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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**

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



PAUL R. LEPAGE
GOVERNOR

DR. JOSEPH FITZPATRICK
COMMISSIONER

January 15, 2018

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.

This report addresses mandatory standards, policies and procedures for jails pursuant to section 1208-B as well as the status of funding for the jails from the County Jail Operations Fund and the formula distribution established in section 1210-D.

The Department has received no formal correspondence from representatives of the association with regard to the distribution method or procedures.

The Department is aware of county concerns related to the level of General Fund support, which the counties have taken directly to the State Legislature and not through the Department.

Please let me know if you should have any questions regarding this report as presented.

Sincerely,

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

Dr. Joseph Fitzpatrick
Commissioner

34-A MRSA §1208-B. Standards, Policies and Procedures Applicable To 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).]

Update: STANDARDS FOR COUNTY AND MUNICIPAL DETENTION FACILITIES

The 2017 (Fourth Edition) of the Maine Department of Corrections Detention and Correctional Standards for Counties and Municipalities was promulgated pursuant to M.R.S.A. Title 34-A subsection 1208 and the State of Maine Administrative Procedures Act.

This Fourth Edition of correctional standards is the result of more than two years of study and collaborative meetings by the County and Municipal Detention Facility Advisory Committee which was appointed by the Commissioner of Corrections. The makeup of this committee includes representation from the Maine Chiefs of Police Association, Maine Sheriff's Association, Maine County Commissioners Association, Maine Office of the Attorney General, Maine Legislature, and Citizen(s).

The purpose of these standards is to ensure legal obligations are adhered to, encourage best practices, mitigate agency liability and most importantly promote a safe environment for the public, staff and inmates/residents/detainees. They are based Federal Law, State Law, Case Law and national prevailing standards.

(Note: This is a 150-page document and a copy can be provided on request)



Detention and
Correctional
Standards

2017

For Counties and Municipalities

Maine



2017 Comprehensive Standards Inspections Completed

Facility	Inspection Date(s)	Mandatory Standards Score	Desirable Standards Score
Androscoggin County Jail*	06/01/17 – 06/02/17	100%	100%
Caribou PD**	09/21/17	100%	N/A
Cumberland County CCC****	02/07/17	95.2%	N/A
Fort Fairfield PD***	09/21/17	96%	N/A
Fort Kent PD**	09/21/17	100%	N/A
Franklin County Jail*	02/23/17 – 02/24/17	99.2%	98.4%
Kennebec County Jail*	10/30/17 – 10/31/17	100%	99.2%
Madawaska PD**	09/21/17	100%	N/A
Oxford County Jail **	02/22/17	100%	N/A
Penobscot County Jail*	06/28/17 – 06/29/17	96.8%	100%
Somerset County Jail*	10/12/17 – 10/13/17	100%	96.9%
Washington County Jail*	02/15/17 – 02/16/17	98.4%	96.1%
York County Jail*	11/08/17 – 11/09/17	100%	98.4%

Explanation:

* **Full Service Jail** - 136 Mandatory Standards, 129 Desirable Standards (265 Total)

** **Holding Facility** – 61 Mandatory Standards

*** **Short-Term Detention Area** – 27 Mandatory Standards

**** **Minimum Security Residential Facility** – 22 Mandatory Standards

Comprehensive inspections are completed once every two years with unannounced cursory inspections in between.

2017 In-Custody Death Reviews Completed

Facility	Date Deceased
Cumberland County Jail	03/28/17
Washington County Jail	04/19/17
Cumberland County Jail	06/30/17
Knox County Jail	10/02/17

Explanation: Pursuant to the Maine Office of the 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 and/or situation violated mandatory standards. If it is determined that the agency was not compliant with prescribed standards, corrective action would be required.

2017 County Jail Inmate Complaints Received and Investigated

2017	Androscoggin	Aroostook	Cumberland	Franklin	Hancock	Kennebec	Knox	Penobscot	Piscataquis	Somerset	Two Bridges	Washington	York
January	0	0	0	0	0	1	1	0	0	0	2	0	0
February	0	1	0	0	0	1	1	0	0	0	0	0	0
March	0	0	0	0	0	2	0	2	0	2	1	0	3
April	0	0	5	2	0	0	1	1	0	1	0	0	1
May	0	0	2	0	0	0	0	0	0	2	0	0	0
June	0	0	0	0	1	0	0	0	0	0	0	0	0
July	1	0	1	0	0	2	0	0	0	0	0	1	0
August	1	0	2	0	0	4	0	0	0	1	0	1	0
September	0	0	0	0	0	2	0	0	1	1	1	0	0
October	1	2	0	0	0	0	0	0	0	0	0	0	0
November	0	0	1	0	0	2	0	1	0	0	0	0	1
December	1	0	0	0	0	1	0	1	0	1	0	0	0
Total Complaints	4	3	11	2	1	15	3	5	1	8	4	2	5
Prior Year (2016)	5	1	15	8	0	5	4	4	0	10	1	2	5

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 2016 and 2017 data at the bottom of the table.

Distribution of the \$12,202,104 and \$3,000,000 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.

