03-201 Chapter 1

DETENTION AND CORRECTIONAL STANDARDS

FOR

MAINE

COUNTIES AND MUNICIPALITIES

STATE OF MAINE

DEPARTMENT OF CORRECTIONS

Inspections Division

Commissioner Joseph R. Fitzpatrick

Ryan Andersen, Director of Correctional Inspections

September, 2017

Table of Contents

Section I. Glossary of Terms **3**
Section IIa. County Jails **13**
A. ADMINISTRATION, ACCOUNTING AND INMATE RECORDS 14
B. TRAINING 17
C. SAFETY AND SECURITY 20
D. STAFFING AND INMATE SUPERVISION 30
E. ADMISSIONS AND RELEASES OF INMATES 32
F. INMATE CLASSIFICATIONS 37
G. INMATE SEPARATION 40
H. INMATE DISCIPLINE 41
I. SPECIAL MANAGEMENT INMATES 44
J. INMATE COMMUNICATIONS 46
K. MEDICAL AND MENTAL HEALTH SERVICES 51
L. FOOD SERVICES 56
M. INMATE ACTIVITIES AND SERVICES 60
N. INMATE PROGRAMS 63
O. SANITATION AND LIVING CONDITIONS 65
P. FACILITIES 68
Section IIb. Holding Facilities **77**
Section IIc. Short Term Detention Areas **90**
Section III. Minimum Security Residential Facilities **97**
Section IVa. Home Release and Electronic Monitoring **103**
Section IVb. Alternative Sentencing Programs **108**
Section V. Appendices **112**
Appendix A: 34-A §1208. STANDARDS FOR COUNTY AND MUNICIPAL DETENTION FACILITIES 113
Appendix B: 34-A §1208-A. STANDARDS FOR ADDITIONAL ACCOMMODATIONS 116
Appendix C: 34-A §1208-B. STANDARDS, POLICIES AND PROCEDURES APPLICABLE TO JAILS 117
Appendix D: 30-A §1582. RESTRAINT OF PREGNANT PRISONERS AND PREGNANT JUVENILES 118
Appendix E: 30-A §1658. ADDITIONAL ACCOMMODATIONS 120
Appendix F: 30-A §1659-A. COMMUNITY CONFINEMENT MONITORING PROGRAM 121
Appendix G: Office of The Attorney General - Rules for Searches 124
Appendix H: Office of The Attorney General - Death Investigation Protocol 128
Appendix I: Monthly Population Report Form 150

Section I.

GLOSSARY OF TERMS

ADMINISTRATION (of medication) - The act of giving a single dose of an identified drug to a patient that has been ordered/approved by the healthcare provider, i.e. Medical Doctor, Physician Assistant, Nurse Practitioner.

ADMINISTRATIVE SEGREGATION - A form of separation from the general population when the continued presence of the inmate in the general population would pose a serious threat to the safety of self, staff, volunteers or other inmates; to the security or orderly running of the institution; or to property. Inmates pending investigation for trial on a criminal act committed within the facility, or pending transfer can also be included. (See also Protective Custody).

ADMINISTRATOR - Authorized person who is responsible for the operation and management of a jail, holding facility, minimum security residential facility, or short-term detention area.

BOARDER - For purposes of financial data reporting, boarders will be determined using the following definitions:

- BOARD IN: Inmate or detainee initially confined in another facility who through mutual agreement by Sheriff(s) or designee(s) is being housed at this facility. This individual will be counted at the facility where they are physically located at midnight.

- BOARD OUT: Inmate or detainee initially confined to this facility who through mutual agreement by Sheriff(s) or designee(s) is being housed at another facility. This individual will be counted at the facility where they are physically located at midnight.

- HUB: Inmate or detainee who is being transported from one facility to another facility through the transportation hub system. This individual will be counted at the facility where they are physically located at midnight.

- PROBATION HOLD: Detainee who remains on the facility's headcount until, if applicable, the originating county takes custody.

- SWAP: Inmates and/or detainees who through mutual agreement by Sheriff(s) or designee(s) will each be considered a boarder.

- WARRANT: Detainee who remains on the facility's headcount until, if applicable, the originating county takes custody or through mutual agreement by Sheriff(s) or designee(s) then becomes a boarder.

- WRIT: Inmate or detainee confined in a facility on a writ is not considered a boarder.

BOOKING - Booking is both a law enforcement process and a detention facility procedure. As a law enforcement administrative action, it is an official recording of an arrest and the

identification of the person, place, time, arresting authority, and reason for the arrest. In the detention facility, it is a procedure for the admission of a person charged with or convicted of an offense, which includes searching, fingerprinting, photographing, healthcare screening, and collecting personal history data. Booking also includes the inventory and storage of the individual's personal property.

CHEMICAL AGENT - An active chemical substance used as a form of non-deadly force to prevent injury or property damage.

CLASSIFICATION - A process for determining the risk levels and needs of inmates for the purpose of assigning them to housing units and programs according to their risks and needs.

CONTRABAND - A dangerous weapon, any tool or other item that may be used to facilitate an escape, anything that a person confined in official custody is prohibited by statute from making, possessing or trafficking in or a scheduled drug, unless the drug was validly prescribed to the person in official custody and was approved for use by the person pursuant to the procedures of the facility, an alcoholic beverage, or tobacco or tobacco products if the facility has banned the use of tobacco or tobacco products by inmates.

CONTROL CENTER - A secure area within a facility that is equipped with the following systems in order to maintain security and control of the facility at all times:

- Locking systems (both manual and electronic) that control access to, egress from, as well as movement within the facility security perimeter;
- Facility communication systems;
- Alarm systems; and
- Video/audio monitoring systems.

The facility dictates whether the control center is established for corrections functions only or is combined with other functions (such as law enforcement).

DAYSPACE - A secure area directly adjacent to an inmate cell/room area to which inmates may be admitted for activities such as bathing, exercise, recreation, and dining. Spaces originally designed for circulation, such as corridors, are not day spaces.

DEPARTMENT - The Maine Department of Corrections

DETAINEE - Any person confined in a jail, holding facility, or short-term detention area who is not serving a sentence for a criminal offense.

DETENTION - The holding of a person in a facility characterized by either physically restrictive construction or intensive staff supervision that is intended to prevent a person who is placed in or admitted to the facility from departing at will.

DETENTION AREA - The spaces in a facility routinely used for detention functions, including cells, corridors, processing areas, and other spaces where detainees may be present.

DIRECT SUPERVISION - A style of construction designed to facilitate direct contact and enable supervision of inmate(s) or detainee(s) by an officer assigned to a specific unit and present on a continuous basis during waking hours.

DISCIPLINARY SEGREGATION - A form of separation from the general population in which inmates committing violations of facility rules are confined by the disciplinary committee or other authorized group for short periods of time to individual cells separated from the general population. Placement in disciplinary segregation may only occur after a finding of a violation at an impartial hearing.

ESSENTIAL STANDARD - A standard based on established professional correctional practices that have been found necessary to protect the health and safety of inmates and staff as well as the security of the jail. 90% compliance with essential standards is required for a jail to be licensed by the Maine Department of Corrections.

EVIDENCE-BASED PRACTICE - A strategic and deliberate method of applying empirical knowledge and research-supported principles to correctional system decisions made at the case, agency and system level.

EXIGENT CIRCUMSTANCES - An emergency situation requiring swift action to prevent imminent danger to life, serious bodily injury or serious damage to property, or to forestall imminent escape or destruction of evidence.

FACILITY - A jail, holding facility, short-term detention area, minimum security residential facility or temporary holding resource including the buildings and site.

FOOTCANDLE - A unit of illuminance or illumination, equivalent to the illumination produced by a source of one candle at a distance of one foot and equal to one lumen incident per square foot.

FURLOUGH - A form of temporary release under which an inmate leaves a facility to go into the community, supervised or unsupervised, for purposes consistent with the inmate's educational, rehabilitative or personal needs.

GENERAL POPULATION - Inmates not relegated to segregation, observation, or temporary holding status.

GOOD TIME OR DEDUCTIONS - A system established by law whereby a convicted offender is credited a set amount of time, which is to be subtracted from his/her sentence, for specified periods of the sentence served for good behavior, work or program participation.

GRIEVANCE - A written complaint filed by an inmate with designated facility personnel concerning personal health and welfare or the operations and services of the facility.

HEALTH CARE - The sum of all action taken, preventive and therapeutic, taken by licensed professionals to provide for the physical and mental well-being of the facility population. Health care includes medical and dental services, mental health services, nursing, and dietary services.

HEALTH CARE PROVIDER - An individual or agency responsible for the provision of health care services to inmates in accordance with a written agreement with the facility administration.

HEALTH CARE RECORDS - Records pertaining to the health care provided to inmates and maintained by the responsible health care provider.

HEALTH SCREENING - A system of structured observation and initial health assessment to identify whether or not newly arrived inmates have a medical or mental health condition that may pose a threat to themselves or others.

HOLDING CELL - A cell within a facility that is used to hold one person temporarily while he/she awaits booking, court appearance, or discharge.

HOLDING FACILITY - A facility or part of a building used for the detention of adult pretrial detainees prior to arraignment, release or transfer to another facility or authority for periods of up to 48 hours. "Holding facility" also means a county jail or part of a jail used for the detention of adult inmates, whether detained pending a trial or other court proceeding or sentenced for periods of up to 72 hours excluding Saturday, Sunday and legal holidays and excluding days during which the inmate is at court.

HOUSING AREA - An area containing maximum security, medium security, minimum security or segregation cells or rooms, excluding holding, detoxification, or infirmary cells or rooms, and containing day space, space provided for sleeping, storage of approved personal effects, personal hygiene accommodations, and activities.

INDIGENT INMATE - An inmate is considered indigent whenever he/she has a zero balance in his/her account at the facility and has no funds in a personal savings account or investment at the time of making a request for free privileged mail, free legal photocopies or free basic hygiene items.

INFORMATION SYSTEM - Includes the concepts, personnel and supporting technology for the collection, organization, and delivery of information for administrative use. There are two types of information:

1. Standard information consisting of the data required for operational control, such as daily count, positive and negative release rates, escape rates, referral sources, and payroll data;

2. Demand information, which can be generated when a report is required, such as the number of inmates in educational and training programs, and duration of confinement.

INMATE - An adult, whether in pretrial, convicted or sentenced status, who is confined in a jail, holding facility, minimum security residential facility, alternative sentencing program or home release electronic monitoring program.

INMATE RECORDS - Information concerning the individual's personal, criminal, and healthcare history, behavior, and activities while in custody, including but not limited to: commitment papers, court orders, detainers, personal property receipts, visitors list, photographs, fingerprints, type of custody, disciplinary violations and actions taken, grievance reports, work assignments, program participation, and miscellaneous correspondence.

INTERMITTENT SUPERVISION - The supervision of an inmate by an assigned correctional officer within an established time frame according to an inmate's risk level. (example: maximum security every 15 minutes)

JAIL - A confinement facility operated by a county or multi-county jail authority which holds persons detained pending adjudication and/or persons committed after adjudication for misdemeanor sentences or for felony sentences of nine months or less.

JUVENILE - Any person who had not attained the age of 18 years at the time of commission of a juvenile offense.

LIFE SAFETY CODE - A manual published by the National Fire Protection Association specifying minimum standards for fire safety necessary in the public interest.

MAJOR INFRACTION - A violation of inmate rules that is punishable by actions which could affect release time or actions which could result in a major change in conditions of confinement.

MANDATORY STANDARD - A standard which has a basis in case law, State and federal statutes & regulations, or codes intended to protect the rights and or safety of inmates, staff, and the public. 100% compliance with mandatory standards is required for licensing.

MAXIMUM SECURITY HOUSING - A part of the facility in which maximum security inmates are housed. Such an area has the highest level of physical and operational security.

MAXIMUM SECURITY INMATE - An inmate who is not allowed to intermingle with inmates of other classifications and who may be allowed to participate in group activities only under direct staff supervision. An inmate may be assigned this classification because of assaultive behavior, a threat to staff, volunteers, or others inmates, a serious escape threat, or a threat to good order of the facility.

MEDIUM SECURITY INMATE - An inmate who may be allowed, under direct or indirect staff supervision, to participate routinely in group activities and to intermingle with inmates of other classifications. An inmate is assigned this classification when it is determined that the inmate is not normally assaultive, is not a serious escape threat, does not pose a significant threat to staff, volunteers, or other inmates, and does not pose a significant threat to the good order of the facility.

MINIMUM SECURITY INMATE - An inmate who may be allowed, under direct or indirect staff supervision, to work outside the facility, participate routinely in group activities, and intermingle with inmates of other classifications. An inmate is assigned this classification when it is determined that the inmate is not assaultive and does not pose a threat to staff, volunteers, or others inmates, an escape threat, or a threat to the good order of the facility.

MINOR INFRACTION - A violation of inmate rules which is punishable by actions which do not affect release time or actions which do not result in a major change in conditions of confinement, but which may result in a short-term restriction or loss of privileges.

OBSERVATION - A temporary status to observe and control the behavior of an inmate who presents a high likelihood of imminent harm to self or others, presents a substantial and imminent threat of destruction of property, or demonstrates a risk of escape.

OBSERVATION CELL - A cell used to temporarily house an inmate who is suicidal, intoxicated or generally in need of close supervision and observation.

POST - A secure or non-secure area that provides space and equipment to permit a facility staff member to carry out defined job responsibilities. The area may be a writing surface, office, or cubicle. The level of security for a work station depends on program needs and whether controls or access to certain areas need to be protected

POST ORDER - A written description of the major responsibilities and operational practices required to be carried out by those staff assigned to a post.

PREA - Prison Rape Elimination Act (PREA), a federal law enacted in 2003, created to eliminate sexual abuse in confinement.

PREA COORDINATOR - Supervisory level staff person appointed by the Sheriff or Administrator, who is responsible for the management and monitoring of the facility's compliance with applicable PREA standards.

PRIVILEGED CORRESPONDENCE - Correspondence concerning a legal matter or official government business in any jurisdiction involving an inmate if the correspondence is between that inmate and any of the following:

a. Attorneys;

b. Judges, court clerks, and courts;

c. Maine Human Rights Commission;

d. Appointed and elected government officials, including, but not limited to, the President, the Governor, commissioners of state agencies, federal and state senators and representatives, tribal chiefs, and mayors and town and city councilors;

e. Advocates of government agencies; and

f. Legal advocacy organizations, including, but not limited to, American Civil Liberties Union, Maine Equal Justice Partners, Maine Civil Liberties Union, Disability Rights Center, GLBTQ Legal Advocates & Defenders, NAACP Legal Defense Fund, and National Lawyers Guild.

PROTECTIVE CUSTODY - Special housing to reasonably ensure the personal safety of inmates for reasons and circumstances determined by trained staff.

RATED CAPACITY - The number of inmates a facility may house in accordance with standards under full, normal operation without the addition of extra beds or mattresses to accommodate overcrowding. A facility's rated capacity is approved by the Department.

RESTRAINT EQUIPMENT - Any physical or mechanical device, materials or equipment attached or adjacent to the inmate's body that he or she cannot easily remove which restricts an inmate's movement, physical activity, or normal access to his or her body and others.

SAFETY EQUIPMENT - This includes firefighting equipment, (chemical extinguishers, hoses, nozzles, water supplies, alarm systems, sprinkler systems, portable breathing devices), gas masks, fans, first aid kits, stretchers, emergency alarms, and other items necessary to ensure the safety of facility staff, inmates, visitors and/or property.

SALLY PORT - An enclosed area situated either in the perimeter wall or fence of the facility or within the interior of the facility, containing gates or doors at both ends, only one of which opens at a time. This method of entry and exit ensures there will be no breach in the perimeter or interior security of the facility.

SECURE DETENTION FACILITY - A facility characterized by physically restrictive construction that is intended to prevent a person who is placed in or admitted to the facility from departing at will.

SECURE PERIMETER - The outer boundaries of a facility which provide for secure confinement of inmates. This perimeter may vary for individual inmates, depending upon their security classification.

SECURITY DEVICES - Includes physical plant fixtures and architecture which prevent entry and/or egress of inmates and visitors. Devices include, but are not limited to, electronic monitoring equipment, security alarm systems, security light units, auxiliary power supply, and other equipment used to maintain facility security.

SEGREGATION - The confinement of an inmate to a cell that is separated from the general population. There are two forms of segregation: administrative segregation, which may include protective custody, and disciplinary segregation.

SIGHT/SOUND SEPARATION - Sight separation is defined as no clear visual contact between incarcerated males & females and adults & juveniles within close proximity to each other. Sound

separation is defined as no direct oral communication between incarcerated males & females and adults & juveniles.

SHORT-TERM DETENTION AREA - A section of a building used for the detention of arrestees/inmates for periods of up to six hours.

SPECIAL MANAGEMENT INMATES - An inmate is considered special management status when any one of the following criteria is met:

a. The inmate poses a repeated or serious threat to the safety of others requiring a period of intensive security and programming;

b. The inmate poses a risk of escape requiring a period of intensive security and programming;

c. The inmate poses another repeated or serious threat to facility security requiring a period of intensive security and programming; or

d. The inmate presents other concerns requiring special management.

STAFF MEMBER - For the purposes of these standards, employees who have detention and/or corrections responsibilities.

STAFFING ANALYSIS – The process of determining and developing staff assignment patterns for a facility following a change in the facility's operations, physical plant or other contributing factors.

STAFFING INVENTORY – A comprehensive schedule of staff post assignments and positions within the facility that meets applicable standards requirements.

STRIP SEARCH - A search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks or genitalia.

SUPERVISORY STAFF - Facility staff charged with the responsibility of supervising other staff and ensuring compliance with standards, policy, procedures, and other operational practices during their tour of duty.

TEMPORARY RELEASE - A period of time during which an inmate is allowed to leave the program or institution and go into the community unsupervised for purposes consistent with the public interest.

TRAINING - An organized, planned, and evaluated activity designed to achieve specific learning objectives. Training may occur on site, at an academy or training center, at an institution of higher learning, through contract service, at professional meetings, or through closely supervised, on-the-job training. Meetings of professional associations are considered training when there is clear evidence of the above training elements.

VARIANCE - An application process by which a county or municipality may request a temporary departure from a mandatory standard when the intent of a standard can be achieved in a different manner without posing a risk to the safety or security of the facility, staff or inmates. Variances are approved through the Office of the Commissioner.

WORK RELEASE - A formal arrangement whereby an inmate is permitted to leave confinement to maintain approved and regular employment in the community, and returns to custody during nonworking hours.

Section IIb.

COUNTY JAILS

A. ADMINISTRATION, ACCOUNTING AND INMATE RECORDS

A.1. MANDATORY

Written policy, procedure and practice provide for an Administrator who is responsible for facility management and operations.

Evidence of Compliance: Written policy and procedure. Written appointment. Job description. Agency organizational chart.

A.2. MANDATORY

The Administrator shall develop, implement and maintain a set of written policies and procedures describing all aspects of facility administration and operation. All policies and procedures shall be authorized by the Sheriff or Multi-County Jail Authority. At a minimum, policies and procedures must address all mandatory standards.

Evidence of Compliance: Job description for Administrator. Facility policy and procedure table of contents. Sample policies. Policies should be annotated with all applicable standards.

A.3.

Policies and procedures should be reviewed by the Administrator on an annual basis and whenever there are changes to applicable law and should be revised as needed. Prior to implementation, any recommended revisions shall be forwarded to the Sheriff or Multi-County Jail Authority for authorization.

Evidence of Compliance: Job description for Administrator. Memorandum describing policy revision protocols. Interviews.

A.4.

The Administrator shall ensure that the Department of Corrections has a current set of policies and procedures, including any revisions, so that the Department may review them for compliance with jail standards.

Evidence of Compliance: Job description for Administrator. Documented correspondence with the Department of Corrections.

A.5.

Current policies and procedures shall be available to all facility staff, and, where appropriate, are distributed to contractors, volunteers, student interns, and/or inmates.

Evidence of Compliance: Signed acknowledgement of policy by staff, contractors, volunteers, student interns, and/or inmates. Memorandum identifying location of policy and procedure manual(s). Interviews. Observations.

A.7. MANDATORY

The Administrator shall maintain a system to monitor facility operations and programs to ensure compliance with written policies and procedures and standards. Facility compliance monitoring should be managed by a supervisory level staff person.

Evidence of Compliance: Written policy and procedure. Written appointment. Job description. Agency organizational chart. Internal compliance reports.

A.8. MANDATORY

The Administrator shall employ or designate a supervisory level Prison Rape Elimination Act (PREA) Coordinator with sufficient time and authority to develop, implement, and oversee facility efforts to comply with the PREA standards.

Evidence of Compliance: Written policy and procedure. Written appointment. Job description. Agency organizational chart. Interview. Documentation of agency compliance efforts.

A.9. MANDATORY

Written policy and procedure and practice provide for the submission of daily population reports utilizing the Bed Availability Reporting System (BARS) or other reporting system approved by the Commissioner of Corrections. These daily reports must be entered into the system by 9:00 a.m. and reflect the jail's population count as of 12:00 a.m. for the day reported.

Evidence of Compliance: Written policy and procedure. BARS Report(s). Facility count logs.

A.10. MANDATORY

There shall be a system for maintaining a daily and monthly accounting of the facility's juvenile population where applicable. The Monthly Population Report Form (Appendix I) must be completed for each facility and submitted to the Department of Corrections, Juvenile Compliance Monitor, no later than the fifteenth of the following month.

Evidence of Compliance: Written policy and procedure. Monthly population reports. Facility booking logs.

A.11.

Written policy, procedure and practice provide for an accurate management information system to collect, record, and process data for purposes of identifying population trends and needs.

Evidence of Compliance: Written policy and procedure. Correlated Data records.

A.12. MANDATORY

Written policy, procedure and practice provide for a system to account for all funds and disbursements that comply with generally accepted accounting principles, Governmental Accounting Standards Board (GASB) pronouncements, and state law. This shall include a system for the accounting of individual inmate accounts and a system for the accounting of the inmate benefit account separate from all other facility accounts. Use of funds in the inmate benefit fund account shall be approved by the Sheriff or Administrator to directly benefit the inmate population. Inmate benefit funds shall not be used to expand, reduce, or supplement a facility's operational budget.

Evidence of Compliance: Written policy and procedure. Current audit report from an accredited CPA. Ledger of inmate benefit fund accruals and expenditures. Samples of individual inmate accounts. Interviews.

A.13.

The Sheriff or Administrator should maintain a disaster recovery plan for all software programs, security systems, records, financial information, and other data stored in electronic media.

Evidence of Compliance: Written policy and procedure. Current disaster recovery plan. Specs on electronic systems.

A.14.

The Sheriff or Administrator should provide inmates reasonable access to their records except as prohibited by Federal or State law.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Inmate requests. Interviews.

A.15. MANDATORY

The Sheriff or Administrator shall ensure the death of an inmate is reported to the Office of the Chief Medical Examiner, State Police Criminal Investigation Division, Attorney General's Office, and the Department of Corrections in accordance with the protocols established by the Maine Attorney General's Office. (Appendix H, Death Investigation Protocol, IV.C.)

Evidence of Compliance: Written policy and procedure. Inmate records. Documented phone calls or written correspondence with the Office of the Chief Medical Examiner, State Police Criminal Investigation Division, Attorney General's Office, and the Department of Corrections.

A.16.

Written policy, procedure and practice provide that accurate and current records should be maintained for each individual inmate. The suggested minimum content of an inmate's file includes:

a.) Inmate Intake/Screening Form completed at the time of admission;

b.) Inmate Admission and Release Forms;

c.) Court records (consistent with Maine Statutes);

d.) Identification/biometric information to include photographs, fingerprint cards, etc.;

e.) Itemized inventory forms for all clothing, property, money and valuables taken from and returned to the individual, including signatures as verification of receipt;

f.) Classification documents;

g.) Incident reports and disciplinary action taken, if any;

h.) Segregation report forms, if any; and

i.) Inmate work and program participation reports, if any.

Evidence of Compliance: Written policy and procedure. Inmate records.

A.17.

Written policies, procedure and practice prevent unauthorized disclosure of inmate records or other inmate information consistent with state and federal laws.

Evidence of Compliance: Written policy and procedure. Inmate record requests and/or transfers. Interviews.

B. TRAINING

B.1. MANDATORY

Each facility shall have a qualified staff person with specialized training as an instructor who is responsible for developing, coordinating, providing, and maintaining records of staff training.

