

# \$150,000 award ends battle over sex charges

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By JASON WOLFE  
Guy Gannett Service

PORTLAND — Former jail guard Robert O'Malley's three-year battle to clear his name of allegations that he had sex with an inmate has ended with lawmakers agreeing to pay him \$150,000 for his trouble.

The Legislature agreed to compensate O'Malley, 61, for the decision by the Attorney General's office to prosecute him despite weaknesses in the case.

The bill authorizing the payment to O'Malley now sits on Gov. Angus King's desk awaiting his signature. King will sign the bill, a spokesman said Tuesday.

The settlement and problems that led up to it are expected to have an impact on how cases are handled. Already, prosecutors are more carefully reviewing and evaluating cases before deciding to move forward, Attorney General Andrew Ketterer said.

Prosecutors "need to be mindful that when you put the foot to the neck of private citizens you're changing that person's life," Ketterer said. "Obviously, this wasn't a good one to go forward on."

O'Malley and his wife, Kathleen, chided prosecutors for not reaching that conclusion before putting him through the humiliation and expense of a trial. He cannot work and is seeing a psychiatrist to deal with emo-

*"We fought the biggest law firm in the state and we won."*

Kathleen O'Malley

tional trauma from the ordeal, she said.

"Bob is completely vindicated but Bob will never be Bob again," said Kathleen O'Malley, 53. "I think what they've done has aged that man 20 years. And we'll never get that back."

Prosecutors should have known the criminal accusations — lodged by a woman inmate with a history of lying — were untrue, and a criminal conviction was unlikely, she said.

Lawmakers agreed with her, passing the bill with little debate. The money will come from the general fund.

Initially, the Portland couple sought authority from lawmakers to lift the immunities granted government employees and allow them to sue the Attorney General's Office. That idea found little support. Instead, the bill emerged seeking a direct monetary settlement.

"There was an overwhelming feeling that Bob was wronged," said Rep. Elizabeth Townsend, D-Portland, a sponsor of the bill. "I think you would have to go a long way to find a case

that was as extreme as this."

O'Malley lives in Townsend's district. He was indicted on two sex charges in February 1995, 16 months after Jeanine S. Magryta told authorities she had sex with O'Malley in the old Cumberland County Jail. Sex between guards and inmates is a crime.

The state's case boiled down to the testimony of Magryta, an alcoholic with a criminal record that included convictions for stealing from two sisters who helped her, and slashing with a knife an elderly woman who invited her into her home. Also, Magryta had made similar unsupported sexual allegations before.

An internal investigation by the Cumberland County Sheriff's Department already had cleared O'Malley. During the trial, jurors learned O'Malley was impotent because of diabetes and would have been unable to perform the sex act the way Magryta described it. Prosecutors had his doctor's report early in the case.

Also, jail logbooks showed O'Malley was not working the day Magryta insisted they first had sex.

The jury acquitted O'Malley in January 1996 after deliberating less than two hours.

"We fought the biggest law firm in the state and we won," Kathleen O'Malley said. "The money is nice and everything, but I hope this wakes up the Attorney General's office that they can't just wreck somebody's life."

# Budget would increase Charleston prison jobs

PISCATAQUIS OBSERVER

DEC 25 1996

by Paul J. Gough

CHARLESTON - Gov. Angus King's new budget would bring more jobs - and inmates - to the prison complex on Charleston Hill.

King's \$3.78 billion, two-year budget would locate a minimum-security women's dormitory in town and provide the money to open and staff the already-built Northern Maine Juvenile Detention Facility. If approved, both could be open by the end of 1997.

The budget development brought good news to the facility, which suffered the loss of about three dozen jobs during budget cutbacks in the state Department of Corrections during 1995. But, corrections officials say, the new jobs would be just that - new jobs requiring different skills than the ones lost last year.

The budget calls for \$3.8 million to open and staff the Northern Maine Juvenile Detention Facility. The facility was completed about a month ago but has sat unused because there was no money to staff it, corrections officials said.

The coed facility would house 34 juveniles

in various stages of the juvenile-justice system, from arrest and evaluation to trial and just before sentencing.

Corrections officials say the facility is sorely needed in northern Maine, where a juvenile arrested as far away as Fort Kent would have to be carted between there and the Maine Youth Center in South Portland for incarceration. They say the new facility would reduce the time and expense for transport.

The juvenile-detention facility would create about 48 jobs, said Eric Hansen, business services manager for the Charleston Correctional Facility. These jobs, the majority of which are classified as training-school counselors, require special training.

The Charleston Correctional Facility serves between 125 and 131 minimum security inmates and has 58 employees. The facility on Route 15 opened in 1980.

Hansen said the new jobs at the juvenile facility are separate from the existing correctional facility though some of the support services will be handled by the Charleston staff to increase efficiency.

"Many of the services will be shared," he said. They include fiscal management, food-service and maintenance. The Charleston facility will also provide the heat for the juvenile facility through the prison's cooperative agreement with the state Department of Forestry Management. Inmates chop the wood that heats the prison.

The proposed budget earmarks \$1.7 million for a minimum-custody dormitory for female inmates at Charleston. The dormitory will house 32 female inmates who are currently at the Maine Correctional Center in South Windham.

"They'll be moved into an existing building, which will minimize the cost," Hansen said.

Corrections officials said the move, which could happen as early as late summer pending budget approval, would free 75 medium-security beds for male inmates at the South Windham prison. The 32 beds for females took up more space because of security and segregation from the rest of the prison population, corrections officials said.

The move to Charleston would also allow

the women to take advantage of a wider variety of prison services and programs their isolation in South Windham made impossible.

Eleven new staff jobs would be created if the move is approved, Hansen said.

Sen. Steven Hall, R-Guilford, welcomed the news. He said he and others fought hard to stem the cutbacks in 1995. Hall called the Charleston facility one of the best-run and most productive prisons in Maine.

"It just didn't make sense," Hall said.

"It's double good news for our area," he said. "We took a big hit a year ago. Basically, we're going to get it back with a little plus."

Hall said the Northern Maine Juvenile Detention Facility was built in Charleston after plans originally called for it to be placed in Brewer or at the Bangor Mental Health Institution.

A \$4.5 million bond issue approved by voters allowed the facility to be built but there was no money funded to actually open it.

"You will not see it open until July 1 at least," Hall said. "It's kind of too bad."

# Women face inequities in prison system

● Many observers say the time has come to provide women with the same programs and facilities as their male counterparts.

By **PAUL CARRIER**  
Staff Writer

AUGUSTA — Male inmates at the Central Maine Pre-Release Center in Hallowell spend their days at work, and then return home to an open, campus-like setting free of prison walls.

But female inmates with similar privileges face tougher treatment. For women inmates with off-grounds privileges, the home they return to after work is the Maine Correctional Center in Windham, a medium-security prison whose population is 90 percent male.

Such inequities are prompting legislators and others to ask whether Maine should provide its women inmates with their own facilities. Many observers, including some prison officials, agree that the Department of Corrections does not offer the women imprisoned by the state the program and housing options available to men.

Some discrepancies, such as inequitable pre-release programs for



**James Clemons**

*Superintendent at Maine Correctional Center says female inmates should have the same freedom males do*

men and women, are so glaring that critics say the unequal treatment of male and female prisoners is "a lawsuit waiting to happen." In fact, a 1991 report on female criminals prepared by the Department of Corrections described them as "an afterthought" in the state's prison system.

"There are so few women that . . . they're not treated equally in the system," said Sally Sutton of the Maine Civil Liberties Union. "They

Please see **INMATES**, Page 12B

# INMATES

Continued from Page 1B

need to have the same opportunities" as male inmates.

Of the 1,432 inmates in the state's prisons and pre-release centers last Tuesday, only 55, or less than 4 percent, were women. But the number of female inmates has been growing; there were just 33 on average in fiscal 1989.

The Legislature's Audit and Program Review Committee, which is studying the Department of Corrections, last month criticized the existing setup. The committee recommended that men and women be housed separately, but it did not embrace a specific alternative.

"At the very least," women should have a pre-release center outside the prison grounds, said Associate Corrections Commissioner A.L. Carlisle.

Still, there is no consensus on the full extent of the female inmates' problems or how to address them. And while advocates, legislators and others familiar with correction issues view the status of women as a pressing concern, change is not imminent.

Various alternatives have been mentioned, but the discussion is in the early stages.

Maine could open a separate prison for women, as New Hampshire did in 1989. Or it could establish several small women's facilities across the state so low-risk inmates could be closer to their families.

Other ideas include creating an independent women's unit at the Windham prison to provide greater separation of male and female inmates there, or opening a female pre-release center somewhere else in the state.

All the ideas seek alternatives to maintaining a coed prison in Windham.

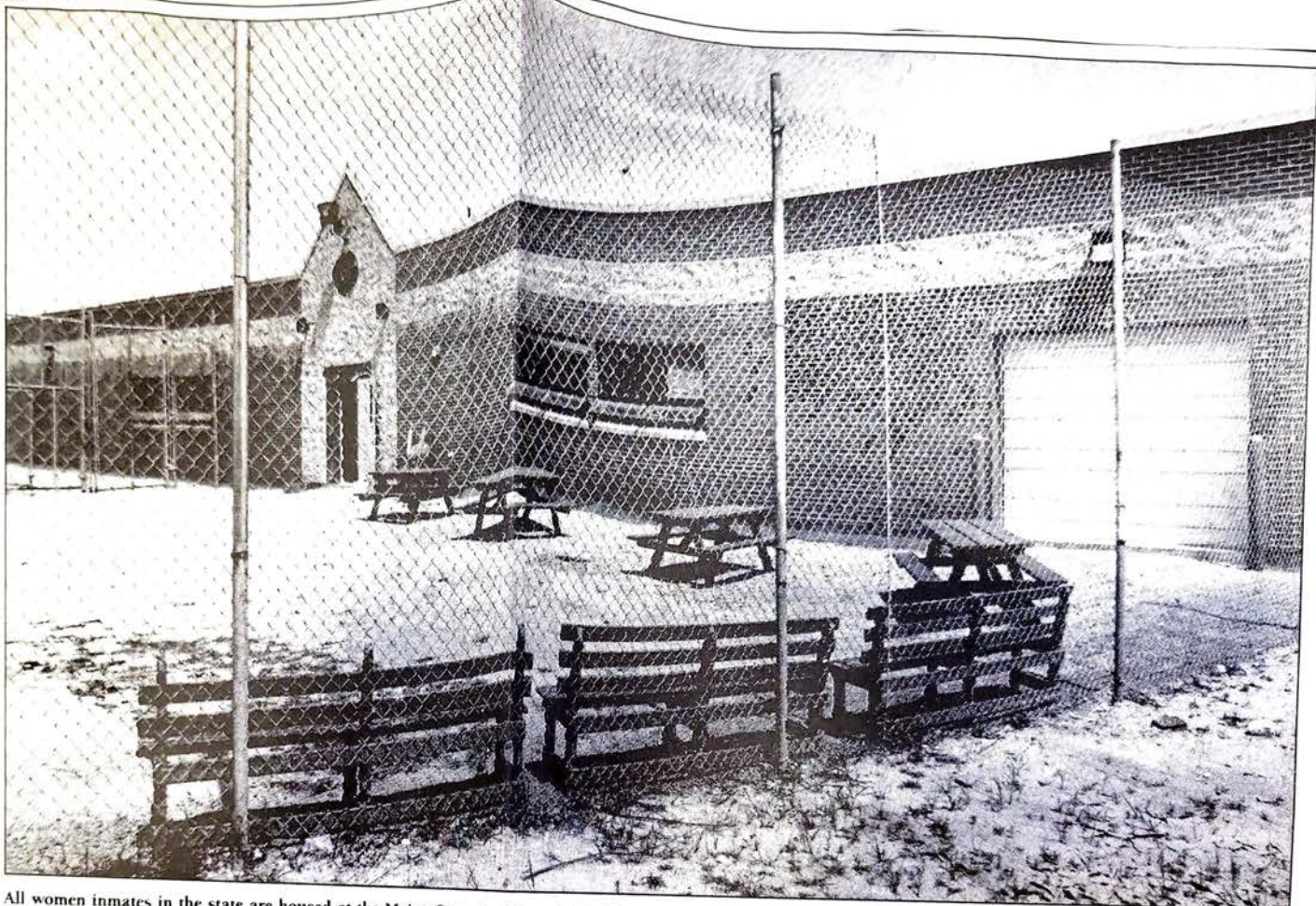
While physical contact between the sexes is prohibited at Windham, there is some interaction between male and female inmates. Men and women attend classes together, for example.

Such contact can create tension in some cases and ignite romance in others. Conjugal visits are banned, but prison marriages are not uncommon.

## Inmates question equity

Defining the problem is not easy. Some say the coed nature of the prison encourages misguided marriages that anger jealous inmates and often end in divorce.

A coed prison "subjects the women to harassment" and makes it "difficult to manage the institution," said Sen. John J. Cleveland,



All women inmates in the state are housed at the Maine Correctional Center in Windham, a medium-security prison whose population is 90 percent male. Sometimes women inmates are far from their families because they cannot transfer to another facility. Women also are unable to make use of pre-release centers.

File photo

D-Auburn, who co-chairs the Audit and Program Review Committee.

But two female inmates interviewed by the Maine Sunday Telegram, including a woman who previously served time at an all-female prison in Rhode Island, had no major complaints about conditions at the Windham prison.

"I don't find any problems," said 30-year-old Caroline Jackson, who is six months into a sentence for aggravated drunken driving.

"What you get from the men is what you let them get away with," said Diane Kurbaba, 28, who was serving time in Rhode Island when she arranged to be transferred to Maine 10 months ago. Kurbaba married an inmate Oct. 28.

Yet Jackson and Kurbaba are not entirely satisfied with conditions for women at MCC. Jackson noted, for example, that male inmates get to spend more time in the gym than women do.

*Of the 1,432 inmates in the state last Tuesday, only 55 were women.*

Kurbaba alleged that some guards are so preoccupied with preventing contact between the sexes that they are obsessive. "I believe if the women were just in their own facility, a lot of the officers would have nothing to do," she said.

Jackson questioned the fairness of forcing women on work release to live at the MCC while male inmates with jobs in the community live in relatively open pre-release centers. That concern is shared by prison officials who promoted a failed bid a few years ago to open a women's pre-release center in Hallowell.

"If I were in their position, I would have a gripe," James Clemons, the superintendent at MCC, said of the women on work release. "If we're trying to integrate people back into the community, we should do it in stages" by giving trustworthy female inmates the same freedom males have, Clemons said.

## No transfer options

Critics also note that male inmates, because they greatly outnumber women and represent the bulk of the prison population, have transfer options that do not exist for women. All five of the major state prisons for adults house men, for example, but the Windham prison is the only one that takes women.

That means women from northern Maine and other parts of the state cannot move closer to their homes and families, which could help them adjust to prison life and prepare for their eventual release.

It also means female inmates only

have access to the programs offered in Windham, creating another discrepancy in the treatment of the sexes.

"A good corrections system has stages built into it," and that is lacking for women, said Craig A. McEwen, who heads the criminal justice committee of the Maine Council of Churches. The fact that "enormous physical distances" separate some female inmates from their families only makes matters worse, he said.

Female inmates are entitled to "equal and fair treatment," but they don't get it, said James Burke, a lawyer and past president of the MCLU. The state is guilty of an "unquestionable violation of equal protection of the law" because men get a better shake than women, Burke said.

Without addressing the legal ramifications of such inequities, Clemons agreed that "females don't have the same living opportunities

that men have." He noted, for example, that men on pre-release live in Windham, Hallowell and Bangor but identically classified women must stay in Windham.

Observers agree the 1991 task force's conclusion that women suffer because they are a small minority in a male-oriented prison system is still largely on target.

"The department's policies, procedures and practices appear to be responsive to the needs and the numbers of male offenders," the report said. "The fact that the system is responsible for far fewer female offenders than male offenders seems to have minimized consideration of the needs and situation of female offenders."

Despite the best efforts of prison officials to promote equity with limited resources, "the opportunities are now completely unequal between the men and the women," Cleveland said.



Donna Godin of Rumford writes a letter in the women's day room at the Charleston Correctional Center while a morning soap opera plays on the TV. Instead of a prison uniform, she wears her own clothes. (NEWS Photo by Michele Stapleton)

# New home, new opportunities

By Diana Bowley  
Of the NEWS Staff

Glancing behind her, "Sue" took one last look at the imposing brick structure and the high wire fence that surrounded it.

A few minutes earlier, the 35-year-old woman had gathered up her belongings, said goodbye to a small circle of friends and boarded a blue bus en route to a new home.

Seated inside the bus with 11 other women, Sue focused her eyes on the rings of barbed razor wire that topped the fence. While her eyes viewed the barrier, her thoughts were elsewhere.

The young mother was among a group of women who, because of their good behavior while incarcerated at the coed Maine Correctional Center in Windham, were headed to a less restrictive environment and a chance at rehabilitation

in a new minimum-security facility in Charleston.

Troubling questions surfaced in Sue's mind. Would life be better? Could she avoid unnecessary contact with men? Would she have some freedom? She had

## Move to Charleston gives women inmates chance to progress

trusted the people who cared for her, and she hadn't been hurt. Would that continue in her new surroundings?

The thin, brown-haired woman swallowed hard and watched the Windham facility, located on a hillside surrounded by green meadows, grow smaller as the bus moved along the highway. Sue was leaving behind her home of three

months for a new life in a distant facility she had only heard about from corrections officials and from visitors who were familiar with it.

A Knox County resident convicted of trafficking in heroin, Sue is part of a growing trend of women participating in serious crimes.

The relocation of Sue and those who accompanied her from the MCC late last month to the facility in Charleston constitute Maine's effort to offer equal opportunities to women inmates.

Since it opened in 1980, the Charleston Correctional Center has served Maine's male inmate population as a minimum-security facility. Because Charleston has the space and an available building, a decision was made to relocate 32 women to the facility, which is perched high on Bull Hill in Penobscot County. The correctional center still will have

See *Inmates*, A10, Col. 1

From Page One

# Inmates' new home offers new chance

## Women move to Charleston as part of parity endeavor

Inmates, from 11 male inmates. Twenty women were transferred to the center in mid-September, followed by another group a week later.

With the transfer completed several weeks ago, Lars Olsen, director of the Charleston facility, said the women appeared to be satisfied with their new surroundings.

"They are pleased with their accommodations, how they are treated and the quality of the food," he said recently. Olsen said he believes programs offered to female inmates at Charleston will help reduce the likelihood of their returning as repeat offenders.

"Things have gone quite well," Olsen said. "I can't stress enough how much work and effort the staff put in to make this successful. They were really committed to doing an excellent job, and the results have borne that out."

John Magnusson, commissioner of the Department of Corrections, said women inmates have had the same opportunities as men for programs within the walls of MCC. But women didn't have the same opportunities as men to progress through the system. Women landed at MCC, they had nowhere else to go, unlike male prisoners who can move to less restrictive facilities as the number of years remaining on their sentences declines.

Charleston gives women inmates an opportunity to progress. The women will find much improvement in their programs and treatment, Magnusson said. "It's a step that we've taken about in corrections for a number of years," he said.

Magnusson said the relocation is a work in progress, and improvements will be made. "Charleston gives women inmates an opportunity to progress. The women will find much improvement in their programs and treatment, Magnusson said. "It's a step that we've taken about in corrections for a number of years," he said.

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Sue admitted, "Mine was a drug addiction that led to harder drugs." The woman wants to remain anonymous to protect her parents and her child from further publicity.

Sue said she began experimenting with drugs when she was 15, advanced to narcotic pills and later became hooked on heroin. Raised in a middle-class family, Sue said this was her first conviction, one for which she was sentenced to six years in prison, suspended. It all but 20 months suspended. It was her wake-up call, she acknowledged.

According to Miller, women like Sue tend to enter prison as victims or as victims. They are more or less medical needs are more expensive to treat than those of males, she said. And women men seek medical treatment about four times more than men. Children are an issue for many of the inmates, which affects their attitudes during incarceration, said the consultant.

Miller, who is an outspoken proponent for equality for women in prison, is working hard to make it a national issue.

"Part of my mission in life is making conditions for women in prison a little better if I can," she said. She noted the nation has made strides in providing equality for women in prison because of the national focus on women's issues.

**A struggle for parity**  
Providing parity to incarcerated women also is a top priority of Clemens, the MCC superintendent. "I've been arguing this parity issue since 1978," he said. When the Stevens School in Hallowell, a women's correctional facility, was closed by the Legislature, women offenders were incarcerated at the Women's Correctional Facility in Skowhegan until 1974, when the facility was closed and they were moved to the Stevens School. When the Legislature closed that facility in 1978, the women were moved to MCC at Windham. The female juvenile offenders were transferred to the former Boy's Training Center, now called the Maine Youth Center, in South Portland.

"There was no opportunity for females to progress through the system. If a male came through the system, he would go through a number of different facilities," Clemens said, adding that women had faced spending their entire incarceration at MCC.

Clemens said men can be transferred to the Maine Correctional Institute in Warren, the Down East Correctional Facility in Bucks Harbor, the Charleston Correctional Facility, the Bolduc Correctional Facility in Warren, the Central Maine Pre-Release Facility in Hallowell, the Bangor Pre-Release Facility and the Cumberland County facility leased to the Volunteers of America. Each facility offers different levels of security and programs, from education and restitution projects at Charleston to the public restitution and work release programs at Cumberland County.

Because no similar offerings were available to women in correctional facilities until last month, Clemens said he personally felt it was very discriminatory and the issue needed to be addressed.

Maine women in prison had no chance of furthering their education, had limited contact with officials from social service agencies, and were lumped together with criminals of every ilk, according to Clemens.

Two years ago, the state did a classification study based on Clemens' concerns for parity. Of the 36 women incarcerated that year, whose sentences ranged from one to 30 years, about 34 were considered low-risk prisoners.

"It was difficult to address their programmatic needs simply because of the ratio of resources to prisoners," Clemens said. The programs offered at MMC were limited because the facility was primarily an intake facility, the first place prisoners landed after being sentenced.

"I think the staff has done a tremendous job in management, but at times it was a delicate balance," Clemens said.



On a personal bulletin board, one female inmate stores signs she is allowed to use to keep guards from waking her during round-the-clock head counts. The one on the left tells the guard it's OK to open the door without knocking, and the one on the right is used weekends and holidays when the inmate has permission to sleep late.

There are no locks on the doors of the institutional-gray rooms of the women inmates at Charleston. In stark comparison, the women at Windham have heavy, metal sliding doors that lock with a heavy clank. The tiny windows in their small cells cannot be opened.

The rooms at Charleston are large, bright, and have spacious windows that can be opened for fresh air. In each room are shelves filled with books and stuffed animals, a bulletin board bearing pictures of loved ones and items covered with toiletry with one inmate, while there have two roommates.

In Windham, the small cells contain only a toilet and sink, a metal bunk bed, a bureau and two small lockers. A cloth with sticky attachments was used on a small window in the cell door for privacy from male guards when using the toilet or while dressing and undressing.

"It was a humbling experience for me," Sue said, referring to the Windham facility. Sue had never imagined that she would find herself in prison. There were days in prison when she would ask herself what she would do that day, even though she would end up doing nothing, because of the lack of opportunities.

**Privileges available**  
While Sue may continue to have much spare time at the Charleston facility, her opportunities for obtaining special help and getting educated are much better.

The Charleston facility can offer privileges to women who are model prisoners. For instance, women who are nearing the end of their sentence and who have exhibited good behavior advance to quarters on the second floor. This allows them to have their own television set in their room and a later bedtime.

On a recent visit, a group of women were congregated in the recreation room where the television is located on the first floor. They are free to come and go into the room from 6 a.m. to 7 p.m. There is a special vented room where the inmates can smoke. They are not required to wear uniforms, and they do their own laundry any day they like.

Before arriving at the Charleston facility, the women were told that if they treated themselves, the staff and the facility

with respect, they would receive the same courtesy. So far, there have been no problems at the facility with the women, according to Olsen. The transition has been smooth because of the extra preparation made by the staff.

As the Charleston staff, as well as the concerns and fears of the women early in the process. Friendships and personalities were addressed before roommates were selected at Charleston. "We tried to anticipate every problem we could," he said.

Miller believes the Maine corrections officials have done their homework for a smooth transition. "What you will see is just a little bit more vigilance of the staff," she said. She praised the efforts of the state in its first step to offer some equality to women.

"I think the planning the Charleston facility has done thus far has been really good, and they've put a lot of thought into it," Miller said. Their biggest challenge, she says, will be the development of programs that really key in on women's issues.

Toward that end, Miller said, organizations in the community can provide the facility with programs on grief, self-esteem, parenting and domestic abuse. "Volunteers really can make your program rich. You have to get creative, because resources are limited," she said.

**The male factor**  
Miller, having spent time at Charleston as a consultant, said the male inmates at Charleston were concerned at first that they would lose their restitution-related and institutional jobs and educational programs to women. They were told, however, that had the women not been relocated to the center, more male inmates would

have been added to the system. She said some men might be displaced on some projects or might find a longer wait to participate in programs. Others will find their hours on work details reduced to allow a wider range of participation.

Some of the women have been apprehensive about having to walk unescorted on the grounds, fearful of a confrontation with a male prisoner. Miller said as much separation as possible of the men and women was important for safety measures, as long as both genders had access substantially to the same programs.

While there are few physical barriers between men and women at Charleston, Miller said, rules are in place. A traffic pattern has been developed that will keep women on the same pathways as men. A violation of the traffic plan can result in disciplinary action. There will be times when interaction between the sexes will be unavoidable, especially during classes and work details, she said.

From what Sue has seen of the Charleston facility, her fears have been put to rest. Of her concern about contact with males, she said, "If you choose to interact, they'll interact, but if you choose not to, they'll ignore you and move on."

The woman marvels at the extra touches she has in her new facility. She's pleased with her accommodations, how she is treated and the quality of the food. "You can open your window here and hear the wind blowing," Sue said. "When you have a nice bedroom and a tub in our bathroom, that right there is freedom. Those little touches is what minimum [security] can give you."

**More parity needed**  
While Clemens is pleased with the state's movement at parity for the women, he believes more is needed.

"I would like to see a much broader spectrum, but given the resources, I think we've taken a good step forward," he said. "We should always be cognizant and strive to meet their needs."

"I think corrections as a whole needs to build a continuum of services, right from the point of arrest in the community to the return to the community and the appropriate follow-up of services. That applies to both males and females," Clemens said.

It is his hope, said the MCC superintendent, that the department has recognized its obligation to the people who are incarcerated to offer opportunities for self-improvement and a chance to progress from a strict prison environment to an eventual return to the community.

Sue echoes Clemens' hope. "You're at least going to have a fighting chance because you've been given the inside stuff [for the mind at the Charleston facility] for the outside stuff [the future]," she said.

# MAINE LIVING

## GARDEN



How to build a cold frame for the coming spring's seedlings.

PAGE D5

January 13-14, 1990

KENNEBEC JOURNAL

AUGUSTA, MAINE / PAGE D-1

## INSIDE

HEALTH, D3  
FOOD, D6  
TRAVEL, D7  
ARTS, D9  
ENTERTAINMENT, D8, 10  
FAMILY, D11

At the Maine Correctional Institute in South Windham, a new program in parenting is designed to help inmates better understand themselves, their spouses and their children



Blaine Richard, 32, at the Maine State Correctional Center, South Windham. Below right, his wife, Karen, and children, Katie and Bobby, at their home in Litchfield. Richard, along with about 60 other inmates, has taken part in a program to help incarcerated parents ease the strain of separation from their family.

Kennebec Journal / DAVID MACDONALD

## When Prison Walls Separate Families

By MICHELE CHARON  
Staff Writer

When Karen Mann went to prison, she watched the walls go up around her 4-year-old son's emotions. He'd come to visit and even before she'd hug him goodbye, she'd see the pain in his eyes.

"What frightens me most is I know he's built this wall to be able to deal with this," said the 26-year-old former Gardiner resident, interviewed at the Maine Correctional Center in South Windham. "I'm afraid it will affect him as he gets older — at 4 years old he had to deal with the pain."

But Mann, along with about 60 other inmates at the prison, found a way to start tearing those walls down. A program at the correctional center called Helping Incarcerated Parents, known as Project HIP, is easing the strain of separation with her son, Christopher.

Through an eight-week parenting course and monthly seminars, Mann has learned about her son's needs and how to communicate with him in spite of trying conditions. She now looks forward to monthly special visits with Christopher where she can spend time with him in a home-like setting, read him stories and show him she still cares.

"The program has helped me being a parent," said Mann, a slight woman whose curly brown hair frames a pale, serious face. "(The visits) brought us a lot closer — it was like being mother and child again instead of just visitors."

Strengthening the bond between incarcerated parents and their kids will have far-reaching effects, believe the program's directors. Studies done in the early '70s showed that inmates who maintain strong ties with their families are far more likely to have successful parole and not return to prison.

Mann is serving a four-year sentence for "recklessly endangering the property of another." She was charged

with arson after her Gardiner apartment was damaged by a fire that she said was accidentally started.

Project HIP is a joint program of the University of Southern Maine's Human Services Development Institute and the Maine Correctional Center. Started in October, 1988, it is one of about 150 similar programs in prisons nationwide, according to the Virginia-based Family and Corrections Network.

Any minimum- or medium-security inmate who is not legally restricted from contact with his or her children is eligible for the program. It's funded mostly by a three-year federal grant of \$64,800 per year. State funds

already appropriated for such items as building space and wages for participating MCC staff members also help support the program. These "in-kind" funds total about \$32,900 per year.

"We don't pretend we are going to solve all the problems for these individuals but we are out to prove it makes a substantial impression," said Lorraine Christensen, MCC director of the program. "If visiting activities are focused exclusively on the child and they're bound to establish a stronger feeling about the care and concern the parent has."

### For kids, a feeling of abandonment

When a parent is imprisoned, the most profound impact on the children is a feeling of abandonment, said Carmine Leo, a teacher in Project HIP and one of the founders of The Family Business in Gorham, which offers parenting classes and training for day-care providers.

Many children also feel fear for the imprisoned parent's safety, guilt that they've been responsible for the parent's offense or anger at the parent's failings. Some children must also bear the burden of maintaining a family secret about the missing parent's whereabouts.

Pam Farmer-Lee, who teaches classes of Project HIP with her husband, explained that children of incarcerated parents greatly need spend time one-on-one. She encourages inmates to think of an adult service. Farmer-Lee says teachers could provide support to these children by letting them know they are aware of the situation and telling them they are not responsible for the problems. Giving children the option to talk about their feelings can also be helpful, she said.

— MICHELE CHARON

The special visits are the carrots that attract many inmates to join the program. Administrators view these visits as a chance for inmates to put some of their classroom knowledge of parenting into action. For inmates' kids, they are a chance to go and visit mom or dad and have fun.

"We played with paper airplanes," recalled 6-year-old Christopher Mann with a big smile. The sandy-haired, soft-spoken boy also remembered tossing a big beach ball to his mother and playing games with other children.

Unlike regular visiting sessions when children must sit still at a table across from their incarcerated parent, the program's special visiting sessions are held in a toy-filled room where the children can run and play. The special visits are also three hours long, more than twice as long as a regular visit.



Inmate Blaine Richard, 32, of Litchfield said he's realized how difficult his incarceration has been for his 4½-year-old daughter, Katie. He is serving a four-year sentence on drug charges, he said.

"It really hurt Katie a lot — when I came in it broke her heart," said the solemn, bearded man. "She keeps counting on her fingers, how many days left. She keeps saying 'this many'."

Every day, the child talks about her father and asks when he'll be home, said her mother, Karen Richard. The special visits with her father and little brother have helped Katie to see that her father hasn't been harmed and that visiting him can be fun.

"We went upstairs and went into a room with a lot of toys," recalled Katie about the

See: INMATES  
Page D2

Soviet Union,  
E. Europe



## Fancier products on way

Electronics show features gussied-up goods but few innovations

# Inmates get new awareness of families

► FROM PAGE D1

special visit. "We played with play dough and Barbie dolls — I wanna do it again."

Karen Richard also thinks her husband's attitude about his family has changed since he's been involved in the program.

"He said 'when I come home, I'm not going to try to be the ruler of the house,'" explained his wife with a smile. "It was really different to hear him say it, it sounded funny."

Inmate Karen Mann got involved in the program so that she could get more visiting time with her son, Christopher. She's concerned about how her incarceration will affect his future.

"I wonder down the road, from parents being incarcerated, I wonder how many of them will be here in years to come. That really frightens me," said Mann, who was interviewed in a small office within the prison's school. "When children act out, you know their needs are unmet and they are — they don't have their parents."

When she first got involved in the program, she didn't have high expectations for the program's parenting classes. But they turned out to be as valuable as the monthly visits with her son, she said.

"It's not only the extra (visiting) time but the awareness it's opened up," she said. "It was utterly

amazing when we were talking about how children feel these things (fear, resentment or pain) but they can't express them."

The program's eight-week parenting course has been offered in two versions — for parents of children under 12 and for parents of adolescents. The classes stress the importance of children's self esteem and help inmates examine their own attitudes about discipline and children's needs.

"There's no way they can hear about parenting and not think about their own childhoods," said Carmine Leo, a parenting educator who team teaches one of the courses with his wife. "One of the most encouraging things is the sense of hope they seem to develop in this program — through this class they're offered the tools to make things different."

Program director Christensen agrees but only wishes the benefits of the program were sought by more inmates. Since the program began last year, only about 60 inmates have gotten involved. There are about 500 prisoners living at MCC, most of whom have children, said James R. Clemons, MCC superintendent.

Christensen attributes this relative lack of interest to several factors, including the fact that many of the inmates' partners don't even tell their children that the other parent is in jail. Other caregivers don't like



Kennebec Journal / DAVID MACDONALD

Lorraine Christensen, director of Project HIP, stands outside the Maine Correctional Center, South Windham.

the idea of bringing the children in to visit if they can't be present.

Mann pointed out other reasons for inmates' reluctance to participate. Some are afraid their involvement could jeopardize their custody of their children. Others think the program is designed for child abusers or for those who've had

serious problems with their children.

"While there are some with strong parenting skills, there's an abundance who've had difficulties but don't identify them as difficulties — that's part of the problem," said Christensen. "The response you get

is they say 'I don't need it.'"

But the director has already had 20 inmates apply for the 12 available spots in the next session in February. She considers it a sign that interest is on the upswing. The more the inmates learn about the effects of their own incarceration on their children, the more the interest will

grow, she predicted.

"Showing the child that they care — that's one of the most vital things," Christensen said. "That is the essence (of the program) — to show a child that the parent still cares, is OK and wants to continue their relationship with them."



P. 10/5/85

PH 3/27/85

Portland, Maine, Press Herald, Wednesday, March 27, 1985

7

# Sex-change treatments OK'd for suspect

AUGUSTA (AP) — Lawyers for accused murderer Samantha Glenner met with a Superior Court judge Tuesday to discuss Ms. Glenner's continued sex-change treatment while she is being held for trial.

Lawyer Sandra Collier said Jus-

tice Donald G. Alexander indicated he would issue an order this week instructing Maine corrections officials to continue the treatments. The order would be in response to a civil suit filed on behalf of Ms. Glenner.

Ms. Glenner, 41, is accused in the

October death of Amelia Cave, 59, of North Sullivan. The woman's body was found in a shallow grave behind Ms. Glenner's Hancock home.

Before deciding to change her sex, Ms. Glenner was known as Glen Robert Askeborn.

BDN 3/53-24185

# Glenner case presents unusual problems

## State prison system has difficulty accommodating would-be transsexual

By Jean Hay  
NEWS Ellsworth Bureau

ELLSWORTH — When a man named Glen Robert Askeborn, 41, of Hancock, decided a few years ago to become a woman named Samantha Glenner, only a small circle of family and friends were aware of, or cared about, the shift.

All that changed last fall, however, when Glenner was charged with murdering Amelia Cave, 59, of North Sullivan, after Cave's body was discovered in a shallow grave on the shore behind

Glenner's Hancock home.

The arrest gave many law enforcement officials in Hancock County, and prison authorities across the state, their first encounter with such an individual.

"In California I'm told one of their prisons has a special wing or cell block set up for these people," said Donald Allen, commissioner of the Department of Corrections. "I don't ever recall any cases similar to this in the state of Maine. This is unique for us in Maine."

Hancock County Sheriff William

Clark last October had Glenner examined by a physician after the suspect's arrest but before booking him on the murder charge. Although the indictment and arrest were in the name of Samantha Glenner, the booking sheet had "male" checked off in the appropriate box.

In a phrase that typifies the confusion in this case, Clark explained the booking decision by saying, "She has all the necessary male parts."

Glenner is classified as a transsexual. The 6-foot, 195-pound Glenner dresses in women's clothing and wears

makeup, a practice he said he has followed "full time" for five years. He has told the court that after the murder trial he intends to have genital reclassification surgery which would change him physically from a man to a woman.

Glenner testified at a hearing March 8 in Knox County Superior Court that he has been taking prescribed hormones in pill form or by injection since 1979 when he lived in Connecticut. Since moving to Maine in 1982, he took

See GLENNER on Page 2

# Glenner case presents unique problems in matters of housing, treatment

from page 1

hormones on a daily basis, from "underground" sources without prescription, with occasional lapses of two to five weeks.

One of Glenner's attorneys, Anthony Beardsley, said in court that his client is "a biological male suffering from gender identity dysphoria."

All this would be interesting but not particularly germane to the murder charge if it were not for an injunction sought by Glenner against the Department of Corrections. Glenner has asked the court to provide hormonal and psychological treatment while he is being held at Maine State Prison in Thomaston awaiting trial.

The state has contended that the hormone treatments are unnecessary, and as such should not be provided by the state. Physicians have testified in court that side effects of hormonal treatment could include gastro-intestinal inflammation, urinary tract problems, cancer, thrombosis, kidney damage and other problems.

Glenner's attorneys claim, however, that continued denial of the hormones could result in psychotic depression, paranoia, and possible suicide attempts. Glenner has received no hormones since his arrest last October.

Faced with conflicting medical testimony, Superior Court Justice Donald Alexander last week ordered the state and defense attorneys to agree on a doctor to examine Glenner. The physician will determine whether Glenner indeed suffers from gender identity dysphoria, and if so, what to do about it.

Alexander said that if the two sides could not agree on a physician by March 26, he would pick one from lists provided by each side.

In the meantime, Alexander granted a state motion for a psychiatric examination of Glenner, to determine his competency to stand trial, tentatively scheduled for the end of April.

The competency examination also will serve as a benchmark of Glenner's mental condition as the trial date approaches.

"The judge's worry is that although Samantha is OK now, if her mental health deteriorates because of the lack of treatment, there may be a question (of competency) at the time of trial," Beardsley said this week.

Beardsley said he was putting together a list of endocrinologists and internists in the state who would have the background and experience to ex-

amine and diagnose Glenner's condition.

The choice of doctors seems to be very limited. Frank Stred, executive director of the Maine Medical Association, said last week that five physicians — four in Portland and one in Bangor — are either board-certified in endocrinology or indicate a specialty in endocrinology. That's five out of a MMA membership of 1,350 doctors. By comparison, the state has more than 100 psychiatrists, Stred said.

Stred said the list did not include physicians who may be shown as pediatricians or internists but who might also have a strong interest in endocrinology.

Endocrinology is the branch of medicine dealing with the endocrine glands, the organs which secrete substances such as hormones.

While the search for a doctor goes on, Commissioner Allen said Glenner is being housed in administrative segregation at Maine State Prison in Thomaston, apart from the general prison population. Sheriff Clark had requested Glenner's transfer to the prison last November, saying the Hancock County Jail did not have facilities for separate housing and the possibility of "adverse interaction" between Glenner and adult male prisoners at the jail precluded his placement with the regular inmates.

Allen said Glenner is not being held in solitary confinement, but is in the same cell block corridor set aside for disciplinary segregation. He said other inmates at the prison have been housed there, if their conduct, behavior, or "the nature of their very existence" would cause problems with the general prison population.

Glenner's placement in the separate area of the prison was determined by the Administration Segregation Review Committee, Allen said.

Facing a statewide budget with an anticipated medical bill of about \$840,000 for the entire corrections system this year, Allen is fighting Glenner's motion for hormonal treatment.

"Hancock County is not being charged for board at this time," Allen said. "If we incur a lot of court-ordered medical costs, that could change."

Justice Alexander has indicated from the bench that Hancock County residents would probably not be picking up the tab, but Sheriff Clark questioned whether he had the authority to say that.

No one on either side of the issue is willing to conjecture how much Glenner's treatment would cost. Beardsley said the cost would vary considerably, depending on whether psychiatric treatment or just hormones were prescribed.

Judge Alexander made a point during the hearing that Glenner is not a

prisoner. He has not been convicted, but is simply being held in protective custody awaiting trial. Allen said that classification alone puts Glenner in a special category in the prison.

"Ninety-nine percent of the inmates at Thomaston have been convicted of something," Allen said.

The judge also made it clear during the hearing that any treatment provided to the defendant would be done only with an eye toward doing what was necessary to get the murder trial under way.

"I'm certainly not talking about forcing anyone to pay for (a sex-change) operation," Judge Alexander was quoted as saying.

MDN 3123-3418

# Mother's Day painful for women in prison

By The Associated Press

As children sent roses and phoned home this Mother's Day weekend, Iris Phillips nervously waited for her young son to bring his violin to the prison so she could hear his music for the first time.

"I'm missing a lot," said Phillips, 26, who is serving a 14-year manslaughter sentence for killing her husband with a shotgun. "It's not just the big things. It's the day-to-day things. He's got a new girlfriend, and I don't know her. He's got new pets. He's growing up, and I'm missing him."

Sociologists who study crime say that when a mother goes to prison, it's much harder on families than when a father goes to prison. Often, the children end up living with relatives or foster families. Often, siblings end up being separated.

The problems can be compounded by prison systems designed to better meet the needs of men who make up the vast majority of the inmate population. But a researcher at the University of Southern Maine is looking for ways to

help inmates, male and female, become better parents while they are behind bars.

Karen Tilbor, a research associate in USM's Human Services Development Institute, said the program at the Maine Correctional Center in nearby Windham includes eight-week training sessions and monthly meetings where children can visit their imprisoned parents in a room designed to look something like a day-care center. Younger children can make artwork or crafts with their parent, and older children can play games.

"One Saturday a month, a child will come in and do something special with their parent, not something in the regular visitation room, which is stark," Tilbor said.

The program is funded largely by a three-year federal grant and is similar to a handful of prison parenting programs around the nation, Tilbor said.

"I gives them some quality time together," said the prison superintendent, James R. Clemons.

Mrs. Phillips recently joined the parenting sessions, which are voluntary for inmates in Windham.

Her 10-year-old son, Scott, visits about three times a month, and she hopes to develop better interpersonal skills to make the visits more rewarding for both of them.

"It teaches you new ways of parenting," Phillips said in a telephone interview Friday. "It tries to help you communicate with your children. One segment is how to listen. You talk for three minutes. Then you listen to another person talk for three minutes."

A year ago, Phillips said, the boy disliked music. Now, he's taken up the violin, which he got permission to bring to the prison on Saturday.

Seeing her son's life progress in such bits and pieces shows Phillips how much she is missing. But most difficult about being separated from her child is trying to help him with his troubles without being fully informed, Phillips said.

"Your child has a problem and you don't have the whole story," she said. "My son's not the kind of person who'll say, 'Ma, I don't like the teacher because of this and this.'"

The trauma of having a mother in prison is harder for children than having a father in prison, experts

say.

"It's very disruptive," said Steven E. Barkan, chairman of sociology at the University of Maine in Orono. "Most of the women in prison have children and have custody of the children, whereas most of the men aren't the caretakers of the children. A lot of the fathers have left home and so forth. One of the biggest problems women in prison face is the separation from the child."

Between 4½ percent and 5 percent of the 645,000 people who were in prison nationwide by mid 1989 were women, and between 70 percent and 80 percent of them were mothers of dependent children, according to Creasie Finney Hairston, professor of Social Work at Indiana University's campus in Indianapolis. She said little has been done in the past to help prison mothers, but there are now about a dozen programs around the nation similar to the one in Maine.

"I think it is a very positive approach," she said. "The limited data that's available shows they have a positive impact on the child and on the mother."

# AG to handle alleged jail rape inquiry

JOURNAL TRIBUNE

ALFRED — The investigation of an alleged inmate rape at the York County Jail last February is being turned over to state authorities because the former inmate has sued the county.

District Attorney Michael Cantara said he's referring the Paige Daniels case to the attorney general's office because he wants to avoid the conflict of interest of investigating an alleged crime at the jail while at the same time defending county officials from allegations they mishandled the matter.

Daniels, a transexual who looks and acts like a woman, claims to have been raped twice by a male inmate while incarcerated in a four-bed cellblock. A police investigation remains inconclusive, according to sheriff's Chief Deputy Linwood Turnbull. But in the meantime, Daniels sued the jail claiming the rape could have been prevented by segregating Daniels. Jail officials say Daniels' male sex organs dic-

tated his assignment with male prisoners.

County officials were served with notice of the suit July 8, but Cantara said he's taken until now to refer it to the AG's office because he's just getting caught up from having been on vacation for 10 days.

In a telephone interview this week, Daniels complained about delays and lack of cooperation in getting information about the status of the case.

*fall*

# Acquitted jail guard wants to sue state

PORTLAND (AP) — A former jail guard acquitted last year of having sex with an inmate wants the Legislature to allow him to sue the Attorney General's Office for prosecuting him.

Robert O'Malley and his wife, Kathleen, maintain that prosecutors should have known that there was no basis to the criminal accusations by a woman inmate with a long history of lying.

O'Malley, who is asking for damages of up to \$250,000, faces an uphill battle. Prosecutors, like judges, are immune from civil liability, and legal scholars say lawmakers in Maine have never waived that immunity.

Rep. Elizabeth Townsend, D-Portland, has submitted a bill that seeks to give O'Malley, 60, authority to file a civil lawsuit.

"This was such a blatant mishandling of a case that I really felt compelled to try to help," said Townsend, who represents O'Malley's home district.

Attorney General Andrew Ketterer said Tuesday he had not seen the proposed bill. But he said he supported the decision to prosecute O'Malley. "Acquittals prove the system is working," he said.

O'Malley was indicted on two sex charges after Jeanine S. Magryta told authorities she had sex with him in the Cumberland County Jail in exchange for cigarettes. Sex between guards and inmates is a crime.

The state based its case on the testimony of Magryta, an alcoholic with convictions for stealing from two sisters who helped her and slashing with a knife an elderly woman who invited her into her home. Magryta had made similar unsupported sexual allegations before.

During the trial, jurors learned O'Malley was impotent because of diabetes and would have been unable to perform the sex act the way Magryta described it. Prosecutors had his doctor's report early in the case.

Mrs. O'Malley said Tuesday the cost of fighting the charges now is more than \$70,000. She said her husband felt humiliated and embarrassed after the trial. Still a county employee, he has not worked in almost a year and is locked in a battle with the county over a worker's compensation claim.

"It's like it's forever. It's a nightmare," said Mrs. O'Malley, 53, who works as a waitress.

## Woman claims rights violated

Judge: Jury should get strip-search case

**By Judy Harrison**

BDN Staff

BANGOR, Maine — A federal judge has recommended that a local woman's lawsuit alleging she was illegally strip-searched three years ago at the Penobscot County Jail go forward.

U.S. Magistrate Judge Margaret Kravchuk on Friday found that a jury should decide whether jail officials violated the constitutional rights of Tina Oxley, 36, of Bangor when she was strip-searched on Jan. 19, 2007, after being arrested for driving with a suspended license.

Kravchuk's decision is subject to review by U.S. District Judge John Woodcock.

Peter Marchesi, the Waterville lawyer representing the county, said Tuesday he would file an objection to Kravchuk's decision. That objection most likely would result in a hearing on the matter before Woodcock to be held before the scheduling of a jury trial.

Woodcock could overrule Kravchuk's decision and dismiss the lawsuit.

Efforts to reach Oxley's attorney, Dale Thistle of Newport, were unsuccessful Tuesday.

In the lawsuit, filed on Jan. 16, 2009, in U.S. District Court in Bangor, Oxley claimed she should not have been strip-searched because there was no suspicion that she was concealing drugs, weapons or evidence of a crime. Under the Fourth Amendment to the U.S. Constitution, which protects against unreasonable searches and seizures, such suspicion is required before a person can be strip-searched, according to the suit.

The county, however, argued that Oxley was legally strip-searched because a bag of cocaine was found in the pocket of a passenger in her car who was arrested at the same time for unpaid fines. The two women rode to the jail together in the back of a squad car and Oxley's handcuffs came undone by themselves at the jail, according to court documents.

In her 30-page decision, Kravchuk said there were enough facts in dispute in the case to require a jury to decide whether the county had a policy to routinely strip-search people brought into the jail because they had been in close proximity to those who had been found in possession of drugs and whether such a policy violated an individual's Fourth Amendment rights.

Oxley claimed she was severely harmed emotionally by what happened at the jail, her attorney told the Bangor Daily News last year.

The woman, who has been diagnosed with post-traumatic stress disorder because of her experience according to the lawsuit, is seeking unspecified compensatory and punitive damages. She claimed she is seeing a psychiatrist and therapist weekly and lives in fear of being arrested and strip-searched again.

Oxley's lawsuit did not seek class-action status. Within the last four years, York and Knox counties have settled large class-action lawsuits over strip searches. Damages totaling \$3 million in each of those cases were awarded to plaintiffs who could show they had been strip-searched illegally.

<http://bangordailynews.com/2012/10/31/news/augusta/report-sexual-assaults-in-maine-prisons-more-than-double-national-average/>

Bangor Daily News 11/1/12 p. A1, A2 retrieved 11/5/12

# Report: Sexual assaults in Maine prisons more than double national average

By Tom Groening, BDN Staff

Posted Oct. 31, 2012, at 1:31 p.m.

Last modified Oct. 31, 2012, at 2:47 p.m.

AUGUSTA, Maine — Inmates in Maine's state prisons are more likely to be sexually assaulted than those in most other correctional facilities around the U.S., a recent Department of Justice report suggests.

The Maine State Prison in Warren was one of eight facilities from among 463 visited by Department of Justice officials in which the rate of sexual assault was significantly higher than the national average. Those assaults, according to DOJ, are perpetrated by other inmates and prison staff.

State prison officials are working to change that poor record in response to the federal Prison Rape Elimination Act, or PREA, of 2003, and to a report prompted by the law earlier this year that featured survey data of 81,566 inmates nationwide. Also, in May, the Obama administration began pushing a zero-tolerance approach for sexual assault in prisons.

Inmates at the Maine State Prison and the Maine Correctional Center in Windham were surveyed between 2007 and 2009 for the report.

In the 2007 survey at the Maine Correctional Center, 173 of an estimated 650 inmates were asked about sexual assaults and unwanted sexual advances, responding using a computer touch screen that maintained confidentiality. The overall rate of sexual assault — including inmate-on-inmate, staff-on-inmate and inmate-on-staff — was found to be 5.6 percent, compared with a national rate of 4.5 percent, according to Allen Beck, senior statistical advisor at the federal Bureau of Justice Statistics.

“If the data are restricted to inmate-on-inmate sexual victimization,” Beck reported, “the Maine facility rate was 4.4 percent, compared with a national rate of 2.1 percent.”

The 2008-2009 survey of 143 of about 950 prisoners at the Maine State Prison found an overall rate of 9.9 percent sexual victimization rate. The corresponding national rate was 4.4 percent, Beck said. If limited to inmate-on-inmate assaults, the rate at the facility was 5.9 percent, compared to a national rate of 2.1 percent.

Beck said both surveys were found to have high rates of statistical accuracy. Comparing the sampling process to a presidential preference poll, Beck said, “This is actually better,” because larger numbers were sampled and because mathematical formulas and historical data confirmed the accuracy.

The survey included 10 questions each for men and women inmates about various sexual acts. Each question started with one of the following two phrases: “During the last 12 months, did another inmate use physical force to make you ...?” or “Did another inmate, without using physical force, pressure you or make you feel that you had to ...?”

The survey found that nationally, most sexual assaults occurred in the first 24 hours of a victim's incarceration and occurred between 6 p.m. and midnight.

Corrections Commissioner Joseph Ponte, who has been overseeing state prisons in Maine since 2011, said he had not been able to review the raw data that came from the inmate surveys conducted in Maine.

“I don't know if it's accurate,” he said of the DOJ report. “You just have to take the data for what it is.”

In Maine, any sexual contact between inmates and between staff and inmates is prohibited, and officials assume any such contact is not consensual. Maine also does not tabulate complaints from inmates of sexual assault at the hands of other prisoners or by staff, Ponte said, nor does it keep easily retrievable lists of criminal charges that followed such complaints.



“We’re just not collecting data in a sophisticated way,” he said, “but we probably should.”

The commissioner also noted that there is a range of complaints. Some fall into the petty category, he said, such as when an inmate claims a guard groped him during a pat-down search.

Better data will come as part of a \$545,000 PREA grant to the state, Ponte said.

The grant is paying for a PREA coordinator at the Corrections Department, new information technology infrastructure and software, an outside consultant to review the culture at Maine State Prison to bring it into compliance with PREA, and a screening process which Ponte hopes will identify likely perpetrators and victims when they enter the facility, thereby allowing administrators to house them accordingly.

All states have until August to comply with PREA.

“Ten years ago, it was an untalked about topic,” Ponte said of rape in prison. Many prison officials viewed it as an inevitability, and incidents often were not reported. In those days, he said, “An assault was an assault,” and so a punch was not differentiated from a sexual attack.

That attitude changed with PREA, he said.

“It’s clearly an area that we’ve put a lot of attention and focus on,” he said, and improvements will come.

Stan Moody, who served as prison chaplain at Maine State Prison from 2008 to 2009, paints a different picture.

Though he gives Ponte high marks for making changes in the culture by moving staff and prisoners to different parts of the facility, Moody described a system he likened to “a mini Mafia.” Inmates were beholden to some staff members as their “kids,” and lower in the hierarchy, inmates were beholden to other inmates as their “kids.” Sexual favors and drugs were the currency in this power structure, he said.

Moody said prisons are “a hormone factory,” and that sex, both consensual and nonconsensual, “may not be tolerated officially, but it’s going to be a regular feature of prison.”

“The DOC has a zero-tolerance policy regarding sex, but that defies reality and really amounts to a zero-tolerance policy of dealing with sexual assault — the three-monkey defense of hear no evil, see no evil, speak no evil,” Moody said.

When pressed for specifics, the former chaplain said that during the time he was at the prison, no inmate filed an official complaint about a sexual assault. Moody said that was because assaulted inmates feared retribution from other inmates or guards. He stressed that he would warn inmates for their own protection that if they reported a sexual assault to him, he was obligated to report the incident and the name of the complainant.

“Virtually all of the reporting that I received had to do with physical and emotional harassment and guard complicity with harassment,” he said. “Sex could very well have been part of that harassment, but if so it was not mentioned. ... What that tells me is that sexual assault is an accepted part of prison life and buried.”

Ponte declined to comment specifically on Moody’s claims because he was not commissioner during the years Moody worked at the prison, he said. But he cast some doubt on those claims based on his contact with inmates and their families.

“I think the place was much different when [Moody] was there,” Ponte said. “I take 10-15 calls a day and I get 10-15 emails a day from families,” and in his nearly two-year tenure, no one has reported a sexual assault.

“I talk to family members, I talk to inmates,” he said.

Now, any complaint of sexual violence from an inmate is required to be passed up the chain of command. “That goes right to the warden,” Ponte said, and an investigator is assigned to the case. The perpetrator is removed from the general population.

With the federal PREA grant, a special telephone number on a phone in the prison’s day rooms can be accessed by inmates to make complaints of sexual assaults. The calls will be monitored by the PREA coordinator hired through the grant, the commissioner said.

“We established a security team at Maine State Prison,” Ponte said, which identifies sexual predators and drug dealers. “We have a very good handle on who’s in those categories.”

Two important keys to changing the culture, the commissioner said, are training and hiring practices. Ponte wants to raise the employee screening process to that used by the Maine State Police, which employs polygraph tests and psychological profiles to ensure good hires.

Last month, the Corrections Department published a request for proposals to develop an inmate screening process. A \$75,000 grant, created with federal funds, will go to the winning bidder, expected to be announced next month. The work must be completed within six months and the state must be in compliance with the federal law by Aug. 20, 2013.

Once developed, the screenings will be conducted at the Maine State Prison, the Maine Correctional Center, the Mountain View Youth Detention Center in Charleston and the Long Creek Youth Development Center in South Portland.

In Maine, there are just over 2,000 adult prisoners in the state facilities and about 200 under 21 in state facilities.

The department is not limiting the bidders for the grant to any particular kind of organization, though psychiatric research centers and institutions of higher learning would be likely groups to respond, according to the Corrections Department’s Michelle Urbanek, who has been named the state’s PREA coordinator.

“Nobody has been able to form [an effective] screening tool yet. We’re hoping someone out there can help,” Urbanek said.

Judy Plummer, a Corrections Department spokeswoman, said two or three states had developed their own screening process, but when they were applied to Maine prisoners, nearly everyone was identified as either a potential perpetrator or victim, rendering it useless.

If potential perpetrators and victims can be identified, Urbanek said, “It’s going to help us know where to house them. It will help us fit them appropriately.”

Urbanek said information generated by a screening tool also would help medical and mental health staff in prisons.

Not everyone sees the screening as innocuous, though.

Judy Garvey of the Maine Prisoner Advocacy Coalition said her group wholeheartedly supports the goal of eliminating sexual assaults in prisons. But she worries that an incoming prisoner’s criminal history might unduly affect the screening, and that the process may be too subjective, resulting in curtailed civil liberties.

“Our concern is that the screening can cause problems that are not there,” Garvey said.

“It’s a problem in all prisons,” she said of sexual assault, the result of “putting together hundreds of people” without adequate outlets.

On TV and in movies, rape in prison is often a punchline to a joke, the DOJ report notes.

“But sexual abuse is never a laughing matter, nor is it punishment for a crime,” the report asserts. “Rather, it is a crime, and it is no more tolerable when its victims have committed crimes of their own.”

“Prison rape can have severe consequences for victims, for the security of correctional facilities, and for the safety and well-being of the communities to which nearly all incarcerated persons will eventually return,” the department concluded.

PL 3027

<http://bangordailynews.com/2013/10/08/living/maine-female-prison-population-has-skyrocketed-since-2002-advocates-say-different-programs-services-needed/>

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## Experts: Number of women in Maine prisons has grown sixfold since 2002

By Seth Koenig, BDN Staff

Posted Oct. 08, 2013, at 6:02 p.m.

Last modified Oct. 09, 2013, at 1:37 p.m.



Troy R. Bennett | BDN

Erica King, a corrections researcher at the University of Southern Maine, said Maine's women's prison population has risen dramatically since 2002. King is co-chair of a women-in-prison conference being held in Portland this week.



Troy R. Bennett | BDN

At a conference about women and prison in Portland Tuesday, Amanda Woolford, director of female services with the Maine Department of Corrections, said many incarcerated women have histories of being abused.



Troy R. Bennett | BDN

Piper Kerman, author of "Orange is the New Black," speaks in Portland Tuesday at a conference about women in prison. The book has been adapted into an acclaimed show on Netflix.

PORTLAND, Maine — The number of women held in the Maine state prison system has grown nearly sixfold since 2002, a stark increase that experts say is sparking new conversations about the best way to rehabilitate female criminals.

Portland's Holiday Inn By the Bay is the setting for the 2013 biennial Adult & Juvenile Female Offenders Conference, which attracted more than 400 corrections officials from multiple states for five days of specialized workshops and presentations.

Erica King, a University of Southern Maine policy analyst who has conducted extensive research into corrections systems and was a co-organizer of the conference, said Maine's population of female prison inmates has grown from 25 in 2002 to 146 today.

And with each woman costing, by some estimates, nearly twice as much as a man to hold in prison, there's a significant financial incentive to adopting programs and services geared toward keeping the women's recidivism rate down, she said.

King said the reason for the explosive increase in Maine female prison inmates is hard to pin down. She said increased capacity for women, through the opening of the Department of Corrections' Women's Center in Windham in 2002, is sometimes pointed to as a catalyst. But she also said changes to sentencing guidelines at the state and federal levels in recent decades — for those convicted of drug crimes or being accessories to the crimes of others, for instance — have likely ensnared more women than in the past.

Whatever the legal drivers for the change, King and others who attended the conference on Tuesday said corrections officials must think differently about how they deal with incarcerated women compared to their male counterparts.

"Their pathways into the system are very different than men's pathways into the system," King said.

Piper Kerman, author of the bestselling memoir "Orange is the New Black" about her 13 months in a Connecticut prison, said a majority of women in prison have histories of trauma or being abused.

"A huge percentage of women in prison are in there for nonviolent offenses, and the vast majority of the women I was imprisoned with were not frightening at all," Kerman, the conference's keynote speaker, told the Bangor Daily News in a Tuesday interview. "Those women needed changes in their lives, but being a prisoner in a jail cell was not what got the best results."

"Our mission as a justice system is to correct and restore, so [prisoners] leave our system better than they were before. And if we're not addressing those histories of abuse and trauma, they're more likely to go out and fall back into the lifestyles that got them into trouble in the first place," said King.

Amanda Woolford, director of female services for the Maine Department of Corrections, said 78 of the women in state custody are in the longer-term Women's Center in Windham, while another 68 are in the Reentry Center in Bangor, a less-restrictive environment for women with fewer than three years left on their terms.

Woolford said the system still needs "one more step" for women inmates beyond the Reentry Center, in the form of some kind of transitional housing to provide women safe places to live away from the abusive relationships that may have driven them to drug use or crime.

"Some women don't have anywhere to go," Woolford said. "We're still dropping women off at shelters."

Woolford said female inmates are much more likely to be incarcerated for crimes committed out of economic desperation or for "boyfriend crimes," in which they're pressured into serving as a getaway driver, prostitute or drug transporter for a controlling boyfriend or husband.

"The line between us and them is very, very thin," she said. "I don't know what I would do tomorrow if I lost my job and couldn't feed my child, or if my husband was abusive."

King said the cost to society of putting women behind bars is greater than it is for men in part because women are more likely to have children, who are in many cases moved into the foster care system when their mothers are incarcerated,.

She agreed with Kerman's sentiment that more effective — and less expensive — punishments for women who committed nonviolent crimes could involve in-home monitoring or intensive counseling programs.

While no U.S. data on the subject was immediately available, a Canadian study found that women cost more than \$113,000 per year to incarcerate, while their male counterparts cost just less than \$60,000 annually. According to the Vera Institute of Justice, the average annual incarceration costs in the U.S., making no distinction by gender, is lower than in Canada.

The Vera Institute reported in 2012 that it costs Maine taxpayers about \$46,000 per year on average to keep a person in prison.

King said Kerman's book, which has since been adapted into a critically acclaimed television show by the same name, has “engaged a public that's been a bit apathetic [about the subject of women's needs in prison]. And these are their tax dollars. How do they want them used?”

<http://bangordailynews.com/2014/11/07/news/court-rules-in-favor-of-knox-county-in-lawsuit-by-female-inmate-who-was-sexually-assaulted-by-jail-guard/>

Bangor Daily News 11/8/2014 p.B1, B3 retrieved 12/4/2014

## Court rules in favor of Knox County in lawsuit by female inmate who was sexually assaulted by jail guard

By Stephen Betts, BDN Staff

Posted Nov. 07, 2014, at 12:18 p.m.

ROCKLAND, Maine — A federal judge has cleared Knox County, the sheriff and a trio of employees in a civil lawsuit filed by a female inmate who was sexually assaulted by a guard.

U.S. District Court Judge John Levy issued a judgment in favor of the county and the employees on Sept. 16.

Knox County's attorney Peter Marchesi said Friday that the county did not pay out anything.

"What I can tell you is that nothing was paid on behalf of my clients, and judgment on the merits was entered in their favor," Marchesi said.

Marchesi represented the county, Sheriff Donna Dennison, Lt. Kathy Carver, Sgt. Reggie Walker and corrections officer Anne Orne.

"The outcome was exactly the same as if the case went to trial and these defendants received a verdict in their favor. It was, and is, an admission by the plaintiff that none of these individuals did anything wrong," Marchesi said.

Marchesi did not represent former corrections officer Adam Grierson, who was convicted in August of gross sexual assault against the woman who filed the lawsuit. He said that Grierson's attorney would have been paid for through the insurance risk pool that represents Maine counties.

The woman's civil lawsuit against Grierson was dismissed on Sept. 24.

Attorney David Kreisler, who represented the woman, said he could not comment on the disposition of the case. Grierson's attorney John Wall III did not immediately respond to an email sent Friday morning seeking comment.

Marchesi said he does not know if the insurance pool paid a settlement to the woman in the Grierson civil case, but said he would expect if it did, it was minimal to avoid the costs of a civil trial.

Grierson pleaded no contest and was convicted Aug. 26 in Knox County Superior Court of one count of gross sexual assault. Justice John O'Neil sentenced Grierson, 27, to 15 months in jail with all but 60 days suspended followed by two years of probation.

Grierson's no contest plea allowed him to contest the civil lawsuit that was filed by the woman in federal court in July 2013.

Grierson's defense argued in a response to the civil lawsuit filed by the woman in federal court that she later acknowledged that the sexual encounters did not occur under any kind of threats

and there was no particular quid pro quo for the sex. In fact, according to Grierson's defense, the woman on a couple of occasions asked other inmates to create a distraction or stand lookout while the encounters took place.

Grierson already had been placed on administrative leave in 2012, after being accused of providing cigarettes to the woman. Following an internal investigation, he was charged with trafficking tobacco and he resigned in March 2012. The trafficking case later was dismissed.

The allegations of sexual assault did not come to light until the woman filed her civil rights lawsuit in July 2013. She sought \$300,000 in damages as well as unspecified punitive damages.

The Bangor Daily News is not naming the woman because she is considered a victim of sexual assault.

The woman, who was an inmate at Knox County Jail from November 2011 through April 2012, told Rockland police that in exchange for sex, Grierson provided her with cigarettes he smuggled into the nonsmoking facility. Grierson acknowledged the sexual encounters but denied it was in exchange for cigarettes. In Maine, it is a felony for corrections officers to sexually assault an inmate under their supervision.

This was the first of two criminal cases resulting from allegations that guards were sexually assaulting women at the jail.

Richard S. Wellington, 61, was indicted in April on two counts of unlawful sexual contact and 17 counts of unlawful sexual touching. The indictments list three different victims, with the assaults beginning in November 2012 and ending in August 2013.

He remains jailed until his trial is held.

*To reach a sexual assault advocate, call the Statewide Sexual Assault Crisis and Support Line at 800-871-7741, TTY 888-458-5599. This free and confidential 24-hour service is accessible from anywhere in Maine. Calls are automatically routed to the closest sexual violence service provider.*

<http://bangordailynews.com/2014/11/07/news/court-rules-in-favor-of-knox-county-in-lawsuit-by-female-inmate-who-was-sexually-assaulted-by-jail-guard/> printed on December 4, 2014

## Bill to ban shackling of pregnant women advances in Maine Legislature



Gabor Degre | BDN  
Anne Haskell, D-Portland. Buy Photo

By Mario Moretto, BDN Staff  
Posted April 24, 2015, at 2:07 p.m.

AUGUSTA, Maine — A measure to ban the shackling of incarcerated pregnant women won the approval of the Legislature's Criminal Justice Committee on Friday.

The bill, LD 1013, would allow for the shackling of pregnant women in Maine's jails and prisons only in extraordinary circumstances, and would require documentation whenever restraints are used.

