

MAINE STATE LEGISLATURE

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2021 MDOC Report on Jails

January 15, 2022



Pursuant to MRSA 34-A §1402(13), this document contains information on criminal justice and public safety matters relative to 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.

Randall A. Liberty
Commissioner

Ryan Thornell
Deputy Commissioner

Maine Department of Corrections
25 Tyson Drive
State House Station 111
Augusta, Maine 04333-0111



Maine Department of Corrections
2021 Report on Jails

The following report has been compiled by Ryan Andersen, Manager of Correctional Operations, Maine Department of Corrections, and Mitchell Boynton, Deputy Director of Corrections Service Center, Department of Financial and Administrative Services.

January 1, 2022.



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 (Fifth Edition) of the Maine Department of Corrections Detention and Correctional Standards for Counties and Municipalities was promulgated in January 2021 pursuant to M.R.S.A. Title 34-A subsection 1208 and the State of Maine Administrative Procedures Act.

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 residents/detainees. They are based Federal Law, State Law, Case Law and national prevailing standards.

During the most recent update, standards were enhanced or implemented with emphasis placed on:

- Infectious Disease Programs
- Reproductive Healthcare
- Substance Use Disorder
- Use of Force
- Visitation

(Note: This is a 146-page document and a copy can be provided on request)

DETENTION AND CORRECTIONAL STANDARDS
 FOR
 MAINE COUNTIES AND MUNICIPALITIES



STATE OF MAINE
 DEPARTMENT OF CORRECTIONS
 Inspections Division

Commissioner Randall Liberty
 Ryan Andersen, Director of Correctional Inspections

January 20, 2021



2021 Medication Assisted Treatment (MAT)

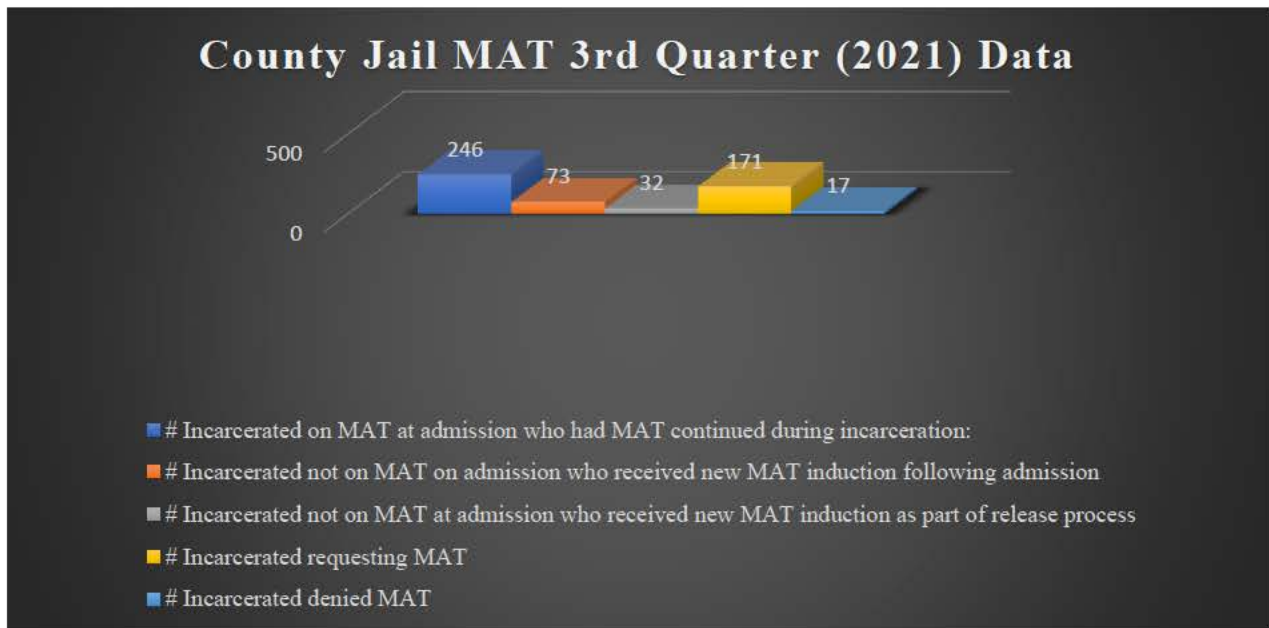
One of the new standards additions promulgated in the 2021 Detention and Correctional Standards for Counties and Municipalities reads as follows:

K.19. MANDATORY

The clinical management of chemically dependent inmates with a substance use disorder includes at a minimum the following:

- a.) A standardized diagnostic needs assessment;
- b.) An individualized treatment plan, which must include medication-assisted treatment (MAT) for inmates with a substance use disorder if determined necessary by the responsible health care provider;
- c.) Prerelease relapse prevention education, including risk management; and
- d.) Inmate involvement in aftercare discharge plans, including referrals for continuity of care in the community.

Thus far, all jails in the state have implemented this new standard to varying degrees. As an indicator to demonstrate proof of compliance, all jails were asked to provide MAT data beginning the 3rd Quarter of 2021. This first set of data will serve as a baseline when compared to future data sets and determining continued implementation of the Standard. The aggregate data for the 3rd Quarter, 2021 is as follows:





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| 2021 Comprehensive Standards Inspections Completed | | | |
|---|---------------------------|----------------------------------|----------------------------------|
| Facility | Inspection Date(s) | Mandatory Standards Score | Desirable Standards Score |
| Washington CJ* | 02/18/21 – 02/19/21 | 100% | 100% |
| Franklin CDC* | 03/04/21 – 03/05/21 | 100% | 100% |
| Two Bridges RJ* | 03/17/21 – 03/18/21 | 100% | 99% |
| Piscataquis CJ* | 05/05/21 – 05/06/21 | 96.6% | 96% |
| Androscoggin CJ* | 06/09/21 – 06/10/21 | 100% | 100% |
| Penobscot CJ* | 08/04/21 – 08/05/21 | 95% | 95% |
| Kennebec CCF* | 09/01/21 – 09/02/21 | 100% | 98% |
| York CJ* | 11/17/21 – 11/18/21 | 100% | 98% |
| Waldo** | 04/27/21 | 100% | |
| Caribou PD** | 09/08/21 | 100% | |
| Fort Kent PD** | 09/08/21 | 100% | |
| Madawaska PD** | 09/08/21 | 100% | |
| York PD*** | 06/22/21 | 100% | |
| Rumford PD*** | 06/23/21 | 100% | |
| Sanford PD*** | 08/10/21 | 100% | |
| South Berwick PD*** | 08/10/21 | 100% | |
| Wells PD*** | 08/10/21 | 100% | |
| Fort Fairfield PD*** | 09/28/21 | 100% | |
| Camp Wavus**** | 04/12/21 | 100% | |
| Poland Regional HS**** | 06/14/21 | 100% | |
| Lewiston MS**** | 07/14/21 | 100% | |
| Winthrop YMCA**** | 09/23/21 | 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
 **** **Alternative Sentencing Programs:** 12 Mandatory Standards

In addition to the Comprehensive Standards Inspections, over 20 site visits were conducted in response to constituent and resident complaints, in-custody deaths, requests for technical assistance, assistance with pandemic preparedness and review of physical plant renovations and/or new construction.



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2021 County Jail Complaints

Explanation: When an resident 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. Third party constituents may also submit complaints on behalf of an incarcerated resident. The table (below) represents the data associated with the collection of those complaints.