Evidence of Compliance: Job description. Current facility organizational chart. Instructor training certificate(s).

B.2.

Written policy, procedure and practice provide that all staff orientation and training be documented in an individual's personnel or training file. At a minimum, documentation should include:

a.) Subject/topic area;

b.) Date received;

c.) Duration of training;

d.) Signature of person receiving training;

e.) Name of trainer/instructor; and

f.) Results of performance evaluation and/or testing as applicable.

Evidence of Compliance: Written policy and procedure. Training records.

B.3.

All new staff, volunteers and student interns should be provided with an orientation program prior to being assigned to duty. At a minimum orientation should include:

a.) An overview of organizational structure;

b.) Tour of the facility;

c.) Overview of security practices;

d.) Emergency evacuation plans;

e.) Review of inmate rules and regulations; and

f.) PREA.

Evidence of Compliance: Written policy and procedure. Orientation curriculum. Orientation acknowledgments. Interviews.

B.4. MANDATORY

Written policy, procedure and practice provide that in addition to the orientation referenced in B.3, all new correctional officers shall complete a pre-assignment training program as required by the Maine Criminal Justice Academy (MCJA).

Evidence of Compliance: Written policy and procedure. Training records. MCJA Certificates.

B.5. MANDATORY

Written policy, procedure and practice provide that all Correctional officers shall be required to maintain annual certification in accordance with the requirements established by the MCJA.

Evidence of Compliance: Written policy and procedure. Training records. MCJA Certificates.

B.6.

Written policy, procedure and practice provide that facility administration and supervisory staff should receive supervisory training consistent with facility policies and employee union obligations where applicable.

Evidence of Compliance: Written policy and procedure. Promotion Notices. Staff training records.

B.7.

All training should be based on and consistent with policies and procedures of the facility.

Evidence of Compliance: Written policy and procedure. Training records. Interviews.

B.8. MANDATORY

Written policy, procedure and practice provide that security staff authorized by the Sheriff or, in the case of a regional jail, the Administrator to use a firearm shall receive training and qualify in its use at least annually by an MCJA qualified instructor or equivalent.

Evidence of Compliance: Written policy and procedure. Inventory of authorized staff. Training records.

B.9. MANDATORY

Written policy, procedure and practice provide that staff authorized by the Sheriff or Administrator to use chemical agents or less than lethal weapons shall receive training in their use and handling.

Evidence of Compliance: Written policy and procedure. Inventory of authorized staff. Training records. Interviews.

B.10.

Written policy, procedure and practice provide that at least one staff member on each shift should be certified in a nationally recognized First Aid Program such as the American Red Cross Standard First Aid or the National Safety Council First Aid Program.

Evidence of Compliance: Shift rosters. Certifications (medical staff may be included).

B.11. MANDATORY

Written policy, procedure and practice provide that all correctional officers shall receive and maintain certification in Adult Cardiopulmonary Resuscitation (CPR).

Evidence of Compliance: Shift rosters. Training records. Certifications.

B.12. MANDATORY

Written policy, procedure and practice provide that all correctional officers shall receive annual training in inmate suicides. Training shall include, at a minimum: suicide risk factors, suicide prevention, and facility suicide procedures and intervention practices. Suicide training shall be reviewed and approved by a qualified medical or mental health professional.

Evidence of Compliance: Training curriculum. Training records. Written approval by qualified medical or mental health professional.

C. SAFETY AND SECURITY

C.1. MANDATORY

Fire prevention practices of the facility shall be inspected annually by the State Fire Marshal's Office or a local fire department, and approved to determine compliance with fire preventative practices for detention/correctional facilities of the National Fire Prevention Association, Life Safety Codes. At a minimum, these practices shall be documented and shall include:

a.) The development and posting of written evacuation plans, including routes of egress. Appropriate sections of the plans shall be posted in areas where staff and inmates may familiarize themselves with them. Plans shall be posted in a manner that is based on the actual orientation of the room and direction of egress. Such plans should be developed and coordinated with the local fire department;

b.) Semiannual fire drills in which the facility is evacuated, in whole or in part, as security permits. Staff from all shifts shall participate in fire drills which shall include the release of inmates both manually and electronically from secure areas. Whenever possible, the Administrator shall include the local fire department to participate in drills and prevention planning.

c.) Annual inspection and/or testing of all firefighting, suppression, and detection systems and equipment.

Evidence of Compliance: Written policy and procedure. Inspection reports. Test logs. Facility logs. Meeting minutes/notes. Written MOU/MOA. Interviews. Observations.

C.2. MANDATORY

An emergency electrical power system shall be in place so that the facility can make a quick recovery in order to maintain essential services, security, and safety. The equipment shall be tested in accordance with NFPA requirements.

Evidence of Compliance: Written policy and procedure. Written post orders. Equipment specs. Test logs.

C.3.

All security perimeter entrances, control center doors, and housing unit doors should be kept locked except when in use. Doors to vacant housing units, unassigned cells, and storage rooms should be locked at all times.

Evidence of Compliance: Written policy and procedure. Interviews. Observations.

C.4. MANDATORY

Each facility shall establish security perimeters that are maintained at all times to control access to and egress from the facility and control inmate movement. The facility shall operate a control center to monitor and/or control, at a minimum:

a.) Security systems;

b.) Locking systems;

c.) Alarms;

d.) Perimeters;

e.) Communication and audio systems;

f.) Video or digital monitoring systems;

g.) Staff & inmate circulation; and

h.) Inmate-occupied areas.

Evidence of Compliance: Written policy and procedure. Schematic. Observations.

C.5. MANDATORY

An audio monitoring system providing two-way communications shall be maintained, at a minimum, between the Control Center and:

a.) All external and internal primary and secondary facility security perimeters;

b.) All inmate housing and activity areas; and

c.) All facility support areas.

Evidence of Compliance: Written policy and procedure. Schematic. Observations.

C.6. MANDATORY

At no time shall inmates have access to facility control rooms.

Evidence of Compliance: Written policy and procedure. Written post orders. Interviews. Observations.

C.7.

Correctional officer posts shall be designed and located to permit officers to hear and respond promptly to problems in inmate-occupied areas.

Evidence of Compliance: Schematic. Observations.

C.8.

There should be written Post Orders for each facility's security post that define the specific task(s) that staff are required to perform when assigned to the specific post. Post Orders should be based on and consistent with facility policies and procedures and standards. Post orders should be reviewed and acknowledged by signature, at minimum, every six months by corrections officers assigned to the post.

Evidence of Compliance: Written policy and procedure. Written post orders. Signed acknowledgements. Interviews. Observations.

C.9. MANDATORY

The following information shall be recorded by each shift in the facility log and individual staff post-assignment logs.

a.) Personnel on duty;

b.) Time and results of staff supervision of inmates;

c.) Time and results of inmate counts;

d.) Time and results of the Shift Supervisors' security and sanitation inspections during their respective shifts;

e.) Names of inmates received and discharged and time of reception/release;

f.) Time of meals served and notation of any refusals;

g.) Time medication dispensed;

h.) Shift activities, including any action taken on handling routine activities or unusual incidents or occurrences;

i.) Entry and exit of any visitors, attorneys, medical personnel, volunteers, student interns, and all others; and

j.) Notation of problems, disturbances, and use of emergency and restraint equipment.

As a part of shift change, the Shift Supervisor going off duty shall review and verify that the log is a complete and accurate record of activities during his/her shift.

Evidence of Compliance: Written policy and procedure. Facility logs. Interviews. Observations.

C.10.

All entries made in logs, to include electronic logs, should be:

a.) Legible;

b.) Initialed by the person recording the entry or identifying the person responsible for log entries;

c.) Accurate. If it is necessary to make a correction to a log entry, a single line should be drawn through the entry, thereby leaving the entry legible and the correction should be made and initialed by the person making the correction. At no time should an entry be deleted from a log; and

d.) Retention schedule of all logs will be consistent with state and federal laws. (http://www.maine.gov/sos/arc/records/local/schedulem.doc)

Evidence of Compliance: Written policy and procedure. Written post orders. Facility logs. Interviews. Observations.

C.11. MANDATORY

A combination of weekly inspections by the Administrator or designee and daily inspections by a Shift Supervisor shall be conducted to ensure the following:

a.) Perimeters, locks, bars, windows, masonry, ventilation covers, access panels, doors, furnishings, and other security equipment are in working order;

b.) To have contact with staff and inmates in the working/living environment in order to identify problems/concerns; and

c.) The facility adheres to sanitation standards.

The name of the person conducting the inspection, date, time and results should be recorded. Any identified problems should be noted by the Administrator or forwarded in writing to the Administrator for corrective action.

Evidence of Compliance: Written policy and procedure. Written post orders. Facility logs. Maintenance orders. Interviews. Observations.

C.12. MANDATORY

The Administrator shall implement a system to formally account for and identify the location of all inmates they are responsible for who are in the facility, on escape status, participating in release programs, or housed in other facilities, e.g., other jails, hospitals, annex. At a minimum, inmate counts shall be conducted at least once during each shift and verified by supervisory staff as part of shift change. The results of all counts shall be logged. The Administrator shall establish a system for documenting the housing and/or cell assignment of all inmates within their facility or annex, on a daily basis.

Evidence of Compliance: Written policy and procedure. Written post orders. Facility logs. Interviews. Observations.

C.13.

With the exception of high risk escorts, the use of restraint equipment to control behavior within a facility should only be done in exigent circumstances and require authorization from a supervisory level staff person to prevent immediate and real harm to self or others. All usage of restraints in a facility is to be fully documented in an Incident Report. When an inmate is placed in restraints, he/she should:

a.) Be placed under direct observation by a staff person who has the ability to intervene immediately to prevent harm to the inmate;

b.) Not be restrained in an unnatural position;

c.) Be restrained only as a temporary measure, that requires continued authorization by the supervisory staff or medical/mental health staff every thirty (30) minutes, as necessary, to bring the inmate's behavior under control; and

d.) Be restrained only to the extent necessary to prevent immediate and real harm to self or others. Five point restraints may be used only after other lesser forms of restraint have failed.

Evidence of Compliance: Written policy & procedure. Facility logs. Incident reports. Interviews.

C.14. MANDATORY

Leg or waist restraints may not be used at any time on a pregnant inmate. No restraints may be used on an inmate while in labor or during childbirth. If wrist restraints are used on a pregnant inmate at another time, the corrections officer must apply the least restrictive type of restraints in the least restrictive manner necessary. The Administrator or designee shall produce written findings within 10 days as to the extraordinary circumstance (substantial flight risk or other extraordinary medical or security circumstance that requires restraints to be used to ensure the safety and security of the pregnant inmate) that required the use of the restraints.

Evidence of Compliance: Written policy & procedure. Incident reports. Facility logs. Inmate records. Interviews.

C.15.

Searches of the facility, staff, contractors, volunteers, student interns, civilians, and inmates to control contraband and maintain security should be governed by written policies and procedures. At no time are searches to be used to intimidate, degrade, harass, or punish any person.

Evidence of Compliance: Written policy and procedure. Facility logs. Interviews. Observations.

C.16. MANDATORY

Searches of arrestees shall be conducted in compliance with the rules promulgated by the Maine Attorney General (Appendix G)

Evidence of Compliance: Written policy and procedure. Search logs. Interviews.

C.17.

All items brought to or received by a facility for an inmate(s) should be subject to search.

Evidence of Compliance: Written policy and procedure. Written post orders. Mail logs. Interviews. Observations.

C.18.

The Administrator or supervisory designee shall promote facility security by utilizing the following search protocols:

a.) A complete facility shakedown conducted on at least a semiannual basis. Such searches should be recorded in a facility log;

b.) Random searches of inmate-occupied areas conducted on an ongoing basis. Such searches should be recorded in a facility log; and

c.) Searches of inmate areas conducted in a reasonable manner, which protects property and leaves the area in good order. When possible, inmates should be present when their cells or dorms are searched.

Evidence of Compliance: Written policy and procedure. Written post orders. Facility logs. Interviews. Observations.

C.19.

All correctional officers shall be familiar with the facility's locking system(s) and shall be able to release and evacuate inmates from the facility using both the facility's electronic and manual locking system.

Evidence of Compliance: Training records. Facility logs. Interviews. Observations.

C.20. MANDATORY

A system shall govern the control and use of all keys and electronic scan cards. At a minimum, this shall include:

a.) Secure storage of keys and cards when not in use;

b.) A complete, up-to-date, written master inventory of all scan cards and keys, including corresponding lock(s) and the key(s) locations;

c.) Check-out and check-in system;

d.) At the change of a shift, an accounting of all keys assigned to a post or keys checked out;

e.) At least semi-annual testing of emergency keys and annual testing of all other keys and their corresponding locks to ensure they are operating properly. The results shall be documented including any corrective action taken;

f.) Maintenance plans to ensure all facility locking systems are maintained and operable at all times;

g.) Procedures that restrict staff from carrying perimeter access keys or scan cards inside the facility perimeter except in emergency situations or for training purposes; and

h.) A staff person authorized to review and approve duplications of security keys and scan cards.

Evidence of Compliance: Written policy and procedure. Written post orders. Job description. Key inventories. Facility logs. Interviews. Observations.

C.21. MANDATORY

At least two duplicate sets of keys necessary to evacuate all areas of the facility and labeled "Emergency Keys", shall be readily available for use in emergency situations. In accordance with NFPA Code 14.7.5 & 15.7.5 emergency keys shall be individually identifiable by touch and sight. A second set of emergency keys shall be kept in a secure area, readily available, outside the facility security perimeter.

Evidence of Compliance: Written policy and procedure. Key inventories. Interviews. Observations.

C.22. MANDATORY

A system shall be maintained to govern the control and use of tools. Such items shall be accounted for daily and shall be securely stored and controlled.

Evidence of Compliance: Written policy and procedure. Written post orders. Tool inventories. Facility logs. Interviews. Observations.

C.23.

When not in use or being carried for possible use, chemical agents, restraints, and security equipment should be stored securely and accessible only by authorized staff.

Evidence of Compliance: Written policy and procedure. Written post orders. Interviews. Observations.

C.24. MANDATORY

Weapons shall not be permitted inside the secure perimeter of the facility except during emergency situations, and when authorized by the Sheriff or Administrator. In emergency situations, correctional officers shall use only those weapons approved for use in writing by the Sheriff or, in the case of a regional jail, the Administrator. Firearms, ammunition, and weapons intended for use inside the facility in an emergency situation shall be securely stored outside the security perimeter and readily accessible in the event of an emergency. Additional secure storage shall be provided outside of the secure perimeter for weapons brought to the facility by law enforcement and other personnel.

Evidence of Compliance: Written policy and procedure. Inventory of approved weapons by Sheriff. Incident reports. Facility logs. Interviews. Observations.

C.25. MANDATORY

Incident Reports shall be completed on any use of firearms, chemical agents, or less than lethal weapons within the facility. These reports shall be completed by all staff involved in, or witness to, the incident prior to going off duty. Such reports shall be submitted to; reviewed and signed by the Administrator or supervisory designee.

Evidence of Compliance: Written policy and procedure. Incident reports. Facility logs.

C.26. MANDATORY

Any person, on whom chemical agents, firearms, less than lethal weapons or defensive/restraint equipment is used, shall receive medical attention for any injury or complaint of injury as soon as possible. Medical attention or refusal of medical attention should be documented.

Evidence of Compliance: Written policy and procedure. Inmate records. Incident reports. Facility logs. Interviews.

C.27.

In those facilities with Emergency Response or Special Tactical Teams, there should be written policies and procedures on the teams' organization, qualifications, training, use, and equipment.

Evidence of Compliance: Written policy and procedure. Written post orders. Training records.

C.28. MANDATORY

Non-deadly force by a correctional officer shall be limited to the use of a reasonable degree of force when and to the extent reasonably believed necessary to:

a.) Defend oneself or a third person;

b.) Prevent escape;

c.) Stop self-injury; or

d.) Enforce the rules and regulations of the facility.

Any use of non-deadly force shall be documented in a written report to the Administrator or supervisory designee by the officer(s) involved. At a minimum, this report shall include:

a.) A description of the incident in which force was used and justification of the same;

b.) The type of force used by whom against whom;

c.) The date and time; and

d.) Medical attention/treatment provided.

Evidence of Compliance: Written policy and procedure. Incident reports.

C.29. MANDATORY

Use of deadly force by a correctional officer shall be governed by written policies and procedures in compliance with Maine Statutes and shall be used only when the correctional officer reasonably believes such force is necessary:

a.) To defend the officer or a third person from what the officer reasonably believes is the imminent use of deadly force; or

b.) To prevent the escape of a person when the officer reasonably believes that the person has committed a crime involving the use or threatened use of deadly force, is using a dangerous weapon in attempting to escape, or otherwise indicates that the person is likely to seriously endanger human life or to inflict serious bodily injury unless apprehended without delay; and

c.) The officer has made reasonable efforts to advise the person that the officer is an officer attempting to prevent the escape and the officer has reasonable grounds to believe that the person is aware of this advice; or

d.) The officer reasonably believes that the person otherwise knows that the officer is a correctional officer attempting to prevent the escape.

Any use of deadly force shall be fully investigated and documented in a written report to determine compliance with Maine Statutes.

Evidence of Compliance: Written policy and procedure. Incident reports. Investigative reports. Interviews.

C.30.

The Administrator should keep a record of all incidents which result in physical harm to an individual or threaten the safety or security of the facility in accordance with the state retention schedule. (http://www.maine.gov/sos/arc/records/local/schedulem.doc)

Evidence of Compliance: Written policy and procedure. Incident reports.

C.31. MANDATORY

The Sheriff or Administrator shall ensure that an up-to-date set of facility floor plans and specifications are maintained and available for use in emergencies.

Evidence of Compliance: Written policy and procedure. Observations.

D. STAFFING AND INMATE SUPERVISION

D.1. MANDATORY

Written policy, procedure and practice provide for sufficient full-time certified correctional staff to perform all functions related to security, custody, programs, and supervision of all inmates and the operation of the facility in compliance with Maine Standards for Jails. Each facility shall complete annually and submit to the Department of Corrections, Inspections Division a current staffing inventory to include all security, custody, program, support and administrative positions by shift.

Evidence of Compliance: Written policy and procedure. Documentation of annual submission to DOC.

D.2. MANDATORY

Written policy, procedure and practice provide a staffing analysis be conducted by each Administrator establishing a staffing plan that details staff assignments, staff levels, and staff patterns for the facility. Staffing plans shall be submitted to the Department of Corrections so it may establish minimum staffing levels for new facilities. Any proposed changes to the use or operations of a facility that may affect the staffing levels approved shall be submitted to the Department of Corrections for review and approval.

Evidence of Compliance: Written policy and procedure. Staffing analysis. Documented approval of minimum staffing plan from DOC.

D.3. MANDATORY

All inmates shall be personally supervised by a correctional officer(s) within the following minimum time intervals:

a.) Every 60 minutes for Minimum and Medium Security inmates;

b.) Every 30 minutes for Maximum Security inmates;

c.) Every 15 minutes for disciplinary, pre-hearing detention, administrative segregation, protective custody, mental health, and escape risk inmates;

d.) More frequent for supervision of inmates as needed on a case by-case-basis, such as those who may pose a risk of suicide, escape, or violence;

e.) Observation with the ability to immediately intervene in the case of inmates who are out of control or attempting suicide.

In facilities designed with direct supervision units for the general population, correctional officers shall be assigned and present in the units on a continuous basis during waking hours.

In cases where an inmate may be exhibiting signs of withdrawal, lack of control, suicidal behavior, or pose some other risk to self or others, correctional staff shall notify his/her supervisor and take immediate action to ensure the safety of the inmate and others until evaluated by medical or mental health professionals.

Evidence of Compliance: Written policy and procedure. Written post orders. Classification records. Facility logs. Interviews. Observations.

D.4. MANDATORY

Visual surveillance equipment, if used in inmate toilet, cell, or shower areas, shall be located to preserve inmate rights of privacy.

Evidence of Compliance: Written policy and procedure. Printed camera images. Shift rosters. Interviews. Observations.

D.5.

Direct or personal supervision of female inmates by male correctional officers, male inmates by female correctional officers, and transgender or intersex inmates should be accomplished in a manner that attempts to preserve the privacy of inmates and staff.

Evidence of Compliance: Written policy and procedure. Interviews. Observations.

D.6. MANDATORY

No correctional officer shall enter a high-risk security area unless the area is monitored and back-up staff is available to assist and intervene.

Evidence of Compliance: Written policy and procedure. Written post orders. Interviews. Observations.

D.7.

Sentenced inmates granted a position of trust pursuant to Maine statutes should be supervised when outside of their living areas.

Evidence of Compliance: Written policy and procedure. Classification records. Facility logs. Interviews. Observations.

D.8.

Inmates should be prohibited from supervising, controlling, exerting influence or assuming any authority whatsoever over other inmates.

Evidence of Compliance: Written policy and procedure. Inmate rules & regulations. Disciplinary records. Interviews. Observations.

E. ADMISSIONS AND RELEASES OF INMATES

E.1.

The facility admitting officer, at a minimum, should identify the arresting or committing officer and verify that he/she provides proper documentation for the admission. This includes proper documentation in cases where a person is brought to the facility prior to an appearance in court.

Evidence of Compliance: Written policy and procedure. Written post orders. Inmate records. Interviews. Observations.

E.2.

If any inmate is unconscious or shows sign of or complains of other serious injury or wounds, and the inmate is not being held or committed by order of a court, the inmate may not be held at the facility until the arresting/transporting officer has secured written documentation from a physician that the inmate was examined and/or treated or of the physician or inmate's refusal to treat or be treated.

Evidence of Compliance: Written policy and procedure. Post orders. Inmate records. Interviews.

E.3. MANDATORY

In cases where an inmate may be exhibiting signs of withdrawal, lack of control, intoxication, suicidal ideation/behavior, or poses some other risk to self or others, the admitting officer shall notify his/her supervisor and take immediate action to help ensure the safety of the inmate and others until the inmate can be evaluated by medical or mental health professionals.

Evidence of Compliance: Written policy and procedure. Post orders. Inmate records. Incident reports. Interviews.

E.4. MANDATORY

All inmates either being admitted or returning from off-grounds activities should be searched when entering the facility's secure perimeter. At a minimum, the admitting officer should

conduct a complete and thorough pat search of all individuals being admitted. Searches of arrestees shall be conducted in compliance with the rules promulgated by the Maine Attorney General.

Evidence of Compliance: Written policy and procedure. Post orders. Inmate records. Facility logs. Interviews. Observations.

E.5.

All money and valuables should be taken from the inmate as part of the booking process and should be securely stored. Medications shall be taken and stored pursuant to state law. An itemized inventory should be completed and signed by the inmate and officer at the time items are taken and returned. A copy of the inventory should be given to the inmate at the time of admission and a copy placed in the inmate file.

Evidence of Compliance: Written policy and procedure. Written post orders. Inmate records. Interviews. Observations.

E.6. MANDATORY

Written policy, procedure and practice provide that admission forms and intake screenings be completed for each inmate. Screening shall be completed by trained correctional staff or the facility medical/mental health provider, as applicable. Training in intake health screening for correctional staff shall be reviewed and approved, in writing, by medical/mental health professionals. At a minimum this documentation will include the following:

a.) Personal information for mail and visitation approval;

b.) Criminal history check;

c.) Photograph, fingerprint and notation of other identifying characteristics (a photograph should be taken of all new inmate admissions or when an existing photograph of an inmate in the inmate file is no longer a likeness of the inmate);

d.) Medical, dental and mental health screenings;

e.) Detection for signs of drug/alcohol abuse; and

f.) Suicide screening.

Evidence of Compliance: Written policy and procedure. Written post orders. Training records. Training approval by medical/mental health professionals. Inmate records. Interviews. Observations.

E.7.

Written policy, procedure and practice provide that pre-trial detainees should be allowed to communicate with their family and/or attorney by completing at least two unmonitored phone calls as a part of the admission process.

Evidence of Compliance: Written policy and procedure. Post orders. Admission records. Phone logs. Interviews.

E.8.

Written policy, procedure and practice provide that pre-trial detainees eligible for bail for whom bail has not been set be provided the opportunity to have bail set as a part of the admissions process.

Evidence of Compliance: Written policy and procedure. Post orders. Bail records. Interviews. Observations.

E.9. MANDATORY

For sentenced inmates, the Sheriff or Administrator shall ensure a system for calculating periods of imprisonment is maintained in compliance with Maine Statutes.