The bill's sponsor, Sen. Anne Haskell, D-Portland, said that shackling increases a woman's chances of falling, down which can be dangerous for the mother and her fetus.

"Nowhere in the state of Maine should we be shackling pregnant woman, whether they are incarcerated or not," she said.

According to the American Civil Liberties Union, Maine is the only state in New England with no laws banning or limiting the practice of shackling pregnant women. Medical professionals, civil rights groups and advocates for women testified in favor of the legislation.



The Department of Corrections, however, opposed it, saying the state already had rules prohibiting the shackling of women in labor, delivery or postpartum recovery. The department also argued that its officials should be allowed to make individual decisions about shackling depending on how dangerous they perceive the particular inmate to be.

In a 7-to-4 vote, the committee gave the bill an “ought to pass” recommendation, sending it along to the full Senate for further votes.

Follow Mario Moretto on Twitter at [@riocarmine](https://twitter.com/riocarmine).

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## Where are all the high-ranking GOP women?



BDN file

Sen. Susan Collins

By Elise Viebeck, The Washington Post

Every woman in Congress has a story about being ignored by men. For Sen. Susan Collins, R-Maine, that story is about Donald Rumsfeld.

It was May 7, 2004, nine days after CBS News aired photos of U.S. soldiers mistreating naked and bloodied Iraqi prisoners at the Abu Ghraib prison near Baghdad. On Capitol Hill, where then-Defense Secretary Rumsfeld was called to answer for the misconduct, Collins asked in a hearing whether he regretted not disclosing and condemning the crimes upfront.

Rumsfeld fired back, suggesting Collins misunderstood the workings of the Pentagon. So she pressed him again: Why had the Pentagon focused on delaying CBS' airing of the photographs instead of Rumsfeld himself condemning the abuse?

By now visibly angry, Rumsfeld did what in 2004 lacked a precise term: He "mansplained" the incident to her until the time was up.

"It angered me that he blew off what I thought was a very central, legitimate question," Collins said in a recent interview. "I didn't think my question was unfair. I remember he would not look at me when I was asking the question. And I felt that indicated his total lack of respect."

Remley Johnson, Rumsfeld's chief of staff, said the former defense secretary had no comment.

But Johnson did. "If you ask me, [Collins] seems to flatter herself by suggesting that her impressions from all those years ago and largely imagined, could be related to anything other than her performance as a legislator," she said in an email.

Respect is something Republican women are fiercely debating after Donald Trump — who some critics have branded a misogynist — officially accepted the GOP presidential nomination in Cleveland last month. The business mogul has repeatedly described women he dislikes (Megyn Kelly, Rosie O'Donnell, Arianna Huffington and Bette Midler among them) as "slobs," "dogs" and "grotesque."

In more than a dozen interviews, Republican women generally shrugged their shoulders at Trump's comments. And polling shows the race for women voters is very close, though Trump has a large lead with men.

"Many of us wish he had not said some things," said Rep. Marsha Blackburn, R-Tennessee, recently. "My hope is that we're going to see a change of tone and a change of demeanor."

"But," she added, "when you've worked like I have in male-dominated environments for years, you many times push comments like that aside."

Sen. Shelly Moore Capito, R-West Virginia, has met with Trump and said she doesn't think he's a misogynist. But she told the business executive that "the intensity with which women are going to support you is going to be influenced by the way you talk about women and address their issues."

"I don't think it's the first time he's ever heard it," Capito said. "And I'm not sure how great an impact it made."

Trump's candidacy only deepens the difficulties for Republican women in Washington, whether in Congress, the lobbying world or political campaigns. Unlike their Democratic counterparts, Republican women have struggled to make lasting gains in leadership positions over the past decade.

In Congress, Republicans can boast only two additional female lawmakers and virtually no other women in high-ranking leadership roles compared with 2004, when Collins confronted Rumsfeld. Just one woman serves among the House's top four leadership positions, and no Republican woman holds a top-ranking leadership role in the Senate. And the presidential stage is not much better: Carly Fiorina was the lone GOP female White House hopeful this cycle in a group of 16 men. Among the 31 Republican governors, only three are women.

The picture is even bleaker given the rapid rise of women at nearly all levels of Democratic politics.

Today, the political left is embodied by women, with more than a dozen ranking Democrats on Capitol Hill, as well as figures such as Sen. Elizabeth Warren of Massachusetts, the party's progressive heroine, Rep. Nancy Pelosi, D-California, the former House speaker, and Hillary Clinton, the party's presidential nominee, serving as potent symbols for females in the party. If Democrats take both the White House and Congress in November, women would fill a larger number of positions in their top ranks.

Shauna Shames, an assistant professor of political science at Rutgers University at Camden, has identified multiple hurdles for Republican women in politics that don't exist for their Democratic peers. The two most troublesome, she said, are the purging of moderate Republicans through primaries and a less egalitarian party culture.

"The values are about individual rather than group-based concerns," Shames said of Republicans. "There's the idea that, if women are not in some place where they should be, they're not working hard enough. ... This doesn't necessarily impede women from running for office, but it means fewer efforts to recruit, train and cultivate them."

“There is a story that women are gaining ground in Congress, but it’s not entirely true,” she said. “If we are making progress, it’s only because of Democratic women.”

Rep. Lynn Jenkins, R-Kansas, who serves as vice chair of the Republican Conference, recalled a 2011 phone call among House Republicans in which the issue of women in leadership was discussed: “There was a female on the call who said, ‘We really need more women to be represented, to be out in front and carrying some of these bills.’ And [then-House Speaker John A.] Boehner said, ‘Well, if the ladies want to have some leadership role, then they need to start running for leadership positions.’ ... We don’t run for them. I think that’s what the speaker was saying at that time: ‘Nothing is going to be given to you because you’re a female. If you’re going to lead, then step up and lead.’”

That dearth of Republican women in powerful jobs means that those who succeed are sometimes viewed as tokens, elevated to burnish the party’s image even if their credentials are sterling.

It happens all over Washington. Michele Davis, a former aide to Rep. Dick Armey, R-Texas, and two-time assistant secretary at the Treasury Department, said she was described as a token in the early days of the George W. Bush administration.

The Weekly Standard’s Fred Barnes questioned the administration’s “insistence on women or minorities in high positions” in a 2001 piece and suggested the pursuit of diversity results in hires who are less qualified. Davis, then recently installed at the Treasury Department, was one of several women officials he mentioned by name.

“I called him and I was like, ‘I’m incredibly offended. You know me. You know my background. You know I know this subject matter,’” said Davis, now global head of corporate affairs at Morgan Stanley. “He was hugely apologetic on the phone. But it was a private apology. The piece was already out there.”

Fred Barnes, now the Standard’s executive editor, acknowledged in an email that he mentioned Davis, but said there was nothing derogatory about her in his piece.

“Just to be clear, I did not write that Michele Davis had been appointed over a more qualified male,” he wrote.

“[Davis’s] job was a difficult one, since her boss, [former Treasury Secretary] Paul O’Neill, was not well-liked at the White House. She did very well in that job. I did not criticize her in any way.”

Many of the dozen Republican women interviewed for this report said disrespect will not disappear until GOP women increase their hold on official levers of power: high-ranking political appointments, committee chairmanships, elected roles.

Florida Rep. Ileana Ros-Lehtinen, Congress’ longest serving Republican woman, was the only female GOP chair for about two years when she led the House Foreign Affairs Committee, leapfrogging more senior men to get there. In a recent interview, she called the rule limiting Republican committee leaders to six years as chair or ranking member “crazy.”

“You don’t set the agenda, you don’t move bills [as a ranking member],” she said. “I think it’s unfair. ... We need to look at those rules and see what we could do. Our GOP needs to do better.”

Rep. Candice S. Miller, R-Michigan, who leads the House Administration Committee as the chamber's only female chair, disagreed.

"If I hear anything on the other side of the aisle, it's grumbling — grumbling that they can't move up," she said, referring to Democrats' use of seniority for promotions. "In my opinion, politics is absolutely the last place seniority should be a determining factor."

House Speaker Paul Ryan's spokeswoman, R-Wisconsin, declined to comment on chairmanship term limits but noted there are five women in elected leadership positions in the House.

"The female members in the House Republican conference are strong, intelligent leaders who are helping drive our agenda. Speaker Ryan looks to these lawmakers for counsel and advice," AshLee Strong wrote in an email.

The numbers paint a clear picture of GOP women's relatively weak position.

In Congress, the number of Democratic women spiked in the early 1990s and has dramatically outpaced Republicans ever since. (Today, the ratio of Democrat to Republican female lawmakers is about 3 to 1.) In addition to their primary face in leadership, House Republican Conference Chair Cathy McMorris Rodgers of Washington, GOP women lead only two standing committees between the two chambers, including Miller's panel, whose chairman is appointed by the speaker.

Given this contrast, male GOP leaders often seem eager to showcase their female counterparts, particularly on subjects such as abortion, health care and the Zika virus.

"I was [treated differently] right away, even when I was running," Rep. Kristi L. Noem, R-South Dakota, said, noting that she received an immediate place at the leadership table when she arrived in the House. "I do know they were looking for someone who was maybe a little bit younger, that was a woman, that could articulate some Republican values."

Sen. Deb Fischer teared up while discussing the positive attention she receives from constituents — including children — as the first female senator from Nebraska. But she said she never talks about being a woman in politics.

"I don't think it's relevant, but it seems to be here [in Washington]," she said, bristling at being identified as a female senator. "I don't know if it's because the media focuses on it or if the women focus on it. I've kind of refused to. I don't think as women senators we always do ourselves favors by trying separate and be a group."

Katie Walsh, the 31-year-old chief of staff of the Republican National Committee, is aware she might be perceived as a token — though she said she and her boss, Reince Priebus, "never had that conversation."

"I'm in rooms sometimes where people say, 'Of course. The party had trouble with women in 2012, they lost young single women, and they needed to put a woman's face on the party to make it look like they were trying,'" said Walsh, the youngest person ever to hold her position.

Rep. Greg Walden, R-Oregon, chairman of the National Republican Congressional Committee, defended the GOP's efforts to diversify its ranks.

“I have made it a priority to recruit and elect candidates with diverse backgrounds, including women, and I am proud of our success in doing so,” Walden said in a statement.

But with Trump on the GOP ticket, it’s easy to think of 2016 as a difficult year for Republican women trying to expand their influence.

“There is not a ‘Welcome to the GOP’ kind of vibe,” Ros-Lehtinen said.

“If you’re a young female Hispanic, I can’t imagine that you would want to belong to the GOP,” she said. “I feel like we have a lot to worry about if we want to be a major party at the national level again.”

*Kelsey Snell contributed to this report.*



# Bangor woman to sue jail, former guard

By Renee Ordway  
Of the NEWS Staff

BANGOR — A Bangor woman who claims she was physically and sexually assaulted by a jail guard while she was an inmate in the Penobscot County Jail has sent notice to the county, the jail, and the former guard that she intends to file suit at the state and federal levels.

On behalf of Deborah Sinclair, Brewer attorney N. Laurence Willey Jr. filed the Tort Claim Notice

on Monday, notifying the county, jail, and former jail guard Carl Spencer of Old Town about Sinclair's intentions to file suit.

Willey also served notice to Hancock County claiming Sinclair was sentenced there and officials there transferred her to the Penobscot County Jail. Willey said he had not decided whether Hancock County would be included in any legal claim but served the notice in case he determined that the county was in any way culpable.

On Tuesday, Willey said his office was investigating what appeared to be a "pattern" of

## Assault claimed at Penobscot County facility

alleged improper conduct toward female inmates by Spencer and other Penobscot County Jail employees.

Spencer pleaded guilty to one count of assault on Sept. 24, in 3rd District Court in Bangor as a result of the incident, according to court documents.

The notice indicates that Sinclair, 29, is seeking \$2 million in compensatory damages and \$10 million in punitive damages.

Capt. Cheryl Gallant, who oversees operations at the Penobscot County Jail, said Tuesday that she could not comment on the charges because of the possible litigation. She said Spencer no longer

worked for the county, but would not elaborate on whether he was dismissed from his duties or resigned.

Sinclair was an inmate at Penobscot County Jail from March 23 to April 24, 1998. She was transferred there from Hancock County Jail, according to Willey. She was incarcerated for operating a motor vehicle after her license had been suspended.

Sinclair alleges she was physically and sexually assaulted by  
*See Lawsuit, B6, Col. 1*

## Bangor woman to sue county, jail, ex-guard

### *Lawsuit, from B1*

Spencer on a continual basis throughout her incarceration at Penobscot County Jail, while she was working as a trusty in the kitchen at the jail.

Sinclair further alleges that Spencer had behaved similarly to other female inmates in the past and that complaints made to jail officials about his behavior were ignored.

Spencer was charged criminally for assaulting Sinclair and was sentenced to 45 days with all but two days suspended and a \$500 fine when he pleaded guilty earlier this fall.

He also was sentenced to one year probation and ordered to undergo psychological screening, counseling and treatment, according to Willey.

On Tuesday, Willey said his office had conducted an investigation and said, "There appears to be a pattern of improper conduct by [Spencer] and other employees toward other female inmates."

Willey said his client may file suit in a state court for assault and negligence claims, but he said he also was exploring possible civil rights violations including the Federal Violence Against Women Act.

## Push for statewide vote on female genital mutilation ban begins in Maine

By Michael Shepherd, BDN Staff • July 19, 2018 4:28 pm

AUGUSTA, Maine — Conservatives backing a bill to ban female genital mutilation in Maine — including the outgoing state Senate majority leader — have launched a bid to put the issue that has been much-debated in the Legislature to voters in a June 2019 referendum.

The cultural practice that involves cutting or removing a girl's external genitals — usually between infancy and age 15 — is recognized internationally as a human rights violation, yet it has affected 200 million women in 30 African, Middle Eastern and Asian countries, according to the World Health Organization.

Female genital mutilation is already federally illegal in the United States, and 26 states have outlawed it, according to the Associated Press. It isn't banned explicitly in Maine, where dueling proposals to do that died amid a partisan battle in the Legislature earlier this year.

Backers took their first steps toward a referendum on the issue by creating a political action committee Wednesday that will raise money to support the initiative and then filing draft language for the proposed law with the Maine secretary of state's office Thursday.

It would make performing female genital mutilation or allowing it to be performed on girls younger than 18 a Class A felony, punishable by up to 30 years in prison and a \$50,000 fine. Mandated reporters would face a misdemeanor for knowingly failing to report a case. The bill would also direct the Maine Department of Health and Human Services to do outreach on the issue.

The effort is being led by Ben Trundy, a Republican operative who most recently served as political director for Maine Senate Majority Leader Garrett Mason's failed Republican gubernatorial campaign. Mason and his father, state Rep. Rick Mason, both of Lisbon Falls, signed onto the push as two of five Maine voters who must sponsor citizen initiatives.

Trundy said the group hopes to finish gathering signatures by year's end to get the question on the ballot in June 2019. Now, referendums need just over 61,000 signatures to make the ballot.

Maine prosecutors have said that it would be difficult to charge someone for female genital mutilation under current law. It's unclear how prevalent the practice is here. Since the 2000s, the state has seen an influx of immigrants from African countries, including Somalia, where UNICEF has said up to 98 percent of women have been affected.

A 2017 survey of Maine immigrants from African and Middle Eastern countries conducted by Partnerships for Health found that 70.5 percent deemed female genital mutilation harmful, saying men between the ages of 18 to 35 were more likely than older men to believe "cultural myths" around it.

# Lawsuit brought by female guard reaches settlement

**BY LEELA STOCKLEY**  
BDN STAFF

A lawsuit brought by a female prison guard at the Maine State Prison and the Bolduc Correctional Facility, both in Warren, against the Department of Corrections has been settled.

The suit, filed in U.S. District Court in Bangor by Autumn Dinsmore of Rockland last July, alleged that the Department of Corrections discriminated against her on basis of sex and sexual orientation and participated in harassment and retaliation against her.

The state reached a mutual agreement to settle the suit in a May 9 filing, according to the Courier-Gazette. However, the terms of the agreement had not been publicized as of Friday, May 13.

In the suit, Dinsmore sought unspecified damages and a change in the culture within the department, where she is one of a very few female correctional officers, the lawsuit said.

The lawsuit was filed

after the Maine Human Rights Commission in January 2021 and the Equal Employment Opportunity Commission in June 2021 found that the Department of Corrections engaged in unlawful sex discrimination and created a sex-based hostile work environment.

The Maine Human Rights Commission investigator's report concluded that the department "knew or should have known about the harassment" Dinsmore was subjected to "and did nothing to stop it; instead, [the department] contributed to the hostile environment by disciplining [Dinsmore] more harshly than her male coworkers."

The lawsuit alleged that the environment at the prison and prison farm is hostile to female correctional officers. Male officers and supervisors allegedly told Dinsmore and other female officers that women should not work at the prison.

Dinsmore was subjected to extra scrutiny, suspi-

cion and unwarranted discipline because of the stereotype that female correctional officers are romantically interested in the men incarcerated at the prison, the complaint said. At the same time, male officers allegedly made inappropriate sexual advances and sent sexual photos to Dinsmore, and they openly discussed trying to have sex with female officers without consequences.

Even though Dinsmore, who is gay, rebuffed these advances by her male coworkers, her sexual orientation was repeatedly questioned in the workplace, the lawsuit alleged. One of her supervisors told her that she just hadn't "found a real man" yet, and another supervisor told her male coworker on several occasions that he should try to sleep with her to "flip" her sexual orientation.

In addition, her supervisor and other officers openly used homophobic slurs and made homophobic jokes in Dinsmore's presence, the complaint said.

# Prison guard lawsuit settled for \$395K

**BY LEEA STOCKLEY**

BDN STAFF

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The state reached a mutual agreement to settle the suit in a May 9 filing, but the amount agreed upon was not released at that time.

On Tuesday, the state released the terms of the settlement, which includes a \$235,000 payout to Dinsmore and a \$160,000 payout to the law firm that represented the suit, according to the Courier-Gazette. The total payout amounts to \$395,000.

Per the terms of the settlement, neither party is permitted to further discuss the terms of the agreement.

In the suit, Dinsmore sought unspecified damages and a change in the culture within the department, where she is one of a very few female correctional officers, the lawsuit said.

The lawsuit was filed after the Maine Human Rights Commission in January 2021 and the Equal Employment Opportunity

*See Settled, Page B2*

# Settled

*Continued from Page B1*

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In addition, her supervisor and other officers openly used homophobic slurs and made homophobic jokes in Dinsmore's presence, the complaint said.

## Commission rules prison created hostile environment for female guard

Warren — The Maine Department of Corrections and Maine State Prison discriminated against a female corrections officer based on her gender, the Maine Human Rights Commission ruled.

The Commission voted 2-1 at its Jan. 11 meeting that there were reasonable grounds to believe the Corrections department and Maine State Prison created a hostile work environment and treated her differently because she was a woman.

"From almost the beginning of her employment she was subjected to comments from male coworkers about their low opinion of women working in the prison," the report from Human Rights investigator Kit Thomson Crossman stated.

The female corrections officer began working in the prison in February 2017. She filed the complaint with the Human Rights Commission in April 2019.

The investigator said the woman was asked if she chose the job "for a lawsuit or to fall in love." The female corrections officer was also told by a male corrections officer that female staff at the prison had a reputation for getting in trouble with prisoners.

She was frequently ordered by a male guard to work in a pod, where prisoners told her they were in love with her, even though a sergeant previously pulled her out of that pod for that reason.

"The sex-based comments were pervasive, and it appears that the attitudes of her coworkers led to Complainant being disciplined," the investigator found.

"For example, within a week of a disagreement with three male coworkers, at least one of whom made comments disparaging women working with male prisoners, those male coworkers reported Complainant for alleged over-familiarity with a prisoner after listening in on her conversations with the prisoner.

"Respondent knew or should have known about the harassment, and did nothing to stop it; instead, Respondent contributed to the hostile environment by disciplining Complainant more harshly than her male coworkers," according to the investigator's findings.

"Neither party asserts that the Complainant exercised perfect or even good judgment at every moment, or disputes that her conduct did sometimes violate DOC policy. However, the discipline issued to Complainant, for infractions for which her male colleagues received no or lesser discipline, and the general atmosphere at the prison support Complainant's allegation that she was discriminated against based on her sex," the investigator concluded.

The female guard has been harassed by a former prisoner, according to the investigator. The guard accessed the former prisoner's contact information in the prison's computer system so she could contact him to tell him to stop stalking her.

The prison administration found she violated the Department of Correction's policy for going into the computer system. She was given a two-week unpaid suspension.

Following the vote by the Jan. 11 vote of the Human Rights Commission, the Commission will try to have the two sides reach a settlement. If not, the matter could go to court.

Emails were sent Feb. 14 to the Maine Attorney General's Office, which represented the Corrections department and prison. The woman was represented by attorneys Shelby Leighton and Valerie Wicks.



## Report: 8 percent of Maine children have parent in prison

By KATHRYN SKELTON, Staff Writer

Monday, April 25, 2016 at 7:22 pm

Nearly 1 in 12 Maine children have a parent who has served time in prison or jail. That is above the national average and the highest rate in New England, according to a report out Monday by the Annie E. Casey Foundation.

"A Shared Sentence: The devastating toll of parental incarceration on kids, families and communities" ticks off the harsh side effects: the remaining parent having a hard time covering basic needs, frequent moves and, when it's a mother in jail, children who are more likely to live with grandparents or enter foster care.

Nationally, an average 7 percent of children have a parent who is serving time or has in the past. In Maine, it's 8 percent, or 20,000 children.

"That was surprising for a small state like Maine," said Claire Berkowitz, executive director of the Maine Children's Alliance. "It's something to pay attention to."

Amanda Woolford, director of women's programs for the Maine Correctional Center Women's Center in Windham, the only state prison for women, and the Southern Maine Re-Entry Center in Alfred, said progress has been made in just the past year in better connecting incarcerated moms with their children.

There are about 130 women in the prison, 68 in pre-release.

Through a peer-parenting program developed by Family Crisis Counseling in 2015 with a yearlong grant, women have started recording story books in a "Read to me, Mommy" program, sharing experiences and learning how to navigate the basics.

"Even help with, 'How do I make a phone call to my son's teacher to ask how he's doing in school, or 'Can I write a letter, is that appropriate?'" Woolford said. "One of the biggest (things) that comes out, (is) 'I feel like such a hypocrite when I tell my children to behave and be good while Mommy's gone, while Mommy's here because she wasn't so good.'

"It's kind of like AA for parenting," she said. "I was a crappy mom, or I'm a recovering crappy mom."

A year ago, they also started letting moms and children Skype.

"They can sit in real time (and discuss) 'This is what I did in school today,' 'Oh, let me see your homework.' 'What does the Christmas tree look like?' — that type of stuff we take for granted," Woolford said. "We knew that it would be a good thing, but I don't think we understood the impact it was going to have on them when we started doing it."

Jody Breton, deputy commissioner at the Maine Department of Corrections, said the state also offers classes in parenting, healthy relationships and InsideOut Dad, a national program for incarcerated fathers.

The Annie E. Casey report ends with several suggestions for change. Berkowitz said she'd like adequate drug treatment programming in Maine to keep people, in some cases, from landing in jail in the first place.

She'd also like to see Maine join the "ban the box" movement with 23 other states, eliminating the initial question about criminal history on job applications.

"That background check happens later in the process of hiring so that someone is not just left off of being considered because they once had an incarceration," Berkowitz said. "It opens up opportunity for people who are trying to change their lives" and give their children a more stable home once they're out of prison.

Crisis & Counseling Centers, based in Augusta, four years ago created a "Parenting and Caregiving After Prison" series for women in the York County Jail.

Next Monday, the agency will screen the Sesame Street program "Little Children, Big Challenges: Incarceration" at the Children's Discovery Museum in Augusta. Laurie Cavanaugh, regional parent support coordinator, said she's shown the Sesame Street video to the women in her after-prison series and has gotten eye-opening reactions.

"In the video, some of the children are teased from other kids and they have serious emotions around their parent being in jail," Cavanaugh said. "There (have) been some instances where parents haven't told their children where they are and after watching the video, they wanted to be totally open and honest with their kids.

"It's like they had a way to communicate with their kids what happened," she said. "They were in jail and, 'We're going to make the best of this, and we can still have a relationship, and I'm going to do better.'"

### **Children, parents and prison**

The numbers and rates of children in the U.S. and in New England who have or have had a parent in prison or jail, according to a new report from the Annie E. Casey Foundation:

United States: 5,113,000 (7 percent of the population)

Connecticut: 36,000 (5 percent)

Maine: 20,000 (8 percent)

Massachusetts: 69,000 (5 percent)

New Hampshire: 15,000 (5 percent)

Rhode Island: 5,000 (5 percent)

Vermont: 7,000 (6 percent)

# Female captain heads county jail

By ALAN CROWELL  
Staff Writer

AUGUSTA — Capt. Catherine Mesaric has no particular theory why women might be more upwardly mobile in corrections than in other law enforcement fields.

Mostly, it boils down to opportunity, she believes.

"I think there a lot more doors open for us," said Mesaric, who became administrator of the Kennebec County jail on Monday, 12 years after she started as a line officer in the same facility.

Mesaric is one of four female administrators in 15 county jails statewide. There are no female chief deputies of sheriff's offices — the equivalent of the job — in Maine's 16 counties.

Women, who have long been welcomed as corrections officers — partly because female officers are often preferred to guard female inmates — have worked their way up the ranks in the past decade or so to the top spots in county jails.

One reason there are more top female corrections officers is there are more female inmates, according to Linda Hannan, administrator of the Hancock County jail.

"It used to be there weren't that many female criminals and now there are," said Hannan.

More female inmates mean more female guards. More female guards can mean more work their way to the top.

Another explanation, and one that Mesaric favors, is that modern corrections has become a field where professionalism is prized, regardless

of sex.

It is not an easy job.

Corrections officers, armed only with their words for the most part, cope with people incarcerated for everything from murder to drunken driving. Often inmates are drunk or in crisis when they are taken to jail.

It is the task of the corrections officer to treat each inmate humanely despite incorrect inmate behavior.

"You get somebody spitting on you, throwing feces on you. Most people's reaction is to strike back," said Mesaric.

A good corrections officer needs an element of compassion, fear, self-discipline, and self-confidence, she said. Most of all they have to be able to communicate.

"The only tool the corrections officer has is the ability to communicate with these people in a rational way,"

she said.

Mesaric said the professionalism of a corrections officer can make the difference between warehousing an inmate and offering him or her a chance at rehabilitation.

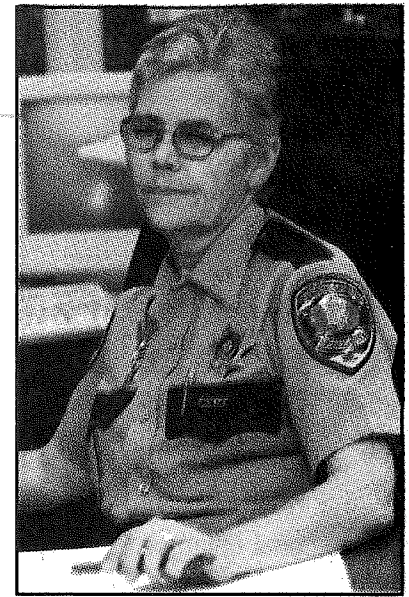
Inmates can take courses and earn their high-school equivalency certificate at the Kennebec County jail. Drug and alcohol counseling are offered.

"A lot of us quite frankly got into corrections and didn't even know what we were getting into. Corrections is a field you get into and you discover you can make a difference," said Mesaric.

It is a job often ignored by the public because it takes place behind closed doors.

Mesaric takes over a facility where

Please see JAIL, B2



Staff photo / ANDY MOLLOY

Capt. Catherine Mesaric is the new chief administrator of the Kennebec County jail in Augusta.

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## • Jail

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the inmate population routinely approaches and even passes the long-term capacity of 131. Starting pay for corrections officers is \$7.55 — the lowest of county jails in the state.

Turnover is between 30 and 40 percent a year.

Mesaric said one of her top goals is increased training for corrections officers — now two weeks at the Maine Criminal Justice Academy, compared with 12 weeks for municipal and county police and 24 weeks for State Police.

Her other goal is to see their pay increased, she said.

"In 12 years, (starting pay) has gone up \$2.30, that is pretty sad," she said.

Kennebec County Sheriff Bryan Lamoreau agreed, saying the gap between pay in Kennebec County and at other county jails has been too wide for too long.

Lamoreau said Mesaric has his respect and trust.

"I think she has been tested under fire so many times that she is part tempered steel and at the same time can be very compassionate," he said, adding that she also is exceptionally competent, professional and an effective communicator.

APR 24 1991

# Former county jail guard cleared in sex case

By Margaret Warner  
Of the NEWS Staff

A former Penobscot County Jail guard went free Tuesday after a Superior Court jury in Bangor cleared him of a charge that he had sex with an inmate in her cell two years ago.

"It's been two long years," said Michael Spencer as he left the courthouse.

The mother of Spencer's accuser, meanwhile, attributed the verdict to public opinion about violence against women and to her daughter's status as an inmate.

Spencer, 28, of Orrington went on trial Monday, charged with Class B gross sexual misconduct for allegedly having sex with Cheryl Ianozi in February 1989.

At the time, Ianozi was in the jail awaiting trial on a murder charge. A conviction for Spencer on the sex charge could have meant up to 10 years in prison.

His acquittal came only after the eight-woman, four-man jury indicated in midafternoon that it was having difficulty reaching a unanimous decision. Justice Robert Browne sent them back



**Michael Spencer**

to the jury room, and they returned with a verdict about 45 minutes later. Altogether, the deliberations took five hours.

Central to the prosecution was a written confession that Spencer signed in September 1989 after initially denying the allegations. He testified Monday that he signed the confession under pres-

sure from the Penobscot County investigator, James Wooster, and based his account on details he had gleaned from reading Ianozi's statement.

While Ianozi claimed that Spencer forced himself on her, Spencer maintained in the statement that Ianozi had seduced him. Even so, consent was not an issue in the case. Spencer was charged under a law forbidding people in certain supervisory positions from having sex with those in their care.

The defense, contending that Ianozi fabricated the allegations to build a case for a lawsuit against the jail, relied heavily on letters she had written before the alleged encounter, in which she talked about suing the jail.

The defense, presented by Norman S. Heitmann III, also maintained that Ianozi had obtained the testimony of one of her former cellmates by promising to pay for her male-to-female sex-change operation if she succeeded in her civil lawsuit.

Juror Robert Boynton of Millinocket said the jury was 10-2 in favor of acquittal when it first indicated its indecision to the court. He thought that Wooster, knowing Ianozi's side of the story, had elicited corroborating information from Spencer, whom he had known personally and professionally for several years.

"I think (Spencer) was very, very distraught," Boynton said outside the courthouse. "Two women can fabricate something

and put a man in jail."

Spencer, now a maintenance employee for the Penobscot Energy Recovery Co. in Orrington, said he would think about going back into law enforcement, but said he hadn't decided what to do with his future.

He questioned the handling of the case, saying Wooster didn't have the experience to investigate such crimes and that he should have taken himself off the case because of their longstanding friendship.

Ianozi was returned to prison in Rhode Island after testifying Monday, but her mother was in court when the verdict came.

"I'm a little bit disappointed about the verdict, but I'm very happy just to get it to go to trial," said Linda Ianozi, praising the prosecution by Deputy District Attorney Michael Roberts.

Outside the courthouse, Roberts said he had thought he had had a strong case, and was surprised at the jury's conclusion. But Heitmann said he had been confident that the defense could dismantle the credibility of the alleged victim.

Ianozi is serving a 16-year sentence after being convicted in 1989 of manslaughter in the shooting death of Benjamin Hanson Jr. at an Orono trailer park a year earlier.

Her lawsuit against Spencer, the sheriff's department and county government over the sex allegations is still pending.

## Maine women continue the fight for voting rights & fair treatment

Part II of our three-part series on the history of Maine's Women's Suffrage Movement



A 1912 photo of women at the J. B. Pearson Factory, which manufactured men's coats, pants and jackets in Thomaston. (Photo courtesy Thomaston Historical Society)

By Andy O'Brien

When Cynthia H. Crabtree Abbott of Hancock set out to do an errand at the local general store in September of 1869, she had no inkling that she would spend the next several days on the run after making a harrowing escape from an insane asylum. As she made her way down the road, two men suddenly overtook her, put her in handcuffs and forced her into a wagon. One identified himself as an officer from Ellsworth and the other was a man named Moore. Both of them were drunk and carried with them an ample supply of liquor for the 36-mile ride down the lonely road to Bangor as Cynthia trembled with fear.

*As soon as Cynthia was seated in the cars she insisted on knowing, and seeing, by what authority this officer had handcuffed and brought her away from her home by force. After some hard words, he condescended to permit the woman to read a certificate from a doctor in a neighboring town who was a stranger to her, wherein it was stated that this woman, Cynthia H. C. Abbott, was to be placed in the insane asylum in Augusta, by her husband, Ransom B. Abbott, until she had sound mind.*

After arriving at the asylum, she was placed in a ward "not fit for dogs to live in, among creatures who were, indeed, hopeless maniacs." She pleaded for a room to herself and permission to keep her clothes, stating that her husband had the resources to pay for comforts for her, but her requests were denied. Cynthia suggested that a doctor or the superintendent

should examine her to see for themselves whether she was a sane woman or not. But those requests were also unheeded. Finally, on the fourth day of her involuntary committal, she vowed to make her escape and saw her chance when she noticed an old fence while out for an afternoon stroll near the cemetery at the edge of the grounds. She kicked out a picket and made a dash for it, first over one hill and then up another, with two women from the asylum in hot pursuit. Suddenly, as Cynthia came to the edge of a thick forest, an attendant caught her dress and attempted to persuade her to return or face the consequences.

*All she said would not prevail with a woman who loved liberty; a struggle ensued, and Cynthia "straightened her out on the ground," saying, "If you do not leave me, I will bury you with rocks!" When the attendant found her adversary so determined, she left, no doubt, for assistance.*

Cynthia quickly fled into the woods and covered herself with tree branches. She soon heard voices coming closer, shouting, calling and firing what sounded like a pistol. For the next eight hours she concealed herself under the bed of branches until she heard the town bell strike 9 o'clock in the evening and she knew it was time to move on. She followed the same direction she had seen robins take earlier in the day, trekking through the tangled forest until she came upon a cow path illuminated by the moon. She walked the trail for miles, crossing farm fields, climbing over fences and following telegraph wires, growing more and more hungry and weary. She was startled by every little noise out of fear that she would be discovered and imprisoned again. Eventually, a local woman pitied her and let her stay in her home for a few days after Cynthia asked for a drink of water and recounted her tale of woe.

*Having walked over twelve miles on that memorable Saturday night, she spent Sunday with the kind stranger, who left her in charge of her household while she went to meeting. On Monday morning she set off again, and was overtaken by a stage coach on the road; begged her way to a friend's house in Rockland, where she knew she could obtain protection, money and sympathy.*

The above tale appeared in the form of a letter in the Nov. 11, 1869, issue of *The Revolution*, a newspaper run by feminist icons Susan B. Anthony and Elizabeth Cady Stanton. While the author is unknown, the message was clear, "An insane asylum is a *place* for a man to imprison his wife. Woman will be forced to arise and repeal the barbarous law, that makes a *married* woman a nonentity, and a mere chattel of her husband!!!"

Two years later, Cynthia and Ransom divorced and, eventually, in 1874, Maine finally required the certification of at least two "respectable" physicians before men and women could be committed to a mental asylum. It was just one of several laws that Maine women would have to fight for on the very long road to liberation that continues to this day. Some of the major landmark victories for Maine women also included the 1844 law that allowed women the right to own their own property and an 1854 law giving married women the rights to their own wages. Still, the most bitterly fought struggle would be in the battle for the right to vote and hold elected office. And it would be another 50 years after Cynthia made her dramatic escape to freedom before that battle was won.

### **Maine Women's Rights Advocates Take It to Augusta**

After the failure of women's advocates to secure universal suffrage in the 15th Amendment in 1869, many longtime suffragists felt demoralized. But they weren't about to give up the fight to have a voice in government. And it was clear that traditional attitudes of a woman's role in

society were changing. A year earlier, the first woman was elected to a Maine school board. In response to a public backlash, Republican Llewellyn A. Wadsworth of Hiram defended his decision to initiate the move to elect a woman to the board because “capability should outweigh the question of sex.”

“I put the question, why should a lady who has taught thirty schools be considered less suitable for the office of school committee than the undersigned, who has taught but two, or scores of men who never taught school at all?” he asked in a letter to the Portland Press Herald. “Females have more and better influence than males, and under their instruction our schools have been improving for some years. There is less kicking and cudgeling, and more attention is given to that best of all rules, ‘The Golden Rule.’ If they are more efficient as teachers is it not fair to presume that they would excel as committees?”

Meanwhile, as suffrage activity heated up on the national level, local women’s suffragists began regrouping in the early 1870s, and for the rest of the century they led petition drives to persuade the Legislature to grant them the right to the ballot. In 1872, Susan B. Anthony and 15 other women decided to take direct action by getting arrested for trying to vote in the 1872 presidential election. Black women’s rights leader Sojourner Truth was also turned away at a polling booth in Michigan after demanding a ballot. But in Maine, suffragists appear to have been a little more conservative in their approach.

In 1870, the renowned Portland author John Neal, a longtime advocate for women’s voting rights, founded a suffrage society in Portland. And in November of 1871, Mary Livermore, future president of the Association for Advancement of Women and the American Woman Suffrage Association, gave a rousing lecture to the “general satisfaction” of 1,000 people gathered to hear her speak there. Months later, women from Rockland and Portland, led by famed underground railroad conductor Lydia Louisa Neal Dennett, sent the first suffrage petition to the Legislature since 1857. Unfortunately, the bill was defeated in the Maine House, 52-41, and the Senate voted it down 15 to 8. It wouldn’t be the first time, as different versions of the bill would be submitted, rejected and resubmitted for several decades to come. Writing to *Woman’s Journal* in March of 1872, a suffragist with the pen name “Patience Commonsense” vented about the Legislature’s decision to unceremoniously reject the bill.

“I think the smallness of the vote was owing to the indifference of some of the members and the determination of a few to kill the bill,” she wrote. “Day after day, when the session was drawing to a close, women went to the state house expecting to hear the question debated. Wednesday every available place was filled with educated women. The day was spent — if I should say how, my criticism might be too severe. Gentlemen from Thomaston, Biddeford, Burlington and Waldoborough had the floor most of the time during the afternoon. In the evening, while those same women and some of the members of the legislature were attending a concert, the bill was taken up and voted upon, *without any discussion whatsoever*. Now, I submit to any fair-minded person if this was right.”

She added that one particularly vocal anti-suffragist representative from Calais was said to be running for Congress and she encouraged women to do all they can to see that he was not elected. “There is a throne behind a throne,” Patience added. “Let woman be regal in the background, where she must stand for the present, in Maine.”

### **Campbell Canvasses the Midcoast**

One of the most effective suffrage organizers in Maine was Margaret Campbell, a native of Hancock County who canvassed several towns throughout the state for the New England Suffrage Association. In 1871, Campbell gave lectures in Belfast, Montville Center and before a “large and intelligent audience in the town of Freedom.” One witness from Freedom would write of the event in *Woman’s Journal* in April, 1871:

“The house was well filled with intelligent men and women from this and the adjoining towns. The lecture was well received. I never saw a more attentive audience. People more desirous of information could not be found. They caught every word, and remained anxious for more, not satisfied to go when the hour of adjournment arrived. All that is wanting here is agitation, and comparatively little effort will do a great work.”

The following year, Campbell lectured up and down the coast from Bath and Damariscotta to Rockland, Camden, Belfast and beyond. In a November 1872 dispatch to *Woman's Journal*, Campbell didn't expect to get “too much sympathy” for the cause in Damariscotta, but an elderly gentleman, who incidentally was opposed to women's suffrage, entertained her at his house, helped set up a meeting of “orderly, intelligent people” for her and even paid for her use of the hall. He even sent her on her way “with the assurance that I should have a cordial welcome in that place at any time I could come and speak to them,” she wrote. “I think such opponents are very desirable.”

When Campbell took the Knox-Lincoln Railroad up to Rockland for her next lecture at the First Universalist Church, she found “many warm friends of the cause” who pledged to work for its advancement. At the time, many women's rights advocates were Universalists, and the church in Rockland, led by its pastor Albert H. Sweetser, was a hotbed of suffrage activity. Unfortunately, Campbell's horses came down with a highly contagious strain of horse distemper that was plaguing Rockland at the time, so she was forced to borrow a team from Lucy Snow's husband George to catch the next leg of her tour at the Methodist Church in Camden.

“There also, I found a few believers; one of them, an old lady, said to me after the meeting — ‘I am glad you had the courage to come to Camden to speak the truth,’” wrote Campbell. “I was assured a cordial welcome, and a fair hearing if I should ever come to their town again.” Unfortunately, with a sick horse, it took her five hours to make the 18-mile trek to Belfast, followed by a stop at the Methodist Episcopal Church in Searsport. Due to fears of a smallpox outbreak, the crowd was small in Belfast, and Campbell got into a heated exchange with William R. Rust, the editor of the *Progressive Age Bulletin*, a Republican newspaper that often clashed with the Democratic-leaning *Republican Journal*. While the RJ strongly supported women's suffrage, Campbell found that *Progressive Age* was “not nearly so progressive” as the other paper.

“What disabilities women labored under in Maine, that they should wish to vote?” asked Rust. “If any man in his position did not know what disabilities women labored under, the first, and most consistent thing he could do was to inform himself,” Campbell replied curtly. She acknowledged that Maine's laws protecting women were more progressive than other states, but she also pointed out that even Maine had not yet given mothers the same child custody rights as fathers.

### **Maine Woman Suffrage Association Launches**

With interest in equal suffrage growing rapidly in rural Maine, suffragists decided it was time to start a statewide organization. On February 8, 1873, more than a thousand women's suffragists from around the state gathered at Granite Hall in Augusta for the founding of the Maine Woman Suffrage Association. Speaking to the crowd of activists, Lucy Stone and Julia Ward Howe encouraged them to continue the fight in Augusta for a suffrage amendment.

“We are engaged in a work that enlists the sympathies of Heaven,” said Howe. “The tree of prejudice must be cut down, and women and men in this country made sovereigns alike.” Stone told women to never doubt their ability to “do their part” in government.

“We have to wait long and patiently in this matter,” she said, “sow the seed and water the tender plant carefully and often. As the buds that will burst forth in beauty, next May, were



formed in the June previous, so the bud of equal justice to women has been formed, and will expand in due course of time.”

Contingents from Belfast and Rockland attended, including Rev. Sweetser, who would serve as a vice president of the state organization, as well as Lucy A. Snow and her husband George Larkin Snow, who served as its secretary. Miss A. Hicks of Belfast served on the organization committee and Mrs. Swan of Rockland was on the committee on resolutions. Eliza A. Dickerson of Belfast, wife of Supreme Court Justice Jonathan G. Dickerson, would also serve as an officer in the association. Thomaston women Jane Watts and Caroline Gould Rice, wife of Thomaston Prison Warden Warren W. Rice and a well-known advocate for the welfare of prison convicts, would later serve on the organization’s executive committee.

It wasn’t long before newspaper editors began to take notice. The Camden Herald, the Republican Journal and the Rockland Gazette all wrote editorials supporting women’s suffrage. In an editorial dated Jan. 30, 1873, the Republican Journal argued that although women could now own property, they were barred from having a voice in the laws that regulate the management and taxation of that property.

“As the law now exists, the classes that are allowed to hold property, and are denied the ballot, are minors, idiots, lunatics, criminals and women!” the editor wrote. “Women as a class are much more economical than men. Their habits of life, and often necessity, teach them to study the art of saving, and of making a little go a long way. Is it not possible that this faculty, brought to bear upon the public expenses, with the hope of reducing taxation, might have a beneficial effect?”

In 1873, several of the small towns that Margaret Campbell visited the previous fall submitted petitions to the Legislature for a suffrage amendment. Over in Belfast, Eliza Dickerson and Mrs. R. A. Banks collected 24 signatures while Lucy Snow gathered 83 signatures from Rockland women and Mrs. Mary E. Bean signed up 50 women from Liberty and Montville. By this time, the demographic of the petitioners had widened to include older women, young female professionals and a few men, notes Niagara University Professor Shannon Risk in her 2009 doctoral thesis on the Maine suffrage movement. And the vote in the Legislature was much closer — the Senate split 14-14 while the House narrowly voted it down 62-69. Then 1874 saw the founding of the Woman’s Christian Temperance Union, which became a driving force in the suffrage movement, with chapters all over the state, including Rockland and Belfast. However, the involvement of temperance crusaders made the liquor lobby and its allies in the Democratic Party nervous, and they would begin to work against suffrage as the movement gained momentum.

By 1874, Campbell’s lecture circuit proved to be an extremely effective organizing tool, with over 1,600 people, mostly from the eastern part of the state, signing petitions. The Republican Journal noted the sheer number of influential people who signed the petitions, including three former Belfast mayors, judges, leading lawyers, physicians, shipbuilders and bank presidents as well as the editors of the Republican Journal, the Rockland Free Press and the Rockland Gazette. Several legislators and former Governor Anson P. Morrill, who was first elected in 1854 on the anti-Catholic Know-Nothing ticket, had also come out strongly in support of suffrage.

“It will be seen from these facts,” wrote the Republican Journal, “... that it can no longer be truthfully said that the ballot is demanded for women only by a few restless agitators who busy themselves in advocating it for want of other occupation. The cause has now taken so firm a hold on the masses of the people and so enlisted the interest of persons in all stations, that it cannot be safely ignored or slighted by the most wary politician. With the press of the State almost a unit in its favor and so strong a popular support Maine should be the first State to remove political disabilities from woman.”

But even though the reform-minded elites may have led the charge, lawmakers were not on

board with the idea of women getting involved in the dirty business of politics, and the bills became a running joke in the legislature. Eliza Dickerson, who served as a delegate at the national convention, would often express her thoughts on the struggle in the pages of *Woman's Journal* throughout the 1870s.

“A hundred generations of prejudice cannot be met and conquered by one generation of enlightenment,” she wrote in one letter dated Feb. 27, 1875. “True as it is, that the daughters of Maine are legally and politically inferior to the sons of Maine, and have fewer opportunities for culture or progress. Still, have we not a hundred fold better than our grandmothers had, and is not that something to be thankful for? Especially with a fair prospect of enfranchisement which, in the estimation of good judges, is merely a question of time. Hic et ubique.”

Dickerson would prove herself to be a pioneer in the local women's rights movement when she was elected to the Belfast School Committee in 1875 and as chairman a year later.

### **Professional Women Move Into the Workforce**

When *Woman's Journal* traveled to Maine in the summer of 1870, what immediately struck the writers was the sheer amount of wasted talent of so many bright women who were locked out of higher pursuits.

“Everywhere in Maine — in Bangor, Augusta, Hallowell, Gardiner, Bath, Brunswick, Waterville, Mechanics' Falls — everywhere that we went, in large towns and cities, we were impressed with the great numbers of superior, well-educated, executive women we found, who are doing comparatively nothing,” they wrote in the Sept. 3, 1870 issue. “A little piano, a little housework, a good deal of useless fine sewing and needlework, a good deal of miserable, unsatisfactory calling and tea-drinking, a good deal of the details of Sunday school and church work, a good deal of literature, frequently of high order, and a good deal of sitting in wearisome ennui, wishing there was something more absorbing and satisfying in life.”

But throughout the 1870s, Maine women began breaking glass ceilings left and right. In 1871, Colby and Bates colleges officially opened their doors to women, although Bowdoin wouldn't follow suit until 100 years later, despite its president, former Governor Joshua Chamberlain, expressing support for admitting women in his 1871 inaugural address. A year later, Clara Hapgood Nash of Columbia Falls, who was the first woman admitted to the bar of New England, was also admitted to the Maine bar. And the year after that, Maine Methodists ordained a female minister, the first woman was commissioned by the governor to solemnize marriages, and another was appointed registrar of deeds, according to the “History of Woman Suffrage.” Searsport became one of the first towns to hire a female superintendent in 1874. In 1872, the conservative *Maine Farmer*, a popular rural publication, noted the change afoot. “Only a few years ago woman's labor was almost exclusively confined to housework and the care of the household, and it was not considered necessary to educate her for any higher sphere of duty,” it wrote. “. . . How all of this has changed. . . The American girl has left the kitchen and will never go back. . . The right of suffrage is the only right which is now denied them, and they are clamoring to-day for that.”

### **Working Women Join the Labor Movement**

By the 1880s, many Maine workers realized that capitalists would never share in the fruits of their labor unless they unionized and demanded their fair share. The Knights of Labor rapidly became the largest union in the state, with 28,000 members in 1887. The Knights allowed not only skilled and unskilled workers to join their ranks, but also farmers and even some small businessmen as long as they were engaged in “honorable toil,” as opposed to the big bankers and corporations that reigned supreme during the Gilded Age. The Knights' ultimate goal was

to transcend capitalism by replacing it with a system of worker cooperatives, but they were also quite socially progressive for the time, organizing women and blacks as well as supporting equal pay and women's suffrage. As Portland's Eastern Argus noted at the time, the Knights were the first secret organization to promote equality for women and men. "In all local assemblies women are put on an equal footing with men in speaking, voting, holding office and all other things," it wrote. "Indeed, a large part of the offices are filled and well filled, by women. They make the best of members — earnest, faithful and enthusiastic. Rainy, muddy nights when the men stay at home the women turn out in full force, good-natured and earnest. It is an old proverb that there are black sheep in every flock. But I never heard of a woman traitor in the Knights of Labor, though of course stronger influences are brought to bear than in other secret orders."

The Knights were very popular among quarry workers in the midcoast, with branches in Rockland, Thomaston, Vinalhaven and Lincolnville during the 1880s. In the election of 1886, the midcoast sent three of the four Knights of Labor members elected to the Legislature that year, including Republican House members Thomas Lyons of Vinalhaven and John H. Eells of Camden and Democratic Senator Stephen J. Gushee of Appleton. In 1887, one of the most important victories of the Knights in Maine was successfully lobbying the Maine Legislature to create the Bureau of Industrial and Labor Statistics, which examined the working conditions of both women and men to inform labor law.

During the 1880s the number of women in the workforce steadily increased from 14.5 percent in 1880 to nearly 21 percent 30 years later, with the majority in domestic service and mill work, according to labor historian Carol Toner. Flora Haines, who was hired by Maine Commissioner of Labor to investigate working conditions for female workers, reported a litany of workplace safety complaints, including fire hazards, poor ventilation, toxic chemicals, contaminated water, extreme temperatures and a lack of separate bathrooms for women. And while the state eventually passed a 10-hour workday law in 1887, Toner writes that employers often used loopholes in the law to pressure women to work longer. But in those accounts Haines collected, there is also evidence that some working women were ready to make a stand for equal pay, better working conditions and fewer hours.

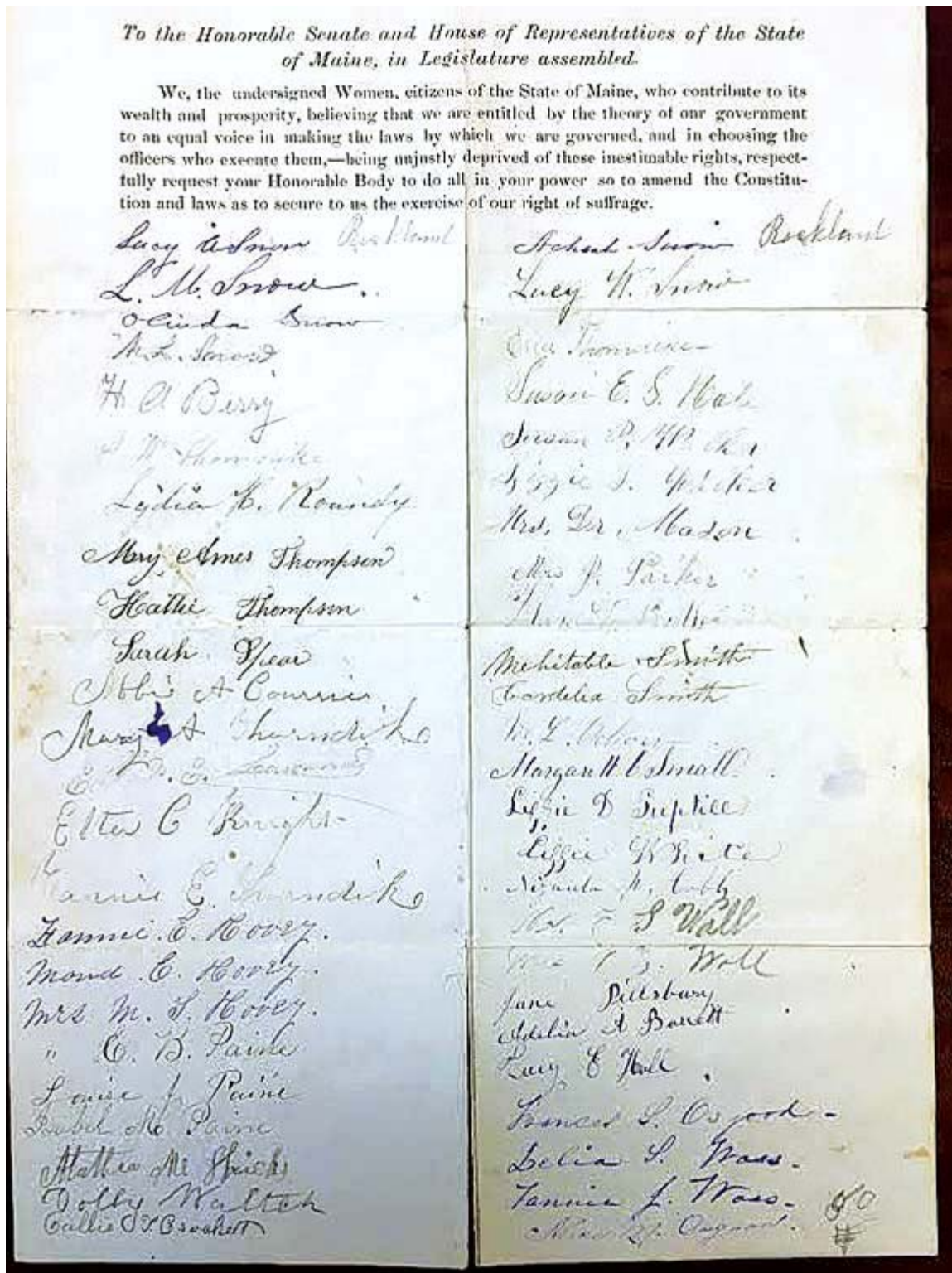
"I like my employer very much but think he could pay better wages for female labor, and if we should organize I believe we could get it," said one shoe worker in an 1892 report. "Where there are unions the wages are always better, I have noticed that, and I would join a union the first one [even] if I lost my place for it."

During the same period, labor unrest exploded, with 73 strikes involving 6,826 workers, including 2,000 women. However, Toner notes the Maine Legislature became less responsive to the needs of labor, particularly women workers, after the precipitous decline of the Knights of Labor in the late 1880s. And while women constituted 10 percent of the Knights membership, female workers were largely excluded from the conservative American Federation of Labor, which took in many of the skilled workers who had been members of the Knights.

But the more radical unions like the Industrial Workers of the World were open to women. One of the most notable women in Maine labor history is a sewer named Mamie Bilodeau who was dismissed in January 1907 for organizing a IWW branch at the Marston Worsted Mill in Skowhegan. Soon 225 workers walked off the job in solidarity with Bilodeau and other fired IWW members. The Wobblies demanded that the company reinstate the dismissed workers, abolish fines for imperfect work and fire the foreman Charles North who fired the IWW members. The IWW's paper the Industrial Bulletin wrote that North used "the vilest, most obscene and insulting epithets in the vocabulary of degeneracy, towards women and girls in his department." After a 12-week strike, the union eventually won a few of its demands

in spite of an effort by the AFL to scab the striking women. But the company refused to set up a grievance committee or get rid of North.

Nevertheless, the lesson was clear that working conditions for women wouldn't improve substantially unless they got organized. Unfortunately, writes Toner, "It took the late 1960s women's movement to elevate most unions to the paltry levels achieved by the Knights in the 1880s."



An 1873 petition to the Maine Legislature from Rockland women requesting the right to vote (Image courtesy of the Maine State Archives)

## They petitioned, they protested, they went to jail & they won

The final installment in our series on the history of the women's suffrage movement in Maine



Maine Governor Carl E. Milliken signs a legislative resolution to hold a special election on September 10, 1917, on a state constitutional amendment to grant women the right to vote in Maine (Seated from left: Mrs. Henry Cobb, Mrs. Carl E. Milliken, Governor Carl E. Milliken, Deborah Knox Livingstone. Standing from left: Florence Brooks Whitehouse, Charles Milliken, Mrs. Guy P. Gannett, Mrs. Arthur T. Balentine and Mrs. William R. Pattangall) (Photo Courtesy of Maine Historical Society)

By Andy O'Brien

As the 19th century drew to a close, Maine suffragists continued to push for the right of women to vote, but it wasn't easy dealing with an intractable state Legislature full of men who were either indifferent or downright hostile to the cause. Throughout the 1880s, Lucy and Lavinia Snow of Rockland, who were some of the first active suffragists in the state, continued to present petitions to the Legislature and Congress. But as they grew older, the Snows gradually disappeared from any mention in the Maine Woman Suffrage Association (MWSA) notes, and they submitted their last suffrage petition in 1887. By that time the Snow sisters had been at it for 20 years and it was time to pass the baton to the younger generation.

The movement got a huge boost in 1890 when the National Woman Suffrage Association and the American Woman Suffrage Association finally buried the hatchet over the acrimonious 15th Amendment debates of the late 1860s. They united under the banner of the National

American Woman Suffrage Association, with Elizabeth Cady Stanton, Susan B. Anthony and Lucy Stone as its top officers. The “gay '90s” were a remarkably successful decade for the movement, as Wyoming, Colorado and Idaho became the first three states to enfranchise women.

And back in the rock-solid Republican state of Maine, GOP leaders began to come around to the idea that enfranchising women might actually help the party. After all, when women were allowed to vote in school board elections in Boston in 1893, all of the members nominated by Republicans won by a comfortable margin even as Democrats won by an equally large majority in the rest of the elections that women weren’t allowed to vote in. But even with overwhelming Republican majorities in the Legislature, the suffrage amendment still didn’t have enough votes to meet the two-thirds vote threshold to pass over the objections of Democrats and their allies in the liquor lobby.

Nevertheless, every February, women wearing white ribbons continued to descend on the State House to once again plead for equal suffrage. After one such occasion in February 1895, the Republican Journal doubted that Augusta had “ever entertained before in a single day so many bright and earnest women.” Supporters of a bill to allow women to vote in municipal elections overflowed from the Legislature’s Judiciary Committee and into the halls that day.

“The ladies were given the freedom of the State House, and talk of suffrage and new bonnets mingled with the arguments and tobacco smoke of the lobbies and rotunda,” wrote one witness.

Belfast socialite Charlotte Thorndike Sibley — who was known throughout the Northeast for her famous lectures about her travels to Europe, Africa and the Far East — gave the address, and a designated representative from every county in the state delivered testimony in support of the bill. Representing Knox County, Mrs. R. C. Hall said that the ballot represented physical strength to a woman, while Miss Emily F. Miller of Searsmont argued that “taxation without representation is tyranny.” S. F. Winslow of Waldoborough strove to assure the men on the committee that equal suffrage “would not lessen the esteem for men, for power engenders respect.”

Female professionals also became leading lights in the movement. In 1899, Helen Knowlton of Rockland became the second woman lawyer in the state after Clara Nash of Cherryfield. Maine Supreme Judicial Court Justice Lucilius Emery, who opposed equal suffrage, said that Knowlton’s law exam was the best he had ever seen. While the Woman’s Christian Temperance Union was the first organization to really get behind suffrage, the Federation of Women’s Clubs, which was founded in 1892, had also become a strong advocate for the cause. At the federation’s annual meeting in Rockland in 1900, members discussed several political issues, including curfew laws and getting women elected to school boards and boards of selectmen.

The Grange, which was extremely popular with farmers in rural Maine, was one of the only fraternal groups that allowed women members, and as early as 1893, the Knox and Lincoln Pomona Grangers discussed women’s suffrage as an inevitability. In 1902, the Maine State Grange joined the call for the right of women to vote in municipal elections.

“There can be no consistent democracy with a half of the people sovereign and half subject, and I do not know any influence so far reaching and effective in uplifting humanity as a good woman,” said State Grange Master Obidiah Gardner of Rockland, a Democrat who served one term as a U.S. Senator from 1911 to 1913. “I used to be an anti of the strongest type, but I travelled through the western states and became a convert to suffrage. The influence of women in the Grange has held the organizations together.”

Suffragists rejoiced that such a powerful rural Maine organization had joined them, but the measure was nevertheless voted down that year. The Grange was generally more of a social club than an activist group, and sometimes its influence in shaping politics was overstated.

“There can be no question, in consideration of the great influence of the Grange, that we shall get our two-thirds majority in the House next winter,” announced Helen Bates, president of the MWSA, to *Woman’s Journal* in 1913.

But the bill was also voted down in 1914. That same year, the Men’s Equal Suffrage League of Maine held its first meeting in Portland with Robert Treat Whitehouse, a former U.S. district attorney and husband of suffragist Florence Brooks Whitehouse, as its first president, and several prominent Republicans and Democrats serving as officers.

## **The Radical Rural Women of the Midcoast**

As the movement grew, MWSA also became much more urban-centered, with most of its officers from Portland and southern Maine, unlike in the 1870s when several midcoast residents served in leading roles in the organization. But back in the midcoast, women were still engaged in the women’s rights debate, and some of them took a much more radical approach than their bourgeoisie counterparts. In response to the massive concentration of wealth in the hands of a few plutocrats, the Socialist Party of Maine was founded in Rockland with the goal of overthrowing capitalism and putting the means of production in the hands of working people. Socialists founded three party locals in Rockland, along with others in Belfast, Searsport, Lincolnville and Camden. The party’s platform called for political, social and economic equality for women, but “the reality of socialist behavior often belied their noble declarations,” writes labor historian Charlie Scontras.

In his book “The Socialist Alternative: Utopian Experiments and the Socialist Party of Maine, 1895 –1914,” Scontras cites party propaganda to suggest that women were not treated as equals under the common male perception that they lacked organizational talent and were “useful only to make cakes for tea parties” or “fancy things to sell at fairs for raising funds.” Sometimes women were even used as “attractions” to entice men to join the organization. Not surprisingly, there were just 2,000 dues-paying women out of 50,000 Socialists in 1909. But after women in the national party began speaking out about the way they were treated, the party formed the National Woman’s Committee in 1907 to recruit more women.

Georgie J. Whitten of Searsport, who hailed from the Nickerson clan, became Maine’s National Woman’s Committee correspondent in 1913, and she quickly began recruiting members, most of whom were Nickersons. Henrietta Nickerson, Vera Nickerson and Kate Nickerson would run the Searsport, West Searsport, and East Belfast locals. Down the coast, other Socialist women also started locals, including Susie M. Flye of Thomaston and Comrade Waterman of Camden. For these radical women, it was about combatting both class and gender oppression.

“The women made it clear that they were not only asking for economic rights, but for political rights as well,” writes Dr. Mazie Hough, a history professor at University of Maine. “All women, the analysis went, are dependent on men for their economic survival. If they don’t marry, and need therefore to earn for themselves, their low wages may quickly drive them into prostitution (another form of dependence on men). Under the present economic system, the socialist women argued, there is no distinction between women wage earners and housewives — except that the housewife does not receive a salary.”

What is particularly intriguing about this seldom explored local movement is how these geographically isolated Maine women became attracted to such radical ideas that are so often associated with big urban centers. Through interviews with their descendants, Hough found that most of them were native Mainers, were married, had more than six children and were



Searsport Socialist Georgie J. Whitten with her family

the daughters or wives of farmers. Many of them were also members of the Grange. Whitten's niece, Margaret Clements, described her aunt as "very outspoken and told men that they were to blame for all the sorrows of the world and that they couldn't put them off onto Eve. She was a wonderful talker." Her father was a farmer who was mortally wounded in the Civil War and she had five children, but two died at a young age. When her husband, Henry, fell ill, Whitten was forced to support her family as a seamstress.

"But later," Clements told Hough, "all she did was write. She thought that was her work. She wrote letters to officials, friends and fellow Socialists, promoting the issues that most concerned her. She also wrote poetry."

Women's suffrage was a major topic of conversation at meetings, but they also discussed child labor and the need for parcel post, which would allow farmers to more cheaply order and send products. The local also gathered signatures for suffrage petitions, took up collections for various progressive causes, organized lectures and sent letters of support for Mother Jones, who was organizing mine workers in West Virginia. But Socialist meetings were not just about politics. It was also a chance for farm wives and their families to get out of the house and socialize. Clements recalled reciting poems at the West Searsport local's meetings while her cousins played the violin and sang.

"This was a social thing as much as anything," Hough told *The Free Press*. "It didn't mean that they didn't believe in what they were gathering to talk about, but there wasn't much going on for smart women in the rural areas that they could be part of, which was a lot of the draw."

Ethel Twombly and Eliza T. Clements were two Socialists in Monroe whose husbands ran the Grange's cooperative store. Ethel's daughter, Helen McAleny, told Hough that her parents were avid readers and the house was filled with books and magazines, including Balzac, Voltaire, *The Nation* and the *New Republic*. She said that her parents used to ride the electric cars to Knox County where "there was a hotbed of socialism." Around that time, two



Thomaston women Socialists, Clara Theresa Sawyer and Mary A. Rogers, founded the Progressive Social Club of Knox County to spread the word. But their spouses were not so progressive, and Sawyer's husband, William O. Rogers, even served in the Legislature as a Republican from Rockland.

After the 19th Amendment passed, Ethel Twombly was the first woman in Monroe to vote and hold elected office. Georgie J. Whitten continued to champion various progressive causes, but she was reportedly saddened that she no longer had an outlet in the party, which ended up folding during World War I. Whitten continued to campaign for the government to pay mothers for their household labor and she also advocated for a law allowing women to vote through the mail from home, which she called the "universal written referendum suffrage." In a 1918 letter to national party executive secretary Adolph Germer, she argued that Socialists can't recruit members unless they organize women, "for the mothers are all the organizers there are in the world, and that is why you have no democracy, and never will have till you unite with home-tied mothers by universal written referendum suffrage."

Opponents of suffrage would often argue that giving women the right to vote would lead to socialism. While in hindsight the argument doesn't exactly hold up, mainstream suffragists also recognized the important role radical women played in the movement. In a 1912 Woman's Day address, MWSA President Helen N. Bates expressed her indebtedness to the Socialist Party "as the only party that advocates for the right of women to vote."

### **The Anti-Suffragists**

As the momentum for reform grew, a backlash also began to emerge. Anti-suffragists sent their own remonstrances to the Legislature in 1887, 1889 and 1897. And at one of the annual Suffrage Days at Ocean Park in Old Orchard Beach in 1909, one of the speakers, E. L. Lowell, reported to Woman's Journal about a loud group of disorderly young men who disrupted the meeting. At one point one of them asked the group how conditions would improve if women got the right to vote since women supported prohibition laws, which "were not and could not be enforced." Lowell said she showed her "mother instinct" to command the attention of the young men.

"You can reckon I laid that objection out in about two minutes," she wrote, "for which I got great applause when I thanked him for admitting the weakness of his own sex, and told him that the men of Maine had better call out the reserves, the women adding that they would enforce some of the laws, if they had to call out the militia."

