly splitting the funds between them (as is the Tax Cap). County Jails were also required to file a report on program spending for Community Corrections, which all counties did, to receive full funding as outlined by the law.

In compliance with Sec. 23. 34-A MRSA §1210-D - County Jail Operations Fund the distribution of the \$12,202,104 was as follows:

<b>FY17 \$12.2M Distribution</b>			
Row Labels	Bed Days	% of Total Prisoner Days	Distribution of \$12.2M
ANDROSCOGGIN	58,424	9.2%	1,126,281.63
AROOSTOOK	34,467	5.4%	664,445.24
CUMBERLAND	125,894	19.9%	2,426,949.53
FRANKLIN	9,440	1.5%	181,981.70
HANCOCK	17,773	2.8%	342,622.95
KENNEBEC	72,752	11.5%	1,402,492.83
KNOX	27,219	4.3%	524,720.31
LINCOLN/SAGADAHOC	27,282	4.3%	525,934.81
ME COASTAL REGIONAL REENTRY CTR	9,063	1.4%	174,713.99
OXFORD	19,067	3.0%	367,568.32
PENOBSCOT	80,705	12.8%	1,555,808.55
PISCATAQUIS	4,514	0.7%	87,019.64
SOMERSET	31,677	5.0%	610,660.40
WALDO	14,735	2.3%	284,057.23
WASHINGTON	9,316	1.5%	179,591.26
YORK	90,636	14.3%	1,747,255.61
<b>Grand Total</b>	<b>632,964</b>	<b>100.0%</b>	<b>12,202,104</b>

Under Sec. 2. 4 MRSA §1057, sub-§3-A - Reimbursement to counties and Sec. 23. 34-A MRSA §1210-D - County Jail Operations Fund; 5 Court Fines and Surcharges are distributed quarterly based on amounts collected. For the first quarter of FY17 the following was collected and distributed based on Rule 03 201 and the same methodology as applied to the \$12,202,104:

<b>FY17 Distribution of Court Fines and Surcharges (Other Special Revenue)</b>			
Row Labels	Bed Days	% of Total Prisoner Days	Distribution of 1QTRFY17 OSR
ANDROSCOGGIN	58,424	9.2%	10,039.10
AROOSTOOK	34,467	5.4%	5,922.52
CUMBERLAND	125,894	19.9%	21,632.58
FRANKLIN	9,440	1.5%	1,622.09
HANCOCK	17,773	2.8%	3,053.97
KENNEBEC	72,752	11.5%	12,501.10
KNOX	27,219	4.3%	4,677.09
LINCOLN/SAGADAHOC	27,282	4.3%	4,687.91
ME COASTAL REGIONAL REENTRY CTR	9,063	1.4%	1,557.31
OXFORD	19,067	3.0%	3,276.32
PENOBSCOT	80,705	12.8%	13,867.68
PISCATAQUIS	4,514	0.7%	775.65
SOMERSET	31,677	5.0%	5,443.11
WALDO	14,735	2.3%	2,531.94
WASHINGTON	9,316	1.5%	1,600.78
YORK	90,636	14.3%	15,574.14
<b>Grand Total</b>	<b>632,964</b>	<b>100.0%</b>	<b>108,763</b>

## Prisoner Bed Days

Prisoner Bed Days, as prescribed by Public Law 335, reflects the number of inmates that originated from a county regardless of where they are housed. It represents the number of inmates from the "County of Origin". This is the statistic used in the funding formula as prescribed in Sec. 23. 34-A MRSA §1210-D - County Jail Operations Fund - 4. Formula; distribution – A:

<b>County of Origin - Prisoner Bed Days</b>		
<b>County</b>	<b>FY17</b>	<b>FY16</b>
ANDROSCOGGIN	58,424	65,023
AROOSTOOK	34,467	31,954
CUMBERLAND	125,894	120,916
FRANKLIN	9,440	9,447
HANCOCK	17,773	16,952
KENNEBEC	72,752	80,734
KNOX	27,219	27,003
LINCOLN/SAGADAHOC	27,282	29,518
OXFORD	19,067	16,639
PENOBSCOT	80,705	77,097
PISCATAQUIS	4,514	5,352
SOMERSET	31,677	40,037
ME COASTAL REGIONAL REENTRY CTR	9,063	8,615
WALDO	14,735	16,553
WASHINGTON	9,316	9,792
YORK	90,636	86,546
<b>Grand Total</b>	<b>632,964</b>	<b>642,178</b>

## Status of Funding for the Jails; County Taxes and Other Sources

The table below represents Revenue reported by county jails through June 30, 2016 (Fiscal Year 2016) in the CRAS(Corrections Reporting of Actuals System). Counties were asked to provide prior month actuals into CRAS by 10<sup>th</sup> working day of the following month.

CRAS reporting has been problematic since the program was instituted by the State Board of Corrections, making it difficult to understand what the counties are receiving in Revenue and what they are expending.

<b>County Jails CRAS Reported FY16 Actuals</b>								
<b>County Jail</b>	<b>Tax Cap</b>	<b>State Funds</b>	<b>Federal Boarding</b>	<b>Community Corrections</b>	<b>Other County Generated</b>	<b>Court Fines &amp; Surcharges</b>	<b>Transfers</b>	<b>Grand Total</b>
ANDROSCOGGIN	4,415,960	1,482,179		-	94,138	38,767		6,031,044
AROOSTOOK	2,362,999	679,813		-	347,999	26,451		3,417,262
CUMBERLAND	10,929,303	3,747,382	3,216,793	-	625,400			18,518,878
FRANKLIN	1,579,683			177,035	16,798		-	1,773,515
HANCOCK	1,670,135	448,114	261,061	-	78,560	-		2,457,870
KENNEBEC	5,755,343	1,652,958		-	145,229			7,553,530
KNOX	3,188,700	-	4,000	782,620	52,467	9,989		4,037,775
LINCOLN	2,657,112			209,923	4,411		(2,622,575)	248,871
OXFORD	1,228,757	572,486		297,312	13,959	12,100	-	2,124,614
PENOBSCOT	6,007,906	929,219	149,075	773,579	110,983	59,704		8,030,466
PISCATAQUIS	1,054,333	116,401	226,160	80,746	823			1,478,463
SAGADAHOC	2,657,105			284,383	3,585	37,718	(2,529,299)	453,492
SOMERSET	4,863,215	561,683	1,095,718	225,888	206,538			6,953,042
TWO BRIDGES		-	136,968		621,767		4,061,244	4,819,980
WALDO	2,832,353			639,010	56,797	15,636	-	3,543,795
WASHINGTON	2,000,525	289,064	400	-	10,430	6,472		2,306,891
YORK	8,386,812	2,035,352		-	(515)	141,834		10,563,483
<b>Grand Total</b>	<b>61,590,241</b>	<b>12,514,651</b>	<b>5,090,175</b>	<b>3,470,495</b>	<b>2,389,369</b>	<b>348,670</b>	<b>(1,090,630)</b>	<b>84,312,970</b>

## **Review Of The Funding Provided To County Jails**

In discussions with representatives from MSA (Maine Sheriff's Association) and MCCA (Maine County Commissioner's Association), there has been no concerns expressed with the "Formula Distribution" as prescribed in Rule 03 201 - DEPARTMENT OF CORRECTIONS Chapter 3: COUNTY JAIL OPERATIONS FUND DISTRIBUTION OF FUNDS FORMULA.