

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# **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, 2019**





Janet T. Mills  
GOVERNOR

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

Randall A. Liberty  
ACTING COMMISSIONER

January 8, 2019

Senator Susan Deschambault,  
Representative Charlotte 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 concerning 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, appearing to read 'R. Liberty'.

Randall Liberty  
Commissioner, Department of Corrections

**Update Provided by:**  
Ryan Andersen  
Manager of Correctional Operations  
Maine Department of Corrections

## Jail Inspections and Licensing

### 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).]

### STANDARDS FOR COUNTY AND MUNICIPAL DETENTION FACILITIES

The (Fourth Edition) of the Maine Department of Corrections Detention and Correctional Standards for Counties and Municipalities was promulgated in September 2017 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.)



**2018 Comprehensive Standards Inspections Completed  
(Detention Facilities)**

Facility	Inspection Date(s)	Mandatory Standards Score	Desirable Standards Score
Aroostook County Jail*	11/14/18 – 11/15/18	100%	100%
Bar Harbor PD***	04/11/18	100%	N/A
Bath PD***	03/06/18	100%	N/A
Biddeford PD***	05/18/18	100%	N/A
Bridgton PD***	06/28/18	100%	N/A
Brunswick PD***	03/06/18	100%	N/A
Freeport PD***	04/20/18	100%	N/A
Hancock County Jail*	04/12/18 – 04/13/18	99.2%	99.2%
Kittery PD***	04/25/18	100%	N/A
Knox County Jail*	08/28/18 – 08/29/18	100%	99.2%
Lisbon PD***	03/12/18	100%	N/A
MCRRC (Waldo)****	02/26/18	95.2%	N/A
Old Orchard Beach PD***	02/26/18	100%	N/A
Saco PD***	02/26/18	100%	N/A
South Portland PD***	09/20/18	100%	N/A
Topsham PD***	03/06/18	95.8%	N/A
Waterville PD***	05/01/18	100%	N/A

**Legend**

\* **Full Service Jail** - 125 Mandatory Standards, 101 Desirable Standards (226 Total)

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

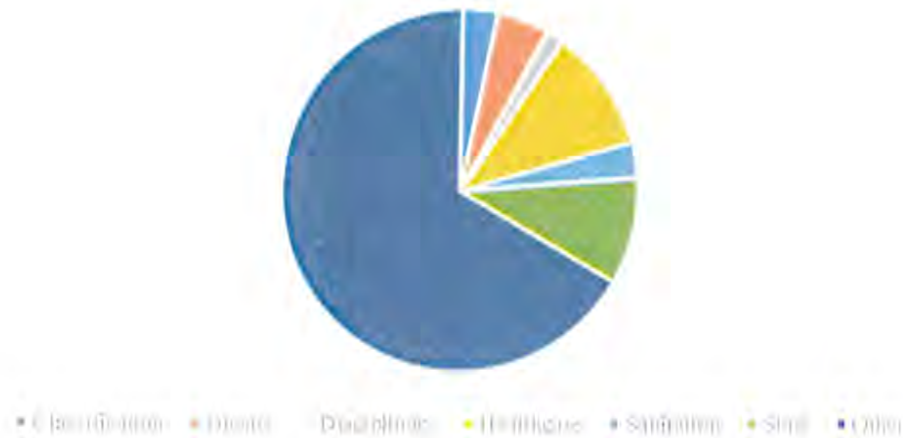
\*\*\* **Short-Term Detention Area** – 28 Mandatory Standards