Then in 1911, the National Association Opposed to Woman Suffrage (NAOWS) was founded, followed by the Maine Association Opposed to Suffrage for Women (MAOSW) two years later. According to the Maine Historical Society, the Maine chapter gained nearly 2,000 female members between 1913 and 1917.

"These women were most often from an elite class and often believed in a Victorian 'cult of womanhood,' including separate spheres for men and women and the sanctity of the home," the Historical Society writes on its website. "A number of suffrage supporters also were from the elite class and similarly believed in separate spheres for men and women, but still thought that within that sphere, women should vote."

In 1915, Lucy Cobb, wife of Republican Governor William T. Cobb, signed up 18 Rockland women on a petition to oppose a bill that would have given them the right to vote.

### **The Momentum Grows**

It was clear by that time that the suffragists were finally considered a threat to traditional values as they spoke out in community halls, tabled at fairs and department stores, passed out

leaflets and took to the streets, with 2,000 demonstrating in Portland's Congress Square in 1915. Between 1911 and 1915, California, Nevada and Montana all passed suffrage amendments, and Jeannette Rankin of Montana became the first woman elected to the U.S. House of Representatives. On the national level, Alice Paul, head of the National Woman's Party, began picketing the White House and committing acts of nonviolent civil disobedience in an effort to demand that President Wilson support the Susan B. Anthony Amendment. For their part in the struggle, Paul and her fellow "suffragettes" were beaten, harassed and eventually arrested for obstructing sidewalk traffic. Paul was even put in solitary confinement in the mental ward and force fed after holding a hunger strike to protest poor living conditions at District Jail in Virginia.

On the local level, new suffrage leagues started up in Belfast and Rockland in 1916 after several years of dormancy. Louise Johnson Pratt, wife of Navy Admiral William V. Pratt, was founding president of the Belfast Suffrage League. A neighbor on Northport Avenue described her as an "aristocratic woman, who impressed me with awe when she took her vigorous mile-long walks down Northport Avenue, dressed for an English countryside, carrying a cane, leading a dog on a leash," according to the Belfast Historical Society. "Sometimes she would be accompanied by a nanny wheeling the carriage of her son." The League held its first meeting in August 1916 at Memorial Hall and the guest speaker was Mrs. Augusta Hughston of New York, representative of the National Woman's Suffrage Association.

### **The Great Disappointment of 1917**

Although President Woodrow Wilson won the election of 1916, it was still a very good year for the Maine Republican Party, as members easily won over two-thirds of the seats in the Legislature. With the Republican Party and GOP Gov. Carl Milliken behind the amendment, Democrats could no longer block its passage.

"Republicans will welcome the vote of Maine women, for the belief is common that they will be practically united for the retention of the prohibitory law," wrote the Boston Herald after the election in September 1916.

On February 1, 1917, more than 1,000 women from across the state crowded into the State House for the suffrage hearing in the Judiciary Committee, which was so densely packed that women had to be boosted up to sit on the window sills.

"We don't need to picket the State House," Portland suffragist Florence Brooks Whitehouse told a reporter, "because Governor Milliken is with us, as he shows in his message. We have carefully checked up both the Senate and the House and I can see no reason why the measure should not pass. Besides the great number of Republicans who will stand with us, we have many loyal Democrats who still support the measure, and I believe the people have at last begun to regard woman suffrage as expedient."

The suffragists with their white roses amassed on one side of the chairman while the opponents, adorned with crimson roses, stood on the other. Supporters placed a pile of 5,000 cards tied up in a yellow ribbon and on each card was the inscription, "Believing in the ballot for women, I hereby express my desire for the right to vote upon equal terms with me." Leading the anti-suffragist side was Mrs. John F. A. Morrill of Portland, granddaughter of the late Gov. Anson P. Morrill, who ironically was an earlier supporter of the suffrage cause.

"The women on the anti side of the hall gave most respectful attention to all speakers in favor of the suffrage amendment," wrote the Republican Journal, "but when they had the floor the suffragists yawned, whistled and otherwise made it difficult for the speakers to be heard," requiring the chair to demand order.

On the day of the vote in the House on February 22, the hall was decorated with the white and red colors of both sides of the debate. The RJ noted that “every nook and corner of the great hall and the gallery was crowded to the hilt with interested spectators” and the House business was transacted “amid the buzzing and chatter of the unaccustomed audience.”

“The group on the right of the Speaker included the opponents of the resolve and that on the left the proponents,” the reporter observed, “the colors of each being prominently displayed with flowers, ribbons, articles of apparel and even canes decorated with the properly colored ribbon.” Rep. Percival Baxter (R-Portland), future governor of the state, presented the amendment to send to the voters.

“For many years it was the joke of the Maine Legislature,” said Baxter. “It was sometimes passed by the committee to which it was referred. It was often passed by the House only to be defeated in the Senate. Sometimes it was passed by the Senate only to be defeated in the House. But, as is often the case, persistence and information have brought this measure from its standing as a joke to a very serious question which we now must face.”

Baxter insisted that suffrage was a not a partisan issue even though it was part of the state and national Republican Party platforms. He pointed out that the national Democratic Party strongly endorsed suffrage, even though Maine Democrats were “a little behind and are not quite ready to follow the able leadership of those in Washington.”

Speaking for the opponents, Rep. Sherman Berry (D-Waterville) said it was his duty to the “grand and noble womanhood of Maine in all the houses over the hills and through the valleys” to protest a measure that would “lower that grand standing to which womanhood has attained hand in hand with civilization along down through the years.”

Looking out at the sea of red and white in the hall, Berry observed that there was a “divided womanhood” on the issue, and he speculated that no more than 10 percent of women in the state actually supported it. Rather, he argued, it was only “a few women’s clubs” who got together to “make a great stir.” He noted that no one wearing red was heckling members of the House out in the hall and questioned whether it was the “proper time” to make such a “radical change” with the nation on the verge of war.

“I also find on my desk this morning a little pamphlet, entitled ‘This Little Book Contains Every Reason Why Women Should Not Vote,’” complained Berry. “We open the book and find blank pages within. It is only another sample of what many of you have seen, and, I might almost say, of the detestable and cheap politics practiced in this State. Gentlemen, that little book carries no more weight with it than does the picketing of the White House in this time of crisis and peril to this nation and the heckling of our President....”

Rep. Edward Larrabee (D-Bath) said he was “too democratic ... to let a handful of wealthy women that you can count on your finger tips, traveling up and down our State of Maine in their wild frenzy, foist legislation upon our statute books that represents but 15 percent of the women voters of our State.” He argued that granting women the right to vote hadn’t solved the crime problem in Colorado, stopped people from drinking “rum by the barrel” in Wyoming, or halted the “Sunday carousals” in California.

“I would ask you gentlemen to remember your grey-haired mother, your wife and your daughter,” said Rep. John Meserve (D-Naples). “Do you want them to go into the slums of politics and political strife? As I once heard an eminent divine say, ‘the rays in politics arc deep, dark, devious, and sometimes devilish,’ which undoubtedly is true in many instances. Gentlemen, do you want your mothers, your wives or your daughters to participate in anything like that? I hope not.... Remember the home — the father’s kingdom, the children’s paradise, and the mother’s world.”

Ralph Owen Brewster (R-Portland), who would go on to win the gubernatorial election with the support of the Ku Klux Klan in 1924, pointed out that it was also a “small and militant minority” that forced America to revolt against the British crown. Lincoln, he noted, was a “minority president” who issued the Emancipation Proclamation despite widespread “indifference and hostility” toward freeing the slaves. If politicians were “guided by the indifference of the masses,” Brewster reasoned, “there would never have been any steps of progress in all history.”

The amendment passed in a landslide, 113-35, to the “greatest outburst of applause of the day.” Ninety-seven Republicans and 16 Democrats voted yes and 8 Republicans and 27 Democrats voted no. Of the midcoast delegation, seven Democrats and the five Republicans voted yes, while Rep. George Grant (D-Hope) and Fred S. Packard (D-Rockland) voted against it. A month later, the suffrage amendment referendum committee — which included the Maine Equal Suffrage Association, Maine Woman’s Christian Temperance Union, the Maine State Federation of Women’s Clubs, the State Grange, the Christian Civil League and the Federation of Labor — opened its campaign headquarters in Bangor. A month after that, Congress voted to enter World War I and organizing support for the ballot measure proved to be difficult amidst all of the war fever. In addition, infighting between the National Women’s Party and National American Woman Suffrage Association hampered get-out-the-vote efforts. In the end, Maine’s all-male electorate rejected the amendment by a two-to-one margin. Rockland was one the few towns in the state that voted to give women the right to vote.

But suffragists didn’t stop agitating and finally the President himself endorsed the Susan B. Anthony Amendment in 1918. When the war was finally over, a federal amendment to enfranchise women passed the U.S. House and Senate and was sent to the states for ratification. Sen. Guy Gannett (R-Augusta) — the media mogul who owned several newspapers and radio and TV stations — introduced the amendment. However, after the suffrage opponents got enough signatures to send it to a referendum, the pro-suffrage side feared a repeat of 1917. To prevent male voters from killing the amendment before it could be ratified, Gov. Milliken called a special session of the Legislature in November 1919 to pass the measure. On September 3, 1920, Maine voters defeated the anti-suffrage referendum and approved the Susan B. Anthony Amendment by a margin of 88,000 to 30,462. They had circulated petitions, organized lectures, leafleted, marched, protested, lobbied, and some even went to jail for the cause. And finally, on November 2, 1920, they voted.

## **The Spirit of Resistance Lives On**

Most of the women who stood up and fought for equal suffrage never lived to see the dream become a reality. But their spirit of resistance and determination lived on, as Maine women gradually gained power and influence on Maine’s political scene.

Republican Rep. Dora Pinkham of New Limerick became the first woman elected to the Maine Legislature in 1922 and would later serve in the Senate. In 1940, Republican Margaret Chase Smith became the first woman to represent Maine in the U.S. House, and, when elected to the U.S. Senate in 1948, became the first woman to serve in both houses of Congress. She was also the first woman to be placed in nomination for the presidency at a major party’s convention. Democrat Libby Mitchell of Vassalboro was the first woman in U.S. history to lead both chambers of the state’s Legislature. And like the suffragists and the women textile workers who led the first strikes to protest low wages, sexual harassment and poor working conditions, some of their descendants were likely among the tens of thousands of Mainers who took to the streets on a frigid January day for the Women’s March in 2017. Just a year later, the most women ever were elected to Maine’s Legislature, and the first female governor of Maine stepped up to take the oath of office. While Governor Janet Mills likes to downplay

the historical significance of her victory with her typical dry sense of humor, the 2018 election struck a major chord with women and girls across the state.

“In recent weeks I have received many letters,” said Governor Mills in her inaugural speech on January 2. “Eight-year-old Lucy wrote, ‘Now I feel like I could become governor someday!’ The morning after the election, one mother left a note in her daughter’s lunchbox — ‘Janet Mills won last night!’ it said. ‘She is the FIRST woman to be the governor in Maine EVER! Think about all the things you can do! Love, Mom.’ — I do think about all the things they can do, along with their brilliant brothers, uncles and fathers. But truly, this year’s milestone will one day be commonplace, like drinking milk or eating toast. When future generations read of this day, they will wonder what the fuss was about.”



The view of the Women’s March in Augusta from then-Attorney General Janet Mills’ office on January 21, 2017. (Photo by Andi Parkinson)

# Inmate says he had sex with jail officer

BY POLLY SALTONSTALL

Waldo County law enforcement authorities are investigating claims by an inmate at the county jail that he engaged in sexual activity with a female corrections officer.

The officer involved, a part-time

employee, has been placed on suspension pending the outcome of the investigation, said Waldo County Sheriff John Ford, who declined to name the inmate or corrections

officer involved.

Sexual activity between a corrections officer and an inmate is a felony, either Class B or C, the sheriff said, noting he expected to turn the case over this week to the district attorney. The state Attorney General's office also has been noti-

fied of the investigation, he said.

"These allegations are in no way affecting the security of the jail and should not be a reflection on the remaining staff at the facility," he said.

"It is unfortunate that this matter

SEE JAIL ON PAGE A14

JAN 27 1994  
REPUBLICAN JOURNAL  
**BELFAST**

## JAIL

Continued from page A1

has surfaced, especially for those corrections officers who have worked so hard at bringing a high degree of professionalism to the jail. These charges are in no way a reflection upon their efforts. They are disturbed about these allegations, as are we."

The charge came to light when officers started looking into an incident two weeks ago in which two inmates allegedly physically assaulted two female corrections officers, the sheriff said.

Inmate Larry Chouteau, 40, of Thorndike and Dennis O'Brian, 30, of Rockland were accused of assaulting officer Connie Colby and Melissa Rolerson as the officers tried to make the inmates return to their cells. As of Tuesday, no charges had been filed yet in connection with that incident.

Although sexual relations between corrections officers and inmates is common in jails, Ford said it has not happened in Waldo

County in the three years he has been sheriff. Several years ago, there was a case in the county where a female inmate was having sex with male inmates for a fee.

Ford declined to release further details about the allegations.

"It would be inappropriate for me to make any comment at this time in fairness to those involved and to keep this investigation moving along in the expeditious manner it has," he said. ■

# The Kind Jail Ladies

BY GERTURDE O. CUTLER  
Women's Editor

Two of Cumberland County's more private public servants are being met by an increasingly large number of those persons they're sworn to serve.

This is not a social item, says Sheriff Charles Sharpe for these public servants are the matrons at the county jail.

**HIS FIGURES** cite the increasing need for the full-time matrons who watch over female detainees. In 1969 the jail held 289 adult females for police departments in the county. Last year that figure jumped to 445. Unofficial tallies kept by the matrons this year lead them to believe that 1971 will see a sharp rise in "guests."

That the female problem is increasing is evidenced in figures for juveniles. In 1969 there were 110 girls detained. In 1970 156 were brought into the jail. Juveniles are under 17 years of age and among the recent detainees have been 13-year-old runaways and 14-year-old intoxicated girls.

**SENIOR MATRON** is Rita Dagenais, widow for eight years of Walter Dagenais, a veteran Brunswick policeman. She has been on the Cumberland County payroll for four years and she brought to her present job an impressive background in the care of prisoners for she was the "on call" matron for the Brunswick Police Department for 30 years.

She moved to Portland a year ago to make a home for her grandson, Alexander Mills Jr., who is the third generation of his family to enter law enforcement. (His father, a former deputy sheriff in Portland, is now in the same line of work in New Jersey.) Young Mills is turnkey at the Portland Police Department.

Besides her matronly duties Rita is frequently called upon to translate for French Canadians who are brought into the jail.

Occasionally she appears in court as a translator.

**QUALIFICATIONS** for a matron are not necessarily learned in a classroom. Sheriff Sharpe insists that the women have a kindly disposition and be the matronly type. Applicants are screened very carefully.

The matrons say that patience, good humor, stamina and concern for their fellow women are also necessary qualifications. "You don't have to have a Master's Degree to have a heart," they say.

The job is confining — and the cement floors are not kindly to feet and legs. Once on duty the matron stays mostly in the second floor women's section until she is relieved. The work schedule is four days on duty then three days off. The next shift sees the woman working three days with four days off.

Both use comfortable quarters which combine a sitting room with a bedroom. There's a TV, a private bath, utility kitchen — and a wide, luxurious-looking bed.

But a matron gets little chance for undisturbed sleep.

"**MOST OF OUR BUSINESS** is at night," they explain. The matron must be ready at all hours to accept women prisoners who are brought to the second floor by the sheriff's men. Before they are locked up they must be searched and all items such as jewelry and bobby pins removed. The matron lists these items in the presence of the detainee and the officers.

Unless the detainee is overly intoxicated she is required to take a shower. She is then issued a mattress, blanket,

sheet and pillowcase. The matrons are justifiably proud of the cleanliness of their operation and they stress that, even though a woman is detained less than an hour, all those items are immediately sent to the laundry upon her leaving the jail.

A brown uniform, which may be a dress or a skirt and blouse, is now traditional in the women's section. In former years the matrons wore white but increasing duties and patronage made the image impractical.

**LUCILLE DOWNEY**, now in her second month as matron, is eyeing brown pantsuits as a practical solution for night time duties.

"We have to be neat and well dressed when prisoners are brought in in the middle of the night. We're not supposed to look sexy — though how could I? I'm 56 and the grandmother of 13."

She is the widow of Joseph Downey who was killed 15 years ago, leaving her with five children to rear. She is the former Lucille Abella of Munjoy Hill. She had only an eighth-grade education to back her up when she became the sole support of those children.

"I had to go to work. I worked in shoe factories and restaurants. But all my children graduated from high school."

**SHE GIVES GOD** a great deal of credit for the success of her family. Today she tries to convince her "guests" to rely upon God.

"I like to go around and talk to the women. And I tell them, 'Look, you've tried all kinds of things. Now why don't you give God a whirl?' I haven't been here long enough to know if I'm getting through to them, but I hope so."

There are five cells in the women's section and eight detainees can be accommodated. Juveniles are segregated around a corner from mature offenders. Radio music and news is piped into the cells from 5 to 10 p.m.

Some of the detainees kept the matron from her sleep. "I had one in here awhile back who sang all night long," says Lucille. "The next morning I told her 'if the police department ever has a minstrel show you ought to contact them.'" Not all prima donnas are so tolerated. The matrons may opt to send their charges to a padded cell or a stark, dark tank if their actions or their verbal garbage disturbs other detainees.

**THE MATRONS EAT** the same food as do the prisoners. They may have it on a tray in their quarters or they may go down to the kitchen where a long plank table at one end serves as a drop-in eating center for employees.

Spare time is taken up by record keeping and mending.

In former years some of the women prisoners helped with the patching and sorting but today that work is the prime responsibility of Rita and Lucille. All clothes worn by male prisoners are delivered to the women's section where the two fold, sort and mend when needed.

In addition they make all the sheets and pillow cases.

**HOUSEKEEPING** is not required because the matrons may call upon trustees to do that work. But, housewife-like, they feel that they can do the small jobs quicker, easier and "just the way I want it done." Although women prisoners are supposed to clean their cells when they leave the matrons deplore what their fellow women call "clean."

Both Lucille and Rita are apt to go over each recently-vacated cell with all the zeal of a hostess preparing for a very important guest.



**REMOTE CONTROL** — Prisoners are locked into their cells, or released, by means of a remote control box, here operated by Mrs. Rita Dagenais. Visitors are not allowed in this area but see detainees in a special room on the first floor of the Cumberland County Jail. (Staff Photos by John A. James)



**MENDING TIME** — Mrs. Lucille Downey never lacks for something to do on her around-the-clock duty for clean clothing for the male prisoners always needs patching or mending. When rehabilitated the shirts and pants are stacked neatly in bins according to size.



# Guard's statement admitted into sex misconduct case

DEC 27 1990

GOR DAILY NEWS

*Jail's*

By Margaret Warner  
Of the NEWS Staff

A former Penobscot County Jail guard accused of having sex with an inmate voluntarily signed a written statement in which he made incriminating remarks, according to a ruling by a judge who has allowed the document into evidence.

Michael Spencer wanted the statement to Penobscot County Sheriff's Department Detective James Wooster kept out of evidence, claiming during a hearing earlier this month that Wooster had indicated that the Attorney General's Office would get involved in the case if Spencer did not cooperate.

Spencer, 27, of Orrington, is charged with gross sexual misconduct for allegedly having sex in February 1989 with Cheryl Ianozi, who was in Penobscot County Jail awaiting trial on a murder charge. She later was convicted of the lesser charge of manslaughter.

Spencer and Wooster had known each other for about 10 years, but the nature of the relationship was disputed at the hearing. Wooster characterized it as a professional and social friendship, but testimony from Spencer's side suggested that at least at one time, Wooster disliked Spencer.

Wooster testified at the hearing that he had interviewed Spencer only twice, in August and September 1989. Spencer and several family members who testified on his behalf said the number of interviews was much greater.

In denying Spencer's motion last week, Justice Jack O. Smith wrote that he "does not find credible the assertion by the defendant that the detective extracted these statements by making promises of leniency in return for a 'confession.' ... There is

nothing to suggest that Detective Wooster used (his acquaintance with Spencer) to secure an unfair advantage. The defendant was trained as a police officer and had more than a layman's knowledge of the potential consequences of making admissions."

But Smith acknowledged that when Spencer signed the statement, he "was depressed and anxious about the allegations" and that Wooster "may have made more efforts to contact the defendant than he now remembers."

Spencer, who resigned his job shortly after the alleged incident, was charged under a law that forbids people in certain positions of authority from having sexual relationships with those under their supervision. If convicted, he could receive up to 10 years in prison.

# Former jail guard in inmate sex case wants remarks dropped as evidence

BANGOR DAILY NEWS DEC 8 1990

By Margaret Warner  
Of the NEWS Staff

A former jail guard accused of having sex with an inmate asked a judge Friday in Bangor to keep out of evidence a signed statement in which he made incriminating remarks.

Michael Spencer, 27, of Orrington, who had worked at Penobscot County Jail, said during the Penobscot County Superior Court hearing that he made the statement involuntarily and that he was never notified of his rights.

Justice Jack O. Smith's ruling could be crucial when Spencer goes to trial later this month on a charge of gross sexual misconduct. Smith took the matter under advisement and instructed the lawyers involved to file briefs addressing Spencer's willingness to make the statement and his relationship with the investigator for the Penobscot County Sheriff's Department.

Spencer is accused of having sex with Cheryl Ianozi, who was in the jail awaiting trial on a murder charge for which she ultimately was convicted of manslaughter and sentenced to 16 years in prison.

He pleaded no contest to the misconduct charge in July, but on the day in October that he was to be sentenced, he abruptly reversed himself and withdrew the plea because the suppression motion was still unresolved.

On Friday, James Wooster, a detective in the Sheriff's Department, testified that he had interviewed Spencer about the case on only two occasions three weeks apart, on Aug. 23 and in mid-September 1989. The first interview took place in the presence of a sergeant in the department, he said.

Spencer, his girlfriend, his brother, and others, testifying later, disputed the number of interviews. They said that Wooster had visited Spencer's home several times and had telephoned, as well. Wooster said he didn't remember ever calling the house.

The investigator said that during the mid-Sep-

tember interview, which took place in Orrington, he informed Spencer of his rights and Spencer agreed to talk.

"He said, 'I'm going to tell you right now, right up front, it's not rape,'" said Wooster. He described his association with Spencer as a 10-year professional and social friendship, but later testimony on Spencer's behalf suggested otherwise.

Luther Spencer, the defendant's brother and Wooster's former partner, testified that Wooster had told him early in their association that he disliked Michael Spencer. He also questioned Wooster's investigative techniques, saying that he had at times gone "beyond the rules" to obtain admissions from criminal suspects.

Under questioning by Deputy District Attorney Michael P. Roberts, however, Luther Spencer agreed with the prosecutor that such techniques were typical of "good police officers."

Wooster denied Michael Spencer's contention that he had told Spencer that if he didn't cooperate with Wooster, the Attorney General's Office would get involved.

"He said that if I went along with it, he could easily see me getting probation ... and that if I didn't go along with it, I was facing 20 years," said Spencer.

Under questioning by his own attorney, Norman S. Heitmann III, Spencer said that he feared other inmates would treat him roughly because he had been a law-enforcement officer. Heitmann asked him about the statement.

"Was it true?" said Heitmann.

"No," Spencer answered.

"Why (did Spencer sign it)?"

"I felt that I was facing 20 years in jail if I didn't."

Spencer, who resigned his job at the jail soon after the alleged incident, was charged under a law that forbids people in certain positions of official authority from having sexual relationships with those under their supervision. If convicted of the Class B offense, he could receive up to 10 years in prison.

# Former jail guard to stand trial on sexual misconduct charge

OCT 3 1990

BANGOR DAILY NEWS

By Margaret Warner  
Of the NEWS Staff

A former Penobscot County Jail guard has decided to go to trial for allegations that he had sex with a female inmate under his supervision.

Michael Spencer, 27, of Orrington, had pleaded no contest in July to a charge of gross sexual misconduct after initially pleading innocent. He was to be sentenced Tuesday in Penobscot County Superior Court, but he withdrew his plea and changed it back to innocent, setting in motion the process leading to a trial.

Cheryl Ianozi, after being convicted in 1989 of manslaughter in the death of her boyfriend's roommate in an Orono trailer park the year before, claimed that Spencer had coerced her to have sex with him in February 1989, while she was at the jail awaiting trial.

According to a court document filed Monday by Spencer's lawyer, Norman S. Heitmann III, the guard was withdrawing his no-contest plea because he entered it before a hearing was held on a defense motion to suppress evidence.

Deputy District Attorney Michael P. Roberts said he did not object to the motion because defendants are given wide latitude under the law to withdraw a no-contest plea.

Heitmann said the suppression motion filed

by Spencer's first lawyer, Richard D. Violette, was never resolved. Heitmann said he was seeking to keep from evidence statements that Spencer reportedly made to authorities on two grounds: that Spencer was not informed of his rights and that he did not make the statements voluntarily.

Neither Heitmann nor Roberts would discuss the statements in detail. Roberts, however, described them as "not really an admission (of guilt) but sufficiently incriminating." Roberts said that Spencer had denied any coercion.

Spencer could change his plea yet again, depending on the outcome of the suppression motion and the prosecution's willingness to negotiate, said Heitmann.

Spencer, who resigned his job at the jail soon after the alleged incident, was charged under a law that forbids people in positions of official authority from having sexual relationships with those in their care. If convicted of the Class B offense, he could receive up to 10 years in prison.

Ianozi, who also has a civil lawsuit pending against Spencer, was sentenced to 16 years in prison after being convicted in July 1989 in the 1988 shooting death of 23-year-old Benjamin E. Hanson Jr., who shared a trailer with Ianozi's boyfriend at the time.

# New jail will make more room for women

By DAN WHEELER  
Sun-Journal Staff Writer

AUBURN — Five women sit or sprawl on bunks in a cell meant to hold two people in the Androscoggin County Jail. The female inmate population is comparatively low for recent months, but is still much higher than it has been in previous years.

The "women's section" of the jail comprises two cells, one meant for one prisoner, the other meant for two, at the end of a hallway, just around the corner from cells in which men are housed. The cells are separated from the male section by a double door.

The number of female inmates currently varies between "half a dozen and a dozen," according to jail officials. The increase began about eight months ago. Before that time, it was unusual for any women to be held in the jail.

"Last year we would have maybe one to three women in the course of a month," said Lisa Kimball, jail classifications officer. "It was very rare for us to have females last year. But for the last eight months, we have always had some, up to 11."

The women are mostly in jail on drug trafficking charges or for failing to show up in court on prostitution charges, according to Kimball.

The increase in female prisoners is attributed largely to increased drug enforcement in the Twin Cities over the past few years.

"There have been a lot more females arrested for drug trafficking," said Sheriff Ronald Gagnon. "From what I've seen, that is the biggest reason for the increase."

When the county moves into its new jail, conditions for the women will improve, as they will for all the inmates. In the new facility, the women will be more isolated from the male population than they currently are, and will also have room to get away

SUN-JOURNAL JUL 27 1990  
from each other.

The minimum security area of the new jail contains five cell blocks, each with between nine and 11 cells opening off a common area. Medium security contains three cell blocks, and maximum security contains four, each with between seven and nine cells. One cell block in each area will be set aside for women.

The women will be separated from the male population when they go to recreation, and will eat in the cell block, rather than go to a common dining area.

Similar rules caused the jail to lose its certification to hold women several years ago because the rules were discriminatory. State standards require that male and female inmates be treated equally, but also call for separation of the sexes.

At the time the jail was decertified, for example, because the male population greatly outnumbered the female population, the male inmates would get to watch television for recreation from 9 to 11 p.m., after which the women would get to watch television from 11 p.m. to 1 a.m.

About two years ago, the state restored the jail's certification when jail officials decided that women could eat meals and have recreation with the male inmates, as long as they were under direct supervision.

In the new jail, the separation will not be a problem. All inmates will eat meals in their cell blocks, each cell block will have its own television (controlled by the staff) and no more than one cell block will ever go to recreation at a time.

The provisions made for female inmates at the new jail are important, because jail officials don't expect the female population to go away.

"I really don't expect (the population) will go back down," said Lt. William Ferracci. "It will probably stay the same. A lot of them are repeaters."

# 4th woman sues Kennebec County over strip searches by jail guards

By Jeanne Curran  
Of the NEWS Staff

A fourth case charging Kennebec County and several unnamed jail guards with conducting illegal strip searches has been filed in U.S. District Court in Bangor.

Lorraine True of Readfield filed a \$300,000 lawsuit earlier this month against the county, an unnamed female guard, and several unnamed male guards, claiming that her constitutional rights were violated when she was strip-searched at the Kennebec County Jail.

Three other cases, each making similar charges and asking for \$300,000 in damages, have been filed in the federal court. One of those cases was settled out of court last November, with the plaintiff receiving a settlement of \$25,000.

A case amendment, which is expected to be filed shortly in the federal court, will name the female and male guards alleged to have participated in one of the searches, said attorney William D. Robitzek of Lewiston, representing the four plaintiffs.

He said Wednesday he believed that most of the guards allegedly involved in the strip searches were no longer working at the jail.

Robitzek said the cases were

significant in that they were "really trying to bring Kennebec County up to constitutional and statutory standards regarding where and how you can strip-search people."

Saying that strip searches were appropriate in some cases, he questioned their use with people arrested on minor offenses or who were incarcerated for only a few hours.

"There isn't any reason to have this kind of intrusion in people's private lives," he said.

Sheriff Frank Hackett of Kennebec County said Wednesday he was not aware of the new lawsuit. He said the jail did have a policy of strip searches, adding that it was "the same at our jail as it is at any other jail."

Hackett declined to comment further on the lawsuit, saying that the county's insurance company was handling the matter.

Five women have filed notices of claim, required before lawsuits can be filed, against the county since March 1988. Only four lawsuits, however, have been filed in federal court.

Robitzek, who is handling all four cases, said his clients had been referred to him by other attorneys. He said that after the notoriety of the first case, "other women started to make complaints as well."

Saying that he didn't expect some kind of class action against the jail, the attorney said, "Women really have to make personal choices about whether they want to come forward."

In the latest case, True claimed that she was arrested in October 1987 on a warrant for failure to pay a fine, and then was taken to the county jail. She said she was forced to take off her clothes by a female guard, who then conducted a strip search before male guards. The plaintiff also was subjected to verbal abuse by the female guard, according to the lawsuit.

The court document lists Kennebec County, "Jane Doe," and several "John Does" as defendants.

Seeking damages and costs, True maintained in the lawsuit that her constitutional right of privacy was violated. The strip search also resulted in the infliction of severe emotional anguish and mental pain, according to the court document.

Robitzek said the four lawsuits were in the discovery stage, the point at which attorneys share evidence before a trial. He said the cases could go to trial in federal court as early as this summer, "depending entirely on how the county wants to handle it."

# County jail suit settled

MAR 8 1990

MORNING SENTINEL

By DAVID FERCH

Guy Gannett Service

AUGUSTA — A lawsuit filed against Kennebec County Sheriff Frank Hackett by a jail inmate who was sexually assaulted was settled out of court in February, according to the law firm representing inmate Michael Everett Post.

The terms of the settlement were not released and court records only show that Post's lawyers — Bermon, Simmons and Goldberg of Lewiston — dismissed the lawsuit. But Liz Curtis, a secretary for the firm, said the case was settled.

Hackett's attorney, David Ventker of Virginia Beach, Va., would not comment.

Post was forced by two inmates to perform oral sex on a third inmate on Sept. 14, 1988. Three inmates — John Chiudina of North Whitefield, Bernard Taylor and Timothy Langill — were convicted in January 1989 of gross sexual misconduct.

Post claimed in his lawsuit filed in July that Hackett and his guards and the county were responsible because he had warned them he was being threatened. Post said he was deliberately ignored.

Post also claimed Hackett failed to keep the jail in good enough condition to prevent sexual assaults.

Post, who was 18 years old at the time, was serving a sentence for drunken driving and had been placed in maximum security. Testimony from the sexual abuse trial showed that Taylor held Post on his knees while he was forced to perform the act on Chiudina.

Post had been put in protective custody but was moved to the maximum security wing when his criminal history was rated on a point system, Hackett said in January 1989.

But Post's lawyer, Jack Simmons, said last July the point system was irrelevant to the lawsuit. Post told his jailers he was in danger, but they did nothing, Simmons said.

"One cannot ignore pleas for help from people who are under your control by law," Simmons said.

The attorney said the guards should have taken Post seriously when he wanted to be segregated.

# Suit filed after inmate housed with transsexual

By Jeanne Curran  
Of the NEWS Staff

A Penobscot County Jail inmate has filed a \$100,000 lawsuit in U.S. District Court in Bangor complaining that she and other female inmates were housed with a male inmate who was considered to be a transsexual by jail officials.

Detained at the jail on federal cocaine charges, Juanita Crosby, 24, formerly of Alaska, stated in a handwritten complaint filed last month that her constitutional rights had been violated by the jail officials.

Representing herself, the plaintiff asked for a jury trial on the matter. Crosby is seeking \$75,000 for mental stress and mental anguish and \$25,000 for exemplary damages.

Named as defendants in the complaint were Penobscot County Sheriff Edward J. Reynolds, Capt. Tom McCrea, jail administrator, and Cheryl Gallant, assistant administrator.

Saying he was aware of the lawsuit, McCrea declined to comment on the complaint.

The lawsuit has been turned over to the county's insurance company and attorney, according to County Clerk Kathy Walker.

Representing Cheyenne Deneuve Lamson, the transsexual named in the lawsuit, attorney Mark Perry of Brewer said Monday he was "shocked and dismayed" about the lawsuit and predicted it would "hurt every transsexual who ever goes through the system."

"I'm sorry to see the county attacked for doing something it did completely out of compassion," said the attorney.

A representative of the federal Bureau of Prisons in Boston said that Lamson was serving a six-year sen-

tence at a female medical prison in Lexington, Ky.

According to the court document, Crosby, who was indicted in March 1989 on the drug charges, claimed that she was "made to share the same living area and bathroom and shower facilities" with Lamson, also known as Cheyenne Lynn Deneuve and Roger Miles Jr., on July 6-10, 1989.

Crosby also claimed that she and nine other female inmates were housed in the same facility with Lamson in October 1989.

The plaintiff stated that her complaints to the jail administrators were ignored, and that she had been harassed and ridiculed by male inmates about her living condition.

Lamson, 36, of Bangor, was held at the county jail on state and federal charges. In March 1989, she was sentenced to six years in prison on multiple federal charges of check forgery and check passing.

During her trial, Lamson had defended her crimes on the grounds of being a transsexual. At her sentencing hearing, she asked to be sent to a minimum security prison in California, where she could get treatment for substance abuse and understanding medical personnel would be available.

An assistant U.S. attorney reported at the time that Lamson would be considered to be male by the federal Bureau of Prisons and would be sent to a facility for men.

Asked if Lamson was a transsexual, McCrea said, "She was, according to our doctor," referring to the jail physician. The administrator said that Lamson had been taking hormone treatments for a time while at the jail, but had not undergone surgery.



# Another inmate attempts suicide

Lewiston Journal 1-21-89

By Marilyn Hackett  
Journal reporter

AUBURN — A 29-year-old Lewiston woman brought to the Androscoggin County Jail early this morning apparently tried to commit suicide while at the jail, according to an arrest report.

Although few details were available today, Sgt. Melvin Dickey, day shift supervisor at the jail, said he was told that Robbin Demmons of 7 Jones Court, tried to commit suicide by hanging herself with a shirt, just as Robert Jones, a pris-

oner who committed suicide at the jail Sunday, did.

Demmons was described by the officer who booked her at the jail as "highly intoxicated" and "extremely combative."

She had been arrested by Lewiston police on Lisbon Street in at 1:30 a.m. and charged with disorderly conduct. Lewiston Police Sgt. Tony Vitale said Demmons was arrested after police asked her to stop yelling at another person on Lisbon Street and she kept screaming.

Dickey said the jail does hold women when there is no other place to bring them. Dickey did not know where the inmate had been housed at the time she apparently tried to take her life.

She apparently tried suicide sometime between 1:30 and 4 a.m.

Dickey said when he came into work at 4 a.m., Demmons, who has also been known as Robbin Fisher or Robbin Griffin, was sitting in a waiting room in the jail beside the dispatching area and appeared to be unhurt. She was very talkative, he said.

She was released on personal recognizance bail at 5 a.m. and did not say where she was going, Dickey said. Asked if she were going to a hospital or Tri-County Mental Health Services, Dickey said he didn't know.

County officials, including Sheriff Ronald Gagnon, Jail Administrator John Lebel, Chief Deputy Andre Gagne and Cpl. Robert Ferracci, night shift supervisor, were unavailable for comment today at work or at home.

Demmons has been at the jail many times, Dickey said, and has never been

suicidal as far as he knows. He said the incident could be a "copycat" of another suicide.

Jones, 26, committed suicide Sunday by hanging himself from a bar of a window in one of the holding cells, using a strip torn from the bottom of his T-shirt, Gagnon said Monday. Jones was discovered dead five minutes after guards had last checked on him.

At the end of December, another inmate, 23-year-old Robert N. Lagrange,

See INMATE, page 8A

# Inmate

continued from page 1A

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attempted suicide by hanging himself by his bootlace. Two deputies rescued Lagrange and he was revived by ambulance personnel. He was later transferred to the Augusta Mental Health Institute and has since been returned to the jail.

In 1988, the jail recorded six suicide attempts. Four of those occurred during 10 days in March and three of those inmates died. The rash of hangings was called the worst ever by the Department of Corrections.

Those deaths brought pleas

from the Gagnon and Lebel to increase staffing at the jail. The county tentatively has hired six new correctional officers and hopes to add 13 more officers this year.

# Ex-inmate files claim in pregnancy case

By Jennifer Sullivan  
Sun staff writer

AUBURN — A Lewiston woman claims she was impregnated by a guard while she was an inmate at the Androscoggin County Jail, and has informed officials that she may sue the county for \$300,000.

District Attorney Janet T. Mills said she has called for an investigation by the Attorney General's Office into claims made by Patricia Day Marrow against former sheriff's deputy John Tichy. Sheriff Ronald Gagnon declined to comment on the case Wednesday afternoon, saying only that Tichy is no longer employed at the jail.

"There was a termination," he said. "I'd rather not say anything beyond that."

Marrow filed a \$300,000 tort claim earlier this week against Tichy, Gagnon, the sheriff's department and the county. The claim is not a lawsuit, but a notice of potential litigation. Her attorney, Richard Beauchesne of Lewiston, declined to discuss the case. Tichy could not be reached for comment.

In the document, Marrow claims that she had sex with Tichy in a cell while she was an inmate at the jail Sept. 2, and that he is the father of her unborn child. She may seek both punitive and compensatory damages, including expenses for raising the child, according to the claim. In addition, Marrow charges that the incident occurred at a time when the county jail was not certified to house women inmates.

Tichy also could face criminal charges. Under Maine law, anyone in a supervisory position who subjects a person in official custody to sexual intercourse is guilty of gross sexual misconduct, and faces a maximum prison sentence of 10 years. Whether a prisoner consents to the act or is forced to submit is not an issue in this instance, Mills said.

Marrow contends that the incident violated her constitutional rights, and that Tichy's actions constituted assault and battery, intentional infliction of emotional distress and gross negligence.

She further charges that Gagnon and the Androscoggin County Sheriff's Department were negligent by failing to supervise, train and discipline employees, and by failing to protect her civil rights.

Sheriff's deputies were not able to confirm why she was being held at the jail when contacted Wednesday evening.

Marrow, 23, made headlines in July 1987 when she allegedly abducted her daughter, 2-year-old Meagan, from her grandparents's. Marrow's parents had legal custody of the child.

Marrow and a man police said was her accomplice, Paul Raymond, 29, of Orange County, Fla., pleaded no contest in exchange for reduced charges in December 1987. Marrow received two suspended one-year sentences for criminal restraint and criminal mischief. Raymond also received two suspended one-year sentences for criminal trespassing and criminal restraint.

# County jail official suspended

PORTLAND EVENING EXPRESS

MAR 2 1989

By MICHAEL NORTON  
Staff Writer

The former administrator of the Cumberland County Jail has been suspended for three days without pay for alleged harassment of a female guard.

Capt. James O. Ferguson says he is appealing the disciplinary action, which could complicate an existing lawsuit between him and the county.

Ferguson's attorney, Stephen W. Devine of Portland, says the suspension resulted from a female guard's complaint that Ferguson made an obscene gesture toward her in November. However, Devine says, he would like to know why no formal complaint was made until February.

Ferguson already has alleged that he was unfairly reassigned, losing his job as jail administrator in August. His lawsuit in that matter seeks a full investigation by the county commissioners into Sheriff Martin S. Joyce's decision to reassign Ferguson from jail administrator to the command of the jail's second shift.

County Personnel Administrator Brian Morrison and Joyce would not discuss details of the recent allegation against Ferguson. A letter to Ferguson from Joyce says the discipline resulted from an internal investigation, which followed a

See Jail  
Back Page This Section

# Jail

Continued From Page One

complaint from a corrections officer.

A copy of the letter was obtained by the Evening Express under the state's Right-to-Know law, but the name of the complaining officer was deleted from the copy.

The Feb. 9 letter does not specify the details of that complaint, but says Ferguson violated three departmental operating procedures. Violations cited in the letter include "conduct unbecoming of a (department) member," discourteous behavior toward another officer and failure to "treat superior officers, subordinates and associates with respect."

Ferguson would not comment on the violations this morning, but says he has protested the discipline through the county's appeal process.

Devine says he would like to investigate whether the recent allegation was prompted by Ferguson's lawsuit. His lawsuit claims that Joyce demoted him because of

statements he made to a Maine Human Rights Commission investigator about the firing of former Deputy Philomena Rhuda.

The Human Rights Commission accepted Rhuda's contention she was fired because she had filed sex discrimination charges against the sheriff's department in 1982 and 1986. Joyce said he fired Rhuda for violating department rules, including receiving a haircut from a prisoner.

The county contends Ferguson's removal was prompted by a consultant's recommendation that the jail hire a "professional administrator." Last month, William E. McLaughlin, a former senior probation officer in U.S. District Court, was hired for the job.

Morrison said the disciplinary action against Ferguson was completely unrelated to the lawsuit and resulted from an internal investigation conducted by Joyce. He also said he was not aware of any appeal of the action by Ferguson.

8/31/89

## Penobscot

# Woman convicted of manslaughter claims sexual assault by jail guard

By Margaret Warner  
Of the NEWS Staff

A woman convicted of manslaughter last month for killing her boyfriend's roommate plans to file a \$500,000 lawsuit against Penobscot County for alleged sexual assault by a jail guard while she was incarcerated awaiting trial.

In a notice of claim — a document that must be presented to government bodies before a lawsuit is initiated against them — Cheryl Ianozi claims that her civil rights were violated when Corrections Officer Michael Spencer sexually assaulted her last February while she was being held in Penobscot County Jail.

Copies of the document were delivered this week to Sheriff Edward Reynolds, who was named as another likely defendant, and the county clerk's office.

"My mental and emotional well-being and violation of civil rights is not easily valued in dollars," Ianozi said in the claim. "For purposes of this notice, I value my claim at \$500,000."

Spencer, contacted at home Thursday evening, said he was not aware of the legal action and was not prepared to comment "at this point."

Attempts to reach Reynolds, who was named as another likely defendant in the suit, at his office and his home Thursday afternoon and evening were unsuccessful.

Penobscot County Sheriff's Department Chief Deputy Carl F. Andrews Jr. said Thursday that he had been notified of the legal action, but that no investigation had been ordered.

Ianozi, 20, of Old Town filed the document on her own behalf, although it was notarized by a lawyer.

A jury convicted Ianozi two weeks ago after a four-day trial in Penobscot County Superior Court in the July 1988 shooting death of 23-year-old Benjamin E. Hanson Jr. The victim shared a trailer in Orono with a man who was involved with Ianozi at the time.

The prosecution originally had charged her with murder, but the jury instead convicted her of the lesser charge of manslaughter. Ianozi

claimed she had shot Hanson — who she said had previously raped her and threatened her life — in self-defense after he allegedly threatened to rape and kill her that night.

"My claim is for the assault itself as well as the failure to properly screen, train and supervise personnel, or to properly deploy them," she said in the notice. "It may be there are other acts or omissions, particularly relating to design and maintenance of the jail, which contributed to the occurrence of this event."

According to the document, Ianozi also believes that Corrections Commissioner Donald Allen, who is mentioned only by title and not by name, and other unnamed employees of the Department of Corrections share responsibility for the operation of the jail.

"This assault has caused and continues to cause extensive mental and emotional harm, particularly since I had been sexually attacked at other times in my life," she claimed. "The assault may also have contributed to physical problems I have suffered, one of which may be an ulcer."

In addition to the alleged rapes by Hanson, Ianozi also testified during her trial that she was sexually molested or approached by three other men during her life, including two relatives.

# Women crowding the jail

By TESS NACELEWICZ  
Sun-Journal Staff Writer

AUBURN — Angela Campbell, 21, is locked up at the Androscoggin County Jail but she's not behind bars.

Her bed is in a secure hallway outside a cell. She can't stay in the cell because it's already crammed full of extra cots to accommodate what jail officials say is an unusually high number of women prisoners at the jail.

"I've never seen it this bad," Jail Administrator Capt. John Lebel said.

The jail had 10 women inmates on Thursday and Lebel said 14 were being held there earlier in the week.

But he said the jail has cell space for three women prisoners only. That has not been a problem until about four months ago because usually only one or two women were in the jail at one time, Lebel said.

The local jail is not the only one in the state to have seen a rise in the number of women inmates. Sgt. Lisa Kimball, classifications officer at the Androscoggin County Jail, said, "We call every single county in the state everyday, but they can't hold any for us."

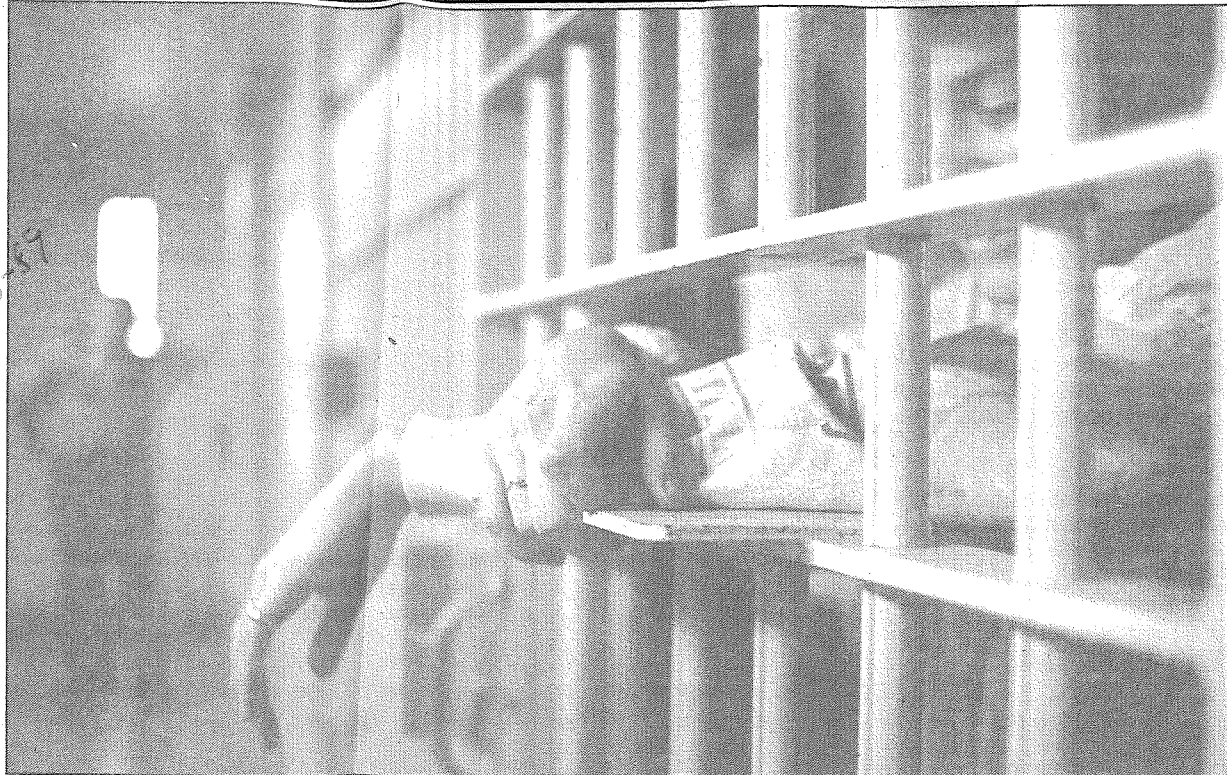
Wade Sanders, jail administrator at the Cumberland County Jail, on Thursday said that prison also has been having more women prisoners of late.

He said the jail that day had 10 women but usually averages about six. The jail is built to accommodate up to 10, Sanders said.

Jail administrators at the Franklin and Oxford county jails also said on Thursday that their female inmate population seems to be on the rise. Those jails are only set up for two or three women prisoners and are at their maximum, whereas usually they have one or no women in the jails.

"The trend is up, no doubt about it," said Sgt. Ernie Martin, administrator of the Oxford County Jail.

But while jail officials are clear that more women are in jail, they say they can only guess at the reasons



A woman inmate at the Androscoggin County Jail last week leans on her cell bars in the women's wing of the jail, which has experienced unusual overcrowding in recent weeks.

BILL KENNEDY/Sun-Journal

why the numbers have increased.

Lebel suggested that it could be the result of "a change in the court's perception of women in a criminal role."

"Maybe its always been the thought of the court that women can be dealt with as effectively in a less-secure type of environment than mortar and bricks," he said. "But maybe the court is finding that not to be the case as it gets more and more involved with female offenders. Maybe it has come to believe that mortar and bricks is the place where they should be."

Lebel said one woman inmate at the jail was previously sentenced to a less-secure facility for substance abusers, but ran away from it.

Of the 10 women at the local jail, five have been to court and been sentenced and five are awaiting trial, according to Kimball.

Campbell is serving a sentence of six months and one day for accessory to robbery, she said. Another of the sentenced inmates is in for theft, one for revocation of probation and two others for prostitution, Kimball said.

However, Justice Thomas E. Delahanty II of Androscoggin County Su-

perior Court, said judges may be more severe with a particular individual depending on the case but said he is not aware of any judges clamping down on women in particular.

He said local judges when they give out sentences are sensitive to the fact that the local jail has more prisoners — both male and female — than it was built to handle. The jail regularly has 30 or more prisoners but is designed to hold about 35.

Delahanty suggested that the reason for the rise in women inmates is "probably just the changing times." He said he has seen an increase in the past year of the kinds of offenses women are involved in.

For example, he said more women seem to be coming in on drug-related charges.

Administrator Martin said a number of women prisoners come to the Oxford County Jail on drunken driving convictions, for which state law mandates jail time.

Whatever the reason for the increase, Kimball said the overcrowding creates problems at the Androscoggin County Jail.

She said some prisoners "are calm

one second and fly off the handle the next." She would like to separate those inmates from other less aggressive ones, but does not have the room to do so, she said.

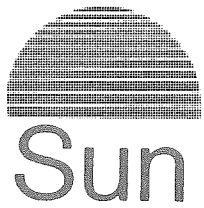
Inmate Campbell, lying on her cot on Thursday just a few feet away from two small cells filled with beds, said the feeling in the jail is "tense." "Some like to sleep but others act crazy and obnoxious," she said.

Charges for the prisoners awaiting trial range from attempted murder to pulling a police alarm for false reasons, Kimball said.

She said the overcrowding also creates a security problem. Women inmates, who eat in the canteen with male work-release prisoners but not with the other male inmates, cannot walk past the male cells to get to the canteen.

They have to walk through a less-secure waiting room in the jail to get to the dining room. A male prisoner recently escaped from the jail through the waiting room.

Lebel said the new jail, due to open next summer, has cells designed for use by either men or women depending on the need.



# Metro

Friday morning, September 16, 1988

Leavitt High  
Officials seek  
school expansion

p. 29

Gas promotion  
Competitors say  
advertising untrue

p. 52

27

## No alternatives are found for women at jail

By Dan Wheeler  
*Sun staff writer*

AUBURN — Although the Androscoggin County Jail is no longer certified by the state to hold female inmates, three women are at the jail, largely because there is nowhere else for them to go.

The Department of Corrections decertified the county from holding women after ruling that the practices used to separate the male and female populations were discriminatory.

Jail Administrator John Lebel said the women, two awaiting trial and one sentenced to 364 days, have to be held in the county jail unless he can find another facility willing to accept them.

The woman serving 364 days must be held at the county jail because she was sent there on a probation violation. Her original sentence, of which she is now serving the suspended portion, was to the county jail.

"No one wants her at the other county jails because she has been a problem in the past," Lebel said.

He said that if he could find jails to take the other two women, he would petition the court to transfer her to the Maine Correctional Center at Windham. As long as he has to hold two female inmates, there is no reason to petition the court about the third, he said.

One of the women awaiting trial has health problems that make it difficult to find a place for her at another jail. There is no space available elsewhere for the other.

Penobscot County, which has a special facility for women, and Oxford County jails are most likely to take women inmates from Androscoggin County, Lebel said.

"But they have refused to take them," Lebel said. "They have that right, just as we will have the right to refuse to take inmates in once we get our new facility going."

He said another woman recently sentenced

to the county jail has been transferred to Penobscot County.

Holding women in the antiquated, overcrowded county jail creates several headaches for those who have to run the facility.

Since the jail was told it could not house female inmates, the areas that used to house them have been used for maximum security inmates, because it is isolated from the rest of the population. But when there are women who must be housed, the maximum security inmates are moved to another area, which is not as isolated as it should be, Lebel said.

"If the population were closer to normal, it would be easier," Lebel said. He said the jail population is about 57, but the facility is designed to hold only 30.

"I have to call every other county jail every day to try and get people out," he said. "We have to do this until we are down to capacity, which means we have been doing it every day for about two years."

He said jails as far away as Washington or Aroostook counties sometimes are willing to take inmates, but by the time transportation can be arranged, the available space has been taken.

Before the state decertified the jail, Lebel said, "The female inmates were totally separated (from the male population) in all their activities."

"They had separate meals, separate recreation, and so on," he said. "And because the population was mostly male, by a ratio of about 50 to one, we would give the more convenient times to the males, such as prime time for watching television, and the more inconvenient time, like 11 p.m. to 1 a.m. to the females. This is clear discrimination."

Since that time, practices at the jail have been changed.

"What we have done is that now we mix the populations in all the activities, except housing," Lebel said. "The females have contact

with the other inmates at meal times, recreation, religious services and substance abuse counseling, but always under direct supervision."

The main result of holding women in the jail after being decertified, according to Lebel, is an increased risk of lawsuits.

"If their rights are violated or something happens to the females that is the fault of the institution, we are more subject to a lawsuit," Lebel said. "If we are certified, they still can sue, but as long as they have been allowed their rights and we have followed standard operating procedures, we're in pretty good shape."

Once the county's new jail has been completed in 1990, the county will be able to hold female inmates without the risks they currently face. Each area of security classification, minimum, medium and maximum, will have spaces set aside for female inmates and certification is expected to be restored.



# Winthrop woman files \$300,000 claim against county

By MARY ELLEN MATAVA  
Staff Writer

AUGUSTA — A woman arrested for drunken driving who said she was taken to the Kennebec County Jail and strip searched in front of male guards has filed a \$300,000 claim against the county, the fourth such claim this year.

In her notice of claim, which must precede any legal action against a municipality, Nancy Prevatte said she was taken to the jail by a Kennebec County sheriff's deputy who had arrested her for OUI on Feb. 26.

At the jail, the Winthrop woman said a female guard took her to a room where in the presence of three to five male guards she was forced to remove her clothing. Prevatte also said the female guard verbally abused her during the strip search.

"These actions by said guards of the Kennebec County Jail amounted to an assault and battery upon (Prevatte), as well as intentional and/or negligent infliction of emotional stress," her claim said.

Sheriff Frank Hackett, who received the notice of claim last Thursday, said he has assigned someone to investigate it. "Until they look into it, it's difficult for me to respond," he said.

Inmates are searched if they will not immediately make bail and will spend some time in the cellblock, Hackett said, and if there is the possibility they have drugs or weapons in their possession.

"Certain circumstances would justify (a strip search)," he said. "Like the fear that they were smuggling contraband that would damage themselves or others. But I don't know the circumstances in this case."

In February, three other women who alleged they were strip searched at the jail in front of male guards filed notices of claim for \$300,000 each. In two of the instances, the women said the guards did not return their clothing, and that through the night, male guards came by to observe them.

Prevatte is represented by Augusta attorney Matthew Dyer, who is also lawyer for Michelle French, an Augusta woman who is one of the three who filed notice of claim in February.

The action of the guards amounted to an unreasonable search and seizure and violated her civil rights, Prevatte said in her claim.

Dyer would not comment on Prevatte's case, except to say that he believes a strip search was not appropriate. "It was a minor crime," he said.

A notice of claim must be filed within six months of the alleged incident, Dyer said. After that time, a lawsuit may or may not be filed within a two-year statute of limitations. He would not comment on any action he may take on French's case.

Hackett said he notified the county's insurance company about the first three notices of claim, and will do the same with the latest one. If a complaint were filed in court,

See: WINTHROP  
Page 10

KENNEBEC JOURNAL

AUG 30 1988

# Winthrop woman files claim

► FROM PAGE ONE

the insurance company would be responsible for the county's defense.

Dyer said the insurance company has not responded to him regarding French's case.

Women guards search women prisoners at the jail, though Hackett said there are times when a woman guard is not on duty. They are there 95 percent of the time, he said.

A woman inmate is taken into an enclosed room for searches. Two small cells for females are connected to the search room. If a prisoner has to be restrained during a search, additional guards are called in to help, and Hackett said they may be

male.

George Jabar, chairman of the Kennebec County commissioners, received a copy of the notice of claim last week. "The first ones concerned me, and obviously the fourth one concerns me," he said. "But a statement of claim is a long way from what will eventually happen."

The two other women who filed notices of claim against the county are Theresa Dulany of Manchester, N.H., and her sister, Sheena Maddox of Gardiner. Both women allege that following the searches, the guards did not return their clothing and left them naked in the cell.

# 3 women file \$300,000 claims against jail for strip-searches

By MARY ELLEN MATAVA

MORNING SENTINEL

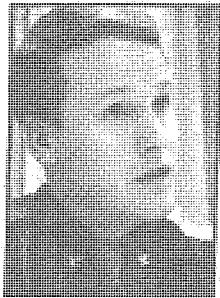
Guy Gannett Service

MAR 3 1990

AUGUSTA — Three women who allege they were strip searched at the Kennebec County Jail and left naked in full view of male guards have filed separate notices of claim against the county for \$300,000 each.

In two of the claims, the women allege the guards did not return their clothing, and that through the night, male guards came by to observe them. The third woman said she was strip searched before four of five male guards.

Kennebec County Sheriff Frank Hackett Jr. questioned jail employees about the alleged incidents and reviewed records this week. "I feel the allegations are not true, and we have documentation to prove that," he said.



HACKETT

He said it is important for people to trust those who run an institution like the jail. "That kind of behavior would not be tolerated," he said.

Michelle French, in her early 20s, was taken to the jail following her arrest on charges of assaulting a Hallowell police officer last Sept. 30. The Augusta woman alleges that when a female guard took her to a room to be strip searched, her clothing was removed in the presence of four or five male guards.

French's claim also alleges the female officer verbally abused her during the strip search.

Her lawyer, Matthew Dyer of Augusta, said French's strip search was against state jail standards. He said that type of search is not conducted on people accused of minor crimes, or who will undoubtedly make bail once a bail commissioner arrives.

Dyer said French was not intoxicated.

"There are precious few circumstances which would ever justify having the member of one sex present while a member of the other sex is unclothed," he said.

More on JAIL, Page 12

# Jail

Continued from Page 1

Deputies do not procedurally strip search prisoners, Hackett said. But when there is the possibility of a weapon or contraband, or if the person is under the influence of drugs or alcohol, a strip search is conducted.

Hackett, who was not at the jail at the time of the alleged incidents, said strip searches are conducted to assure the safety of that person as well as the other prisoners.

Women guards search women prisoners, Hackett said. If a prisoner has to be restrained during a search, additional guards are called in to help, and Hackett said they may be male.

"We didn't act out of ordinary procedures in conducting our ordinary duties at the county jail," Hackett said.

Women prisoners are taken into an enclosed room for searches, Hackett said. Two small cells for females are connected to the search room.

Dyer said he has instructed French not to talk about the incident.

"She had never had any contact with any law enforcement officer in her life, and suddenly she finds herself in a brutal episode here," he said. "It is so obviously wrong and such obvious improper conduct. I was frankly shocked by what this lady had to say."

Dyer said there was no particular reason French did not file her claim earlier, but he said she filed now because the statute of limitations runs out six months after the incident allegedly took place.

The other two women who al-

lege similar treatment at the jail do not know French, Dyer said. "I'm aware of their claims, we've discussed some things," he said. "But these people didn't know each other. They weren't friends, or anything like that."

Theresa Dulany of Manchester, N.H. and her sister, Sheena Maddox, of Gardiner, were arrested on Aug. 31, 1987 following an altercation outside a Halloween night club. Dulany alleges that she was brought to the jail and as part of a booking procedure, two female guards attempted to strip search her.

In the notice filed in Kennebec County Superior Court on Feb. 25, she alleges that when she resisted the strip search, male guards were brought in to hold her down while the female guards "physically ripped the clothes off her."

When Maddox was booked,

she alleges that a male guard stood in the open doorway while she was strip searched.

Both women allege that the guards did not return their clothing, and left them naked in the cell.

Dulany and Maddox are represented by Gardiner attorneys Mark E. Susi and Walter T. Ollen Jr., respectively.

Ollen said Maddox was placed in an uncomfortable situation. "Obviously she's outraged, and so was I," he said. "It really bothered me that this took place."

The three women filed notices of claim, and if the cases are not resolved in six months, they can file suit against the county. Hackett said he sent the claims to the county insurance company.

"The accusations are totally false," he said.

# County inmate's gender triggers work release woes

*Jails*

By GARY J. REMAL  
Staff Writer

DEC 31 1987

KENNEBEC JOURNAL

AUGUSTA — When 31-year-old Cindy Brown Elliot was sentenced to six months in jail for welfare fraud, she was denied an opportunity to participate in the Kennebec County Jail's work release program because she's a woman, according to her lawyer.

Augusta attorney Stephen J. O'Donnell said Sheriff Frank Hackett Jr. told him Elliot didn't qualify for the jail work release program because the jail does not have minimum-security housing for female prisoners similar to that provided men at the jail's halfway house.

"It's a real problem at the jail," O'Donnell said. "It has a number of problems, but that may be one of the glaring deficiencies, that these women do not have available the same programs they have for men."

Jail officials explain that female prisoners are housed at the Kennebec County Jail only until the male population nears capacity. Then the women are transferred to other county jails that have room for women, to make room for more men in the local cells.

After serving about a month of her sentence, Elliot and her husband asked jail officials if there

was any program available that could bring her back to Augusta to serve her sentence.

Jail officials suggested the new Community Alternative Sentencing Program. She would live at her own home, carry on a 40-hour a week job, as well as provide a minimum of 10 hours of public service work a week. She agreed to perform a total of 800 hours of public service work.

"It's a real class discrimination. There's probably many inmate rights they normally have and she's deprived of" because of her sex, Elliot's lawyer said. "I think the sheriff's office is aware of that and maybe that's one of the reasons they came up with this CASP program."

But before long, Elliot was dragged back to jail again.

Jail Program Coordinator Kathleen J. Lombard said prisoners participating in the CASP program must receive permission from both jail officials and the sentencing judge.

Lombard said Elliot had been released to live at home for a week to 10 days when a prosecutor was approached by a lawyer in another, similar case, who said his client would plead guilty if she could live at home too. The

See: INMATE  
Page 10

DEC 31 1987

# Inmate's gender triggers problems

FROM PAGE ONE

prosecutor knew nothing about the arrangement.

When jail officials were asked to produce the judge's authorization for Elliot's participation in CASP, they couldn't find a document signed by the judge.

Lombard maintains the authorization was signed, although she can't explain why it can't be found. Tuesday Superior Court Judge Donald Alexander refused to approve Elliot for CASP or to change her sentence to allow her to be held at her home through the state's intensive supervision program.

In the meantime, Elliot has been sent to the Penobscot County Jail.

Lombard said only seven men have participated in CASP since it began last April. All CASP prisoners live at home, hold full-time jobs and provide a minimum of 10 hours public service a week.

"It's not set up to be a large program. Seven people a year would be an exciting year for the program," she said. "We're not looking to have large numbers of inmates in it. It's for the exceptional inmates."

O'Donnell said he originally approached the sheriff to place Elliot on work release because

Alexander said he would approve that option.

Jail officials offered the CASP program as an alternative, he said.

Lombard said it still may be possible to work around the housing problems and place Elliot on work release. She noted, however, that work release is not a sure thing for men either, since the program is booked up till April 1988.

"It is possible for her to be on it if our male population stays low," she said. "The possibilities are there. But it will take some doing and it won't happen overnight, if it happens at all."

# County's women inmates may be packing up for Bangor *Nichols*

By JEFF BEEBE MORNING SENTINEL

Guy Gannett Service FEB 11 1987

AUGUSTA — State officials are considering new orders to deal with overcrowding at the Kennebec County Jail following an inspection Monday night, the chief jail inspector said Tuesday.

Inspector Ralph Nichols said he may order Sheriff Frank Hackett to move female inmates to Bangor to make room for more males, and he said he intends to meet with Hackett to revise the county's overcrowding plan, which was last revised two years ago.

"The population has grown enough that the contingency plan doesn't handle it anymore," Nichols said. In previous years, the overcrowding was managed

able as it climbed and fell, but it has remained excessive without relief since Jan. 1, he said.

Nichols said he visited the jail to review a request to move two inmates to the county's halfway house and investigate "complaints" he would not describe. It was not a surprise inspection, he said.

Monday night the jail's population was 66 persons, not including 10 in the halfway house next to the YMCA. But the jail itself has room for only 46 people: 36 in the main cellblock, two in segregated protective custody cells, four in trustees' quarters, and four in a female dormitory cell.

Nine Kennebec County inmates were in other county jails Monday night, leaving 11 on cots in various areas of the jail.

Only the so-called library cellblock is approved for cots, but other walkways and a caged area were in use, Nichols said.

"We've got to come up with some alternative other than blocking fire exits," Nichols said.

The jail can put six men where four women are housed, Hackett said, and there is room for the women in a new facility in Penobscot County.

A nine-bed minimum security dormitory in Hackett's Perham Street office building, planned since last summer to ease overcrowding, is still a long way from reality. Plans have not yet been completed by an architect, and Nichols, who must approve the plans, said he has seen nothing yet.

Hackett told a county advisory committee Tuesday afternoon that the county

will also need to win a stay of several pending state orders to fix substandard conditions before undertaking any new construction.

Meanwhile, Hackett said, the county still faces a serious problem with juveniles — although Hackett is not permitted by regulations to house them in the jail, he must take custody when children are arrested or sentenced to jail by a court.

Hackett said he raised the overcrowding issues before the committee Tuesday as an illustration of the daily pressures facing the jail staff and the county because of conditions and regulations.

In violation of state orders, Hackett acknowledged, he held juveniles for a total of 50 days in January, using the two protective custody cells. "I have no

choice!" he insisted in an exchange with County Commissioner Charles Moreshead.