Evidence of Compliance: Written policy and procedure. Written post orders. Inmate records.

E.10.

After the booking process is completed, inmates to be housed should be required to disrobe and shower, and his/her clothing and personal effects inspected for possible contamination by vermin. Clothing taken from an inmate should be cleaned and disinfected before being placed in storage. If there is an indication of vermin contamination, disinfecting and delousing procedures as prescribed by medical staff in a standing order should be carried out. Disrobing and showering practices shall be conducted in a manner that ensures the privacy and dignity of the inmate. The purpose of this standard is to help prevent contamination and is not to be used as an opportunity to conduct a strip search.

Evidence of Compliance: Written policy and procedure. Post orders. Facility logs. Interviews.

E.11.

Each inmate should be assigned to initial housing according to his/her immediate security risk, physical and mental condition, and all known relevant information.

Evidence of Compliance: Written policy and procedure. Post orders. Classification records.

E.12.

Inmates should be provided clothing, when necessary, to include:

a.) Pants, shirt or one-piece suit;

b.) Appropriate underwear;

c.) Appropriate footwear; and

d.) Jacket, coat, or seasonal outerwear.

Evidence of Compliance: Written policy and procedure. Post orders. Receipt or acknowledgement of issued items. Interviews. Observations.

E.13.

The inmate should be provided with the following bedding and linen:

a.) A mattress, certified to be flame-resistant, non-toxic, and of the appropriate size;

b.) Two sheets, or one mattress cover and one sheet;

c.) Blankets in sufficient numbers; and

d.) One towel.

Evidence of Compliance: Written policy and procedure. Post orders. Receipt or acknowledgement of issued items. Interviews. Observations.

E.14. MANDATORY

Inmates who do not have personal hygiene items shall be provided with the following:

a.) Individual toothbrush;

b.) Toothpaste (access to);

c.) Soap

d.) Individual razor (access to);

e.) Shaving cream or soap (access to);

f.) Personal feminine and hygiene items (access to), as appropriate; and

g.) Toilet paper (access to).

Evidence of Compliance: Written policy and procedure. Post orders. Receipt or acknowledgement of issued items. Interviews. Observations.

E.15.

Each inmate should be provided an orientation to the facility, its rules and regulations, programs, and services. Written orientation materials should be provided to the inmate as part of the admissions process. These materials should include, at a minimum:

a.) Inmate rules and regulations, including sanctions;

b.) Inmate disciplinary procedures;

c.) Inmate grievance procedures;

d.) Access to medical and mental health services;

e.) Access to legal material;

f.) Access to his or her records;

g.) Access to other programs and services;

h.) Method(s) for making requests;

i.) Daily activity schedule; and

j.) Any other materials necessary to help the inmate understand and adapt to the routine of the facility.

If staff becomes aware that an inmate cannot read, orientation materials should be read to the inmate by a staff member or played for the inmate on video or audio tape. For inmates who do not speak English, orientation should be provided in their own language as soon as possible. Inmates should be required to verify receipt of orientation in writing. For inmates who are hearing impaired and cannot read, orientation should be provided using reasonable accommodations for the inmate's impairment.

Evidence of Compliance: Written policy and procedure. Post orders. Receipt or acknowledgement of Inmate handbook/orientation. Interviews.

E.16.

At a minimum, release forms should include:

a.) Positive identification of the inmate to be released;

b.) Verification of the authority to release;

c.) Verification, as far as possible, that there are no outstanding warrants or other holds on the inmate to be released;

d.) Completion of other release documentation;

e.) Verification of receipt of facility property on a form signed by the officer; and

f.) Verification of release of inmate property on a form signed by the inmate.

Evidence of Compliance: Written policy and procedure. Post orders. Inmate records. Interviews.

E.17 MANDATORY

If it is known that an inmate being released has an existing warrant or other hold, the facility shall provide notification prior to release to the agency responsible for the warrant or other hold.

Evidence of Compliance: Written policy and procedure. Post orders. Inmate records. Documented correspondence.

E.18. MANDATORY

If it is known that the inmate being released to probation or supervised release for sex offenders has an existing warrant or other hold, the facility shall provide notification prior to release to a Department of Corrections Regional Correctional Administrator and/or Regional Correctional Manager in the region in which the inmate intends to reside.
(Contact information can be found at http://www.maine.gov/corrections/adult/index.htm)

Evidence of Compliance: Written policy and procedure. Post orders. Inmate records. Documented correspondence.

E.19. MANDATORY

Written policy, procedure and practice provide that inmates who have a court order or probation, supervised release for sex offenders, or conditional release condition of no contact with a victim shall be notified of such conditions prior to release. Notification shall be documented.

Evidence of Compliance: Written policy and procedure. Post orders. Inmate records. Interviews.

F. INMATE CLASSIFICATIONS

F.1. MANDATORY

Each facility shall have a Classification Specialist or a staff member trained in classification techniques and theory who is responsible for the administration of classification procedures.

Evidence of Compliance: Written policy and procedure. Written post orders. Job description. Agency organizational chart. Training records.

F.2.

Written policy, procedure and practice provide for and define each level of inmate classification. Inmate classification levels should include, at a minimum:

a.) Special Management inmates;

b.) Maximum Security inmates;

c.) Medium Security inmates;

d.) Minimum Security inmates; and

e.) Community-based inmates.

Evidence of Compliance: Written policy and procedure. Written post orders. Classification records.

F.3.

Each classification level should reflect the:

a.) Level of risk/danger posed to staff, inmates, and community;

b.) Housing assignment;

c.) Level of staff supervision;

d.) Type of program participation (individual or group);

e.) Access to services, if allowed;

f.) Type of work assignment allowed;

g.) Type of visitation allowed;

h.) Allowable movement within and outside the facility; and

i.) Program needs of the inmate.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Classification records.

F.4.

The facility classification process should involve collecting information on each inmate and verifying information where possible. The classification process shall be consistently applied by all staff. The basis for all classification decisions shall be described in writing.

Evidence of Compliance: Written policy and procedure. Written post orders. Classification records. Interviews.

F.5. MANDATORY

An inmate's race, sex, color, creed, religion, gender, sexual orientation, age, disability or national origin shall not be the basis for classification decisions.

Evidence of Compliance: Written policy and procedure. Classification records. Interviews.

F.6.

The classification process should provide for:

a.) Notice of classification level;

b.) Opportunity to respond;

c.) Reason(s) or justification for the classification level assigned; and

d.) Opportunity to appeal a classification assignment.

Re-classification to a higher security level should provide the same procedures.

Evidence of Compliance: Written policy and procedure. Written post orders. Inmate handbook. Classification records. Interviews.

F.7.

Written policy, procedure and practice provide for an initial classification of each inmate within 72 hours of admission. The classification level of each inmate and his/her current status should be reviewed within 15 days of admission and at least every 90 days thereafter.

Evidence of Compliance: Written policy and procedure. Post orders. Classification records. Interviews.

F.8.

Inmates should be permitted to request a review of their classification assignments, but not more frequently than every 60 days.

Evidence of Compliance: Written policy and procedure. Classification records. Inmate requests. Interviews.

G. INMATE SEPARATION

G.1. MANDATORY

Female inmates shall be provided cells and dayroom areas which provide separation and privacy from male inmates.

Evidence of Compliance: Written policy and procedure. Schematic. Observations.

G.2. MANDATORY

Decisions on whether to house a transgender inmate with male or female inmates shall be made on a case by case basis, with consideration being given to the inmate's preference and security concerns.

Evidence of Compliance: Written policy and procedure. Facility logs. Housing records. Interviews. Observations.

G.3. MANDATORY

The detention of a juvenile in an adult facility shall comply with the restrictions on the placement of juvenile detention outlined in Maine Juvenile Code. Juveniles processed, held, detained, or housed in adult facilities shall be separated by sight and sound from the adult inmate population. When common support areas and corridors are used, scheduling and operational practices shall prevent contact of juveniles with adult inmates.

Evidence of Compliance: Written policy and procedure. Schematic. Facility logs. Interviews. Observations.

G.4. MANDATORY

A written plan shall indicate the areas of each facility in which inmates must be separated. Consistent with the plan, the following separations of inmates must be provided:

a.) Adult from juvenile;

b.) Males from females, with the exception of program and service areas while under direct supervision;

c.) Protective custody and special management inmates from general facility population;

d.) Maximum security from medium and minimum security; and

e.) Holding (up to 72 hours) from long-term.

Evidence of Compliance: Written policy and procedure. Schematic. Facility Logs. Interviews. Observations.

H. INMATE DISCIPLINE

H.1.

There should be two categories of inmate misconduct that may result in disciplinary action: infractions and offenses.

a.) Infractions are breaches of written facility rules and regulations for which a variety of sanctions may be imposed.

b.) Offenses are acts which are criminal under the laws of Maine and/or the United States and which may be referred for criminal prosecution.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Disciplinary records.

H.2.

Infractions are categorized as minor infractions and major infractions.

a.) Minor infractions are infractions for which the maximum penalty is deprivation or limitation of privileges for no more than 48 hours, if the minor infraction is handled informally.

Minor infractions may be handled informally by a verbal reprimand, warning or counseling by a staff person; assignment of extra work; or deprivation or limitation of privileges for no more than 48 hours. In these cases, procedures should include:

1.) Documentation of the date and time of the specific infraction; the staff person and inmate involved and the penalty imposed; and the staff person imposing the penalty.

2.) Inmate notification of the minor infraction; penalty to be imposed; and the fact of the inmate's and/or impartial supervisor's agreement with the penalty to be imposed prior to the imposition of the penalty.

b.) Major infractions and Offenses are infractions and offenses which are handled formally and for which the possible sanctions include the limitation or deprivation of any privilege

for more than 48 hours, restitution, disciplinary segregation, and loss of deductions from sentence and which are handled formally. These same sanctions may be imposed for minor infractions handled formally. Formal handling includes at a minimum:

1.) A written disciplinary report, written within 24 hours of the incident or staff becoming aware of the incident, to include:

    a.) Description of the incident, specific rule violated, and any immediate action taken;

    b.) Names of any witnesses;

    c.) Disposition of any evidence; and

    d.) Signature of the reporting staff person, date, and time.

2.) Unless there are exceptional circumstances requiring delay, a review, begun within 48 hours of the report, not including weekend or holidays, to determine whether the alleged infraction or offense is to be dismissed or the inmate is to be charged and the alleged infraction referred to the disciplinary board or disciplinary officer. In either case, the reviewing officer should complete a written report of his/her findings.

3.) Providing the inmate within 48 hours after he or she is charged, a copy of the disciplinary report. The inmate should receive the report at least 24 hours prior to the disciplinary hearing unless the 24 hour notice is waived by the inmate.

4.) A disciplinary hearing, before a person or persons not directly involved in the incident, conducted within 30 days of the incident or staff becoming aware of the incident.

5.) A written copy of the board's or officer's findings and the sanctions imposed, if any.

6.) Notification of the inmate's right to appeal to a designated person within 72 hours of receipt of the board's or officer's finding. The person reviewing the appeal should consider the following:

    a.) If there was substantial compliance with disciplinary procedures;

    b.) If the decision was based on facts and evidence presented; and

    c.) If the sanction imposed is proportionate to the infraction.

A decision on an appeal should be rendered within 15 days of receipt of the appeal.
Evidence of Compliance: Written policy and procedure. Inmate handbook. Disciplinary records. Interviews.

H.3.

Inmates should be provided the following rights in matters referred for formal disciplinary hearing:

a.) Written notice of the charge;

b.) Right to an impartial hearing;

c.) Right to be present at the hearing unless he/she waives, in writing, this right or his/her behavior justifies his/her absence or removal. Such absence or removal shall be documented;

d.) The right to identify witnesses to the incident, other relevant witnesses, and present relevant evidence;

e.) The right to be represented by consenting staff or another inmate;

f.) The right to question witnesses through staff;

g.) Written notification of the board's or officer's findings; and

h.) The right to appeal the board's findings.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Inmate records. Interviews.

H.4.

If an inmate is found not guilty or the charge is dismissed, all but the applicable case number should be expunged from the inmate's file.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Inmate records.

H.5. MANDATORY

Inmates may be placed in disciplinary segregation only after being found guilty of a violation and as a result of a disciplinary hearing. Documentation shall include at a minimum:

a.) Date and time inmate is placed in or released from segregation; and

b.) Name of supervisory staff reviewing and authorizing placement or release from segregation.

Evidence of Compliance: Written policy and procedure. Facility logs. Inmate records. Interviews.

H.6. MANDATORY

The disciplinary board or officer shall specify the limitations on the furnishings and personal property that inmates may retain in disciplinary segregation, as well as limitations on other privileges. These limitations will be forwarded in writing to the Administrator. Inmates in disciplinary segregation shall be allowed access to the inmate grievance process and to the courts.

Evidence of Compliance: Written policy and procedure. Post orders. Inmate handbook. Facility logs. Grievance records. Court communications. Disciplinary board notes.

H.7.

The Administrator should periodically review disciplinary cases to determine compliance with established disciplinary policies and procedures.

Evidence of Compliance: Written policy and procedure. Disciplinary records with acknowledgement of review.

I. SPECIAL MANAGEMENT INMATES

I.1.

When it is necessary to place an inmate in administrative segregation, the highest ranking supervisor on duty should be notified at once, and the Administrator should be notified as soon as practical.

a.) The supervisor should review the justification for administrative segregation in order to determine if administrative segregation is required to protect the inmate from harm or from harming self or others, or is necessary to maintain the safety and security of the facility.

b.) All cases of inmates placed in administrative segregation should be documented in an incident report, including the reason and justification for administrative segregation.

c.) Administrative segregation does not include segregation for disciplinary reasons.

d.) Administrative segregation should be reviewed by shift supervisors at least every 7 days to determine if the inmate's behavior or situation continues to pose a threat.

Release of an inmate from administrative segregation should be by a supervisor. The date, time, and reasons for release should be documented by the supervisor and the documentation placed in the inmate's file.

Evidence of Compliance: Written policy and procedure. Facility logs. Inmate records. Interviews.

I.2. MANDATORY

Any cell used for segregation shall be as large as any other cell of similar capacity in the facility. The cell will be clean, well-lit, and have adequate heat and ventilation. There shall be a toilet, water for drinking and washing, and bedding. An inmate may be moved to an unequipped or specially equipped cell only if it is necessary to prevent suicide or other self-destructive acts, injury to others, or to prevent damage to a cell, its furnishings, or equipment.

Evidence of Compliance: Written policy and procedure. Schematic. Facility logs. Inmate records. Interviews. Observations.

I.3. MANDATORY

Inmates in segregation shall have access to the same rights and services as the rest of the facility general population to include:

a.) Access to the courts;

b.) Access to medical/mental health treatment;

c.) Regular clothing or bedding except when the inmate poses a real and present danger to himself/herself. Special clothing and bedding designed to prevent suicide/self-harm shall be provided as a substitute for regular clothing and bedding. Anything that could be used for self-destruction shall be removed from a self-destructive or suicide-prone inmate;

d.) The same meals as those provided to the rest of the jail population. In cases where the inmate's behavior warrants, a substitute meal of equal nutritional value may be provided with written authorization from the Administrator, or designee, documented in an incident report;

e.) The same level of personal hygiene;

f.) Exercise (outside of cell);

g.) Reading material and access to legal materials; and

h.) Visiting privileges except in unusual circumstances and for specific reasons. Any exception and justification for the exception shall be recorded.

Where the inmate poses a real and immediate threat of harm to self, staff or others, access may be restricted, with the exception of medical/mental health treatment and the courts, for as long as necessary to lessen the inmate’s behavior to a manageable level.

Evidence of Compliance: Written policy and procedure. Facility logs. Interviews. Observations.

J. INMATE COMMUNICATIONS

J.1.

The length, source, or volume of mail an inmate may send or receive should not be limited, except where the Administrator determines that there is reasonable belief to justify such limitation. Justification for any limitation or restriction should be documented in the inmate's file.

Evidence of Compliance: Written policy and procedure. Post orders. Mail logs. Inmate records. Interviews.

J.2.

Incoming mail should be delivered to the inmates by the next business day after delivery to the facility. Outgoing mail should be delivered to the postal service each business day.

Evidence of Compliance: Written policy and procedure. Post orders. Mail logs. Interviews. Observations.

J.3.

Incoming and outgoing inmate mail, should not be read, censored or restricted except where a reasonable belief of a threat to the safety or security of the facility, staff, inmates, public officials, or a member of the general public justifies such actions. In cases where mail is read or censored, a written incident report should be completed and include justification for such action. Incident reports should be kept on file. Additionally, inmates should be provided written notification when incoming or outgoing mail is withheld to any extent. The only exception to this requirement is when an item(s) has been confiscated for an inmate's possible prosecution, and continuity of evidence must be maintained, or other reasons related to the prosecution prevents notification.

Evidence of Compliance: Written policy and procedure. Post orders. Mail logs. Incident reports. Interviews. Observations.

J.4. MANDATORY

Incoming mail from attorneys, courts, or government officials shall be opened in the presence of the inmate concerned and only to inspect for contraband.

Evidence of Compliance: Written policy and procedure. Post orders. Mail logs. Interviews. Observations.

J.5.

All outgoing mail should be left sealed by the facility except under the conditions of Standard J.3.

Evidence of Compliance: Written policy and procedure. Post orders. Mail logs. Interviews. Observations.

J.6.

Facilities should identify and stamp all outgoing inmate mail as being sent from a detention or correctional facility.

Evidence of Compliance: Written policy and procedure. Post orders. Copies of stamped mail. Interviews. Observations.

J.7. MANDATORY

Indigent inmates shall be provided with writing supplies and postage in an amount allowing them to send at least two, one ounce, first class letters weekly. For privileged correspondence, the necessary writing supplies and postage shall be provided.

Evidence of Compliance: Written policy and procedure. Post orders. Inmate handbook. Documentation of indigent mail sent. Mail logs. Interviews.

J.8.

If the facility provides access to telephones, inmate access shall only be limited by written justification. Phone rates shall comply with applicable state and federal regulations.

Evidence of Compliance: Written policy and procedure. Post orders. Inmate handbook.

J.9. MANDATORY

Each facility shall provide suitable visiting areas necessary to provide scheduled visiting for the number of inmates housed at the facility.

Evidence of Compliance: Schematic. Visit schedule. Visit logs. Interviews. Observations.

J.10.

The Administrator should establish a visiting schedule which includes opportunities for at least two hours each week for general population inmates to visit with family and friends, to include at least one weekend day and one evening during the week. The facility should provide for special visits outside of visiting hours when necessary.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Visit schedule. Visit logs. Interviews. Observations.

J.11.

Facilities should make provisions for contact visits for inmates allowed such visits.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Visitation rules. Visit logs. Interviews. Observations.

J.12.

The number of visitors an inmate may receive at any one time should be limited only by facility space constraints. Additional visit restrictions are defined in writing and available to inmates and visitors.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Visitation rules. Visit logs. Interviews. Observations.

J.13.

Written visiting rules governing visitors' conduct and responsibilities should be conspicuously posted in visiting or public waiting areas. A visit may be refused or terminated if there has been a violation of visiting rules or there is reasonable belief that the visitor or inmate poses a threat to the safety or security of the facility, staff, or other inmates. Any denial, refusal or termination of a visit should be documented with justification in the inmate file.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Visitation rules. Visit logs. Inmate records. Interviews. Observations.

J.14.

Facilities should establish procedures governing visits by ex-inmates.

Evidence of Compliance: Written policy and procedure. Visit logs. Inmate records.

J.15.

Inmate visits with family and friends should be conducted under staff supervision. In the absence of a substantiated security risk, and consistent with the inmate's classification, visits should include the opportunity for physical contact. At a minimum, one hour of contact visiting every other weekend should be provided by the facility for minimum and medium security inmates.

Evidence of Compliance: Written policy and procedure. Post orders. Interviews. Observations.

J.16.

Persons under the age of 18, except for emancipated minors, should not be permitted to visit with an inmate(s) unless accompanied by, or with written permission from, the person's parents or legal guardian.

Evidence of Compliance: Written policy and procedure. Post orders. Visit logs. Copies of written permission.

J.17. MANDATORY

Inmates shall have the right to visit with attorneys or the attorneys' authorized representatives, subject only to limitations necessary to maintain a safe and secure facility. These visits shall be treated as confidential. Visits and access to attorneys and their attorneys' authorized representatives should be provided during normal business hours.

Evidence of Compliance: Written policy and procedure. Visit logs. Interviews. Observations.

J.18.

Video visitation may be provided as a part of the facility's visiting program as follows:

a.) Non-contact visits for inmates who pose a substantiated security risk may be through video visiting;

b.) Video visiting may be used as a substitute for contact visits when consented to by both the inmate and the visiting party;

c.) Those facilities utilizing video conferencing to conduct visits should maintain sufficient equipment, hardware, software, and networks necessary to provide a fully functioning video and audio conferencing system; and

d.) Those facilities utilizing video conferencing should include visiting rules and regulations, a schedule for video visits, and a list of available remote off-site hosts where visitors may have video conference access with the facility according to a schedule established by the facility.

Evidence of Compliance: Written policy and procedure. Provider contract. Visit rules. Visit schedule. Visit logs. Interviews. Observations.

J.18.

Facilities should maintain written records of all inmate visits. Records should include:

a.) The name of the inmate and visitor(s);

b.) The date;

c.) The time visits begin and end; and

d.) Any other pertinent information.

Evidence of Compliance: Written policy and procedure. Visit logs.

J.19. MANDATORY

Every inmate shall have unrestricted and confidential access and communications with the courts. Such access may be through video conferencing. Inmates shall have the right to present any issue before a court of law or governmental agency. Such access shall include:

a.) An inmate has the right to consult with his/her attorney or the attorney's authorized representative at the facility during business hours. If an inmate poses a real and present risk of violence or escape, visits may be conducted under staff observation, but conversations may not be monitored.

b.) The right of consultation with an attorney or the attorney's authorized representative shall include confidential correspondence and phone communications between an inmate and his/her attorney or authorized representative.

c.) The right of access to courts includes the right to prepare and file legal papers with the court. In doing so, an inmate may receive assistance from law school legal assistance programs, legal assistance agencies, and/or law library facilities.

Evidence of Compliance: Written policy and procedure. Transport logs. Visit logs. Legal requests. Interviews.

J.20. MANDATORY

Inmate grievance procedures shall be implemented and must include, at a minimum, provisions for the following:

a.) Access by all inmates, with guarantees against reprisals;

b.) Applicability to violations of facility policies;

c.) A system of accountability, including providing written receipt to the inmate filing the grievance;

d.) Review of all grievances; and

e.) Written response to all grievances within a reasonable time limit.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Inmate grievances. Grievance receipts. Interviews.

J.21. MANDATORY

Inmates shall have unrestricted access to file complaints of alleged non-compliance with mandatory standards against a jail facility with the Maine Department of Corrections, Inspections Division, when a condition or issue is not resolved through the facility grievance process.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Mail logs.

K. MEDICAL AND MENTAL HEALTH SERVICES

K.1. MANDATORY

Written policy, procedure and practice shall provide inmates with medical and mental health services. Such services shall be pursuant to a written agreement with a medical/mental health provider(s) who shall be responsible for providing these services to inmates in coordination with the Administrator. Such written agreements shall comply with applicable standards. The Administrator, in conjunction with the health care provider(s), should determine the space, equipment, supplies, and materials necessary for the delivery of health care services in the facility.

Evidence of Compliance: Written contracts/agreements. Schematic. Interviews. Observations.

K.2.

The medical care provider in conjunction with the Administrator should determine strategic locations for first aid kits and establish an inventory of their contents. Medical staff should have a written procedure to inspect first-aid kits and document the inspection at least quarterly. First aid kits should contain the established inventory at all times.

Evidence of Compliance: Written policy and procedure. Schematic. Inspection logs. Interviews. Observations.

K.3. MANDATORY

All applicable state licensing, registration, and/or certification requirements and restrictions shall apply to medical care and mental health personnel working in or for the facility. Copies of all up-to-date licensing, registration, and/or certification shall be provided to the facility and kept on file in the facility.

Evidence of Compliance: Written policy and procedure. Written contracts/agreements. Current licensures and/or certifications.

K.4.