- In 2021, there were 93 complaints received by the Department for potential Jail Standards violations.
- The average written response time for each complaint in 2021 was 8 days. The average was 10.9 days during the prior year.

| | |
|--|--|
| ❖ 4 Related to <u>Accounts</u> | ❖ 8 Related to <u>Personnel</u> |
| ❖ 2 Related to <u>Classification</u> | ❖ 7 Related to <u>PREA</u> |
| ❖ 1 Related to <u>Commissary</u> | ❖ 1 Related to <u>Property</u> |
| ❖ 2 Related to <u>Dietary</u> | ❖ 1 Related to <u>Recreation</u> |
| ❖ 2 Related to <u>Discipline</u> | ❖ 1 Related to <u>Release</u> |
| ❖ 1 Related to <u>Environmental Conditions</u> | ❖ 2 Related to <u>Religious Services</u> |
| ❖ 4 Related to <u>Grievances</u> | ❖ 2 Related to <u>Sanitation</u> |
| ❖ 24 Related to <u>Healthcare</u> | ❖ 4 Related to <u>Use of Force (UOF)</u> |
| ❖ 5 Related to <u>Legal Access</u> | ❖ 1 Related to <u>Visitation</u> |
| ❖ 21 Related to <u>Multiple Complaints</u> | |





2021 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.

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.

2021 In-Custody Death Reviews Completed

| Facility | Date Deceased |
|---------------------------|---------------|
| Hancock County Jail | 04/10/21 |
| Two Bridges Regional Jail | 04/29/21 |
| Aroostook County Jail | 05/25/21 |
| Washington County Jail | 08/25/21 |
| Somerset County Jail | 09/02/21 |

- In-Custody Deaths and/or Probable Deaths were down from 9 in 2020.
- 3 Deaths were Male Inmates and 2 were Female Inmates.
- The average age for each of the deceased was 35.2 years of age.
- Causes of Death were as follows:
 - ❖ (2) Suicide/Attempted Suicide
 - ❖ (2) Natural
 - ❖ (1) Drug Related



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:

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:

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:

| County of Origin Bed Days | |
|----------------------------------|----------------|
| County | FY21 |
| ANDROSCOGGIN | 51,017 |
| AROOSTOOK | 40,274 |
| CUMBERLAND | 105,278 |
| FRANKLIN | 6,843 |
| HANCOCK | 13,575 |
| KENNEBEC | 55,935 |
| KNOX | 18,665 |
| LINCOLN | |
| SAGADAHOC | |
| TBRJ | 17,948 |
| ME COASTAL REGIONAL REENTRY CTR | 8,118 |
| OXFORD | 13,579 |
| PENOBSCOT | 75,729 |
| PISCATAQUIS | 4,972 |
| SOMERSET | 25,349 |
| WALDO | 10,727 |
| WASHINGTON | 10,082 |
| YORK | 57,785 |
| Grand Total | 515,876 |



**Maine Department of Corrections
2021 Report on Jails**

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

The tables below represent Revenue and Expenditures reported by county jails through June 30, 2021 (FY21) in the CRAS (Corrections Reporting of Actuals System) on December 27, 2021. The information below is unaudited and there are reporting inconsistencies (negative Other Revenues Lincoln and Sagadahoc, Franklin and Lincoln no reporting of a Tax CAP).