"You say to the judge, 'Do you want us to break the law?'" Moreshead urged Hackett. "They won't tell you to break the law."

"We should refuse 'em, and if the judge orders it, that only helps us in a lawsuit," said Moreshead, a lawyer who serves as Augusta city attorney.

No juvenile jail beds are available anywhere in the state, Hackett said. If he is to stop admitting juveniles to the jail, his best alternative will be to rent a motel room for an inmate and a guard, he said.

Nichols said the county cannot hold juveniles because the two isolated cells are not adequately separated from adult areas.

## State inspection reveals problems

LDS 6-12-85

# Girls not allowed in Andy jail

By George Manlove  
Sun staff writer

The Androscoggin County Jail in Auburn has lost its certification to house juvenile girl prisoners and it may lose its state certification to house boys, unless steps are taken within 30 days to bring the jail into compliance with state corrections standards.

County officials received word of the new restrictions this week in a letter from Department of Corrections Commissioner Donald L. Allen.

The letter — not entirely a surprise for county officials — is a forerunner of a more detailed report officials expect to receive within several weeks. The report is the result of a four-day evaluation of the jail facilities that was conducted last week and earlier this week.

Allen's letter also pointed out three other deficiencies in the jail that he said constitute "a threat to the health and safety of the inmates..."

Androscoggin Sheriff Ronald B. Gagnon and Chief Deputy Andre G. Gagne told Androscoggin County commissioners Tuesday that all but one of the five deficiencies have already been corrected. And Gagne said Tuesday night he does not think inmates' health and safety are in danger.

The biggest problem cited in the letter is an order requiring the separation of adult males from juvenile males by both sight and sound.

"The present design of the ... (jail) requires that juvenile males pass by adult housing units in order to reach the male juvenile housing area," Allen said. The county "is to take action within 30 days to develop a housing area that complies with the sight and sound separation requirements of the Maine Juvenile Code."

"The sight (requirement) is easy to

*There is no short-term solution for the problem of what to do about housing girls, Chief Deputy Gagne said. Some of the options include taking girls to other jails, sending them to the Maine Youth Center, or releasing them to their parents, he said.*

do," Gagne said Tuesday night, "but not the sound... We'll have to talk with Ralph (Nichols, state jail inspector) and see what we can do."

Gagne said it's just not practical to expect officials to totally isolate adults and juveniles by sound. "If they yell, they yell," he said, and everyone in the building can hear it.

County officials expected a critical report on the jail after the virtual white-glove inspection. They also were aware of overcrowding and other problems at the jail, problems they have said cannot be corrected without money authorized by county commissioners and the state Legislature.

Officials have taken some steps to improve jail conditions. They hired an architect to design renovations of the old, unused section of the jail.

Gagne said the solution to housing juveniles at the county jail may lie in a plan currently being discussed. It would establish a separate juvenile

detention center in the Lewiston-Auburn area.

There is no short-term solution for the problem of what to do about housing girls, Gagne said. Some of the options, for now, include taking girls to other jails that are certified to hold young women, sending them to the Maine Youth Center, or releasing them to their parents, Gagne said.

Allen also ordered the county to immediately:

- Stop putting male and female juveniles together for meals and recreation.
- Stop housing juveniles in the jail's temporary holding area, where adults are also housed.
- Repair fire and smoke detection alarms.

Gagne said the fire and smoke detection system is in the process of being replaced.

He expects the work to cost about \$750. Asked whether the department budget has money for such work, Gagne said officials had little choice: "Truthfully, whether the money's in the budget or not, (the work is) going to have to be done."

Despite the state orders, Gagne said he is optimistic that the jail can be brought into compliance with state requirements. "We'll deal with it," he said. "I'm not pessimistic."

Gagnon could not be reached to comment on Allen's letter Tuesday night.

County officials are currently the defendants in a \$3.5 million civil lawsuit brought by a 15-year-old Lisbon Falls youth who was held in the county jail earlier this year. His lawyer alleges that the youth's rights were violated because the county jail is inappropriate for juveniles, is dirty and has inadequate programs or educational and recreation provisions for juvenile prisoners.



# Hallowell building tapped for regional juvenile jail

KJ  
2/13/85  
p1

By GARY J. REMAL  
Staff Writer

A state group planning a regional jail for juveniles has selected a building on the campus of the former Stevens School in Hallowell as its choice for the project's lock-up.

But the group also heard from Hallowell Mayor Barry Timson that community objections to the site selection will not go away.

The state's Juvenile Justice Advisory Group, the committee that con-

trols the state's federal grant funds for juvenile justice projects, voted Tuesday to propose locating the four-county juvenile jail at the Hallowell state office campus that formerly housed the Stevens School for Girls and currently is home for the Hallowell Pre-Release Center for state convicts.

The chairwoman of the JJAG, Ann L. Carlisle, said the panel's choice is the Flagg-Dummer Building, which currently houses the state Office of Community Services. The building is

one of three on the office campus originally built as a jail.

Three staff members to the group recommended the building from eight other options.

Ms. Carlisle said state Bureau of Public Improvements Director Leighton Cooney has indicated he opposes the move, but she says the JJAG still favors the Flagg-Dummer building.

See: JAIL  
Back page this section

## Jail

KJ 2/13/85  
p12

(Continued from page 1)

"His recommendation is that they are needed as office space and that they should remain offices," Ms. Carlisle said. "My response is, if those buildings are the only ones around and they're built to house juveniles, that's what they should be used for."

The JJAG has offered to help defray the cost of relocating the offices housed in the building, she said.

"That's expensive office space because it probably costs three times as much to build (jails) as office space. Do we go to the Legislature and ask them to fork out the money to build new buildings because they don't want to take the office space?" she said.

Timson told the JJAG members that Hallowell continues to object to the placement of the juvenile facility at the former Stevens School.

"Quite frankly, neither you or I really know what the negative impacts from such a facility could be on a community," Timson told the group's members. "We have only

speculated on the possibilities, but there has not been a detailed evaluation."

He listed his concerns:

- ✓ Moving state offices will take state workers out of Hallowell who regularly patronize local merchants.
- ✓ County ownership of the building could reduce state payments in lieu of taxes to Hallowell.
- ✓ Dangerous juveniles may escape and cause injury or damage in the surrounding community.
- ✓ And finally, the building is close to an elementary school.

But Ms. Carlisle pointed out the location was used as a corrections institution long before the school was built.

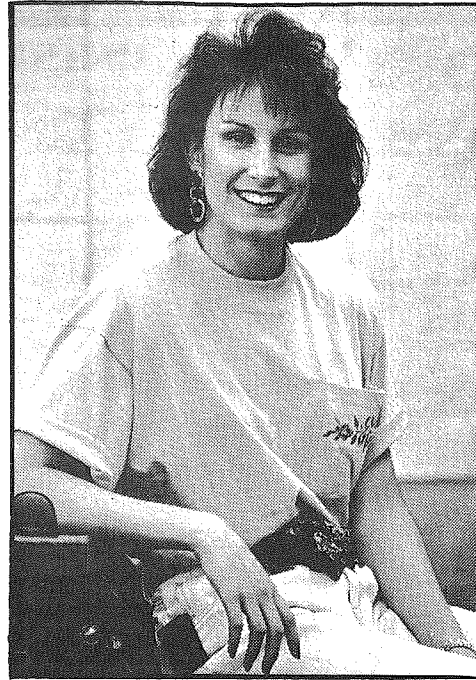
"I asked why, if Hallowell chose to put (the school) next to a corrections facility, are they raising this now?" she said.

She said program officials hope to have the jail operating by May or June and have other parts of the program — providing police alternatives to putting children in jail — established before that time.

# Jail faces suit by transsexual

## Case could set standards for treatment

JUL 9 1992



ROBERT F. BUKATY

Paige Daniels: "I was referred to as he, she, it — the freak act."

By **LEE BURNETT**  
Journal Tribune Staff Writer

**ALFRED** — The York County Jail has been hit with notice of a \$1 million lawsuit from a transsexual and former prisoner who claims he was raped in a cell with three men.

Paige Daniels, 19, of Biddeford said jail officials negligently endangered him by refusing to isolate him in his own cell, despite repeated requests to do so during his incarceration from Jan. 12 to Feb. 14.

Daniels claims a male inmate raped him twice while they were alone in the cell, a charge that has resulted in an inconclusive, ongoing criminal investigation. Daniels also claims guards subjected him to ridicule, semi-public strip searches, and other offensive gestures while he was in jail.

"I lived in fear," Daniels said in a recent interview. "It took them two days for them to remove (the alleged attacker) from my cell."

Daniels said guards treated him as a carnival sideshow.

"I was referred to as he, she, it — the freak act," he said. "They did not like me, they hated me."

Daniels' pending civil rights litigation could establish standards of care for prisoners whose gender is unclear. County officials have 60 days to resolve the notice filed in York County Superior Court, or it could be followed by a lawsuit.

### SEX-CHANGE SCHEDULED

Daniels has male sex organs, but in every other way looks like a woman. He dresses

like a woman and carries himself self-confidently. He is undergoing hormone therapy and exhibits the soft features and breasts of a woman. He says his condition has been diagnosed as gender dysphoria syndrome and is scheduled for a sex-change operation in Florida in August.

County officials would not substantively discuss Daniels' suit, notice of which was served Wednesday on Sheriff Michael Bemis.

But Bemis defended the jail's assignment of Daniels.

Daniels' sex organs were the deciding factor in his classification, Bemis said, but he was considered a "special needs" case. He was assigned with three male prisoners to

### ■ SUIT

Continued on Page 12

JUL 10 1992

## ■ SUIT

From Page 1

a cellblock that gets closer supervision than other parts of the jail.

"We were very proactive on this," Bemis said in a telephone interview this morning. "We consulted other agencies. I know Maj. Daniels (Jail Administrator Dennis Daniels, no relation) put in a significant amount of time. I know we contacted (the Department of Corrections) and we followed their advice. ... I strongly believe this was handled in the best manner."

But other evidence undercuts Bemis' assertion that jail officials were solicitous in their handling of Daniels' assignment. This evidence suggests jail officials took a confrontational approach with Daniels and put him with other men because solitary cell space was at a premium.

In response to a grievance filed Jan. 23 by Daniels, Sgt. Brian Maddox wrote, "until you or your lawyer can provide the legal documents showing otherwise you are considered a male and are housed under special management in a male block."

### 'NEVER FELT LIKE A MALE'

Daniels was born David Fitch, and grew up in Lewiston and Florida. He said he regarded himself as a female from an early age.

"I always wanted to be like other girls, even back in kindergarten," he said. "I've never felt like a male, I felt like a female with a wart down below."

He was sent to a private school in second grade, and by the time he was in his early teens he was barhopping. He says he supported himself since the age of 13 as a prostitute for high-roller male clients. He was booked at the jail on an extortion charge in January, and eventually agreed to a plea bargain, admitting his guilt in exchange for a \$1,000 fine and two years of probation.

He claimed the man was a client, and he was pressuring him because he hadn't paid for services.

Although he was booked under the name David Roy Fitch, Daniels provided the Journal Tribune a York County Probate Court record showing his name was changed to Paige Victoria Whitney on Oct. 31, 1989. He said he also provided a copy to the jail. He said it was known he was under medical care because the jail doctor prescribed him hormone therapy.

One jail guard suggested space considerations may have been a factor in his assignment. The 65-bed jail contains a single observation cell generally used for segregating dangerous inmates.

"It would be nice if we had a coop for every chicken," Cpl. Edward Ross said in an interview about Daniels' treatment.

State jail inspector John Hinckley remembered that Maj. Daniels consulted him on the legalities.

"He asked me if there was anything preventing him from treating this person as a male and I said since he still had male genitals I didn't know as there was anything preventing him from doing that," Hinckley said.

The state currently lacks standards on the treatment of transsexual prisoners, according to Hinckley. "I don't know as we have a policy per se," he said. "It's not a very common thing and we base it on a case by case thing."

Every placement has drawbacks because assignment with members of either sex poses potential socialization problems and assignment to segregation could be viewed as cruelly isolating, Hinckley said.

"It's a bad situation either way," he said. "They don't have much of a choice."

Classifying Daniels as a male, however, runs counter to the only recent comparable experience with an incarcerated transsexual in a Maine county jail. It also runs counter to the advice jail officials would have gotten from a more

thorough consultation with medical and professional people.

### PENOBSCOT EXPERIENCE

Three years ago, a transsexual (male in transition to female) held at Penobscot County Jail in Bangor was assigned to a female cellblock. Lt. Cheryl Gallant reports "we never experienced any problems whatsoever."

After transsexual Cheyenne Lamson was released, a female prisoner sued the county claiming emotional distress, but the suit was dismissed as groundless, according to Gallant.

York County officials would have been advised against the assignment they made had they consulted the jail's doctor or one of the few attorneys with a national reputation for representing transsexuals in the criminal justice system. The advice is not consistent, but it suggests that placement in segregation or with female prisoners is preferable to placement with male prisoners.

The jail's consulting physician, Dr. John Meserve of Kennebunk, does not ordinarily give advice on classification decisions and said he was not consulted in Daniels case. Had he been consulted he said would have recommended isolating Daniels in a segregated cell.

"There's a potential hazard with placement with either (male or female) population and ... if there are solitary areas and if I was asked, that's probably what my answer would have been," Meserve said. Meserve met Daniels for the first time on his weekly rounds to the jail and has since been engaged as his primary doctor for the hormone therapy.

Rhonda Rivera, an Ohio attorney who has represented several transsexuals said, someone like Daniels would be "perfectly safe" in a cellblock with women.

"Putting these people in with male prisoners is cruel and unusual punishment," said Rivera, a law school professor at Ohio State University Law School in Columbus.

### RAPE, RIDICULE

In his notice of suit, Daniels claims he was raped by one inmate twice while two inmates were on work release or out on a supervised bail project. He declined to elaborate. "I'm not going to go into the details of it, for one thing I don't want to right now," he said.

He also alleges he was subjected to "excessive and lengthy" strip searches by male guards Chris Lambert and Dave Chevette, while "as many as eight other employees were invited to watch."

"During these searches, Paige Whitney Daniels was ridiculed, taunted, and displayed to the watching audience," according to the notice.

In addition, he claims guards James Bond, Richard Haskins and Sgt. Brian Maddox touched his breasts "under the clothing and bra during 'pat-down' searches whenever (he) left the cell."

The substance of Daniels' charges could not be corroborated independently through interviews with other prisoners or corrections officers. Daniels provided the names of four guards he said were sympathetic to him, but none confirmed his story.

Three declined to talk, saying they are saving their testimony for court. Edward Ross was the only one who agreed to talk, and he said he never saw any mistreatment of Daniels.

Former inmate Robert Daniels, 36, who shared the cellblock with Daniels and later married him, confirmed some of his allegations.

"She was treated miserable," he said in a telephone interview. "I've seen guards feel her up and seen them grab her crotch. They wouldn't do that to a guy. Why did they do it to her? If she was taking a shower, they'd walk right in and stare at her. They really abused her bad."

Mr. Daniels said he turned over to Ross letters that his wife's alleged attacker purportedly wrote to him, in which the attacker apologized.

# Jail guard resigns over alleged relationship with inmate

HOULTON PIONEER TIMES DEC - 8 1993

An Aroostook County Jail guard who was under investigation for a relationship with an inmate resigned last month, citing personal reasons.

In a letter to the Pioneer Times, Scott Holbrook, an inmate at the jail, stated that Sgt. Tim Bossie was under suspension for misconduct for "carrying on a relationship with female inmates."

"I am an inmate at the jail and one of the ladies involved is my fiancée," Holbrook wrote.

Jail Administrator James Foss told the Bangor Daily News that Sgt. Charles Hall investigated the allegations against Bossie and determined that he had developed what was considered an inappropriate relationship. During the investigation Bossie was suspended.

Bossie was a six-year employee of the jail.

Holbrook is being held in the jail

for criminal threatening in an incident in July in Woodland. During the incident he shot a dog with a 12-gauge shotgun.

Foss said Holbrook pled guilty to the charge and is awaiting sentencing.

# Jail guard sentenced in sex case

PORTLAND PRESS HERALD

2-11-99

● George Blake of Bridgton resigns and gets a fine and probation in connection with a cigarettes-for-sex deal with a female inmate.

By JASON WOLFE

Staff Writer

A Cumberland County jail guard accused of providing cigarettes to a female inmate in exchange for a sex act pleaded guilty Wednesday to simple assault and resigned from the sheriff's department.

As part of a plea agreement, George Blake, 48, of Bridgton, must pay a \$500 fine and serve a one-year probation. Judge Roland A. Cole also agreed to suspend a 364-day jail sentence.

The inmate told investigators that Blake entered her cell the night of Dec. 27 and gave her cigarettes. In return, she said that she allowed him to perform oral sex on her, Sheriff Mark Dion said Wednesday. Sex between guards and inmates in custody is a crime.

"This person has been held accountable," Dion said. "But what is unfortunate about this case is that it diminishes the integrity of everybody else who is doing their job

right. That's unfortunate."

Blake and his attorney, Neale Duffett, could not be reached Wednesday. Blake, who is married, has a non-published telephone number.

The female inmate's name is not being used in keeping with the Press Herald's policy not to identify victims of crimes of a sexual nature.

Blake entered the plea during a brief appearance in Cumberland County Superior Court. He agreed to plead guilty to misdemeanor assault – charging "offensive physical contact" – before prosecutors presented the case to a grand jury in search of a felony sex charge.

A prosecutor said Wednesday the plea agreement was a recognition of some "inherent proof problems" if the case had gone to trial. "We felt it was the best disposition for everybody," said Assistant District Attorney Howard O'Brien.

Dion said his investigators believed the woman's claim, but recognized that a jail inmate would have credibility problems in front of a jury, where prosecutors must prove a case "beyond a reasonable doubt."

Four years ago, a jury quickly cleared a Cumberland County jail guard accused of having sex with another female inmate. The prosecution's case was later exposed as flimsy – the accuser was a known liar, the allegations were a physical impossibility – and lawmakers ended up

paying the former guard \$150,000 for his trouble.

In Blake's case, the investigation was launched after jail video cameras in the jail pods captured Blake going alone into the cells of female inmates – a violation of jail policy. Activity inside the individual cells, for privacy reasons, is not videotaped, Dion said.

While conducting an internal investigation, the female inmate made the allegation against Blake. Dion then ordered a criminal probe. Blake, who has worked in the jail for eight years, disputed the inmate's claim.

A trial, though, presented the risk of conviction and a likely prison sentence.

Dion said his goal in resolving the matter was to remove Blake from the jail, hold him accountable and make sure he never works again as a jail guard. The conviction means Blake will be decertified by the Maine Criminal Justice Academy, preventing him from working in another county jail.

Dion, the newly elected sheriff who took office in January, said the Blake case does not mean there is a widespread problem of sex between guards and inmates.

"The vast majority of people here are good people who understand the great responsibility attached to the care and custody of inmates," he said. "We felt we responded quickly to this problem when it arose, and we will continue to do so in the future."

# Anorexic inmate's plight follows years of distress

*Jails*

**INSIDE**

**Anorexia:** its onset, symptoms, results – and its victims, **Back page this section**

● Cumberland County's sheriff plans to put Tammie Terison on a special furlough to provide treatment.

By **DIETER BRADBURY**

Staff Writer

At supper time in the Terison home in Cumberland, the family dog always sat near the feet of Tammie, the Terisons' outgoing teen-age daughter.

Quietly, she would sneak morsels of food to the dog, so she wouldn't have to eat.

"I was mostly just eating a lot of diet pills," she says, "and eventually I got into laxatives."

Although her family was not aware of it at the time, Terison's odd behavior was an early warning sign of anorexia nervosa and bulimia, eating disorders that would cause her to have two heart

attacks before the age of 30 and blunt a promising young life.

For years, Terison hid her symptoms in layers of denial and deceit.

The awful secret of her disorder – believed to afflict 8 million people nationwide – burst into public view last week, when Terison's gaunt frame appeared in the media. She was in Cumberland County Superior Court, where she asked a judge for a shorter jail sentence so she could seek

Please see **ANOREXIA**  
**Back page this section**



*"It would be nice to be free from here. But it would be even better to be free of this disease."*

**Tammie Terison** talks about her plight from the Cumberland County Jail.

Staff photo by Jack Milton

# ANOREXIA

Continued from Page 1A

medical help.

Terison, 32, is serving an 18-month sentence for repeated drunken driving offenses, and the judge declined to alter the stay.

On Thursday, Sheriff Mark Dion, concerned about her deterioration, said he planned to put Terison on a special furlough, usually designed for work release. It will enable Terison to get treatment during the day and return to the jail at night. Jail officials say that Terison is regurgitating her meals, something she says she cannot control.

Terison, in an interview at the jail this week, said she is hoping the program will help. "It would be nice to be free from here," she said. "But it would be even better to be free of this disease."

Terison's case sheds light on some of the problems jails face in dealing with the medical needs of inmates who have mental illnesses. It also provides a glimpse into the horror of a fairly common disorder that is poorly understood and difficult to treat.

In 1984, it would have been hard to imagine anything but a bright future for Terison. She was a spirited high school cheerleader, popular and a high achiever always on the go.

Her parents first became alarmed when they noticed foul odors in their house, and discovered plastic garbage bags of vomit carefully hidden in the girl's closet - behind the eaves and, occasionally, in the cellar.

Together with the diet pills and laxatives discovered around the house, the bags should have been a clue that something was askew, perhaps a cry for help. But Terison's father, Tom, said he and his wife knew nothing about anorexia or bulimia. They felt they could not force their daughter to eat. "We put a lot of it down to peer pressure to be thin," he said.

Experts in eating disorders say anorexia and bulimia even baffle the experts, and that it's not unusual for someone to try to conceal their illness or deny anything is wrong.

"A person with eating disorders has a vested interest in their illness," said Christopher Athas, vice president of the National Association of Anorexia Nervosa and Related Disorders. "It's a way for them to compensate for something that they don't have in their lives."

Although eating disorders affect people of various races, ethnicities, ages and economic backgrounds, the vast majority are women, with most experiencing their first symptoms as teen-agers.

Tammie Terison said she remembers distinctly when she began to starve herself.

It was just before her sophomore year at Greely High School, and a coach made a casual comment that she had gained a few pounds over the summer. "I was devastated," she said. "After that, I just basically set myself on a mission."

For Terison, that mission was to diet, exercise constantly and keep as active as possible as a student and athlete.

She enrolled at the University of Maine but did not complete her sophomore year. After dropping out, she moved back to Greater Portland, worked as a bar manager or waitress and started a cleaning business with her mother.

In the mid-1990s she suffered two heart attacks, a common occurrence among people with serious eating disorders; sometimes it is their cause of death. She also drank alcohol, which led to the OUI charges.

In her jail interview, Terison said she does not think she has a drinking problem.

"It's just bad luck," she said. "They seem to catch me every time I drink and drive."

Terison, who was born and raised in Cumberland, has delicate features. She is 5 feet, 6 inches tall and weighs 92 pounds. She has dark brown hair and hazel eyes. These days her face looks pinched and drawn. Her hands seem skeletal as she brushes the hair from her face or wipes a tear away.

Orange jail clothes and black plastic sandals don't keep her warm. So she wears thick orange socks and long-sleeved thermal underwear.

Terison was jailed in May 1999 for failing to appear in court to answer two charges of



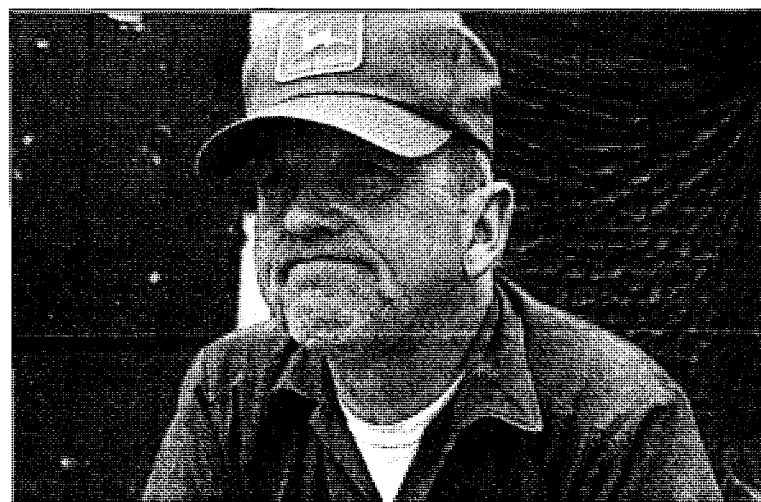
Staff photo by Jack Milton

Tammie Terison believes her treatment in the medical section of the Cumberland County Jail has worsened her condition. She complains that jail officials won't give her enough blankets to keep warm, and that she is confined to her cell for all but one hour a day.



Contributed photo

Tammie Terison at 22. She has since suffered two serious heart attacks.



Staff photo by John Ewing

Tom Terison of Cumberland says he and his wife knew nothing about daughter Tammie's anorexia or bulimia. "We put a lot of it down to peer pressure to be thin," he says.

## ABOUT ANOREXIA

**At least 8 million people** in this country suffer from eating disorders, including anorexia nervosa, an aversion to food and an obsession with weight loss; and bulimia, which involves gorging on food, then purging through self-induced vomiting.

**Ninety percent of the people** with eating disorders are women, though cases among men seem to be on the rise.

**The onset of eating disorders** often occurs during the teen-age years. A significant number of people may have the illness well into their 20s and often through middle age.

**Primary symptoms** are self-induced starvation

and/or binge eating and purging, and a distorted self-image. The disorder can lead to significant medical problems, including heart failure, and it contributes to existing psychological problems. The condition can be cured through intensive mental health intervention.

**For information** or support for people with eating disorders, or for their families and friends, contact: The National Association of Anorexia Nervosa and Associated Disorders, Box 7, Highland Park, Ill. 60035; (847) 831-3438. The group also has a Web site: [www.anad.org](http://www.anad.org)

operating under the influence. Tacked on to two previous drunken driving offenses, the cases made Terison a habitual offender driving on a suspended license.

She was sentenced to 18 months.

Her term has been a rocky one, marked by ineffective sessions with jail counselors and several failed attempts to participate in the pre-release program.

Officers have found trash bags of vomit and a candle concealed under Terison's bunk. She was purging herself of the food she had eaten during the day and burning the candle to cover up the smell.

Jail officials moved Terison into their medical section several weeks ago, after her condition worsened.

Dion said Terison's situation was serious enough that she needed closer supervision and

intervention from health care workers at the jail. But Terison believes her treatment in the medical section has worsened her condition.

She complains that jail officials won't give her enough blankets to keep warm, and that she is confined to her cell for all but one hour a day.

The jail also cut off the water supply to her toilet and sink, ostensibly so it could monitor her behavior more closely by preventing her from disposing of her vomit.

At the urging of her parents, Terison's lawyer filed a motion to shorten her sentence so she could be admitted to an inpatient treatment program. During a hearing on the motion last week, Dion and other county officials, as well as a doctor who examined Terison at her parent's request, all asked for her release.

But Justice Robert Crowley said he could not

shorten her sentence, even though he sympathized with her plight.

Dion said after Crowley's ruling that he had decided to seek admission to Mercy Westbrook for Terison. He is convinced the jail cannot give her the treatment she needs.

If she is accepted in the program, which specializes in eating disorders, she will be released from the jail each day for treatment, but must return at night.

"It's not the traditional application of a furlough, but given the circumstances, it's definitely a reasonable one," Dion said.

The sheriff said the county's experience with Terison points to the need for new policies to help the jail handle inmates who need special medical or psychiatric treatment.

He said the jail is likely to receive inmates with other serious mental health problems, because there are few community services for people who are no longer admitted to public psychiatric institutions.

The Legislature may need to consider action that would shield county jails from lawsuits, if inmates are sent into day treatment programs, Dion said.

"Right now, I don't think Tammie poses a threat as an individual," he said. "But there could be someone in the future with psychiatric problems who would."

Terison said she hopes the Westbrook program will help her. She said she no longer denies having a disease.

"I can't hide from it any more," she said. "It's killing me."

Staff Writer Dieter Bradbury can be contacted at 791-6328 or at: [dbradbury@pressherald.com](mailto:dbradbury@pressherald.com)

# Ex-guard denies he had sex with inmates

● The Standish man is one of two former guards accused of sexually assaulting female inmates at a Windham facility.

By **DAVID CONNERTY-MARIN**  
Staff Writer

Two former guards at the Maine Correctional Center in Windham face prosecution on charges of sexually assaulting three inmates.

One guard, Robert Shepard, 34, of Standish, pleaded not guilty Tuesday in Cumberland County Superior Court to having sex with two female inmates while he was on the job as a corrections officer on April 24 and May 20.

Shepard was indicted last month by a grand jury on two counts of gross sexual assault.

The grand jury also indicted Scott Durgin, 33, of unknown address, on one count of gross sexual assault for allegedly having sex with an inmate on April 24. He is scheduled to be arraigned at 9 a.m. on Dec. 27.

Gross sexual assault is a Class B crime, punishable by up to 10 years in jail and a \$20,000 fine.

"All I know is two different inmates have accused my client, wrongfully I

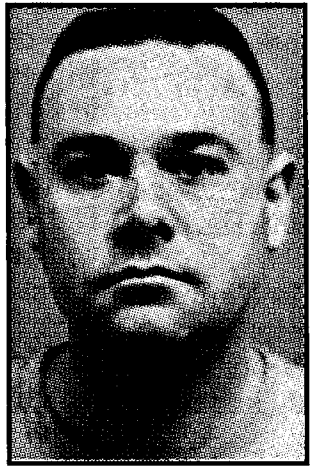
believe, of having sex with them," said Peter Rodway, Shepard's lawyer. "He's adamant that he didn't do this."

Both men resigned from their positions in mid-October, said Scott Burnheimer, acting superintendent of the prison.

"We had an incident in late spring that we heard about and we put our investigators on it," Burnheimer said. He said the two guards were assigned to another part of the prison, separated from the female inmates.

"The investigation substantiated some of the data and we put them on administrative leave while we went on

*Please see GUARDS, Page 4B*



**Robert Shepard**

*Denies having sex with two female inmates at Windham state prison*

## GUARDS

*Continued from Page 1B*

with our investigation," he said. That was in July.

Burnheimer called in the Attorney General's Office while his investigators continued to look into the matter. As the prison considered disciplinary action, the two resigned.

Meanwhile, the attorney general's investigation continued and resulted in accusations that were considered by the grand jury.

William Stokes, the assistant attorney general prosecuting the cases, could not be reached for comment Wednesday.

Burnheimer said a third prison employee witnessed an assault. The employee could have been disciplined but resigned before any action was carried out, Burnheimer said.

The indictments do not indicate whether the sex was consensual. Maine law makes it a crime for a person with supervisory or disciplinary authority to engage in a sexual act

with a person who is in custody.

The prison currently houses 57 women, and a dorm to expand that capacity to 70 is under construction. The correctional center is the state's only prison for women.

There are about 550 male inmates. The Windham facility houses men who have been sentenced to less than eight years in prison. Those with longer sentences are sent to Thomaston. Those sentenced to less than nine months generally serve their time in county jails.

Burnheimer said this is the only case in his 22 years at the prison where a guard was charged with having sex with an inmate.

A female Penobscot County Jail guard pleaded guilty in November to sexually assaulting an inmate. She traded cigarettes, which is prison contraband, in exchange for sexual favors from the male inmate.

In 1996, a Cumberland County Jail guard was acquitted of sex charges involving an inmate after he was suspended from duty without pay for many months. A jury found that the accusations against him were fabricated.



3-7-01

# Abuse of woman inmates seen rampant

Misconduct found in all but one state, Amnesty USA says

By Sue Fleming

REUTERS

WASHINGTON — Sexual abuse is rife in women's prisons in the United States, according to a report released yesterday, which found cases of sexual misconduct

against woman inmates in all but one state.

Human rights group Amnesty International USA said in its report that US laws protecting woman inmates against abuse were so weak that a prisoner was often held responsible for her attackers' behavior.

"The results are profoundly distressing and should serve as a wake-up call to anyone who thinks that women are not tortured or

mistreated in this country," said Amnesty's executive director in the United States, William Schulz.

Schulz said reports of sexual abuse against woman inmates were often dismissed as involving "just a few bad apples," but the report showed this was a "major systemic problem."

The researchers, using data from news reports, prisons, and attorneys general, documented more than 1,000 cases in 49 states

of sexual abuse against woman inmates over the past three years. They said most cases went unreported because inmates feared retaliation.

There was no immediate response from the Justice Department to the report.

Former inmate and Whitewater scandal figure Susan McDougal, who received a pardon from Bill Clinton in January, described horrific conditions facing women in many prisons, where she said male guards watched them as they undressed and toilet areas were exposed to guards.

"I had pat down searches the entire time I was in prison," said McDougal, who served 22 months in seven jails and prisons in five states for contempt of court in the Whitewater investigation involving the Clintons.

"This problem is not just in small-town jails in America. This is a mental attitude of abuse toward women that is unconscionable," said McDougal.

McDougal said she reported one incident in which a mentally ill girl wandered around nude in the common area and the male guard on duty would call over his friends to watch.

"Even though I reported it, nothing changed," said McDougal, who now spends her time championing the rights of woman inmates around the country.

Women are the fastest-growing segment of the US prison population. From 1980 to 1998, Amnesty said, the number of women in prison jumped 516 percent, to 85,000.



AFP PHOTO

Susan McDougal, who served time in prison instead of testifying in the Whitewater case, describing her treatment as an inmate.

Schulz said one of the main problems in women's prisons was that most of the guards were men.

Cassandra Collins, a former inmate at Gadsden County Jail in Florida, described herself as one of thousands of women raped by prison officials in the United States.

Collins, who was in prison for writing bad checks, said she was raped by her jail captain and only reported it after she was released because of threats from her attacker.

"I was terrified that he would harm me again and might even kill me," said Collins, adding that she was one of at least 10 women "victimized by my rapist."

The jail captain was sentenced to prison this year after he admitted to raping a corrections officer.

Amnesty said some states consider only certain types of sexual assault criminal, while others apply their laws to the actions of corrections officers and not other prison employees such as kitchen staff or medical workers.

Five states have no laws specifically barring sexual misconduct by prison staff and only two states — Kansas and Oklahoma — had adequate laws, the report said.

Amnesty International urged state lawmakers to impose harsher penalties on prison workers who engaged in sexual activity with female inmates.

The report also looked at the shackling of pregnant women, with 18 states and the District of Columbia allowing women to be restrained during labor and delivery.

"There is simply no reason to shackle a woman who is in labor or giving birth. These laws were clearly written by largely male legislators," said Schulz.

# Ex-guards admit sex with female inmates

*Jards*

● Even though the sex was consensual, officials insist the men get jail time and a felony on their record.

By DAVID HENCH

Staff Writer

Two former correctional officers at the state prison in Windham pleaded guilty to a felony sex crime Monday in Cumberland County Superior Court after admitting they had consensual sex with female inmates.

It is a crime for anyone in authority at a jail or prison to have sex with a prisoner or inmate, regardless of whether the victim consents, said William Stokes, head of criminal prosecutions for the state Attorney

General's Office.

"Guards obviously have a large control over inmates in their daily lives. They can make their lives miserable and they can make their lives better," Stokes said. "The law essentially provides that that relationship — one is in captivity against their will and subject to the authority of the guard — basically renders consent as irrelevant."

Under their plea agreement, Robert Shepard, 35, and Scott Durgin, 33, former guards at the Maine Correctional Center, face a month in jail and a year on probation. But state officials say having the felony conviction on their record is the most important sanction. That conviction will prevent them from ever working in the

criminal justice system again, officials said, as well as bar them from carrying a firearm.

"We have to send a message to the staff of what's expected of them and that misbehavior will not be tolerated," said Scott Burnheimer, acting superintendent at the prison, which houses 530 male inmates and 72 women.

"The public has to know we're taking the responsibility of caring for prisoners appropriately, and their safety while they're here can be expected," he said.

Stokes said the prison system and the state had to punish the two men to show that such behavior won't be tolerated.

"If it's not treated seriously, then you will encourage a culture at a correctional institution where it is expected," Stokes said. "If you said it doesn't matter because it's consensual, it wouldn't take long before it would be expected in that environment, which could then degenerate into chaos and anarchy."

Shepard and Durgin each had sex with separate prisoners in the prison laundry on April 24, 2001. Shepard also was charged with having sex with a third female inmate in her cell a month later.

The men had been charged with gross sexual assault, a Class A felony commonly referred to as rape. In exchange for the guilty plea, prosecutors dropped the charge to unlawful

sexual conduct with penetration — essentially the same crime, but a Class B felony instead of the more serious Class A.

Both men resigned once they were formally summoned to court on the charges, as did a third corrections officer who was aware of the conduct and did not come forward voluntarily. Durgin had been employed by the prison for 12 years, Shepard for four.

Stokes said such accusations are often difficult to prove because of a lack of corroborating evidence. In this case, the statements made to the third officer made the state's case much stronger.

Burnheimer said he has worked in the Maine corrections system for 22 years, and this is the first case he's encountered of a guard being charged criminally with having sex with an inmate.

The men are free pending sentencing, which is expected next month. If the judge agrees with the sentence worked out in the plea agreement, the men would serve their time at the county jail rather than the state prison because the sentence is for less than one year.

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"This woman has been through a living hell really  
for many, many years now."

MAY 04 2001

Thomas Hallett, attorney

# WOMAN Suing county for jail rapes in 1971

● The former York County inmate claims that other prisoners raped her.

By GISELLE GOODMAN

Staff Writer

A woman who was an inmate at the York County Jail 31 years ago filed a suit in U.S. District Court on Friday, claiming she was raped a number of times by other inmates while she was in jail.

Kristin Douglas, formerly known as Tina Beth Martin, of Honolulu,

## JAIL

Continued from Page 1B

hasn't had a life."

The suit comes more than three decades after the rapes allegedly occurred. Hallett said the reason for the delay in the complaint is that his client has for years been "running, avoiding, dodging" her abuse and is now crying out.

"The layers that were dropped on top on that type of abuse buried it," he said. "She couldn't access it. She could not address it. She couldn't trust anyone."

York County Sheriff Philip Cote said Friday he had not been served with the suit and was surprised to learn about it because of how much time has elapsed. One of the primary defendants, Dutremble, is dead, and Cote said the county's records from 1971 have probably been destroyed.

"I doubt whether there are any records that go back 31 years ago," he said. "Some of the people who were in authority at the time aren't even around."

Hawaii, is seeking \$20 million in damages in her suit against the York County Jail, York County, Richard D. Dutremble - sheriff at the time - and unknown sheriff's deputies. She claims jail officials were negligent in protecting her from the male inmates who allegedly raped her repeatedly over many days and impregnated her.

"This woman has been through a living hell really for many, many years now," said her attorney, Thomas F. Hallett of Portland. "She

Please see JAIL, Page 6B

According to the complaint, Douglas was 21 years old and living with her grandmother in Biddeford when she was incarcerated at the York County Jail for traffic violations. In 1971, she would have been sent to the old York County Jail building on Route 111 in Alfred, which closed in 1975.

Under the administration of the time, certain inmates called "trusties" or "turnkeys" were permitted to hold the keys to all the cells during the day, including the cell where women were detained.

"While imprisoned ... (Douglas') jail cell door was opened by the prisoner trusty, or turnkey, who then came into (Douglas') jail cell and forced her to have sexual intercourse with him," the lawsuit says. "After the turnkey was finished, several other prisoners entered the ... cell and had intercourse with (Douglas) against her will."

Hallett said she was then raped repeatedly over the next few days and, as a result, became pregnant.

The suit says the jail guards or administrators put Douglas at risk

with the trusty policy. The suit also says Douglas had no choice but to have an abortion.

Hallett said it is difficult to bring a case to court 31 years after the fact, but he said he is confident in the evidence.

"For her to do this is a huge step," he said. "And I hope it's a healing step for her."

In addition to filing the suit, Douglas also contacted actress Susan Sarandon to seek her support, said Mark Edlitz, a spokesman in Sarandon's New York office.

In a statement released by Hallett, Sarandon said: "Cases such as those brought by Kristin Douglas are important, not only because of their potential to right past wrongs, but also because of their capacity to change the future for women seeking retribution for rapes that occurred long ago."

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# County sued over '71 rape charge

JOURNAL TRIBUNE

MAY - 4 2002

## Woman says she was assaulted while incarcerated at old jail

By **TAMMY WELLS**

Journal Tribune Staff Writer

ALFRED — A woman who claims she was raped repeatedly when she was incarcerated at the old York County Jail 30 years ago has filed a \$20 million federal lawsuit against York County and the Sheriff's Department.

Also named in the civil suit, filed Friday at U.S. District Court in Portland, are former Sheriff Richard Dutremble, who is dead, "unknown defendants" and deputy sheriffs.

Kristin Douglas, then 21 and known as Tina Beth Martin, alleges she was repeatedly sexually assaulted at the former jail. The building was condemned in the mid-1970s, and prisoners were boarded at other counties prior to the opening of the current jail in 1979.

The old jail building was sold a couple of years ago and records stored in the building at the time were destroyed, according to Sheriff Philip Cote.

Douglas' attorney, Thomas Hallett of

Portland, acknowledges that the case will be difficult.

"It's going to be tough, but it's not impossible," he said, adding Douglas' story has been corroborated.

Douglas was stopped in the fall of 1971 by police for alleged unauthorized use of a friend's vehicle, according to Hallett, and arrested. According to the suit, Douglas was either unable to make bail or unable to appear in court because court was not in session. The suit claims Douglas was held for two weeks.

According to the complaint prepared by Hallett, Douglas, who now lives in Honolulu, Hawaii, alleges she was first raped by an inmate "trustee" turnkey, then by several other inmates, and that she was gang-raped daily for days.

"At all times pertinent hereto, unknown Defendant Deputy Sheriffs and the other Defendants provided the key to the women's cell to unknown Defendant inmate turnkey with knowledge that unknown Defendant inmate turnkey would gain



JEFF POULAND/Journal Tribune Staff

York County Sheriff's Capt. Raymond Moreau stands on a fire escape Friday at the old York County Jail in Alfred. Moreau worked at the old jail 30 years ago and does not recall Tina Beth Martin. Martin, now Kristin Douglas, is suing the county for \$20 million for an alleged rape that took place in 1971.

access to Plaintiff's cell and sexually violate Plaintiff," the suit alleges.

Such action is in violation of Douglas' 14th Amendment due process right to protection of her personal security and 8th

Amendment rights to be free from cruel and unusual punishment, according to the lawsuit.

### ■ **LAWSUIT**

Continued on Page A10

## ■ LAWSUIT

From Page A1

While the suit claims and Hallett insists that male inmate trustees had keys to the cells where females were held, Capt. Raymond "Tank" Moreau, who worked the night shift at the old jail, said that was not the case.

Moreau said he often worked the midnight shift at the jail and court security on the day shift. He said male trustees had keys to the men's cells but not to the female cell, which was located on the same floor, nor the juvenile cells on the jail's second story. As well, he said, the female cell area had two doors — the first with two steel bands carrying padlocks that would have had to be unlocked, plus a key lock, and then a second door.

"Trustees had no keys to that cell," Moreau said Friday. He said the only individuals with keys to the female cell were the shift supervisor and the officer in charge and that even guards couldn't enter the female cells to feed the women prisoners, a task performed by a matron.

He said the keys were kept in a drawer. If a female were incarcerated at night, she would likely be kept in the front office in the company of booking deputies until a matron became available, he said.

Moreau said he does not recognize Tina Beth Martin, which was Douglas' name at the time of the alleged rape.

Dutremble is named in the complaint because, as sheriff, he had "actual or constructive knowledge" that male inmates were letting themselves into the women's cell and engaging in sexual misconduct, the suit claims. The county is named because, the suit alleges, it failed to properly train, supervise and discipline the guards at the former jail.

According to the lawsuit, Douglas became pregnant as a result of the alleged rapes and was then disowned by her family. She sought out a former preparatory school advisor and a friend and made arrangements to obtain an abortion in New York, the suit stated. The first attempt failed, the suit continued, but she later obtained the abortion.

The suit alleges Douglas was already suffering from depression, Post-Traumatic Stress Disorder and other mental illnesses as a result of an abusive upbringing, allegedly at the hand of her mother and stepfather, and that her mental illness continued after her ordeal. As well, she suffered Rape Trauma Syndrome and has suffered an overall ability to function in society that has prevented her from protecting her legal rights, the suit states.

Douglas has been determined legally disabled, the suit states.

Douglas was in the area because she summered with her grandmother at Biddeford Pool, Hallett said.

"Kristin is marginally better but the fact she's come forward is giving her peace of mind," he said Friday. "She's been non-functional

for years. I think it's going to help her."

He said her mental illness prevented her from pursuing the matter previously.

Hallett said Douglas spent years living in cars and on the street but is no longer in that position.

"She was non-functional," he said. "She couldn't bring herself to deal with this issue or many issues."

Hallett said he learned that Dutremble had died after the lawsuit was prepared.

"My client is not dead, and quite frankly, we've got a pretty factual analysis. There's no question in my mind," he said.

County Manager David Adjutant said Friday he couldn't comment on the case. He said he would notify the Maine County Commissioner's Association's self-funded insurance risk pool and commissioners.

"The former sheriff is dead and probably many of the deputy sheriffs are deceased," Adjutant said, because at that time corrections officers tended to be in their 40s and 50s.

Sheriff Cote said his department was required to keep records for seven years, but keeps them for 10.

"Our records don't go back that far," he said.

Douglas is suing for \$20 million in compensatory damages for physical and emotional illness and distress, lost earning capacity, medical and psychological counseling bills, loss of enjoyment of life, exemplary and punitive damages and attorneys' fees.

SEP 24 2003

# Rights panel rules against female guards at county jail

● The need to have a woman on night shifts outweighs seniority rights, the commission decides.

*The Associated Press*

AUGUSTA — The Maine Human Rights Commission has ruled that the Lincoln County jail can require female guards to work night shifts so a woman is available to conduct strip searches of female prisoners.

Three female guards at the jail had filed a complaint after Jail Administrator Capt. Brian Lawrence had initiated a policy mandating that at least one of them be on duty for each of three shifts.

The commission voted 3-2 Monday in favor of the jail. They ruled that the right of the guards to use their seniority to choose which shift they work is outweighed by the jail's need to have a female guard available to comply with state regulations that require searches to be conducted by guards of the same sex.

Commissioners said guards or prisoners could be put at risk while waiting for a guard to come in to conduct a strip search if an inmate is hiding contraband.

"What the captain was trying to do was what we want people to do in corrections," said Commissioner Paul Vestal Jr., a former prison warden. "It's not a matter of just calling people in (to strip search a female prisoner). Waiting that long could be

Please see **GUARDS**, Page 8B

## GUARDS

*Continued from Page 1B*

dangerous. You can wind up with an overdose in your jail before you get a chance to strip search someone."

After the complaint was filed, the commission's investigator found reasonable grounds that the policy discriminated against the guards. Monday's vote was a rare instance of the commission going against the recommendations of its investigator.

The guards who filed the complaint argued that strip searches occur infrequently at the Wiscasset jail, that the current system of calling in female guards when needed works fine, and that there are not enough female guards to fill all shifts when any one of them goes on vacation anyway. They said they are being forced to work undesirable shifts just because they are women.

"Male officers with a lot less seniority were being given a lot more options than me," said Janet Robinson, a corrections officer in Lincoln County since 1995.



AMBER WATERMAN/SUN JOURNAL

**IN COURT:** Richard Adams, right, speaks with his lawyer, Richard Berne, before his arraignment Monday morning in Androscoggin County Superior Court. Adams pleaded "not guilty" to gross sexual assault.

SUN-JOURNAL DEC 23 2003

# Former guard denies oral sex with inmate

BY LISA CHMELECKI  
*Staff writer*

AUBURN — Richard Adams sat in the front row of the courtroom with his head down and his hands clasped.

He did not look at the row of inmates sitting on a bench next to him, also waiting to enter pleas of guilty or not guilty. He did not look at his former co-workers, the two jail guards

sitting on either side of the inmates.

He simply sat there and waited until it was his turn to go before Justice Thomas E. Delahanty II and enter his plea of not guilty to the charge of gross sexual assault.

A former full-time jail guard at Androscoggin County Jail, Adams, 30, is accused of hav-

SEE JAIL GUARD PAGE B2

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## Jail guard

CONTINUED FROM PAGE B1

ing a female inmate perform oral sex on him while he was on duty.

The 25-year-old inmate came forward with the allegations in October, and Adams was placed on administrative leave.

If convicted, he could face up to 20 years in prison.

By Maine law, sex between a guard and inmate is considered the equivalent of rape because of the "supervisory or disciplinary authority" that a corrections officer has over a prisoner. That means that it is a crime for anyone in authority at a jail or prison to have sex with an in-

mate regardless of whether the prisoner consents.

In an attempt to urge the judge to let Adams go without bail, his lawyer, Richard Berne, told the court that Adams was born and raised in Auburn.

Delahanty agreed to release him on personal recognizance, which means that he didn't have to post bail.

The alleged victim had been serving time for assaulting a woman in Lewiston. Maine State Police investigated the case while the Androscoggin County Sheriff's Office conducted an internal review.

Several local lieutenants, detectives and officers are on the witness list.

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# Jail guard accused of sex with inmate

BY MARK LAFLAMME  
StaffWriter

AUBURN — An Androscoggin County Jail guard was accused Wednesday of having a woman inmate perform oral sex on him Oct. 16 at the Auburn lockup.

Richard L. Adams, 30, of 40 Dany Drive in Auburn was indicted by a grand jury on a single count of gross sexual assault. He was issued a summons to appear in Androscoggin County Superior Court.

The full-time corrections officer is accused of having a 25-year-old woman prisoner perform oral sex on him while he was on duty.

By Maine law, sex between a guard and inmate is considered the equivalent of rape because of the "supervisory or disciplinary authority" the corrections officer has over the prisoner, the indictment said.

Adams was placed on administrative leave in October after the allegations of sexual impropriety, according to Androscoggin County Chief Deputy Guy Desjardins.

The woman named in the indictment had been serving time since her arrest Sept. 12 for assaulting a woman in Lewiston. The 25-year-old woman told someone she had performed oral sex on the guard, investigators said.

Maine State Police have been investigating the case while jail officials conduct their own internal review.

Desjardins met with Sheriff Ronald Gagnon and jail Capt. John Lebel recently to discuss the matter. Adams was not present. It was not known Wednesday when a final decision will be made on Adams' employment at the jail. It was unclear how long he has worked there.

## Jail

CONTINUED FROM PAGE A1

The woman remained behind bars Wednesday night.

Androscoggin County has had at least one other allegation of sexual misconduct by a jail guard.

In 2000, a 30-year-old woman complained that a guard on several occasions went to her cell late at night, woke her up and forced her to have sex.

The district attorney said he found inconsistencies and contradictions in the woman's accusations and declined to bring charges.

It is a crime for anyone in authority at a jail or prison to have sex with an inmate regardless of whether the prisoner consents or not, according to Maine statute.

"Guards obviously have a large control over inmates in their daily lives. They can make their lives miserable and they can make their lives better," William Stokes, head of criminal prosecutions for

the Attorney General's Office, said a year ago while handling a case against a pair of prison guards.

In that case, two former Maine Correctional Center guards pleaded guilty to charges of unlawful sexual conduct for having sex with inmates at the Windham prison. Robert Shepard and Scott Durgin had originally been charged with gross sexual assault but admitted to the lesser charges as part of a plea arrangement.

In 1999, a Cumberland County jail guard accused of providing cigarettes to a female inmate in exchange for sex pleaded guilty and resigned from the Sheriff's Department. As part of a plea agreement, George Blake, 48, of Bridgton was also ordered to pay a \$500 fine and serve a one-year probation.

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# Jail guard resigns after sex charges

REPUBLICAN JOURNAL

MAY 18 2006

BY MICHAEL BROWN

BELFAST — A corrections officer at Waldo County Jail resigned after an anonymous tip led to charges of unlawful sexual contact involving a female inmate.

Waldo County Sheriff Scott Story said that Corrections Officer Gerald Grierson, 33, of South Thomaston, was charged with the Class D crime of unlawful sexual contact on May 5 after a complaint was filed on April 17, 2006. Grierson, who has no prior criminal record or formal complaints as a corrections officer, resigned April 20 after nearly a year and a half spent working in Belfast.

Story said that the complaint did not originate from the alleged victim, but rather from someone outside the jail. He said that the initial complaint was received via an anonymous tip, with the caller later identifying themselves to authorities. Story said that such instances of complaints issued outside the facility are rather commonplace.

“Most of our complaints come from within, but it is not unusual to have a complaint come from outside the prison if someone feels afraid to speak up,” said Story.

Story assigned the internal investigation to Detective Jason Trundy, who submitted his findings to the Waldo County

District’s Attorney’s Office.

While not disclosing the details of the case, Story said that the alleged wrongdoing was not serious enough to warrant an arrest outside the jail setting, but since the incident occurred within the inmate-officer context, Grierson’s actions were held to a different standard. Story likened the circumstances to the conduct of teachers in relation to students.

“I am not trying minimize the situation,” said Story. “These guys know this type of thing is a crime.”

Grierson is scheduled to appear in Waldo County District Court on June 20.

*Michael Brown can be reached by telephone at: 338-3333. ■*

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MAINE  
JUL 17 2009

# Jails feel strain of increase in female inmates

● The number of women in Maine's state prison has doubled in the past two years, mirroring a national trend.

By **DAVID HENCH**

*Staff Writer*

The number of women held in state prison in Maine has doubled in the past two years, a trend that is playing out in some county jails as well.

Women still represent a small fraction of the total jail and prison population, but the number of women in custody is growing at a much faster rate than the percentage of increase in male prisoners. The trend is taxing the limited facilities and programs designed for women, and leaving some jails scrambling to find secure housing for female prisoners.

"It's been the fastest-growing component of our incarcerated population," said Denise Lord, associate commissioner of the Department of Corrections. No category of male offenders has seen such an increase, she says.

*Please see **PRISON**  
Back page this section*

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# PRISON

Continued from Page 1A

The increase indicates judges are less inclined to go easy on female offenders than in the past, and also reflects an increase in drug-related crime such as theft and burglary, authorities say.

The trend has implications for how jails and prisons are run but also has social consequences. Many female offenders are primary caregivers for children, and often don't have a support network that can care for the children while the parent is in custody. The Department of Human Services can end up taking responsibility for the children, sometimes for good.

The growth in female prisoners and inmates in Maine is part of a national trend.

The number of female jail inmates nationally grew 89 percent from 1990 to 2000, compared to 48 percent growth in the male jail population, according to the national Bureau of

Justice Statistics. However, the actual number of women inmates increased just 33,216, compared to 177,299 for men. There were 70,414 women in jail in 2000, compared to 543,120 men.

Maine has almost 2,000 state prisoners total, with women representing just 5 percent of that. But the numbers are growing.

The Maine Department of Corrections had 57 women in custody in 2001 when it began construction of a new, 70-bed women's unit at the Maine Correctional Center in Windham. The state projected it would not reach 70 female prisoners until 2010, but the new unit was full when it opened last summer.

Now the state has 108 female prisoners, draining resources designed to help reintegrate women offenders into society so that they do not re-offend.

"The more people you put in a facility, the more resources go into keeping people safe, then the fewer resources that can go into reducing the risk people present when they get

## FEMALE PRISONERS

A Corrections Department analysis of Maine's female prison population prior to constructing the new women's unit in Windham yielded the following findings:

**33 percent** of female inmates were serving less than one year

**81 percent** were minimum or medium security

**61 percent** were severely addicted to hard drugs

**Most were** convicted of nonviolent offenses

back into the community," Lord said.

Substance abuse treatment, counseling for mental illness and job training are the types of services that have the best success rate at keeping women from committing new crimes, Lord says, services that can get short shrift if money is diverted to simply housing prisoners.

There is no single reason why the

number of women headed to prison has grown, she says, though some contributing factors stand out.

Many of the women sentenced to prison have received relatively short sentences, suggesting that judges are reluctant to send women to county jails that may lack programming or even space for females, Lord says.

"The perception of what's available in the state prison system has improved. Judges, prosecutors and even defense attorneys see there are treatment options that weren't there five or 10 years ago," Lord said. Typically, people go to jail for sentences of less than one year, to prison for sentences of more than a year.

Police and corrections officials suspect a growing problem with drug addiction also is playing a role in the increase.

Portland Police Chief Michael Chitwood says his officers have seen an increase in the number of women involved in burglaries, car burglaries and thefts as well as passing fake prescriptions.

Then there is a tendency toward

greater gender equity in sentencing. In the past, women might have gotten lighter sentences than men for comparable crimes.

"For a long time, the system had been designed to divert women out of the jail system," said Cumberland County Sheriff Mark Dion, whose jail has gone from about 25 females at the beginning of this year to 50 in recent weeks, including three who are pregnant.

Historically, women tended not to commit the violent crimes that lead to almost certain jail time, Dion says. That is not always the case, though.

During a 24-hour span last week, the Cumberland County Jail took custody of 37 people, five of them women: two for assault; one for theft; one for drug trafficking, driving with a suspended license and failure to pay a fine; and another for drunk driving, assaulting an officer and reckless conduct.

Cumberland County had moved its female inmates out of the 39-bed women's pod so that it could be painted this spring, but once it was

done, there were too many women to move back, Dion says. The county also had to stop accepting female inmates from other counties that lack facilities for them.

In Somerset County, the average number of female inmates has gone from about two in 2001 to 10 today, although the jail does not have the required separate area needed to house female inmates. That has left jail officials scrambling for a place to house them. Even paying \$100 a day per inmate, they often can't find room.

Sgt. Philip Campbell faced that situation Thursday night when a female inmate arrived.

"We have to start calling around to anybody that has a bed that can take her," he said. "And it's not likely we'll find one."

If the jail exhausts all its options, it can appeal for the state to take a female inmate, he said.

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✓ SEP 23 2003

KENNEBEC JOURNAL

# Rights panel sides with jail

## Female prisoners' needs more important than workers' seniority

By KEITH EDWARDS  
Staff Writer

AUGUSTA — The Maine Human Rights Commission determined Monday that the Lincoln County jail can require female guards to work night shifts so that a woman is available to conduct strip searches of female prisoners.

The case, officials say, illustrates the difficulty in balancing the competing interests of having female jail guards use their

seniority to pick which shift they work with the rights of female prisoners subjected to strip searches.

In siding with the jail, commissioners took the rare step of going against the recommendations of their own investigator, Paul Pierce. He had found reasonable grounds that Jail Administrator Capt. Brian Lawrence discriminated against three female guards by initiating a policy requiring at least one of them to be on duty for each of

three shifts.

Commissioners in a 3-2 vote found that the right of the female guards to use their seniority to choose which shift they work is outweighed by the jail's need to have a guard available to comply with state regulations that require searches to be conducted by guards of the same sex. To have to wait to conduct a strip search, they said, could put guards or prisoners at risk if an inmate is hiding contraband.

"What the captain was trying

to do was what we want people to do in corrections," said Commissioner Paul Vestal Jr., a former prison warden. "It's not a matter of just calling people in (to strip search a female prisoner). Waiting that long could be dangerous. You can wind up with an overdose in your jail before you get a chance to strip search someone."

The female guards who filed the complaint with the commission said, however, that strip searches occur infrequently at

the Wiscasset jail, the current system of calling in female guards when needed works fine, and that there are not enough female guards to fill all shifts when any one of them goes on vacation anyway. They said they are being forced to work undesirable shifts just because they are women.

"Male officers with a lot less seniority were being given a lot more options than me," said Janet Robinson, a corrections officer in Lincoln County since 1995.

Commissioner Warren Kessler, one of two commissioners to vote in favor of the guards, said he wasn't sure he agreed strip searches and other supervisory duties at jails should be restricted to guards of the same sex as inmates. A former president of MaineGeneral Medical Center in Augusta, Kessler said hospital workers were considered to be professionals who could examine either male or fe-

*Please see RIGHTS, B3*

# ✓ • Rights

*Continued from B1*

male patients.

"I'm not ready to say being a male or female is a requirement of being a corrections officer," he said.

Melinda J. Caterine, attorney for Lincoln County, said regulations enforced by the state Attorney General's Office require same-sex strip searches. She

noted that in recent years the female prisoner population has increased significantly.

Commission findings are not law, but may become grounds for lawsuits.

The commission's decision in the Lincoln County jail case was one of many commissioners decided Monday in Augusta.

In one of those cases, the commission found reasonable grounds to believe an Augusta company, OSI Collection Services, retaliated against a Skowhegan man when he was

fired after filing complaints of sexual harassment.

The commission said the company, which provides collection services for Maine Revenue Services, did not allow unreasonable sexual harassment to occur against John Ferrara, but did retaliate against him by fir-

ing him after he complained he had been harassed at work.

Elaine Coffman, director of human services for OSI, said Ferrara was not fired, he resigned. She said he was a good employee and the company would hire him back immediately if he wanted to come back to

work for them.

Ferrara, however, said he submitted his resignation only after he was told by supervisors he was going to be fired.

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# Judge clears way for suit against jail

NOV 8 2003

COURIER GAZETTE

by Daniel Dunkle

PORTLAND — A federal judge approved class action status Wednesday in a Thomaston woman's lawsuit against Knox County for a strip search she said she was subjected to at Knox County Jail.

Laurie L. Tardiff, 36, filed the suit in December saying she and many others have been illegally strip-searched at Knox County Jail. The suit was filed against the county, Sheriff Daniel Davey, and two unnamed corrections officers.

"I'm delighted," Tardiff said Friday of the judge's decision. "If I can have a voice for hundreds, maybe thousands, of men and women, that's the whole purpose of the class action."

In the suit, she said she was wrongfully forced to submit to a strip-

See **JAIL** Page A12

# • JAIL FROM PAGE A1

search when she was brought to the jail Feb. 7, 2001, on charges of tampering with a witness and violating condition of release. The charges against her have since been dismissed due to a witness being unavailable.

The lawsuit states more than 5,000 people brought to the jail may have been illegally strip-searched, adding that it is Knox County's policy to strip-search every individual taken to jail.

Davey said Friday, "I didn't anticipate it, but thought it was a good possibility the judge would rule this way."

The sheriff said he does not think it has been decided whether the county will contest the decision, settle the case or take the issue to a higher court.

"We have some options here," he said.

The Maine County Commissioners' Association risk pool is providing insurance for the county in this lawsuit.

"The suits, some of them being frivolous, are taking up a considerable amount of our time," Davey said. "The jail seems to be fair game right now. It doesn't cost anything to file an intent to sue."

Senior U.S. District Judge Gene Carter decided to certify the class action, but he narrowed the definition of the class. Excluded from the class are any jail inmates arrested on charges involving drugs, weapons or violent felonies.

The suit will now represent all people taken to Knox County Jail after Nov. 19, 1996, who were subjected to a strip-search without evaluation for individualized reasonable suspicion. It includes people who are awaiting bail or an initial court appearance and those arrested on warrants who were not charged with crimes involving drugs, violent felonies or weapons.

Inmates who already have been convicted of crimes and generally housed with the inmate population at the jail cannot be part of the suit, according to the order.

Tardiff's attorney, Sumner Lipman of Augusta, said he still is trying to calculate the number of people in the class-action suit. He said he will know the number in a couple of days.

Davey said the liability is something his department deals with on a daily basis.

Davey said the county jail does not strip-search every inmate. The county has had a very stringent policy in place for a long time that prohibits strip-searching any prisoner charged with a class D or class E offense, he said. Prisoners brought to jail on class A, B, or C felonies are strip-searched, Davey noted.

Davey said even in cases that involve drugs, inmates

charged with class D and E misdemeanors cannot be strip-searched unless there is probable cause.

The sheriff said the jail used to strip-search all inmates before a circuit court ruling prohibited the searches of some inmates. He said that ruling was made in the mid-1990s.

"The jail was not built to accommodate this ruling," he said.

Inmates who have not been searched are a liability because they may be bringing in contraband such as cigarettes, drugs or weapons. As a result, inmates who have not been strip-searched must be kept separated. He said the jail needs a special wing for unsearched people.

The goal of the strip-searches is to preserve safety and security, according to the sheriff.

Inmates are strip-searched only by members of the same sex, the sheriff said. Davey added that strip-searches do not include body cavity searches without probable cause and a court order.

In February 2001, the county settled a similar lawsuit brought by Carmen Miller of Rockport who was stopped in 1996 for an invalid inspection sticker and taken to jail when a license check erroneously determined that she had an outstanding arrest warrant for an unpaid fine. She was strip-searched four times while she was jailed over Patriot's Day weekend. However, she had already paid the fine and a Kennebec County court clerk had failed to rescind the warrant.

Tardiff was strip-searched at the jail on the very day the Miller case went to trial. A week later, Miller won a \$450,000 settlement against Knox County.

A female corrections officer strip-searched Tardiff. The Thomaston woman was required to remove her clothing and squat and cough, according to the lawsuit.

Tardiff also states in the suit that she was wearing a see-through lingerie shirt under her coat with no brassiere when she was brought to the jail. She said she was forced to give up her coat and jail staff members would not provide her with another garment to cover herself. She said she was viewed by several inmates and five or more staff members while she was partially clad.

Tardiff and her attorneys are asking the court to declare the county's policy of strip-searching detainees illegal and unconstitutional. They also seek unspecified compensation.

*Daniel Dunkle can be reached at ddunkle@courier-pub.com.*

## Civil settlement in jail sexual assault disclosed



York County government has settled a civil lawsuit involving a woman who was sexually assaulted there by a former corrections officer who was convicted in the criminal courts and is currently incarcerated at the Maine Correctional Center in Windham. TAMMY WELLS/Journal Tribune file photo

**Lawsuit has been dismissed**

By TAMMY WELLS

Senior Staff Writer

PORTLAND — Terms of the settlement between York County and a woman who filed a civil lawsuit after she was sexually assaulted by a then-corrections officer at the York County Jail in 2016 have been disclosed.

The former corrections officer, Jonathan Carpenter, was convicted of the assault in criminal court and remains incarcerated at the Maine Correctional Center in Windham, according to the Department of Corrections.

The federal suit, filed by the victim in the case in October against York County government, Sheriff William L. King, Jr., Jail Administrator Michael Vitiello and Carpenter was dismissed in December following a filing that the parties had come to an agreement.

“The settlement was for \$30,000,” County Manager Gregory Zinser said in an email on Tuesday. The settlement was reached between the county’s insurer and the victim. No further information was available.

The Journal Tribune does not name victims of sexual assault without their consent.

Carpenter was a York County Jail corrections officer and was working his shift on Oct. 2, 2016, when the assault took place. He was indicted on a gross sexual assault charge in June 2017, and pleaded guilty to the Class B felony charge in April 2018. He was sentenced to five years in prison, with all but one year suspended, followed by three year’s probation. Upon his release from prison, he will be required to register as a sex offender.



The civil complaint, filed Oct. 1, 2018, at U.S. District Court in Portland, alleged that the defendants in the civil case had violated the plaintiff's constitutional rights and alleged the county failed to adequately train corrections staff to prevent sexual assaults.

Carpenter was employed at York County Jail from Sept. 21, 2015, to Jan. 13, 2017, when he resigned, according to county records.

The victim was serving a six-month sentence for violating the terms of her probation on another charge when the incident took place.

According to the lawsuit, the plaintiff was afraid Carpenter would retaliate and initially denied the sexual assault when questioned by jail employees. It was only after she was transferred to Cumberland County Jail in Portland that she felt safe enough to report the sexual assault, the suit claimed.

The victim's attorney, Heather Gonzales, declined to comment on the settlement when reached by telephone on Tuesday, citing confidentiality.