Medical care and mental health provider(s), should, in consultation with the Administrator, review and approve written procedures and protocol for medical care and mental health services. At a minimum, these should include:

a.) Medical and mental health screening at admission;

b.) Collection of medical and mental health history;

c.) Physical exam;

d.) Mental health assessment;

e.) Emergency medical services;

f.) Non-emergency medical services;

g.) Emergency mental health services;

h.) Non-emergency mental health services;

i.) Management of pharmaceuticals;

j.) Administering/self-administration of inmate medication;

k.) Emergency dental care;

l.) Provisions for chronic and/or convalescent care;

m.) Provisions for closer medical review and care of special management inmates;

n.) Delousing procedures;

o.) Detoxification procedures (alcohol and drug withdrawal treatment);

p.) Release of information from medical records;

q.) Management of infectious disease;

r.) Control of syringes, needles and other sharps;

s.) First aid;

t.) Shift briefing and/or consultation between correctional staff and medical/mental health providers of inmate; and

u.) Suicide prevention training, procedures, and protocols.

Evidence of Compliance: Written policy and procedure. Written acknowledgment of review and approval.

K.5. MANDATORY

The Sheriff or Multi-County Jail Authority or Administrator, in consultation with the medical care provider, shall develop policies and procedures consistent with Maine Statutes for the release of HIV test results. These policies and procedures shall include procedures for informing inmates that HIV test results may be disclosed to the following:

a.) The inmate tested;

b.) The health care staff at the facility where the inmate is housed or the one to which he/she may be transferred in the future;

c.) The Sheriff or Administrator of the facility where the inmate is housed or Sheriff or Administrator at a facility that the inmate may be transferred to; and

d.) Personnel responsible for the care and/or treatment of the inmate. Such treatment or care may include, but not be limited to, treatment or care which may be provided by teachers, social workers, correctional officers, psychologists, and counselors.

Evidence of Compliance: Written policy and procedure. Medical release forms. Transfer records. Inmate records.

K.6. MANDATORY

Written policy, procedure and practice provide for inmate physical examinations by qualified medical staff within fourteen days of admission. The physical exam shall be documented on a form approved by the medical care provider. Completed physical examination forms shall be placed in the inmate's medical file. An inmate's refusal of a physical exam shall be documented in the inmate's medical file by the medical care provider.

Evidence of Compliance: Written policy and procedure. Inmate records. Interviews.

K.7. MANDATORY

Inmates suspected of having contagious or infectious diseases shall be isolated immediately from the general jail population until jail personnel are directed to do otherwise by the medical care provider.

Evidence of Compliance: Written policy and procedure. Inmate records. Facility logs. Incident reports.

K.8. MANDATORY

Written policy, procedure and practice provide that care applicable to emergency medical, dental, and mental health situations shall be available to inmates at all times. In the case of an emergency request for medical/mental health attention, the shift supervisor shall promptly

communicate the emergency through the most direct means to the provider. The provider shall determine the appropriate emergency action to be taken to safeguard the inmate and communicate the same to the shift supervisor. Non-medical/mental health personnel shall never diagnose or treat an illness or injury except to provide emergency first aid.

Evidence of Compliance: Written policy and procedure. Inmate records. Facility logs. Incident reports. Interviews.

K.9. MANDATORY

The medical care provider shall conduct sick call at least once each week, at which time inmates may report non-emergency injuries and illness and receive appropriate medical treatment.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Plan of the day. Medical requests. Interviews.

K.10. MANDATORY

Dental care and treatment, not limited to extractions, shall be provided to inmates when the medical provider has determined that the health of the inmate during confinement would otherwise be adversely affected.

Evidence of Compliance: Written policy and procedure. Inmate records. Interviews.

K.11. MANDATORY

All medication shall be labeled in accordance with state and federal law. All prescription medication shall be administered in accordance with Maine Statute by qualified health care personnel. Procedures shall be in place for inmate self-administration of prescription medication and administration by others when qualified health care personnel are not available. Any personnel administering prescribed medication are required to have completed training from health care personnel on proper procedures for administering prescribed medication. A record of all prescription medications administered shall be maintained and include the following:

a.) The name of the inmate;

b.) The initials of the staff person administering or observing the inmate self-administering the medication;

c.) The date and time administered;

d.) The name of the medication administered and dosage; and

e.) The inmate's refusal of medication, if applicable.

In those cases where the medical provider has determined that medication is to be kept on person by the inmate for self-administration on an as-needed basis, the written provider order shall include:

a.) Reason for self-administration;

b.) The name of the inmate; and

c.) Name, date and time, quantity, and dosage provided.

Evidence of Compliance: Written policy and procedure. Inmate records. Training records. Interviews. Observations.

K.12. MANDATORY

Written policy, procedure and practice provide for access to mental health and substance abuse services that include, at a minimum:

a.) Substance abuse: identification, detoxification, referral and/or treatment.

b.) Mental health services: crisis intervention and evaluation, stabilization, treatment and follow-up.

Evidence of Compliance: Written policy and procedure. Contracts/agreements with providers. Program description(s). Inmate records. Interviews. Observations.

K.13.

All personnel should be familiar with treatment services available to inmates so that they may refer inmates to appropriate services.

Evidence of Compliance: Written policy and procedure. Training records. Interviews.

K.14. MANDATORY

Inmate medical, mental health and substance abuse records shall be kept separate from other inmate records. The applicable provider shall, in consultation with the Administrator, establish policies that determine access to these records. The facility provider(s), in compliance with applicable state and federal laws, shall keep correctional staff informed of inmates' health and treatment. The Administrator shall be responsible for the retention schedule of inmate medical, mental health and substance abuse records in accordance with state and federal law.

Evidence of Compliance: Written policy and procedure. Inmate records. Interviews. Observations.

K.15. MANDATORY

Inmate medical files shall contain the following minimum information:

a.) Inmate Intake medical/screening form;

b.) Inmate health history form;

c.) Any subsequent health appraisal forms;

d.) All findings, diagnoses, and treatments;

e.) All requests for medical treatment or attention;

f.) A record of all prescriptions and of medications administered;

g.) The date, time, and place of all medical encounters and discharges from treatment; and

h.) Other pertinent documents, including laboratory, x-ray, diagnostic studies, consent and refusal forms and release of information consent forms.

Evidence of Compliance: Written policy and procedure. Inmate records.

K.16.

Policy, procedure and practice provide that when any inmate is transferred to another detention or correctional facility, the sending facility should provide the receiving facility with a summary of any treatment or care being provided, including any prescribed medication on hand sufficient to allow the receiving facility time to order needed medication.
Evidence of Compliance: Written policy and procedure. Transfer records. Interviews.

K.17.

The health care provider(s) should, at least annually, review the inmate health care system and provide the Sheriff or Multi-county Jail Authority and Administrator with a written, narrative report on the results of their review and recommendations for change, if any.

Evidence of Compliance: Written policy and procedure. Written contract/agreement. Annual report(s).

L. FOOD SERVICES

L.1.

The food service area and food preparation should be managed under the direct supervision of a staff person who is qualified by experience and/or training.

Evidence of Compliance: Written policy and procedure. Staff resume. Training records. Observations.

L.2. MANDATORY

All food service areas shall:

a.) Maintain a current license through the Maine Department of Health and Human Services. Licensure should be prominently displayed in the food service area; and

b.) Be inspected daily by supervisory kitchen staff to ensure compliance with applicable health codes. Results of this inspection shall be documented and kept on file for one year.

Evidence of Compliance: Written policy and procedure. Post orders. Health inspection licensure. Facility logs.

L.3. MANDATORY

There is documentation that the facility's dietary allowances are reviewed when there is a permanent change by a qualified nutritionist or dietitian to ensure that they meet the nationally recommended allowances for basic nutrition. Menu evaluations shall be conducted on an ongoing basis by the facility food service manager to verify adherence to the established daily dietary requirements. Any temporary changes in menu items shall be documented and substitutions shall be of equal nutritional value.

Evidence of Compliance: Written policy and procedure. Post orders. Current nutritionist or dietician license. Approved menu(s). Facility logs.

L.4.

Three meals, at least two of which are hot, should be served daily. Variations may exist at facilities which grow gardens as a supplemental food source.

Evidence of Compliance: Written policy and procedure. Post orders. Menu. Facility logs. Observation. Interviews.

L.5. MANDATORY

There shall not be a span of more than 14 hours between the evening meal and breakfast.

Evidence of Compliance: Written policy and procedure. Plan of the day. Facility logs. Interviews. Observations.

L.6.

Menus should be posted in the food service area and areas accessible to inmates.

Evidence of Compliance: Post orders. Observations.

L.7. MANDATORY

Orders by medical care personnel for special diets to inmates shall be in accordance with written instruction from the health care staff or a qualified dietitian or nutritionist. A therapeutic diet manual is available for reference.

Evidence of Compliance: Written policy and procedure. Special diet orders. Facility logs. Interviews. Observations.

L.8. MANDATORY

Provisions shall be made for special diets when an inmate's religious beliefs require adherence to particular dietary practices when approved by the facility's religious coordinator.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Religious diet requests. Facility logs. Interviews.

L.9. MANDATORY

Food shall not be withheld from inmates as punishment.

Evidence of Compliance: Written policy and procedure. Facility logs. Interviews.

L.10.

Space should be provided for group dining, except where security or safety considerations justify otherwise.

Evidence of Compliance: Schematic. Facility logs. Interviews. Observations.

L.11. MANDATORY

Prior to inmates being assigned to food service work, they should be screened by health care staff to ensure they are capable of performing the work and are free of infectious diseases. Screening by health care staff should be documented and placed in the inmate's medical file.

Evidence of Compliance: Written policy and procedure. Inmate records. Interviews.

L.12. MANDATORY

The Food Service Manager shall maintain a check-out, check-in system and secure storage for all cutlery items. Such items shall be accounted for daily.

Evidence of Compliance: Written policy and procedure. Post orders. Facility logs. Interviews. Observations.

L.13.

All meals should be served under the direct supervision of a staff member to prevent favoritism, careless serving, and waste.

Evidence of Compliance: Written policy and procedure. Post orders. Interviews. Observations.

L.14.

The Food Service Manager should maintain an ongoing inventory system to account for all food products and supplies.

Evidence of Compliance: Written policy and procedure. Post orders. Written inventories. Interviews. Observations.

L.15.

Appropriate eating utensils should be issued as needed to each inmate unless doing so would pose a real and immediate danger to staff or inmates. A system to account for all eating utensils should be maintained.

Evidence of Compliance: Written policy and procedure. Post orders. Facility logs. Written inventories. Interviews. Observations.

L.16. MANDATORY

The Food Service Manager shall keep, for a 72-hour period, a ghost tray identical to each meal served.

Evidence of Compliance: Written policy and procedure. Post orders. Menus. Facility logs. Observations.

L.17. MANDATORY

Food Service personnel shall document applicable temperatures throughout the day to include:

a.) Refrigerator temperatures between 35 - 40 degrees F;

b.) Freezer temperature below 0 degrees F;

c.) Dry storage temperatures between 45 - 80 degrees F;

d.) Dishwasher wash temperature over 140 degrees F; and

e.) Dishwasher rinse temperature over 180 degrees F or over 140 degrees F with appropriate sanitizer.

Evidence of Compliance: Written policy and procedure. Post orders. Facility logs. Observations.

L.18.

The Food Service Manager should maintain complete and accurate records for a minimum of one year of all meals served to inmates and staff to include:

a.) Menus, including portion sizes;

b.) By whom prepared;

c.) Date/time served;

d.) Number of meals served;

e.) Any special diets served;

f.) Any deviation from an established menu; and

g.) Appropriate food temperatures at service (hot foods should be served at a minimum of 140 degrees F).

Evidence of Compliance: Written policy and procedure. Post orders. Menus. Facility logs. Observations.

M. INMATE ACTIVITIES AND SERVICES

M.1.

Each facility should maintain a Plan of the Day, which outlines inmate activities for each day of the week. Plans of the Day should be posted in areas to which inmates have access and include at a minimum:

a.) Wake up;

b.) Meals;

c.) Housekeeping/work assignments/inspection;

d.) Med call;

e.) Sick call;

f.) Mail call;

g.) Visitation;

h.) Program activities;

i.) Counts; and

j.) Lock down/lights out.

Evidence of Compliance: Written policy and procedure. Post orders. Inmate handbook. Plan of the day. Observations.

M.2.

The Administrator should designate a coordinator for facility religious programs. He/she should have access to all areas of the facility. Space should be provided for such programs.

Evidence of Compliance: Written policy and procedure. Job description. Written appointment/agreement. Interviews. Observations.

M.3. MANDATORY

Every inmate shall be allowed to practice the religion of his/her choice and shall have access to worship services, publications, religious symbols, and religious advisors, including the opportunity for visits, subject to the considerations of facility order, security, and safety. Inmate participation in religious activities shall be voluntary.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Plan of the day. Visitor logs. Volunteer list. Interviews. Observations.

M.4.

Facility library services should be made available to inmates at least twice weekly to consist of:

a.) Fiction;

b.) Nonfiction; and

c.) Educational materials.

Evidence of Compliance: Written policy and procedure. Post orders. Inmate handbook. Plan of the day. Facility logs. Interviews. Observations.

M.5. MANDATORY

In cases where a facility maintains a law library, that library shall contain legal materials sufficient to meet constitutional requirements.

In cases where a facility provides most legal materials through a law library outside the facility, the facility shall have the latest edition of the following minimum legal materials available at the facility for inmate use:

a.) U.S. and State Constitutions;

b.) MRSA Titles 15, 17-A, 29, 30-A, and 34-A;

c.) Maine Rules of Court;

d.) Federal Rules of Court;

e.) Black's Law Dictionary;

f.) LaFave & Scott, Criminal Law;

g.) Cohen Legal Research;

h.) Palmer's Constitutional Rights of Inmates;

i.) Detention & Correctional Standards for Counties & Municipalities; and

j.) Prisoner Self-Help Litigation Manual, Manville.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Inmate law library request(s). Interviews. Observations.

M.6. MANDATORY

Inmates shall have access to at least one hour of major muscle exercise programs and/or equipment, outside of their cell, at least five days per week except where safety and security considerations justify otherwise. When weather permits, exercise shall be provided outdoors in a secure recreation area. In cold weather, appropriate outdoor clothing shall be provided.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Plan of the day. Facility logs. Interviews. Observations.

M.7.

If the facility makes arrangements to provide inmates access to commissary services, pricing for items sold through the inmate commissary should not exceed the average retail pricing found in the community for that item.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Ledgers. Receipts. Interviews.

M.8.

Indigent inmates shall be provided, without charge, commissary or other items specifically authorized by the Sheriff or Multi-County Jail Authority or Administrator.

Evidence of Compliance: Written policy and procedure. Written post orders. List of indigent inmates. Inmate receipt of goods. Interviews. Observations.

M.9.

A television should be provided in each day room area for the privilege of viewing by the general inmate population.

Evidence of Compliance: Observations.

N. INMATE PROGRAMS

N.1. MANDATORY

Written policy, procedure and practice shall provide that a designated staff member be responsible for assessing inmate program needs and coordinating the delivery of such programs to inmates. Programs provided to inmates shall be evidence-based.

Evidence of Compliance: Written policy and procedure. Job description. Program descriptions and achievements. Interviews.

N.2.

Written policy, procedure and practice shall provide for community-based programs, diversion, and alternative sentencing programs for minimum security pre-trial and sentenced inmates.

Evidence of Compliance: Written policy and procedure. Contracts/agreements. Furlough documentation. Program description(s). Program enrollment list.

N.3.

Written policy, procedure and practice provide for academic education courses and education counseling extending through the high school level and include at minimum:

a.) Reading;

b.) Writing; and

c.) Arithmetic.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Program description(s). Inmate enrollment. Volunteer records. Facility logs. Interviews. Observations.

N.4.

Where feasible, the release preparation program should provide for graduated release through a systematic decrease in supervision and corresponding increase in inmate responsibility. Release preparation programs should include the use of work/educational release, furloughs, community residential facilities, electronic monitoring, day reporting, and other temporary release programs for sentenced inmates.

Evidence of Compliance: Written policy and procedure. Classification records. Program descriptions. Monitoring reports. Facility logs. Interviews. Observations.

N.5.

Release programs should include provisions for the following:

a.) Eligibility for participation limited to sentenced inmates with classification levels that pose minimal risk to the community;

b.) Written conditions, rules, and regulations for inmate conduct signed by the inmate;

c.) A system for inmate supervision, monitoring, and spot checks;

d.) Records documenting an inmate's eligibility and participation in temporary release programs; and

e.) Collection and disbursement of wages, income, and restitution as well as maintenance of records that meet acceptable accounting practices.

Evidence of Compliance: Written policy and procedure. Program description(s). Classification records. Inmate enrollment. Monitoring reports. Inmate account records. Facility logs. Interviews.

N.6.

To the extent possible, inmates participating in temporary release programs should be housed separate from the rest of the general jail population. Where possible, housing may be in a community-based residential setting.

Evidence of Compliance: Written policy and procedure. Schematic. Classification records. Furlough records. Facility logs. Observations.

O. SANITATION AND LIVING CONDITIONS

O.1. MANDATORY

The facility shall comply with applicable local and state sanitation and health codes. Facilities shall be inspected at least annually by a local health code officer or the Department of Human Services. All inspections shall be documented and kept on file.

Evidence of Compliance: Inspection reports. Approval letters. Licensure.

O.2. MANDATORY

There shall be a plan for the control of vermin, including fumigation of the facility by a licensed pest control professional when necessary.

Evidence of Compliance: Written policy and procedure. Contracts/agreements. Interviews. Observations.

O.3.

Adequate cleaning tools and supplies should be provided for all areas of the facility. Cleaning tools and supplies should be kept securely stored when not in use. The use of cleaning tools and supplies should be under the supervision of facility staff.

Evidence of Compliance: Schematic detailing location of supplies. Observations.

O.4. MANDATORY

All poisonous and caustic compounds used for cleaning or extermination shall be clearly labeled, securely stored, inventoried, and shall have a corresponding Safety Data Sheet (SDS) that staff can easily access.

Evidence of Compliance: Written policy and procedure. Schematic detailing location of storage areas and SDS manuals. Inventories. Copies of SDS Sheets. Interviews. Observations.

O.5.

Durable, rust-resistant, water-tight, and cleanable trash receptacles should be provided in all areas of the facility. Trash receptacles should be emptied and cleaned daily.

Evidence of Compliance: Written policy and procedure. Written post orders. Plan of the day. Facility logs. Interviews. Observations.

O.6.

The facility should have a daily routine of work by inmates to keep all areas of the facility clean and sanitary.

Evidence of Compliance: Written policy and procedure. Written post orders. Plan of the day. Facility logs. Interviews. Observations.

O.7.

Pretrial detainees should not be required to work except to do personal housekeeping in their assigned cell and/or housing unit.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Interviews. Observations.

O.8.

Supervisory staff should inspect the jail facility daily during their respective shifts to ensure the facility is clean and sanitary. If the facility is not clean, the supervisor should take steps to have the facility cleaned. The supervisor should record the inspection conducted in the facility activity log.

Evidence of Compliance: Written policy and procedure. Written post orders. Facility logs. Interviews. Observations.

O.9. MANDATORY

There shall be a sufficient supply of hot and potable cold water to meet the needs of the facility.

Evidence of Compliance: Water test results. Observations.

O.10. MANDATORY

Inmates shall be allowed to shower at least daily. Where the inmate poses a real and immediate threat of harm to self or staff, access may be limited depending on behavioral compliance. Justification for limited access shall be documented.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Plan of the day. Facility logs. Interviews. Observations.

O.11.

Provisions should be made for inmates to receive haircuts.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Facility logs. Inmate requests. Receipts. Interviews. Observations.

O.12. MANDATORY

Inmates shall be provided access to separate shaving materials. Community razors are prohibited.

Evidence of Compliance: Written policy and procedure. Post orders. Inmate handbook. Plan of the day. Facility logs. Interviews. Observations.

O.13. MANDATORY

Toilet paper shall be available at all times in areas where toilets are provided.

Evidence of Compliance: Written post orders. Interviews. Observations.

O.14.

The facility inventory of linen and bedding should exceed the maximum inmate population to ensure that a reserve is always available. In jails that allow inmates to wear personal clothing, jail clothing should be provided to inmates assigned to food service, maintenance, or special work details.

Evidence of Compliance: Written policy and procedure. Written post orders. Inventories. Interviews. Observations.

O.15. MANDATORY

Laundry services shall be sufficient to allow for the following exchanges:

a.) Clothing at least twice weekly;

b.) Linen at least once weekly;

c.) Towels at least twice weekly;

d.) Blankets at least monthly, or before being reissued to another inmate; and

e.) Clothing for inmates working in food services daily.

Evidence of Compliance: Written policy and procedure. Written post orders. Inmate handbook. Plan of the day. Interviews. Observations.

O.16. MANDATORY

Inmates shall not sleep on mattresses placed directly on the floor.

Evidence of Compliance: Written policy and procedure. Inmate handbook. Interviews. Observations.

P. FACILITIES

P.1. MANDATORY

Inmates shall be housed only in facilities licensed by the Department of Corrections.

Evidence of Compliance: Current licensure.

P.2. MANDATORY

All facilities shall comply with required plumbing, electrical, and applicable building codes. Each facility shall keep documentation on file verifying compliance with applicable codes.

Evidence of Compliance: Code enforcement approval. Occupancy license.

P.3. MANDATORY

Each facility shall maintain documentation on file verifying compliance with the applicable American Disabilities Act (ADA) requirements.

Evidence of Compliance: Inspection reports. Documented facility improvements. Logs indicating special accommodations (wheelchairs, ADA cell housing, etc.)

P.4.

A washable paint that meets applicable codes should be used on all non-tiled surfaces and on all metal work in all facility areas. Painted surfaces should not be scaled or deteriorated.

Evidence of Compliance: Paint specifications. Observations.

P.5.

All floors should be finished and maintained with materials that are easily cleaned.

Evidence of Compliance: Cleaning material specifications. Observations.

P.6.

Each facility's physical plant and mechanical systems should have a written plan for facility maintenance to include at a minimum:

a.) Preventive maintenance;

b.) Routine and emergency repairs;

c.) Inspection of the facility and equipment; and

d.) Testing of emergency and detection systems.

Evidence of Compliance: Written policy and procedure. Written post orders. Maintenance logs. Maintenance orders. Inspection logs. Test logs. Interviews. Observations.

P.7. MANDATORY

Appropriate space shall be provided for all activities and functions required in these standards for jails. Space shall be allocated for, but not limited to, the following:

1) Admission and reception;

2) Non-secure waiting areas;

3) Observation/detoxification cell(s) in admissions;

4) Holding and detention cells;

5) Inmate storage;

6) Facility storage;

7) Record storage;

8) Cell(s) specifically designed to prevent suicides;

9) Medical exam area and secure medication storage;

10) Interview area(s);

11) Maximum security housing (male, female);

12) Secure Control Room with access to toilet and wash basin;

13) Direct supervision medium security housing designed after the year 2004 (male, female);

14) Direct supervision minimum security housing designed after the year 2004 (male, female);

15) Special management housing (male, female);

16) Flexible housing;

17) Admission with space for strip search and shower;

18) Officers' workstation(s)/post;

19) Classroom/multi-purpose space;

20) Food service, dining, storage;

21) Inmate visiting (contact and/or non-contact);

22) Staff training/conference;

23) Classification;

24) Inmate program/counseling;

25) Laundry;

26) Security garage/vehicle sally port;

27) Indoor and outdoor exercise areas;

28) Administrative/clerical;

29) Public reception, waiting, lockers, and restrooms;

30) Staff locker/shower/dressing and toilet facilities separate from inmates;

31) Mechanical space and secure area for security control systems and management information systems;

32) Janitor space;

33) Chapel (may be met through scheduling use of multipurpose areas); and

34) Staff training area.

Evidence of Compliance: Schematic identifying areas referenced. Observations.

P.8. MANDATORY

The facility's physical design shall:

a.) Provide for secure perimeters including, at a minimum, exterior/grounds perimeter(s) and facility primary and secondary perimeters;

b.) Control access to inmate-occupied areas;

c.) Control inmate movement;

d.) Provide maximum observation of inmate-occupied areas designed for direct supervision balanced with inmate privacy considerations;

e.) Provide for a range of security levels for inmate housing, activities, and programs;

f.) Provide cells specially designed and equipped to prevent suicides as far as possible;

g.) Promote positive staff/inmate relations; and

h.) Prevent the observation of inmate areas by the public.

Evidence of Compliance: Schematic identifying areas referenced. Observations.

P.9.

