

County Corrections Professional Standards Council

August 10, 2023 – Virtual meeting

Members present:

Sheriff Dale P. Lancaster, MSA
Commissioner Norm Fournier, MCCA
Rebecca Graham, MMA
Steve French, MDOC
Sheriff Scott Nichols, MSA

Guests:

Sheriff Todd Brackett, Lincoln County
Diane Sleek, Esq., MDOC Policy Development Specialist
Samantha Hogan, Maine Monitor
Tim Curtis, County Administrator for Somerset County
Mary-Anne LaMarre, MSA staff

Sheriff Lancaster opened the meeting at 11:02, as Commissioner Gorden was unable to attend. Sheriff Lancaster asked all attendees to introduce themselves and offered the floor for public comments. No public comments were shared.

A motion to accept the minutes from the July 27 meeting was made by Rebecca Graham and seconded by Sheriff Nichols. Motion carried.

Sheriff Lancaster turned the meeting over to Diane Sleek who presented.

- Current law splits/overlaps the responsibility for advising the Commissioner about jail standards/rules between the county and municipal detention facility advisory committee (Title 34-A section 1208) and the County Corrections Professional Standards Council (Title 34-A section 1208-B). The membership of these bodies is different.
- LD 4 (now P.L. 2023, chapter 135) eliminates the county and municipal detention facility advisory committee and gives its rulemaking advisory function to the County Corrections Professional Standards Council. This law goes into effect on October 25.
- There are five specific topic areas that the DOC needs to cover in the jails standards as a result of recent legislative action:
 1. Gender affirmation.
“The standards, policies and procedures established pursuant to this section for the county jails and regional jail must require the jails to respect and acknowledge an incarcerated person's consistently held gender identity irrespective of anatomy or physique. Housing placements and search practices must be consistent with the person's consistently held gender identity except when such placement or search would present significant

management or security problems to the jail or threaten the health and safety of the person. A person must have access to commissary items, clothing, personal property, programming and educational materials that are consistent with the person's consistently held gender identity. County and regional jail staff shall address a person in a manner that is consistent with the person's consistently held gender identity." Title 34-A section 1208-B(6).

2. Grievance process.

"The commissioner shall establish ... a separate grievance process for addressing complaints regarding compliance with the standards established pursuant to sections 1208, 1208-A and 1208-B. Title 34-A section 1402(5)." (This should cover addressing of complaints by both the jails and the DOC.)

3. Transportation of females to and from medical appointments.

"A county jail housing female prisoners shall ensure to the greatest extent practicable the presence of a female corrections officer during the transportation of a female prisoner to and from a medical appointment and shall ensure that the prisoner is afforded the greatest amount of privacy practicable during the appointment consistent with safety and security considerations." Title 30-A section 1561-A.

4. Menstrual products.

"Any person who is incarcerated in a jail or other county correctional facility who menstruates has a right to comprehensive access to menstrual products, including, but not limited to, sanitary pads and tampons, provided and available at all times and without inconvenience or charge to the incarcerated person." Title 30-A section 1565.

5. Communications with attorneys.

"The commissioner shall establish mandatory standards:

A. By January 1, 2024, for the protection of confidential attorney-client communications by each county and municipal detention facility. The standards must include, at a minimum:

- (1) Processes to protect and ensure confidentiality of attorney-client communications, including but not limited to requirements that each facility develop and maintain a registry of the names, telephone numbers and other contact information for attorneys who provide legal services to residents of the facility and that the attorneys' names, telephone numbers and other contact information on the registry are confidential, except that each facility must proactively and by request of the attorney or the attorney's client who is a resident of the facility confirm the registration of an attorney's name, telephone number and other contact information; and
- (2) Processes to be followed in the event that there is a breach of attorney-client confidentiality; and

B. By January 1, 2024, requiring each county and municipal detention facility to designate space within the facility for attorney-client meetings and the exchange of case materials and to make that space available to residents of the facility and their attorneys on a timely basis." LD 1603 (now P.L. 2023, chapter 394)

- Because the CCPSC's exclusive responsibility to advise the Commissioner on all rules/standards does not become effective until October 25, 2023; there needs to be a standard on communications with attorneys by January 1, 2024; and even with using the shortest statutory

timelines for the rulemaking process, it would take two months to complete the process, the CCPSC will need to provide its advice on this jail standard (at least) at its October 26, 2023 meeting.

Diane noted that Mary Boucher, MDOC, could be included to draft these policies.

Sheriff Lancaster asked Diane about Council authority to discuss prior to October 26 and she indicated that discussion needs to wait until October 26. The sub-committee must be comprised of members of the Council.

Sheriff Lancaster suggested we share collected data pertaining to jails with Diane and she was very supportive of this.

Commissioner Fournier moved that we discuss and draft those five policies at our October 26 meeting. Motion carried.

Steve French noted that they're looking to adjust standards to continue efforts related to overdosing. He proposed adding to 10/26 agenda. Sheriff Lancaster suggested we address the first five on 10/26 and add future policy adjustments to subsequent meeting agendas. Steve French concurred. Sheriff Brackett inquired about having Steven work on policies to potentially add to 10/26.

Sheriff Lancaster thanked Diane for attending.

Sheriff Brackett provided information pertaining to daily/monthly/annual data collections, as provided below. Their next meeting is scheduled for 09/06 and they're planning to meet every other week. The daily reporting is made through BARS but the monthly and annual are not.

DRAFT – DAILY Data Collection Recommendation

Current BARS Collection Data: (Collected and transmitted to MDOC Daily):

- Prisoner status – Pre-Trial or Sentenced
- Gender
- Prisoner Classification – Min, Med, Max etc.
- Sending/Receiving County Information and Number of prisoners
- Number of prisoners incarcerated each day
- Number of State inmates housed each day by gender

This data is required daily by MDOC standard and will likely remain unchanged.

Other Daily Data Collections Considerations:

- Daily number of individuals in pre-trial services
- Furloughs/Home Monitoring (BARS already??)
- Participation in other alternative sentencing programs
- Reason for incarceration (Murder, A,B,C,D,E probation violation (DOC sentence), contempt of court, hold for evaluation (Riverview etc), hold for state facility, bed to bed, probation holds...
- Tracking number of some sort to track recidivism, program participation etc.

- Should we consider collecting race, ethnicity, color, gender id, etc. similar to what is now required on traffic stops. Collected during booking process?
- Veterans yes/no, active duty, currently receiving veterans services?
- Categories of prisoners (BARS already??)

DRAFT – MONTHLY Data Collection Recommendation

Mental Health Diagnosis (MH)/Treatment, Medication Data:

- MH diagnosis upon admission
- MH medication upon admission
- Jail MH diagnosis/treatment inductions
- Jail MH medication induction
- Number of MH treatment in jail
- Number of MH medication in jail
- Referrals to MH Treatment community plan upon release
- Maine Care/Insurance referrals upon release

DRAFT – ANNUAL Data Collection Recommendation

Other SUD Reporting:

- Certification of Employee, medical provider training and assessment, screening and assessment tools.

Other MH reporting:

- Certification of Providing MH, screening, assessment, medication, treatment, recovery and reentry services.
- Certification of Evidence base screening
- Certification of evidence-based withdrawal treatment
- Certification of USDA approved medications available
- Certification of provision of behavior treatment options –group/individual
- Certification of provision of Peer Support services
- Certification of provision of reentry services community-based treatment

A motion was made to adjourn at 11:49 by Sheriff Nichols and seconded by Commissioner Fournier. Meeting adjourned.