Sheriff King declined to comment on the lawsuit last fall, but spoke about the conviction of the former corrections officer.

"(The incident is) certainly not reflective of the fine men and women that work for the York County Jail," King said at the time.

The jail has stringent hiring guidelines, he said, that include requiring prospective employees to undergo a polygraph exam. King said that Carpenter, who previously worked elsewhere as a corrections officer, took a polygraph exam prior to being hired at the jail.

— Senior Staff Writer Tammy Wells can be contacted at 780-9016 or [twells@journaltribune.com](mailto:twells@journaltribune.com).

Jails

BANGOR DAILY NEWS  
MAY 7 1991

# Judge dismisses transsexual suit

## Inmate argued privacy rights violated

By Jeanne Curran  
Of the NEWS Staff

A federal judge in Bangor has granted a summary judgment in favor of Penobscot County Jail administrators in the \$100,000 civil lawsuit filed by a former female inmate who objected to being housed with a male transsexual.

Saying that jail officials were "confronted with a situation that had no perfect answer," U.S. District Judge D. Brock Hornby concluded that the jail officials were entitled to qualified immunity from inmate Juanita Crosby Williams' claim that her constitutional right to privacy was violated when she was placed in the same cell with the transsexual inmate.

Hornby stated that he found no previous court decisions regarding the privacy rights of prisoners who are transsexual. The federal judge also concluded that there was no "clearly established" constitutional right about the housing of transsexuals.

"Jail authorities, obviously, do not frequently address such a quandary," he wrote.

As a result of the decision, the case, which was scheduled to go to trial earlier this year, has been dismissed, according to a court clerk.

Williams, 25, of Waterville is a convicted cocaine trafficker serving a federal sentence. She filed her civil complaint in December 1990 after she shared a jail cell with Cheyenne Deneuve Lamson, a male transsexual who was sentenced on federal charges of check forgery and check passing.

Named as defendants in the lawsuit were Sheriff Edward J. Reynolds, Capt. Tom McCrea, jail administrator; and Lt. Cheryl Gallant, assistant jail administrator.

"We are pleased with the decision, and we think the decision properly recognizes the highly unusual nature of the issue that the jail administrators found in

housing Cheyenne Lamson," said attorney Timothy Woodcock, who represented the jail administrators.

Woodcock said that the administrators "were operating both on sound medical advice of the jail physician and on their best judgment as jail administrators."

Attorney Jerome Goldsmith, who represented Williams, called Hornby's decision "a well-reasoned opinion" founded on the judge's assessment of constitutional privacy. He said a decision to appeal the matter would be up to Williams.

Williams claimed that in July 1989, she was forced to share the same living area, bathroom, and shower facilities with Lamson, a preoperative transsexual also known as Cheyenne Lynn Deneuve and Roger Miles Jr. The female inmate complained that on two occasions, Lamson, who had been told to respect the privacy of other inmates, entered her cell while she was using the toilet.

Williams also claimed that she and nine other female inmates were housed in common with Lamson in another cell block in October 1989. Lamson was removed from the cell block after the inmates complained.

In seeking the summary judgment, Woodcock argued that Williams had limited privacy rights as an inmate. He also pointed out that Lamson was housed with the women for Lamson's protection and on the recommendation of the jail's physician, Dr. Richard Sagall of Bangor.

In his decision, Hornby wrote that "the jail's solution may not have been ideal."

"But given the medical advice the jail officials received, the instructions they gave Lamson, and their removal of Lamson when opposition became known, I conclude that reasonable officials in their shoes would not understand that what they were doing violated the constitutional rights of the plaintiff," wrote the federal judge.

## **Pregnant prisoners should not be in shackles**

Maine is the only New England state that allows this practice.

As an OB/GYN physician, my No. 1 responsibility is to care for the health and safety of my patients. When a woman goes into labor, my team and I try to do everything we can to keep her comfortable, both physically and mentally.

It is for this reason that I strongly support L.D. 1013, a bill before the Maine Legislature that would prevent the shackling of pregnant women by banning the use of restraints on a prisoner or detainee who is known to be pregnant.

Make no mistake: shackling a pregnant woman can pose an undue health risk to both mother and fetus. It is unnecessary, it is dangerous, and it shows an indifference to the serious medical needs of a woman and her pregnancy.

Because Maine does not have a law regulating this practice, the decision about whether to shackle a pregnant woman is often left to the correctional officer and not a medical professional. I routinely see women for prenatal visits who have been transported in shackles and who attend their appointments, with a correctional officer, still in shackles. These women may not even be able to raise their shirts so I can examine their bellies.

It could be argued by some that incarcerated women “deserve” the humiliation and dehumanization of shackles, related to the crime for which they were convicted. However, the vast majority of female inmates are nonviolent offenders, are not “lifers,” and do not pose an immediate threat to the people around them.

These women will have lives and children to return to after they are released. It behooves all of us to maximize pregnant women’s physical safety during pregnancy by not shackling them, and to facilitate labor management and postpartum mobility and bonding.

Shackles create significant and unnecessary risks, as women who are shackled are more likely to accidentally trip or fall and harm their pregnancies. A fall in pregnancy is not trivial. It can lead to preterm labor, placental abruption, and stillbirth. The birthing process also requires a freedom of movement not afforded by physical restraints. Shackles can interfere with our ability as medical staff to conduct an emergency procedure, and it can considerably complicate the final stages of delivery, when a woman’s mobility is extremely important both for pushing and for repositioning due to fetal heart rate concerns.

When I am with a woman who is going through labor, my focus needs to be on her so that I can make the best medical decisions in the quickest amount of time. Correctional officers do not have the training to judge the effects of physical restraints on a pregnant woman and are not equipped to respond in an emergency with immediate medical

assistance. Therefore, the decision as to whether a woman is shackled or not cannot be left to the decision making of the correctional officer. This is a procedure that needs to be clearly outlawed for the safety of our incarcerated pregnant women and for the safety of their babies.

Apart from the purely physical effects caused by restraints, there are equally damaging psychological effects. As an OB/GYN, I know the importance of postpartum bonding between a mother and her newborn. If a woman is required to go through childbirth in restraints, this essential stage in the healthy development of a child is lost forever.

Shockingly, Maine is the only state in New England that still allows this practice, contributing to the “F” grade that we received from the Women’s Law Center for our state’s policies on caring for pregnant prisoners.

In states where shackling of pregnant prisoners or detainees has been outlawed, no instances of escape or harm caused by an inmate have ever been documented. What’s more, the bill under consideration here includes procedures for the rare instance when a restraint is absolutely necessary to protect the prisoner, correctional staff, or medical professionals like myself.

Major organizations within the medical, corrections, and human rights communities all agree that shackling is a dangerous practice to subject pregnant women to. With this kind of broad consensus, does Maine really want to stand alone as the only New England state that allows such an inhumane policy?

Let’s bring Maine up to speed with the rest of our neighbors and ensure that all pregnant women are treated safely and with the respect they deserve while they go through the most critical stages of childbirth.

Brigid Mullally is an OB/GYN at MaineGeneral Obstetrics & Gynecology in Augusta.

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Brigid Mullally is an OB/GYN at MaineGeneral Obstetrics & Gynecology in Augusta.

# No charges filed in sex incident

REPUBLICAN JOURNAL

APR 14 1996

BY POLLY SALTONSTALL

BELFAST — A female guard at the Waldo County Jail who was accused of having sexual relations with a male inmate at the jail will not be charged in connection with the incident.

Connie Colby, a part-time corrections officer at the jail, was dismissed last January after the inmate told authorities about the illicit encounters.

The inmate in question, Dennis O'Brian, 30, of Rockland, is being held in the county jail awaiting sentencing in Knox County on Friday for burglary and theft.

Waldo County Sheriff John Ford said the Attorney General's office decided not to press charges because O'Brian refused to provide information to investigators. A spokesman in the AG's office confirmed that Tuesday.

"The prisoner refused to cooperate," the spokesman said.

Authorities learned about the alleged relationship last winter during an investigation into an apparent assault at the jail. Colby and another guard, Melissa Rolerson, reported being assaulted by O'Brian and Larry Chouteau, 40, of Thorndike

while escorting the two inmates back to their cells in the evening.

Chouteau is scheduled to be sentenced this week on an unrelated assault charge.

While looking into that incident, authorities learned of the illicit relationship between O'Brian and Colby, the sheriff said. Charges were not filed in connection with the reported assault.

"The facts were not all as they were presented," said the sheriff who declined to go into further detail.

The relations between O'Brian and Colby allegedly took place during the 3-11 p.m. shift, during visiting hours mostly, Ford said.

The sheriff declined to say whether he was disappointed with the attorney general's decision.

"We did all we could do and presented them with all the facts," he said. But he added, "if that was reversed, a male against a female, that guy would be in court so quick his head wouldn't even spin."

It is a felony for jail guards to engage in sexual relations with inmates. The incident last January was the first for Ford since he has been in office. ■

Jail

[http://www.pressherald.com/opinion/maines-military-women-deserve-honor-for-long-history-of-service\\_2010-10-01.html](http://www.pressherald.com/opinion/maines-military-women-deserve-honor-for-long-history-of-service_2010-10-01.html)

Portland Press Herald

10/1/10

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## **Maine Voices: Maine's military women deserve honor for long history of service**

**The state is seeking donations to place a plaque in the Hall of Flags at the State House.**

SACO - It is hard to imagine that during the 18th century two women may have helped change the course of the Revolutionary War. But historical lore tells us otherwise.

### **PPH Opinion**

#### **ABOUT THE AUTHOR**

Rep. Linda Valentino, D-Saco, is the co-chair of the Committee to Honor Maine Women Veterans.

#### **TO DONATE**

**CHECKS CAN BE** sent to the Bureau of Veterans' Services, State House Station 117, Augusta, ME 04333-0117 and made out to the Treasurer, State of Maine. Maine Revenue Services has authorized \$95 of each \$100 donation as tax-deductible.

Hannah Watts Weston bravely carried heavy loads of lead shot and powder through the woods from Jonesboro to Machias during the war. This story is a favorite among Mainers and as the tale goes, when Hannah Weston realized that her husband and others defending Machias against the British were running low on ammunition, she and her sister-in-law brought the needed supplies in the nick of time -- preventing defeat.

Three centuries later, it's also hard to imagine that she would have much in common with Sgt. Annette Bachman, an engineer specialist and a member of the Maine Army National Guard's 240th Engineer Group, who served in the war on terror in Afghanistan.

But the two brave women are both Maine veterans who will be featured on a plaque honoring the 10,000 female veterans from our state. This will be the first memorial in our state honoring the Maine women veterans for their service in every major conflict since we won freedom from British rule. It will also be the first time our state compiles a single list of all the women veterans in Maine.

During the 124th Legislature, lawmakers passed a resolve calling for a bronze plaque honoring the women to be placed in the State House Hall of Flags among existing plaques honoring veterans of World War I, World War II, Korea and Vietnam.

The plaque design depicts Maine women who served in different capacities in our military over four centuries. These women's compelling stories show a different side of war and demonstrate the evolving role of women in the military and society as a whole.

In addition to Weston and Sgt. Bachman, the plaque will feature two other brave Maine ladies: Emily W. Dana, who was a Union Army nurse during the Civil War, and Patricia A. Chadwick-Erickson, a World War II Army Air Force Service Pilot.

Emily went from Portland to serve tortured POWs at a hospital established on the grounds of the Naval Academy at Annapolis, Md. Most of the patients were former prisoners of the infamous Confederate prisons Belle Isle and Libby Prison. She devoted herself to helping them recover from the trauma of torture.

Patricia, of Holton, served as part of the Women Air Force Service Pilots, or WASPs, a group of women who played a crucial role during a frightening time in our country. Thirty-eight WASPs gave their lives in that service. Showing the evolving role of women in the military, Patricia had a more direct and official role in the fight than her predecessors, Hannah and Emily.



The work of these women laid the groundwork for today's female service members. Sgt. Bachman's direct role in the conflict was made possible by the hard work, perseverance, and determination of the women who came before her. These women served in our military, not only defending our country but also helping break through the glass ceiling to bring greater equality between men and women.

It is important to honor all of our veterans, and all too often, the women of our armed forces get overlooked. We should not forget anyone who was willing and brave enough to serve our country and I am proud to be a part of this recognition of their sacrifices.

Maine Veterans' Services is hoping to raise enough money to have the plaque made and ready for dedication prior to Veterans Day in November. Commemorative silver coins will also be gifted to the almost 10,000 Maine women veterans to show Maine's gratitude for their service.

We are also looking for help in locating women veterans.

Last month, I received a letter the old fashioned way (in the mail) from Edna Gerrish of Gouldsboro, who served in World War II. She wrote to say "thank you" for the effort and asked that her name be added to the list.

The very same week, I got an e-mail from 2nd Lt. Melanie Skidgel of the Maine National Guard, who is serving in Afghanistan. She, too, wanted to be added to the list.

Our state is rich in its history of brave Maine women. Let's give them their proper due.

## **Women settle with state in prison guard sex case**

**The two will receive a total of \$125,000 after they sued two men who were guards in Windham.**

By Ann S. Kim [akim@mainetoday.com](mailto:akim@mainetoday.com)

*Staff Writer*

PORTLAND - Two women who sued the Maine Department of Corrections after a prison guard had sex with them during their incarceration have settled the case with state officials.

Nikia Neptune and Leah Estes will receive a total of \$125,000 from the state, said their attorney, Benjamin Gideon. The women sued two men who were guards at the Maine Correctional Center in Windham, the guards' supervisors and high-ranking department officials last year in Cumberland County Superior Court.

Neptune, of Indian Island, and Estes, who remains in prison, alleged assault and battery by Bradford Howard. They also claimed negligence, intentional infliction of emotional distress and violations of the Maine Civil Rights Act by Howard and Glen Works.

Howard pleaded guilty to four counts of gross sexual assault in 2008 and was sentenced to four months in jail the next year. He admitted to having sex with Neptune in a closet and with Estes in a room in February 2008.

Works was fined after pleading guilty to misdemeanor charges of failure to report sexual abuse of a person in custody.

The claims against the guards' supervisors included failure to train and supervise the guards and retaliation against Estes for making grievances about them.

"We think it's significant that the state has agreed to pay money to these women. It reflects an understanding that these are serious events and this shouldn't happen to someone in state custody," Gideon said.

The two sides reached an agreement after mediation late last month. The case will be dismissed in 30 days if no other filings are made.

Brenda Kielty, a spokeswoman for the state Attorney General's Office, declined to comment, saying the matter hasn't been finalized.

The plaintiffs argued that the guards' supervisors should have known it was perilous to assign male corrections officers to supervise female inmates. Neptune and Estes were among 70 inmates in the Women's Center in Windham. Howard and Works were assigned to overnight shifts when no female officers were present.

Associate Corrections Commissioner Jody Breton said Friday that she couldn't comment on the lawsuit or the plaintiffs' assertions. She said the department does not discriminate based on gender in making job assignments.

Estes is serving a 17-year sentence for felony murder. She and her boyfriend, Leslie Lynds, stole the car of a woman whom Lynds kidnapped outside a supermarket in Scarborough and beat to death.

Neptune, who had used the last name Brown, was convicted of assault. She was incarcerated in Windham from August 2007 to February 2008.

*Staff Writer Ann S. Kim can be contacted at 791-6383 or at: [akim@pressherald.com](mailto:akim@pressherald.com)*

## **Former Maine prison guard charged with sexually assaulting female inmate**

Bret Butterfield, 23, of Auburn is being held on \$50,000 bail in the York County Jail on a felony charge of gross sexual assault.

BY **SCOTT DOLAN** STAFF WRITER

[sdolan@pressherald.com](mailto:sdolan@pressherald.com) | [@scottdolan](https://twitter.com/scottdolan) | 207-791-6304

A former prison guard at the Maine Correctional Center in Windham has been arrested and charged with sexually assaulting a female inmate who was under his supervision before he resigned.

Bret Butterfield, 23, of Auburn, has been in custody at the York County Jail in Alfred since Aug. 26 on a Class B felony charge of gross sexual assault by a prison supervisor. He is currently being held on \$50,000 cash bail, according to the York County Sheriff's Office.

Maine State Police spokesman Stephen McCausland confirmed Butterfield's arrest late Wednesday afternoon in response to an inquiry earlier in the week by the Portland Press Herald, but he provided few details.

Until Wednesday, no government agency would confirm Butterfield's arrest. State police, the Attorney General's Office and the York County District Attorney's Office all previously said they had no records of charges against Butterfield.

"No comment," Scott Fish, the spokesman for the Department of Corrections, said in an email statement on the day of Butterfield's arrest after being asked for details.

Fish subsequently confirmed that Butterfield resigned from his job as a corrections officer on June 30 but declined to say anything about the case against him.

Department of Corrections Commissioner Joseph Fitzpatrick also declined to comment on the day of Butterfield's arrest.

Butterfield began working as a guard at the Windham prison in 2012, according to the July/August edition of the Department of Corrections newsletter.

It was not immediately clear Wednesday evening whether Butterfield has an attorney. Jail officials would not say whether Butterfield has any scheduled court dates. No one returned a phone message left at his parents' home in Newcastle this week.

The female inmate Butterfield is accused of assaulting, a 25-year-old convicted burglar, has a photo on her Facebook page showing her and Butterfield kissing on the lips.

Butterfield's own Facebook page shows a photo of him embracing his wife, who currently holds the title of Mrs. Auburn and is a candidate to become Mrs. Maine 2015.

The woman Butterfield is accused of assaulting served her prison term at Maine Correctional Center and Southern Maine Reentry Center in Alfred before being released on April 4.

The woman, who is not being identified because she is considered a victim in Butterfield's case, was first sentenced to prison after pleading guilty in 2009 in two felony burglary cases, according to those case files at the Cumberland County Courthouse.

The woman was initially ordered to serve two years of a seven-year sentence in prison, but she was accused of violating her probation in 2011 shortly after her release. She was ordered into an intensive court-monitored drug program in 2012. But she was charged with trafficking drugs into the Cumberland County Jail in Portland while in the program and sent back to prison for another two years for those violations, according to court records.

Since the woman's latest release from prison in April, she has tested positive for opiates at least twice, once on June 9 and again on Aug. 5, court records state.

After the Aug. 5 violation, her probation officer, David Redmond, filed a motion in her case to have her conditions of her release altered to state that she have "no contact either direct or indirect with Bret Butterfield."

The woman is due in the Cumberland County Courthouse on Friday for a probation violation hearing.

Redmond did not return a phone message left at the probation office last week seeking comment on why he sought a court order barring her from having any contact with Butterfield.

The woman's attorney, Robert LeBrasseur, said in a brief phone conversation last week that he is new to her case and unaware of the allegations against Butterfield.

If convicted, Butterfield will face as much as 10 years in prison.

## Report details accusations against Maine prison guard charged with sexually assaulting inmate

York County Sheriff Maurice Ouellette has called a press conference for Friday morning about recent indictments against current and former corrections officers.

BY **SCOTT DOLAN** STAFF WRITER

[sdolan@pressherald.com](mailto:sdolan@pressherald.com) | [@scottdolan](https://twitter.com/scottdolan) | 207-791-6304

ALFRED — A former state prison guard in custody on a charge that he sexually assaulted a female inmate is accused of having sex with her in a prison office, a prison bathroom, prison transport vehicles and a hospital room where she was taken while in custody to have her appendix removed.

Those allegations and others against Bret Butterfield of Auburn are documented in graphic detail in an investigator's 22-page affidavit that had remained under seal at York County Superior Court until Thursday morning.



An order impounding Butterfield's case file was lifted Thursday following an announcement on Wednesday by Maine State Police that Butterfield had been arrested.

Butterfield also is accused of having a sexual relationship with a different female inmate after she was released from the Southern Maine Re-entry Center in Alfred last year and of making sexual advances

toward other inmates under his supervision at the facility for women nearing the end of their prison sentences. Butterfield, 23, is married.

Although he has been in custody at the York County Jail since Aug. 26 and made an initial court appearance by a video link from the jail on Aug. 27, no government agency would confirm Butterfield's arrest until Maine State Police spokesman Stephen McCausland did so Wednesday in response to a Portland Press Herald inquiry.

York County Sheriff Maurice Ouellette announced Thursday night that he will hold a news conference Friday morning at his office located next door to the Alfred prison facility "to discuss some recent indictments involving current and former corrections officers."

It was not immediately clear how many current or former guards have been indicted, whether the sheriff's announcement is related to Butterfield's arrest or whether the case against Butterfield has been presented to a grand jury.

While the court documents unsealed Thursday describe sexual allegations against Butterfield from multiple female inmates, he is so far charged with sexually assaulting only one of them, a 25-year-old convicted burglar who was released from prison on April 4.

Butterfield has not been required to enter a plea to the Class B felony of gross sexual assault of an inmate under his supervision. He is currently being held on \$50,000 cash bail. As a condition of bail, Butterfield also is ordered to have no contact with four adult female inmates who were once under his supervision and to have no contact with any females under the age of 18.

Butterfield's attorney, Neal Weinstein, said Thursday night that he has filed a court motion seeking a bail hearing to argue for a lower bail amount and for his client's release. No date has been set.

"Even if you read the reports, there are no allegations that he used any coercion, threats or manipulation of any kind," Weinstein said. "If you read the stories told by these women, they have huge histories of criminal conduct. I'm not sure how much credibility there is. They know how to use the system. From the reports, they were the sexual aggressors against my client."

Butterfield began working as a correctional officer in 2012 at the Maine Correctional Center in Windham and was later transferred to the Alfred facility. He resigned on June 30 after learning that the Department of Corrections had begun investigating him, according to court records.

Department of Corrections investigator David Verrier said in the affidavit unsealed Thursday that he first began investigating Butterfield in May by interviewing female inmates and then conducted a stakeout with

another law enforcement officer in Scarborough on June 26 to photograph Butterfield with the woman he is accused of sexually assaulting.

Verrier said in the affidavit that he interviewed that woman on Aug. 5 at the Adult Probation Office in Portland and that she described oral sex encounters with Butterfield starting in January, but that the first time they had sexual intercourse was at her grandmother's house in Scarborough while she was on furlough from prison between April 1 and 3.

“(The woman) said she wasn't enjoying the sex because she wanted it to be in a different setting,” Verrier said in his affidavit.

The woman, who is not being identified because she is considered a victim in Butterfield's case, did not return a phone message left with her grandmother on Thursday evening. The grandmother said that Verrier had been extremely aggressive in his investigation against Butterfield and that the allegations contained inaccurate information.

“He's a really nice guy who's getting a raw deal,” the grandmother said of Butterfield. She is also not being named by the Press Herald since using her name could identify the victim.

Verrier also interviewed another correctional officer, Joshua Dall-Leighton, who worked with Butterfield in both the Windham and Alfred prison facilities and is his friend.

Dall-Leighton's wife, Ashley, said in a phone conversation Thursday that the Department of Corrections had issued a written order to her husband not to talk to the media about the case against Butterfield, but that there was nothing stopping her from talking.

“Bret Butterfield is supposed to be the godfather of one of our sons,” said Ashley Dall-Leighton, who lives with her husband and newborn twin sons in Westbrook. “Never in a million years would I have expected him to do something like this. Neither of us had a clue what was happening.”

Ashley Dall-Leighton said the Department of Corrections suspended her husband from work for several weeks, partially without pay, while the investigation against Butterfield was pending. He is now working at the Southern Maine Re-entry Center, she said.

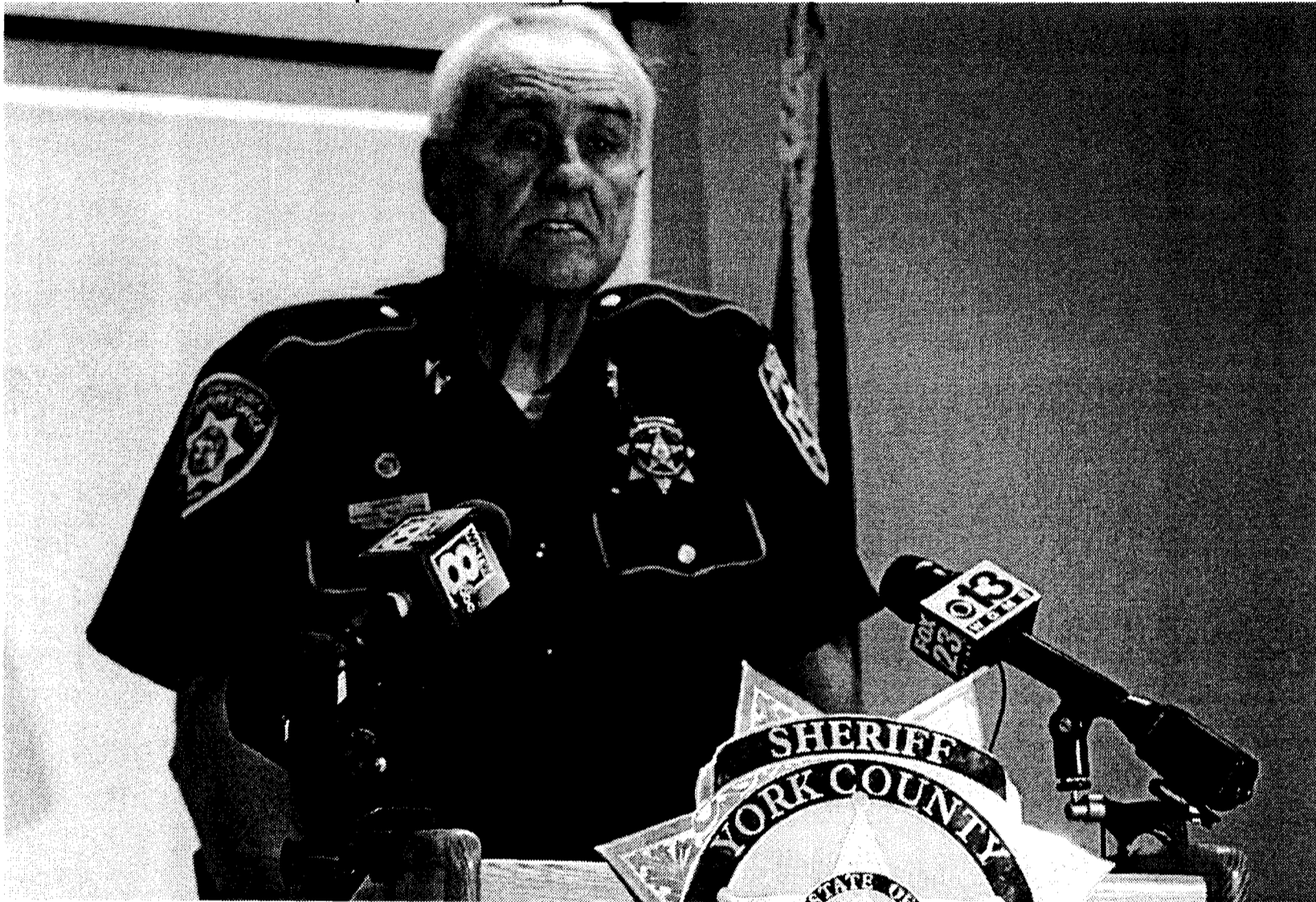
Butterfield's wife, whose phone number is listed in court records, did not return a phone message seeking comment.

## Seven current and former York County Jail guards indicted

York County Sheriff Maurice Ouellette says the indictments against the officers and three others stem from smuggling contraband into the jail.

BY **SCOTT DOLAN** STAFF WRITER

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York County Sheriff Maurice Ouellette: "This incident should not reflect poorly on the majority of our employees who come in day in and day out." Photo by Scott Dolan, Staff Writer

ALFRED — A Facebook photo of a jail inmate, posing with razor wire visible behind him, prompted an internal investigation at the York County Jail that led to the indictment of seven guards.

York County Sheriff Maurice Ouellette announced Friday that four current and three former corrections officers at the jail were indicted on criminal charges related to smuggling contraband to the inmate, including drugs, cigarettes and the cellphone he used to take the photo.



Ouellette said that one of the officers, Connor Bogan, who has since resigned, had been “manipulated” by the inmate to bring a small quantity of drugs – marijuana and suboxone – into the jail and that the other officers are accused of failing to report what they knew were violations.

Ouellette declined to say how the inmate, Chace Bellefontaine, who has since been released, was able to pressure Bogan into bringing him the drugs.

The investigation began after a law enforcement officer in the midcoast noticed a photo posted on Facebook that showed Bellefontaine inside the York County Jail. A search of Bellefontaine’s Facebook page shows a photo of him, posing shirtless in a room with razor wire visible through a window in the background.

The four current corrections officers were placed on paid administrative leave after the indictments Thursday, Ouellette said. The other three resigned in either February or April.

Bellefontaine and another former inmate, Gregory Daniel Morin, also were indicted. One woman who was not an inmate, Mercedes Cullicutt, also has been indicted, Ouellette said.

“I want to assure the citizens that this is an isolated incident,” he said. “This incident should not reflect poorly on the majority of our employees who come in day in and day out.”

He said the investigation revealed that Bellefontaine had a cellphone while incarcerated and was also distributing drugs inside the jail.

“More disturbing at this point in time, information was gathered that alleged a corrections officer had been involved in introducing contraband into the facility on at least one occasion, took contraband out of the facility and delivered the contraband to an outside accomplice of Bellefontaine, Mercedes Cullicutt,” Ouellette said.

Investigators initially searched Bellefontaine’s cell looking for the contraband phone but were unable to find it. They then researched phone records, including Bellefontaine’s phone contacts. Ouellette did not give details on how that led investigators to the guards’ involvement.

“Due to the sensitive nature of this criminal investigation and the pending administrative actions that are certain to follow, I will not be able to share with you many of the details regarding how the grand jury came to their conclusions,” he said.

After concluding its internal investigation, the sheriff's office turned over its findings to the York County District Attorney's Office to let prosecutors decide what charges to seek when presenting the cases before a grand jury this week.

The District Attorney's Office released the names and charges Friday.

Two of the guards, Bogan, 21, of Springvale, and Steven Thomas, 25, of Biddeford, each were indicted on a felony count of trafficking in prison contraband. Bogan also was charged with two misdemeanor drug possession counts. Thomas also faces misdemeanor charges of official oppression and conspiracy.

The other guards all face misdemeanor counts of official oppression. They are Jay Bondar, 30, of Ogunquit; Anthony Klingensmith, 42, of Sanford; Richard Lane, 43, of Parsonsfield; Christopher Langlais, 24, of Kennebunk; and Nathan Watson, 21, of Hiram.

Bondar faces an additional charge of falsifying or destroying evidence. Klingensmith, Lane and Langlais are charged with conspiracy as well.

Like Bogan, Bondar and Watson resigned from their jobs. Thomas, Klingensmith, Lane and Langlais are still jail employees, but are on paid leave and not currently working there.

The former inmate, Bellefontaine, 29, of Sanford, was indicted on two felony charges, trafficking in prison contraband and possession of suboxone, and a misdemeanor drug trafficking charge.

Cullicutt, 24, who lives at the same address as Bellefontaine, was charged with three felony charges, one count of trafficking in prison contraband and two counts of drug trafficking. She was also charged with a misdemeanor count of drug trafficking.

The other former inmate, Morin, 32, of Biddeford, was indicted on two misdemeanor drug possession charges.

Ouellette said he called the news conference Friday morning to "get ahead" of the story, and that the indictments are unrelated to criminal charges that have been filed against a former Department of Corrections prison guard who worked at the Southern Maine Re-entry Center facility located next door to the jail.

In the DOC case, a 23-year-old guard, Bret Butterfield, is accused of sexually assaulting a female inmate who was under his supervision.

Ouellette said he read the "no comment" statement the Department of Corrections spokesman made to the Portland Press Herald about Butterfield's case and wanted to be more transparent.

“I like to run an open ship. I like to let people know what happened and what we’re doing about it,”  
Ouellette said.

The York County Jail has a capacity of nearly 300 inmates and employs about 90 corrections officers.

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## Judge slashes bail of Maine prison guard accused of sexually assaulting female inmate

Bret Butterfield says he hopes to be released to return home to live with his wife pending trial.

BY **SCOTT DOLAN** STAFF WRITER

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ALFRED — A judge Friday slashed the \$50,000 bail set for a former prison guard accused of sexually assaulting a female inmate to \$1,000 cash, clearing the way for his supervised release from jail.

Bret Butterfield, 23, of Auburn has been in custody at the York County Jail in Alfred since his arrest on Aug. 26. He had only appeared in court by video link from the jail until his appearance in person Friday before Superior Court Justice Paul Fritzsche on a felony charge of gross sexual assault.



Former Southern Maine RE-entry Center guard Bret Butterfield stands before the judge at his bail hearing as his wife Emily Butterfield looks on at right, at York County Superior Court in Alfred on Friday. *Carl D. Walsh/Staff Photographer*

Butterfield was not required to enter a plea to the charge at the hearing in York County Superior Court and answered a series of questions posed to him by the judge. Fritzsche asked where Butterfield would live if he was released, about his family and his prospects for work since he relinquished his license to work as a guard for the Department of Corrections and quit his job.

Butterfield, who is married, is accused of having sex with the female inmate at the Southern Maine Re-entry Center for women, a state facility on the same county jail grounds where he has been held since his arrest. Butterfield allegedly had sex with her in a prison office, a prison bathroom, at her grandmother's

house in April while she was released on furlough, in prison transport vehicles and in a hospital room where she was taken while in custody to have her appendix removed.

Butterfield also is accused of having a sexual relationship with a different female inmate after she was released from the Southern Maine Re-entry Center last year and of making sexual advances toward other inmates under his supervision at the facility for women nearing the end of their prison sentences, according to an affidavit filed with the court by a Department of Corrections investigator seeking the warrant for Butterfield's arrest.

The affidavit, by investigator David Verrier, documents multiple interviews he conducted with women who are current or former inmates of the Southern Maine Re-entry Center. Some of the statements the women made conflict with one another, but the inmate Butterfield is accused of assaulting told the investigator she did have sex with him while she was still an inmate, the 22-page report says.

Fritzsche is the same judge who authorized the arrest warrant to be issued last month based on the affidavit and set Butterfield's original bail amount.

At Friday's bail hearing, Butterfield appeared with the other inmates in the courtroom dressed in an orange jail uniform with his ankles cuffed together. His wife sat in the front row of the courtroom while other members of his family sat in back as Butterfield was called forward to stand before the judge beside his attorney, Neal Weinstein.

After a series of other questions, Fritzsche asked Butterfield where he would live if he was freed on bail.

"At my house in Auburn with my wife," Butterfield replied.

"And she'd be willing to have you return?" Fritzsche asked.

Butterfield replied, "Yes," as his wife nodded her head to the judge.

The judge reduced bail over a prosecutor's objection with conditions that Butterfield submit to supervision by Maine Pretrial Services, have no contact with the current or former female inmates he once supervised, abide by a curfew and have no contact with juvenile females.

"This offense strikes at the heart of the criminal justice system," said Assistant District Attorney Thaddeus West, arguing that the original \$50,000 cash bail was "appropriate."

Fritzsche listed many factors in his decision to lower bail, including Maine Pretrial Services' willingness to accept a supervisory role over Butterfield from its Lewiston office and that Butterfield no longer poses a danger to inmates since he is no longer a guard.

Outside the courtroom after the hearing, Butterfield's family members declined to speak to a reporter, but Weinstein said he believed they would be able to post the \$1,000 cash bail or secured bond of \$10,000 for his release while his case is pending.

By 4 p.m. Friday, Butterfield had not posted bail and remained in jail custody.

"We already have a lot of email traffic from the families of these women (inmates), that they were pressured into making these statements and that they are partially recanting those statements," Weinstein said. "There have been a lot of inconsistencies from the women who made those statements. That raises some issues of reasonable doubt."

Butterfield's case is one of several recent allegations involving jail or prison guards in the state.

York County Sheriff Maurice Ouellette announced last week that seven current or former guards at the county jail have been indicted on charges of smuggling contraband items – drugs, cigarettes and a cellphone – to an inmate or for failing to report violations that they knew were taking place.

Also, the Department of Corrections is currently investigating hazing of rookie guards at the Maine State Prison in Warren by veteran guards and supervisors.

State Sen. Stan Gerzofsky, D-Brunswick, said this week that he is calling on Department of Corrections officials to come testify on Sept. 23 before the Legislature's Criminal Justice and Public Safety Committee, which he co-chairs.

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## **In Saco murder case, York County Jail faces issue of housing transgender suspect**

Connor MacCalister, who was born female but has identified as a man for more than 10 years, is held in the jail's women's unit as he awaits court action in the killing of Wendy Boudreau.

BY DAVID HENCH STAFF WRITER

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Connor MacCalister, seen in court Aug. 21 to face a murder charge, was placed in the York County Jail's unit for women after Sheriff William King consulted with security, mental health and medical officials, and MacCalister himself. *Shawn Patrick Ouellette/Staff Photographer*

When Connor MacCalister arrived at the York County Jail last week on charges of murdering a woman in a Saco supermarket, jail officials faced a decision about where to house him.

MacCalister, 31, was born Tanisha Hopkins, a woman, but changed his name and has identified as a male for more than 10 years, family members said.

For York County Sheriff William King, that meant determining whether MacCalister should be housed in the female unit or the male unit.

“We were concerned about other inmates. We were concerned about Connor MacCalister. We’re concerned about our staff,” King said.

After consulting with security, mental health and medical officials, as well as MacCalister himself, King decided to house MacCalister in the female unit. He is in isolation, which would have been the case in either unit because he is charged with murder.

Increasingly, jails and prisons across the country have adopted policies on how to handle transgender inmates to meet standards established by Congress in the Prison Rape Elimination Act.

While the act was passed in 2003, it was not fully implemented by the Department of Justice until 2012 and many facilities have not complied with requirements.

Transgender inmates are nine times as likely to be victims of sexual assault while incarcerated, according to federal statistics – and some estimates run even higher. Facilities also have experienced a backlash from female inmates when they place transgendered females – those who were born as males but identify as females – in the women’s unit.

“Making appropriate housing placements for transgendered people is one of the most important decisions affecting their safety,” said Harper Jean Tobin, director of policy for the advocacy group National Center for Transgender Equality, based in Washington D.C. Rape while in jail is not supposed to be part of an inmate’s punishment, Tobin said.

According to a Bureau of Prisons study done in 2011-12 and published in 2014, 40 percent of transgender people in state and federal prisons reported having been sexually victimized, and 27 percent of transgender inmates in local and county jails reported being victimized.

That compares to 4 percent of the overall prison population and 3.2 percent of all jail inmates, the report says.

The Prison Rape Elimination Act calls for officials to make housing decisions on a case-by-case basis, based not on anatomy, but taking into consideration the inmate’s views about where to be safely housed, Tobin said.

The act covers hiring and training, oversight, screening, housing placement and how searches are conducted. It is legally binding on federal facilities and a condition of accreditation for jails and state prisons, and considered best practices by the court system, Tobin said.

“Part of the reason for the slow progress is that it leaves a lot of discretion to local jails,” Tobin said. “Unfortunately, American jails do not have a great record in using discretion wisely to protect prisoners. Culturally, there’s been a bias in favor of the way it’s always been done.”



## **DEVELOPING A POLICY**

The Cumberland County Jail was one of the first in the nation to address the issue of transgender inmates, developing a policy that requires input from a review committee of medical, security and mental health staff.

Under the policy, the inmate is to be searched by an officer of the gender requested or, if no preference is expressed, the gender the inmate identifies with. The inmate is referred to by the name he or she uses, even if booked into the facility with a different name on government documents. Such inmates are allowed to dress, groom and use names and pronouns consistent with their gender identity. A transgender female – someone with male genitalia but who identifies as a female – would receive undergarments issued to female inmates, and those already receiving hormone therapy would be allowed to continue.

“Transgender inmates are recognized to have a serious medical condition, decisions as to whether to treat and what form of treatment is required are medically based,” the policy says.

In determining housing, the committee considers the inmate’s previous institutional history, including whether the inmate has exhibited “predator or prey behavior,” the charges faced, length of incarceration, identity preference, medical issues and whether he or she has mental or physical illnesses that require special housing.

The policy indicates transgender inmates are not automatically placed in segregation.

Cumberland County Sheriff Kevin Joyce, who was chief deputy at the time the policy was adopted, said the policy has worked well to provide for inmate safety and help staff navigate what can be a challenging legal and security situation.

Joyce recalls a conference call with the national office of the American Civil Liberties Union, along with jail officials from Chicago, San Francisco and Denver, to discuss the issue.

“We were considered the leaders in this area as far as having the policy that took everything into consideration,” said Joyce, who has shared the policy with other jails in Maine.

New York City’s Rikers Island, one of the largest jails in the country with 9,000 inmates, opened a 30-bed housing unit in November specifically for transgender women.

“Providing them with specialized housing and services is good policy and meaningful reform and is expected to reduce incidents involving these individuals while also leading to better long-term outcomes,

including possible reductions in recidivism,” New York Corrections Commissioner Joseph Ponte said in a statement at the time. Ponte was the commissioner of the Maine Department of Corrections until last year.

The Maine Department of Correction’s policy is designed to mirror standards in the Prison Rape Elimination Act, including revisions made as recently as February. Associate Corrections Commissioner Colin O’Neil said it is an issue that comes up “very infrequently.” He didn’t have data on how often the prison houses transgender inmates.

Sagadahoc County Sheriff Joel Merry, president of the Maine Sheriffs Association, said he’s unaware which Maine jails may have faced the issue already but said he had not dealt with it yet.

“It hasn’t come up, but it is something we’re going to have to look at,” he said.

The York County Jail was developing a policy when MacCalister was arrested, King said. It already had seen the issue come up a few times over the past year and a half.

At one point, female inmates objected to having a transgender female housed in the female wing, but Lt. Col. Michael Vitiello, one of two certified jail administrators in York County, said that after discussing the situation with the female inmates, the criticism subsided.

When MacCalister arrived at the jail on Aug. 19, a team, including medical and mental health staff as well as security personnel, reviewed the case. King also interviewed MacCalister.

“She’s obviously a very complicated person, with these internal conflicts,” King said. “The inmate’s own preference was that she be housed with female inmates. That’s where she feels safest.”

MacCalister, who is accused of cutting the throat of Wendy Boudreau, 59, of Saco, is in administrative segregation in a cell with a large window in the door. He is allowed out for 90 minutes when other inmates are not present and escorted by two officers.

Advocates for transgender inmates say that too often, prison officials opt to place them in isolation when their behavior or crime doesn’t warrant it. The move is intended to keep the inmate safe, but can be harmful and has led to lawsuits.

King said the jail’s handling of MacCalister was not driven by fear of litigation.

“We always try to mitigate any type of (legal) exposure,” he said, adding, “I just wanted to do the right thing with this person, whatever was safest and best for everyone involved.”

<http://www.pressherald.com/2016/04/26/maine-has-highest-rate-of-incarcerated-parents-in-new-england/>

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## Report shows Maine with highest rate of incarcerated parents in New England

In the two years of the study, 8 percent of Maine children had at least one parent who was incarcerated during their childhood, putting the state 14th highest nationally.

BY KEVIN MILLER STAFF WRITER

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Maine ranked highest among the New England states for the percentage of children with an incarcerated parent, according to a new national report aimed at increasing awareness about how imprisonment affects children and families.

During the two-year period from 2011 to 2012, roughly 20,000 children in Maine – 8 percent of the child population – reported that at least one parent had been imprisoned during their childhood. That compares with 6 percent in Vermont and 5 percent in the four other New England states. Nationally, 7 percent of children have had a parent incarcerated during their childhood, according to an analysis of federal child health data by the Annie E. Casey Foundation's Kids Count project.

Maine ranked 14th highest nationally.

Claire Berkowitz, executive director of the Maine Children's Alliance, said she and others were not expecting to see such high number for the state.

"I hope it raises awareness," said Berkowitz, whose nonprofit is the Maine partner for the Annie E. Casey's Kids Count project. "It raised my awareness. It shines a light on a group of children in our country and in our state that people often don't consider" when debating imprisonment issues.

The report, titled "A Shared Sentence," states that "in America's age of mass incarceration, millions of children are suffering the consequences of their parents' sentences and our nation's tough-on-crime practices."

This was the first time the foundation analyzed parental incarceration data and only included figures for parents who had lived with the children at some point. While it was not possible on Tuesday to say how Maine's parental incarceration rates have changed over the years, the number

of female inmates within Maine's jails and prisons is rising. And statistically speaking, children are more likely to be affected when a mother is incarcerated than a father because of the prevalence of single-mother families.

Amanda Woolford, the director of women's services at the Maine Department of Corrections, said that she was "unfortunately" not surprised by the Maine numbers cited in the report.

"If you look at any one woman who is incarcerated, that could be two, three or four kiddos," Woolford said. "A good majority of the women we have incarcerated are mothers."

The Department of Corrections recently broke ground on a new facility for female inmates at the Maine Correctional Center in Windham because the department's two facilities, in Windham and Alfred, are running out of space. In September 2014, for instance, there were fewer than 80 women at Windham. Since then, the facility has been averaging about 135 female inmates daily. At one point, female inmates were coming in so fast, Woolford said, that some had to be held in county jails.

Woolford said Maine's opioid crisis is driving the surge, with many of the female inmates serving time for drug-related crimes.

In February, Corrections Commissioner Joseph Fitzpatrick testified before lawmakers that "space for female offenders is at a crisis point and we are currently beyond our female bed capacity."

Woolford said the department has increased its programming for female inmates in hopes of keeping them connected with their families and helping them to transition back into post-prison life. A recent "peer-parenting program" developed by Family Crisis Services in Portland provides weekly peer-mentoring groups to mothers, while the department offers family-visitation as well as online video chatting between imprisoned mothers and their children at both locations.

"We try to incorporate the families as much as possible because that is where they are going back to" after release, Woolford said.

The Annie E. Casey Foundation's report states that parental incarceration adds to the financial burden on families who often are struggling with poverty. Parental imprisonment also can hamper a child's educational development, while harming their mental or physical health. Serving in prison also can make it more difficult for parents to secure stable, good-paying jobs upon release.

The report calls on states to ensure children of incarcerated parents receive adequate community and social support and access to family caregivers. Inmates who are parents, meanwhile, should receive pre- and post-release counseling. The report also calls on states to give judges flexibility to incarcerate parents in facilities close to their families – a logistical challenge in a large, low-population state like Maine – and to provide employment pathways to inmates upon release.

Laura Speer, associate director for policy reform and advocacy at the Annie E. Casey Foundation, said the five other New England states have seen their prison populations decline at a faster rate over the past decade. That could help explain why 8 percent of Maine children were affected by an incarcerated parent, compared to 5 percent in most of New England states.

Speer said the reality is that states have a bigger impact on sentencing than the federal government.

“There is a lot of conversation happening now about sentencing and sentencing reform at both the state and federal levels,” Speer said. “What we wanted to do was expand that conversation to kids and to their families.”

Berkowitz with the Maine Children’s Alliance believes the report raises important issues for schools, communities and the government.

“One of the recommendations is making sure the children are supported,” she said. “I hope that when a parent is incarcerated, that agencies in the community ... are aware so they can help support that child.”

## Legislators eye changes in juvenile corrections



The future of Long Creek Youth Development Center in South Portland is one of the things being studied by a state task force and a legislative committee. (Portland Phoenix/Jim Neuger)

By Douglas Rooks

Maine Corrections Commissioner Randall Liberty acknowledged last week that “not much good comes of juveniles and youth being incarcerated,” adding that such sentences “can do more harm than good.”

He was testifying on a Department of Corrections bill during a Feb. 5 Criminal Justice and Public Safety Committee hearing.

Issues of juvenile corrections are in the forefront in Augusta as the Juvenile Justice Task Force, chaired by Rep. Michael Brennan, D-Portland, Jill Ward of the Maine Center for Juvenile Policy & Law, and Liberty, wrestles with a 172-page report prepared for it by the Center for Children’s Law in Washington, D.C. The report includes detailed recommendations for sweeping changes in how the state handles juvenile cases.

At least half a dozen bills before the committee address some of the consultant’s key recommendations, including the age at which children can be detained or incarcerated, what community services must be provided, and – one of the most contentious points – whether to move adult women incarcerated at the Maine Correctional Center in Windham to Long Creek in South Portland, the state’s only “youth prison,” which is operating at one-third of capacity.

Sen. Susan Deschambault, D-Biddeford, the Criminal Justice Committee’s co-chairwoman, has been there before. Her three decades as a Department of Corrections employee began at the long-closed Stevens School for Girls in Hallowell, where “incorrigible” runaways were sent under the guardianship of the Department of Human Services.

The 1976 Code of Juvenile Justice had just been enacted, with cases transferred to the Department of Corrections. While the code's reforms were seen as progressive, the corrections model is now being questioned in states across the nation.

"We now call them 'incarcerated children,'" Deschambault said in an interview. "That makes you think differently."

Unlike the 1990s, when criminal penalties were being increased, "We're now seeing the damage that prisons can do to everyone, but especially children," she said. "And the problems are different. Not just runaways, but substance abuse, mental health issues, and homelessness."

The consultant's report focuses on several topics, including whether juvenile services should remain with the Corrections Department or, as most states have done, be transferred to independent agencies or to the Department of Human Services.

For now, however, the action is more likely on bills already in the pipeline.

Rep. Victoria Morales, D-South Portland, sponsored LD 1684, which would prohibit incarceration of any juvenile younger than 14, and detention of any child under 12 – in line with task force recommendations. Morales said the changes would affect only a handful of recent cases. She also said, however, it's important to establish firm age limits because data on early incarceration show clearly it can be profoundly damaging.

The consultant's report also zeroed in on the typical length of stay at Long Creek. Morales pointed out that Maine's juvenile sentences have a "mandatory minimum" of one year.

"The evidence shows that anything over three to six months can be harmful," she said, "yet we require at least a year."

The report also warns against the Corrections Department's plan to move women to Long Creek, in addition to the youths already housed there.

It states, "Do not co-locate youth and women in DOC custody to Long Creek," pointing to "significant logistical challenges" and "significant financial investments" for the changeover. Co-location would put Maine "outside the mainstream" in mixing adults and youth, "which does not happen in other states," according to the report.

A Department bill, LD 1723, would authorize the transfer of women, while a competing bill, LD 1108, sponsored by Brennan, would require Long Creek to close by 2022, with youth services provided elsewhere.

Rep. Charlotte Warren, D-Hallowell, the committee's House chairwoman, strongly supports this recommendation. "There's no real provision for programs for women (in the department bill), and the children's programs would definitely suffer," she said. "There's no other way to create the sight-and-sound separation federal law requires."

More evidence supporting closure is that, according to the report's detailed analysis, 59 percent of those held at Long Creek "present no danger to themselves or others," and are being held primarily because there's nowhere else for them to go.

The situation owes much to the success of efforts by a previous task force, in 2010, to strictly limit incarceration. As Chief Justice Leigh Saufley told task force members last May, "It's 10 years later, and we have hit two of those benchmarks with a vengeance" – the ones advocating reduced incarceration and arrests. Arrests have dropped by 58 percent, and commitments by 68 percent.

Long Creek, with a daily population that hovers around 60 kids, both committed and detained, could be replaced; on that most task force members agree. “We’re at the gateway,” Deschambault said. “We can look through to the other side, but the picture isn’t clear.”

Other states, including South Dakota, Utah, and Kentucky, have moved to limit commitments and create a presumption for community treatment. Deschambault is hoping to hear more from the public: “It looks a lot different back in the community – especially rural towns where there are few services – than it does at the Statehouse,” she said.

For Saufley, the goal is the one also articulated by Liberty.

At the close of her Jan. 28 State of the Judiciary address she asked, “Are we incarcerating our youth because we have nothing else for them?” and answered the question herself: “It’s time to take the next step and create the community-based options that we all know are needed.”

Douglas Rooks has covered Maine issues for 35 years as a reporter, editorial writer, columnist and former editor of Maine Times.

Edited Feb. 13, 2020, to correctly identify Jill Ward’s affiliation with the Maine Center for Juvenile Policy & Law.



## Women stand out among Mills' Cabinet picks

Of the 13 individuals nominated to serve as commissioners of state agencies, seven are women.

BY KEVIN MILLER STAFF WRITER

AUGUSTA — Gov. Janet Mills is assembling a Cabinet likely to include more women than any of her predecessors and has won bipartisan praise, so far, for the qualifications of nominees to lead state agencies.

Within days of her victory in November, Mills began putting together a team — and eventually a search committee — to recruit individuals for the dozen-plus positions in the governor's Cabinet. Mills, a Democrat, has nominated 13 individuals to serve as commissioners of the 14 state agencies, with the final announcement — for the Department of Agriculture, Conservation and Forestry — potentially coming this week.

Seven of the 13 nominations are women. If all of those nominees are confirmed by the state Senate, Maine's first female governor would also lead the most gender-diverse administration in state history.

"In looking for high-quality nominees and prospects, there are a lot of women in Maine who fit that bill," said Ben Grant, a Portland attorney and former Maine Democratic Party chairman who co-led Mills' transition team. "There wasn't an intent to say, 'We need a certain number of women in the Cabinet.' But through this process, we have found there are a lot of women leaders in Maine who can step up and ... in every case, I don't think you can argue that any woman we selected was less qualified than anyone else."

### **'LITTLE CONTROVERSY'**

Commissioners are political appointees, meaning they serve at the pleasure of the governor as long as lawmakers consent to the nomination. But rather than stack her Cabinet with personal allies or acquaintances, Mills has primarily selected individuals with significant experience and/or expertise within their respective departments.

University of Maine at Farmington professor Jim Melcher, who is a veteran political observer, said Mills' nominees "seem to be very well received so far."

"There's been remarkably little controversy over her selections," Melcher said. "Those inclined to be critical of her are aiming at different things, such as their fear she may seek to increase taxes."

Three of the 13 individuals would be holdovers from the LePage administration: Patrick Keliher, commissioner of the Department of Marine Resources; Anne Head, commissioner of the Department of Professional and Financial Regulation; and Maj. Gen. Douglas Farnham, adjutant general and commissioner of the Department of Defense, Veterans and Emergency Management.

Mills' pick for the Department of Labor, Laura Fortman, led the agency for eight years under former Democratic Gov. John Baldacci and was a deputy administrator in the U.S. Department of Labor.

Three more nominees – Bruce Van Note for the Department of Transportation, biologist Judy Camuso for the Department of Inland Fisheries and Wildlife, and Maine State Prison Warden Randy Liberty for the Department of Corrections – already work within state government.

Mills, who spent the past six years as attorney general, has also tapped individuals from within that office to lead agencies.

Jerry Reid, an assistant attorney general who is chief of the office's natural resources division, is nominated for the high-profile and sometimes contentious job leading the Department of Environmental Protection. Kirsten Figueroa, who oversaw accounting, budget and human resources under Mills in the AG's office, has been nominated for commissioner of the Department of Administrative and Financial Affairs.

Rounding out the other nominees to date are:

- Former Portland Police Chief Michael Sauschuck as commissioner of the Department of Public Safety.
- Jeanne Lambrew, who served as President Obama's deputy assistant for health policy, as commissioner of the Maine Department of Health and Human Services.
- Pender Makin, assistant superintendent of Brunswick schools and a former Maine Principal of the Year, as commissioner of the Department of Education.
- Heather Johnson, director of the ConnectME Authority working to expand broadband internet access, as commissioner of the Department of Economic and Community Development.

All of the nominations will be the subject of legislative hearings. Republican lawmakers are likely to raise concerns about some of the nominees. For example, the Maine Republican Party has pointed to Lambrew's involvement in the rocky rollout of the Affordable Care Act during her time in the Obama administration.

### **'REPAIRS TO BE MADE'**

The number of women holding Cabinet-level positions in Maine state government has fluctuated over the past 35 years.

In 1983, during the administration of Democratic Gov. Joseph Brennan, none of the 16 department commissioner posts were held by women. Independent Gov. Angus King had as many as six female commissioners in the late 1990s. Counting one acting commissioner, there were seven women serving in Baldacci's Cabinet at one point in 2009-10. But in both the King and Baldacci administrations, Maine had slightly more Cabinet-level state agencies than exist today.

The number of women serving in Gov. Paul LePage's Cabinet ranged from one to four throughout his eight-year tenure. Mills, by comparison, has nominated seven women so far with one commissioner spot still outstanding. There is also speculation about whether Mills will break up the Department of Agriculture, Conservation and Forestry, returning to the pre-LePage structure where farming and forestry were handled by separate agencies.

Melcher said the higher percentage of women is "notable but not surprising given her record."

"There does not appear to be criticism of her on the lines that these are just picks to increase diversity; I've seen no such criticism or complaints the appointees are unqualified," Melcher said.

Eliza Townsend, executive director of the Maine Women's Lobby, likewise said that "nobody can question whether any of these people are qualified for the positions" for which they were nominated. Townsend, a former commissioner of the Maine Department of Conservation in the Baldacci administration, said she and others were particularly excited about Fortman's

potentially returning to the Department of Labor – an agency she said is important to women as they struggle for equal pay and to support their families.

“We should all recognize right now this is going to be a challenging time for people stepping into these roles because there is going to be some degree of cleanup,” Townsend said, noting the troubled rollout of a new unemployment system in the Department of Labor. “There are repairs that are going to have to be made.”

Lambrew likely faces some of the largest challenges of any Cabinet member as she looks to lead a department with a budget of \$3.4 billion.

As head of DHHS, Lambrew would be responsible for expanding Medicaid to cover an additional 70,000 adults after LePage and his commissioner, Mary Mayhew, refused to implement expansion.

Also, the Legislature’s nonpartisan watchdog agency, the Office of Program Evaluation and Government Accountability, is investigating DHHS’ child welfare programs after two high-profile child deaths. The agency has also been wracked by high staff turnover as well as Riverview Psychiatric Center’s loss of federal certification, although the facility appears to be back on track to once again receive federal Medicare funds.

David Farmer, a former deputy chief of staff and spokesman during the Baldacci administration, called Lambrew “a national policy superstar” given her role in helping to implement the ACA and other health care initiatives during the Obama years.

“I think you see very highly qualified nominees with incredible expertise, ... and I think it speaks to the nature of the job and the transformative time we are in,” Farmer said.

**CORRECTION:** This story was updated at 3:30 p.m. on Jan. 7, 2019, to correct that, in 1983, there were no women serving as commissioners during the administration of Democratic Gov. Joseph Brennan, not the administration of independent Gov. James Longley.

## **Lawmaker wants state to require free access to menstrual products for female inmates**

**The proposal by Rep. Charlotte Warren of Hallowell would make Maine one of the first states to put such a policy into law.**



Rep. Charlotte Warren, the bill's sponsor

**BY MEGAN GRAY STAFF WRITER**

**A Hallowell lawmaker wants to mandate free access to menstrual products for women in jails and prisons.**

**The bill from Democratic Rep. Charlotte Warren would make Maine one of first states to put such a policy into law. The U.S. Bureau of Prisons issued a memo in 2017 that ordered free access to sanitary pads and tampons, but most incarcerated people are in state prisons and county jails that are not subject to that federal policy. States including Colorado and Maryland have begun to pass laws to extend that policy to those facilities.**

**Warren said she heard about the idea in other states and wanted to take similar action in Maine. Officials at most jails and prisons in Maine said they provide pads and tampons for free, although most facilities require women to request these products as needed from officers.**

**“Unrestricted access to menstrual products by incarcerated persons is an issue of human dignity,” Warren said.**

**The bill does not specify the number of products an inmate could have at one time or how those products should be distributed. No one opposed the bill Friday during its first public hearing at the Committee on Criminal Justice and Public Safety, although some legislators asked questions about cost and current policy.**

**Anna Black, an administrator in the Maine Department of Corrections, told the committee that the state provides an unlimited supply of free pads and tampons in the bathrooms at the Maine Correctional Facility in Windham and the Long Creek Youth Development Center in**

South Portland, where more than 200 women and girls are incarcerated. Black said the annual cost of menstrual products for women in the Windham facility exceeds \$11,000.

“It’s all about dignity,” Scott Landry, warden of the Maine Correctional Center, said in an interview. “We don’t want women to have to come back and ask for these kinds of supplies.”

The Portland Press Herald contacted the state’s 11 jails about their policies for menstrual products. Eight responded, and none said they charge for pads and tampons. Most provide both options, although York County Sheriff Bill King said the jail there provides only sanitary pads because the septic system is not equipped for tampons. Several said women can buy brand-name products in the jail commissary if they have a preference. Officials from the Androscoggin County Jail, Piscataquis County Jail and the Two Bridges Jail did not respond to requests for comment.

The jails have varying policies for distribution. Only the Kennebec County jail administrator, Capt. Rich Wurlpel, said the officers leave product boxes and disposal bags accessible in women’s areas. The others said women generally must request tampons or pads from an officer, and the number distributed at any one time varied between facilities. Maj. Corey Swope at the Somerset County Jail said women receive one tampon or pad at a time, while Franklin County Sheriff Scott Nichols said the officers usually leave the number up to the women themselves.

“If they need them, they get them,” Nichols said. “No questions asked.”

Advocates for women and incarcerated people voiced their support for the bill.

“This is absolutely necessary, and access to these products should not be a political issue,” said Tina Heather Nadeau, an attorney and the executive director of the Maine Association of Criminal Defense Lawyers.

They said female inmates sometimes worry about bleeding through their uniforms, which are often the only set of clothing provided to them, and the products available are often low quality for cost reasons. They also argued that access to these products should not be discretionary.

“This bill would safeguard that practice in law,” said Meagan Sway, policy counsel at the American Civil Liberties Union of Maine. “Women’s basic dignity should not depend on the whims of individual officers or whoever is the commissioner of the Department of Corrections in Maine.”

Joseph Jackson, coordinator of the Maine Prison Advocacy Coalition, said prisoners are often expected to stretch the use of their hygiene products like soap, and he said any need to purchase additional products is an added burden in indigent inmates.

“The way hygiene products are distributed within corrections for indigent prisoners, there is a discretion as to how much you get,” Jackson said.

The only law enforcement officer to speak at the hearing was King from York County. He spoke neither in favor nor in opposition to the bill, but he said the cost of upgrading the septic system at the jail to handle tampons is more than \$500,000.

“This would be a hardship to York County,” he said.

The legislators requested more information about current policies for their work session on the bill.

“My guess is that a policy that determines the amount of menstrual products you can have was not written by a woman,” Rep. Lois Galgay Reckitt of South Portland said.

## Maine inmates should have unrestricted access to menstrual products

By THE EDITORIAL BOARD

Menstrual products are absolutely essential to a woman's hygiene and health. Yet for female prisoners across the country, access to these products often depends on whims of guards and administrators – resulting regularly, prison reform advocates say, in humiliation and illness.

Where jail and prison officials guard access to free tampons and pads, that access is often held over the heads of women who need the products for a basic bodily function. And while the products also are typically offered for sale, they are exorbitantly priced.

When the products are withheld for whatever reason, women suffer, such as the inmate in Maryland who was forced to make her own feminine hygiene products out of toilet paper, leading to toxic shock and a hysterectomy. Or the woman who developed blood clots and was forced to prove she needed thicker pads by bringing an officer a bag full of used ones.

It is unhealthy, inhumane and an affront to dignity.

In response, the Federal Bureau of Prisons last year issued a memo ordering all its facilities to ensure female inmates have access to a range of menstrual products at no cost. The recently passed criminal justice reform bill put that policy in law.

It was a step in the right direction, but only one step – the vast majority of female prisoners are held by state and local authorities, so they face a patchwork of policies set individually by those jurisdictions.

In state facilities in Maine, according to the Department of Corrections, generic-brand feminine hygiene products are left out for women to take what they need 24 hours a day. For women with heavy periods, special pads are available from health care staff, as are IUDs, birth control pills and other products used to ease prolonged or heavy menstrual bleeding.

The Portland Press Herald reached out to all 11 jails in Maine; all eight that responded said menstrual products are free to prisoners.

But access is still uneven. Some, like Kennebec County Jail, leave boxes of the products out for prisoners to grab whenever necessary, while others, such as Somerset County Jail, give out only one at a time.

The products usually are of low quality, too, meaning that women often go through them more quickly and have to ask for more.

Whether a woman needs a tampon, and how many she needs, should not be up to a jail guard. Whether a female prisoner can access basic health care when she needs to should not depend on whether she is in a guard's good graces, and it shouldn't depend on the personal feelings of whoever is the local sheriff or state corrections commissioner.

L.D. 628, a bill proposed by state Rep. Charlotte Warren, D-Hallowell, would help by making comprehensive access to free menstrual products a right for women in the state prison system or one of the county jails.

The bill shouldn't stop there – the products should be free, but they should also be of adequate quality, and they should be available as needed, without requiring permission.

Testimony and news stories in Maine and elsewhere have shown that the power has been abused. It's time to take it off the table.

## USM report explores plight of children of people in Maine prisons

The study's authors hope the findings will result in policy changes to better support families impacted by the criminal justice system.

BY MEGAN GRAY STAFF WRITER

Researchers at the University of Southern Maine have found that more than 3,400 children had a parent incarcerated in one of the state's prisons in the last five years.

That number represents 1.4 percent of children and teenagers in Maine. The report, however, warned that the findings are a small glimpse at a bigger problem. Their project did not include data from county jails, the state's juvenile prison or probation services. It also did not include any adults who were released from prison before 2015.

Still, the study is the first of its kind in Maine, and its authors hope the findings will result in policy changes to better support families who are impacted by the criminal justice system.

"This is an undercount, and we know it is," said Erica King, one of the researchers. "It's a first step."

The research came from the Justice Policy Program at the Cutler Institute, which is part of the Muskie School of Public Service at USM. The Maine Department of Corrections provided them with deidentified data about people who were incarcerated between January 2015 and May 2020.

A spokeswoman said the department was "happy to support the report."

"The MDOC has reviewed the recommendations, many of which are in practice and currently being worked on further," Anna Black wrote in an email.

The project also involved women who are currently or formerly incarcerated. Among them was Jacinta Hunt of Portland, who met King in a college class while she was in prison. She is now a student at the University of Maine at Augusta. Hunt has a 14-year-old daughter.

"What I learned firsthand coming home is my release didn't just affect me," Hunt said. "It's a whole new lifestyle for the child."

A 2010 report by the Pew Charitable Trusts estimated that 2.7 million children in the United States had a parent in jail or prison, the majority for nonviolent crimes. Another study published in 2015 by Child Trends, a nonpartisan research group focused on children and families, found that more than 5 million children in the United States have experienced the incarceration of a parent at some point. That research has also found that parental incarceration disproportionately impacts children who are Black, children who live in poverty and children who live in rural areas.

Studies have also shown that parental incarceration is a traumatic experience.

"Children who have experienced parental incarceration are more at risk for homelessness, depression and anxiety, economic instability, low educational attainment, and juvenile justice system involvement," the Justice Policy Program report said. "Incarcerating mothers of young



children is particularly problematic as it disrupts a key parental bond during critical years of development.

At the end of October, more than 3,100 people were incarcerated in Maine. About 1,700 were in prisons, which usually hold people who are serving sentences longer than nine months. Another 1,400 were in jails, which hold people who are awaiting trial or serving shorter sentences.

The prison population, especially women, generally increased during the time of the Justice Policy Project study. That number has dropped slightly because of the pandemic, however, and there were 1,560 men and 127 women in Maine prisons last week.

The Justice Policy Program study reviewed records from more than 2,100 people who identified themselves as parents. That included 345 mothers and 1,789 fathers. Of that group, 82 percent were white, 11 percent were Black and 4 percent were Native American. The race or ethnicity of the children was not reported, but those data reflect the fact that people of color are disproportionately incarcerated in Maine prisons. In this case, the researchers broke down the data to show that Native American or Indigenous mothers were particularly impacted by that inequity.