The inmate population should not exceed the facility's rated capacity, which should be established by the Sheriff or Multi-County Jail Authority or Administrator and approved by the Department of Corrections using the following criteria:

a.) The ratio of showers to inmates should not exceed 1 to 12.

b.) The ratio of wash basins to inmates should not exceed 1 to 12.

c.) In medium and minimum security cells, rooms, or dorms, there should be no less than one toilet for every 12 male inmates. Urinals may be substituted for up to one-half of the toilets for males in common bathroom areas.

d.) In medium and minimum security cells, rooms, or dorms, there should be no less than one toilet for every 8 female inmates.

e.) Each housing area should have its own day space which provides each inmate with a minimum of 35 square feet of space. Day space should not be less than 100 square feet.

f.) In multiple-occupancy cells, rooms, or dormitories, a minimum of 35 square feet per inmate should be provided.

Evidence of Compliance: Schematic identifying areas/measurements/space referenced. Capacity analysis. Count logs. Observations.

P.10. MANDATORY

Operable toilets and wash basins with hot and cold running water shall be provided in all maximum security cells.

Evidence of Compliance: Schematic identifying areas referenced. Observations.

P.11. MANDATORY

A portion of maximum and medium security cells shall be designed and used for single-occupancy. In single-occupancy cells a minimum of 70 square feet shall be provided. The number of single and double-occupancy cells shall be based on the need to separate non-violent inmates from those inmates who pose a risk of violence. Each maximum and medium security cell shall be equipped with the following furnishings for each occupant:

a.) Bunk(s) or sleeping platform at least 12 inches off the floor;

b.) Writing surface(s);

c.) Seating for use of the writing surface; and

d.) Individual storage, and/or shelves.

Furnishings are to be selected to minimize the risk of use for self-harm or injury.

Evidence of Compliance: Schematic. Photographs. Observations.

P.12. MANDATORY

Each minimum security housing area shall be equipped with the following furnishings for each occupant:

a.) Bed or bunk(s) at least 12 inches off the floor;

b.) Desk or tables and seats sufficient to seat all occupants; and

c.) Individual storage or shelves for each occupant.

Evidence of Compliance: Schematic. Photographs. Observations.

P.13. MANDATORY

A multiple-occupancy dormitory housing unit shall not exceed 50 inmates. Dormitory sleeping space shall be separated from day space by a partition that is a minimum eight feet in height and constructed in compliance with applicable codes.

Evidence of Compliance: Documentation of code compliance. Schematic. Observations.

P.14. MANDATORY

Each dayroom, lounge, and multi-purpose area shall be furnished with sufficient seating, tables, and other furnishings necessary for inmate activities conducted in the dayroom or multi-purpose area.

Evidence of Compliance: Schematic. Photographs. Observations.

P.15. MANDATORY

Fixtures, furnishings, and equipment shall be consistent with the security and supervision level of the area in which they are used.

Evidence of Compliance: Specifications. Photographs. Observations.

P.16. MANDATORY

Operable shower facilities shall be available in each individual housing unit. Water temperature shall be thermostatically controlled from a range of 100 degrees F to 120 degrees F. The design and location of showers and drying areas in all areas, including the admission area, shall provide for visual privacy.

Evidence of Compliance: Temperature logs. Photographs. Observations.

P.17. MANDATORY

The design and location of toilet facilities in all areas, including the admission area, shall provide for visual privacy.

Evidence of Compliance: Schematic. Photographs. Observations.

P.18. MANDATORY

Access to drinking water shall be provided in housing units.

Evidence of Compliance: Schematics. Observations.

P.19. MANDATORY

All inmate housing areas shall be maintained at temperatures no less than 65 degrees F and no more than 85 degrees F.

Evidence of Compliance: Temperature logs. Interviews. Observations.

P.20. MANDATORY

All inmate and staff areas shall have circulation of at least 15 cubic feet of outside or re-circulated filtered air per minute, per occupant, and 20 cubic feet in dining and indoor exercise areas.

Evidence of Compliance: Air flow logs. Observations.

P.21. MANDATORY

Noise levels within inmate-occupied areas shall not be sustained above the level of 70 decibels (A Scale) during the day and 45 decibels (A Scale) during sleeping hours.

Evidence of Compliance: Noise level logs. Interviews. Observations.

P.22. MANDATORY

Light levels in cells shall be at least 20 foot-candles at desk level during waking hours and not exceed 5 foot-candles during sleeping hours.

Evidence of Compliance: Light level logs. Interviews. Observations.

P.23. MANDATORY

Each cell shall have at least 3 square feet of clear security glazing or 4 square feet of open bars which provide a view to the exterior or to a day-space which can be lit by natural light during the daytime and which has at least 10 square feet of clear security glazing providing a view to the exterior.

Evidence of Compliance: Glazing measurements. Interviews. Observations.

P.24. MANDATORY

A secure outdoor recreation area shall be provided, with dimensions of at least 50 feet by 30 feet, or 1500 square feet, for facilities of less than 100 inmates. A covered/enclosed exercise area built after 1992 in a new facility of 100 inmates or more shall provide a minimum of 15 square feet per inmate for the maximum number of inmates expected to use the space at any one time, but not less than 1,000 square feet of unencumbered/usable space, with a minimum ceiling of 18 feet.

Evidence of Compliance: Schematic. Observations.

P.25. MANDATORY

Concurrent with the schematic design phase of a new or renovated facility, staffing plans for the facility shall be submitted to the Department for review for compliance with standards and approval.

Evidence of Compliance: Written plans. Documented communications and approval.

P.26. MANDATORY

There shall be a written facility activation plan. The plan shall provide for the development of new policies and procedures, user transition, training, operating procedures, and a period of facility testing. The plan shall be submitted to the Department for review for compliance with standards.

Evidence of Compliance: Written plans. Documented communications and approval.

P.27. MANDATORY

Space needs for a new facility and projected population shall be carefully assessed and described. Space shall be planned to meet all housing, program, support, and administrative needs. Plans submitted are to include provisions for future expansion and supporting infrastructure of at least twenty five percent (25%) of the facility rated capacity. Needs shall reflect all applicable codes, regulations, and standards.

Evidence of Compliance: Written plans. Documented communications and approval.

P.28. MANDATORY

Written policy, procedure and practice provide that key planning and design documents shall be submitted to the Department for review and comment at each of the following stages:

a.) During conceptual design;

b.) At the completion of the schematic design phase;

c.) At the completion of each set of preliminary or progress plans;

d.) Prior to the release of construction documents and specifications for bid; and

e.) Final design plan.

Evidence of Compliance: Written plans. Documented correspondence and approval.

P.29. MANDATORY

Written policy, procedure and practice provide that the Department shall be informed in writing when construction is 75% completed so that an on-site inspection by the Department can be made to determine standards compliance. Final inspection of the completed facility shall be made, and the Department shall certify compliance before a new or renovated facility is occupied by inmates and placed in operation.

Evidence of Compliance: Documented correspondence and approval.

P.30. MANDATORY

Written policy, procedure and practice provide that the Department shall be informed of all planned renovations to a facility in order for the Department to determine the applicability of Standards to the project.

Evidence of Compliance: Written plans. Documented communications and approval.

Section IIb.

HOLDING FACILITIES
(6 TO 72 HOURS DETENTION)

ADMINISTRATION

HF.1

Each facility administrator shall develop and maintain post orders or standard operating procedures (SOPs) describing the operating practices of the holding facility. At a minimum, written post orders or SOPs shall address the following standards:

a.) Holding facility logs;

b.) Completion of the monthly population report;

c.) Evacuation procedures;

d.) Use of restraint equipment;

e.) Searches;

f.) Observation/supervision;

g.) Admission and release procedures;

h.) Separation of adults from juveniles and males from females;

i.) Medical/Mental Health Screening form;

j.) Providing of bedding, linen and personal hygiene items;

k.) Inmate property control;

l.) Location of first aid kits;

m.) Emergency medical care;

n.) Daily work routine;

o.) Arrangements for clean laundry; and

p.) Shower schedule.

Evidence of Compliance: Written post orders or SOPs.

HF.2

Post orders or SOPs shall be located at each staff post.

Evidence of Compliance: Schematic detailing location of post orders or SOPs. Interviews. Observations.

HF.3

Personnel who have Holding Facility responsibilities shall receive training in the execution of post orders or SOPs prior to being assigned to supervise inmates being held.

Evidence of Compliance: Training records. Interviews.

HF.4

Staff training shall be documented in staff training or personnel files.

Evidence of Compliance: Training records.

HF.5

All personnel with holding facility responsibilities shall be certified in basic first aid and cardiopulmonary resuscitation (CPR).

Evidence of Compliance: Personnel Roster. Training records.

HF.6

a.) Holding facility logs shall be maintained and contain the following:

b.) Personnel on duty who are responsible for the holding facility;

c.) Time and results of inmate supervision and counts;

d.) The time, date, and names of inmates received and released or transferred, and the reason for the same;

e.) Time of all meals served;

f.) Date/time medication is administered and by whom; and

g.) All shift activities, including any action taken handling routine or unusual incidents or occurrences.

Evidence of Compliance: Facility logs.

HF.7

Each facility administrator or designee shall complete an inmate population report.

a.) For municipal holding facilities, the Monthly Population Report (Appendix I) shall be completed. A copy of the monthly report shall be submitted to the Department of Corrections at the end of each month.

b.) For county holding facilities, written policy and procedure and practice shall provide for the submission of daily population reports utilizing the Bed Availability Reporting System (BARS) or other reporting system approved by the Commissioner of Corrections. These daily reports must be entered into the system by 9:00 a.m. and reflect the jail's population count as of 12:00 a.m. for the day reported.

Evidence of Compliance: Receipt of reports.

SECURITY

HF.8

A written evacuation plan shall be developed, and shall show the means of egress from the facility. Appropriate sections of the evacuation plan shall be posted in the holding facility.

Evidence of Compliance: Written evacuation plan. Observations.

HF.9

Weapons shall not be permitted within the security perimeter of the holding area. Secure storage for weapons shall be provided outside of the security perimeter of the holding area.

Evidence of Compliance: Written policy and procedure. Written post orders. Observations.

HF.10

A security perimeter shall be established which shall prevent access to and escape from the holding area.

Evidence of Compliance: Observations.

HF.11

Audio monitoring and communications shall be maintained between control/dispatch centers and all inmate holding areas.

Evidence of Compliance: Observations.

HF.12

The use of restraint equipment on an inmate in a cell shall be governed by written post orders (SOPs). The use of restraint equipment within a holding cell shall be followed by a written report to the facility administrator within 24 hours, and shall include justification for the use of restraints.

Evidence of Compliance: Written policy and procedure. Written post orders. Incident reports. Interviews.

HF.13

A duplicate set of emergency keys shall be clearly marked and readily available for use in emergency situations. Staff shall be able to release inmates in emergency situations.

Evidence of Compliance: Observations. Interviews.

HF.14

A system shall govern the control and use of keys. Keys shall be securely stored and distributed by a check-out/check-in system.

Evidence of Compliance: Written policy and procedure. Written post orders. Interviews. Observations.

HF.15

Searches of inmates to control contraband and maintain security shall be governed by written post orders (SOPs).

Evidence of Compliance: Written policy and procedure. Written post orders. Interviews.

HF.16

Searches of arrestees shall be conducted in compliance with the rules promulgated by the Maine Attorney General (Appendix G)

Evidence of Compliance: Written policy and procedure. Written post orders. Facility logs. Interviews.

HF.17

All inmates shall be searched thoroughly whenever entering or leaving the facility.

Evidence of Compliance: Written policy and procedure. Written post orders. Facility logs. Interviews.

HF.18

The use of physical force by staff members shall be limited to justifiable instances of self -defense, defense of others, protection of property, prevention of escapes, and enforcement of facility rules as outlined in Title 17-A MRSA §107. Any use of physical force against an inmate shall be followed by a written report to the facility administrator within 24 hours. *Evidence of Compliance: Written policy and procedure. Written post orders. Incident reports. Interviews.*

HF.19

No staff member shall enter a holding cell of a high-risk inmate unless assistance is available from another staff member, and/or unless the entry is monitored.

Evidence of Compliance: Written policy and procedure. Written post orders. Interviews. Observations.

HF.20

Practices governing the supervision of female inmates by female staff and male inmates by male staff shall be required in written post orders (SOPs).

Evidence of Compliance: Written policy and procedure. Written post orders. Interviews. Observations.

HF.21

Staff posts shall be located in or immediately adjacent to holding areas in order to permit staff to hear and respond promptly to problems in the holding areas.

Evidence of Compliance: Observations.

HF.22

All inmates shall be personally observed by a staff member at least every 15 minutes. Continuous observation with the ability to immediately intervene shall be provided in the cases of inmates who are out of control, suicidal, intoxicated or who have other special needs. The time and results of all such checks shall be logged.

Evidence of Compliance: Written policy and procedure. Written post orders. Facility logs. Interviews.

HF.23

The facility administrator shall ensure the death of an inmate is reported to the Office of the Chief Medical Examiner, State Police Criminal Investigation Division, Attorney General's

Office, and the Department of Corrections Inspections Division in accordance with the protocols established by the Attorney General's Office. (Appendix H, Death Investigation Protocol, IV.C.)

Evidence of Compliance: Written policy and procedure. Written post orders. Inmate records. Documented phone calls or written correspondence with the Office of the Chief Medical Examiner, State Police Criminal Investigation Division, Attorney General's Office, and the Department of Corrections.

ADMISSIONS

HF.24

Medical/Mental Health Screening shall be completed for each inmate upon admission. Medical/Mental Health Screening shall include at a minimum:

a.) Whether or not the inmate is on medication;

b.) Use of alcohol or other drugs, including type(s), amount and frequency used;

c.) Behavior, including state of consciousness, mental status, tremor, and/or sweating;

d.) Current illness and health problems, including communicable diseases;

e.) History of attempted suicide, or current thoughts of suicide;

f.) Possibility of pregnancy, if applicable; and

g.) Other observable health issues (bruises, rash, needle marks, etc.).

Evidence of Compliance: Written policy and procedure. Written post orders. Inmate records. Interviews. Observations.

HF.25

An inmate shall be provided bedding and access to personal hygiene items when necessary if held in the facility overnight.

Evidence of Compliance: Written policy and procedure. Written post orders. Interviews. Observations.

HF.26

Inmate property, clothing, and bedding may be taken from an inmate to prevent self-harm when the inmate is intoxicated, out of control, or suicidal.

Evidence of Compliance: Written policy and procedure. Written post orders. Inmate records. Facility logs. Interviews.

HF.27

All money and valuables shall be taken from the inmate at the time of admission and securely stored. An itemized inventory shall be completed and signed by the inmate and the admitting staff member at the time items are taken and/or returned to the inmate.
Evidence of Compliance: Written policy and procedure. Written post orders. Inmate records.

SANITATION & LIVING CONDITIONS

HF.28

Female inmates shall be housed separate from male inmates.

Evidence of Compliance: Written policy and procedure. Written post orders. Schematic identifying areas referenced. Inmate records. Facility logs. Interviews. Observations.

HF.29

Juveniles may only be held in facilities approved by the Department of Corrections for the holding of juveniles, only pursuant to the Maine Juvenile Code, and in accordance with all applicable inmate standards.

Evidence of Compliance: Written policy and procedure. Written post orders. Written approval. Juvenile and inmate records. Facility logs. Interviews. Observations.

HF.30

Juveniles shall be housed separated by sight and sound from adult inmates.

Evidence of Compliance: Written policy and procedure. Written post orders. Schematic identifying areas referenced. Juvenile and inmate records. Facility logs. Interviews. Observations.

HF.31

Staff members shall not have a direct view of shower or toilet areas occupied by inmates of the opposite gender.

Evidence of Compliance: Written policy and procedure. Written post orders. Observations. Interviews.

HF.32

First aid kits shall be located in or near the holding area.

Evidence of Compliance: Observations.

HF.33

Emergency medical care shall be available to inmates. Written post orders shall describe arrangements for the same.

Evidence of Compliance: Written policy and procedure. Written post orders. Inmate records. Interviews.

HF.34

Inmates held during meal times shall be provided with a meal.

Evidence of Compliance: Written policy and procedure. Written post orders. Inmate records. Interviews.

HF.35

The holding area and each cell shall be kept clean, sanitary, and free of vermin.

Evidence of Compliance: Written policy and procedure. Written post orders. Cleaning schedule. Pest control contract or receipts. Observations.

HF.36

Under no circumstances shall inmates sleep on mattresses placed directly on the floor.

Evidence of Compliance: Written policy and procedure. Written post orders. Observations.

HF.37

Cleaning and janitorial supplies shall be kept secure when not in use.

Evidence of Compliance: Written policy and procedure. Written post orders. Observations.

HF.38

A daily routine of work necessary to keep the holding facility clean shall be maintained.

Evidence of Compliance: Written policy and procedure. Written post orders. Cleaning schedule. Interviews. Observations.

HF.39

Painted surfaces shall be painted with fire resistant Class A paint and with a color which reflects light and can be easily cleaned. Painted surfaces shall not be scaled or deteriorated.

Evidence of Compliance: Specs for paint. Observations.

HF.40

All facility furnishings shall be constructed of flame retardant, easily cleanable materials which do not emit toxic fumes if burned.

Evidence of Compliance: Specs for furnishings. Observations.

HF.41

Toilets, wash basins, sinks, showers, and other sanitary equipment in inmate areas shall be kept clean.

Evidence of Compliance: Written policy and procedure. Written post orders. Cleaning schedule. Observations.

HF.42

Toilet paper shall be available in inmate toilet areas.

Evidence of Compliance: Observations.

HF.43

Inmate holding areas shall be no less than 65 degrees F and no more than 85 degrees F.

Evidence of Compliance: Written policy and procedure. Written post orders. Interviews. Observations.

HF.44

Sufficient supplies of hot and cold water shall be available.

Evidence of Compliance: Interviews. Observations.

HF.45

Arrangements shall be made for laundry services sufficient to allow clean linen and bedding for inmates.

Evidence of Compliance: Written policy and procedure. Written post orders. Interviews. Observations.

HF.46

Linen shall be changed and laundered before issued to another inmate.

Evidence of Compliance: Written policy and procedure. Written post orders. Interviews. Observations.

HF.47

Blankets shall be laundered before being reissued to another inmate.

Evidence of Compliance: Written policy and procedure. Written post orders. Interviews. Observations.

HF.48

Inmates shall be provided access to shower facilities to maintain personal hygiene.

Evidence of Compliance: Written policy and procedure. Written post orders. Interviews. Observations.

FACILITIES

HF.49

Holding facilities shall have documentation on file that verifies they comply with applicable plumbing, electrical, and zoning codes.

Evidence of Compliance: Code enforcement approval. Occupancy license.

HF.50

Each holding facility must comply with the Life Safety Code requirements adopted by the Department of Public Safety, State Fire Marshal's Office. Annual inspections by a local fire department or the State Fire Marshal's Office to verify compliance with the Life Safety Code shall be conducted. Reports resulting from these inspections shall be kept on file at the facility.

Evidence of Compliance: Documentation of NFPA compliance from the State Fire Marshal's Office or local fire authority.

HF.51

All cells in existing facilities (built prior to 2005) shall have at least 7 feet between floors and ceilings; cells in new or renovated facilities shall have at least 8 feet between floors and ceilings.

Evidence of Compliance: Observations.

HF.52

Light levels in cells shall be at least 15 foot-candles at the level of 2 feet above the bed and shall not exceed 5 foot-candles during sleeping hours.

Evidence of Compliance: Light meter measurements.

HF.53

All cells shall be designed and used for single occupancy and shall have a minimum of 50 square feet of floor space (built after 2017).

Evidence of Compliance: Schematic with measurements. Observations.

HF.54

Wherever location offers the opportunity for observation of an inmate by the public, provisions shall be made to prevent direct views.

Evidence of Compliance: Observations.

HF.55

All fixtures, furnishings, and equipment selected shall be designed for detention use.

Evidence of Compliance: Observations.

HF.56

Each cell built or renovated after December of 1992 shall have a toilet and wash basin with hot and cold running water. In those cells where toilets are not provided, there shall be no less than one toilet for every six inmates, and staff shall provide inmates ready access to toilets and wash basins at all hours.

Evidence of Compliance: Written policy and procedure. Written post orders. Observations.

HF.57

Operable shower facilities with hot and cold running water shall be available for inmate use.

Evidence of Compliance: Written policy and procedure. Written post orders. Interviews. Observations.

HF.58

Each cell shall have a bed or bunk.

Evidence of Compliance: Observations.

HF.59

All inmate cells shall have air circulation of at least 10 cubic feet of fresh or purified air per minute.

Evidence of Compliance: Air circulation measurements.

HF.60

For new construction and renovation, key planning and design documents shall be submitted to the Department for review and comment at the following stages:

a.) At the completion of the schematic design phase;

b.) At the completion of each set of preliminary plans; and

c.) At the completion of the construction documents phase.

The Department shall review all documents to determine if compliance with standards is achieved and shall certify compliance in writing prior to continuation of the design and construction process.

Evidence of Compliance: Documented communications with Department on plans.

HF.61

Written policy, procedure and practice provide that the Department shall be informed in writing when construction is 75% completed so that an on-site inspection by the Department can be made to determine standards compliance. Final inspection of the completed facility shall be made, and the Department shall certify compliance before a new or renovated facility is occupied by inmates and placed in operation.

Evidence of Compliance: Documented communications and approval.

Section IIc.

SHORT TERM DETENTION AREAS (UP TO 6 HOUR DETENTION)

SDA.1

Post orders or standard operating procedures (SOPs) shall be developed and maintained for each detention area describing the operational practices of the area. At a minimum, written post orders shall include the following:

a.) Maintenance of detention area log;

b.) Completion and submission of monthly population report form;

c.) Evacuation procedures;

d.) Searches;

e.) Supervision/Observation of detainees;

f.) Booking and release procedures;

g.) Separation of adults from juveniles, and male from female;

h.) Detainee property control;

i.) Location of first aid kits; and

j.) Emergency medical care.

Evidence of Compliance: Written post orders or SOPs.

SDA.2

Post orders or SOPs shall be accessible to staff in the detention area.

Evidence of Compliance: Interviews. Observations.

SDA.3

All staff members involved with detention shall receive training in the execution of written post orders or SOPs and emergency plans, which shall be documented in personnel or training files.

Evidence of Compliance: Training records. Interviews.

SDA.4

Detention area logs shall be maintained by each shift and shall contain the following:

a.) Staff on duty who are responsible for the detention area;

b.) Time and results of detainee supervision and counts;

c.) The date, time, and names of all detainees booked and released or transferred, and the reason for the same;

d.) Shift activities, including any action taken on handling routine or unusual incidents or occurrences; and

e.) Notation of problems, disturbances, and distribution and use of emergency and security equipment.

Evidence of Compliance: Detention area logs.

SDA.5

The Holding Facility/SDA Monthly Population Report (Appendix I) shall be completed and submitted to the Department of Corrections at the end of each month.

Evidence of Compliance: Receipt of reports.

SDA.6

Each detention area shall comply with the Life Safety Code requirements adopted by the Department of Public Safety, State Fire Marshal's Office. Annual inspections by a local fire department or the State Fire Marshal's Office to verify compliance with the Life Safety Code shall be conducted. Reports resulting from these inspections shall be kept on file at the facility.

Evidence of Compliance: Documentation of NFPA compliance from the State Fire Marshal's Office or local fire authority.

SDA.7

Evacuation plans shall be developed and posted in the detention area to show means of egress from the facility.

Evidence of Compliance: Observations.

SDA.8

There shall be a security perimeter that prevents access to or egress from the detention area by unauthorized persons.

Evidence of Compliance: Written policy and procedure. Written post orders. Observations.

SDA.9

There shall be an audio and/or video monitoring/communication system between a 24 hour manned staff post and the detention area.

Evidence of Compliance: Observations.

SDA.10

All staff members shall be familiar with the locking system of the detention area and shall be able to release detainees immediately in the event of a fire or other emergency. A duplicate set of keys shall be readily available for emergency situations.

Evidence of Compliance: Training records. Observations. Interviews.

SDA.11

Weapons shall not be permitted within the security perimeter of the detention area. Secure storage for weapons shall be provided outside of the security perimeter of the detention area.

Evidence of Compliance: Written policy and procedure. Written post orders. Observations.

SDA.12

Detention area staff posts shall be located in or immediately adjacent to detention areas to permit staff to hear and respond promptly to problems in the areas.

Evidence of Compliance: Observations.

