

STATE OF MAINE
COUNTY OF ANDROSCOGGIN
SHERIFF'S OFFICE

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GUY P. DESJARDINS
SHERIFF

NELSON M. J. PETERS, Jr.
CHIEF DEPUTY

August 20, 2013

To: Members of the State Board of Corrections
Fr: Guy P. Desjardins, Sheriff

Re: Impact Statement for FY 14 Flat Funded Budget

FY 14 Jail Budget Reduction Proposals

For FY 2014, the Board of Corrections (BOC) instructed all county Sheriffs to, once again, submit a flat funded jail budget for FY 14. For the majority of the county jails within the state it means substantial reductions within our individual budgets which could only be derived through personnel reductions, at a time where most counties are experiencing increases in jail population and a more aggressive inmate behavior within our facilities, a very dangerous mix.

As Sheriff, I decided to submit a budget that would be needed to meet all actual expenses in order to maintain our current level of service and, at the same time, provide a safe and secure environment for our staff, contract vendors, civilian volunteers and our inmate population that, ultimately, the county is legally responsible to provide.

My FY 14 Budget Proposal was submitted and approved by my county commissioners during our original budget process. They continue to fully support my proposal and understand totally the adverse impact a flat funded FY 14 would have, not only on our county jail operations but, also, within every law enforcement agency serving our communities. In my opinion, a flat funded FY 14 budget would also drastically effect our legal obligation to provide such an operation and place the county in serious jeopardy of potential federal litigation or worst, jeopardizing the safety for my staff. To me, that is NOT an option.

For FY 2014, I submitted a budget proposal to the (BOC) which included the actual necessary funding to meet our mission. Actual costs included all related jail services that have historically been conducted by our jail staff for many years.

At the July BOC meeting, all board members were very sympathetic to the need for “actual funding” and understood the strain that a flat funding request places on the county jail system. However, given the Boards fiscal constraints, the following FY 14 budget instructions were given:

1. All county jail budgets submitted will be denied if they do not meet the BOC requirement (flat funded over FY 2013); and
2. All counties, not in compliance, will be instructed to file a revised flat funded FY 2014 budget along with an impact statement.

What This Means in Androscoggin County

I, and my administrative staff, have been working on a revised FY 2014 jail budget and identified the cuts that would have to be made in order to meet the requirements of a flat funded budget.

First, in order to meet the requirement, I need to reduce my proposed budget by approximately \$287,000.00, plus an additional \$70,000.00 to cover unemployment benefits, for a total budget reduction of \$357,000.00, with only (10) ten months remaining within our fiscal year*.

*Based on effective date of 9/1/13. If the BOC withholds it final decision for a later time, it will result in increasing our total budget reduction amount by approximately \$25,000 to \$35,000 per month, over and above our initial reduction amount of \$357,000.00

As in most cases, the greatest cost in any operations budget is personnel and related benefits, which is approximately 85% of our overall budget.

Staff/Operational Cuts Are Needed

Staff Reduction:

A total of five (5) corrections officers will be affected by layoffs. They include four (4) security officers and one (1) support officer. This action will result in our having to reduce the number of minimum security inmates housed in our facility by 40, a 50% reduction of the inmate population in that area. The BOC and the Commissioner of Corrections will be charged with finding 40 additional beds elsewhere within the jail system.

Operation/Service Reductions:

As Sheriff, my primary responsibility is to maintain a high level of safety and security for staff and our inmate population. As a result, services that are not legally required may be scuttled, with staff being forced to do more with less.

However, I cannot compromise facility safety and security. Therefore, I will be forced to implement the following operational and service reductions:

1. Reduce my minimum security capacity by 50% from 80 to 40 beds;
2. Reduce budgeted capacity from 160 to 120 inmates with a new functional capacity of 108 inmates from the original 144 inmates;

3. We will not accept Oxford County inmates unless our inmate population is below a functional capacity of 108 inmates;
4. Eliminate "ALL" initial juvenile inmate transports for local police agencies indefinitely;
5. Eliminate "ALL" initial inmate transportation to district court for local police agencies until they are remanded to the Sheriff by the courts;
6. Strongly recommend to all law enforcement agencies that when possible, have their police officers issue summonses rather than making physical arrests for non-violent offenses, which we hope, will reduce not only our inmate population, but also lessen the number of inmate transports to other county jail facilities.

If this approach is not successful, than I would have no other alternative but to reconsider my original option listed below:

- Between the hours of 10:00 pm and 6:00 am, individuals that are charged with non-violent misdemeanor offenses will no longer be accepted. Those individuals that are charged with DV assault, violation of a protection from abuse order, felony offenses or bench warrants will be accepted and processed accordingly. I need to be able to control and manage a much lesser inmate population, in house, as well as our holding area. By eliminating minor, non-violent misdemeanor violation arrests will go a long way in doing that.

I do understand this issue raises many questions pertaining to probation violations, violation of conditional release etc... For that reason, I will be requesting a future meeting with all area police Chiefs, representatives from the Maine State Police and other state law enforcement agencies that may be affected, as well as Probation/Parole to iron out the many questions that they may have. It is not my intent to ignore such violations which needs to be heavily enforced, but we would still need to have a productive discussion involving all concerned parties at the table and become part of the process.

Budget Reduction/No Additional Beds:

If the BOC accepts and approves a flat funded FY 14 corrections budget, but fails to negotiate with another jail facility (s) for an additional 40 minimum beds for Androscoggin County, it is my intent to assume my current operations and services, unless otherwise ordered by the Governor's Office. I cannot, and will not, reduce staff and maintain an inmate population at its current level. Doing so would be a failure, as Sheriff, to provide a safe and secure work environment for staff, along with the safe keeping of our inmate population. I suspect it may also be viewed as a lack of due diligence on my part, as well.

In closing, I do understand the position you are all in and the financial restrictions that have been placed upon you as individuals and as a Board. I know each of you are just as discouraged, if not more than, those of us in county government. I am not here to blame the BOC for what I perceive to be a devastating situation that we find our statewide county jail system is facing, there is plenty of that to go around and be shared by many.

As Sheriff, I find myself in a very difficult situation. I have always been willing to have Androscoggin County at the table and be a team player. I believe that "WE" as a team, can be stronger and more efficient as one than divided by many but, at the end of the day, funding is the culprit that is essentially dividing us all.

With that said, I cannot forsake the responsibility that has been entrusted upon me by the citizens of Androscoggin County and the oath of office I took as Sheriff. A large part of that entrustment includes providing a safe workplace for my employees and maintaining a jail facility that fully complies with all state and federal regulations/mandates. A flat funded FY 14 Budget, without a reduction in my overall inmate population, is a road to disaster and one that I cannot take. Although you may not agree with me, I hope you can understand the position that I am in and the reasons for my position regarding this most difficult budget process.

Sincerely

Guy P. Desjardins, Sheriff

Cc: file
Androscoggin County Commissioners
Androscoggin County Employees' Association
Chief Phil Crowell, Auburn Police Department
Chief Michael Bussiere, Lewiston Police Department
Chief David Brooks, Lisbon Police Department
Chief Tony Ward, Sabattus Police Department
Chief Ernest Steward Jr., Livermore Falls Police Department
Chief Jeff Goss, Mechanic Falls Police Department
Sheriff Wayne Gallant, Oxford County Sheriffs' Office
Malcolm L. Ulmer, MCCA Risk Pool

Attachments: Impact Statement – Auburn Police Department - Pending
Impact Statement - Lewiston Police Department - Pending
Impact Statement - Lisbon Police Department
Impact Statement - Sabattus Police Department
Impact Statement - Livermore Falls Police Department