A majority of the children — 52 percent, or more than 1,700 — were between the ages of 11 and 17. Another 39 percent, or more than 1,300, were between 5 and 10 years old. And 9 percent, or nearly 300 children, were younger than 5 years old.

“To me, that just hit home,” said Jillian Foley, another author of the report. “Just thinking of that key developmental period and the fact that one of more of their parents were not there.”

The researchers emphasized that only a small number of the parents were incarcerated for an offense against their child or had a court order not to contact their child.

“There’s no criminal reason or public safety reason that they couldn’t have supported contact,” King said.

The report outlined several key recommendations. The first was to invest in community-based support and preventative programs, like affordable substance use treatment and educational opportunities. The researchers also emphasized the need to find alternatives to incarceration, and they mentioned bills passed in states such as Massachusetts to expand those options specifically for parents of dependent children.

“I want a judge to ask a mother about their children,” Hunt said. “The courts don’t consider children when they are sentencing you, regardless of age.”

The report also recommended a review of visitation policies and parenting programs at correctional facilities to make sure they are encouraging parental involvement. A general policy posted on the Department of Corrections website says visits with minors are allowed with certain approvals.

“We certainly agree that investing in community supports, supporting re-integration and other targeted services will benefit women involved with the justice system, their children, and their extended family,” Black said.

Other recommendations included more support for parents who are returning to their families and communities, targeted support for children with incarcerated parents and more data collection to understand the long-term impacts of parental incarceration in Maine.

“There’s a lot more we could be doing for these children in their communities,” King said.

# Federal jury rejects woman's claims of abuse by guards at Wiscasset jail

Candace Faller sued Two Bridges Regional Jail for not immediately making a female corrections officer available after she said she had PTSD.

By **EMILY ALLEN**  
*Staff Writer*

A federal jury on Wednesday rejected a woman's claims that Wiscasset jail officers abused her by ignoring her disability.

Candace Faller, 50, filed a complaint in U.S. District Court last year against the Two Bridges Regional Jail after she was arrested in 2016 on an operating under the influence charge that she still disputes.

Faller alleged the jail violated her rights under the federal Americans with Disabilities Act by not providing a female officer to conduct a pat-down search, which her attorney argued was a "reasonable accommodation" because she has post-traumatic stress disorder that is triggered by large, "aggressive" men in her personal space.

The seven women and two men on the jury found Faller did have a protected dis-



*Darcie Moore/The Times Record*

Candace Faller, 50, filed a complaint against Two Bridges Regional Jail in Wiscasset, alleging officers violated her rights after she was arrested in 2016.

ability, but decided she was not discriminated against and did not, as she claimed during testimony, request an accommodation.

She sought compensatory damages, to be determined by the jury, and asked that

# JAIL

Continued from **Page A1**

the jail develop and provide staff with adequate training for people with disabilities.

Faller testified that she told jail officers she needed a female officer, but instead three male officers – who told the court Faller was uncooperative and a safety risk – restrained her and forced her into a holding cell, where she said she was pushed against a wall so hard her coccyx broke, ordered to get on her “hands and knees” on a mattress and groped her before a female officer stepped in.

The jail’s attorney, Peter Marchesi, said Wednesday that his client was grateful for the jury’s decision.

“They genuinely believed all along that this was a very unfortunate situation, a difficult set of circumstances that their officers were confronted with,” Marchesi said.

Those officers testified that they had no independent recollection of Faller

requesting a female officer and that it was not reflected in any of their reports from the time. While the incident was caught on the jail’s surveillance video, which the jury watched several times this week, accounts varied as to whether the footage proved Faller was handled with unreasonable or excessive force.

## ‘SHE’S HAVING A PANIC ATTACK’

Because there was no sound attached, jurors couldn’t hear what officers or Faller were shouting. Officers denied Faller’s allegations that she was ordered on her hands and knees. They also testified they couldn’t remember her mentioning any back pain or reporting any injury.

Faller’s attorney, Samuel Riotte, said in an email Wednesday that it’s “always disappointing when the jury returns a verdict that’s not in your client’s favor.”

“But I am proud of Ms. Faller asserting her rights and taking her case to the finish line,” he wrote.

Riotte said in closing arguments that the jury had

everything it needed to find that the jail violated the Americans with Disabilities Act. Her therapist testified in a deposition that Faller has a diagnosed disability that impairs her day-to-day life – she has trouble eating, she isolates, and she’s visibly uncomfortable around large, controlling men she doesn’t know.

Riotte argued it was clear the jail refused to make a “reasonable accommodation” for Faller’s disability when corrections officers didn’t wait for a female officer to conduct her pat-down search, as required by federal law, and that they clearly violated the ADA by discriminating against Faller given her disability.

Officers testified that she was being uncooperative – shouting, trying to spin out of their grasp – which justified their increasingly physical response.

But Riotte said that was Faller’s disability manifesting. Jurors heard from a deposition with Faller’s therapist Tuesday that Faller often enters a “fight or flight” mode when triggered.

“She’s having a panic attack,” Riotte said. “She’s crying, she’s hyperventilating, because of her disability.”

## ‘HE HAD TWO CHOICES ...’

Marchesi told jurors before their verdict that it was actually the other way around – officers were the ones tasked with addressing what they perceived as a threat to safety at the jail. Officers were “doing the best they could” in a bad situation they didn’t create.

Marchesi said that when jurors watched the surveillance footage, they would see officers like Paul Rubashkin, the central officer in Faller’s complaint, reacting to what he perceived as a threat to safety at the jail.

“He had two choices – do something or do nothing,” Marchesi said. “He had to choose in the moment, with no policy or guidance. ... And most importantly, with no second chance. ... His choice was to act.”

Many of the central allegations in Faller’s lawsuit – that officers ignored her

requests for a female officer, threw her against the wall twice, breaking her tailbone, ordered her on her hands and knees, and groped her – ultimately depended on what Faller said she remembered.

Marchesi argued her memory was not only affected by the passage of time, seven years in this case, but also by alcohol and drugs, which Faller admitted to using at the time, according to

police and jail reports from 2016.

“So when she asks you to rely on her memory (for) the most important pieces of her case – ‘I definitely asked for a reasonable accommodation’ – can you rely on that?” Marchesi said.

*Staff Writer Matt Byrne contributed to this report.*

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# Woman's civil rights lawsuit says jail officers should not have been present as she gave birth

By DENNIS HOEY

*Staff Writer*

A federal judge has ruled that a Maine woman can continue her lawsuit against Cumberland County contending that jail officers violated her constitutional right to privacy when they remained in her hospital delivery room while she gave birth to a baby girl in 2019.

Judge Nancy Torresen, in a court order released Wednesday, denied motions for summary judgment by Cumberland County Sheriff Kevin Joyce, Timothy Kortez (the jail administrator at the time), and correc-

A U.S. district judge rules that Jaden Brown of Lewiston can continue with her lawsuit against Cumberland County.

tions officers Sam Dickey and Daniel Haskell.

Torreson granted a motion for summary judgment made by corrections officer Carrie Brady, dismissing her from the suit as she cited Brady's lack of experience as

a corrections officer at the time of the delivery.

Torresen's 27-page decision means the civil rights suit filed by Jaden Brown, 33, of Lewiston against the four defendants can proceed to trial, according to her Portland attorney, Jeremy Dean.

Brown filed a lawsuit in December 2020 against the county. She has changed attorneys several times.

"All of this stuff is new," Dean said in an interview Thursday night. "There is some damning evidence

Please see **LAWSUIT**, Page B4

# LAWSUIT

Continued from **Page B1**

and it is all on the public record now.”

Jaden Brown was pregnant in July 2018 when she turned herself into the Cumberland County Jail on a probation violation charge. Brown was sentenced to serve 15 months. She started having contractions on the morning of Feb. 10, 2019, and was taken to Maine Medical Center about 11 a.m.

Dickey, Haskell and Brady were assigned to monitor Brown during her hospital stay. They remained in the delivery room rather than standing watch by the door or in the adjacent hallway, Dean said. Dean said his client was not dangerous and did not pose a flight risk.

“It’s laughable, it’s ridiculous and it defies common sense,” Dean said of the officers’ presence in the delivery room. Dean said his client did not feel comfortable breastfeeding her newborn or holding the baby with the officers nearby.

Dean said the significance of Wednesday’s ruling by Torresen means there is sufficient evidence for the case to proceed to trial.

“Jaden and I both have felt like we’ve been crying in the wilderness. Having a judge respond to us in this way is very gratifying,” Dean said.

While the officers claim they did not observe Brown’s naked body during the delivery process, Torresen wrote in her decision that, “The record, however, is replete with facts that cast doubt on the officer defendants’ assertions.”

Torresen said a photo of the delivery room at Maine Medical Center shows the room was large with plenty of space for the officers to stand watch over their prisoner rather than sitting on a bench about 2 feet from her bed.

“Yet, rather than position themselves near the doorway or farther away from the plaintiff’s hospital bed, where they could have afforded Brown more privacy, defendants Brady and Dickey chose

to sit on the bench immediately to the side of Brown’s bed. The defendants spent hours on that bench while the plaintiff underwent intimate medical examinations, gave birth, and, at least at times, had her genitals and breasts exposed,” Torresen wrote in her order.

According to Torresen’s decision, Haskell was in and out of the hospital room during Brown’s delivery.

John Wall, the Portland attorney representing the corrections officers, did not respond to an email seeking a reaction.

Torreson denied Joyce and Kortés’ motions for summary judgment. Brown argues that they should be held accountable for their officers’ actions.

Joyce planned to release Brown from custody in 2019 with an ankle bracelet for monitoring as soon as she went into labor, but this did not happen because of a miscommunication between Joyce and Kortés, Torreson wrote in her order.

“In this case, a reasonable juror could find that the facts support the imposition of supervisory liability on defendants Kortés and Joyce,” Torresen wrote in her order. “Although the jail had a policy that, absent emergency circumstances, officers were not allowed in the room of an inmate labor and delivery, that prohibition was buried in a policy dealing with the use of restraints and was not contained in the policy on hospitalized inmates.”

Joyce and Cumberland County Manager Jim Gailey each said in separate emails Thursday that the county does not comment on pending litigation.

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DEC - 6 2001

# 2 ex-guards charged in prison-sex case

By DAVID CONNERTY-MARIN  
Blethen Maine Newspapers

## KENNEBEC JOURNAL

PORTLAND — Two former guards at the Maine Correctional Center in Windham face prosecution on charges of sexually assaulting three inmates.

One of the guards, Robert Shepard, 34, of Standish, pleaded not guilty Tuesday in Cumberland County Superior Court to having sex with two female inmates while he was on the job as a corrections officer on April 24 and May 20.

Shepard was indicted last month by a grand jury on two charges of gross sexual assault.

The grand jury also indicted Scott Durgin, 33, of unknown address, on one count of gross sexual assault for allegedly having sex with another inmate on April 24. He is scheduled to be arraigned at 9 a.m. on Dec. 27.

Gross sexual assault is a Class B crime, punishable by up to 10 years in jail and a \$20,000 fine.

"All I know is two different inmates have accused my client, wrongfully I believe, of having sex with them," said Peter Rodway, Shepard's lawyer. "He's adamant that he didn't do this."

Both men resigned from their positions in mid-October, said Scott Burnheimer, the jail's acting superintendent.

"We had an incident in late spring that we heard about and we put our investigators on it," Burnheimer said. He said the two guards were assigned to another part of the jail, separated from the female inmates.

"The investigation substantiated some of the data, and we put them

on administrative leave while we went on with our investigation," he said. That was in July.

Burnheimer called on the attorney general's office while his investigators continued to look into the matter. As the jail considered disciplinary action, the two resigned.

Meanwhile, the attorney general's investigation continued and resulted in accusations that went before the grand jury.

William Stokes, the assistant attorney general prosecuting the cases, could not be reached for comment Wednesday.

Burnheimer said a third jail employee witnessed the assault. The employee could have been disciplined but resigned before any action was carried out, Burnheimer said.

The indictments do not indicate whether the sex was consensual. Maine law makes it a crime for a person with supervisory or disciplinary authority to engage in a sexual act with a person who is in custody.

The jail presently houses 57 women, and a dormitory to expand that capacity to 70 women is under construction. The correctional center is the state's only jail for women.

There are about 550 male inmates. The Windham facility houses men who have been sentenced to less than eight years in prison. Those with longer sentences are sent to Thomaston. Those sentenced to less than nine months generally serve their time in county jails.

Burnheimer said this is the only case in his 22 years at the prison in which a guard was charged with having sex with an inmate.

AUG 17 2001

# Woman awarded \$200,000

BANGOR DAILY NEWS

## Nurse at prison fired wrongfully, jury says

By Renee Ordway  
Of the NEWS Staff

BANGOR — A Penobscot County jury awarded a Dover-Foxcroft woman \$200,000 Thursday after finding unanimously that she was improperly passed over for promotions and wrongfully fired from her job as a nurse at the Northern Maine Juvenile Correctional Facility in Charleston.

The jury of four women and five men deliberated for just over two hours before returning the verdict in favor of 67-year-old Joan Gilles, who filed the suit against Prison Health Services of Brentwood, Tenn., which provides medical services for prisons in Maine and across the country.

Portland lawyer James E. Fortin, who represented Prison Health Services, said Thursday that he planned to meet with PHS officials to determine whether the company wanted to appeal the case.

Gilles argued that her supervisors at PHS failed to promote her and eventually fired her because of her age and because of attempts she made to improve medical services at the juvenile facility.

The jury was limited by state statute to a reward of \$300,000.

*See Nurse, Page B6*

## Nurse

*Continued from Page B1*

Bangor lawyer Arthur Greif said that the jury awarded Gilles \$75,000 in compensatory damages and \$125,000 in punitive damages.

Now a judge will decide the amount of back pay and "front pay" owed to Gilles based on the jury's verdict. Greif said that the jury found that Gilles was discriminated against and passed over for two promotions. On Thursday Greif said he estimated Gilles would be entitled to \$100,000 in back pay and \$75,000 in front pay or money paid in lieu of reinstatement.

Those figures, along with Greif's fees of approximately \$30,000, could bring the total judgment up to about \$400,000.

There will be a hearing sometime next month on the back- and

front-pay issues, Greif said.

"Joan Gilles feels vindicated," Greif said

During his closing remarks Greif stressed the testimony of two nurses who worked with Gilles and praised her ability as a nurse. He also reminded jurors of testimony suggesting that the male nurse Gilles was replaced by had improper contact with female inmates and on two occasions had incorrect narcotic drug counts in the cabinet at the end of his shift.

"I told the jury that Joan Gilles simply felt that a job worth doing was a job worth doing well" and that her supervisors at PHS were tired of her trying to make sure proper medical services were provided to the juveniles at the Charleston facility.

Fortin said he was disappointed with the case and believed that PHS did the best it could to work with a very difficult employee who was driven by vindictiveness and revenge.

# Prisoners of love

SUNDAY  
SUN JOURNAL

JUL 15 2001



GREGORY RICE/SUN JOURNAL

**LOST IN LOVE:** Lori Thompson communicates to her boyfriend several hundred yards away outside his dorm at the Maine Correctional Center. Thompson is standing at the dividing line between the men's and women's sections. Prison officials hope to eliminate the already limited contact between male and female inmates when a new building for 70 inmates is opened early next year.

*Surrounded by men, but separated by the rules, the women prisoners at the Maine Correctional Center still try to carry on romantic relationships with the men in neighboring cellblocks.*

**I**f she could, Lori Thompson would be in a cell far away from the prison dorm where she lives surrounded by hundreds of men. One among them lives so close that she can't stop herself from thinking about him and trying to see him.

When free time comes in the evenings she tells the guard, no, she's not going to Bible study or Alcoholics Anonymous, even though she knows she should.

Instead she walks out the front door that faces tall fences with curls of razor wire.

Thompson turns left and goes

MICHELLE KEARNS  
Staff Writer

WINDHAM

down the asphalt pathway with the purple petunia border. She's supposed to stop at the green electrical box, which is just past the second women's dorm. Instead she tries to walk a little farther, toward the next building where her boyfriend lives with about 20 other men.

It's awful to be here and get drawn to a man like this. She just can't get herself to sit in a class and miss this chance to see him. "And no one understands that," she said.

So she keeps walking toward him.

She thinks she has to try to make this relationship of letters, glimpses and sign language endure.

When she gets near enough to the men's dorm to see a group standing in the sun, she calls, "Chad!" A man with a white T-shirt and sunglasses appears. "I love you," she says. "I love you too," he says.

The guard calls her back, "Walk up, Lori, walk up." The rules say women and men can't stand still while they're out strolling - this is supposed to prevent talking between men and women.

In March, the new prison building will open outside the walls of the

SEE LOVE PAGE A8



# Love

CONTINUED FROM A1

Maine Correctional Center and women will finally move out of the courtyard in the midst of buildings where men live, walk to meals, weed the flowerbeds and hoot as women pass sweaty from their workouts in the gym.

Here, word of new women spreads – from the county jails, from newspaper stories – and by the time a new one arrives, she may have letters waiting from five or six different men trying to woo her.

Thompson, who has pale hazel green eyes and a perfect white smile, liked her boyfriend when she first saw him sitting on the grass by the edge of his dorm. His crystal blue eyes drew her.

But she was shy and he was shy. So they didn't meet until another man introduced them and got them talking on a January day. Snow covered the field where men usually roam during their free time. Women and men were closer than usual because there was less open space to separate them.

Thompson and the young man started writing letters, their feelings started getting stronger and the relationship started growing.

## Love letters

Now she writes him every day, using her weekly allotment of two-free stamps for her weekend letters. He sends her cartoon pictures – a Dalmatian from the Disney movie, a rabbit with hearts around him leaning out of a brick prison window.

His letters say, "I have never met another woman like you." "You are what makes this a pleasant place to live for me." "I just become a different person when I become upset, you really

don't have anything to worry about." "I am your old man and you are my old lady, my wife."

He's 22, and from Litchfield, and she's 31, from Lewiston at one point. She was involved in drugs there, but when she gets out she'll move near her mother in Massachusetts.

She thinks if he's not good to her when he gets out in 2005, her 12 older brothers will protect her. She likes him for his kindness. From what she can see, he's a good person. "He don't disrespect women," she said.

Sometimes they get to talk to each other in prison sign language during one of the day's three mealtimes. If her dorm happens to get called at the same time his is called, she'll sit at a women's table near the men's table he's sitting at.

She turns out her hand palm up and moves her finger across it to show she's written a letter. She'll make forefingers and thumbs like the edges of a square and hold them up, which is the same as asking, "Did you get my letter?"

Once, he signaled her that he'd written. She answered by mouthing – yelling over to the men is against the rules – "Was it for me?"

Then she went up to get a napkin and he passed her and said, "No, it was for my other wife." That tease made her so mad that she traded places at the table with a friend and turned her back to him.

Thompson has friends, her spies, who watch him when she can't. On the days when he has a visit with his daughter, Thompson will go to AA or Bible class because he's not around. Women who have visits at the same time watch to see if he holds hands or kisses his daughter's mother.

## Off the job

It's because of him that Thompson hasn't been able to work the prison's only paying job for

women. She was caught trying to converse from outside his dorm walls. She was screaming loud so he could hear through his window.

For this, she spent a day being locked up. Ninety days have to go by before she can put in her application to sew for 30 cents an hour. Women make the prison sheets, socks, towels, navy pants and T-shirts in pale blue. The color is for women because it's better than white at keeping bras from showing through when the shirts are wet with sweat.

For unpaid dorm cleaning work, Thompson has laundry duty, which includes listening to complaints when a woman doesn't get one of her socks, pants, shirts or bras back after sending it to the wash.

Without a paycheck, she saves her take from the \$1 bingo games that inmates are allowed to win four of on Saturdays. She's been worried about money because she needs something to wear on her way home. When she leaves, nine months from now, her \$50 prison gate money will pay for the bus ticket back to Massachusetts.

"When I walk out these doors, I'm not going to have nothing," she said.

Thompson had thought of marrying her boyfriend here before she left. But she let another, older inmate help talk her out of it.

Her gray-haired friend is still technically married, but it's been over for her ever since he left more than a year ago and stopped writing and calling.

## New Hampshire's better

The friend is in the minority, refusing to get romantically involved again and telling every woman what she thinks of picking from that garden. Two unhealthy people can't make a healthy relationship, she says.

It's better to use this place to get healthy. Bible

study and AA are her lifelines, not men.

When it's too late — say, a woman finds out her man is writing to another woman — inmates come to her asking, "Why didn't I listen to you?"

To this friend of Thompson's, the men are like a drug. A drug that replaces the alcohol, heroin and cocaine that most of women who come here are addicted to.

Even for those who abstain, men are still a bother. The love signals from the women make a racket when men walk by. Hooting, hollering from the door, whistling, pounding on the windows.

Thompson says she was much happier at the all-woman New Hampshire prison she was sent to when she was caught pregnant during the second year of her first sentence at MCC.

April Joy was conceived when Thompson got together with another prison boyfriend in a medicine storage room. This happens sometimes. Even with strict rules, women and men find ways to get close. That place where meds were kept has since been torn down, but prisoners still find places.

In Goffstown, where there were no men in her way, Thompson made herself proud, finding the patience to study for her high school diploma and earning it.

She didn't have the concentration for that in Maine during her first stay at MCC. She had been someone who would swear at any provocation, getting lots of prison write-ups for bad behavior. "I was a punk," she said.

The best part of Goffstown, a place Maine administrators visited while planning changes here, was the self-help program that convinced her that she had some good inside her.

She decided that the trash-mouthed woman she seemed to be was a reflection of the things she didn't like about herself. "I thought I was this ugly person and I was fat and no one liked me," she

SEE LOVE PAGE A9

## Love

CONTINUED FROM A8

said.

When she got out about two years ago, she started taking care of her kids instead of going off with her friends. Her mother was amazed. What did prison do? she wondered.

"When I got out, I took responsibility for myself," Thompson said. "I didn't depend on my mother."

She was going to school in New Hampshire, studying to be an emergency medical technician, when she missed the appointment with her Maine probation officer and got sent back to Windham last August.

## Life after prison

With all this time in prison, her children have drifted from her. Now the picture of her prison baby is in a pink crocheted frame on her dresser. April Joy is the second youngest of six, who are being raised by Thompson's mother.

In a new effort to help prison mothers — 80 percent of women leave behind children under 18 — a parenting class was introduced. Thompson has been going because she wants to feel closeness with her children, whom she describes as "wild, too wild."

She also manages to attend another new class, about how much crime hurts its victims. She hadn't thought about the

*With all this time in prison, her children have drifted from her. Now the picture of her prison baby is in a pink crocheted frame on her dresser.*

damage she caused with the fire she helped start with some friends six years ago. They were all on drugs and thought they could cover up a robbery.

"We just wanted to blow it up and call it good," she said.

When she was in court listening to the judge tell her she had to help pay back the gas station, she thought, "To hell with them. I don't want to pay."

The teachers of the victim class explained that helping people is one way to make amends for what she did. And that's exactly why she was studying to be an emergency medical technician before she came back here. Her application is already in for the semester that starts next year. She likes the idea of being able to help all kinds of people.

She's always had a soft heart, she said.

For now, her boyfriend will still get part of it. Some girls tell her she should break it off with Chad, some girls say let it go on. She still has time. Everything will come into focus at the last minute, she said. It's not a big issue.

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# The history of women sharing prisons with men

SUNDAY  
SUN-JOURNAL

JUL 15 2001

The changes at Maine Correctional Center — a separate building for women, more classes — have been coming in past months because prison ideology has been changing in the past few years, said Nancy Bouchard, a former probation officer who is now assistant commissioner of the Department of Corrections.

She is among the prison administrators who have been touring other prisons and designing programs to help prisoners change so that they don't keep committing crimes.

Studies have shown, Bouchard said, that the co-ed approach failed at rehabilitating women. The trend to incar-

cerate men and women together happened all over the country in the 1970s, she said.

In the latter part of the decade, Maine was one of the last states to close the Women's Corrections Center in Skowhegan and convert. The consolidation was intended to save money and train women to get along in the real world, which had men in it. Then came the boom in women prisoners in the 1980s when the drug laws changed to include mandatory sentences.

The number of women in prison doubled. And instead of mirroring the real world, the prison world revolved around men's needs. Women aren't

half the population; they're less than 5 percent of it, Bouchard said.

In Maine, the numbers went up from an average of 30 female prisoners in the 1970s to 70 or so for the past few years. As the population rose, the problems peculiar to women prisoners became more pronounced.

In these new co-ed prisons, they were getting caught up in romances with men. They were also coerced by men to find ways to smuggle in contraband — alcohol, marijuana and newly banned tobacco.

Women who were leaving — in Maine the average stay is two years — weren't learning to change their lives. "Some of

the women had been there two and three times. So we said, 'Ohh, something's really bad,'" Bouchard.

Men cycle through the system too, but they're younger. Once they age, they don't come back as often. For women, age didn't seem to change things much, she said.

They also had unique problems that a system designed for men didn't adapt to. While men often find a supportive woman to help them make the transition from prison, men usually aren't there to do the same for a woman getting out.

"Women oftentimes had to be a lot more self-reliant," Bouchard said. This

meant they needed prison programs to help them with that, she said. Other characteristics that distinguish women prisoners are:

- They are better educated. More than half have a high school diploma or some college. Half the men have less than a 7th-grade education.

- At least half of the women committed crimes related to drug and alcohol. The severity of their addictions is double what it is for the men.

- National statistics reveal more than half of the women are emotionally, sexually or physically abused. Women's

SEE HISTORY PAGE A9



GREGORY RICE/SUN JOURNAL

**LOVE LETTERS:** Lori Thompson reads from one of the dozens of letters from her boyfriend Chad, a fellow inmate at the Maine Correctional Facility in Windham. Due to tight security policies, prison couples' chief means of communicating is through letters.

## History ✓

CONTINUED FROM A8

violent crimes are often against their abuser or are related to

the abuse.

"It's critical for women that they be in a nurturing and safe environment," Bouchard said. This encourages the boost in self-confidence that allows women to break the cycle that led to prison.

In 1999, the National Institute of Justice held its first conference on working with women offenders. Bouchard went to Washington, D.C., with others from her department, a legislator and a drug abuse councilor. It turned out co-ed prisons na-

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*In 1999, the National Institute of Justice held its first conference on working with women offenders.*

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tionwide were all having the same problems. Sometimes fist-fights would break out between women who both had claims on the same man — often a man they never met, but spotted from afar.

When Bouchard returned, she was sure Maine should change. She's since worked with others to add new programs — parenting, short story reading, and studying the affects of crime on victims.

The new building now under construction has been designed to be self-contained — with a play area for visiting children, a class room, a dining room, a commissary, recreation yard and a place for work, such as sewing.

To plan all this, Bouchard and others visited such prisons already running in Rhode Island, Massachusetts and New Hampshire. There prison officials found women weren't committing as many new crimes and coming back as often as they used to. Alone, women were getting better.

"There wasn't anybody to impress," she said.

# State may alter laws on pregnant inmates

MAR 3 2006

PORTLAND PRESS HERALD

Prisons and Inmates

Maine has no ban on shackling prisoners while they're in labor, says a watchdog group's report.

By **DAVID HENCH**  
Staff Writer

Maine corrections officials say they are considering revising state policies to address the shackling of pregnant prisoners following an inquiry by Amnesty International.

The human rights organization issued a report Wednesday that said many states allow the shackling of pregnant prisoners, potentially endangering the mother and the child.

States that have no policy prohibiting the practice, such as Maine, were assumed by the organization to permit it, though the group could not cite examples of such treatment here.

"With absolutely no policies covering pregnant women, there are no guarantees ... and they could be restrained as a matter of course," said Trine Christensen, acting research director for Amnesty International USA.

"We actually see this as cruel and inhumane treatment because it's a danger to a woman and a danger to the child ... and a violation of international standards that say people should not be restrained except in extreme circumstances as a

matter of last resort."

Denise Lord, associate commissioner for the Maine Department of Corrections, said the issue had never been raised as a problem but the state is willing to review its policies.

"We have so very few pregnant prisoners. I can probably count on one hand the number in the past 10 years," she said. "It has never been identified as an issue or raised as a problem."

Since Amnesty surveyed the state, however, officials are considering policies to cover the practice. "We are committed to looking at our policies and what best practice is in this area in making some revisions in the near future," Lord said.

The report - "Abuse of Women in Custody: Sexual Misconduct and Shackling of Pregnant Women" - said 23 states and the Federal Bureau of Prisons have policies or practices allowing women to be restrained during labor and that 38 states may use restraints on pregnant women in the third trimester.

The human rights watchdog group planned to mobilize activists to seek policy changes banning the practice, initially in the federal prison system and in six states: Maine, Alabama, Arizona, Arkansas, Delaware and Ohio.

Christensen said states were selected from each of Amnesty International USA's geographical areas and Maine was

included from the Northeast region.

Christensen said abuses are often not reported in part because many people do not realize it is a human rights violation. "What we really would like to see is all states to pass laws and policies banning this practice," she said.

The report also chided some states for not having laws that make it a crime for guards or inmates to have sex with prisoners. Maine law, however, specifically prohibits such conduct.

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# Crowding fix for prisons may be lasting

BY MAL LEARY  
THE ASSOCIATED PRESS

AUGUSTA — Several temporary solutions to a prison overcrowding problem should become permanent, according to the head of the state's correctional system.

Those include a new transition facility in Bangor for female inmates and an expansion of the Charleston Correctional Facility, said Martin Magnusson, commissioner of the Maine Department of Corrections.

"We hope the new facility for women in Bangor will be open in the next two weeks," Magnusson said earlier this week. "And that should be part of the long term; it should be continued in the budget."

One floor of the Dorothea Dix Psychiatric Center in Bangor has been renovated over the summer for use as a transition facility for female inmates. There are more than 140 female inmates assigned to the women's unit at the Maine Correctional Center in Windham, which was designed to hold a maximum of 70.

More than 30 of the inmates have less than a year left on their sentences and would be candidates to move to the new transition unit in Bangor.

The department also will recommend ongoing funding for 18 new positions at the Maine State Prison in Warren. Magnusson said the additional staff has helped ease conditions at the state's only

*See Crowding, Page A6*

## Crowding

*Continued from Page A1*

maximum security prison, even though the turnover of staff continues to be a problem.

"We have had 44 new guards since the first of the year, but still have 20 vacant positions," he said.

Though lawmakers branded the overcrowding in the state's correctional system a "crisis," they were able to find only temporary funding fixes in the state budget to carry the department through to July 1, 2008. Magnusson told the Legislature's Criminal Justice and Public Safety Committee this week that legislators will see a supplemental budget request from his department in January to cover the second fiscal year of the budget.

"We are working on those numbers," he said.

Magnusson said the state also should continue to operate the additional unit opened this summer that houses 55 more inmates at the Charleston Correctional Facility. Some on the committee suggested even more inmates could be sent to that facility. Magnusson agreed that another unit could be prepared in Charleston to house 55 more inmates, but there were some concerns being examined before he could say it was feasible.

"What we don't know, and we are looking at now, is what that will do to the infrastructure at Charleston," he said. "There may have to be additional work

on the waste treatment and water. We are pushing the edge right now."

Magnusson said the state has completed moving 44 inmates into a vacant section of the York County Jail and is providing the staff to operate that part of the facility. In addition, he said, about 100 inmates have been placed in various county jails to ease the overcrowding.

"The issue is what do we do when the contracts run out with the county jails," said Rep. Stan Gerzofsky, D-Brunswick, co-chairman of the committee. "It's this committee that has to go in with a long-term solution in January."

Magnusson said even if lawmakers adopted legislation being developed by Gov. John Baldacci's administration to consolidate the county jails into the Department of Corrections, he is not sure that would address the long-term corrections issues facing the state.

"It certainly would help," he said, "but we are seeing our population increasing by 100 to 150 inmates every year. If this continues, we need to plan for more capacity."

Magnusson said there are also concerns about the growth of the number of inmates in the county jails. He maintains that a state takeover of the jails would result in a more efficient administration of corrections.

But committee members are not ready to endorse the plan, pointing out that so far all that has been presented to them is a concept. Sen. Bill Diamond, D-Windham, co-chair of the committee, said he believes the com-

mittee will look at a wide range of options, including proposals to merge the management of corrections.

"We will look at everything that is presented to us," he said. "We want to solve this problem and I think we can come up with a solution that works."

Members of both parties on the panel said they need more details on the DOC takeover plan before they can evaluate it.

Several committee members reminded DOC officials that they need to look at sentencing alternatives, such as intensive supervised release and the use of monitoring bracelets for some convicts. But the lead GOP member of the panel, Rep. Richard Sykes of Harrison, cautioned that no one wants "dangerous" inmates to be assigned to such alternatives simply to reduce the numbers behind bars.

"It's important for this committee to encourage you to work slowly and make sure you have your ducks in order before you use any of these," Sykes said.

# Boom in female inmates focus of national meeting

SEP 6 2003

PORTLAND PRESS HERALD

● The number of female prisoners in Maine went up more than 50 percent in the last year, an official says.

By KEVIN WACK

*The Associated Press*

U.S. corrections officials and policy experts who met at the first national conference on female prisoners in 1983 in Minnesota could have hardly anticipated how incarceration rates would explode over the next 20 years.

There were more than five times as many female inmates in 2002 than two decades earlier, according to the federal Bureau of Justice Statistics. That population boom provides the backdrop for the 10th National

Workshop on Adult and Juvenile Female Offenders, which opens today in Portland.

Denise Lord, associate commissioner of the Maine Department of Corrections, which is co-sponsoring the five-day conference, said the number of female inmates nearly doubled since the end of 2001 in Maine.

"Just in one year, the last year, it increased by more than 50 percent," she said.

Nationally there were fewer than 18,000 female prisoners under federal and state jurisdiction in 1982 and more than 97,000 by the end of last year. The numbers of male prisoners skyrocketed as well. Still, the

*Please see INMATES, Page 6B*

## INMATES

*Continued from Page 1B*

percentage of all prisoners who were women rose from 4.3 percent to 6.8 percent during the 20-year span.

Experts attribute the large increase to a variety of factors, including gender-blind sentencing, the closings of mental health facilities, and drug abuse. But Meda Chesney-Lind, a University of Hawaii researcher who's scheduled to give the conference's keynote address on Monday, said the biggest cause is harsher drug sentencing.

"That's been a shift that's occurred without a large conversation in the country," she said. "It's not just the Bush administration that didn't want

to talk about it. The Clinton administration didn't want to talk about it."

The increase in female inmates has sparked concern in Maine, and state officials hope to learn more about issues like gender responsiveness and juvenile incarceration from some of the field's top researchers.

The conference in Portland is expected to attract more than 500 researchers and criminal justice workers from around the country. It's a mix of feminist professors and corrections officials that may seem odd, but participants say they all share an interest in helping women get back on their feet.

"Every two years you get quite a diverse group of women who come together who really have similar passions," said Stephanie Covington of the Center for Gender & Justice in La Jolla, Calif.

# Maine's new prison overcrowded

## Panel studies possible remedies

By SUSAN M. COVER  
Staff Writer

AUGUSTA — Inmates in the state's prison system sleep four to a cell and bunk on mattresses on the floor because there isn't enough room to properly house them, a top prison official said Thursday.

Denise Lord, associate commissioner of the Department of Corrections, told a group that is studying the prison and jail system that the state outgrew its new prison in two years.

"This growth in the past year caught us truly by surprise," she said.

When the Maine State Prison opened in Warren in 2001, officials projected the population would be 1,987 by 2010. Thursday's population was 1,979 and earlier this summer, peaked at 1,995, Lord said.

It's not that sentences are longer or that crimes are more violent, she said. "It's that more people are serving time."

The Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners met for the first time Thursday and began laying the groundwork for future meetings. The group, which is made up of judges, legislators, a criminal defense lawyer, a county sheriff and others, has until December to report its recommendations to the Legislature.

Local members of the commission include Kennebec

County District Attorney Evert Fowle and Rep. Janet Mills, D-Farmington.

Mills was a district attorney for three Maine counties 18 years ago when a similar task force put out a report called "Corrections in Crisis," Mills said after the meeting. Back then, the state hired an out-of-state consultant to make recommendations.

She said the state needs to start putting more inmates in an intensive supervision program, where offenders would serve six months in jail and then be released on probation. Those who commit more crimes while on probation would then go back to prison for a long time, Mills said.

She also recommended furloughing older or sick criminals so they could collect Medicaid money to help pay for their illnesses.

Commission Chairman Don Allen, a former commissioner of the Department of Corrections, said the commission needs to recommend short- and long-term solutions to the problem, which affects county jails as well.

"We have an opportunity to rest this upward trend of overcrowding before it gets out of hand," he said.

The Kennebec County Jail housed 179 inmates on Thursday, but has a capacity for 151, according to jail officials. In Somerset County, 59 inmates were in custody in a facility that was built for 45. More than 20 others in the care of Somerset County were sent out to other facilities, according to officials there.

The average daily population

### TOP CRIMES

The top crimes as listed by the Maine Department of Corrections and the number of prisoners incarcerated in the Maine State Prison for those crimes.

1. Burglary — 461
2. Gross sexual assault — 257
3. Theft — 225
4. Robbery — 198
5. Murder — 195
6. Aggravated assault — 159
7. Drug trafficking — 121
8. Unlawful sexual contact — 104
9. Assault — 78
10. (Tie) Aggravated drug trafficking — 76
10. Criminal OUI — 76

at the state prison has grown from 1,658 in 2000 to 1,979 this year.

In addition to finding a way to handle the overcrowding, Allen said the group must consider ways the state can better serve inmates with mental illness and health problems.

Lord said a recent survey of

inmates in the state prison showed more than 200 were infected with hepatitis C and many suffered from chronic conditions brought on by smoking, drug addiction and infrequent visits to a doctor.

More women are serving time, Lord said. When a new women's center opened a year ago, it was built to house 70. There are 108 women there now and some of the women are being housed in a separate unit at the male facility.

Overcrowding is taking its toll on those who work at the jails and prisons as well, she said. It's not uncommon for county jail employees to work 70 hours a week or more, and state prison guards are putting in overtime to properly manage the population, she said.

"With an increased number of mandates, employees are tired and that does affect morale," Lord said.



# Group to focus on rise of incarcerated women

By KEVIN WACK  
Associated Press Writer

PORTLAND — U.S. corrections officials and policy experts who met at the first national conference on female prisoners in 1983 in Minnesota could have hardly anticipated how incarceration rates would explode over the next 20 years.

There were more than five times as many female inmates in

2002 than two decades earlier, according to the federal Bureau of Justice Statistics. That population boom provides the backdrop for the 10th National Workshop on Adult and Juvenile Female Offenders, which opens tonight in Portland.

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it increased by more than 50 percent," she said.

Nationally, there were fewer than 18,000 female prisoners under federal and state jurisdiction in 1982 and more than 97,000 by the end of last year. The numbers of male prisoners skyrocketed as well. Still, the percentage of all prisoners who were women rose from 4.3 percent to 6.8 percent during the 20-year span.

Experts attribute the large increase to a variety of factors, in-

*Please see PRISON , A2*



The Associated Press / JOEL PAGE

Corrections officers and female inmates move about at the Maine Correctional Center in Windham on Friday. In one year, the number of incarcerated women in Maine has nearly doubled since the end of 2001.

## • Prison

*Continued from A1*

cluding gender-blind sentencing, the closings of mental health facilities, and drug abuse. But Meda Chesney-Lind, a University of Hawaii researcher who's scheduled to give the conference's keynote address on Monday, said the biggest cause is harsher drug sentencing.

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The increase in female inmates has sparked concern in Maine, and state officials hope to learn more about issues like gender responsiveness and juvenile incarceration from some of the

fields top researchers.

The conference in Portland is expected to attract more than 500 researchers and criminal justice workers from around the country. It's a mix of feminist professors and corrections officials that may seem odd, but participants say they all share an interest in helping women get back on their feet.

"Every two years you get quite a diverse group of women who come together who really have similar passions," said Stephanie Covington of the Center for Gender & Justice in La Jolla, Calif.

Chesney-Lind added: "Many of us are now close personal friends with each other, so its not a phony, strained relationship."

Attendees will participate in workshops, screen films and tour the new 70-bed womens unit at the Maine Correctional Center in Windham. They'll be welcomed on Monday by Chief Justice Leigh Saufley of the Maine Supreme Judicial Court.

prisons

Maine's prisons crowded. See B4

# Maine looks for cause of female inmate rise

By A. J. Higgins  
GLOBE CORRESPONDENT

AUGUSTA, Maine — Two years ago, corrections officials were planning the construction of a women's prison in Windham that was supposed to meet the state's needs through 2010.

When the facility opened its doors last summer, all 70 beds were filled by the end of the first day.

The dramatic increase in the number of prisoners has confounded Maine officials, who say that while the crimes rate has dropped, the inmate population has nearly doubled in the past two years.

"We have found these statistics to be very perplexing," said Denise Lord, associate commissioner of the Department of Corrections. "We think there are a number of anecdotal explanations for these figures, but we have not yet been able to identify a single determining factor."

Late last month, the US Department of Justice announced that Maine led the nation in prisoner population growth between 2001 and 2002. Despite an inmate count that is one of the smallest in the country, Maine's prison population climbed 11.5 percent while nationwide the increase was 2.6 percent.

The bureau reported that the number of female prisoners rose 89 percent nationally between 1990 and 2000. But in Maine, the number of women behind bars nearly doubled in just two years, from 58 in 2001 to 108 in the first six months of 2003.

Lord says she is hoping that a statewide investigative panel and national conference set for Portland next month will help explain factors contributing to the female prisoner increase in Maine.

Governor John E. Baldacci set aside \$250,000 for a blue-ribbon, 17-member panel to study the state's corrections system, including its burgeoning female population. The panel is due to report to the Legislature by January.

Lord said she suspects that a big part of the higher prisoner population can be blamed on rising drug abuse. Maine's courts are processing more and more cases in which women are committing crimes to buy drugs for themselves or their boyfriends or husbands.

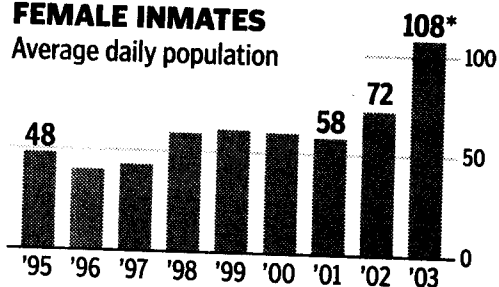
PRISON

## Population boom

Maine recorded the biggest percentage increase in inmate population between 2001 and 2002, despite having one of the smallest inmate counts in the country.

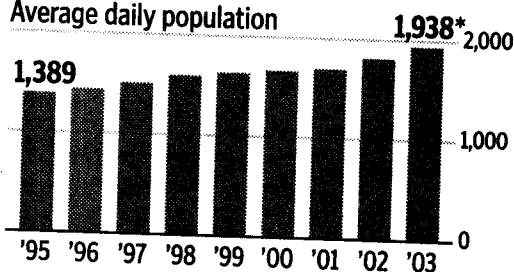
### FEMALE INMATES

Average daily population



### TOTAL INMATES

Average daily population



NOTE: \* First six months of 2003.

SOURCE: Maine Department of Corrections

GLOBE STAFF GRAPHIC

"We're finding that with the influx of heroin and other drugs, we're seeing women commit the same kind of crimes like burglaries, check fraud, and shoplifting" that men have long committed, said Michael Povich, the district attorney for Hancock and Washington counties.

Judges also are taking a harder line with female criminals, Povich said.

"We're now becoming pretty color-blind to gender, particularly those charged with drug-related offenses, and the courts are responding with shock sentences," he said.

The treatment of male and female prisoners remains different. At the Windham facility, the state has tried to create a community atmosphere where female prisoners rely on each other to combat drug abuse and self-esteem issues.

"For us, the whole philosophy at the women's unit is to develop a new community, using the socialization of a community to reinforce positive behavior," Lord said.

# Incarceration rates at an all-time high in US

Christian Science Monitor 4-7-2003

■ Despite years of decline in violent crime, the number of people in prison or jail passed 2 million for the first time.

WASHINGTON - The number of people in US prisons and jails has surpassed 2 million for the first time, according to a Justice Department report released Sunday.

Prisons and jails held one out of every 142 US residents. The prison and jail population, long the world's largest, has almost doubled since 1990.

There were 2,019,234 persons in prisons or jails at the end of June 2002, according to the report. About two-thirds of the total were in state and federal prisons, while the rest were in local jails. US prisons house people convicted of felonies, while jails generally hold people serving sentences for misdemeanors or awaiting trial.

The Sentencing Project, a group that promotes alternatives to prison, said state and federal policies continue to drive up incarceration rates despite sharp drops in violent crime rates since 1994. "The relentless increases in prison and jail populations can best be explained as the legacy of an entrenched infrastructure of punishment that has been embedded in the criminal justice system over the last 30 years," says Malcolm Young, the group's executive director.

Proponents of tough sentencing laws say the policies deter crime.

In the 12 months ended June 30, the jail population went up by 34,235 inmates, a 5.4 percent rise and the largest increase since 1997, according to the report. State prisons added 12,440 inmates, a 1 percent increase, while the federal prison

system grew by 8,042 inmates, a 5.7 percent increase. An estimated 12 percent of black males, 4 percent of Hispanic males and 1.6 percent of white males in their 20s and early 30s were in prison or jail.

Among the other findings of the report:

- A total of 7,248 jailed inmates and 3,055 state prisoners were under 18.

- The federal prison system had the largest number of inmates at 161,681, followed by California (160,315) and Texas (158,131).

- Twenty states experienced an inmate population increase of 5 percent or more during the 12-month period.

- Female prisoners totaled 96,099 at the end of June, accounting for 6.7 percent of all inmates.

**About 12 percent of young black men and 4 percent of young Hispanic men are in prison or jail.**

- Reuters

Prison

# Prison guards protest job conditions

SEP 23 2003

COURIER GAZETTE

by Daniel Dunkle

WARREN — Maine State Prison officers argued Monday that the shortage of staff at the prison has caused both unwanted overtime and an increase in the risk faced by officers.

About 25 corrections officers picketed in front of the prison Monday morning to protest state wage freezes and prison overcrowding. The officers are members of the American Federation of State, County and Municipal Employees union. The union said they were expected to picket all week in front of several prisons in the state.

“  
*We walk the toughest beat in  
Maine.*”

James Simeone, corrections officer at the Maine  
State Prison

The group waved signs saying “So much for promises!” and “Don’t make the guards pay for the prison.” Some signs criticized Gov. John Baldacci and some of the guards voiced disapproval of the state Legislature. They blame both the local management of the prison and state government for what they say are poor working conditions.

The officers complained mostly that there are not enough officers to watch the prisoners. As a result, one

See PRISON Page A18

## • PRISON FROM PAGE A1

officer is left alone to watch 64 prisoners in a section of the prison called a pod, according to Sgt. Antonio Mendez.

Officers said a lot more weapons and drugs are flowing into the prison as a result of the staff shortage. They said the prison was designed to have two officers in each pod.

Officer Angela Smith said a female officer who was left alone in a pod was beaten by an inmate a few months ago. The officer who was attacked had a body alarm which is like a pager with a red button the officer can push if she needs help. The inmate attacking her simply took the body alarm from her, Smith said.

The officers complained that they are more isolated at the new prison. At the former Thomaston prison, another officer could respond to a call for help within one minute. Now, they have to wait three or four minutes for officers to get through the series of locked doors to provide help.

"A lot can happen in three or four minutes," Smith said.

Sometimes, the only way to provide backup is to call in an officer from home, Mendez said.

Warden Jeffrey Merrill said Monday that he understands the frustration of the officers

and that it is a very difficult job. He said the attack on the corrections officer might have been avoided if there had been three officers in the pod at the time.

Merrill said the prison has filled all of its vacant positions, but about seven new officers are in training and not on duty yet.

He said that at the Thomaston prison, the ratio was fewer prisoners for each guard, but the new prison was designed so that each guard could see more cell doors at once.

One major problem, he said, is that the prison was filled much faster than the state had expected.

"We walk the toughest beat in Maine," said officer James Simeone.

He said he works the second shift in a kitchen full of inmates, all of them armed with kitchen knives, ladles or what he refers to as a four-foot-long, stainless steel "canoe paddle." He said that is used to stir large vats of soup, but it could also be used as a weapon. He said convicted murderers routinely work with knives in the kitchen. The knives are secured to the counters with metal cords.

Officers said the prisoners feel less secure because there are fewer guards, so they are

arming themselves for their own protection. Mendez said he recently found an inmate sharpening a knife in his cell.

Correction officers said they are required to work 18- and 20-hour shifts to make up for staff shortages. Many complained that they were sacrificing time with their families to work at the prison. Mendez said the state would rather pay an officer overtime than hire a new officer and have to pay for medical benefits.

Senior officers are quitting. Mendez said the inmates think they can get away with anything when they see young, baby-faced officers coming into the prison.

Mendez said the new prison still has glitches in the system. Sometimes the computer system does not work. Cell doors pop open and sometimes doors get stuck shut so that officers cannot get an inmate out.

Starting July 1, the union workers could no longer receive the wage increases that had been built into their contracts.

"The Legislature has no idea what we go through," said officer Clint Lanphier.

*Daniel Dunkle can be reached at ddunkle@courierpub.com.*

# Maine

## KENNEBEC JOURNAL prison's SEP 5 2003 crowded

### Panel studying ways to fix system

By SUSAN M. COVER  
Staff Writer

AUGUSTA — Inmates in the state's prison system sleep four to a cell and bunk on mattresses on the floor because there isn't enough room to properly house them, a top prison official said Thursday.

Denise Lord, associate commissioner of the Department of Corrections, told a group that is studying the prison and jail system that the state outgrew its new prison in two years.

"This growth in the past year caught us truly by surprise," she said.

When the Maine State Prison opened in Warren in 2001, officials projected the population would be 1,987 by 2010. Thursday's population was 1,979 and earlier this summer, peaked at 1,995, Lord said.

It's not that sentences are longer or that crimes are more violent, she said. "It's that more people are serving time."

The Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners met for the first time Thursday and began laying the groundwork for future meetings. The group, which is made up of judges, legislators, a criminal defense lawyer, a county sheriff and others, has until December to report its recommendations to the Legislature.

Please see PRISON, A2

#### TOP CRIMES

The top crimes as listed by the Maine Department of Corrections and the number of prisoners incarcerated in the Maine State Prison for those crimes.

1. Burglary — 461
2. Gross sexual assault — 257
3. Theft — 225
4. Robbery — 198
5. Murder — 195
6. Aggravated assault — 159
7. Drug trafficking — 121
8. Unlawful sexual contact — 104
9. Assault — 78
10. (Tie) Aggravated drug trafficking — 76
10. Criminal OUI — 76

# ✓ • Prison

*Continued from A1*

Local members of the commission include Kennebec County District Attorney Evert Fowle and Rep. Janet Mills, D-Farmington.

Mills was a district attorney for three Maine counties 18 years ago when a similar task force put out a report called "Corrections in Crisis," Mills said after the meeting. Back then, the state hired an out-of-state consultant to make recommendations.

She said the state needs to start putting more inmates in an intensive supervision program, where offenders would serve six

months in jail and then be released on probation. Those who commit more crimes while on probation would then go back to prison for a long time, Mills said.

She also recommended furloughing older or sick criminals so they could collect Medicaid money to help pay for their illnesses.

Commission Chairman Don Allen, a former commissioner of the Department of Corrections, said the commission needs to recommend short- and long-term solutions to the problem, which affects county jails as well.

"We have an opportunity to rest this upward trend of overcrowding before it gets out of hand," he said.

The Kennebec County Jail housed 179 inmates on Thursday, but has a capacity for 151, ac-

ording to jail officials. In Somerset County, 59 inmates were in custody in a facility that was built for 45. More than 20 others in the care of Somerset County were sent out to other facilities, according to officials there.

The average daily population at the state prison has grown from 1,658 in 2000 to 1,979 this year.

In addition to finding a way to handle the overcrowding, Allen said the group must consider ways the state can better serve inmates with mental illness and health problems.

Lord said a recent survey of inmates in the state prison showed more than 200 were infected with Hepatitis C and many suffered from chronic conditions brought on by smoking, drug addiction and infrequent

visits to a doctor.

More women are serving time, Lord said. When a new women's center opened a year ago, it was built to house 70. There are 108 women there now and some of the women are being housed in a separate unit at the male facility.

Overcrowding is taking its toll on those who work at the jails and prisons as well, she said. It's not uncommon for county jail employees to work 70 hours a week or more, and state prison guards are putting in overtime to properly manage the population, she said.

"With an increased number of mandates, employees are tired and that does affect morale," Lord said.

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# Big jump in inmates has officials worried

JUL 29 2003

Prisons

● Alternatives to prison sentences may have to be considered.

By DAVID HENCH

Staff Writer

Maine corrections officials and lawmakers worry that the state faces prison crowding and rising costs if a recent surge in the number of state prisoners continues.

Maine's prison population increased 11.5 percent from 2001 to 2002, the fastest growth in the nation, according to a report released over the weekend by the federal Bureau of Justice Statistics.

The state's crime rate remains among the nation's lowest, as does its rate of incarceration. But corrections officials say a sustained

increase in prisoners would be costly and difficult to handle.

"It's a trend we can't sustain," said Denise Lord, associate commissioner of the Maine Department of Corrections. "We filled the new Maine State Prison and we're over capacity at all the other facilities. Our day-to-day experience supports the national data."

The Department of Corrections budgeted \$63 million to secure, feed and house 1,850 inmates over the past year, but on Monday the state count stood at 1,997.

The federal statistics show that the number of federal and state prisoners climbed 2.6 percent nationally over the course of 2002. Maine's prison population went from 1,704 to 1,900 over the same period and has grown 5 percent so

Please see **PRISON**, Page 8B



Visitor Linda Coan O'Kresik puts her hands through a wall of steel bars inside the East Wing of the former state prison in Thomaston during a tour. The state has already filled the new capacity it created when it doubled the size of the Maine State Prison and added 70 beds at a new women's unit at the Maine Correctional Center in Windham. The extra space was supposed to meet the state's needs for 10 years.

Staff file photo by Herb Swanson †



# PRISON

Continued from Page 1B

far this year.

"We have got to look at our sentencing policies," said Sen. Ethan Strimling, D-Portland and co-chair of the Legislature's Criminal Justice Committee.

"We have to find alternative sentencing. When people are sleeping on the floors in your prison, you have to take another look," Strimling said, noting that eventually, a growing prison population can make rehabilitation more expensive.

Strimling said Corrections Department warnings about the growth in prison population persuaded legislators to approve \$300,000 in funding this year to study crowding, alternative sentencing and potential efficiencies in the department.

Compared to larger, urban states, the actual number of prisoners in Maine is remarkably small. Maine ranks fourth in the nation for the lowest number of inmates behind North Dakota, Wyoming and Vermont. California has the most prisoners of any state at 162,317. Just 141 of every 100,000 Mainers are in prison; Louisiana, by comparison, has a rate more than five times that.

State officials and analysts can't say for certain why Maine's prison population has jumped significantly.

The recent increases may stem from a spike in drug-related crime and in sex offenses, as well as a significant rise in the number of female prisoners, Lord said. Another possibility is that the nationwide growth in prison populations that occurred in the 1990s - when Maine had the slowest increase in the number of prisoners - has finally affected

## AT A GLANCE

**National percentage increase** in prisoners from 2001-2002: 2.6 percent

**Maine's percentage increase:** 11.5 percent

**Maine's actual increase:** 196, from 1,704 to 1,900

**Maine's incarceration rate:** 141 per 100,000 residents

**National incarceration rate:** 476 per 100,000 residents.

Maine.

Policy makers will have trouble predicting the state's prison population until they understand the recent increases, says Carmen Dorsey, director of the Maine Criminal Justice Statistical Analysis Center at the University of Southern Maine's Muskie School for Public Policy.

"You really need to look in depth into the reasons for the increase. It may be a blip. It may be part of a trend, but we won't know until we look beneath the data," Dorsey said.

The Department of Corrections is about to launch a new data-management system that could help answer some of those questions.

The state is spending \$4.3 million to install a state-of-the-art system that would allow it to track and analyze information about convicts, such as the risks they pose, the programs they have completed and their criminal histories. Several other states are watching to see how the system performs, Dorsey said.

"We can begin answering a lot of these questions ... of how is the offender population changing and how effective are we in terms of our programs," Lord says.

If the state's prison population continues to increase, corrections officials will have to look at alternatives to prison for low-risk offenders, she said.

The number of offenders sent to prison for relatively short sentences has increased. Many of them were sentenced for drug offenses or property crimes that are related to drug use, Lord said. Besides the likelihood that the drug problem is worsening, some judges may be sending drug offenders to state prison because of treatment programs that are not available at county jails, she said.

The number of women offenders, which grew from 59 to 90 over the course of last year - also the fastest percentage rise in the nation - may be because judges are less likely today to give lighter sentences to female offenders than males accused of the same crime, she said.

The federal statistics did not deal specifically with county jails, though most Maine jails report a continuing increase in the number of inmates. The number of probationers also is on the rise, Lord said.

"This is hitting us at all points in the corrections system," Lord said.

The state has already filled the new capacity it created when it doubled the size of the Maine State Prison and added 70 beds at a new women's unit at the Maine Correctional Center in Windham. The extra space was supposed to meet the state's needs for 10 years.

Now the state must begin exploring less expensive sentences than typical imprisonment, particularly for low-risk offenders, she said.

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# Female inmate surge spurs national forum

Prisons

BANGOR DAILY NEWS

JUL 28 2003

BY A.J. HIGGINS  
OF THE NEWS STAFF

PORTLAND — The problem of Maine's rapidly growing female prisoner population will serve as a backdrop for a national conference in September when corrections experts will explore why more women are living life behind bars.

Denise Lord, associate commissioner of the Maine Department of Corrections, said the 10th National Workshop on Adult and Juvenile Female Offenders will be held Sept. 6-10 at the Holiday Inn by the Bay in

Portland. The conference will feature national experts in criminology such as Meda Chesney-Lind of the University of Hawaii, along with representatives of Maine's criminal justice system, including Leigh Saufley, chief justice of the Maine Supreme Judicial Court.

"We'll be bringing in the best nationally known experts in juvenile and adult female offender issues," Lord said. "We'll have some high-level, powerful presenters and it will be a public conference featuring some of the best thinkers on

*See Inmates, Page A2*

# Inmates

*Continued from Page A1*

this issue, so that's very exciting."

According to organizers, the conference will provide a forum for those who work with adult and juvenile female offenders to meet one another, exchange ideas, deepen alliances, celebrate successes, and promote promising practices on behalf of women and girls in the correctional systems. Uniting under the session's theme, "Charting a Course — Lighting the Way," speakers will emphasize strategies that require female offenders to chart their own life courses with guidance from corrections program directors.

A variety of seminars at the conference will highlight changes over the past 20 years in rehabilitative techniques for female offenders. Targeted workshops will focus on rural and urban offenders, best practices for jails and institutions, and community issues affecting female offenders inside and outside corrections institutions.

By coincidence, the event arrives on the heels of newly released Maine statistics indicating the number of incarcerated women has increased from 57 in 2001 to the current total of 108. The state's new 70-bed women's unit at the Maine Correctional Center in Windham was not supposed to reach maximum capacity until 2010. Lord said it was full when it opened last summer.

Now, women who cannot be placed into the special programs and community setting offered at the Windham unit are being placed in the multipurpose unit at the facility. Lord said housing arrangements there make it more difficult for corrections officials to deliver the kind of rehabilitative serv-

ices available in the women's unit.

"Part of the dilemma for us is that the whole philosophy of the women's unit is developing a community using the socialization of a community to reinforce positive behavior, which becomes difficult to achieve in the multipurpose setting," Lord said. "What we really need is not for more women to come to the state prison system. What we really need are better community options."

In addition to the September conference, the issue of Maine's increasing female prisoner population will be studied this summer by a special blue-ribbon panel as part of an overall review of the state's corrections system.

All of the appointments to the 17-member Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners have yet to be forwarded to Gov. John Baldacci, who included \$250,000 in the state budget for the panel's expenses.

The commission is ordered to deliver its report to the 121st Maine Legislature no later than Jan. 2, 2004, and will explore every facet of the corrections process beginning with court sentencing and continuing through follow-up reports on released prisoners who have re-entered society.

State Rep. Linda McKee, D-Wayne, recently visited the women's unit at Windham, and said the commission needs to adopt more rehabilitative models such as those offered at the facility that strive to bolster self-esteem and confidence.

"After visiting there, I said to myself, 'This is hope,'" McKee said. "You can see the hope in these women's eyes and hear it in their voices. You just know the recidivism rate among these women is going to be next to nil."

# Meetings focus on dealing with female inmates

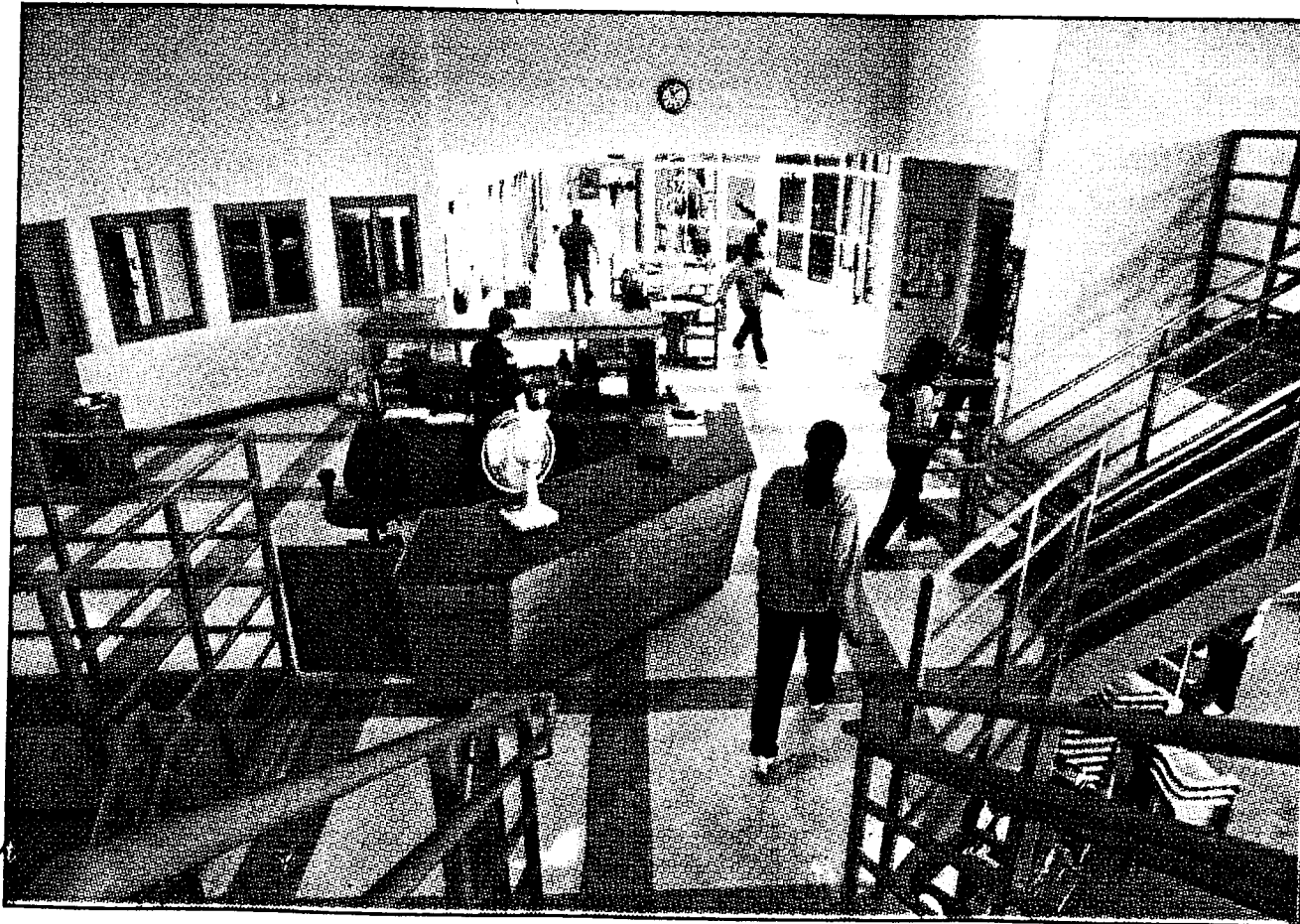
PORTLAND PRESS HERALD

SEP - 8 2003

Corrections officers and female inmates are seen Friday at the Maine Correctional Center in Windham.

According to the Bureau of Justice there were more than five times as many female inmates in 2002 than in 1982.

*The Associated Press*



● The number of incarcerated women is growing, and those who work with them face certain challenges.

By JOSHUA L. WEINSTEIN  
*Staff Writer*

On one of the last beautiful Sundays of the summer, more than 200 people spent the afternoon not in the Old Port or on the beach, but cloistered in a hotel for a four-hour workshop on the fairly specialized topic: "Girlfighting: Developmental Aspects of Girls' Aggression - Perspectives from the Research and the Field."

By way of explanation on how these people, on a sunny, 80-degree day, managed to work up the discipline to stay inside, understand

that many of them work in correctional institutions.

About 500 of them, from 41 states and four Canadian provinces, will be in Portland through Wednesday at the 10th National Workshop on Adult and Juvenile Female Offenders.

During the conference, more than 100 speakers and presenters will offer seminars on diverse topics such as "Preventing Staff Sexual Misconduct with Offenders," "Relationship-Based Work with Incarcerated Mothers" and "Female Adolescent Firesetters in Residential Treatment."

Joann Morton, president of the Association on Programs for Female Offenders, said that women and girls who are involved in correctional systems present specific challenges, and that if society is to be well-served, those

Please see **WOMEN**, Page 3B

# WOMEN

*Continued from Page 1B*

challenges must be addressed. "This is about management, and providing better services," said Morton, a retired professor at the University of South Carolina.

She said that when women are incarcerated, there are consequences for their children. "Any time you take that woman out of the home, you're creating another social problem," she said.

That's happening more, she said, explaining that 30 years ago, 15,000 women were incarcerated. Now, about 15,000 women are locked up in California alone.

She said women generally are incarcerated for nonviolent offenses such as writing bad checks or for drug violations. When they are released, they encounter many of the same issues male offenders do, but they have others, as well.

Male ex-cons, for instance, often develop a swagger about having been incarcerated.

"There is no honor for women," said Roxy Hennings, the conference chairwoman and a juvenile services planner with the Maine Department of Corrections, which is co-sponsoring the conference with the Association of Programs for Female Offenders. It is facilitated by the Muskie School of Public Service at the University of

Southern Maine.

One of the focuses of the conference was re-entry - how to help women adjust to society, and how to help society appropriately deal with them.

Judy Anderson, the warden of the Camille Griffin Graham Correctional Institution in South Carolina, said the conference helps in a number of ways. It presents practitioners with valuable information, allows them to meet one another so they can offer advice in the future and it builds a network of people who understand - and can eventually lobby for - the special needs of female offenders.

All said that although their jobs force them to see difficult situations, they remain optimistic and

committed to helping the people in their care.

Sometimes that's tough.

Before she was warden at Camille Griffin Graham, Anderson worked with young offenders.

"I'm now seeing the girls I had five or six years ago in the system," she said.

When she does, she wonders what she could have done better.

One of the goals of the conference is to give Anderson and everyone else who attended a few more tools to help female prisoners - young and old - get out and lead lawful lives.

