

**Questions Regarding the Proposed Restructuring of Maine's County Jails  
The Joint Standing Committee on Criminal Justice and Public Safety  
The Joint Standing Committee on Appropriations and Financial Affairs  
For the Joint Briefing on February 27, 2017**

1. What is the timeline for:
  - a. the convening of the task force;
  - b. the implementation of the Maine Jail Commission legislation;
  - c. the creation of legislation pertaining to the Multi-County Regional Jail Authority; and
  - d. the rolling out of regionalization?

The Department's proposal provides an overview of what we feel is the best and most appropriate restructuring of Maine's County Jails, as requested. The proposal does not, however, dictate the timeline or plan for specific next steps. It is the Department's position that the legislature would dictate these timelines based upon acceptance or refusal of the proposal.

As a reminder, the Biennial Budget bill required the Department to:

*By February 15, 2018, the Department of Corrections shall submit a report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Criminal Justice and Public Safety on plans to restructure the funding and operation of county jails and correctional facilities and prisoner population and capacity. The Joint Standing Committee on Criminal Justice and Public Safety may report out legislation in the Second Regular Session of the 128th Legislature implementing the recommendations.*

2. How will different county jail IT systems be integrated?

This issue would have to be handled as part of the next steps of the task force and eventual Regional Jail Authorities in each region. It is likely that the task force will want to assess different issues brought up in the report, including the use of an integrated, single data management system. Upon assessing the need for a single data management system, the task force would recommend a method of implementation, or assign that task to the proposed Maine Jail Commission.

3. How are shared buildings to be handled, i.e. jail and sheriff in the same building?

As described in the report, the Maine Jail Commission will be entrusted, through statute, with the power and authority necessary to make such decisions. It is likely the task force will want to assess the sharing of buildings, and provide recommendations for how they are handled to the Maine Jail Commission. The counties would still have a vested interest in the building purpose, as each county will remain part of the Regional Jail Authority governing their respective location.

4. What about contracts that have different expiration dates, such as telephone, food service, pretrial case management, medical, and mental health and substance abuse?

This question depends on each individual provider, contract terms and facility needs. Most contracts have a general clause allowing for revisions or cancellation with a 30 or 60-day notice period. In several cases, the provider is the same provider across multiple counties (i.e. Maine PreTrial Services) and would need to create a regional contract versus individual county contracts.

5. How will labor contracts be implemented?

Under the authority and oversight of the Regional Jail Authority in each respective region.

6. How will debt service be resolved? (*Many counties are still working to pay off jail loans.*)

This would need clarification and legal input as part of the next steps of the process, however the Department's assumption is that the debt would remain that of the county and its payment would remain part of the county's annual budget, as it currently is.

7. With some jails now being closed, is there a plan to address inmate transportation to court?

Yes, each Sheriff's office has a transport "division" for these purposes. In fact, both Sagadahoc and Lincoln Counties provide an example of this process with their transportation of prisoners from TBRJ. Additional resources may be needed for some counties, but the process exists. This is how county jail transportation is handled in many other states. Additionally, increased use of technology for court hearings would decrease the additional burden.

8. What do municipal police departments do in counties where the jail is closed? There is the likelihood that inmate intake could take much longer.

In the absence of a local booking area, the police department would need to transport the offender to the nearest jail. This is how the booking process works in many other states without jails in every county. Aside from transportation, the intake process should not require additional time.

9. Figures in your analysis report are questioned by the York County Manager. Is this because they are "high level estimates?"

The information contained in the Department's proposal, even at a high level, comes from the financial and prisoner information reported regularly by the county jails to the Department. Assumptions were made by the Department regarding the distribution of funding and prisoners in the event facilities are closed down, as proposed, in the analysis report.

10. If your report is approved, who will pay for it? Will it need to be developed ahead of time to take over on day one, since administration, human resources, payroll, IT, finance, etc. should be taken into consideration. How does the funding work exactly?

The report is a proposal to the legislature. The proposal suggests a savings of approximately \$9 million. If this proposal is accepted and a task force is established to assess and implement the Department's recommendations, the implementation process, including establishment of support services, will be part of the plan of next steps for the task force. The proposed \$9 million in savings can be redistributed to support the jails, as needed, in this plan. Additionally, administrative functions are already part of each county's existing budget and expenditures, and are not anticipated to increase within the counties existing structure.

11. Regarding the challenges of booking and bailing folks who are detained by local law enforcement (Oxford County, for example, has a multimillion dollar court house renovation about to be underway at the county complex in Oxford, but without the jail we have no secure holding facility to keep prisoners):

- a. Is there a plan for addressing the challenges?

Challenges such as this would need to be addressed during the assessment phase by the task force, if the proposal moves forward.

- b. Will the county sheriffs continue to be responsible to transport folks held in custody from the holding facility to trial in the appropriate county courthouse?

Yes, this is the function and responsibility of the County Sheriff.

- c. Where prisoners be housed during multi day trials?

Challenges such as this would need to be addressed during the assessment phase by the task force, if the proposal moves forward. One solution is to house them at the nearest jail or holding facility.

- d. What laws would need to change to allow those held pending trial to go to trial near the jail where they are held instead of in the county where the crime was committed?

This is a question for the Courts. Issues such as this would need to be addressed during the assessment phase by the task force, if the proposal moves forward.

- 12. Should a new oversight structure be set up, would it make sense to include members of the public and employers so as to be able to better coordinate pre-release services?

It would be expected that pre-release processes and services be addressed by the Commission and Regional Jail Authorities, to ensure all specific and local interests are properly included.

As outlined in the proposal, reentry programming and services are a crucial component of a successful corrections system, and regionalization promotes opportunities for enhancements in this area (see the report for more detail).

The Maine Jail Commission is proposed to be made up of stakeholders with experience in corrections, behavioral health, and finance, as outlined in the report. These three areas are the most important in implementing and leading a statewide jail system, with support from other key areas (i.e. reentry) as needed.

- 13. Is Community Corrections Act (CCA) funding as allocated by the Legislature structured properly, in your perception?

No, the Department does not believe CCA funding is structured properly. Currently, the distribution of these funds is based upon the percentage distribution formula, not on the actual programming and treatment being offered in each county jail. In order to structure the funding process in a proper manner, the Legislature must first identify the intent behind the CCA funds, as this has continually changed over the years. Additionally, if the Maine Jail Commission is established, as proposed, with the necessary oversight and financial authority outlined in the report, it may be best to turn the CCA distribution process over to the Jail Commission.