

MAINE STATE LEGISLATURE

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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 8, 2020

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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).]

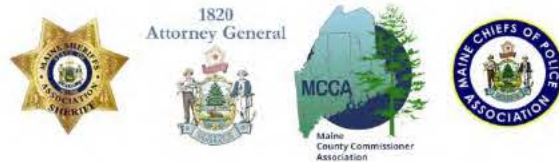
STANDARDS FOR COUNTY AND MUNICIPAL DETENTION FACILITIES

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 was 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



2019 Comprehensive Standards Inspections Completed

Facility	Inspection Date(s)	Mandatory Standards Score	Desirable Standards Score
Androscoggin CJ*	06/05/19 - 06/06/19	100%	99%
Franklin CDC*	02/21/19 - 02/22/19	100%	99.2%
Kennebec CCF*	10/09/19 – 10/10/19	100%	100%
Penobscot CJ*	08/21/19 – 08/22/19	96.1%	98.4%
Piscataquis CJ*	01/24/19 – 01/25/19	99%	99%
Two Bridges RJ*	03/21/19 – 03/22/19	99.6%	99.1%
Washington CJ*	02/06/19 – 02/07/19	100%	99.2%
York CJ*	11/07/19 – 11/08/19	100%	98%
Caribou PD**	09/10/19	100%	
Fort Kent PD**	09/10/19	100%	
Madawaska PD**	09/10/19	100%	
Oxford CJ**	02/01/19	100%	
Waldo CDC**	04/19/19	100%	
Fort Fairfield PD***	09/10/19	100%	
Rumford PD***	05/14/19	100%	
Sanford PD***	08/16/19	100%	
Wells PD***	08/16/19	100%	
York PD***	06/28/19	100%	
Camp Roosevelt****	05/03/19	100%	
Camp Wavus****	04/19/19	100%	
Central Middle School****	04/12/19	100%	
Hampden Academy****	06/21/19	100%	
Pine Tree Camp****	10/01/19	100%	
Waterville Junior High****	06/27/19	100%	

Legend

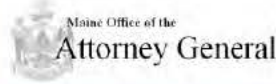
- * **Full-Service Jail:** 125 Mandatory Standards, 101 Desirable Standards (226 Total)
- ** **Holding Facility:** 61 Mandatory Standards
- *** **Short-Term Detention Area:** 28 Mandatory Standards
- **** **Minimum Security Residential Facility:** 24 Mandatory Standards
- ***** **Alternative Sentencing Program:** 12 Mandatory Standards

2019 County Jail Inmate Complaints

2019	Androskoggin	Armsbook	Cumberland	Franklin	Hancock	Kennebec	Knox	Penobscot	Piscataquis	Somerset	Two Bridges	Washington	York	
January	0	0	0	0	2	0	1	1	1	0	3	0	3	
February	0	0	0	0	0	0	0	0	0	0	0	0	0	
March	0	0	0	1	1	0	0	0	0	0	0	0	0	
April	0	0	2	1	0	0	1	3	0	0	0	0	0	
May	0	2	2	0	0	0	0	2	0	0	0	0	1	
June	0	1	1	2	0	0	0	1	0	0	0	0	0	
July	0	0	1	0	1	2	0	0	1	0	2	0	1	
August	0	0	0	0	0	1	0	0	0	1	0	0	0	
September	0	1	1	0	0	0	0	0	0	0	0	0	0	
October	0	0	0	0	0	0	0	0	0	0	0	0	0	
November	1	0	1	0	0	1	0	0	0	2	0	0	0	
December	0	0	1	1	0	0	0	0	0	0	0	0	0	
Total Complaints	1	4	9	5	4	4	2	7	2	3	5	0	5	51
Prior Year (2018)	2	8	18	10	6	8	3	13	3	6	7	0	7	91

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 2018 and 2019 data.

2019 In-Custody Death Reviews



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.