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AUG 1 1 2003

# Alternatives to prisons sought

PORTLAND PRESS HERALD

By DAVID HENCH

Staff Writer

A panel is forming to find ways to save money as the state's inmate population soars.

An alarming rise in the number of prisoners in Maine has state legislators scrambling to find alternatives to prison for some offenders and ways to reduce the likelihood that convicts will re-offend.

A legislative commission is being formed to explore ways to save money in corrections, including whether expanded treatment for substance abuse and mental illness could help rein in the growth at

both county jails and state prisons.

The cost of running Maine's adult prison facilities has climbed almost 50 percent in five years and last year the state's prison population grew at a faster rate than that of any other state in the nation. County jails, too, have experienced rapidly rising costs and record numbers of inmates.

The problem was driven home this year when lawmakers were ordering cuts in many state departments to close a budget gap, but were faced with a 15 percent

increase in the Department of Corrections budget.

"As all these departments were getting cut and cut and cut, the Department of Corrections was seeing increases," said state Sen. Ethan Strimling of Portland, chairman of the Criminal Justice Committee. "There was no choice. The safety of the prisoners, safety of the guards and safety of the public was at stake."

Please see **PRISON**  
**Back page this section**

# PRISON

Continued from Page 1A

The Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners was created by the Legislature, given a \$250,000 budget and instructed to report back with legislation by Dec. 3. The commission is in the process of being named and is to include judges, prosecutors, advocates for the mentally ill, representatives of county government and several branches of state government.

"The charge is to look at nonviolent, low-risk offenders," said Denise Lord, associate commissioner for the Department of Corrections. "Are there alternatives to incarceration that still provide community safety, hold the offender accountable - because it is criminal behavior - but address the reasons why they're engaging in criminal activity more effectively than incarceration might?"

The Bureau of Justice Statistics released a report last month showing that Maine's prison population grew

11.5 percent from 2001 to 2002, a faster rate than any other state in the nation. Most of that growth has been in the number of nonviolent offenders sentenced to a year or less in prison. In 2000, state prisons admitted 37 people with sentences of one year or less. By 2002, that number had grown to 363 new admissions and it's on a pace to hit 424 this year.

Five years ago, the state launched a \$140 million program to expand, renovate and replace its prison facilities, a plan that was to add capacity for 10 years. But the new space created for adult prisoners is already full. The state now holds about 2,000 adult prisoners, although it had budgeted for only 1,849 this year.

In Windham, some prisoners must sleep on the floor. At the Downeast Correctional Facility in Bucks Harbor, four prisoners share cells designed for two.

Overcrowding in prisons and jails not only raises costs, but can inhibit one of the purposes of incarceration, and that is rehabilitation, reform advocates say.

"The danger is when you pack people in too tightly, it becomes a situation where you're not serving them

while they're there, so as soon as they're let out, they commit crimes again and they're right back in," Strimling said.

But the public showed its resistance to more prison construction projects when it rejected a bond issue last fall that would have replaced the Downeast Correctional Facility with a more modern one in Machias.

The growth in prison population has had a direct impact on the tax money needed to support the system. The cost of operating the state's adult prisons has risen from \$43 million in 1998 to \$63 million in 2003, while the number of prisoners has grown from under 1,600 to almost 2,000 over the same period.

County jails have had similar experiences. York County just opened its \$20 million jail, built to relieve overcrowding at its former facility that contributed to a riot in 2001. In Cumberland County, which has the state's largest jail, the number of inmates stood at 189 in 1994 and recently hit a peak of 479. The jail is nearing its capacity, space that was supposed to last another 10 years.

A key focus of the commission's work will be community corrections,

methods of managing offenders in the community rather than in jail or prison.

Cumberland County Sheriff Mark Dion, president of the Maine Sheriffs Association, expects that a county jail is the logical place to launch a pilot program on community corrections because the inmates sentenced there are serving less than a year and for crimes less serious than those people in state prison.

"What we seem to see is we don't have any more criminals (than previously), but I think the community sentiment for punishment has been just that, for punishment, and we translate punishment as jail time or prison time," Dion said. "We know that jails are very expensive ways to accomplish punishment."

"If you look at accountability, where people are punished but moved to a setting where they can be productive again, make reparations to the victim and the community, that's not only good social policy, it's good economic policy," Dion said. "It's not being soft on crime. It's being smart on punishment."

Strimling says community service can be a preferable substitute for jail

in some cases.

"Community corrections isn't about having a good time. It's being accountable, and that may be washing graffiti or grinding the rust off RWS silver bullets," he said, referring to Regional Waste Systems' recycling containers.

Dion says the commission also is likely to explore developing a state-wide system of county jails, where different jails specialize in certain types of inmates, such as female inmates or offenders with mental illness.

One group of state prisoners that has been growing in recent years is those convicted of drug offenses. Some prosecutors have sought heavier sentences than they had previously for drug crimes so that the offenders can be sent to state prison, where there are typically more programs available for substance abuse treatment.

Kim Johnson, director of the Office of Substance Abuse, also has been nominated to the committee.

"A huge portion of the growth in their population is due to drug offenses," she said. "We have a plan for treating everyone in the system. It's just finding the money to implement

the plan that's been difficult."

"There is a lot of research that says recidivism (re-offending after prison) rates are lowered when you treat the addiction. In the long run, savings are definitely realistic. In the short run, that's the part that's going to take some work," she said.

State Sen. Mary Cathcart, chairwoman of the Appropriations and Financial Affairs Committee and a commission member, expects the commission to meet soon after the Legislature reconvenes for its special session Aug. 21.

Cathcart says the decision to give the commission ample funding enables it to hire consultants and pay for studies so it can conduct a thorough analysis and report back by the deadline.

The need for reform is urgent, Strimling says.

"We could have a piece of dynamite ready to explode," he said. "We have to deal with it as quickly as we can."

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# Officials Say More Space Needed to Address Prison Overcrowding

BY VICTORIA WALLACK  
STATEHOUSE NEWS SERVICE

AUGUSTA — Five years after the state opened the doors on new prison facilities costing more than \$140 million, the Criminal Justice Committee and the Department of Corrections say more space is needed to alleviate overcrowding that is only going to get worse by the end of this decade.

"We'll have to think about bricks and mortar," said Sen. Bill Diamond (D-Cumberland County), the Senate chairman of the Criminal Justice Committee. "We can't continue to call ourselves tough on crime and not have cells to put people in."

Diamond was speaking last week at a press conference designed to highlight the problems of prison overcrowding that have existed almost since the day the new prison facilities approved by the Legislature under the King administration opened.

Those facilities included an addition to the maximum security prison in Warren — and the closing of the old Maine State Prison in Thomaston; a new women's unit with 70 beds at the Maine Correctional Center in Windham; and, construction of new juvenile facilities in South

Portland and Charleston.

While the juvenile population has declined in state facilities, the adult prison population is on the rise. Capacity at the state's six adult facilities is 1,946, but the number of inmates is expected to hit 2,192 by the end of this year and 2,245 by the end of 2009. The women's population as part of that group has also grown beyond the 70 beds available to 134 this month, and at times last year was at 141. The original request for the new women's unit was for 100 beds, but that was apparently cut back to save money on construction overruns.

"Treatment set up for women has been working," said Rep. Stan Gerzofsky (D-Brunswick), the House chairman of the Criminal Justice Committee, but there is not enough room in the women's unit, where rehabilitative services are available. "Some women are spending their entire sentence in a holding cell."

Gerzofsky said he knows it will be a tough sell to get voters to approve a prison bond, since they have turned so many down in recent memory — 1989, 1990 and 1991.

"You can pass a bond in Maine as long as it isn't about prisons,"

Gerzofsky said, adding, "Clearly they (voters) want people locked up," but don't want to pay for new prison space.

In 1998, Governor Angus King got around the process by using the Maine Governmental Facilities Authority, which can issue bonds without voter approval, to build the new prison at Warren and the new women's facility in Windham. The juvenile facilities were built with available state funds.

#### Prison Costs

The call for more prison spending comes at a time when state agencies are competing for dwindling state resources, and policy makers are looking for places to find money to shift toward economic development.

The much discussed Brookings Institution report on Maine's future prosperity references a study done by Philip Trostel of the University of Maine, which says prison spending per inmate in Maine is way above the national average.

Despite the rising prison population, Maine still has the lowest incarceration rate in the nation.

Yet it spends more per inmate than most other states.

Trostel's report said the state has the second highest per inmate cost in the country. A report from the National Conference of State Legislatures puts it in sixth place.

Officials from the state Department of Corrections, all too aware of the criticism, say the numbers are wrong.

They point to other statistics that show Maine ranks 45th among other states in terms of the amount it spends on corrections per Maine resident.

Trostel agrees that in overall expenditures, the state is low relative to other states largely because Maine has so few people in jail.

"Given that Maine's relative inmate population is about 73 percent below the national average, it could be argued that Maine's correction payroll and expenditure should be more than the 32 percent and 36 percent below the national average," he said.

#### Stiffer Penalties

The existing cost of the sys-

tem — with a budget of \$145 million for this coming fiscal year as compared to \$97 million at the start of the decade — and the prospect of housing more inmates cannot be good news to taxpayers.

Yet, as several members of the Criminal Justice Committee pointed out last week, people are demanding stiffer sentences for a variety of crimes.

"We're a creature of our own success," said Gerzofsky, where "Legislation keeps on calling for stiffer and stiffer penalties."

Rep. Janet Mills (D-Farmington), a former district attorney who now sits on the Appropriations and Judiciary Committees, said one problem causing the overcrowding is the harshness of the law for those who violate probation.

"We end up with approximately a third of the prison population doing time on probation violations and bail violations, often for 'technical' or noncriminal behavior," she said.

"Common sense tells us that enacting more mandatory sentences has also impacted the

prison system. The trouble is, the Department of Corrections never puts a real fiscal note on such criminal justice bills. They generally say instead, 'costs will be assumed within existing resources,' or 'there will be no impact in the current biennium,'" Mills said.

"I fault the department and the Criminal Justice Committee in great part for doing things that are politically appealing, but not acknowledging the costs of policies and laws they recommend, either to the state or to the county jails and the property taxpayers," Mills said.

Christopher "Kit" St. John of the Maine Center for Economic Policy, which advocates for social programs and public policies that help the poor, said while he has not studied the prison population recently, in general, "We are too quick to lock people up for too long a time."

"Every time there's an awful thing that happens, there's a bill to extend sentences," he said. "We need to be more careful about what sentences to impose on people who are not violent."

# Panel balks at Baldacci's fix for prison crowding

BY MAL LEARY  
CAPITOL NEWS SERVICE

AUGUSTA — Gov. John Baldacci is requesting \$5.2 million to address the overcrowding in the state's prisons over the next 15 months, but members of the Legislature's Appropriations Committee made it clear Friday they want a long-term plan, not a short-term fix.

"I'd be willing to look at the money if there is a plan that came forward," said Rep. Jeremy Fischer, D-Presque Isle, House chairman of the committee. "But until that happens, I will not vote for it. So people need to get on a horse and get a plan done before we vote on the budget."

Corrections Commissioner Martin Magnusson outlined to the panel an immediate response to the overcrowding at the state's facilities that would provide additional space for 325



Fischer

inmates. The state has 2,300 inmates in all of its adult facilities.

"We cannot solve this within the state," he said.

Magnusson is proposing that 125 medium security inmates be sent to a private prison, likely one in Oklahoma, as soon as possible. In addition, he is proposing that an unused building at the Charleston Correctional Facility be opened to house 55 minimum security inmates.

Under the plan, the state also would send 50 minimum security prisoners to county jails that have space available.

With facilities to hold 70 women but with 140 female prisoners, Magnusson proposed shifting as many of them as possible to halfway homes with supervised confinement.

"I think there is frustration because the long-term solution always appears to be on the horizon," said Sen. Peggy Rotundo, D-Lewiston, the Senate chairman of the panel. "We never quite seem to get there."

The need for a long-term solution was echoed by members of both parties on the committee.

Rep. Sawin Millett, R-Waterford, the ranking GOP member on the panel, said after the meeting that he hopes the department got the message that it needs to develop a plan.

"I don't think any of us dispute that there is a crowding problem and that it is serious," he said. "We were searching and hoping for a longer-term solution than one that simply gets us through the calendar year."

Several committee members asked questions about the proposal and what might serve as elements of a long-term plan. Rep. Janet Mills, D-Farmington, questioned why more inmates could not be housed in county jails instead of being sent out of state.

"They are looking at taking minimum security beds that have nine months or less," Magnusson replied, referring to the counties. "We have got to find a place for our long-term, more dangerous inmates, and the counties are not the solution to that."

Members of the Legislature's Criminal Justice and Public Safety Committee defended

Magnusson at the meeting, saying they had told him to focus on a short-term solution after they had visited the facilities.

"We understand the need for a long-term plan. We have talked with the commissioner and staff about that,"

said Sen. Bill Diamond, D-Windham, the co-chairman of the panel. "We have been looking at this for the last 2½ months."

Rep. Richard Sykes, R-Harrison, is the lead GOP member on the criminal justice panel. He agreed with Diamond and said the Legislature has to share the blame for the overcrowding.

"We just came down here from a hearing on another bill to provide for enhanced penalties," he said. "Maybe we do need to put a fiscal note on these bills so we know what they will cost before we pass them."

Legislation that spends money or incurs a financial obligation

requires a fiscal note that estimates the cost. But legislation that increases penalties for a crime does not require an estimate of how much it will cost.

Rep. Jayne Giles, R-Belfast, asked Magnusson to explain the long-term options he has already developed. She was interested in the possible takeover of the county jails by the state that would save the state money over the long run.

"We were asked by Criminal Justice to put all options on the table," the commissioner said. "The counties do currently have excess capacity, and we would be able to close some of those facili-

ties if we took over the system, and that generates significant savings."

Magnusson said that option would mean no new jail construction by the state or the counties would be needed. In addition, the state would have the flexibility to make some jails medium security. Magnusson also said there would be some property tax relief from the move.

"The counties, all together, spend about \$80 million a year on the jails," he said. "That's property tax money."

The Appropriations Committee set a target of completing work on the budget in early May.



Magnusson

OUR VIEW

# Maine's bulging prisons require long-term fix

While short-range efforts can provide quick relief, they won't solve the larger problem.

**T**here are two ways to solve almost any problem: One is the fast way, and the other is the best way.

Maine officials, both elected and appointed, are looking at the burgeoning number of prisoners held in state-run facilities and pondering both their short-term and long-term options.

The problem is, neither one will be particularly cheap. But since no potential solution comes without cost, the one that addresses the issue most effectively at the least expense would seem to be the option to pick.

In this case, the state should take responsibility for all its inmates, not by shuttling some elsewhere, but by utilizing county jails to the maximum extent possible. A couple of proposals now on the table would permit that, one by assuming total control of the jails and another by supervising them as a unit, not as separate entities.

At present, the state has 245 more inmates than the design capacity of the prison system, which is 1,946 people.

But that's only this year's excess. Projections based on current trends put the surplus at 293 prisoners next year and 299 the year after that.

Such overloads are worrisome not only because they strain the physical environment, but because they greatly increase the stress placed on inmates and the corrections officers and other staff members who supervise them.

Officials express concern that someday, perhaps sooner rather than later, those stresses will have a violent release, possibly on a substantial scale.

It's not like the state hasn't been expanding its prison system.

The old Maine State Prison in Thomaston, which had a capacity of about 450 inmates, was replaced in 2002 by a brand-new, state-of-the-art 916-bed prison a few miles away in Warren. The new Bolduc Correctional Facility nearby was designed for 150 prisoners who have five years or less to serve.

In addition, facilities have been constructed or modernized in Charleston (with a capacity of 75) and Machiasport (with 148). A pre-release center in Hallowell supervises 58 inmates and the Maine Correctional Center in South Windham, the state's only facility with women inmates, currently contains 561 male prisoners and 138 female ones.

Nevertheless, state corrections officials say, the system has become overloaded due to a number of trends.

One is that people convicted of felonies who are sentenced to more than 9 months have to serve their time in a prison, not in a county jail. Such sentences are becoming more common because lawmakers have stiffened the penalty ranges offered to judges for a wide variety of offenses.

Because of that trend, officials say, fully 25 percent of inmates now in state

custody are serving terms of less than a year. Meanwhile, people convicted of misdemeanors with sentences of up to 366 days can serve their time in county jails. That means the prisons are burdened with inmates who are often serving shorter sentences than many others who are in county custody.

Second, again because the extended range of sentences, people convicted of more serious crimes are getting longer prison terms than previously, so they stay in the system longer.

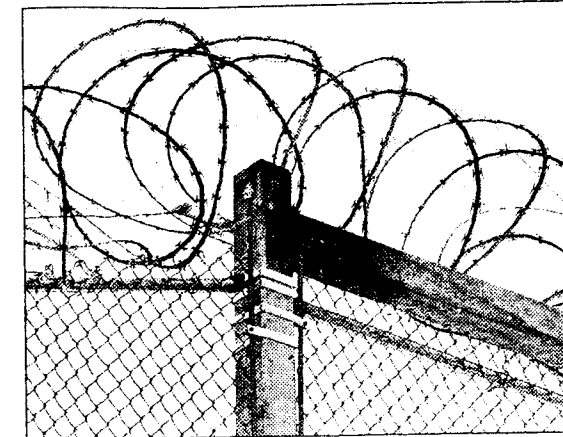
Thus, cells designed for one prisoner now often hold two or sometimes more, while some inmates are being bunked in groups in larger rooms not originally intended for that purpose. That's the case in South Windham, which has almost twice the number of female prisoners as its 70-inmate design capacity originally intended.

To handle this situation, the Department of Corrections has recommended that lawmakers approve a complicated and controversial plan that includes:

- Opening an unused dormitory at Charleston with space for 55 inmates. While this would require hiring 17 new full-time staff members, they would be temporary employees, as the plan is to use the dorm only until longer-range measures can be implemented. This would cost about \$1.3 million this year.

- Leasing vacant cell space in jails in Cumberland, York, Lincoln and Sagadahoc counties for 50 more inmates, at a cost of about \$1.6 million this year.

- Moving 70 female prisoners into a combination of community options,



Staff photo by John Ewing

**Razor wire surrounds** the Maine State Prison in Warren. Like most of Maine's state-run correctional facilities, the prison has exceeded its rated capacity, and officials are seeking solutions.

including half-way houses, at a cost of \$1.6 million this year.

- Shipping 125 inmates to a private prison in Oklahoma, at a cost of \$3.1 million this year. This is controversial, for a good reason: It would move inmates away from families and other support networks they will need when they return to Maine and are released.

Though the state plans to bring them back six months before their sentences end to aid in that transition, that hardly seems like enough time for a long-term prisoner to complete the adjustment process. While potentially justifiable for a brief period, it is the weakest link in the short-term plan.

The long-term plan is even more challenging. Beginning in 2009, it calls for the state to take over the county

jails, which now cost municipal taxpayers about \$100 million a year to run.

Corrections officials anticipate that could add 230 beds to overall capacity and save about \$14 million outright, while avoiding the \$8 million cost of housing the current prisoner surplus.

Otherwise, they say, it would cost \$44 million to add enough permanent capacity to house the projected overload.

The obvious problem is that, while local taxpayers would be happy to give up paying for jails out of their property taxes (Cumberland County residents alone would save \$16 million), the \$88 million has to come from somewhere.

It's not at all clear that lawmakers will want to add that much to an already strained budget in a time of mounting criticism of high tax rates, even if it saves money at the local level.

Some sheriffs and county commissioners are proposing a less-expansive role for Augusta by creating a joint state-county commission to conduct planning and oversight functions without assuming fiscal control of jails.

While that's worth consideration, it remains to be seen if it would restrain spending as much as the other option promises to do.

In truth, any short-range fix is just that: short-range. Maine can keep kicking the problem down the road, but that's not fair to taxpayers — or to prisoners, whose supervision and rehabilitation is the state's obligation.

If Mainers want criminals to serve longer sentences for serious crimes, they have to be willing to pay the cost.

Prison & Inmate

# Bangor center aids

BANGOR DAILY NEWS

## women inmates

NOV 26 2007

BY JUDY HARRISON  
OF THE NEWS STAFF

BANGOR — The Women's Re-entry Center looks more like a college dorm than a prison block.

There are no locks on the doors to most rooms and no bars on the windows. The inmates wear their own clothes rather than the identical garb issued by the Maine Department of Corrections.

They cook their own meals and do their own laundry and other chores. The inmates also

must participate in job-readiness sessions, empowerment programs and other classes.

The 10 women who are the first to live in the center that eventually will house up to 38 agreed they feel "almost human" since moving onto the third floor of a red brick building at the Dorothea Dix Psychiatric Center on Nov. 13. They also believe the transitional program housed at the former Bangor Mental Health Institute will help them move back into the community and enable them to stay out of jail.

"A critical element of the

Women's Re-entry Center is giving these women a step-down opportunity for a more normal life similar to what they will face after release," Becky Hayes Boober, director of women's services and executive director of the Maine Re-entry Network for the Department of Corrections, said last week during a tour of the facility.

Earlier this year, the Legislature approved the \$1 million renovation in Building F3 on the Dix campus bordered by State Street, Hogan Road and Mount Hope Avenue in Bangor.

The Department of Corrections has contracted with Volunteers of America Northern New England to handle the day-to-day operations at the facility. Once it's fully operational, it is expected to cost between \$750,000 and \$900,000 annually to run the center, according to Boober.

Although it may look like a college dorm, the floor is secure and it is staffed 24-7, Boober said. There also are security measures in place that may not be visible to visitors.

See Center, Page A8

***"A critical element of the Women's Re-entry Center is giving these women a step-down opportunity for a more normal life similar to what they will face after release."***

BECKY HAYES BOOBER

# Center

Continued from Page A1

To qualify for the transitional program, inmates must have served 120 days of their sentences but have less than a year left to serve. The women also must have completed a substance abuse treatment program if they have alcohol or drug problems. They also must be nonviolent offenders that the Department of Corrections has found not to be a threat to the community.

"It makes you feel normal again," Lisa Montreuil, 36, of Portland said Tuesday of her first week at the center. "The past week has been overwhelming but joyful."

Montreuil's been on her own since she was 14. She's been in and out of jail for the past 20 years and is now serving 20 months for drug trafficking. Montreuil expects to be released next year.

The mother of three has been through drug rehab more than once but always returned to her old ways and, eventually, another cell. Because of the programs offered at the Maine Correctional Center in Windham, where until now women inmates have been housed, and the re-entry center in Bangor, Montreuil said she feels she has the skills to stay off drugs, be a productive member of society and, most importantly, a good mother.

"I didn't get anything out of the other programs," Montreuil said. "They didn't explain to me how not to relapse, what my triggers that lead me to drugs are, or what the things that got me into that situation are, so I did relapse."

Another woman at the center, a 39-year-old who asked not to be identified, grew up in northern Maine. Her parents didn't drink or do drugs, she said. She and her husband both worked for the state.



BANGOR DAILY NEWS PHOTO BY BRIDGET BROWN

**Tammy Blanchard** (second from right), 36, catches up with Kristine Miller (right), 35, her former roommate at the Maine Correctional Center in Windham, on Blanchard's first day after moving to the new Women's Re-entry Center in Bangor.

The woman described herself as "a PTA mom focused on family and work" until she became addicted to painkillers after surgery about seven years ago. When she couldn't get pills from her doctor, she bought them on the street, then began selling drugs to support her own habit.

She was arrested for drug trafficking but was allowed to participate in a drug court. More than halfway through the program, she was sentenced to three years in prison after relapsing. The woman, who plans to take welding next semester at Eastern Maine Community College, has six months left to serve. Once she's released, the mother of two plans to relocate and start over, but she recognizes that society may not welcome her with open arms.

"I think people need to understand that [substance abuse] is a disease," she said. "Just like cancer, it can be put into remission. We're not bad people — we've just made mistakes."

For the vast majority of women incarcerated in Maine, drug and alcohol abuse led them to commit their crimes, accord-

ing to Boober. Treatment is an essential part of their rehabilitation, she said, but the demand at the Windham facility far outstripped the system's ability to meet that need.

It was important to get the re-entry center up and running this year to relieve overcrowding at the women's unit in Windham. Designed to house 70 inmates, it has held between 120 and 140 for the past several years, according to Boober. More than 30 of those female inmates had less than a year to serve on their sentences, which made them candidates for the transitional program.

The state also operates a pre-release center for men in Hallowell and similar programs at Charleston, Downeast in Machiasport, and Bolduc in Warren, according to Boober.

The Women's Re-entry Center is part of a broader picture that illustrates how over the past five years the Department of Corrections has changed the way it deals with women offenders, Boober said. Maine is one of the first states in the nation to implement a program called the Gender-Responsive Strategies

### **Some characteristics of women offenders**

A national profile of women offenders reveals they are:

- Most likely to have been convicted of a drug-related offense.
- In their early- to mid-30s.
- Individuals with fragmented family histories, and they may have other family members involved with the criminal justice system.
- Survivors of physical and-or sexual abuse as children and adults.
- Individuals with significant substance abuse problems.
- Individuals with multiple physical and mental health problems.
- Unmarried mothers of minor children.
- Individuals with a high school degree or GED but with limited vocational training and sporadic work histories.
- Disproportionately women of color.

Source: Research, Practice and Guiding Principles for Women Offenders.

Project that was initiated by the National Institute of Corrections, part of the U.S. Department of Justice.

The first step in implementing those strategies is acknowledging that the reasons women break the law and the challenges they face going back into the community are vastly different from those of men. The final step is helping them move back to their families and communities from a transitional facility such as the one in Bangor rather than from a prison cell.

"Both facilities are designed to give women the tools and support they need to not re-offend," Boober said. "Reducing recidivism will lead to less pressure in the long run for additional beds since nearly half of all state facility admissions are due to probation violations, revocations or other recidivisms."

About 67 percent of men and women will re-offend during the first three years of their release, according to national statistics kept by the Bureau of Justice Statistics in Washington, D.C. The vast majority of those will commit new crimes within the

first year of their release.

By staying in touch with women who go through the transitional programs for six months after their release, Boober said, the recidivism rate is expected to drop to less than 20 percent.

Most of the women in the criminal justice system are victims of domestic and sexual violence, according to research prepared by the National Institute of Corrections. They suffer from psychological trauma, are substance abusers, are unmarried women with children under 18, or are a combination of those factors.

Not so long ago, men and women were released from prison with some new clothes and \$50 in cash. They had been punished for their crimes but most had not been rehabilitated. They were not taught the skills that would keep them from slipping into criminal behavior again or were not given job training that would allow them to support themselves and their families.

"The center is designed to create thriving outcomes for the women, such as placing them in high-growth, high-demand careers where employers are experiencing a shortage of

workers," Boober said in an e-mail. "We also emphasize placement in adequate and safe housing, positive family reunification, developing pro-social supportive networks (friends not involved in criminal behavior, for example), and treatment needs for any physical or mental health issues and substance abuse."

By the end of the year, many of the women pioneering the program will be working or attending school in the community during the day and returning to the center at night. Before they are released, they will have jobs, places to live, contact information on health care providers that can meet their particular needs, and will be participating in Alcoholics Anonymous or Narcotics Anonymous meetings, according to Boober. Program staff will help them transition back into society mentally, physically and emotionally.

"Start a new beginning. Climb the stairs and spread your wings" is the vision statement the facility has chosen for the first group of women to use.

The programs offered at the Women's Re-entry Center are designed to help them soar, Boober said.

# PACKED PRISONS

Maine's prisons are bulging at the bars. High cost to taxpayers, few rehabilitation programs and stressed community and legal systems bring the problem home. Is there a better way to deal with criminals?

BY JESSICA ALAIMO  
StaffWriter

**F**our mattresses rest against a wall of the Maine Correctional Center's Multi-Purpose Unit, former office space permanently converted to cells.

Fifteen women are crammed around a lunch table. They are assuming four new cellmates are on their way, and speculate where the mattresses might go since the cells are full.

Jill Polley of Lewiston will be at the Windham facility until 2009, as a result of a probation violation for a drug charge. She, like all the women in the MPU, is waiting to get into the Women's Center — another unit at the MCC — that was intended to handle all of Maine's imprisoned women but now is too full to hold them.

There, they get psychological, educational and occupational programming. The idea is to help the women while they're in, to be successful when they get out, so they don't come back at a cost of \$103 a day to Maine taxpayers — \$35,000 a year.

Polley has four kids on the outside. She's looking forward to a class on parenting while incarcerated.

Because of prison overcrowding, inmates like Polley are shut out of such programs, instead idling away months in the MPU.

Bitterness and frustration run rampant in Polley's cellblock and in many other units at the Maine Correctional Center — both male and female — because of the overcrowding. In the maximum-security area, which is the first stop for inmates coming from the courts, cells designed for one

hold two. In the minimum-security area, they house four men to a cell.

Of Maine's two state prisons — the MCC in Windham for minimum- and medium-risk inmates, and the Maine State Prison in Warren for medium- and maximum-risk inmates — the bottleneck is at the MCC. Inmates there are backed up, waiting to be placed in housing for



DOUGLAS VAN REETH/SUN JOURNAL PHOTO

Jill Polley of Lewiston sits in her cell at the Maine Correctional Center. Polley will be in prison until 2009, after a probation violation for a drug charge. She is waiting to get into the Women's Center.

the duration of their sentences.

Once they are placed in one of the facilities, the problem is not quite as severe. But it still has strained resources and increased risk at both facilities.

In Windham, specialized sex offender and drug treatment programs for men can only hold half the population that need it. At Warren, there is one drug treatment counselor available for more than 900 inmates, drastically underserving the population that needs it.

Overall, Maine's prison population has increased 33 percent in the last 10 years — far exceeding predictions — rising to a record 2,155 inmates last month. To care for them, the state's corrections budget has doubled during that same time period, to \$132 million in 2006, and now to \$153 million in 2007, becoming the fourth-largest state department budget.

Given the state's tight budget, officials say the top priorities are security and to provide the basic needs for the existing population. Programs aimed at reducing recidivism have to take a back seat, which, officials say, ultimately means more pressure on local police, courts and social service agencies when they have to deal with former inmates again.

Legislators and state officials plan to be-

### The series

**In this four-part series** on Maine's crowded prisons, we look at the problem, its causes, its effects and potential solutions.

- **MONDAY 'The wrong types of people':** Are people going to jail who shouldn't be? A glimpse at Maine's sentencing practices and how they have affected the overcrowding problem.
- **TUESDAY 'Life on the installment plan':** When some people get released from prison, it's only a matter of time until they go back. We look inside an alternative program with a lower recidivism rate.
- **WEDNESDAY 'We're playing catch-up':** It costs an average of \$103 a day to house a prisoner, making the Department of Corrections the fourth-largest component of the state's budget.

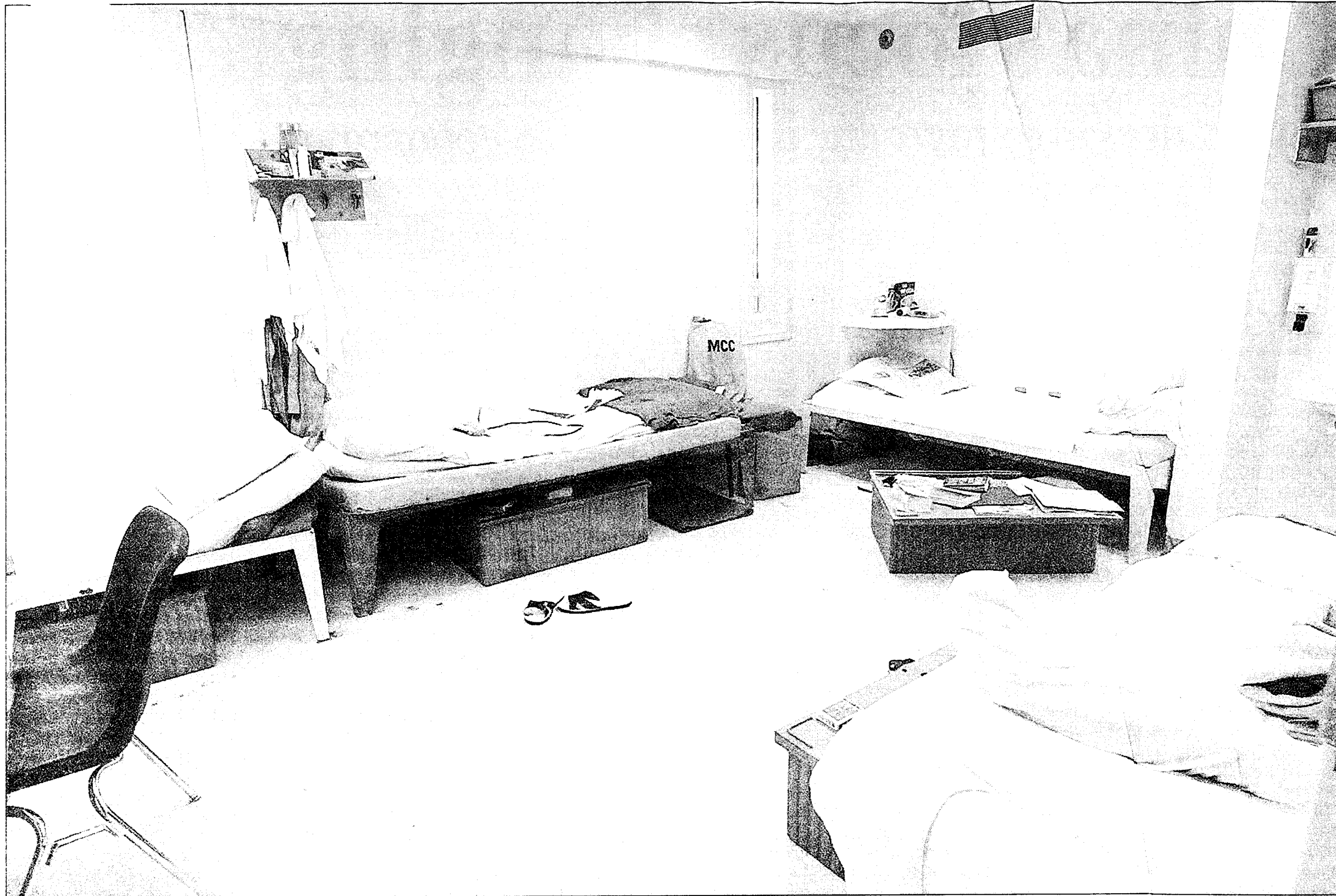
### On the Web:

**Check out an audio slideshow** of the Maine Correctional Center at [www.sunjournal.com](http://www.sunjournal.com).

SEE PRISONS PAGE A4

**The state's correctional system is in crisis. A record-high inmate count of 2,155 was recorded Sept. 10, and the department is the fourth-most expensive in state government at about \$132 million a year.**





A conference room has been turned into a dormitory for female inmates at the Maine Correctional Center in Windham.

DOUGLAS VAN REITH/SUN JOURNAL PHOTOS

## Maine Department of Corrections facilities

### Maine State Prison

**Location:** Warren

**Population:** 916

**Inmates:** Medium, maximum and special management

**History:** Opened in 1924 in Thomaston as a prison for inmates sentenced to life or no less than one year. Prisoners were moved from the Thomaston facility to the newer, larger Warren facility in 2002.

### • Maine Correctional Center

**Location:** Windham

**Population:** 596 males, 129 females

**Inmates:** Medium/minimum

**History:** Established in 1919 as a male facility. A women's unit opened in 2002.

**Facilities:** The department also has pre-release centers for men in Warren, Hallowell, Charleston and Machiasport, and juvenile facilities in South Portland and Charleston.

Source: Maine Department of Corrections  
Compiled by Tammy Chamberland

# Prisons

CONTINUED FROM PAGE A1

gin meeting this fall to find a long-term solution.

## Reasons for overcrowding

Corrections officials give varying reasons for the overcrowding. From his perspective as Androscoggin County's district attorney, Norm Croteau said a combination of two forces appear to be at work: More people are going to prison, while those going are being sentenced to longer stays.

In the last 10 years, both the number of arrests in Maine and the prison population have increased at different rates. From 1997 to 2006, the average number of inmates per day went from 1,509 to 2,007, an increase of 33 percent. The total number of arrests annually over that same period went from 42,469 to 49,654, an increase of 17 percent.

Denise Lord, associate commissioner of corrections, said the arrest numbers and prison population numbers don't go hand in hand. Arrest rates are indicators of instances of crime in the community, while prison population numbers represent policy response to crime, signifying a change in sentencing policies and practices.

The department doesn't have any current statistics on whether courts are meting out longer sentences in Maine. The department is now actively compiling data to determine some of the forces behind the problem.

However, the Legislature has approved a number of laws in the last decade that establish minimum sentences for certain crimes, which officials believe has influenced the problem. In addition, at least one prison official believes that after the larger Warren prison opened, more longer sentences were issued and approved by judges, which had the effect of sending inmates to Warren instead of crowded county jails.

As for more people going to prison in Maine, Croteau attributes part of that to better law enforcement.

"We've improved in society as time's gone on, so law enforcement is probably more efficient, probation is probably more efficient and people are being brought into court more often," Croteau said.

That is particularly true for women. Between 1989 and 2006, arrest rates went up 85 percent for women, 7 percent for men. Officials have said that the increase for females has come from increased drug charges and traffic violations.

## Sleeping on the floor

Two corrections officers were working in a tower overlooking a cellblock at the MCC in Windham last month. The block is where prisoners first come in from the courts, and they are held at a maximum-security level until they are clas-

sified otherwise, which sometimes can take months, said Jeff Merrill II, deputy superintendent in charge of security at the center.

This is where the worst overcrowding occurs. Each block was designed for 46 — however, they have never held so few. Individual 66-square-foot cells within each block that were meant for one inmate have been doubled up, making room for 92.

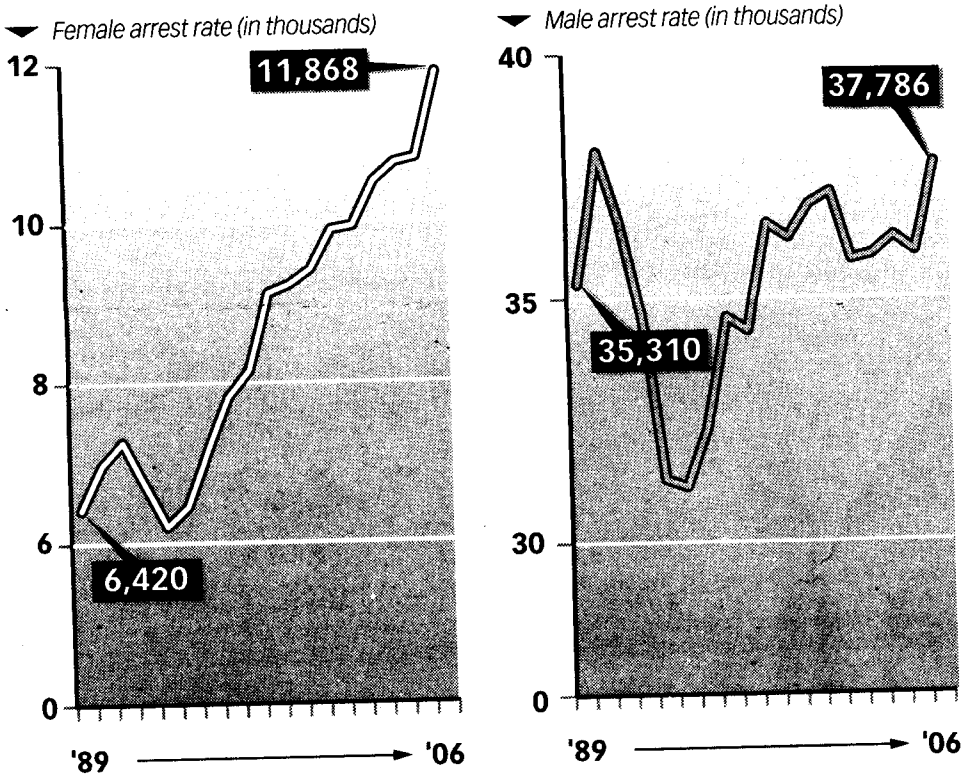
Several months ago, before some inmates were boarded out to the county jails, there were an additional 35 inmates sleeping on the floor in the block's common area.

"We tried putting a third guy in each cell, which doesn't really work out," said Merrill.

It jeopardized the safety of the block. Prisoners locked up in cells would shout out to those on the floor — most of them newly arrived and scared — and they weren't able to tell who was threatening them.

"You can't see the cells very well, if you have them all locked up," said Corrections Officer Paul Cummings. "So when the prisoners yell, 'We're gonna get you, we're gonna get you,'" the prisoners on the floor don't know who's going to get them. That puts a lot of stress on the prisoners, Cummings said,

## Male vs female arrest rates in Maine



Source: Maine Department of Public Safety

SUN JOURNAL GRAPHIC

which puts a lot of anxiety on the officers who have to work around them.

Some areas of the correctional center do have empty beds, such as in the minimum-security unit, but they can't be filled on a whim.

"When you get people in, it's really luck of the draw. Are they going to be minimum or are they going to be medium?" Merrill said. "If they turn out medium, you can't put them in minimum."

### Short-long-term solutions

Lawmakers managed to put a bandage on the situation last spring by sending low-risk inmates to county jails at a cost of \$85 a day. There's a pre-release center for women opening in Bangor at the end of October and a proposal for

a new prison in Washington County is being examined, but "Building our way out of it isn't working," said Martin Magnusson, commissioner of Maine's Department of Corrections.

Long-term answers will more likely develop once lawmakers this fall begin looking at the entire court and correctional systems for solutions.

#### Potential targets:

- Determine which services to offer inside prisons to help ensure people don't come back. When such programs are successful, they save money in the long run.

- Identify potential changes in Maine's sentencing procedures to use sentencing alternatives and community corrections more, particularly for non-violent offenders. These options cost much less, but there's a stigma to get past.

## Statistics rising

While many aspects of Maine's prison overcrowding problem are on the rise the budget has increased far faster than population and arrest rate.

### Department of Corrections budget

Rose from \$50.4 million to \$132.1 million

+162%

### Prison population

Rose from 1,470 to 2,007

+36%

### Total arrest rate

Rose from 41,730 to 49,654

+19%

SUN JOURNAL GRAPHIC

"I think we rely on incarceration as our predominant form of punishment, and we reinforce that as a society," Lord said. "There has to be a consequence for criminal behavior, and that consequence is translated into incarceration and longer periods of incarceration."

In a related issue, Gov. John Baldacci has promised cost savings to the corrections budget with a proposal for the state to take over the county jails.

County officials have frowned on the proposal, and the chairmen of the Legislature's Criminal Justice and Public Safety Committee are hesitant to support it. "It doesn't work for my community, it doesn't work for any community in the state," said Rep. Stan Gerzofsky, D-Brunswick, House chairman.

### A tale of two women

The Women's Center at the MCC has become a nationally renowned program. Two other programs there for men, a drug treatment program and sex offender program, are also promising, officials say.

When the Women's Center opened in 2002, officials anticipated not having to fill its 78 beds for 10 years. They had 52 women at the time, today they have 130, according to the younger Merrill at the MCC.

He doesn't want to crowd the Women's Center too much, or else it will lose its impact.

"We didn't want it to affect the whole women's population the way it affected the women when they were in the MPU and really breaking down emotionally, and by the time they come here it's like 'Phew, OK, I'm through the hardest

part," Merrill said.

Marella Brooks of Lewiston waited seven months to get into the center. Since then, she's been certified to do construction work, which will help her when she is released in 2009.

While the unit is secure, doors don't lock at night, and a variety of programs help the women keep busy.

"It's nice up here because it's more relaxed, you have more freedom. You have windows you can actually open and close, which is a big plus," Brooks said. "It gives women a chance to be more incorporated, to go back out into society."

In contrast, in the MPU, the women bemoan the thought of getting another inmate, since they're already stretched for space.

Back on that August day, four men hauled a bunk bed frame into the unit, their first of two trips. The frames get moved around the center regularly, Merrill said.

The women speculated the new inmates would be placed in a former conference room, slightly larger than a two-person cell.

"Four girls cannot fit in that room! Three can't even fit," one woman said.

The sunnier atmosphere in the women's center shows in Brooks' attitude.

"I try to make the best of it," Brooks said. "You have to realize that you put yourself in here, and you can't blame anybody else for your mistakes. When you come here, you have to learn to accept the consequences of your own actions. They don't call us inmates or prisoners. We're residents, we're not treated like subhumans. We're respected up here by staff as long as we treat them with respect."

PRISONS  
PRISONS

# Panel seeks long-term prison plan

A more permanent fix for the overcrowding problem in Warren is being sought.

By **PAUL CARRIER**  
*Staff Writer*

**AUGUSTA** — The search for a solution to Maine's prison overcrowding resumes this summer when a legislative committee tries to find a long-term alternative to a one-year fix that includes leasing beds in county jails.

The Criminal Justice and Public Safety Committee hopes to come up with recommendations in time for the Legislature to consider them during the 2008 session that begins in January. A co-chairman of the panel says it's too soon to predict what the committee will propose, however.

The state prison system, designed to hold up to 1,946 inmates, housed 2,100 people earlier this week, even though more than 100 state inmates are being housed in county jails.

If temporary corrective measures had not been taken this year, state officials projected that the prison population would have exceeded capacity by almost 300 inmates.

Coming up with a more permanent plan "is going to be of the utmost importance," said Rep.

Please see **PRISONS**, Back Page

# PRISONS

Continued from Page A1

Stan Gerzofsky, D-Brunswick, who co-chairs the legislative committee that is tackling the issue.

In broad terms, Gerzofsky said, the options range from sending fewer criminals to state prisons to enlarging the system so it can accommodate more inmates.

"Are we locking up too many people or do we need to build more space?" Gerzofsky asked. "We can't keep adding more" inmates to the existing prisons, he said. "We have to start looking at who we're sending to prison, for how long and for what offense."

The Legislature relieved prison overcrowding in the fiscal year that started Sunday by providing funds to continue a new program that houses state inmates in three county jails.

The Department of Corrections argued earlier this year that the state should ship 125 prisoners to a for-profit prison in Oklahoma owned by the Corrections Corporation of America. That plan came under attack from civil libertarians, civil-rights activists and Maine defense lawyers, and the Legislature rejected it.

As of Monday, 112 state inmates were housed in the Cumberland and York county jails, as well as in the jail jointly operated by Lincoln and Sagadahoc counties, according to Associate Commissioner Denise Lord of the state Department of Corrections.

Also, the department has hired staffers to open a previously vacant 55-bed unit at the Charleston Correctional Center, Lord said, and the state plans to start moving inmates into that unit next week.

Other plans that are in the works this fiscal year include opening a transition unit for



## LEARN MORE ONLINE:

▼ Department of Justice report on prison statistics, 2005:

[www.tinyurl.com/325yzn](http://www.tinyurl.com/325yzn)

▼ Report by the Maine Commission to Improve Sentencing, Supervision, Management and Incarceration of Prisoners:

[www.tinyurl.com/28qyvg](http://www.tinyurl.com/28qyvg)

▼ MaineWatch - Prison Overcrowding in Maine:

[www.tinyurl.com/2dl12f](http://www.tinyurl.com/2dl12f)

women in Bangor, creating two or three group homes for women and hiring 18 more corrections officers at the Maine State Prison in Warren, to improve the guard-to-inmate ratio.

All of those programs have been funded for one year, and

Lord said contracting with county jails does not offer a long-term solution, partly because the jails cannot guarantee the availability of county beds indefinitely.

Gerzofsky said sending inmates out of state remains an option, but it is at the bottom of his list.

Relying more heavily on community sentencing and probation for nonviolent offenders may make sense, Gerzofsky said. He said the state may want to consider expanding the role of the county jails by allowing them to house prisoners for longer than nine months.

"We could become more houses of corrections, intermediate facilities" that hold inmates for up to two years, Cumberland County Sheriff Mark Dion said.

York County Sheriff Maurice Ouellette said the state could expand the role of the county jails and create a commission with the power to sentence inmates to either state or county

facilities, depending on bed availability and inmates' needs.

The state may want to look for an alternative to imprisoning some probation violators, said Rep. Richard Sykes of Harrison, the ranking Republican on the Criminal Justice and Public Safety Committee.

Sykes did not rule out the possibility of building another prison, although he did not endorse the idea either.

Lord said the Department of Corrections "will be putting together some ideas" for the committee to consider, but the state agency has not done so yet.

The legislative committee is likely to hold its first meeting on the issue next month, according to Gerzofsky, who expressed confidence that the panel will propose a long-term solution before the Legislature reconvenes in January.

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# Prison fixes may not be temporary

## Transfers, expansions ease crowding

BY MAL LEARY  
CAPITOL NEWS SERVICE

AUGUSTA — Many of the short-term fixes for the overcrowding in the state's prison system included in the new state budget may be part of the long-term solution to the problem, says Corrections Commissioner Martin Magnusson.

These include housing of some female inmates at the former Bangor Mental Health Institute and of minimum- and medium-security prisoners at the Charleston Correctional Facility.

"All of the items that were in the budget have been put in place or are being put in place as fast as

we can," Magnusson said in an interview Tuesday, "but we are also seeing more inmates coming into our system every day."

In one recent week, he said, 36 new inmates were added to the state system even as other inmates were being transferred to county jails.

The two-year state budget that took effect July 1 addressed the overcrowding problem — which some lawmakers had branded a "crisis" — but only through next June 30. The Legislature's Criminal Justice and Public Safety Committee will meet this fall to review corrections policies and decide what recommendations

*See Crowding, Page A2*

# Crowding

*Continued from Page A1*

to make for the January session of the Legislature to consider.

"Some of what has been described as short-term will probably be part of the long-term solution," Magnusson said. "I think there is a realization of that, at least on the committee."

For example, he said, one floor of a building at the Dorothea Dix Psychiatric Center in Bangor is being renovated for use as a transition facility for women inmates nearing the end of their sentences at the prison in South Windham. He said the renovations will be completed next month and bids are being evaluated for services and staffing that will be needed.

"That's going to be an ongoing need, as is the staffing at the [Maine State Prison in Warren], and, I think, for many of the steps we have taken," he said.

Magnusson said the state has completed moving 44 inmates into a vacant section of the York County Jail and is providing the staff to operate that part of the facility. In addition, he said, an additional 102 inmates have

been placed in county jails to ease the overcrowding.

The staff to open an unused portion of the Charleston Correctional Facility has been hired and trained, and Magnusson said the first 20 inmates have been sent to the facility. The number will grow to as many as 55 inmates later this summer.

"From what I understand, things are going relatively smoothly," said Sen. Bill Diamond, D-Windham, co-chairman of the criminal justice panel. "I know they are having problems getting all the staff hired at the prison [in Warren], but that has always been a problem."

Diamond said he agrees that some of the steps taken and funded for only a year will need to be part of the long-term solution the panel will work to develop this fall. He expects both the expansion at Charleston and the new transition facility for women in Bangor will be part of the committee's recommendations, but he says that will be a committee decision.

"People don't realize that Maine has one of the lowest incarceration rates in the country, yet we have an overcrowding problem," he said.

"If we had rates like other states, we would be in much worse shape."

Rep. Pat Blanchette, D-Bangor, a longtime committee member, agreed. She said the state needs to look at the corrections issues from a broad perspective and "get creative" with the approaches used to deal with prisons and prisoners.

"The commissioner is going to need to sit down with the county commissioners across the state and look at whether there is a way for all to cooperate and build a regional minimum-security facility," she said. "We will eventually need one, and they all know that."

Blanchette agreed that many of the changes that have been funded for just one year will be part of a long-term solution and need additional appropriations, but she also

said the committee needs to look at other options, including sentencing alternatives.

"We want to lock up those that are a threat to society," she said. "But there are some we are locking up today that we could use other means, like those electronic bracelets, to confine these inmates in their homes."

Rep. Stan Gerzofsky, D-Brunswick, the House chairman of the committee, said the panel has a lot of work to accomplish before the January session. He said the solution is not just more guards and more jail cells but a review of what people are being jailed for and why.

"We have to look at the minimum and mandatory sentences we have," he said. "We have to look at the criminal code. We have to look at everything."



MAY 3 2007

BANGOR DAILY NEWS

Prisons

# State shifts 46 inmates to alleviate crowding

BY AARON SMITH  
OF THE NEWS STAFF

The state, citing "very serious overcrowding," moved 46 prison inmates to three county jails early Wednesday and said another 100 prisoners could be moved in the next few weeks.

All inmates involved in the move have served less than two years of their sentences and are considered minimum to medium security risks, said state Corrections Commissioner Martin Magnusson.

"This 46 doesn't solve the problem," Magnusson said. "We have to do a lot of short-term things to deal with this. This is just the beginning of a number of things we need to initiate over the weeks" ahead.

Wednesday's transfer consisted of 33 inmates from the Maine Correctional Center in South Windham to the Cumberland County Jail in Portland. Of those, 23 were women.

The other 13 were men who had been at the Maine State Prison in Warren and were divided between the York County Jail in Alfred and the Two Bridges Regional Jail in Wiscasset. Two Bridges is a new jail, shared by Lincoln and Sagadahoc counties. Opened last year, it is designed to house 120 to 170 inmates. No state

*See Crowding, Page A2*

# Crowding

Continued from Page A1

prisoners were transferred to the Penobscot County Jail in Bangor.

Sheriff Glenn Ross said he could not recall from his 29 years in the Sheriff's Department the state taking similar measures to disperse inmates to county jails.

Magnusson has been sounding an alarm recently, warning that the state prison system is seriously crowded.

And the transfers are part of a broader plan that could involve the movement of some 140 inmates in the next few weeks,

Magnusson said Wednesday.

The Maine State Prison — less than 10 years old — is 204 inmates over its capacity of 1,946, according to the corrections department.

To alleviate the problem, Magnusson said, the department will also look at hiring more corrections officers and transferring some inmates out of state. The department has also

considered solving the crowding problem by sending some inmates to a revamped facility



Magnusson

at the Dorothea Dix Psychiatric Center in Bangor, although corrections officials said it would take some time. Magnusson also said there is a possibility of opening a minimum security facility in Charleston.

Magnusson said the Corrections Department is working with legislators to find solutions.

Gov. John Baldacci requested \$5.2 million to help mend the crowding issue in early April, but members of the Legislature's Appropriations Committee have said they are looking for a long-term fix to the problem. The \$5.2 million would provide some early assistance.

Ross said the Penobscot County Jail has plenty of its

own problems to deal with, but would help the state if possible. "The state has always managed their population," he said.

The Bangor jail currently has a capacity of 182, and Ross said that the jail is sending inmates to other facilities as well.

Ross cited longer sentences and other changes for the crowding.

"Crime in Maine is less, but jail populations are exploding," he said. "Bad people need to be locked up, but you also need to fund it."



Ross

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# Overcrowded state prisons lack funding

BANGOR DAILY NEWS

## Inmates sleep on floors in some packed facilities

BY MAL LEARY  
CAPITOL NEWS SERVICE

JAN 11 2007

AUGUSTA — The head of the state's prison system said Wednesday that correctional facilities are so overcrowded in Maine some inmates are sleeping on the floor.

While he is taking emergency measures to ease the situation, they won't solve the problem, Corrections Commissioner Marty Magnusson told members of the legislative panel that oversees his department.

"We have 2,082 inmates in the adult correctional system," Magnusson said. Lacking the housing capacity, "we had 19 inmates sleeping on the floor at the Maine Correctional Center [in Windham] last night."

The commissioner told members of the Legislature's Criminal Justice and Public Safety Committee that he is implementing several "emergency" steps and planning others at the various correctional facilities to handle the surge of

*See Prisons, Page A10*

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# Prisons

*Continued from Page A1*

inmates that is projected to grow to 2,192 in the next year.

He said the Downeast Correctional Facility in Machiasport was built to house 145 inmates, but that he has to crowd four men in cells made for three and five men in cells made for four in order to fit 165 prisoners.

The Charleston Correctional Facility will go from 75 inmates to 100 inmates and a segregation unit that can house an additional 12 inmates can be opened on short notice, he said. The Central Maine Pre-Release Center in Hallowell will lose its weight room with that space converted to a 12-bed dormitory.

The Maine State Prison in Warren has been ordered to buy an additional 15 bunks for the medium security unit. That would convert 15 of the 60 single-inmate cells to double-inmate cells.

And, he said, the women's unit at the facility in Windham was designed for 72 prisoners, but is at nearly twice that level.

"We are looking to see what other options we may have," Magnusson said. "We are asking the county jails what space they may have, and we are looking nationally at what is available and at what cost."

He said there are not any additional funds available in the current budget to pay for additional space. He said the sharp increase in inmates has been more rapid than expected and occurred at a time when traditionally there have not been increases.

"We are coming up on our worst time for getting additional inmates," he said. "That is January through May."

Gov. John Baldacci said he has been briefed on the problem and agrees with the steps Magnusson has taken in the short term. He said a long term solution needs a far broader approach than just finding more beds for inmates.

"I have talked to the chief justice about this and we are going

to have the opportunity to talk with legislative leadership about this," Baldacci said Wednesday. "We need to talk about these issues and see what steps we can take and what are the underlying problems."

But the governor said the problem needs to be solved within existing resources. He said he has no plans to ask for additional funds for corrections.

"We have to take a thorough look at this," said Sen. Bill Diamond, D-Windham, the co-chairman of the Criminal Justice Committee. "I am very concerned at what the commissioner has said about the women and about this whole overcrowding problem."

He said there had been some indications that prisoner populations were growing faster than expected, but he was "very surprised" at Magnusson's report.

"I am sure this will come up in the budget hearings, and you can be assured this committee will be looking at what we do about this," Diamond said.

His surprise was echoed by other committee members. Sen. Roger Sherman, R-Houlton, is serving as a senator on the panel for the first time, but was on the committee as a state representative eight years ago when lawmakers funded the new prison and expansions to other facilities.

"We have got to look at who it is we are locking up," he said. "We have already invested a lot of money in our corrections system and not all that long ago."

Sherman said he agreed with Diamond that the committee needs to hold hearings to get at the reasons for the spike in the number of inmates and what may have to be done to address the problem.

Magnusson said another part of the problem involves more violent and aggressive behavior by a growing number of inmates, which is placing greater demands on staff and facilities.

"We are currently tracking 13 gangs at the prison," he said. "We weren't seeing that four years or even two years ago."

Prisons (1/15/07)

# Prison guards at jeopardy as overcrowding worsens

BY TOM GROENING  
OF THE NEWS STAFF

CUSHING — Public sympathy generally doesn't run deep for prison inmates, Maine State Prison Warden Jeff Merrill indicated Tuesday during a tour of the facility he manages.

So when Merrill and Maine Department of Corrections Commissioner Martin Magnusson seek help from the Legislature with a growing problem of overcrowding within the state's correctional facilities, they know it's going to be a hard sell.

While few may care about prisoners having to sleep on floors, Merrill and Magnusson say those conditions are putting

corrections officers at risk. The way prisoners are distributed throughout the correctional system also has meant those officers routinely work double shifts, causing family problems

## Inside

Prison populations by facility  
Page A8

and sleep deprivation, which Merrill says can affect their job performance.

Overcrowding is most visible at the Maine Correctional Center in Windham, where the rated capacity of 522 prisoners is overrun with a population of 689, Merrill and Magnusson said.

"They've got them sleeping on the floor," Merrill said.

Crowding there has meant that shorter-term, often younger prisoners have been moved to the Maine State Prison in Cushing.

"They don't get along," Merrill said of mixing up the Cushing facility's population. The younger prisoners often cause conflict, and the older men want an area to themselves.

Just a mile or so from the Maine State Prison, the Bolduc Correctional Facility in Warren, which houses low-risk inmates and is rated to hold 150, is overloaded with 214 prisoners.

Downeast Correctional Facility in Bucks Harbor, approved  
*See Prisons, Page A8*

# Prisons

Continued from Page A1

for 96 inmates, houses 151. Charleston Correctional Facility houses 96, but is rated for 75.

The Department of Corrections projects a 200-bed shortfall within a year or two, Merrill said.

A plan the department recently proposed calls for:

- Opening a second housing area in Charleston for 55 low-risk inmates.

- Transferring 50 minimum-security prisoners to county jails.

- Moving 125 prisoners to out-of-state prisons.

- Contracting with a private company to house 70 minimum-security female prisoners.

- Expanding community confinement sentencing.

"Each one of these has a cost to it," Merrill said, and all are seen as short-term fixes. Even so, there is no money budgeted for any of them.

Maine State Prison, which houses felons facing long-term incarceration as well as those deemed high-risk for their behavior behind bars, opened a little more than five years ago. Compared with the old prison at Thomaston, it looks modern, spacious and high-tech. The sprawling 50-acre campus was designed to incarcerate 900 prisoners, more than twice the 440-prisoner capacity of the old prison, but it filled up quickly.

"Shortly after we opened, the courts just started flooding us [with inmates]," Merrill said. "We never had enough staff to staff this place from Day One."

The public has demanded stiffer sentencing, and the Legislature has complied. Sentencing rules now require anyone sentenced to nine months and a day or more be committed to the state correctional system, rather than the county jails, he said.

The new Maine State Prison complex is organized into housing pods in which two-inmate cells ring a large day



Magnusson



Merrill

room. The prison houses high-risk prisoners in one area, medium-risk prisoners in other pods. It also has an infirmary, a protected custody area and a mental health ward.

Merrill explained that even though the facility isn't at capacity, some pods are full, and high-risk prisoners can't be moved into medium-risk areas.

"You've got to separate these people," he said.

Prisoners fare better if they are kept busy, Merrill said. Not only are they less likely to cause conflict, but in his 27 years of working in the system, the warden has seen inmates make their prison stay "a one-stop deal" if they can work or take classes.

"Idleness is not a good thing. When you're at full capacity, it limits your ability to [offer] programs," he said. "It's not just beds; it's keeping them busy."

Currently, 180 prisoners work at paying jobs. More would like to work, Merrill said.

But more than anything, Merrill worries about the 438 staff members who work at MSP and the Bolduc facility. Corrections officers often are asked at the end of 10-hour shifts to work another eight hours.

"Two Sundays ago, we had 29 staff vacancies on one shift," Merrill said.

The prison has added more "posts," the warden said, as the inmate population has risen, which means officers must be available to staff those places in the facility at certain times. Even so, the warden said guards often are alone with 50 inmates in a medium-security pod.

"I am very concerned about the staff and the impact it's having on their personal

lives," he said. The divorce rate is high among guards. During a tour, three guards indicated that job demands played a part in the dissolution of their marriages.

"If we burn these people out, I don't have a long list of people wanting to come to work here," Merrill said.

Ira Scherr, a corrections officer who is also president of the union representing guards, on Tuesday said he had worked an additional four hours Friday, eight hours Saturday, and four hours Monday, all after regular 10-hour shifts. In the last week, he worked more than 30 hours of overtime.

"That is fairly typical," Scherr said.

"We're understaffed. We're operating in an emergency mode," he said. "It becomes a public safety issue. The officers are working in a sleep-deprived state."

Earlier in the week, Scherr had learned that another officer had to pull to the side of the road to get a couple hours' sleep, fearing he would nod off on the drive home.

Dozens of officers have had to seek medical attention for anxiety, Scherr said.

Another officer said he'd worked the previous Saturday and Sunday, though he had not been scheduled to do so.

Sgt. Joel Parsons, a supervisor, agreed with Merrill's concern about staff members.

"When you're working your staff 50-60 hours a week, you're asking for trouble," he said.

Magnusson concurred, saying, "The staff are absolutely wearing out. And some good staff are looking to leave."

The high overtime costs are stretching the budget, but still are less expensive than adding positions, he said.

Recruitment and retention of officers also have been challenges, Merrill and Magnusson said.

Though both Magnusson and Merrill are not warning of an imminent emergency, both are concerned.

"When we have [inmates] sleeping on floors, staff are at risk," Magnusson said.

# ✓ Maine plan to ship inmates out of state draws criticism

THE ASSOCIATED PRESS <sup>BDN</sup>

4-16-2007

PORTLAND — The proposed transfer of 125 inmates to a privately owned prison in Oklahoma as part of a plan to ease overcrowding in Maine prisons has come under fire from civil rights groups and defense lawyers.

The cost of sending the medium-security prisoners out of state would be about \$3 million a year, compared with

about \$4 million if the state boarded them in Maine's county jails.

"It's immediately available, it's appropriate for that security level and length of incarceration, and it's also a less expensive option," said Denise Lord, associate commissioner of the Maine Department of Corrections.

Other temporary measures proposed by the state to house

*See Transfer, Page A8*

# Transfer

Continued from Page A1

an overflow of 245 prisoners include opening an empty unit at the Charleston Correctional Facility and leasing cell space from Cumberland, York, Lincoln and Sagadahoc county jails, which have excess capacity.

Those opposing out-of-state transfers include the Maine Civil Liberties Union, the Portland branch of the National Association for the Advancement of Colored People, and the Maine Association of Criminal Defense Lawyers.

Critics say sending prisoners far from home would cut off community support and hamper their ability to pursue legal appeals.

"If Maine has a serious criminal justice problem, it shouldn't be in the business of exporting that problem to other states. We should work together to solve the problem here," said Zachary Heiden, legal director for the MCLU.

The Oklahoma prison is owned by Tennessee-based Corrections Corporation of America, the nation's largest private prison company. Maine corrections officials who visited the facility last week described it as clean, safe and well-run, though somewhat lacking in programs compared with Maine facilities.

The company's extensive experience and economies of scale enable it to house prisoners at lower costs than states can, said Louise Grant, CCA's vice president of marketing and communication. She said the company also pays less for labor, construction, real estate and heat than many states do.

About half the states pay to have some prisoners housed out of state, according to CCA. Vermont, for example, sent a couple hundred prisoners to CCA in 2004 and now has 500 housed with the company, Grant said.

Maine, with its historically low incarceration rate, is not alone in grappling with a surge in prison population. New Hampshire has about 500 prisoners more than capacity, and Rhode Island's governor recently declared an emergency to try to deal with that state's prison overcrowding.

Walter McKee, an attorney who is spokesman for the Maine defense lawyers, questioned the

## Prison population by facility

### **Maine Correctional Center, Windham**

Rated capacity: 522 (male 452, female 70); current population: 689 (555 male, 134 female)

### **Maine State Prison, Cushing**

Rated capacity: 922; current population: 875

### **Bolduc Correctional Facility, Warren**

Rated capacity: 150; current population: 214

### **Charleston Correctional Facility, Charleston**

Rated capacity: 75; current population: 96

### **Downeast Correctional Facility, Bucks Harbor**

Rated capacity: 96; current population: 151

### **Central Maine Pre-Release, Hallowell**

Rated capacity: 50; current population: 55

**Total rated capacity: 1,815  
Current population: 2,080**

urgency of the Corrections Department's plan.

"Why are we at this emergency stage in the first place? We're talking about shipping people 2,000 miles away. Isn't this something that should have been taken care of a long time ago, before we got into this crisis situation?" McKee said.

Maine's increase in prison population seems to be linked to a rise in people with shorter sentences being sent to state prison rather than county jails, and to a steady climb in the number of people sentenced for sex and drug crimes.

The emergency plan calls for out-of-state transfers for prisoners who volunteer and those who are from other states but committed crimes in Maine. The department also will review records to see which prisoners have not had regular family contact.

A spending measure before the Legislature's Appropriations Committee would send prisoners out of state for just eight months, through December, while lawmakers develop a long-term solution to the overcrowding.