FY21 Revenue

| County | Boarding | Community Corrections Rev | Court Fines & Surcharges | Federal Revenue | Jail Operations Fund | Jail Revenue | Other Revenue | Tax Cap | Grand Total |
|--------------------|------------------|---------------------------|--------------------------|-----------------|----------------------|---------------|----------------|-------------------|-------------------|
| ANDROSCOGGIN | 0 | 168,120 | 14,335 | | 1,335,276 | 18,829 | 7,200 | 5,074,608 | 6,618,368 |
| AROOSTOOK | | 0 | 16,134 | | 1,186,815 | 0 | 50,065 | 2,609,208 | 3,862,222 |
| CUMBERLAND | 3,827,889 | | | | 3,131,094 | 14,209 | 0 | 14,197,188 | 21,170,380 |
| FRANKLIN | | 202,144 | | | | | 66,740 | 0 | 268,884 |
| HANCOCK | 86,225 | 36,198 | 7,073 | 5,042 | 271,033 | | 71,254 | 1,965,609 | 2,442,434 |
| KENNEBEC | | 184,226 | 11,903 | | 1,463,996 | | 247,400 | 7,093,871 | 9,001,396 |
| KNOX | 262,500 | 0 | 7,297 | 6,400 | 488,522 | | 452 | 0 | 765,171 |
| LINCOLN | | 264,451 | | | | | 16,717 | 0 | 281,168 |
| OXFORD | | 0 | 5,309 | | 810,221 | | | 1,524,452 | 2,339,981 |
| PENOBSCOT | 23,159 | | 16,141 | | 2,410,723 | | 28,565 | 7,204,964 | 9,683,552 |
| PISCATAQUIS | 427,355 | | | | 1,944 | | 1,285 | 1,129,662 | 1,560,245 |
| SAGADAHOC | | 266,671 | 1,275 | | | | 19,979 | 202,325 | 490,250 |
| SOMERSET | 2,000,663 | 224,099 | 9,910 | 99,048 | 522,898 | | 32,438 | 4,863,215 | 7,752,271 |
| TWO BRIDGES | 818,946 | | | | 294,919 | | 145,378 | 4,875,615 | 6,134,858 |
| WALDO | 363 | 210,071 | 5,967 | | 0 | | 30,500 | 3,434,474 | 3,681,375 |
| WASHINGTON | | | 6,687 | | 297,730 | | 5,065 | 2,000,525 | 2,310,008 |
| YORK | | | 7,993 | | 1,512,416 | 0 | 28,817 | 4,410,534 | 5,959,760 |
| Grand Total | 7,447,099 | 1,555,980 | 110,023 | 110,489 | 13,727,587 | 33,038 | 751,856 | 60,586,249 | 84,322,323 |

FY 21 Expenditures

| County | Commodities | Community Corrections | Contractual | Furniture, Fixtures & Equipment | Salaries & Benefits | Grand Total |
|--------------------|------------------|-----------------------|-------------------|---------------------------------|---------------------|-------------------|
| ANDROSCOGGIN | 384,457 | | 1,570,222 | 87,590 | 4,988,272 | 7,030,541 |
| AROOSTOOK | 351,261 | | 840,602 | 0 | 2,677,091 | 3,868,954 |
| CUMBERLAND | 881,882 | | 5,042,089 | 238,984 | 13,479,454 | 19,642,409 |
| FRANKLIN | 85,535 | | 467,517 | 11,400 | 1,541,602 | 2,106,053 |
| HANCOCK | 148,020 | | 520,524 | 10,000 | 2,062,764 | 2,741,309 |
| KENNEBEC | 135,894 | | 2,859,813 | 86,565 | 5,292,424 | 8,374,696 |
| KNOX | 219,737 | 0 | 1,013,377 | 17,196 | 2,884,322 | 4,134,632 |
| LINCOLN | 28 | | 171,054 | | 364,015 | 535,097 |
| OXFORD | 43,198 | | 854,255 | 91,793 | 1,120,663 | 2,109,910 |
| PENOBSCOT | 491,813 | | 2,406,053 | 102,708 | 6,929,896 | 9,930,470 |
| PISCATAQUIS | 93,681 | 7,617 | 237,641 | | 1,152,573 | 1,491,512 |
| SAGADAHOC | 17,992 | | 115,443 | 500 | 290,967 | 424,902 |
| SOMERSET | 406,935 | | 2,046,316 | 85,853 | 4,363,479 | 6,902,583 |
| TWO BRIDGES | 79,253 | | 1,700,886 | 5,708 | 3,726,840 | 5,512,687 |
| WALDO | 90,226 | 324,136 | 1,415,833 | 33,971 | 1,426,643 | 3,290,809 |
| WASHINGTON | 135,680 | | 258,432 | 3,202 | 2,116,266 | 2,513,580 |
| YORK | 68,539 | | 1,752,133 | 4,296 | 2,690,004 | 4,514,972 |
| Grand Total | 3,634,132 | 331,753 | 23,272,189 | 779,766 | 57,107,275 | 85,125,115 |



Maine Department of Corrections 2021 Report on Jails



Our Mission: The mission of the Department of Corrections is to reduce the likelihood that juvenile and adult offenders will re-offend, by providing practices, programs and services which are evidence-based and which hold the offenders accountable.