



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

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**MEMORANDUM**

**TO:** Committee to Ensure Constitutionally Adequate Contact with Counsel

**FROM:** Sam Senft and Jane Orbeton

**DATE:** October 18, 2022

**RE:** Information for October 19<sup>th</sup> meeting

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1. Deputy Attorney General Lisa Marchese emailed following regarding the Prosecutor's model policy as it relates to training law enforcement officers who listen to jail telephone calls:

As part of any policy relating to protecting confidential communications between attorneys and clients adopted by the Attorney General's office or the District Attorney's office, the policy must include training for any law enforcement officer who, as part of a criminal investigation, may inadvertently hear privileged communications. The training must clearly outline the process for protecting confidential communications between attorneys and clients, as well as the policies to be followed in the event there is a breach of confidentiality.

2. Anna Black, Department of Corrections, Director of Government Affairs, emailed the following information regarding a possible recommendation that all jails and the Department of Corrections contract with a single entity to provide outgoing telephone and tablet communications services for persons who are incarcerated:

While the MDOC understands the theory behind the interest in creating a unified phone system that would include State and county correctional facilities, this is not something the department is willing to consider at this point. As the committee has heard and seen during reviews of the many phone and communication policies the MDOC's system works well. Among other concerns, we'd fear that forcing disparate systems together would have a negative impact on residents and put into jeopardy the legally binding state contracting in place with phone vendor and tablet vendor.