34-A MRSA §1210-D - County Jail Operations Fund Distribution & Formula Distribution Rule

In compliance with Sec. 23. 34-A MRSA §1210-D - County Jail Operations Fund the distribution of the \$12,202,104 and additional \$3,000,000 authorized by the legislature was as follows:

FY18 \$15.2M Distribution							
Row Labels	Bed Days	% of Total Prisoner Days	\$12.2M Distribution 70%	\$12.2M Distribution - 30%	\$3.0M Distribution	Distribution of \$12.2M	
ANDROSCOGGIN	53,519	8.9%	761,972.76	326,559.76	267,625.78	1,356,158.30	
AROOSTOOK	35,053	5.8%	499,064.47	213,884.77	175,285.16	888,234.40	
CUMBERLAND	120,387	20.1%	1,714,000.92	734,571.82	602,004.23	3,050,576.97	
FRANKLIN	9,236	1.5%	131,496.86	56,355.80	46,185.31	234,037.97	
HANCOCK	16,809	2.8%	239,316.88	102,564.38	84,054.67	425,935.93	
KENNEBEC	73,466	12.2%	1,045,966.69	448,271.44	367,372.25	1,861,610.37	
KNOX	22,812	3.8%	324,784.15	139,193.21	114,073.12	578,050.47	
LINCOLN/SAGADAHOC (TBRJ)	23,270	3.9%	331,304.89	141,987.81	116,363.38	589,656.08	
ME COASTAL REGIONAL REENTRY CTR	8,207	1.4%	116,846.55	50,077.09	41,039.72	207,963.36	
OXFORD	18,216	3.0%	259,348.94	111,149.55	91,090.48	461,588.96	
PENOBSCOT	80,531	13.4%	1,146,554.10	491,380.33	402,701.31	2,040,635.74	
PISCATAQUIS	3,524	0.6%	50,172.69	21,502.58	17,622.03	89,297.29	
SOMERSET	27,802	4.6%	395,828.90	169,640.96	139,025.99	704,495.84	
WALDO	15,228	2.5%	216,807.51	92,917.51	76,148.76	385,873.78	
WASHINGTON	10,807	1.8%	153,863.86	65,941.65	54,041.21	273,846.72	
YORK *	81,064	13.5%	1,319,020.17	329,755.04	405,366.62	2,054,141.82	
Grand Total	599,931	100.0%	8,706,350	3,495,754	3,000,000	15,202,104	

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:

Distribution of Court Fines and Surcharges			
County	Bed Days	% of Total Prisoner Days	1QTRFY18
ANDROSCOGGIN	53,519	8.9%	8,796.85
AROOSTOOK	35,053	5.8%	5,761.62
CUMBERLAND	120,387	20.1%	19,787.87
FRANKLIN	9,236	1.5%	1,518.11
HANCOCK	16,809	2.8%	2,762.88
KENNEBEC	73,466	12.2%	12,075.52
KNOX	22,812	3.8%	3,749.58
LINCOLN/SAGADAHOC (TBRJ)	23,270	3.9%	3,824.86
ME COASTAL REGIONAL REENTRY CTR	8,207	1.4%	1,348.97
OXFORD	18,216	3.0%	2,994.14
PENOBSCOT	80,531	13.4%	13,236.79
PISCATAQUIS	3,524	0.6%	579.24
SOMERSET	27,802	4.6%	4,569.78
WALDO	15,228	2.5%	2,503.01
WASHINGTON	10,807	1.8%	1,776.33
YORK	81,064	13.5%	13,324.39
Grand Total	599,931	100.0%	98,609.95

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:

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

The table below represents Revenue reported by county jails through June 30, 2017 (Fiscal Year 2016) in the CRAS(Corrections Reporting of Actuals System). Counties were asked to provide prior month actuals into CRAS by 10th working day of the following month.

FY17 County Jail Revenue as Reported in the CRAS System				
County	Tax Cap	State GF *	Other **	Grand Total
ANDROSCOGGIN	4,548,438	1,126,282	142,491	5,817,210
AROOSTOOK	2,457,751	664,445	36,626	3,158,823
CUMBERLAND	12,267,270	2,505,507	3,591,893	18,364,670
FRANKLIN	1,669,837	181,982	16,580	1,868,399
HANCOCK	2,026,392	342,623	239,993	2,609,008
KENNEBEC	5,928,672	1,769,862	289,744	7,988,278
KNOX	265,725	367,304	108,979	742,009
LINCOLN	2,657,112	262,967	(2,407,560)	512,519
OXFORD	1,284,605	367,568	8,464	1,660,638
PENOBSCOT	6,188,143	1,555,809	160,506	7,904,457
PISCATAQUIS	1,043,356	89,024	337,088	1,469,467
SAGadahoc	2,657,105	262,967	(2,466,181)	453,891
SOMERSET	4,863,215	610,660	1,111,403	6,585,278
TWO BRIDGES		-	7,308,421	7,308,421
WALDO	2,832,353	458,921	39,599	3,330,873
WASHINGTON	2,000,525	179,591	10,975	2,191,092
YORK	8,536,897	1,747,256	140,906	10,425,059
Grand Total	61,227,395	12,492,769	8,669,928	82,390,091
* Includes Court Fines and Surcharges				
** County Generated Funds & Federal Boarding				

CRAS reporting has been problematic since the program was instituted by the State Board of Corrections, inconsistencies have been detected in the reporting of revenue received.

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. Concerns have focused on the percentage limitation on property tax increases and the inability of jails that need to board to fund the per diem rates requested of boarding jails.