



County Corrections Professional Standards Council

November 10, 2022, virtual meeting

Attendance:

Commissioner Steve Gorden, MCCA
Sheriff Dale P. Lancaster, MSA
Commissioner Norm Fournier, MCCA
Sheriff Scott Nichols, MSA
Rebecca Graham, MMA
Guest: Sheriff Todd Brackett
Staff: Mary-Anne LaMarre, MSA

Commissioner Gorden opened the meeting at 11:00 AM.

Commissioner Fournier began by asking if current data collection RFP is related to the work of this council. Sheriff Brackett indicated that it was unrelated – they're looking for proprietary data collection.

Commissioner Gorden asked for an update related to the Adequate Contact with Counsel Committee. That committee is putting forward recommendations for legislation that would ensure adequate contact with counsel and this work has to land with an entity that can oversee implementation. MSA and MCCA are not eligible as they're not constructed in statute. The CCPSC was created in LD 1654, therefore, this council is an appropriate oversight entity, especially as we are charged with developing standards.

Commissioner Gorden expressed concerns about this council being mandated to report to Judiciary as this council reports to CJ & PS. Rebecca clarified that any recommendations are not restricted to CJ & PS only.

Sheriff Brackett noted that this inclusion may give Council potential for future issues relating to county government.

Commissioner Gorden maintained concern about the burden of work, in particular, from DHHS.

Sheriff Brackett was asked to join Council this morning to work through statute language and began by noting that 25% must be spent on community corrections. We need clarification around what that means. Community corrections has a broad definition elsewhere in statute. Before we begin collecting data, we have to be clear on what qualifies to be considered for that 25%?

General consensus believes that all jails meet or exceed that spending requirement. Some question about whether or not overhead can be included in the 25% requirement. Clarification may not be necessary but if there's room to include other programs, this is the time to do so. Group agreed that we don't want to open that discussion at this time.

Sheriff Brackett indicated that current practice is to input this information through BARS to MDOC. Jails are reporting annually now, may transition to quarterly in order to receive state funding.

Sheriff Brackett proposed that the data collection piece has to start. This council has to decide what the quarterly reporting will look like. Data collection has to begin with CRAS. Budget reporting is crucial. The only mechanism other than tax increases to obtain more jail funding is to go after supplemental funding. We have to identify what can (or cannot) be included in this reporting. We must ensure we're building an argument to support the request for supplemental funding.

Commissioner Gorden noted primary concern is ensuring the Council does not become the BOC. Sheriff Lancaster suggested maybe we (MSA) should collect needs identified. There was no finite model for establishing in previous years.

Commissioner Gorden offered to have his CFO share insight pertaining to historical asks from counties. He encouraged council members to explore other resources to gather this information.

Rebecca responded that we must identify number to provide to MDOC. Sheriff Lancaster asked for clarification, "Are we planning to ask for supplemental?" Sheriff Brackett noted that the importance of CRAS is that the reporting format is consistent. Previous years, supplemental was identified by contacting individual counties and often, those numbers conflicted with CRAS. The numbers are available, and we have access through CRAS. This should be a priority because if counties are going to need supplemental, CRAS data would support this.

BARS: Records jail bed data around the state.

CRAS: Financial reporting of what jails spend.

For the purpose of identifying supplemental funding, CRAS is the reporting tool we should utilize.

Sheriff Lancaster: What is the data we can collect consistently from fifteen jails. The key must be consistency. We need to look at what we were collecting (adequate? Consistent?) and remove any ambiguities.

Sheriff Brackett: Each jail has access to CRAS and encouraged all council members to access and review the available data. When BOC was dissolved, the mandate to report to CRAS was eliminated, though some counties still use this system.

Sheriff Brackett referred members to Sec. A-4. 34-A MRSA §1210-F is enacted to read: §1210-F. County Corrections Professional Standards Council:

5. Rulemaking. The council shall adopt rules in accordance with this section, section 1210-E (County jail operation fund this is where the 25% is noted and required reporting, surcharges, formula for distribution), he then directed Council to Sec. C-1. 34-A MRSA §1208-B, sub-§4 for more detail.

He then asked us to view Sec. C-2. 34-A MRSA §1208-B, sub-§5:

5. Requirements; rulemaking by the council. The jails shall operate in accordance with rules adopted pursuant to this subsection. The County Corrections Professional Standards Council, established pursuant to Title 5, section 12004-G, subsection 6-D, shall adopt rules governing the collection and reporting of data by jails as necessary to implement this section. The rules may consider the cost impacts of policy decisions by jails and the State, best practices for the operation of jails, the cost-effective delivery of services by jails, program participation, categories of inmates and reasons for detention or incarceration. In adopting data collection rules, the council shall at minimum require jails to report the following data:

The question was raised if we're supposed to include data pertaining to classification of inmates in our report due October 2023? This has not been clarified. The door is open to recommend any legislative changes.

DATA:

1. Budget or CRAS
2. 25%
3. BARS – categorizing inmates (jails must enter BARS information daily)

Sheriff Brackett offered to craft a document that clarifies data points.

Commissioner Gorden, "The jails shall operate in accordance with rules adopted pursuant to this subsection. The County Corrections Professional Standards Council, established pursuant to Title 5, section 12004-G, subsection 6-D, shall adopt rules governing the collection and reporting of data by jails as necessary to implement this section. The rules may consider the cost impacts of policy decisions by jails and the State, best practices for the operation of jails, the cost-effective

delivery of services by jails, program participation, categories of inmates and reasons for detention or incarceration.”

Sheriff Brackett: As we make these requirements, it's essential to remember they're tied to each other. Perhaps we should consider changing statute so we don't have to go for supplemental in the future. Consider inclusion data to support state sanctioned inmates in the future.

Sheriff Brackett was asked if other states that have implemented the concept of state sanctioned inmates have specific software to support collecting this data. He offered to research by shared that in Maryland, they take the BARS info and charge state \$2 for each inmate. He will report back to Council.

Commissioner Gorden pointed out that this is an extraordinary amount of work. Should we set up committees to break down this work? The state should be providing knowledge and personnel to conduct this research. We would need assistance from county managers and/or finance officers.

Sheriff Brackett supports Commissioner Gorden's suggestion to create subcommittees. The point may come where we need staffing, we may need to ask state for assistance.

Next steps: Commissioner Fournier noted that his immediate concern is getting counties added to Governor's next budget no later than January or February, not to be confused with supplemental, but added to Governor's budget.

Commissioner Fournier suggested that if we don't have those finite numbers, at least we should pursue inflation increase. This suggestion was well received.

Recap from Commissioner Gorden:

1. Governor's budget
2. Additional help from subcommittees
3. Chart of accounts

Next meeting date is December 8, 2022.