# County settles suit on prisoner abuse

SANFORD NEWS

SEP 2 2004

by Ellen W Todd

ALFRED — A man who accused York County corrections officers of beating him has been awarded a settlement of \$95,000

Kingsley Nwaturocha, a Nigerian national who lives in Washington, D C , had asked for damages of \$2 million in his original notice of claim, according to his attorney Sarah Churchill

The amount was reduced to \$350,000 when the parties agreed to mediation instead of going to court

The suit was mediated by the 16 member Maine County Commissioners Association risk pool The settlement includes no admission of wrongdoing

Churchill said she and her client were pleased with the \$95,000 award

Nwaturocha was arrested in February, 2003, after a 14 year old girl claimed that he and two other men had raped her in an Old Orchard Beach motel room The men charged were living in Old Orchard Beach while working on an oil rig in Portland

The rape charges against Nwaturocha were dismissed in July, 2003, when test results showed his DNA did not match that found on the victim The other two men pled guilty to assault charges

Nwaturocha was incarcerated in York County Jail from February until April, 2003, when he claimed he was beaten by corrections officers He was transferred to Cumberland County Jail a few days later

According to published reports, Nwaturocha said officers beat him and kicked him in the head

The corrections officers said Nwaturocha's injuries resulted from an accident, that they had dropped him when they ran into a doorway while carrying him down a hall from a common room to his cell

County Commissioner Wilham Layman, who viewed 19 hours of videotape in connection with the case, said the incident in question occurred off camera, but that he had "heard the noise"

Layman said the nurse's report did not show that Nwaturocha had any serious injuries

Churchill said her client had bruises on his legs and scarring on his wrists and ankles where he had been handcuffed and shackled

He also had nightmares as a result of the incident, she said

Three corrections officers were placed on paid administrative leave and an internal investigation was conducted, headed by Jail Superintendent Lt Col Michael Vitiello Vitiello recommended that the officers be discharged, but their contract requires county commissioners to authorize a discharge

With just four (of five) commissioners present, every motion to discharge the officers was met with a tie vote

Layman, who is a member of the Maine County Commissioners Association's board of directors, was the single vote against the settlement award for Nwaturocha

# More women being arrested, put in prison

**PORTLAND PRESS HERALD**

Advocates question

tougher sentences being  
given out for drug-related  
crimes

**OCT 24 2005**

*The Associated Press*

WASHINGTON — Women made up 7 percent of all inmates in state and federal prisons last year and accounted for nearly one in four arrests, the government reported Sunday

A co-author of a Bureau of Justice Statistics report, Paige Harrison, linked an upswing in the rate of arrest for women to their increased participation in drug crimes, violent crimes and fraud

The number of women incarcerated in state and federal prisons in 2004 was up 4 percent compared with 2003, more than double the 18 percent increase among men, the study said. In 1995, women made up 61 percent of all inmates in those facilities

"The number of incarcerated women has been growing due in large part to sentencing policies in the war in drugs," The Sentencing Project, a group promoting alternatives to prison, said in a statement

The group said the number of drug offenders in prisons and jails has risen from 40,000 in 1980 to more than 450,000 today. According to FBI figures, law officers in 2004 made more arrests for drug violations than for any other offense — about 1.7 million arrests, or 12.5 percent of all arrests

Those sentenced for drug offenses made up 55 percent of federal inmates in 2003, the report said

The total number of people incarcerated grew 1.9 percent in 2004 to 2,267,787 people

Harrison attributed some of the prison population rise to tougher sentencing policies implemented in the late 1990s

# Inmate numbers costing county

By ALAN CROWELL

Staff Writer JUL 23 2004

SKOWHEGAN — A little more than halfway through the year, Somerset County has spent about 70 percent of its budget for boarding out inmates and still expects to spend \$50,000 to \$100,000 more than budgeted on the problem before year's end.

Sheriff Barry DeLong said he expects the shortfall despite the fact that he is holding more prisoners than the state allows under a Department of Corrections variance. "If I boarded out everybody I was supposed to board out, quite frankly, our money would have been gone months ago," DeLong said.

Somerset County has \$250,000 budgeted to board its prisoners at other facilities. On Thursday DeLong estimated that 70 percent of the budget had already been spent.

The problem is partly the county's antiquated and overcrowded jail, and partly a statewide upward trend in jail and prison populations caused by drugs such as heroin flooding into the state and a rise in the number of female inmates.

In Somerset County the problem could get worse if a state variance that allows the jail to exceed its official capacity is not renewed next year.

The 100 year old Somerset County Jail has an official capacity of 45, but is able to hold 55 inmates under the terms of a Department of Corrections variance due to expire in December.

Thursday, DeLong said the jail was responsible for 73 inmates, 13 of whom were boarded out at other facilities and 60 of which were being held in the jail

prisoners out

With so little room in jails throughout the state most of Somerset's extra inmates are sent to facilities in York County or Cumberland County driving up transportation costs.

If an inmate being boarded at the York County Jail needs to appear in court DeLong said his transportation officer has to drive three hours south to pick up the prisoner three hours back to Skowhegan then drive him back to York County after the appearance before finally returning home himself — costing the county more than 12 man hours for one court appearance.

Once last year the sheriff said the county was forced to drive a female inmate from Cumberland County to Skowhegan so she could sign her divorce papers in the presence of a judge and then drive her back to Cumberland.

The county's transportation cost is within budget so far this year.

At times during the year the county has been responsible for as many as 100 prisoners according to Capt. Stephen R. Giggey jail administrator.

DeLong said he tries to cope with overcrowding by sending as many prisoners as possible out on work details which keeps them busy during the day and tired at night — and therefore less likely to be a discipline problem.

He said that on any given day many of the inmates also make bail and are released or they are released after making a scheduled court appearance.

Somerset County is not alone in having an overcrowded jail. Waldo County voters rejected an \$18 million jail in that county last year despite a severe overcrowding situation there.

By July Penobscot County had already spent all the money it had budgeted for boarding

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# Women in prison at all-time high

WASHINGTON (AP) — Maine's prison population increased by 5.9 percent between 2002 and 2003, more than twice the rate of growth in prisons nationally, a government report said Sunday.

The Justice Department also reported that the number of women in state and federal prisons is at an all-time high and growing fast, with the incarceration rate for females increasing at nearly twice that of men.

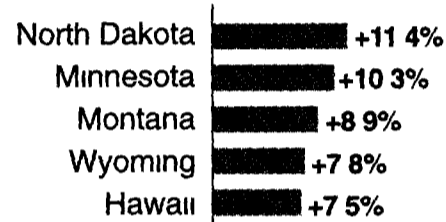
There were 101,179 women in prisons last year, 3.6 percent more than in 2002, said. That marks the first time the women's prison population has topped 100,000 and continues a trend of rapid growth.

Overall, men are still far more likely than women to be in jail or prison, and black men are more likely than any other

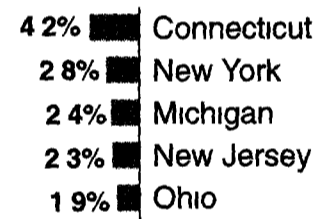
## Prison population

The total number of inmates under the jurisdiction of state or federal correctional authorities increased by 2.1 percent to nearly 1.5 million in 2003 from the previous year.

### States with the largest percent increase



### States with the largest percent decrease



SEE BEHIND BARS PAGE A5

SOURCE: Bureau of Justice Statistics AP

## Behind bars

CONTINUED FROM PAGE A1

group to be locked up

At the close of 2003 U S prisons held 1 368 866 men the Bureau of Justice Statistics reported The total was 2 percent more than in 2002

Expressed in terms of the population at large that means that in 2003 one in every 109 U S men was in prison For women the figure was one in every 1 613

Maine prisons population grew from 1 900 to 2 013 between 2002 and 2003 for a 5 9 percent increase said the report Only seven states had higher rates of increase

A report by a panel that studied sentencing practices to find ways to eliminate prison over crowding in Maine resulted in legislative action earlier this year that eases probation for

some offenders while increasing chances of early release for some classes of convicts

Among the main reasons for the expanding U S prison population are longer sentences especially for drug crimes and fewer prisoners granted parole or probation said Marc Mauer assistant director of the Sentencing Project which advocates alternatives to long prison terms for many kinds of crimes

The increase began three decades ago and continues The new report compared 2003 figures with those from 1995

The number of women in prison has grown 48 percent since 1995 when the figure was 68 468 the report said The male prison population has grown 29 percent over that time from 1 057 406

Year by year the number of women incarcerated grew an average of 5 percent compared to an average annual increase

of 3 3 percent for men

It coincides exactly with the inception of the war on drugs in the 1980s and continuing in to the 1990s Mauer said It represents a sort of vicious cycle of women engaged in drug abuse and often connected with financial or psychological dependence with a boyfriend or other man involved in drug crime Mauer said

The prison figures do not fully reflect the number of people behind bars About 80 000 women were in local jails last year along with more than 600 000 men

The federal prison system held a large share of female prisoners with a population of 11 635 at the close of 2003

One state — Texas — held even more with a population of 13 487 California the nation's largest prison system held 10 656 women North Dakota had fewer women in prison than any other state — 113

Among other findings in the report

- More than 44 percent of all sentenced male inmates were black and many of them were young

- Among the more than 1 4 million sentenced inmates at the end of 2003 an estimated 403 165 were black men between 20 and 39

- At the end of 2003 9 3 percent of black men 25 to 29 were in prison compared with 2 6

## ON THE WEB

### Bureau of Justice Statistics

■ [www.ojp.usdoj.gov/bjs](http://www.ojp.usdoj.gov/bjs)

percent of Hispanic men and 1 1 percent of white men in the same age group

- In 11 states there were increases in the prison population of at least 5 percent led by North Dakota with an 11 4 percent rise

- Also 11 states had decreases Connecticut had the biggest drop at 4 2 percent

# Maine prison population growing, changing

Reporter Alan Crowell recently talked with Denise Lord, associate commissioner of the Department of Corrections

**The state's brand new prison in Warren is already full. How bad is over crowding in Maine prisons?**

The state prison system is very over crowded. We have 200 prisoners more than we are budgeted for. We are budgeted for 1,884. Today we have 2,015. In order to accommodate the additional prisoners, we double bunk, triple bunk and quadruple bunk prisoners. We have prisoners sleeping on the floor in our reception center in Windham until they are ready to move into an overcrowded facility.

**What are the factors driving population growth in Maine prisons and jails?**

There are a number of factors. The first is we are seeing an increase in certain drug categories, particularly drug related crimes. There has been a shifting at least at the state prison level in the population. We are seeing many more

prisoners coming into our system with shorter sentences, sentences of around a year. That is actually where the biggest increase has been. We have also seen, particularly for higher level offenses, the length of sentences increase so prisoners are staying in prison longer than they were 10 years ago for the same offense, and they are staying on probation longer than they were 10 years ago for the same offense.

**Are women becoming a bigger proportion of prison populations? If so, how is this affecting prisons?**

Women have always been a very small percentage of the prison population, but their numbers are growing. Ten years ago, we had about 35 women in our state prisons. Today we have close to 130. We are seeing more drug related offenses. We are seeing more women being sentenced to the Maine State Prison system rather than county jails. I think there is a belief that women will get better services in the Maine State Prison system than in county jails. I think also the criminal justice system has become gender neutral,

*prison*  
**DENISE LORD**  
Age 52  
Family Single two children  
Occupation Associate commissioner  
Department of Corrections  
Education Bachelor's degree in public administration University of Maine  
Home Belgrade

so women are getting prison time when 10 and 15 years ago they would not have

**Have populations peaked? If not, can you project when they will peak?**

That is the question we keep asking ourselves. Our population projections suggest that if the current trends continue, we will begin to see a stabilization around 2008. Our projections are suggesting we will peak at around 2,350 (in mates).

Please see **PRISONS, B3**



# • Prisons

*Continued from B1*

**Are the needs of inmates in Maine prisons and jails different today than they were 10 years ago? If so how?**

Yes, they are different. There is certainly much more addiction and a higher severity of addiction and mental illness. Overall, there are more health considerations and concerns. We are seeing a population that has not benefited from good primary care. We are seeing a population that has, in many cases, significant prior involvement in the criminal justice system.

**The Somerset County Jail was designed to hold 45 inmates but has a variance from the Department of Corrections that allows it to hold 55. That variance is due to expire in January. Will the state renew the variance if voters don't approve a new jail?**

I really don't know. The (Department of Corrections) does have the statutory responsibility to inspect jails and to assure that jails are operating to standard. We would have to exercise our responsibility within that statutory authority. It is hard to anticipate and predict how we would respond to that, if that, in fact, happened, but we would definitely be involved.

**The Commission to Improve the Sentencing, Supervi-**

**sion Management and Incarceration of Prisoners has made a variety of proposals to lessen overcrowding and the work load of probation and parole officers. Summarize these if you could.**

There are several very important proposals that if enacted could have a very important effect. The first is the creation of alternatives to probation that require restitution or community service or participation in treatment, but don't require supervision. Another recommendation calls for limiting probation to offenses that pose a higher risk to the community, like sex offenses and domestic violence. Those two recommendations will reduce caseloads so we can spend more time supervising those higher risk offenders.

The other recommendation is to increase the amount of good time the prisoner can earn while in jail or prison. Increased good time would be available again to offenders who have not been convicted of sex offenses, domestic violence and murder.

**How do you answer people who say cutting down on prison time and on probation will necessarily increase danger to the public?**

I think the objective is to focus very precious and costly resources on the higher risk offenders. It will be making better use of the resource. We can enhance community safety because we will be supervising high risk offenders and not spending time on offenders who don't pose a risk."

# Raped transsexual will tell millions

MAINE TIMES

SEP 25 1992

Jail

Paige Daniels, a feminine-appearing transsexual who was allegedly raped while incarcerated in the York County Jail in Alfred earlier this year, will be telling her tale to Maury Povich and millions of viewers nationwide in October.

The show's airing time has not been scheduled yet, but a spokeswoman for the Povich show said she expected it would be televised at 3 p.m. on WGME in Maine sometime in mid-October. The show was taped last week.

Daniels, who was born David Fitch, was incarcerated after being charged with theft by extortion in January.

Daniels, 19, last month filed notice that she intends to sue the jail after she was housed with two male inmates and was reportedly raped by one of them.

When she was booked, Daniels who looks like a woman but has male sex organs, asked guards to house her in a solitary cell or with women.

In other county jails, trans-

sexuals have been successfully housed with women without incident. However, there is no state policy on how transsexuals should be housed. State regulations basically allow each jail administrator to house transsexuals as he or she wants.

Daniels claims that guards subjected her to numerous indignities and failed to protect her from assault.

The Maine Attorney General's Office is now investigating the alleged rape and the conduct of the jail guards. (CK)



# Sheriff supports transsexual on jail condition complaint

APR 29 1993  
ALFRED — Transsexual Paige Whitney is offering to join forces with York County's sheriff in a campaign to change state policy toward the incarceration of "gender conflicted" inmates.

Whitney, 20, says the state should segregate transsexual inmates to prevent confrontations and uncomfortable situations. Sheriff Michael Bemis says he agrees.

"This is not a moral issue, this is a medical issue," Whitney said.

Whitney looks like a woman but has male sex organs. Whitney claims to have been raped twice by an inmate while incarcerated at the jail for a month last year and claims guards engaged in sexual harassment. Whitney's allegations have been featured on "Geraldo" and "The Maury Povich Show" and are scheduled for airing on "Sally Jessie Raphael" on May 19.

Whitney has dropped plans to sue the county and has dropped pressure tactics aimed at bringing a criminal

JOURNAL TRIBUNE  
prosecution but is still hopeful that problems at the jail will be corrected.

"Maybe people will listen if the sheriff speaks out. Maybe then the atmosphere will change," Whitney said.

Sheriff Bemis, who originally defended the placement of Whitney in a cellblock with three men, says he made a mistake and says the state offered poor guidance.

"There needs to be a separate block, and there needs to be a state policy," Bemis said. "I know the Department of Corrections treats each on a case-by-case basis, but that policy resulted in Paige being put where she was in the first place. That policy failed."

Bemis said the state would need only a single cell somewhere in the state to house the rare transsexual who comes into custody. "New York Department of Corrections does it," he said. "There is at least one state that does have such a policy."

*Janis*

## Sheriff, guard, county officers defendants in sex assault suit

By Margaret Warner  
Of the NEWS Staff

A woman imprisoned for manslaughter has taken court action alleging that a former Penobscot County Jail guard forced her to have sex with him.

Cheryl A. Ianozi filed a nine-count lawsuit Wednesday in Penobscot County Superior Court, about a year and a half after she first notified county leaders of her intentions. In the suit, she blames the guard, Michael Spencer; Sheriff Edward Reynolds; and County Commissioners Thomas J. Davis, Peter K. Baldacci and Richard D. Blanchard.

Ianozi was in the jail in February 1989 awaiting trial for the 1988 shooting death of Benjamin E. Hanson when, she contends, Spencer forced her to have sex with him.

Spencer subsequently was indicted on a charge of gross sexual misconduct based on a law that prohibits sex between certain people in positions of authority and those under their supervision, but the criminal allegations are unclear on the issue of force. Spencer at one point pleaded no contest, but the case now is headed for trial after he withdrew the plea because a defense motion was still pending.

Ianozi's suit variously charges the defendants with assault, intentional infliction of emotional distress, negligence, negligent infliction of emotional distress, violation of constitutional rights, physical and mental injury, and "malicious, wanton and oppressive" actions by Spencer. Also among the allegations are two counts seeking punitive damages.

Ianozi originally was charged with murder, but was convicted of the lesser charge after a trial in July 1989 and is serving a 16-year sentence. The charge stemmed from the death of Hanson, her boyfriend's roommate, at their home at an Orono trailer park. The victim's family has its own lawsuit pending against Ian-

ozi in connection with Hanson's death.

The same day Ianozi's suit against the county officials was filed, a second former jail guard pleaded no contest to a charge of gross sexual misconduct alleging similar, though unrelated, circumstances with a different inmate.

Michael Upton, 38, of Newport was released on personal-recognition bail on condition that he have no contact with the victim, a female inmate, and will be sentenced after a background report

is compiled. Upton, who has been fired from his jail-guard job, could receive up to 10 years in prison for the Class B offense.

Two other counts against Upton of the same offense involving the same victim were dismissed in a plea agreement.

Spencer ultimately lost the claim in the pending motion that led him to withdraw his no-contest plea. He had sought to have an incriminating written statement kept out of evidence, contending that he had signed it involuntarily.

## Sirocki bill backed by purported hate group



Sirocki

By Juliette Laaka

**SCARBOROUGH —** State Rep. Heather Sirocki has garnered support from an anti-Muslim hate group for a bill she is sponsoring that would criminalize female genital mutilation in Maine.

The connection was uncovered by the Southern Poverty Law Center, a national nonprofit organization that monitors the activities of domestic hate groups and other extremists.

Female genital mutilation, or FGM, is a crime under federal law, but 26 states have also adopted language to ban the practice because there are gaps in the federal code, according to Amanda Parker, senior director of the New York-based nonprofit AHA Foundation, which focuses on protecting women and girls from FGM.

The SPLC said Sirocki contacted the Maine and national chapters of ACT for America, a group designated as anti-Muslim by the SPLC. The advocacy group obtained a series of emails between the Republican legislator and the group that discussed LD 1819 and a Feb. 6 public event in Augusta in support of it.

A second bill, LD 1822, submitted by Democratic Reps. Charlotte Warren of Hallowell and Barbara Cardone, of Bangor, would also criminalize the procedure in the state.

Like Sirocki's, their bill defines the practice as a Class A crime. But it includes a provision for education and outreach in specific communities, according to Warren.

Warren said she and Cardone met with community members in Lewiston and Portland, district attorneys, and physicians for about a year before crafting the bill.

Although there has never been a FGM case brought in the state, Warren said she wanted the prosecution to be clear if there is a case. Warren said the bill mirrors Federal law, and she sees no reason it will not be passed into law.

Warren said Sirocki was unwilling to meet with community members about the issue at the Statehouse last year.

She said LD 1822 also differs from Sirocki's proposal because it does not have a subclass component that makes it a lesser crime if a parent is charged in the practice, as opposed to another family member. The representative also said she is uncomfortable with a provision in Sirocki's bill that allows for a birth certificate or medical records to be obtained to determine the age of a victim, contending it brings up privacy concerns.

Sirocki did not respond to one telephone message and one email message seeking comment on Tuesday.

The SPLC contends ACT for America promotes anti-Muslim legislation throughout the country. A message left for ACT America, based in Washington, D.C., was not returned by press time.

When asked whether ACT America's support damages the credibility of Sirocki's bill, Parker, of the AHA Foundation, said she did not want to specifically address other organizations' support. She said the cause should not be a partisan issue, and should not be used to advance a political agenda.

"It is a human rights abuse," she said, adding that ideally, legislation focused on the issue should include an education and outreach component, tailored to each state.

In the event at the Statehouse Tuesday, Parker said the bill is intended to fill gaps in Federal law, such as criminalizing the trafficking of girls across state lines. She said it also sends a strong message that genital mutilation will not be tolerated in the state.

She said it is important to note cutting is not a religious act, but a cultural practice, and said genital mutilation is not specific to any one religion.

A previous bill proposed in 2017 by Sirocki to criminalize FGM included an amendment for an education provision that was supported by the Maine chapter of the Americans Civil Liberties Union.

The original version of the bill did not have the support of the ACLU, which said it would have created redundant felony penalties for FGM.

"This bill is nothing more than an attempt to single out behavior that is commonly attributed to certain religious and ethnic communities as different from other forms of abuse," the ACLU said.

The 2017 bill died last June.

The new proposal makes it a Class A crime, punishable up to 30 years in prison, for an individual to mutilate the genitalia of a girl less than age 18 for nonmedical purposes. The bill also makes it a crime, punishable by up to 10 years in prison, to transport a person for genital mutilation across the state line.

Juliette Laaka can be reached at 781-3661 ext. 106 or at [jlaaka@theforecaster.net](mailto:jlaaka@theforecaster.net).

GUEST COLUMNIST

# Prison law endangers women's safety, privacy

The Equality Act, which President Biden has vowed to see passed, would redefine “sex” in the amendments of the U.S. Civil Rights Act to include “gender identity.” According to *The Economist*: “The logical outcome of that would seem to be admitting trans women to spaces once reserved for women, from sports teams to prisons.”

Maine aligned with this view last week when Gov. Mills signed LD 1044, granting prison inmates the right to be housed in facilities for the sex with which they say they identify, “irrespective of anatomy or physique.” No sex reassignment surgery required, no automatic exception for violent criminals or even sex offenders. No legislator even mentioned potential risk to female inmates during the hearing or work session I listened to online, as if they were simply of no consequence at all.

Legislators did eventually insert an amendment allowing an exception for security risks to the facility, but don't assume that protects women. Officials in multiple states have been pressured into moving even the most violent convicts from men's to women's prisons.

A Washington State Department of Corrections whistleblower recently revealed that “terrified” female inmates are arming themselves now that convicts — including serial killer Donna (formerly Doug) Perry, who confessed to murdering women out of jealousy that they could give birth — have been moved over from men's prison. Female inmates have already alleged they're being sexually assaulted, a claim that was also made in Illinois, where Janiah Monroe was moved to

women's prison even after being convicted of strangling to death a male cellmate. The woman forced to share Monroe's new cell alleges she was raped the first night.

Of course trans inmates need safety, too. But it's unconscionable to use women as human shields to protect other groups, at the cost of their own safety. Believing that incarcerated males instantly cease to be a threat to women if they identify as women themselves requires an astonishing level of both naivete and disregard for the women caged with them.

Trans activists dismiss concerns by saying “trans women are women,” but that ignores the reality that in addition to being more physically powerful, men are far more violent than women (they commit 90% of U.S. murders) and there's no evidence that trans women have lower levels of criminality than men.

Eighty-six percent of female prison inmates have been found to be sexual abuse survivors. Some may well be re-traumatized simply by being forced to share intimate spaces and undress alongside male bodies (a survey by the National Centre of Transgender Equality found only 12% of trans women have undergone vaginoplasty).

Women and girls are rapidly losing rights our foremothers fought years to secure, from our own sports to our own spaces where we undress. We're jeered as bigots for even the most reasonable objections, such as saying it's unfair for faster, stronger trans athletes like New Zealand weightlifter Laurel Hubbard, who just qualified for the Olympics, to take women's places on teams and podiums. Feminist

groups we long counted on to protect our rights now refuse to even acknowledge the women being harmed, much less advocate for them.

The rights of women and girls aren't hate. We can support everyone's human rights while acknowledging that biological sex comes with real, lived consequences for women. Article 8 of the Women's Human Rights Campaign “Declaration on Women's Sex-Based Rights” states that women need “single-sex services and physical spaces for women and girls to provide them with safety, privacy, and dignity.”

This month in West Virginia, 14-year-old Jolene Grover blasted her school board for making girls share their gym locker room with male students who identify as girls (schoolgirls have now been told they must undress alongside male bodies, despite their objections, in other U.S. school districts like one in suburban Chicago).

Said young Jolene: “Your proposed policies are dangerous and rooted in sexism. You do this in the name of inclusivity while ignoring the girls who will pay the price.”

Her words were about school locker rooms, but she could have been talking about any former female-only space.

Women are told far too often that our boundaries don't matter and we must give up our own need for privacy and safety for others' sake. Maine's new prison law is an unfortunate example of this.

**Jennifer Gingrich of Portland is a signatory of the Women's Human Rights Campaign's Declaration of Women's Sex-Based Rights.**

**GUEST COLUMNIST**

# There's more than abortion at stake for women's rights

As a feminist Democrat, women's access to legal abortion is important to me.

But it increasingly feels as if my party's leaders think they can coast as champions of women's rights on that one issue alone, even while unraveling many of our other protections and summarily dismissing any women who object as "right wing."

One example is the Biden administration's current plan to rewrite Title IX, the landmark 1972 legislation which has allowed many thousands of girls to participate in school and college sports, to include "gender identity." If successful, the same law that once empowered young female athletes will be used to deny them a fair chance.

The women who fought to enact Title IX 50 years ago surely never anticipated anyone arguing that despite every speed and strength record in history being held by a male athlete, women and girls are at no disadvantage competing against someone born into a male body once that person says they identify as female.

Despite the Department of Education's claim that they'll consider sports as a separate issue, experts say that Title IX labeling it "discrimination" for schools not to respect declared gender identities means girls' sport teams will be obligated to include anyone who identifies as female.

Multiple studies have now shown that the many athletic advantages conferred by male puberty can't be reversed by cross-sex hormones, yet women and girls are denounced as hateful bigots for objecting to the inevitable loss of team places, opportunities and wins whenever a biological male demands to compete as one of them.

The Title IX changes don't just affect sports, either. They would codify into federal law that school-girls must share spaces like bathrooms and school locker rooms with students who identify as female, regardless of anatomy. Girls would just have to deal with feeling violated when told they must undress for gym beside male bodies, because validating the feelings of those bodies' owners is more important than their right to body privacy and dignity. What a dangerous lesson to teach our daughters.

How did we get to the point where simply acknowledging the reality of biological sex is deemed hate? Everyone deserves protection from discrimination in employment, education and housing, but does being inclusive have to preclude common sense? It's ludicrous to believe that the moment a male declares he feels female, there's no physical difference between him

Jennifer Gingrich



and me or your mother.

Whether we like it or not, there is a conflict between women's right to our own sports and spaces and those who say we must accept everyone's professed "gender identity" on demand. The dogma of inclusion has overtaken long-established women's protections at breathtaking speed.

Worst of all has been watching the public bullying of women who try to defend their own rights. Women in Los Angeles were falsely branded right-wing liars staging an anti-trans hoax and blamed for causing violence against trans people after they objected when a serial sex offender who said he identified as a woman stripped nude in front of them and their (also-undressed) little girls in the female-only section of Wi Spa last year. By the time police charged Darren Merager with indecent exposure in the incident, it hardly mattered; women had been soundly punished for saying "no," and others would surely know better than to do so again.

Just last month, an abusive mob in Port Townsend, Washington, screamed down 80-year-old Julie Jaman and tore down her supporters' suffragist flags as Jaman tried to speak about being banned from the city YMCA, where she has swum for 35 years, for objecting to an employee who had only recently begun identifying as female supervising as little girls removed their swimsuits in the women's locker room. Democratic Mayor David Faber applauded the mob, labeling Jaman's left-wing feminist supporters "moral-panic-stricken right-wing nutjobs."

Nearly every woman I've spoken to about this, young and old, says she wants to retain our single-sex spaces and sports, but most fear facing abuse if they speak out. Still, I can't be the only one debating whether I can continue voting for a party that won't support all of my rights.

Yes, I want legal abortion, but I also want safety for women in prison and female-only locker rooms and fair sports for female athletes, and I don't want to be forced to choose which women's rights I'm willing to sacrifice at the ballot box.

**Jennifer Gingrich of Portland is a lifelong feminist and signatory to the Declaration on Women's Sex-Based Rights.**

## Portland Press Herald    Maine Sunday Telegram

### **Ex-guard jailed for sex with inmates**

Bradford Howard's lawyer says post-traumatic stress spurred the Iraq veteran to make regrettable choices.

By TREVOR MAXWELL, Staff Writer  
January 27, 2009

PORTLAND — To his family and his commander in the Army, Bradford Howard is a model citizen who made some bad decisions while struggling with depression and post-traumatic stress after returning to Maine from Iraq.

To the prosecutors and detectives who investigated his misconduct as a prison guard, the 37-year-old Howard is a sex predator who abused his authority and the system.

On Monday, as Superior Court Justice Roland Cole sentenced the Lyman man to four months in jail for having sex with inmates, he said Howard matched both descriptions.

"What you did was very wrong, but there are a lot of good things that can be said about you," Cole said during the sentencing hearing at Cumberland County Superior Court. "In my view I'm giving you a chance, and your family a chance."

Both Howard and his pregnant wife, Jessie, who sat at the back of the courtroom, wiped away tears as Cole handed down the sentence of three years in prison, with all but four months suspended.

Minutes earlier, Jessie Howard begged Cole to be lenient with her husband. She said she has forgiven him for his infidelity and hopes to rebuild the trust they lost.

Howard, a sergeant in the Army, was hired in 2006 as a guard at the Maine Correctional Center in Windham after returning from an 18-month tour of duty in Iraq. Howard was assigned to a female unit at the Windham facility.

Julia Sheridan, the assistant district attorney who handled the case, said Howard had sex with two female inmates over a span of two weeks in February 2008. Under Maine law, it is a felony for corrections officers to have sex with inmates, regardless of the circumstances.

"In prison, these inmates have their entire lives controlled by the guards," Sheridan said during the sentencing hearing.

Guards have power over which inmates receive merits, which ones get punished and which ones are labeled as "rats." Sheridan said that even though Howard made no promises or threats to the two inmates, the abuse of authority remains the same.

"It really is a fiction to say that this is a consensual sexual activity," Sheridan said. "He has extensive training that he was supposed to keep boundaries with inmates."

Howard and another guard at the same unit, Glen Works, were investigated by detectives from the Maine Attorney General's Office. They were arrested and indicted by a grand jury in July. Both resigned from their jobs before the indictments.

Howard pleaded guilty last month to four counts of gross sexual assault.

Works, of Mechanic Falls, has already pleaded guilty and was fined on misdemeanor charges of failure to report sexual abuse of a person in custody.

Sheridan said Howard had sex with one inmate on Feb. 8 and 9, and then with the other inmate on Feb. 15 and 22. She said Works conducted cell checks during the times when Howard was having sex, and Works overlooked the absence of the women during those times.

Sheridan, who asked for an 18-month jail term, also noted that at the time of the incidents, Howard and his wife had a 2-month-old baby at home.

The prosecutor asked Cole to send Howard to jail for 18 months.

Howard's defense attorney, Mary Davis, asked Cole to impose a 10-day jail sentence to be followed by probation. Davis said Howard has no prior criminal record and feels embarrassed and ashamed about what he did. Howard has taken full responsibility for his misconduct, Davis said.

"This activity is clearly an aberration," she said. "He is highly unlikely to commit another crime."

Howard has had an extremely difficult time resuming a normal life in Maine following his tour of duty in Iraq, Davis said. He has received counseling for depression and post-traumatic stress disorder.

Davis told Cole that although Howard's conduct was admittedly wrong, he never used force, threats or promises to coerce the inmates.

"It was willing participation by two adult women," Davis said. "These are not naive young girls."

Besides his wife, two others – including his commanding officer in the Army – spoke on behalf of Howard during the hearing.

Jessie Howard said her husband's stress level was so high, he often would duck for cover at the sound of lightning, fireworks or other loud noises. They are expecting their second child.

"It did not and has not crossed my mind that we couldn't get past this," she told Justice Cole. "I have forgiven my husband."

Staff Writer Trevor Maxwell can be contacted at 791-6451 or at:

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## Group wants Maine voters to ban female genital mutilation

By The Associated Press

PORTLAND -A group led by Maine conservatives has launched an effort aimed at having voters explicitly ban female genital mutilation, according to recent state campaign finance filings.

The political action committee Prevent FGM in Maine filed its initial financial report on Wednesday. Its report didn't list any donors or contributions.

More than 200 million women and girls in 30 countries have experienced genital mutilation. Health workers have warned against the risks of the practice, in which typically the external genitalia is removed and the vagina is sewn almost closed.

Female genital mutilation is illegal on the federal level and punishable by five years in prison, and 26 states have outlawed it. Maine Democrats and Republicans have failed to pass stricter penalties against female genital cutting.

There isn't evidence that genital mutilation is happening in Maine, but Republicans have released Medicaid billing figures that they claim show there are people receiving treatment for female genital mutilation in the state.

State filings show Prevent FGM in Maine is led by GOP operative Ben Trundy, who hopes to get Maine's question on the ballot in 2019. He said the group must get roughly 61,000 signatures before the year's end.

Trundy said the proposed question's wording is still being finalized, but he said the referendum would include having the state create an outreach and educational program.

"I think it's important to protect vulnerable citizens," Trundy said, later adding, "It makes it hard for district attorneys' offices across the state to enforce laws because there's no state mandate."

Kennebec County District Attorney Maeghan Maloney testified last year that the Maine Prosecutors Association didn't feel confident it could charge someone with committing female genital mutilation without passage of additional legislation.

Democratic Attorney General Janet Mills, a gubernatorial candidate, has argued she could already prosecute "such outrageous acts" under Maine's criminal code.

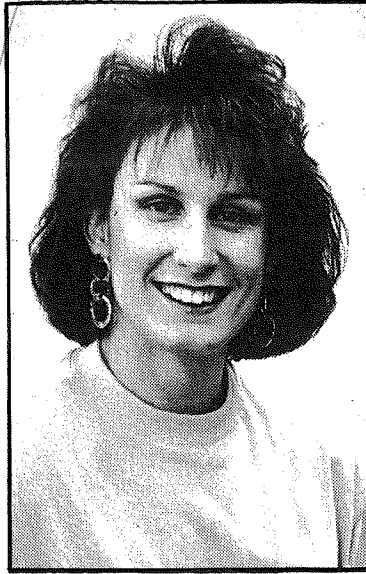
Democratic Rep. Barbara Cardone sponsored a failed bill that would have made female genital mutilation illegal in Maine. Her legislation also would have funded education and outreach programs in communities "in which female genital mutilation of minors might be practiced."

The American Civil Liberties Union of Maine and the Immigrant Resource Center of Maine have said stricter criminal sanctions could make people in need of medical treatment reluctant to seek it.

# TV latches onto former inmate's story

SEP 12 1992

By **LEE BURNETT**  
Journal Tribune Staff Writer



FILE PHOTO

Paige Daniels, who was housed at the York County Jail with two men because of an incomplete sex change, has been asked to appear on national TV shows.

Tabloid TV has gotten ahold of York County Jail's most sensational inmate, though the inmate's complaints may already have been taken to heart by the state bureaucracy.

Transsexual Paige Daniels is scheduled to be flown to New York Wednesday for a taped interview on "The Maury Povich Show." A taped interview on "Geraldo" was scheduled for Thursday but has been postponed. "A Current Affair" also is lining up an interview.

Daniels, 19, has filed notice of a suit against the York County Jail claiming officials were responsible for an alleged rape and other indignities that Daniels claims to have suffered while incarcerated at the jail for a month last winter.

Daniels looks and acts like a woman but has male sex organs.

Against Daniels' wishes and against the advice Daniel's doctor would have given had he been consulted, officials assigned Daniels to a cellblock with three men. The state has no set policy on classification of such inmates and jail officials decided the determining factor was the sex change operation that has yet to be performed.

District Attorney Michael Cantara turned over investigation of Daniels' rape charge to the state attorney general's office last month, saying Daniels' civil suit put him in a conflict of interest.

Sheriff Michael Bemis said Thursday he welcomed tabloid TV interest in Daniels' story though in the past he has defended the jail's

assignment of Daniels.

"Some good can come out of this if the state establishes a policy to follow in the future," Bemis said. "As society becomes more aware of these matters sooner or later it will sink in and we can be more pro-active... The more discussion it gets, the better. We should be willing to confront this and discuss it. I find it very enlightening to discuss."

But state jail inspector John Hinckley said the state's open-ended status quo on classification of transsexuals is the best course because a policy would set in concrete something that should be handled on a case-by-case basis.

"These are special management inmates who should be handled on an individual basis," he said. "It's pretty hard to set a policy."

Daniels expressed surprise at Bemis' comments.

"That blows my mind," said Daniels, who recently moved from Biddeford to Dover, N.H. "He has always defended what happened, now he's saying it should be discussed... Even if I don't succeed in Maine, I'll have better luck elsewhere. What happened to me is worth fighting for."

A producer for "Geraldo" said he is interested in Daniels' story because it's controversial and "we like controversy."

Bill Lancaster said the show would explore Daniels' rights and sexual identity.

Daniels' gender is particularly conflicted, he said. "Biologically, I guess you'd call him a man, but in her psychology, she's a woman. That is the essence of a 'Geraldo' show."

# Union fights for equal pay for female jail workers

by Katherine Muir

SOUTH PARIS — For as long as anyone can remember the women at the Oxford County Jail have been making at least \$50 a week less than their male counterparts.

And for over a year now jailers have worked without a union contract, in part because union representatives don't want the system to change.

Frustrated with the delay, the Oxford County Commissioners

called their union negotiator, Anna Lee Rosenblatt, to ask for a meeting. On Tuesday, the union, Local 340, agreed.

The first hurdle for the two sides is whether the women who work in the dispatch center will get a pay increase and work alongside the men inside the jail. The women, who work as controllers, are trained to work inside the jail overseeing inmates as corrections officers, but only do so when the jail has women inmates.

After a woman committed sui-

cide in the jail five years ago the Department of Corrections encouraged the Oxford County Jail to rotate positions from the dispatch center to inside the jail, which happens in every other jail in the state.

Sheriff Lloyd "Skip" Herrick, Capt. Ernest Martin and the county commissioners want the change, but it is not clear whether Union Steward David McAllister and his assistants, Paul Billings and Ken Parker, will agree.

Those who work close to the jail say the feeling is divided — two of

the women controllers in the dispatch center want to rotate jobs, and an increase in pay, while two have not decided or have said they would rather not.

Last year the union leaders spoke out against the change. One correction officer went as far as to say some women could not lift fire equipment and therefore were not capable of working as a corrections officers.

ADVERTISER DEMOCRAT

Please see JAIL Page 14

## Jail from Page 1

The county has offered a \$50 a week base pay increase to the controllers to bring them up the men's base pay of approximately \$394 a week.

Herrick said the county is "holding firm" on its position to rotate the jobs in the jail.

"It's a better treatment of everybody. It's a much fairer way of looking at it," he said. "Oxford County has been doing it this way for a long time, since the new jail was built in 1979. It boils down to people dealing with change. People are reluctant to change."

The union steward and his assistants were not willing to speak

about the negotiations. One of the possible reasons they have been reluctant is that some of the male corrections officers will lose seniority if they are combined under one job description with the women, who have worked at the jail longer. Those who work longer at the jail get first choice of vacation time, their jobs are usually protected during layoffs, they get first chance at working overtime, and it is a consideration for promotion, but not the only one.

Some also may feel as they did last year, that the desk work inside the control room is for women.

## A snapshot of Maine's prison system

By Shlomit Auciello  
Sep 04, 2010



*(Courtesy of: Maine Department of Corrections)*

Warren — When she left school in the 1980s, Maine State Prison Warden Patricia Barnhart said her home state of Michigan was in a prison-building boom. Today that state houses approximately 45,000 inmates in 40 prisons.

Maine, by contrast, has one prison. In addition to the Maine State Prison, which houses 810 inmates, Barnhart is responsible for the Bolduc Correctional Facility, which is supervised by a deputy warden.

The Department of Corrections also operates adult correctional facilities in Windham, Charleston and Machias, the Central Maine PreRelease Center in Hallowell, Women's Transition Unit in Bangor, and the Long Creek and Mountain View juvenile correctional facilities.

A total of 2,034 men and 162 women reside in DOC facilities. The state contracts with four Maine county jails to house approximately 101 other prisoners and 31 are in the Supervised Community Confinement Program, which involves residence in a halfway house, community treatment center, mental health facility, alcohol or drug rehabilitation center, or other community facility.

According to an e-mail message from Associate Commissioner of Corrections Denise Lord, the decision whether to place an inmate at MSP or at Bolduc is based on prisoner behavior and security risk, not crime or sentence length.

"Sentences of five or more years start at the MSP," Lord wrote.

*The Herald Gazette Reporter Shlomit Auciello can be reached at 207*

## Former jail guard charged for sex crimes against inmate

By Juliette Laaka  
Oct 30, 2013

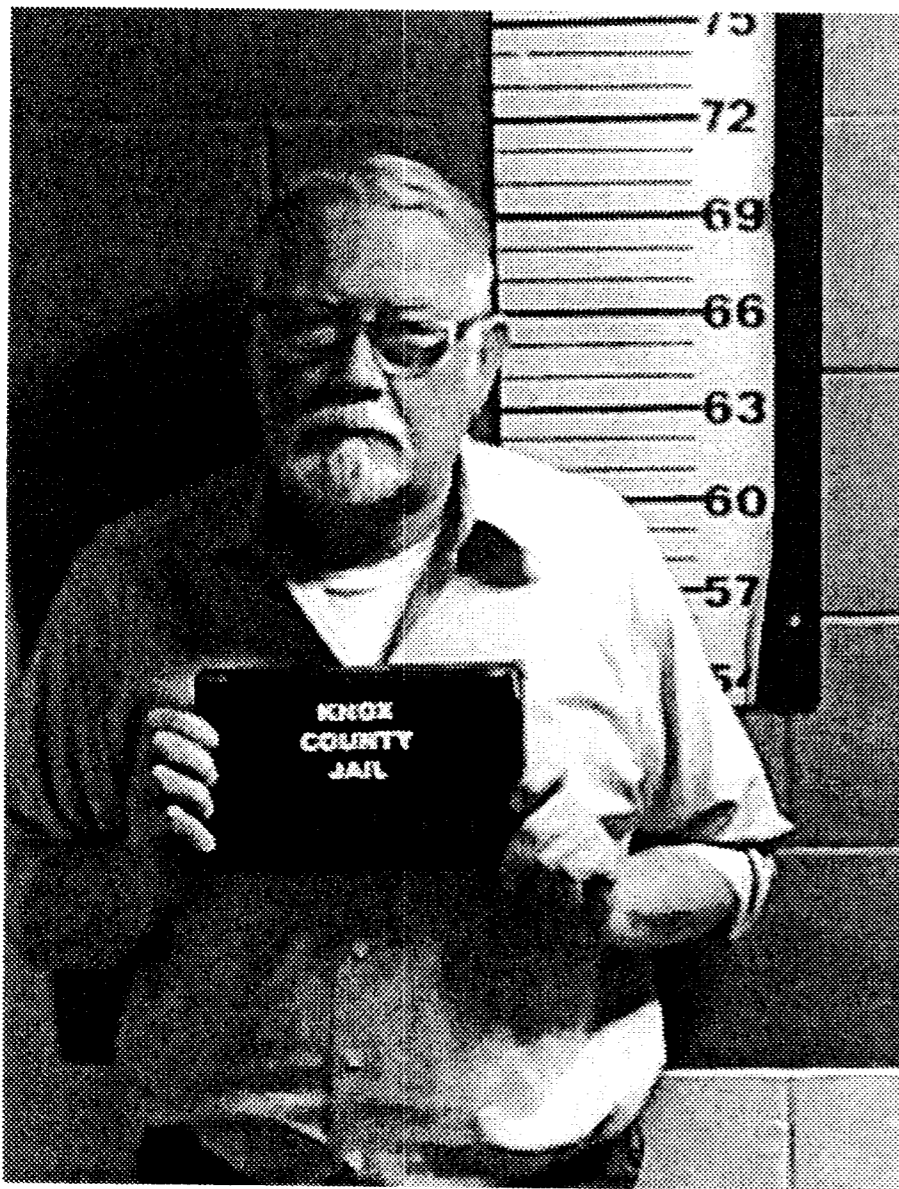


Photo by: Knox County Jail  
Richard Wellington

**ROCKLAND** — A former Knox County Jail guard has been charged with multiple counts of unlawful sexual contact after victims allege he traded contraband, including candy, for sexual favors, according to an affidavit.

Richard Wellington, 60, of Warren has been charged with 10 counts of unlawful sexual touching and one count of unlawful sexual contact stemming from a victim's statements that he assaulted her while she was incarcerated and under his care.

Wellington is the second guard accused of a sex crime against a female inmate.

The investigation started when an inmate received a letter at the jail that read, " Hope you gained something, I lost a lot. Thanks ya right." The victim became nervous the letter was from Wellington, and spoke with an employee of the jail about her concerns, according to an affidavit filed by Knox County Sheriff's Office Detective Justin Twitchell.

When the victim was interviewed Knox County Sheriff Donna Dennison's office, she said she felt more comfortable talking about what Wellington had done since he was no longer employed by the jail, said court papers.

The victim told police Wellington gave her candy bars, a razor, and chewing tobacco if she showed him her breasts. She said he would also grope her, which occurred in the laundry room and in her cell. She estimated Wellington had touched her 75 to 100 times from April to August, said court papers.

Other female inmates verified he would provide contraband.

She also said Wellington went into the shower with her, where he continued to touch her. She said she told Wellington it upset her that he was touching her, and he stopped, said an affidavit.

Evidence to support the claims are verified by inmate journal entries and findings of contraband in Wellington's possession, said court papers.

When Twitchell interviewed Wellington about the accusations and the contraband found in his mailbox, including a razor, Wellington said he used it to trim his facial hair in the morning. He later confessed he let female inmates use the razor after further questioning. He also confessed to writing the letter to the victim, saying he did so because he was hurt and told Twitchell "I was good to her," said the affidavit.

Wellington denied any sexual contact with inmates and initially agreed to take a polygraph test. He later declined the request, according to the affidavit.

Wellington was arrested Aug. 23 and released on \$5,000 cash bail. He made an initial appearance in Knox County Superior Court Oct. 30. He is scheduled to appear for a status conference hearing Feb. 26.

In October, another former jail guard, Adam Grierson, 27, of South Thomaston and Camden was charged with gross sexual assault against a female inmate.

He faces three counts of gross sexual assault and will make an initial appearance in Knox County Superior Court Nov. 27, according to court documents.

The complaint filed against Grierson states three sexual encounters occurred while the female victim was incarcerated at the jail in 2012.

Detective Sgt. Chris Young of the Rockland Police Department investigated the case and interviewed the victim, of Washington, who was incarcerated from November 2011 to March 2012. She told Young during the July interview she had sex with Grierson in exchange for cigarettes while she was an inmate. She also provided names of three women she was housed with at the jail who could confirm her allegations. When interviewed, the witnesses were able to provide details supporting the victim's statements, according to the affidavit.

In August, Young interviewed Grierson, and he admitted to having sex with the victim, but added he was not giving her cigarettes for sex, but rather he was giving her cigarettes randomly, said the affidavit.

The victim has also filed a civil lawsuit against Grierson in U.S. District Court. The case will be ready for trial by June 2014, according to an order issued by U.S. Magistrate Judge John H. Rich III.

*Courier Publications' reporter Juliette Laaka can be reached at 594-4401 ext. 118 or via email at [jlaaka@courierpublicationsllc.com](mailto:jlaaka@courierpublicationsllc.com).*

# Transgender prison inmate files suit for being denied hormone treatment

By Jordan Bailey | Aug 02, 2016

WARREN — A transgender inmate at Maine State Prison has filed a civil rights lawsuit against the Maine Department of Corrections, several corrections officials and prison medical services providers for failure to provide female hormone treatment or mental health treatment for gender dysphoria.

Walter William Moore, a 56-year-old, illiterate Native American inmate, has been in prison since 2005 following a murder conviction.

The Associated Press reported in 2005 that Moore pleaded guilty to the 2002 murder of Connie Gagliani, 41, of Salem, Mass., with whom he had been boarding. The Boston Globe reported in 2002 that Moore was transgender and was awaiting a sex-change operation at the time.

"I am Walter William Moore by birth, but I am Nikki Natasha Petrovickov by choice and by right," Petrovickov writes in a request for counsel typed by a friend.

The American Psychiatric Association defines gender dysphoria, formerly called gender identity disorder, as a condition in which an individual experiences a marked difference between the gender others would assign him or her and the gender which he or she experiences and expresses. Petrovickov writes in her complaint, received at U.S. District Court in Bangor July 29, that she was on hormone treatment before she entered the prison and continued to receive treatments at the prison when she was initially admitted. However, she said she was soon cut off, "cold turkey." She filed a grievance in 2005, which she said was denied by former Warden Jeffrey Merrill.

During a stay at Riverview Psychiatric Center in Augusta for mental health reasons in 2008, she was given hormone treatments again, she writes, but stopped receiving them upon return to the prison. She filed a number of grievances and appeals, some of which were denied as time-barred. A request to see the grievances was not responded to by press time.

Petrovickov claims denial of the hormone treatments constitutes cruel and unusual punishment; that her attempts to receive medical and mental health treatment for gender dysphoria have been repeatedly "brushed off" by former prison medical service provider Correctional Medical Services and later by its replacement, Correct Care Solutions; that none of the doctors she has seen had any background in gender dysphoria; and that prison and medical staff make crude comments to her and treat her as though she is "not human." She also claims that she is being denied due process because she has not received any guidance in the grievance process, even though she is illiterate, and because many of her grievances go unanswered.

Petrovickov is seeking financial compensation for physical and mental damages, as well as a court injunction requiring the prison to hire a specialist trained in gender dysphoria to develop a treatment plan for her. She also requests that "the prison and medical staff acknowledge my condition and to treat me respectfull [sic] for and as the woman that I am."

The complaint has been filed against Maine DOC, former DOC Commissioner Martin Magnussen, current Commissioner Joseph Fitzpatrick, former Maine State Prison Warden Jeffrey Merrill, current Warden Randall Liberty, Dr. Robert Clinton of Correct Care Solutions, and Todd Trish of Correctional Medical Services.



Deputy DOC Commissioner Jody Breton said the department has no comment on the suit.  
Calls to Correct Care Solutions were not returned by press time.

<http://knox.villagesoup.com/p/correctional-facility-changes-policy-deemed-unconstitutional-by-ags-office/1458532>

The Courier-Gazette

12/24/2015

p.A1, A7

Retrieved 01/04/2016

## Correctional facility changes policy deemed unconstitutional by AG's Office

Inmate has right to terminate pregnancy without court order

By Juliette Laaka | Dec 17, 2015

A staff member at Maine Correctional Center in Windham told a defense attorney this week the center would not transport his client to an appointment to terminate her pregnancy without a court order, prompting questions from her attorney and the American Civil Liberties Union of Maine.

The woman is not being named to protect her privacy.

Speaking in open court, the woman's attorney, David Sinclair, said he was told by the director of medical services at MCC that staff would not transport the woman to an appointment without a court order. Sinclair's client had an appointment scheduled before she was in custody, but was arrested before the date of the procedure.

Presiding Judge Susan Sparaco said she was unsure of her legal authority to issue such an order and did not want to overstep boundaries onto another branch of government. She deferred the question to Assistant Attorney General Diane Sleek, who represents the Department of Corrections.

Sinclair said Dec. 17 he had a conference call with Sleek and MCC staff members, who concluded that Sinclair's client would be taken to her appointment without a separate court order, in accordance with her wishes and the view of the majority of U.S. states regarding the Constitutional issues.

Sinclair said the MCC's policy was a surprise to him, and although other states have ruled that demanding a court order does not comport with the Constitution, the Maine Supreme Judicial Court has yet to rule on the issue.

Staff at MCC deferred comments on the matter to Jody Breton, the deputy commissioner DOC. In an email, Breton said, "A female prisoner has the same constitutional rights in regards to her decision to terminate a pregnancy as any woman in the community. A court order is not necessary."

Zachary Heiden, legal director for the American Civil Liberties Union of Maine, said it is not for the state to decide what kind of medical care a woman receives. Women must have access to adequate prenatal health care, including to terminate a pregnancy, he said.

In a 1987 federal case, *Monmouth County Correctional Institution Inmates v. Lanzaro*, a judge, on appeal, determined that a county requiring a court ordered release for inmates to obtain an abortion while in custody of the county was unconstitutional, and ruled that delay in getting the order could deprive a woman of her ability to exercise her constitutional right to choose to end a pregnancy.

Sinclair said before the matter was resolved that he does not want his client's situation to be the test case before the state's highest court, because there isn't time, given her situation.

According to the Maine Family Planning website, a woman can elect to end a pregnancy within 14 weeks from the first day of her last menstrual cycle.

Reporter Juliette Laaka can be reached at 594-4401 ext. 118 or via email at [jlaaka@villagesoup.com](mailto:jlaaka@villagesoup.com).

# DISTURBING TREND'

MAINE IS SEEING A RISE OF WOMEN IN JAIL, GROWING BY AN AVERAGE OF 12 PERCENT PER YEAR



JOSEPH IV/SUN JOURNAL

Heather Jackson who is serving time at the Oxford County Jail on drug related charges is looking forward to her release. The hardest thing about jail is being away from family said Jackson.

SUN-JOURNAL OCT - 1 2006

In 1977, there were a mere 14 female inmates in Maine. Today, there are over 130. County jails and state prisons do not have enough cells to house this growing population.

BY JESSICA ALAIMO  
Staff Writer

Heather Jackson had a calendar by her bunk. Every night she'd cross off a day.

Tuesdays meant she got to see her kids. Saturdays meant she got to see her boyfriend. Every cross also meant that she was one day closer to release.

Jackson, 31, recently spent 59 days of a 90-day sentence in the Oxford County Jail on drug charges. In June, a mutual friend sold cocaine out of her house to an undercover agent. Both were arrested, and she was charged with Class C furnishing.

She was released Sept. 11. The biggest challenge she faces now is staying off drugs and alcohol.

Stories like Jackson's have increased as the female population in jails and prisons across the country has skyrocketed in recent decades.

Women in prison face different issues and present different problems. Often the primary care givers, these inmates worry about the fate of their children. They face special challenges when released, such as finding housing and regaining custody of children.

Jackson spoke twice about her experience. On Aug. 22, she sat at a table in the jail's small library, surrounded by floor-to-ceiling bookcases. She was dressed in the traditional orange inmates wear, but spoke confidently.

Sept. 14, she relaxed in a camper where she lives with her boyfriend, Adam Conley. The camper is outside Conley's parents' home off a small dirt road in Carthage. She wore a t-shirt and capris, spoke with a smile, and once pulled out her keys, to which pictures of her daughters are attached.

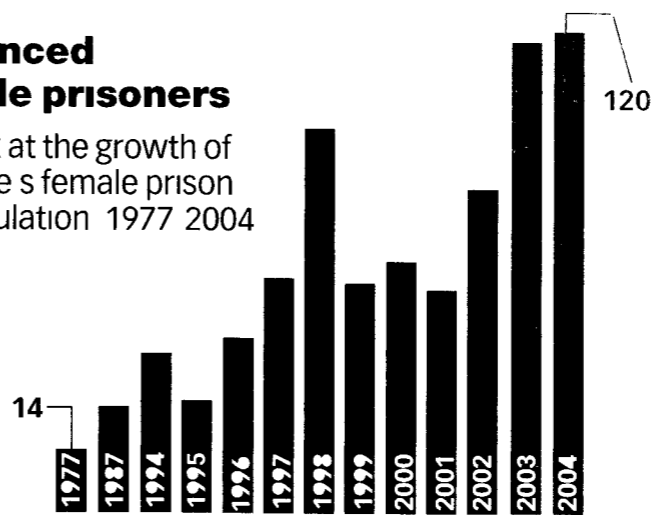


### Women in Maine jails, by the numbers

- 2 The female imprisonment rate in 1977 (48th in U.S.)
- 18 The female imprisonment rate in 2004 (48th in U.S.)
- 14 Total female sentenced prisoners in 1977
- 120 Total female sentenced prisoners in 2004
- 757 Percent increase of female prisoners (1977-2004)
- 144 Percent increase of female prisoners (1999-2004)

### Sentenced female prisoners

A look at the growth of Maine's female prison population (1977-2004)



# Prisons

CONTINUED FROM PAGE A1

In 1977 only 14 women were serving time in Maine's state prison. Today there are 130, an increase of about 12 percent each year. Nationally, the female prison population has increased from 11,212 in 1977 to 96,125 in 2004, a better than eightfold increase.

The biggest contributor to that growth, which far outstrips the general population growth, are stiffer drug sentencing laws and longer sentences for drug-related offenses, said Ryan King, a policy analyst with the Sentencing Project, a D.C.-based nonprofit research and advocacy group.

Jackson's scenario is a fairly common one for incarcerated women, he said. Two-thirds of all women in state prisons are parents of minor children, many have substance abuse problems.

It is illustrative of a lot of the problems with drug sentencing, King said.

A few years ago, Maine built a new 70-bed wing for women at the state prison in Windham. The idea was that women would get targeted treatment and programs, given that their response to treatment and pathways to crime differ from men, said Denise Lord, assistant commissioner for the Department of Corrections. However, with 130 women currently behind bars that squeeze 60 sleeping in multi-purpose units waiting for beds.

It's no substitute, Lord said.

## County crowding too

Seeing women in jail used to be a rarity, said Capt. Ernest Martin, administrator of the Oxford County Jail.

In the last ten years, it's been a rare day that we don't have one, Martin said. Now we have at least two or three.

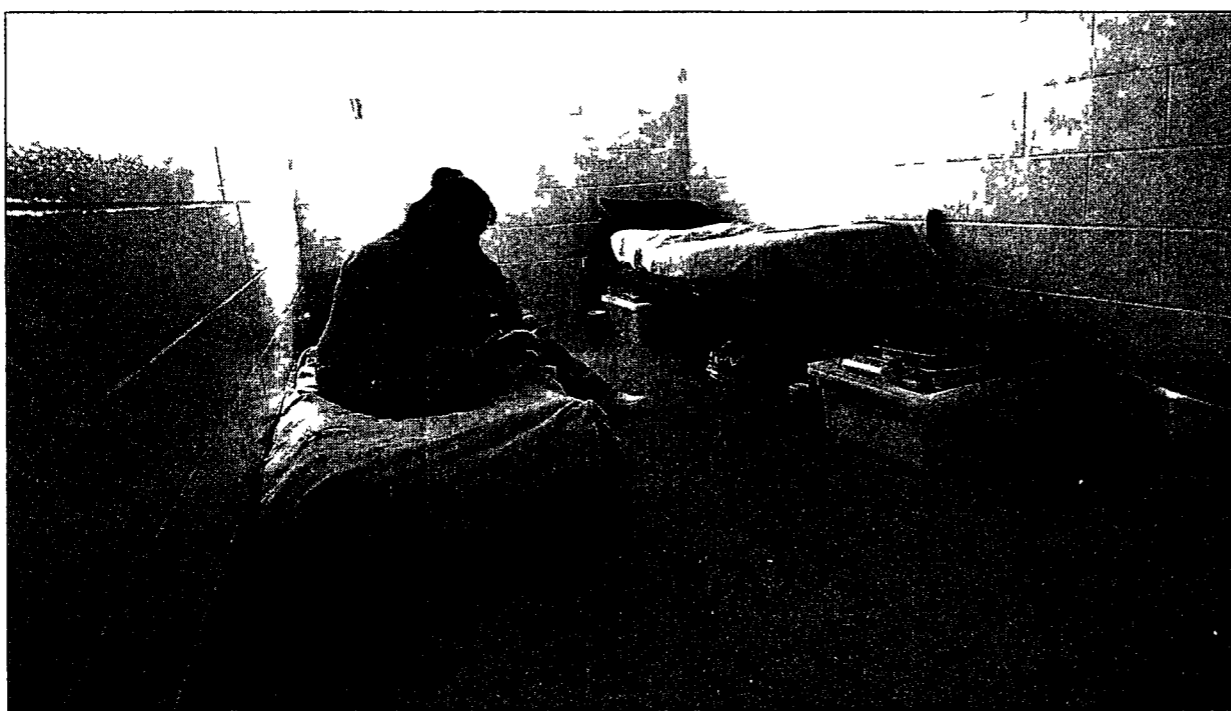
The Oxford County Jail designed to hold 44 inmates has two cells intended for women. Each cell — connected by a common day area — was built to sleep one, but can hold two. When needed up to two others are placed on mattresses on the floor in the day area.

If the jail gets more women than it can hold, some of them are boarded out to a neighboring county jail or are held in the jail's in-house postal office, the no-contact room or the multi-purpose room.

The Androscoggin County Jail, which holds more than 150 inmates, has also seen steady increases in the female population. In 1985, the jail's average female population was four. In 1995, it was 10. In 2005, it was 11.

Our society is becoming more and more gender neutral, said Capt. John Lebel, Androscoggin County's jail administrator. There are changed roles. It's a disturbing trend.

The Franklin County Detention Center has also seen an increase in women, but there's no space problem right now. In fact, it boards inmates for the Somerset County Jail, said jail administrator Sandra Collins, because



JOSE LEIVA/SUN JOURNAL

**Heather Jackson, who recently served time at the Oxford County Jail on drug related charges, sits on a mattress in the cell she shared with another inmate. The two were crowded into a cell designed for one because the jail is overly crowded with female inmates.**

Somerset doesn't house female prisoners.

The average number of women housed in Franklin County in 2002 was two, in 2003 six, in 2004 four, and in 2005 three. The jail, which holds 29 total, has a three-bed unit for women.

## Families dragged apart

Jackson's two children, Kearra, 6, and Lachesha, 9, are living with a cousin in Poland. In October, Jackson goes to court to determine whether she can take them back, she says. She won't assume custody until she feels she's ready to take good care of them.

I need to get myself better, Jackson said. I don't feel I'm healthy.

Since they started living in Poland, Jackson said, the girls are living in a healthier environment. Lachesha even got straight A's last term.

Three-fourths of incarcerated women are mothers, so child welfare is an issue.

Incarcerated women face pressure from the Adoption and Safe Families Act, which creates a timetable for parental rights. Mothers will lose custody of their children if they don't maintain significant contact with them in 15 months, according to Sarah From, with the national Women's Prison Association. The association's mission is to add gender as an issue to criminal justice system reforms, raise concerns and ultimately find alternatives to incarceration.

Right now, the state has custody of Jackson's children, and her cousin has guardianship. She hopes her cousin will be granted full custody with state assistance.

Jackson is looking for a job so she can have an income and eventually support her family again. Once she completes her GED, she wants to enroll in college courses and get a degree in business. Her boyfriend is a carpenter, so she would like to start a business with him.

## Not 'men in skirts'

Frequently being the primary caregivers for their children is

just one thing that sets female inmates apart from men. Women are also psychologically different, as is their pathway to crime, From said. Many women have high rates of trauma and abuse in their past. They have higher rates of substance abuse and mental health issues.

They come into the prison system with multiple needs, such as treatment programs, peer support and help to become better parents, so they can figure out how to make it on their own, From said.

Mothers want to see their kids, which becomes a concern when women have to be boarded out to neighboring counties because kids can't travel as far.

Sometimes women come in pregnant. Jails then take responsibility for medical care, and if a woman goes into labor, an officer accompanies her to the hospital.

Lebel at the Androscoggin jail said that in July, his facility had to deal with a woman whose water broke, sending her into labor.

The woman was in for a minor charge, so Lebel called the court, and the woman was released.

In August, the Oxford County Jail had an inmate who was in her seventh month of pregnancy.

She wasn't taking care of herself, said Martin. She probably got better care in jail.

Lebel said that given the heightening population, a long-term solution needs to be found.

One thing that would help

some officials said, would be more female corrections officers.

A lot of corrections officers think that women are just men in skirts, From said. They can't be dealt with like that.

But Lebel said it's hard finding female corrections officers. Many women don't want to put themselves in a situation where men are exposing themselves all the time.

He said the state should consider an all-female institution that holds inmates from more than one county.

## A crowded room

Jackson considered herself lucky to share a cell with a wonderful person, since in jail there is no privacy. Jackson's roommate declined to be interviewed.

It was tough to share such a small space with so many, Jackson said. Though the other women in the cellblock helped Jackson make it through the experience. Some of her stories about them could have come from a college dorm.

I remember the last night we all laughed so hard, Jackson said.

However, there were some women who came through that Jackson said she had conflicts with.

Administration in the Androscoggin and Franklin jails said females are the most problematic simply because they cannot get along with each other.

This is different from the past. Twenty years ago they had the cleanest blocks and were the most easily manageable folks, Lebel said.

While Jackson said she had a good rapport with the jail administrators and other inmates, the living conditions were still poor. Every morning she would wake coughing up dust. There were only about three guards on each shift to manage about 50 inmates, which meant her needs weren't always met. Sometimes her block would have to wait hours for necessities such as tampons, sanitary napkins or toilet paper.

Martin said guards are supposed to do rounds every 30 minutes and bring the inmates those kinds of items.

Her biggest upset was being denied her anxiety disorder medications. Many people in the jail have similar problems, Jackson said. She said she also was denied her Vicodin prescription — pain relief for two ruptured disks in her neck. She said officials wouldn't let her take it because of her cocaine addiction history. Instead, she was offered over-the-counter painkillers.

You can't manage everyone's pain with Tylenol, Jackson said.

## Doors slammed shut

Jackson said she was fortunate to have people to support her when she was released. Some women face many hardships and roadblocks once out of jail.

The first two issues are housing and money.

There are a lot of barriers in getting into a housing shelter and finding a job, is tough.

Even after someone served a sentence, door after door is closed to them, From said.

The Galilee House in Norway is a homeless shelter for women and children. Because of increased demand, only single women with children are permitted to stay there, said director Maria Whitney.

While many programs exist for released men, there are not

as many for women.

When these women come out depending on the crime, they cannot get benefits such as Section 8 housing and food stamps, Whitney said.

And, if a woman was convicted of domestic abuse, forget about getting into a shelter, she added.

Upon release, women have obligations that can conflict with their efforts to work and reconnect with their children. They have to communicate with a parole officer, deal with health issues, take drug tests and maintain a curfew.

If they have to attend an all-day drug session, they can't work and take care of their kids, From said.

## First week home

On her first day out, Jackson set up medical appointments.

Then she painted her fingernails and toenails and did her hair.

It's hard for her to see her children now, since they live so far away, and neither she nor her boyfriend drive. She talks to them on the phone, and she hopes to go to Poland, spend night with her grandmother and have some time with the girls.

Her boyfriend's family has been extremely supportive. They've been there for her more than my own family, Jackson said.

Jackson said she's been with her boyfriend three years and has a good relationship.

She will be on probation for two years, she has to attend substance abuse counseling and not use drugs or alcohol.

She's avoiding substances so she won't have to go back to jail. She said she has been tempted, but was able to resist. She wants to stay healthy.

I've proved to myself that I can be a better person, Jackson said.

Jail has forced her to get to know herself better.

I've always been told all my life that I'm nothing but a letdown, Jackson said. I don't need to prove myself to anybody, but me.

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