SDA.13

All detainees shall be physically observed by a staff member at least every 15 minutes; the time of all such checks shall be documented in the detention area log. Observation with the ability to immediately intervene shall be provided for detainees who are out of control, suicidal, intoxicated, or who have other special needs.

Evidence of Compliance: Written policy and procedure. Written post orders. Detention area logs. Interviews.

SDA.14

Female detainees shall be housed separated by sight and sound from male detainees.

Evidence of Compliance: Written policy and procedure. Written post orders. Schematic identifying areas referenced. Inmate records. Detention area logs. Interviews. Observations.
SDA.15

Juveniles shall be separated by sight and sound from all adult detainees.

Evidence of Compliance: Written policy and procedure. Written post orders. Juvenile and detainee records. Detention area logs. Interviews. Observations.

SDA.16

Juveniles shall only be held in a detention area in compliance with the Maine Juvenile Code, and in accordance with all applicable detainee standards. A staff post must be located in such a way as to provide constant observation with the ability to immediately intervene.

Evidence of Compliance: Written policy and procedure. Written post orders. Juvenile and detainee records. Detention area logs. Interviews. Observations.

SDA.17

Searches of arrestees shall be conducted in compliance with the rules promulgated by the Maine Attorney General (Appendix G).

Evidence of Compliance: Written policy and procedure. Written post orders. Detention area logs. Interviews.

SDA.18

First aid kits shall be located in or near the detention area, and easily accessible.

Evidence of Compliance: Observations.

SDA.19

Emergency medical care shall be available at all times.

Evidence of Compliance: Written policy and procedure. Written post orders. Detention area logs. Interviews.

SDA.20

Cells shall be cleaned after each use. Additionally there shall be a sanitation inspection and visual search for contraband after each use.

Evidence of Compliance: Written policy and procedure. Written post orders. Detention area logs. Interviews.

SDA.21

Toilets, wash basins with hot and cold water, and other sanitary equipment shall be kept clean and in working order.

Evidence of Compliance: Written policy and procedure. Written post orders. Observations.

SDA.22

Detention area temperatures shall be no less than 65 degrees F and no more than 85 degrees F.

Evidence of Compliance: Written policy and procedure. Written post orders. Interviews. Observations.

SDA.23

All cells shall be designed and used for single occupancy and shall have a minimum of 50 square feet of floor space (built after 2017).

Evidence of Compliance: Schematic with measurements. Observations.

SDA.24

There shall be no less than one toilet for every six detainees, and staff shall provide detainees ready access to toilets and wash basins at all hours.

Evidence of Compliance: Written policy and procedure. Written post orders. Observations.

SDA.25

Each cell or open detention area shall have a bed and/or a chair/bench.

Evidence of Compliance: Observations.

SDA.26

All new construction and renovations made to detention areas shall comply with applicable ADA requirements and building codes.

Evidence of Compliance: Code enforcement approval. Occupancy license.

SDA.27

For new construction and renovation of detention areas, key planning and design documents shall be submitted to the Department for review and comment at the following stages:

a.) At the completion of the schematic design phase;

b.) At the completion of each set of preliminary plans; and

c.) At the completion of the construction documents phase.

The Department shall review all documents to determine if compliance with standards is achieved and shall certify compliance in writing prior to continuation of the design and construction process.

Evidence of Compliance: Documented communications with Department on plans.

SDA.28

Written policy, procedure and practice provide that the Department shall be informed in writing when construction is 75% completed so that an on-site inspection by the Department can be made to determine standards compliance. Final inspection of the completed facility shall be made, and the Department shall certify compliance before a new or renovated facility is occupied by inmates and placed in operation.

Evidence of Compliance: Documented communications and approval.

Section III.

MINIMUM SECURITY RESIDENTIAL FACILITIES

MSRF.1

Each minimum security residential facility shall be managed by a supervisory level staff person.

Evidence of Compliance: Written policy and procedure. Written appointment. Job description. Agency organizational chart.

MSRF.2

Each minimum security residential facility shall have sufficient staff on duty to provide inmate supervision. A minimum security residential facility shall, at a minimum, be staff secure.

Evidence of Compliance: Staffing plans. Facility logs. Observations.

MSRF.3

Only those inmates who have been sentenced to a county jail and pose minimal risk to the community are classified as minimum security or less and may be housed in a minimum security residential facility. Classification assignments shall be based on objective, quantifiable, and verifiable assessments.

Evidence of Compliance: Written policy and procedure. Written post orders. Classification records.

MSRF.4

Inmates shall not be placed in a minimum security residential facility solely for the purpose of housing. All inmates living in a minimum security residential facility shall be participating in a structured program of restitution, work, education, or treatment.

Evidence of Compliance: Written policy and procedure. Classification records. Program description(s). Inmate records. Facility logs. Interviews.

MSRF.5

Each minimum security residential facility shall establish rules, regulations, and conditions governing the behavior of the inmates who participate in the program. Before being placed in a minimum security residential facility, each inmate shall sign a copy of the rules and regulations verifying that the inmate understands and is willing to abide by these rules, regulations, and conditions.

Evidence of Compliance: Written policy and procedure. Rules and regulations. Signed acknowledgement.

MSRF.6

Each minimum security residential facility must comply with the Life Safety Code requirements adopted by the Department of Public Safety, State Fire Marshal's Office. Annual inspections by a local fire department or the State Fire Marshal's Office to verify compliance with the Life Safety Code shall be conducted. Reports resulting from these inspections shall be kept on file at the facility.

Evidence of Compliance: Documentation of NFPA compliance from the State Fire Marshal's Office or local fire authority.

MSRF.7

Each minimum security residential facility shall post plans for emergency evacuation of the facility in areas accessible to both staff and inmates. Fire drills shall be conducted semiannually, and a written record of the same shall be kept on file.

Evidence of Compliance: Written policy and procedure. Facility logs. Interviews.

MSRF.8

Each minimum security residential facility shall have written practices or procedures for providing emergency medical services. At least one staff person on each shift shall be certified in CPR.

Evidence of Compliance: Shift rosters. Training records. Certifications.

MSRF.9

Each minimum security residential facility must comply with existing local and state building and zoning codes. Documentation verifying compliance shall be kept on file.

Evidence of Compliance: Code enforcement approval. Occupancy license.

MSRF.10

Each minimum security residential facility shall maintain a housekeeping and maintenance plan to ensure that the facility is clean and in good repair.

Evidence of Compliance: Written policy and procedure. Cleaning schedule. Maintenance slips.

MSRF.11

Each minimum security residential facility shall maintain a written schedule of daily inmate programs and activities.

Evidence of Compliance: Written schedule.

MSRF.12

Each minimum security residential facility shall maintain a log of facility activities. At a minimum, this log shall include:

a.) The names and numbers of staff on duty;

b.) All admissions to and releases from the facility;

c.) The names of inmates in-house and outside the facility;

d.) All routine activities;

e.) All emergency or unusual circumstances or activities;

f.) Inmate counts; and

g.) The names of all visitors to the facility.

Evidence of Compliance: Written policy and procedure. Facility logs. Interviews. Observations.

MSRF.13

Each minimum security residential facility shall maintain a system to account for all inmates assigned to the facility as a part of each shift change.

Evidence of Compliance: Written policy and procedure. Written post orders. Facility logs. Interviews. Observations.

MSRF.14

Each minimum security residential facility shall provide, at a minimum, 25 square feet of sleeping area per inmate partitioned from common areas.

Evidence of Compliance: Schematic identifying areas/measurements/space referenced. Observations.

MSRF.15

Each minimum security residential facility shall provide 15 square feet for dayroom or lounge space per inmate.

Evidence of Compliance: Schematic identifying areas/measurements/space referenced. Observations.

MSRF.16

Each minimum security residential facility shall provide 1 shower per 8 inmates.

Evidence of Compliance: Schematic identifying areas referenced. Capacity chart. Observations.

MSRF.17

Each minimum security residential facility shall provide l toilet per 10 inmates. Half of the required toilets may be substituted for by urinals in a facility having only male inmates.

Evidence of Compliance: Schematic identifying areas referenced. Capacity chart. Observations.

MSRF.18

Each minimum security residential facility shall provide l wash basin per 10 inmates.

Evidence of Compliance: Schematic identifying areas referenced. Capacity chart. Observations.

MSRF.19

Female inmates shall be provided sleeping quarters separate from male inmates' sleeping quarters.

Evidence of Compliance: Schematic identifying areas referenced.

MSRF.20

When food services are provided in the facility, there shall be adequate space and equipment for dining and food services.

Evidence of Compliance: Schematic identifying areas referenced. Observations.

MSRF.21

Each minimum security facility shall have adequate multipurpose space for group programs and activities.

Evidence of Compliance: Schematic identifying areas referenced. Observations.

MSRF.22

Each minimum security residential facility shall provide adequate laundry services.

Evidence of Compliance: Laundry exchange schedule. Observations.

MSRF.23

For new construction and renovation, key planning and design documents shall be submitted to the Department for review and comment at the following stages:

a.) At the completion of the schematic design phase;

b.) At the completion of each set of preliminary plans; and

c.) At the completion of the construction documents phase.

The Department shall review all documents to determine if compliance with standards is achieved and shall certify compliance in writing prior to continuation of the design and construction process.

Evidence of Compliance: Documented communications with the Department on plans.

MSRF.24

Written policy, procedure and practice provide that the Department shall be informed in writing when construction is 75% completed so that an on-site inspection by the Department can be made to determine standards compliance. Final inspection of the completed facility shall be made, and the Department shall certify compliance before a new or renovated facility is occupied by inmates and placed in operation.

Evidence of Compliance: Documented communications and approval.

SECTION IVa.

COMMUNITY CORRECTIONS: HOME RELEASE AND ELECTRONIC MONITORING

HREM.1

At a minimum, electronic monitoring programs shall be managed/coordinated by a supervisory level staff person.

Evidence of Compliance: Written policy and procedure. Written appointment. Job description. Agency organizational chart.

HREM.2

County staff or service providers responsible for electronic monitoring programs shall receive training in the following areas:

a.) Theory, use, and limitations of electronic monitoring equipment;

b.) Installation, attachment, and testing of electronic monitoring equipment. In cases where a staff person is responsible for such, there must be written documents in the staff person's training or personnel file verifying that the person has been qualified to do so;

c.) Equipment use and operational practices for monitoring and supervising inmates participating in an electronic monitoring program; and

d.) Statutory requirements for home release electronic monitoring programs pursuant to Maine Title 30-A §1659-A.

Evidence of Compliance: Written policy and procedure. Training curriculum. Training Records. Interviews.

HREM.3

Contracted service providers operating home release electronic monitoring programs shall maintain liability insurance.

Evidence of Compliance: Contracts/Agreements. Copy of insurance policy.

HREM.4

Electronic monitoring equipment and software shall be covered by a system maintenance plan. Electronic monitoring systems shall include backup equipment and software for use in the case of system failure. Procedures for system recovery shall be maintained.

Evidence of Compliance: Written policy and procedure. Equipment/software specs. Maintenance plan(s).

HREM.5

Electronic monitoring equipment shall be monitored by on duty or on call staff 24 hours a day.

Evidence of Compliance: Written policy and procedure. Staffing plans. Monitoring logs. Incident reports. Interviews.

HREM.6

Electronic monitoring systems shall include both periodic tracking appropriate to the offender risk level and passive monitoring (programmed contact such as voice verification).

Evidence of Compliance: Written policy and procedure. Written post orders. Inmate records. Monitoring logs. Incident reports. Interviews.

HREM.7

Periodic field contacts between staff and inmates participating in home release monitoring programs shall be made. The frequency of contact will depend on the level of supervision needed.

Evidence of Compliance: Written policy and procedure. Written post orders. Inmate records. Monitoring logs. Incident reports.

HREM.8

Written or electronic documentation, including the time, date, results, and any necessary action taken, shall be kept on file for all inmates monitored electronically as well as on field contacts made by staff.

Evidence of Compliance: Written policy and procedure. Written post orders. Inmate records. Monitoring logs. Incident reports.

HREM.10

Only those inmates who have been found eligible pursuant to Maine Title 30-A §1659-A, have been recommended by the Administrator and received approval of the Sheriff may be granted the privilege of participating in a home release monitoring program.

Evidence of Compliance: Written policy and procedure. Inmate records. Written notice(s).

HREM.11

Inmates shall not be placed in a home release electronic monitoring program solely for the purpose of living at home. All inmates participating in a home release electronic monitoring

program shall be participating in a structured program of restitution, work, education, or treatment.

HREM.12

Each home release electronic monitoring program shall establish rules, regulations, and conditions governing the behavior of the inmates who participate in the program. Before being placed in the program, each inmate shall sign a copy of the rules and regulations verifying that the inmate understands and is willing to abide by these rules, regulations, and conditions.

Evidence of Compliance: Written policy and procedure. Inmate records. Signed agreement(s).

HREM.13

The following requirements apply to each inmate participating in a home release monitoring program:

a.) The inmate must, at a minimum, be supervised on an intermittent basis (at least 3 times a week) or monitored electronically during release or curfew hours when an inmate must be at that inmate's residence or place of employment as determined by the Sheriff or designee;

b.) The Sheriff or designee must give advance approval for any travel. Such travel shall be limited to a specific time and place directly related to approved employment, formal education, job search, public service work, treatment, or other specific purposes;

c.) The inmate must agree to searches of the inmate's person, residence, vehicle, electronic communication and storage devices, papers, and effects without warrant and without probable cause, for items prohibited by law or by conditions of participation in this program or otherwise subject to seizure or inspection, upon the request of the Sheriff or designee, without prior notice. The Sheriff or designee may prohibit an inmate from residing with anyone who does not consent to this requirement;

d.) The inmate may not use illegal drugs or other illegal substances, may not use alcohol or marijuana, and may not abuse any legal substance;

e.) The inmate must submit to urinalysis, breath testing, or any other chemical test without probable cause, at the request of the Sheriff or designee;

f.) Any inmate having made any contact with a law enforcement officer must inform the officer of the inmate's status as an inmate participating in a home release monitoring program. The inmate must notify the Sheriff or designee of the contact within 12 hours of any such contact;

g.) The inmate may not violate state or federal laws or any condition of the inmate's release; and

h.) The inmate must pay the cost of the inmate's participation in a home release electronic monitoring program when required by the Sheriff or designee.

Evidence of Compliance: Written policy and procedure. Program rules. Inmate records. Monitoring logs. Signed agreement(s).

HREM.14

The Sheriff shall establish written procedures for the termination of an inmate who violates the conditions of his/her release or the law. The Sheriff or designee may terminate an inmate's participation at any time and return the inmate to confinement for any violations of the conditions of release or the law.

Evidence of Compliance: Written policy and procedure. Program rules. Inmate records. Monitoring logs. Signed agreement(s). Incident reports.

HREM.15

All funds generated as a result of participation in a home release monitoring program must be used to support the home release electronic monitoring program. The County Treasurer shall establish a home release monitoring program account for all revenues generated and expenditures made. Funds unexpended at the end of the year may not lapse but must be carried forward. Home release monitoring program funds must be accounted for through the normal budget process.

Evidence of Compliance: Written policy and procedure. Detailed ledgers.

Section IVb.

COMMUNITY CORRECTIONS: ALTERNATIVE SENTENCING PROGRAMS

ASP.1

There shall be sufficient qualified staff to perform all functions related to the security, custody, programs, and supervision of all inmates participating in an alternative sentencing program. For each alternative sentencing program, the Administrator or designee shall complete and submit to the Department of Corrections, Inspections Division a staffing inventory to include all security, custody, program, and support staff by shift.

Evidence of Compliance: Documentation of submission/receipt of staffing inventory with specific names referenced. Training records.

ASP.2

Correctional officers and other staff responsible for inmate supervision shall receive and maintain certification in Cardiopulmonary Resuscitation (CPR).

Evidence of Compliance: Shift rosters. Training records.

ASP.3

Written orientation materials shall be provided to the inmate as part of the admissions process. These materials shall include, at a minimum:

a.) Inmate rules and regulations, including sanctions;

b.) Daily activity schedule;

c.) Housekeeping plan;

d.) Menu;

e.) Programs; and

f.) PREA.

Inmates shall be required to verify receipt of orientation in writing.

Evidence of Compliance: Written policy and procedure. Post orders. Written orientation. Signed acknowledgement of orientation.

ASP.4

Each alternative sentencing program location shall provide, at a minimum, 25 square feet of sleeping area per inmate partitioned from common areas. Female inmates shall be provided sleeping quarters separate from male inmate sleeping quarters.

Evidence of Compliance: Written policy and procedure. Post orders. Detailed schematic. Interviews. Observations.

ASP.5

Each alternative sentencing program location shall provide 15 square feet for dayroom or lounge space per inmate.

Evidence of Compliance: Detailed schematic. Observations.

ASP.6

Each alternative sentencing program location shall provide 1 shower per 8 inmates.

Evidence of Compliance: Detailed schematic. Observations.

ASP.7

Each alternative sentencing program location shall provide 1 toilet per 8 female inmates and 1 toilet per 12 male inmates. Half of the required toilets may be substituted for by urinals for only male inmates.

Evidence of Compliance: Detailed schematic. Observations.

ASP.8

Each alternative sentencing program location shall provide 1 wash basin per 12 inmates.

Evidence of Compliance: Detailed schematic. Observations

ASP.9

When food services are provided in the alternative sentencing program location, there shall be adequate space and equipment for dining and food services.

Evidence of Compliance: Program schedule. Detailed schematic. Observations.

ASP.10

In jurisdictions where applicable, the alternative sentencing program locations shall comply with existing local and state sanitation and health codes. Facilities shall be inspected at least annually by a local health code officer or the Department of Human Services. All inspections shall be documented and kept on file.

Evidence of Compliance: Inspection reports. Licensure.

ASP.11

All facilities shall comply with required plumbing, electrical, and applicable building codes. Each alternative sentencing program location shall keep documentation on file verifying compliance with applicable codes.

Evidence of Compliance: Code enforcement compliance. Occupancy license.

ASP.12

The standards set forth in the NFPA Life Safety Code, published by the National Fire Protection Association and adopted by the Maine Department of Public Safety, shall be followed in all alternative sentencing program facilities. Documentation of compliance from the State Fire Marshal's Office or local fire authority shall be kept on file.

Evidence of Compliance: Documentation of NFPA compliance from the State Fire Marshal's Office or local fire authority.

Section V.

Appendices

Appendix A

Maine Revised Statutes

Title 34-A: CORRECTIONS

Chapter 1: GENERAL PROVISIONS

§1208. STANDARDS FOR COUNTY AND MUNICIPAL DETENTION FACILITIES

The commissioner shall establish standards, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, for county and municipal jails, holding facilities and short-term detention areas, referred to in this section as county and municipal detention facilities, as follows and shall enforce them. [1983, c. 581, §§10, 59 (NEW).]

1. **Establishment.** The commissioner shall establish both mandatory and desirable standards for all county and municipal detention facilities, setting forth requirements for maintaining safe, healthful and secure facilities.

[1983, c. 581, §§10, 59 (NEW) .]

2. **Inspections.** Inspections of county and municipal detention facilities are governed as follows.

A. The commissioner shall conduct a comprehensive inspection of each county and municipal detention facility every 2 years, in order to provide the department with information, verified by on-site inspection, regarding compliance with all department standards. The commissioner may dispense with this inspection if, when it is due, the facility is accredited by a nationally recognized correctional accrediting body. [2013, c. 27, §1 (AMD).]

B. The commissioner shall conduct every 2 years no fewer than 3 inspections of each county and municipal detention facility that are in addition to any comprehensive inspections conducted pursuant to paragraph A in order to determine continued compliance with standards. [2013, c. 27, §2 (AMD).]

C. The commissioner may inspect a county or municipal detention facility at any time, without prior notice, to determine compliance with standards. [1983, c. 581, §§10, 59 (NEW).]

C-1. As part of any inspection, the commissioner may access any records, including, but not limited to, the records of persons detained or committed in the facility, as considered necessary by the commissioner in order to determine compliance with standards. [2007, c. 102, §6 (NEW).]

D. The commissioner shall prepare a written report of each inspection and shall send a copy of the report to appropriate county or municipal officials within 15 days after the inspection.

(1) The report shall summarize inspection findings.

(2) The report shall list the standards with which the facility does not comply and set forth the reasons for noncompliance. [1983, c. 581, §§10, 59 (NEW).]

E. The commissioner shall order the noncomplying county or municipality to respond to this report in accordance with subsection 3. [1983, c. 581, §§10, 59 (NEW).]

[2013, c. 27, §§1, 2 (AMD) .]

3. **Standards compliance.** Each county and municipal detention facility shall, unless granted a variance pursuant to subsection 5, comply with the mandatory standards established by the commissioner.

A. Within 60 days from the receipt of an inspection report for each mandatory standard listed in subsection 2, paragraph D, subparagraph (2), the county or municipality shall either:

(1) Correct deficiencies listed in the report and submit to the department a written response listing the corrections made; or

(2) Offer a plan to correct those deficiencies for consideration by the department. [1983, c. 581, §§10, 59 (NEW).]

B. If a county or municipality fails to correct deficiencies and offers no plan of correction, or if the plan of correction offered to the department is determined inadequate by the commissioner, the commissioner shall determine an appropriate action to restrict or modify the operations of the facility, consistent with the nature of the uncorrected deficiencies, which action may include ordering an entire facility closed until the deficiencies have been corrected.

(1) Before any such action is taken, the commissioner shall notify the county or municipality in writing of the planned action and shall offer the opportunity to meet and discuss the planned action.

(2) If a meeting is not requested by the county or municipality within 15 days after the county or municipality receives notice of the planned action, or if a meeting is held and fails to produce a plan of correction acceptable to the commissioner, the commissioner shall take the planned action. [1983, c. 581, §§10, 59 (NEW).]

[1983, c. 581, §§10, 59 (NEW) .]

4. **Emergency powers.** The commissioner may take immediate action in response to noncompliance with a mandatory standard, if the noncompliance is determined to endanger the safety of the staff, inmates or visitors of any county or municipal detention facility.

A. The commissioner's action under this subsection shall expire within 90 days or upon compliance with the mandatory standard. [1983, c. 581, §§10, 59 (NEW).]

B. After having taken action under this section, the commissioner shall send a written inspection report to the affected facility. [1983, c. 581, §§10, 59 (NEW).]

C. The commissioner shall decide what long-term action to take with respect to the affected facility on the basis of county or municipality response to the inspection report and subsequent meetings. [1983, c. 581, §§10, 59 (NEW).]

[1983, c. 581, §§10, 59 (NEW) .]

5. **Variances.** The commissioner shall establish written procedures to govern the submission and consideration of requests for variances from established departmental standards, including provisions for department consideration of appeals of decisions.

A. The commissioner may grant a variance only when he determines that the variance will not result in diminishing the safety, health or security of staff, inmates or visitors of a county or municipal detention facility. [1983, c. 581, §§10, 59 (NEW).]

B. The commissioner may grant variances to counties and municipalities for periods of up to 2 years. [1983, c. 581, §§10, 59 (NEW).]

C. County and municipal officials may request variances from mandatory department standards if:

(1) Efforts are underway to achieve compliance and continued failure to comply is only temporary; or

(2) The intent and spirit of the standards may be attained through other means. [1983, c. 581, §§10, 59 (NEW).]

D. The officials applying for a variance have the burden of showing clear justification for the variance. [1983, c. 581, §§10, 59 (NEW).]

[1983, c. 581, §§10, 59 (NEW) .]

6. **Advisory review.** The commissioner shall create and maintain a county and municipal detention facility advisory committee.

A. The committee shall consist of representatives of the Department of Corrections, Maine Sheriffs' Association, Maine County Commissioners' Association, Maine Chiefs of Police Association, Attorney General, Legislature and citizens. [1983, c. 581, §§10, 59 (NEW).]

B. The terms of members of this committee shall be one year. [1983, c. 581, §§10, 59 (NEW).]

C. Members of the county and municipal detention facility advisory committee are eligible for reappointment at the expiration of their term. [1983, c. 581, §§10, 59 (NEW).]

D. The commissioner shall consult the committee when promulgating standards and may consult the committee when variances are sought, when actions are contemplated by the commissioner in response to a failure to comply with standards and when the commissioner determines that the consultation is necessary for other reasons. [1983, c. 581, §§10, 59 (NEW).]

[1983, c. 581, §§10, 59 (NEW) .]

7. **Technical assistance.** The commissioner may provide technical assistance to county and municipal detention facilities to facilitate compliance with standards.