\*\*\*\* **Minimum Security Residential Facility** – 24 Mandatory Standards

**2018 County Jail Inmate Complaints**

2018	Androscoggin	Aroostook	Cumberland	Franklin	Hancock	Kennebec	Knox	Penobscot	Piscataquis	Somerset	Two Bridges	Washington	York
	January	0	0	1	0	0	0	0	1	0	0	1	0
February	0	2	4	0	0	1	0	1	0	0	0	1	2
March	0	0	1	0	0	0	0	0	0	0	0	0	0
April	0	0	1	0	1	0	1	1	0	0	0	0	0
May	0	0	2	0	1	0	1	2	0	0	0	0	2
June	0	1	1	0	0	0	0	2	0	0	0	1	1
July	0	1	1	2	2	0	0	1	0	0	0	0	2
August	0	1	0	0	0	0	0	1	1	1	1	0	0
September	0	0	3	1	0	1	0	2	0	0	0	0	0
October	1	0	1	0	0	0	0	0	0	1	0	0	1
November	1	0	0	0	0	0	0	0	0	2	0	0	0
December	0	0	0	0	0	0	0	0	0	0	1	0	0
<b>Total Complaints</b>	<b>2</b>	<b>5</b>	<b>15</b>	<b>3</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>11</b>	<b>1</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>9</b>
<b>Prior Year (2017)</b>	<b>4</b>	<b>3</b>	<b>11</b>	<b>2</b>	<b>1</b>	<b>15</b>	<b>3</b>	<b>5</b>	<b>1</b>	<b>8</b>	<b>4</b>	<b>2</b>	<b>5</b>

## 2018 Complaints



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 2017 and 2018 data.

### In-Custody Death Reviews

Maine Office of the  
Attorney General

#### Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons

#### C. Death while in custody or confinement

1. **Jail, Holding Facility, Correctional Institution.** The death or probable death of an individual while in custody or confinement in a jail, holding facility, or correctional institution, regardless of the likely cause, manner, and circumstances, is to be reported immediately to the Office of Chief Medical Examiner, the appropriate MCU, and the Operations Division of the Department of Corrections. These notifications are necessary for these agencies to carry out their responsibility of investigating the death to determine the cause, manner, and circumstances of death. The Operations Division of the Department of Corrections is responsible for conducting an investigation into the operational practices, policies, and procedures to determine compliance with required standards. The Attorney General's Office will thereafter review all investigative results.

## 2018 In-Custody Death Reviews Completed

Facility	Date Deceased	Cause of Death
Franklin County Detention Center	11/06/18	Suicide
Hancock County Jail	10/04/18	Suicide
Kennebec County Correctional Facility	10/09/18	Drugs
MCRRC (Waldo)	07/20/18	Drugs
Penobscot County Jail	06/10/18	Drugs
Penobscot County Jail	09/06/18	Natural

Explanation: Pursuant to the Maine Office of the Attorney General's Protocol for the Investigation of Deaths, any detention facility that has an in-custody death is required to notify the Operations Division of 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.

### 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 distribution for Fiscal Year 2019 of the \$12,202,104 (Public Law 459), \$2,772,008 (Public Law 450) and \$3,000,000 (of which \$1.7M for the Community Corrections Act) (Public Law 450) as authorized by the State of Maine legislature was as follows:

FY19 County Jail Funding - LD 924 (PL 459) & LD 1490 (PL 450)								
Row Labels	Bed Days	% of Total Prisoner Days	\$12.2M LD 924 PL 459	CARA LD 1490 PL 450	\$3M LD 1490 PL 450 - Sec. 1	\$3M - LD 1490 PL 450 - Sec. 3 (\$1.3M Operating - \$1.7M CCA)		Total FY19 County Jail Distribution
ANDROSCOGGIN	62,661	10.7%	1,305,926		354,895	139,132	181,942	1,981,895
AROOSTOOK	36,128	6.2%	752,948		67,427	80,218	104,901	1,005,494
CUMBERLAND	118,998	20.3%	2,480,052		300,954	264,222	345,521	3,390,750
FRANKLIN	8,996	1.5%	187,487		121,358	19,975	26,121	354,940
HANCOCK	16,557	2.8%	345,067		92,083	36,763	48,075	521,987
KENNEBEC	54,940	9.4%	1,145,011	120,000		121,988	159,523	1,546,523
KNOX	21,175	3.6%	441,311			47,017	61,484	549,811
LINCOLN			248,114			26,434	34,567	309,115
SAGADAHOC			248,114			26,434	34,567	309,115
TBRJ	23,810	4.1%	496,227		194,329	52,868	69,134	194,329
ME COASTAL REGIONAL REENTRY CTR	8,533	1.5%	177,837			18,947	24,776	221,560
OXFORD	17,342	3.0%	361,427		691,718	38,506	50,354	1,142,005
PENOBSCOT	86,993	14.9%	1,813,032		468,864	193,159	252,592	2,727,647
PISCATAQUIS	3,323	0.6%	69,255		225,626	7,378	9,649	311,908
SOMERSET	24,057	4.1%	501,375		194,754	53,416	69,852	819,397
WALDO	14,411	2.5%	300,341			31,998	41,844	374,183
WASHINGTON	14,595	2.5%	304,176			32,407	42,378	378,961
YORK	72,963	12.5%	1,520,631			162,007	211,855	1,894,492
MDOC Reserve Account					287,992			287,992
<b>Grand Total</b>	<b>585,482</b>	<b>100.0%</b>	<b>12,202,104</b>	<b>120,000</b>	<b>3,000,000</b>	<b>1,300,000</b>	<b>1,700,000</b>	<b>18,322,104</b>