2019 In-Custody Death Reviews Completed

Facility	Date Deceased
Two Bridges Regional Jail	02/20/19
Cumberland County Jail	04/05/19
York County Jail	12/10/19

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 2020 of the \$18,422,104 (Public Law 343 as authorized by the State of Maine legislature was as follows:

FY20 County Jail Funding - Public Law 343 (LD 1001)							
Row Labels	Bed Days	% of Total Prisoner Days	Baseline Funding	CCA Baseline	CARA Baseline	Part WWWW - One time funding	Total FY20 County Jail Distribution
ANDROSCOGGIN	63,023	11.0%	1,491,621	187,805		354,895	2,034,321
AROOSTOOK	40,114	7.0%	949,414	119,537		270,916	1,339,867
CUMBERLAND	114,259	20.0%	2,704,269	340,485		298,069	3,342,823
FRANKLIN	10,179	1.8%	240,915	30,333		167,453	438,701
HANCOCK	16,393	2.9%	387,988	48,850		120,000	556,838
KENNEBEC	54,040	9.5%	1,279,013	161,036	240,000		1,680,048
KNOX	19,991	3.5%	473,145	59,572			532,717
LINCOLN			266,867	33,600			300,468
SAGadahoc			266,867	33,600			300,468
TBRJ	22,551	4.0%	533,735	67,201			-
ME COASTAL REGIONAL REENTRY CTR	6,929	1.2%	163,995	20,648			184,643
OXFORD	15,094	2.6%	357,243	44,979		691,718	1,093,940
PENOBSCOT	84,463	14.8%	1,999,061	251,694			2,250,755
PISCATAQUIS	4,557	0.8%	107,855	13,580		225,626	347,060
SOMERSET	23,297	4.1%	551,391	69,424		484,265	1,105,079
WALDO	13,363	2.3%	316,274	39,821			356,095
WASHINGTON	11,396	2.0%	269,719	33,959		125,819	429,498
YORK	70,833	12.4%	1,676,468	211,078		160,000	2,047,545
MDOC Reserve Account						101,239	101,239
Grand Total	570,482	100.0%	13,502,104	1,700,000	240,000	3,000,000	18,442,104

Note: Amounts attributed to TBRJ are split between Lincoln and Sagadahoc.

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	FY19 Court Fines & Surchage Payments
Androscoggin	29,514
Aroostook	17,017
Cumberland	56,049
Franklin	4,237
Hancock	7,798
Kennebec	21,316
Knox	9,974
Oxford	8,168
Penobscot	40,974
Piscataquis	1,565
Somerset	11,331
Lincoln	5,607
Sagadahoc	5,607
TBRJ	-
Waldo	10,807
Washington	6,874
York	34,366
Total	271,205

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, 2019 (Fiscal Year 2019) 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.

FY19 Revenue as Reported by Counties						
County	Tax Cap	State Support	Federal Revenue	County Generated	CCA Revenue	Total County Reported
Androscoggin	4,825,440	1,827,732		78,499	181,942	6,913,613
Aroostook	2,365,921	770,040		15,666		3,151,627
Cumberland	13,126,092	3,110,262	3,125,567	819,664		20,181,585
Franklin	1,788,729	-		174,821	189,164	2,152,715
Hancock	1,937,115	565,577	141,470	73,417	56,088	2,773,667
Kennebec	6,289,728	1,447,838		252,188		7,989,754
Knox		451,284	6,600	29,580		487,464
Lincoln	(201,737)	-		(1,805,249)	309,115	(1,697,871)
Oxford	1,382,847	803,249		-	342,601	2,528,697
Penobscot	6,661,392	2,992,329	32,280	21,494		9,707,496
Piscataquis	1,017,164	312,928	135,760	138		1,465,989
Sagadahoc	2,657,105	2,070		(2,449,509)	312,952	522,618
Somerset	4,863,215	584,909	1,189,968	96,810	245,819	6,980,721
TBRJ		194,329	65,728	6,939,091		7,199,148
Waldo	2,767,185	385,324		16,592	225,749	3,394,850
Washington	2,000,525	387,563		5,012		2,393,099
York	8,662,308	1,905,342		210,952		10,778,602
Grand Total	60,143,029	15,740,776	4,697,373	4,479,168	1,863,429	86,923,775

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 expectations.