[1983, c. 581, §§10, 59 (NEW) .]

SECTION HISTORY
1983, c. 581, §§10,59 (NEW). 2007, c. 102, §6 (AMD). 2013, c. 27, §§1, 2 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 127th Maine Legislature and is current through October 1, 2016. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

Appendix B

Maine Revised Statutes

Title 34-A: CORRECTIONS

Chapter 1: GENERAL PROVISIONS

§1208-A. STANDARDS FOR ADDITIONAL ACCOMMODATIONS

The commissioner shall establish standards for facilities not covered by section 1208 that are used to house county prisoners, including secure detention facilities as defined in Title 15, section 3003, subsection 24-A and temporary holding resources as defined in Title 15, section 3003, subsection 26 and has the same power to determine compliance with and enforce those standards as provided under section 1208. [2007, c. 102, §7 (AMD).]

SECTION HISTORY
1989, c. 321, §2 (NEW). 1991, c. 314, §16 (AMD). 2007, c. 102, §7 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 127th Maine Legislature and is current through October 1, 2016. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

Appendix C

Maine Revised Statutes

Title 34-A: CORRECTIONS

Chapter 1: GENERAL PROVISIONS

§1208-B. STANDARDS, POLICIES AND PROCEDURES APPLICABLE TO JAILS

1. **Establishment.** The commissioner shall establish mandatory standards, policies and procedures for jails. The standards, policies and procedures must be established by rule and must be evidence-based and reflect best practices for the administration and operation of jails. The rules must include policies and procedures for assisting jails to achieve compliance and for imposing penalties for noncompliance.

A. The standards, policies and procedures must address record keeping and reporting of financial data, capital improvement planning, jail staffing, administration and management of prisoners, transfer of inmates, notification to prisoners of prohibition on contact with victims and other persons, pretrial assessments and services, evidence-based programming, literacy programs, mental health and substance abuse programs and correctional officer training. [2015, c. 335, §22 (NEW).]

B. In administering and distributing funding to the jails pursuant to section 1210-D, subsection 4, the commissioner shall:

(1) Require reporting of data that indicates average daily population of prisoners, that excludes federal prisoners, that indicates sending and receiving jails for transferred prisoners and that is useful in calculating the distributions to the counties pursuant to section 1201-D, subsection 4; and

(2) Consider the performance of each jail in meeting the standards established pursuant to this section. The commissioner shall work with the jails to assist them in achieving compliance with the standards. The commissioner shall enforce the standards by imposition of monetary penalties upon a county for noncompliance by the county jail or regional jail. A monetary penalty imposed under this subsection may not in any fiscal year exceed the County Jail Operations Fund distribution payable to a county for a fiscal year pursuant to section 1210-D, subsection 4. [2015, c. 335, §22 (NEW).]

[2015, c. 335, §22 (NEW) .]

2. **Rulemaking.** Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. Rules adopted pursuant to this section must take effect January 1, 2016.

[2015, c. 335, §22 (NEW) .]

SECTION HISTORY
2015, c. 335, §22 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 127th Maine Legislature and is current through October 1, 2016. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

Appendix D

Maine Revised Statutes

Title 30-A: MUNICIPALITIES AND COUNTIES

Chapter 13: COUNTY JAILS AND JAILERS

§1582. RESTRAINT OF PREGNANT PRISONERS AND PREGNANT JUVENILES

1. **Restraints prohibited.** A jail may not use restraints on a prisoner or juvenile known to be pregnant, including during transport to a medical facility or birthing center, labor, delivery and postpartum recovery, unless the jail administrator or the designee of the jail administrator makes a determination that the prisoner or juvenile presents an extraordinary circumstance as described in subsection 2.

[2015, c. 315, §2 (NEW) .]

2. **Exceptions.** Use of restraints on a pregnant prisoner or a pregnant juvenile for an extraordinary circumstance is permitted only if a jail administrator or designee of the jail administrator makes a determination that there is a substantial flight risk or other extraordinary medical or security circumstance that requires restraints to be used to ensure the safety and security of the pregnant prisoner or pregnant juvenile, the staff of the jail or medical facility, other prisoners or juveniles or the public, except that:

A. If a doctor, nurse or other health professional treating the prisoner or juvenile requests that restraints not be used, the corrections officer accompanying the prisoner or juvenile shall immediately remove all restraints; and [2015, c. 315, §2 (NEW).]

B. Notwithstanding this subsection, leg or waist restraints may not be used at any time, and restraints may not be used on a prisoner or juvenile in labor or childbirth. [2015, c. 315, §2 (NEW).]

[2015, c. 315, §2 (NEW) .]

3. **Procedures.** If restraints are used on a pregnant prisoner or pregnant juvenile pursuant to subsection 2:

A. The corrections officer must apply the least restrictive type of restraints in the least restrictive manner necessary; and [2015, c. 315, §2 (NEW).]

B. The jail administrator or designee of the jail administrator shall make written findings within 10 days as to the extraordinary circumstance that required the use of the restraints. These findings must be kept on file by the jail for at least 5 years and must be made available for public inspection, except that individually identifying information of any prisoner or juvenile may not be made public under this paragraph without the prior written consent of the prisoner or juvenile. [2015, c. 315, §2 (NEW).]

[2015, c. 315, §2 (NEW) .]

4. **Privacy.** When a prisoner or juvenile is admitted to a medical facility or birthing center for labor or childbirth, a corrections officer may not be present in the room during labor or childbirth unless specifically requested by medical personnel. If a corrections officer's presence is requested by medical personnel, the corrections officer must be female if practicable.

[2015, c. 315, §2 (NEW) .]

SECTION HISTORY
2015, c. 315, §2 (NEW).

§1583. STANDARDS; NOTICE TO FEMALE PRISONERS AND JUVENILES

1. **Mandatory minimum standards for pregnant prisoners and juveniles.** The Commissioner of Corrections shall adopt rules to establish mandatory minimum standards necessary to implement this subchapter and must enforce those standards as provided under Title 34-A, section 1208. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2015, c. 315, §2 (NEW) .]

2. **Notice.** The jail administrator or the jail administrator's designee shall inform all female prisoners and female juveniles upon admission to the jail of the mandatory minimum standards adopted pursuant to subsection 1.

[2015, c. 315, §2 (NEW) .]

SECTION HISTORY
2015, c. 315, §2 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 127th Maine Legislature and is current through October 1, 2016. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

Appendix E

Maine Revised Statutes

Title 30-A: MUNICIPALITIES AND COUNTIES

Chapter 13: COUNTY JAILS AND JAILERS

§1658. ADDITIONAL ACCOMMODATIONS

The county commissioners may make such additions in workshops, fences and other suitable accommodations in, adjoining or appurtenant to the jails in the several counties as may be found necessary for the safekeeping, governing and employing of offenders committed to the jails by authority of the State or the United States. For the better employing of these offenders, they may lease or purchase necessary lands or buildings anywhere within their respective counties and may authorize the employment on those lands for the benefit of the county or of dependent families of prisoners committed for crime, as provided in section 1601. Whenever the county commissioners determine that the use of the land and buildings is unnecessary for that use, they may sell and dispose of the land and buildings in the manner required by law. The county commissioners may raise by loan of their respective counties, or otherwise, a total sum not exceeding $5,000 to make those purchases, alterations and improvements, and may expend so much of that amount as is necessary. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

The county commissioners may purchase, lease, contract or enter into agreements for the use of facilities to house minimum security prisoners who have been sentenced to the county jail. These prisoners must be involved in restitution, work or educational release, or rehabilitative programs. The funds to purchase, lease or contract for these facilities and to provide any programs in these facilities may be taken from the funds received by the counties pursuant to former Title 34-A, section 1210-A and Title 34-A, section 1210-B. Any facilities used to house prisoners pursuant to the authority granted by this section are subject to standards established by the Department of Corrections pursuant to Title 34-A, section 1208-A. [2007, c. 377, §6 (AMD); 2007, c. 377, §17 (AFF).]

SECTION HISTORY
1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD). 1989, c. 321, §1 (AMD). 1999, c. 127, §A44 (AMD). 2007, c. 377, §6 (AMD). 2007, c. 377, §17 (AFF).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 127th Maine Legislature and is current through October 1, 2016. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

Appendix F

Maine Revised Statutes

Title 30-A: MUNICIPALITIES AND COUNTIES

Chapter 13: COUNTY JAILS AND JAILERS

§1659-A. COMMUNITY CONFINEMENT MONITORING PROGRAM

The sheriff of each county shall establish a program to permit certain inmates to serve a portion of their sentence of imprisonment in community confinement monitored by the county or a contract agency or another county or its contract agency. The county may contract only with a community confinement monitoring agency approved by the Department of Corrections. [2015, c. 335, §18 (AMD).]

1. **Petition.** A sheriff, upon written request from an inmate eligible for participation in a community confinement monitoring program and recommended by the jail administrator, may assign the inmate to participate in a community confinement monitoring program. At the time of granting this privilege, the sheriff shall determine whether the inmate is responsible for the cost of participating in the program based on the inmate's ability to pay.

[2009, c. 391, §6 (NEW) .]

2. **Eligibility.** Inmates are eligible to participate in a community confinement monitoring program if:

A. The inmate's residence is located within the State and in a location that does not in any way restrict the adequate monitoring of the inmate; [2009, c. 391, §6 (NEW).]

B. The inmate has been sentenced to the county jail; [2009, c. 391, §6 (NEW).]

C. The inmate is not serving a sentence for a sex offense or a sexually violent offense as defined under Title 34-A, section 11203; [2009, c. 391, §6 (NEW).]

D. The inmate has a verified security classification level of "medium" or "minimum" and scores "moderate" or "less" on a validated risk assessment tool as defined by the Department of Corrections; [2015, c. 335, §19 (AMD).]

E. The inmate serves a minimum of 1/3 of the term of imprisonment, or, in the case of a split sentence, a minimum of 1/3 of the unsuspended portion, prior to participating in a community confinement monitoring program. In calculating the amount of time served, good time or deductions earned under Title 17-A, section 1253 and time reductions earned for charitable or public works projects under section 1606 must be counted; and [2009, c. 391, §6 (NEW).]

F. The inmate agrees to abide by the conditions of release pursuant to this section and any additional conditions imposed by the sheriff or jail administrator. [2009, c. 391, §6 (NEW).]

[2015, c. 335, §19 (AMD) .]

3. **Participation requirements.** The following requirements of this subsection apply to inmates participating in a community confinement monitoring program.

A. Each inmate assigned to community confinement pursuant to this section shall participate in a structured program of work, education or treatment. Participation in a community confinement monitoring program may not be solely for the purpose of living at home. [2009, c. 391, §6 (NEW).]

B. At a minimum, the inmate shall report in person at least once per week to a community confinement monitor, even if being electronically monitored. [2009, c. 391, §6 (NEW).]

C. The jail administrator, or a designee, shall restrict in advance any travel or movement limiting the inmate's travel to specific times and places directly related to approved employment, formal education, job search, public service work, treatment or other specific purposes. [2009, c. 391, §6 (NEW).]

D. The inmate shall agree to searches of the inmate's person, residence, electronic monitoring equipment, vehicle, papers and effects and any property under the inmate's control, without a warrant and without probable cause, for items prohibited by law or by condition of participation in the program or otherwise subject to seizure or inspection upon the request of the jail administrator, a community confinement monitor or any law enforcement officer without prior notice. The sheriff or jail administrator may prohibit the inmate from residing with anyone who does not consent to a search or inspection of the residence to the extent necessary to search or inspect the inmate's person, residence, electronic equipment, papers and effects. [2009, c. 391, §6 (NEW).]

E. The inmate may not use alcohol or illegal drugs or other illegal substances and may not abuse alcohol or abuse any other legal substance. [2009, c. 391, §6 (NEW).]

F. The inmate shall submit to urinalysis, breath testing or other chemical tests without probable cause at the request of the jail administrator or a community confinement monitor. [2009, c. 391, §6 (NEW).]

G. If stopped or arrested by a law enforcement officer, the inmate shall notify that officer of the inmate's participation in a community confinement monitoring program. Within one hour of having been stopped or arrested, the inmate shall notify the jail administrator or a community confinement monitor. [2009, c. 391, §6 (NEW).]

H. The inmate may not violate state or federal criminal law or any conditions of the inmate's release. [2009, c. 391, §6 (NEW).]

I. As a condition of participation of an inmate in a community confinement monitoring program, the sheriff may, based upon an inmate's ability to pay, require the inmate to pay a fee including an electronic monitoring fee, if applicable, a substance testing fee, if applicable, or both. The fee charged may include the costs associated with a community confinement program for people who do not have the financial resources to pay the fees. [2009, c. 391, §6 (NEW).]

J. The inmate shall sign a statement verifying that the inmate understands and agrees to all of the conditions of release and participation in a community confinement monitoring program. [2009, c. 391, §6 (NEW).]

[2009, c. 391, §6 (NEW) .]

4. **Termination of the privilege.** The sheriff, jail administrator or a community confinement monitor may terminate an inmate's participation in a community confinement monitoring program at any time and return the inmate to the custody of the county jail for any violation of the conditions of the inmate's release or upon the loss of an appropriate residence on the part of the inmate.

[2009, c. 391, §6 (NEW) .]

5. **Crimes.** The following penalties apply to violations of this section.

A. An inmate is guilty of the crime of violating a condition of release from the community confinement monitoring program if the inmate intentionally or knowingly violates a condition of release. Violation of this paragraph is a Class D crime. [2011, c. 464, §28 (RPR).]

B. An inmate is guilty of the crime of escape from the community confinement program as provided pursuant to Title 17-A, section 755, subsection 1-E. [2011, c. 464, §28 (RPR).]

[2011, c. 464, §28 (RPR) .]

6. **Minimum standards supervision of inmates in the community confinement monitoring program.** The Department of Corrections shall establish minimum policy standards for the monitoring of inmates in the community confinement monitoring program.

[2015, c. 335, §20 (AMD) .]

7. **Program funding.** Funds collected pursuant to this section must be forwarded to an account designated by the Department of Corrections for the purpose of supporting pretrial, diversion or reentry activities. Community confinement monitoring program funds must be accounted for by the county through the normal budget process.

[2015, c. 335, §20 (AMD) .]

8. **Terminally ill or incapacitated inmate.** The sheriff may grant the privilege of participation in a community confinement monitoring program to an inmate who does not meet the requirements of subsection 2, paragraphs C and E if the jail's treating physician has determined that the inmate has a terminal or severely incapacitating medical condition and that care outside the jail is medically appropriate. Except as set out in this subsection, the inmate shall live in a hospital or other appropriate care facility, such as a nursing facility, residential care facility or facility that is a licensed hospice program pursuant to Title 22, section 8622 approved by the sheriff. As approved by the sheriff, the inmate may receive hospice services from an entity licensed pursuant to Title 22, chapter 1681, subchapter 1 or other care services and, subject to approval by the sheriff, may live at home while receiving these services. The sheriff may exempt an inmate participating in community confinement monitoring pursuant to this subsection from any requirements under subsection 3 that the sheriff determines to be inapplicable. The inmate shall provide any information pertaining to the inmate's medical condition or care that is requested by the sheriff at any time while the inmate is in the community confinement monitoring program. If the sheriff determines that the inmate has failed to fully comply with a request, or if at any time the jail's treating physician determines that the inmate does not have a terminal or severely incapacitating medical condition or that care outside the jail is not medically appropriate, the sheriff shall terminate the inmate's participation in the community confinement monitoring program. Except as set out in this subsection, all other provisions of this section apply to community confinement monitoring pursuant to this subsection.

[2009, c. 391, §6 (NEW) .]

9. **Effective date.** This section is effective January 1, 2010.

[2009, c. 391, §6 (NEW) .]

SECTION HISTORY
2009, c. 391, §6 (NEW). 2011, c. 464, §28 (AMD). 2015, c. 335, §§18-20 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 127th Maine Legislature and is current through October 1, 2016. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

Appendix G

26-239 DEPARTMENT OF ATTORNEY GENERAL

Chapter 1: RULES FOR STRIP SEARCHES, MANUAL MOUTH SEARCHES, AND BODY CAVITY SEARCHES OF ARRESTEES

SUMMARY: These rules for strip searches, manual mouth searches, and body cavity searches of arrestees are promulgated pursuant to 5 M.R.S.A. § 200-G(l). They establish acceptable procedures for conducting these kinds of searches. To the extent that these rules do not address any aspect of these kinds of searches, the governing law is the Fourth Amendment to the United States Constitution and Article I, §5 of the Maine Constitution. Section I of the rules contains definitions. Section II specifies the preconditions for conducting strip searches, manual mouth searches, and body cavity searches. Section III identifies the people who may conduct strip searches, manual mouth searches, and body cavity searches and the procedures to be followed. Section IV sets forth the records that must be kept of these kinds of searches. Section V clarifies that these rules apply only to arrestees and do not apply to persons who are taken into custody for execution of a sentence, who have been remanded by a court to a facility, or who are already inmates of a facility and clarifies that these rules do not apply to other types of searches of arrestees or other persons.

I. Definitions

1. **Arrestee**: a person who has been placed under custodial arrest by a law enforcement officer. Once remanded by a court to a facility, the person is no longer considered an arrestee.

2. **Body cavity search**: an inspection of an arrestee's anal or vaginal cavity by insertion of fingers or instruments.

3. **Facility**: any state correctional or detention facility, county institution or facility, or local lockup.

4. **Law enforcement officer**: For purposes of these rules, "law enforcement officer" means a "law enforcement officer" as defined in 17-A M.R.S.A. §2(17), a "law enforcement officer" as defined in 25 M.R.S.A. §2801-A(5), a "transport officer" as defined in 25 M.R.S.A. §2801-A(8), a "corrections officer" as defined in 17-A M.R.S.A. §2(5-A) and 25 M.R.S.A. §2801-A(2), a "corrections supervisor" as defined in 17-A M.R.S.A. §2(5-B), or a jailer, jailer's assistant, or employee as provided for in 30-A M.R.S.A. §1501.

5. **Manual mouth search**: a search of an arrestee's mouth, including any dentures located in the mouth, with the use of fingers or instruments.

6. **Medically trained personnel**: "Medically trained personnel" means a licensed physician, physician's assistant, nurse practitioner, or registered nurse.

7. **Strip search**: a search during which any private part of an arrestee's body, including an arrestee's anal or genital area or buttocks or a female arrestee's breasts, is visually inspected. There may not be any manual search of the arrestee during a strip search except for a manual mouth search unless the rules governing body cavity searches are complied with.

II. Preconditions for Searches

1. **Strip search and manual mouth search**. An arrestee may be subjected to a strip search and manual mouth search if either of the following preconditions for such searches exists:

   A. **Arrestee for a violent, weapon, or drug offense**. An arrestee for a violent, weapon, or drug offense, or a corresponding juvenile offense, may be subjected to a strip search and manual mouth search.

   B. **All other arrestees**. An arrestee for other than a violent, weapon, or drug offense, or corresponding juvenile offense, may be subjected to a strip search and manual mouth search if the law enforcement officer authorizing such search has reasonable suspicion that the arrestee is concealing on or inside the arrestee's body a weapon, contraband, or evidence of a crime. Reasonable suspicion may be based on such factors as the nature of any offense for which the arrestee has previously been arrested, any prior facility history of the arrestee, the arrestee's appearance, the arrestee's conduct, and items found during a less intrusive search.

2. **Body cavity search**. An arrestee may be subjected to a body cavity search if the law enforcement officer authorizing such search has probable cause to believe that the arrestee is concealing inside a body cavity a weapon, contraband, or evidence of a crime. The search shall be conducted pursuant to a search warrant issued upon probable cause. The warrant may be dispensed with, however, under the constitutionally recognized exceptions of exigent circumstances or consent. Consent must be written.

III. Method of Search

1. **Strip search and manual mouth search**

   A. **Person to conduct search**. A strip search and manual mouth search must be conducted by

      1) a law enforcement officer or officers of the same gender as the arrestee, or

      2) medically trained personnel of the same gender as the arrestee.

   B. **Exclusion of third persons**. The search cannot be observed by persons other than

      1) persons conducting the search as identified in III(l)(A) above, and

      2) only the number of law enforcement officers of the same gender as the arrestee necessary to be present at the search for one or more law

enforcement purposes, such as (a) the protection of the person conducting the search, (b) the witnessing of the removal of any weapon, contraband, or evidence of a crime from the body or clothing of the arrestee, (c) the seizure of such weapon, contraband, or evidence, and (d) any other legitimate law enforcement purpose.

C. Persons conducting or observing the search shall treat the arrestee with respect to minimize embarrassment and indignity.

2. **Body cavity search**

A. **Person to conduct search**. A body cavity search must be conducted by medically trained personnel of the same gender as the arrestee. A body cavity search may not be conducted by law enforcement officers, unless the law enforcement officers are also medically trained personnel.

B. **Exclusion of third persons**. The search cannot be observed by persons other than

1) the medically trained personnel conducting the search, and

2) only the number of law enforcement officers of the same gender as the arrestee necessary to be present at the search for one or more law enforcement purposes, such as (a) the protection of the medically trained personnel, (b) the witnessing of the removal of any weapon, contraband, or evidence of a crime from the body or clothing of the arrestee, (c) the seizure of such weapon, contraband, or evidence, and (d) any other legitimate law enforcement purpose.

C. Persons conducting or observing the search shall treat the arrestee with respect to minimize embarrassment and indignity.

IV. Records

Each strip search, manual mouth search, and body cavity search of an arrestee shall be recorded in a log kept by the law enforcement agency whose officers were involved in the search. The log shall be kept for a minimum of seven years.

The log shall indicate the name of the officer who ordered the search, the name of the officer or medically trained personnel who conducted the search, the names of the officers present at the search, the name of the arrestee, the type of search conducted (strip search, manual mouth search, or body cavity search), the parts of the body searched, and the justification or justifications for the search, e.g., (1) search warrant, (2) exigent circumstances and probable cause, (3) consent, (4) arrestee for a violent, weapon, or drug crime, or corresponding juvenile offense, or (5) arrestee for other than a violent, weapon, or drug crime, or corresponding juvenile offense, combined with reasonable suspicion. Where the justification for a warrantless search is based on the existence of probable cause and exigent circumstances or reasonable suspicion, such probable cause and exigent circumstances or reasonable suspicion shall be summarized in the log. Where the justification for a warrantless search is consent, the written consent must be kept by the law enforcement agency for a minimum of seven years.

V. Inapplicability of Rules

Pursuant to 5 M.R.S.A. §200-G, these rules do not apply to persons who are taken into custody for execution of a sentence, who have been remanded by a court to a facility, or who are already inmates of a facility. Strip searches, manual mouth searches, and body cavity searches of these persons are governed by the Fourth Amendment to the United States Constitution, Article I, §5 of the Maine Constitution, and existing policies and procedures of facilities. These rules do not apply to other types of searches of arrestees or other persons, including, but not limited to, pat down or frisk searches and visual mouth searches. These other searches are governed by the Fourth Amendment to the United States Constitution, Article I, §5 of the Maine Constitution, and existing policies and procedures of facilities.

STATUTORY AUTHORITY: 5 M.R.S.A. §200-G (1)

EFFECTIVE DATE:
August 1, 1986

NON-SUBSTANTIVE CORRECTIONS:
April 4, 2000

REPEALED AND REPLACED:
October 9, 2006 – filing 2006-423

Appendix H

Maine Office of the
Attorney General

Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons

JANET T. MILLS
Attorney General

August 15, 2017

Maine Office of the
Attorney General

INVESTIGATION OF DEATHS, PROBABLE DEATHS, AND MISSING PERSONS

Augusta RCC	**624-7076**	**800-452-4664**
Gray RCC	**657-3030**	**800-228-0857**
Bangor RCC	**973-3700**	**800-432-7381**
Houlton RCC	**532-5400**	**800-924-2261**
Bangor PD	**947-7382**	**947-7382 x1 (CID)**
Portland PD	**874-8575**	**874-8526 (CID)**

Criminal Division – Office of the Attorney General

Name	*Office*	*Home*	*Work Cell*	*Personal Cell*
Lisa Marchese, Deputy AG	626-8508	829-4432	557-5688	831-9145
John Alsop, Assistant AG	626-8567	474-4650	557-5655	474-4650
Meg Elam, Assistant AG Summer	626-8580	797-2710 293-4461	441-6149	317-6840
Bud Ellis, Assistant AG	626-8833	799-4459	441-1024	239-0155
Leane Zainea, Assistant AG	626-8514	338-2611	446-2330	491-7875

In all cases, contact Office of Chief Medical Examiner – 800-870-8744
(Toll free number is for law enforcement use only.)