*Note: Amounts attributed to TBRJ are split between Lincoln and Sagadahoc, with the exception of LD 1490 (Sec. 1) which specifically appropriated to TBRJ*



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:

County	Court Fines & Surcharges FY18
ANDROSCOGGIN	30,562
AROOSTOOK	20,017
CUMBERLAND	68,746
FRANKLIN	5,274
HANCOCK	9,599
KENNEBEC	41,952
KNOX	13,027
OXFORD	10,402
PENOBSCOT	45,987
PISCATAQUIS	2,012
SOMERSET	15,876
LINCOLN	6,644
SAGadahoc	6,644
WALDO	13,382
WASHINGTON	6,171
YORK *	46,291
<b>Grand Total</b>	<b>342,586</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:

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

The table below represents Revenue reported by county jails through June 30, 2018 (Fiscal Year 2018) 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.

FY18 County Jail Revenue as Reported In the Corrections Reporting of Actuals System				
County	Tax CAP *	State **	Other ***	Grand Total
ANDROSCOGGIN	4,684,886	1,386,720	79,393	6,150,999
AROOSTOOK	2,109,570	908,251	264,102	3,281,923
CUMBERLAND	12,621,600	3,119,323	2,991,245	18,732,168
FRANKLIN	1,719,932	239,312	11,872	1,971,116
HANCOCK	1,642,575	435,535	246,198	2,324,308
KENNEBEC	6,106,536	2,023,563	521,885	8,651,984
KNOX	3,382,892	591,077	62,302	4,036,271
LINCOLN	2,657,105	301,472	(1,202,767)	1,755,810
OXFORD	1,329,660	471,991	-	1,801,651
PENOBSCOT	6,405,185	2,086,622	56,865	8,548,672
PISCATAQUIS	911,831	91,310	546,400	1,549,542
SAGadahoc	2,657,105	301,472	(2,453,366)	505,211
SOMERSET	4,863,215	720,372	1,255,447	6,839,034
TWO BRIDGES	-	-	7,132,820	7,132,820
WALDO	2,882,944	623,897	-	3,506,841
WASHINGTON	2,000,525	280,018	5,083	2,285,626
YORK	8,662,308	2,100,433	77,227	10,839,968
<b>Grand Total</b>	<b>64,637,870</b>	<b>15,681,368</b>	<b>9,594,707</b>	<b>89,913,944</b>

\* Adjusted for Inaccurate Reporting

\*\* Includes Court Fines and Surcharges

\*\*\* County Generated Funds, Federal & County Boarding

CRAS reporting has been problematic (inaccurate reporting) since the program was instituted by the State Board of Corrections, inconsistencies have been detected, and in some cases adjusted, in the reporting of revenue received.

**Distribution Methodology (Formula Rule) and Other Funding**

There have been no concerns expressed by MSA (Maine Sheriff's Association) or MCCA (Maine County Commissioner's Association) with regard to 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 property tax percentage increase limitation (which was adjusted in a prior legislative sessions), inter-county boarding per diem rates, lack of capital improvement funding (resulting in deferred maintenance), and overall state funding levels not meeting jail costs.