FIRE AND EXPLOSION DEATH
Contact Office of the State Fire Marshal through RCC

HUNTING DEATH
Contact Maine Warden Service through RCC

DEATH WHILE IN CUSTODY OR CONFINEMENT
(Jail, Holding Facility, Correctional Institution)
Contact appropriate Major Crimes Unit through RCC
Contact Department of Corrections:
Gary LaPlante: Office 287-4392–Cell 310-1619 **or**
Ryan Anderson: Office 287-4364–Cell 557-2422

USE OF DEADLY FORCE BY LAW ENFORCEMENT or
DEATH ATTENDED BY LAW ENFORCEMENT
Contact Investigation Division of Attorney General's Office
Brian MacMaster– Office 626-8520 – Cell 441-0671 – Home 582-4870

WORKPLACE DEATH
Contact Office of Chief Medical Examiner

MISSING PERSON
Contact appropriate Major Crimes Unit through RCC and Office of Chief Medical Examiner

SUICIDE or DEATH OF CHILD LESS THAN 3 YEARS OF AGE
Contact appropriate Major Crimes through RCC and Office of Chief Medial Examiner

DRUG OVERDOSE
Contact appropriate Major Crimes Unit through RCC
Contact MDEA District Supervisor

06.15.2017

Maine Office of the
Attorney General

Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons

I. BACKGROUND

A. The purpose of this protocol is to establish procedures for law enforcement agencies in cases involving deaths, situations where death appears imminent, situations where death is reasonably suspected, and missing persons. Timely implementation of these procedures and notifications is often critical. Accordingly, this protocol and its required notifications apply to cases of death, cases when it is reasonably anticipated that death may result, cases where death is reasonably suspected, or a missing person under suspicious or unusual circumstances.

B. Technical assistance and expertise are indispensable to the successful investigation of these cases. The Office of the Attorney General and the Office of Chief Medical Examiner will continue to rely upon the State Police Major Crimes Unit as its primary death investigative arm, except in the City of Portland and the City of Bangor where the respective police department is the primary death investigative arm.[1]

II. IMPORTANCE OF DEATH SCENE CONTROL

Control of the death scene is a primary focus of these procedures. Often, the medical examiner and medico-legal death investigator can gain valuable insight into the cause, manner and circumstances of death, as well as the time of death, from viewing the scene and viewing the body at the scene. Moreover, the scene is sometimes replete with subtle clues that could aid in the identification or discovery of a perpetrator. All, or a significant part, of this evidence could be lost through inadvertent disturbance of the scene by persons lacking the required expertise.

[1] References to "MCU" mean the State Police Major Crimes Unit and the respective criminal investigation divisions of the Portland Police Department, and the Bangor Police Department.

08/15/2017

III. PROCEDURES IN ALL CASES

A. Initial Procedures. The first law enforcement officer at the scene of a death, a situation involving a probable death, or a missing person under suspicious or unusual circumstances should, without disturbing the body or scene:[2]

1. Conduct a cursory search of the premises for the limited purpose of determining if there are perpetrators or other victims present.

2. Determine that death has in fact occurred. If there is any evidence of life, initiate all necessary life-sustaining measures.

3. Make a cursory examination of the scene to determine if the circumstances are at all suspicious. (All deaths or injuries resulting from gunshot wounds are suspicious until a thorough investigation has determined otherwise.) If the circumstances are at all suspicious (or there is no body, but there is a possibility that a death or foul play may have occurred), the following procedures will be followed:

   (a) Secure and protect the scene. Do not move or otherwise disturb a body unless it is in immediate danger of destruction or further damage.

   (b) Notify supervisors, the Office of Chief Medical Examiner, and MCU. The Office of Chief Medical Examiner will notify the Office of the Attorney General. If you wish, you may obtain the name and telephone number of the Attorney General Duty Officer from the Office of Chief Medical Examiner or the Regional Communications Center (RCC), enabling you to be in direct contact with the Duty Officer.

   (c) Record names, addresses, telephone numbers, and other pertinent information of all persons present or assign another person to this task.

   (d) Maintain a timetable of all persons arriving and leaving the scene.

   (e) Unless circumstances require it, do not arrest or detain a suspect without prior authorization of the MCU detective in charge or the Attorney General Duty Officer.

   (f) If the circumstances require arresting or detaining a suspect, do not undertake questioning of the suspect without first discussing this

[2] See the attached Death Investigation guide.

procedure with the MCU detective in charge or the Attorney General Duty Officer. Be prepared to electronically record any statements volunteered or spontaneously made by a suspect.

(g) Determine if a child has lost both parents as a result of homicide or has lost one parent and the other parent has been arrested, detained or committed to a correctional facility or mental health facility for an offense related to a homicide, and advise MCU, which is then responsible for notifying the Maine Bureau of Child and Family Services at 800-452-1999.[3]

B. In a case of an accidental death, including a motor vehicle crash, contact the Office of the District Attorney and the Office of Chief Medical Examiner.

C. Deaths NOT reportable. A death from natural causes that is certified by a physician and is not suspicious need not be reported to the Office of Chief Medical Examiner.

D. Attendance at Examination or Autopsy. The Office of Chief Medical Examiner may arrange for a local medical examiner or medico-legal investigator to conduct an examination of a body at a local funeral home, or an autopsy may be conducted at the Office of Chief Medical Examiner in Augusta. In either situation, the investigating officer or a representative of the investigating agency should be available for the examination or autopsy so that the medical examiner or investigator is fully aware of all the known facts and circumstances regarding the scene and the investigation.[4]

IV. ROCEDURES FOR CASES WITH SPECIAL CIRCUMSTANCES

A. Fire or Explosion Death

The State Fire Marshal is the official representative of the Attorney General in the investigation of fires or explosions resulting in a fatality. The law enforcement officer or firefighter discovering a body in a fire or following an explosion shall notify the Office of the State Fire Marshal and the Office of Chief Medical Examiner. The scene is not be disturbed or the body moved, unless the body is in immediate danger of destruction or further damage. If the case is one of suspected arson or an otherwise suspicious death, it is to be handled as any other suspicious death, which includes notifying the appropriate MCU.

---

[3] 17-A M.R.S. § 4023

[4] When death has not occurred, but is probable or reasonably anticipated, the Office of Chief Medical Examiner needs the admission bloods from the first hospital where the patient was treated. Hospitals usually discard blood after seven days unless requested to preserve it. Accordingly, law enforcement must notify the OCME in such cases so that bloods are preserved in possible delayed deaths.

B. Hunting Death
The State Warden Service is the official representative of the Attorney General in the investigation of a hunting fatality. The law enforcement officer encountering an apparent hunting fatality shall notify the State Warden Service by calling the appropriate RCC and the Office of Chief Medical Examiner. The State Warden Service will in turn notify the appropriate MCU for assistance in conducting the investigation. The scene is not to be disturbed or the body moved, unless the body is in immediate danger of destruction or further damage.

C. Death while in custody or confinement
1. Jail, Holding Facility, Correctional Institution. The death or probable death of an individual while in custody or confinement in a jail, holding facility, or correctional institution, regardless of the likely cause, manner, and circumstances, is to be reported immediately to the Office of Chief Medical Examiner, the appropriate MCU, and the Operations Division of the Department of Corrections. These notifications are necessary for these agencies to carry out their responsibility of investigating the death to determine the cause, manner, and circumstances of death. The Operations Division of the Department of Corrections is responsible for conducting an investigation into the operational practices, policies, and procedures to determine compliance with required standards. The Attorney General's Office will thereafter review all investigative results.

2. Mental Health Facility. The death or probable death of an individual while in custody or confinement as a result of an order to undergo a mental health examination[5], being involuntarily committed to a mental institution following acceptance of a negotiated insanity plea or following a verdict or finding of insanity[6], or having been taken into protective custody[7], regardless of the likely cause, manner and circumstances, is to be reported immediately to the Office of Chief Medical Examiner and the appropriate MCU. These notifications are necessary for these agencies to carry out their responsibility of investigating the death to determine the cause, manner, and circumstances of death. The Attorney General's Office will thereafter review all investigative results.

3. Death Attended by Law Enforcement. The death or probable death of an individual while interacting with law enforcement, regardless of the likely cause, manner, and circumstances, requires an immediate report to the Investigation Division of the Office of the Attorney General and the Office of Chief Medical Examiner.

D. ***Deadly Force by Law Enforcement***
When a law enforcement officer uses deadly force in the performance of the officer's duties, regardless of the outcome, immediate reporting to the Investigation Division of the

[5] 15 M.R.S.A. § 101-B
[6] 15 M.R.S.A. § 103
[7] 34-B M.R.S.A. § 3862

Attorney General's Office is required. If death was the outcome, the Attorney General's Office will contact the Office of Chief Medical Examiner.[8]

E. ***Workplace death***
The "workplace manslaughter" statute may be applicable to a situation where an employee dies in the workplace. The investigation of a workplace death is the responsibility of the responding law enforcement agency, but requires an immediate report to the Office of Chief Medical Examiner. The Office of Chief Medical Examiner will notify the Office of the Attorney General and, if necessary for assistance, the appropriate MCU. It is also likely that investigators from the Occupational Health and Safety Administration (OSHA) or the Maine Bureau of Labor Standards (BLS) will be assigned to assist in the investigation. In the initial scene investigation, law enforcement officers should treat the situation as they would a vehicular manslaughter, securing photographs, measurements, and other evidence.

F. Death of Child less than 3 years
Sections II and III are applicable when responding to a child death. In addition to the Office of Chief Medical Examiner, MCU is to be contacted in any case of the death of a child under the age of three years. Singling out deaths of young children for special investigation is necessary because of the different technical approach and types of inquiry required in pursuing the investigations.

G. Suicide
When the circumstances of death suggest a suicide, MCU and the Office of Chief Medical Examiner must be notified.

Immediately send suicide notes to the Office of Chief Medical Examiner.[9] If not convenient, fax a copy or email a picture while the originals take their time through the mail or other transport. Do not send such material with the body.

NOTE: If the deceased is less than 17 years of age or in custody or confinement, the death (or anticipated death) will be investigated by MCU.

H. Suspected Drug Overdose

---

[8] See the attached *Attorney General's Protocol for the Reporting of the Use of Deadly Force by a Law Enforcement Officer.*

[9] State law provides that original written or recorded material, including text messages or other electronic media, that may express suicidal intent, e.g., "suicide note," must be provided to the Office of Chief Medical Examiner. 22 M.R.S. § 3028(5). The law also declares such material to be confidential, i.e., not subject to public access.

Cases of a suspected drug overdose resulting in death or serious bodily injury require special attention. The purpose of the investigation in each case is to determine, to the extent possible, the cause, manner, and circumstances surrounding the drug overdose, the identity of the drug involved, and the source of the drug. Furnishing scheduled drugs that result in the death or serious bodily injury of a person is a serious crime. In all cases of suspected drug overdose, the following procedures are required:

1. Notification of the Office of Chief Medical Examiner (if death has occurred or is reasonably anticipated) and MCU.

2. Notification of the appropriate MCU and the district supervisor of the Maine Drug Enforcement Agency (MDEA). The MDEA supervisor will determine if sufficient information exists to initiate an investigation into the source of the drug(s) suspected of causing the overdose. The responding agency, in consultation with MCU, is primarily responsible for all aspects of the investigation, to include proper crime scene processing and coordination with the Office of Chief Medical Examiner and MDEA. The MDEA supervisor will immediately notify the appropriate prosecutor of the suspected overdose and the ensuing investigation.

3. A thorough scene investigation is necessary to determine the cause, manner, and circumstances surrounding the overdose. This includes witness statements, inventory of any drugs or drug paraphernalia, cell phone information, information about the victim's medical or mental health history, and identification of all known treating physicians. One aspect of an investigation is to determine if the victim possessed any drugs other than those legally prescribed.

4. Medications, illicit drugs, or substances thought to be illicit drugs at the scene are to be secured as evidence. Do not leave such evidence with the body for transport or at a funeral home. Inventory and record the evidence and fax a copy of the inventory or evidence receipt to the Office of Chief Medical Examiner at 624-7178.[10] A proper inventory of the items includes the name of the drug, the dosage, the date of prescription, the number of pills prescribed, the number of pills remaining, the name of the prescribing physician, and the name of the dispensing pharmacy. If there is reason to believe that the victim ingested medications prescribed to someone else, those medications should likewise be inventoried. (A form for documenting this inventory is attached.)

5. The actual cause of death in suspected drug overdoses is not readily apparent, and may not be determined for several weeks pending the results of toxicology. These cases are to be investigated until the investigating agency, MCU, and the Office of

[10] See the attached *Drug/Medication Inventory* form.

Chief Medical Examiner have determined no further investigation is necessary and/or the cause and manner of death are determined.

I. In-water Death

Deaths of persons found in water require notification to the Office of Chief Medical Examiner and the appropriate MCU, and may be specially investigated because of the different technical approach and types of inquiry needed in pursuing such investigations. There are three types of categories for water-related deaths: accidental, suicidal, and homicidal. When law enforcement officers respond to the scene of an aquatic/marine related death and foul play is either obvious or suspected, the responding officer should follow this protocol as stated in Section II and III above. The decision to specially investigate will be made on a case-by-case basis by the Office of Chief Medical Examiner, usually in collaboration with an appropriate police authority and the Attorney General's Office. Even when not specially investigated, an investigation is still necessary as in any medical examiner case.

J. Missing Person

In addition to the requirements set out in state law in the Missing Children Act[11], the report of a missing person – child or otherwise – requires within two hours of the report the issuance of a File 6 and inclusion in the computer files of the Maine State Police and National Crime Information Center (NCIC). Within eight (8) hours of the missing person report, notification of MCU is required unless there are suspicious or unusual circumstances, in which case immediate notification of MCU is required. An example of "unusual circumstances" is a reported absence under circumstances inconsistent with established patterns of behavior.

State law also requires that the Office of Chief Medical Examiner maintain information on missing persons.[12] Accordingly, if a person reported as missing is not located within 24 hours of the report, notification to the Office of Chief Medical Examiner is required.

K. Line-of-duty death of a firefighter. It is imperative to notify the Office of the State Fire Marshal as soon as possible in the event of the death of a firefighter in the line of duty. The federal Public Safety Officers Benefits (PSOB) Program provides death and education benefits to survivors of fallen firefighters, and the State Fire Marshal is the entity that carries out the provisions of a Line-of-Duty Death Response Plan that will assure compliance with the requirements of the PSOB Program.

V. PUBLIC STATEMENTS

Only the Office of the Attorney General is authorized to disseminate information or public statements in homicide or suspected homicide cases. The appropriate MCU may

[11] 25 M.R.S. chapter 257.
[12] 22 M.R.S. § 3034.

disseminate information in these cases only after consultation with and approval of the Office of the Attorney General.

A. Examples of information that may be released in investigations covered by this Protocol, other than homicide or suspected homicide cases:

1. Unless confidential pursuant to law, the identity of a victim, if confirmed and not in question, after notification of family or next of kin. If there is any question as to the identity, the information remains confidential.

2. Information regarding the cause, manner, and circumstances of a death, but only with authorization of and after consultation with the Office of Chief Medical Examiner and the Office of the Attorney General.

3. A brief description, e.g., hunting fatality, suspicious death, accident, time and place, whether the investigation is in progress, and the identity of the investigating agency.

4. A warning to the public of any dangers.

5. A request for assistance in apprehending a suspect or assistance in other matters, if the information released is limited to accomplishing that purpose.

6. The name of a person charged (except a juvenile), age, residence, employment, and marital status.

7. The circumstances immediately surrounding an arrest or charge, including the time and place of the arrest, resistance, pursuit, and possession and use of weapons.

8. The substance or text of the charge, such as a complaint or indictment.

9. Information contained in a public record, stated so as to attribute the information to a public record.

10. The scheduling or result of any step or action in the judicial proceeding.

B. The following types of information should <u>not</u> be released:

1. Information as to the character, reputation, or prior criminal record or mental health history of an accused person or a prospective witness.

2. Admissions, confessions, or a statement or alibi attributable to any accused person, except as otherwise contained in a public record.

3. The performance or results of tests or the desire, agreement, or refusal of the accused or any potential witness to take or perform a test, including a polygraph examination.

4. Statements or information concerning the credibility or anticipated testimony of prospective witnesses.

5. The possibility of a plea to the offense charged or to a lesser offense, or other disposition.

6. Opinions concerning evidence or arguments in the case, whether or not it is anticipated that such evidence or arguments will be used at trial.

7. Opinions as to the guilt of the accused, the evidence, or the merits of the case.

8. General Rule: DO NOT COMMENT ON THE EVIDENCE.

Dated: August 15, 2017

s/Janet T. Mills
JANET T. MILLS
Attorney General

OFFICE OF CHIEF MEDICAL EXAMINER

DRUG/MEDICATION INVENTORY

Officer: _____
Agency: _____
Case #: ___
Date: _____
Rec'd from: _____

Name of Victim: _____

OCME Case Number: _____

NAME OF DRUG* AND DOSAGE	DIRECTIONS FOR USAGE	DATE ISSUED	NUMBER ISSUED	NUMBER PRESENT	PHYSICIAN	PHARMACY
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						

* Please indicate if the drug is prescribed for a person other than the victim.

01/18/17

Death Investigation

Agency: _____ Case Number: _____

Date:_____Time Received:_____Time Arrived: _____

Informant:_____Telephone: _____

Address: _____

Location of Scene: _____

Date & Time of Death: _____

Decedent:_____DOB: _____

Address: _____

Next of Kin: _____ Telephone: _____

Address: _____

Law Enforcement Officer Responding: _____

Ambulance Service: _____

EMT/ Paramedic/ Attendees: _____

Funeral Home: _____

Victim:

- D **Suicide Note/Written Materials (provide to Office of Chief Medical Examiner)**
- D **Recent or previous suicide attempts**
- D **Recent or previous suicidal threats**
- D **Recent or chronic medical/mental diagnosis**
- D **Recent personal stress (relationship, job, death of loved one, catastrophic event)**
- D **Recent or history of drug/alcohol abuse**

Scene Information:

D Residence Single Family Home Apartment Trailer

Duplex Other: _____

D Open Area

D Business

D Medical Facility

D Vehicle

Vehicles Present: (Location/ Plate#/ Make Model/ Owner if Known)

_____

_____

_____

Pets Present:

__ None Dog(s) # Cat(s) # Other:

Fecal Matter/Urine Present Inside:

__ Yes No Other Pet Notes: _____

Weather:

__ Clear Rain Snow/Sleet Cloudy

Exterior Lighting: (Time of Arrival)

__ Dark Daylight Dusk/Dawn Artificial Light Present

Interior Lighting: (Time of Arrival)

__ No Lighting Artificial Lighting Natural Lighting

Exterior Temperature: (Time of Arrival)_____Interior Temperature: (Time of Arrival) _____

Photographs Taken: Yes No Time: _____

Persons Present on Scene:

_____

_____

_____

Scene Notes: (TV on? Doors Locked/Closed? Windows open? Scene altered? Weapons nearby?)

_____

_____

_____

Personal Items Present:

- D **Wallet/ID**
- D **Cash/Credit Cards**
- D **Electronic Devices (computers, laptops, tablets, cell phones)**

Medications/Prescriptions/Drugs Present:

- D **Photograph**
- D **Med Count if suspected Overdose (Medication Log)**
- D **Name of Doctor-provide to OCME for records**
- D **Collection-Do not send to Funeral Home with body**

Timeline:

- D **Landline Phone-Call list (Photograph)**
- D **911 Call-Request copy of recording**
- D **Cellular Phone-Incoming/Outgoing Calls or Texts (Photograph most recent)**
- D **Notes/Journals/Calendar/Receipts**

Scene Sketch Included: **Yes** **No**

Medical Examiner Notified Time: _____

Intake Person Name: _____

Body Released: **Yes** **No** **Time:** _____

ME Office Requests:

- D **Photographs**
- D **Transported for Autopsy**
- D **Transported for Exam**
- D **Blood Kit**
- D **Responding to Scene**
- D **Medication Log**
- D **Notes (Original "suicide note" to ME)**

NOTIFICATIONS:

Supervisor Notified:_____**Date:**_____ **Time:** _____

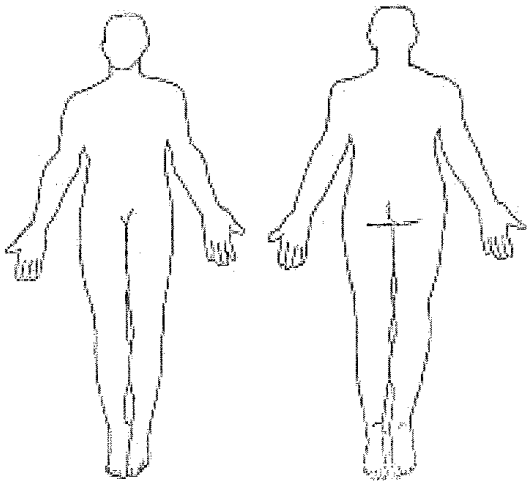
MCU Notified:_____**Date:**_____ **Time:** _____

District Attorney Notified:_____**Date:**_____ **Time:** _____

MDEA Supervisor Notified:_____**Date:**_____ **Time:** _____

Body Observations:

Trauma Observed: **Yes** **No**



If yes mark location(s) with X

Apparent Wounds:

- D **Gunshot**
- D **Sharp Weapon Injury**
- D **Fire/ Burn**
- D **Blunt Force Trauma**

Description of Trauma Observed:

_____

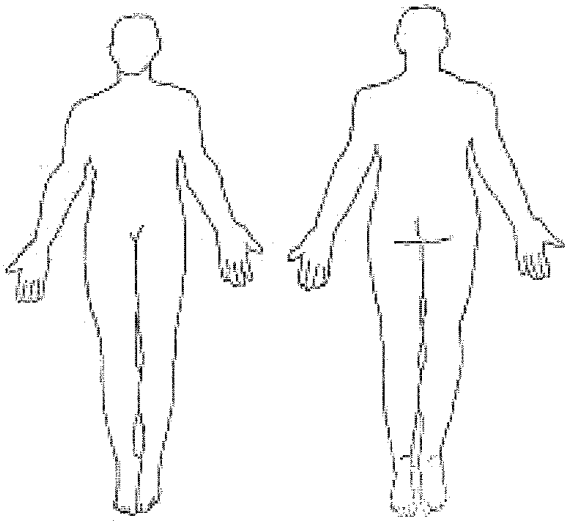
_____

_____

Rigor Mortis Present: **Yes** **No** **Partial** **Time:** _____

Livor Mortis Present: **Yes** **No** **Partial** **Time:** _____

If present mark locations with X



Livor Mortis Color:

Description:

_____

_____

Consistent with body position: **Yes** **No**

Blanching Lividity: **Yes** **No**

Skin Slippage: **Yes** __**No**

Body Temperature: _____ **Time:** _____

Clothing and Footwear description: _____

_____

Notes on secretions from mouth/nose or other: _____

_____

Insect Activity Present: **Yes** **No**

Locations: _____

Apparent Animal Activity on Body: **Yes** **No**

Locations: _____

Evidence Collected:

__ **Yes** **No** **By:** _____

Descriptions: _____

_____

Body Removed Time: _____ **Cleared the Scene Time:** _____

Additional Notes: _____

_____

_____

_____

_____

_____

_____

Printed Name: _____

Signature: _____ **Date:** _____

Maine Office of the
Attorney General

PROTOCOL FOR THE REPORTING AND INVESTIGATION OF THE USE OF DEADLY FORCE

Authority. The Attorney General has exclusive jurisdiction for the direction and control of any criminal investigation of a law enforcement officer who, while acting in the performance of that officer's duties, uses deadly force.[1] Such use of deadly force will be the subject of an investigation or review and legal analysis by the Office of the Attorney General to determine if its use complied with the applicable provisions of law. Detectives from the Office of the Attorney General will conduct or supervise the investigation, with the assistance of the State Police or other agencies as circumstances require.

Definitions. For purposes of this protocol, "deadly force" has the same meaning as in Title 17-A M.R.S. § 2, §§ 8. "Deadly force" means physical force that a person uses with the intent of causing, or that a person knows to create a substantial risk of causing, death or serious bodily injury.[2] Except as provided in section 101, subsection 5[3], intentionally, knowingly, or recklessly discharging a firearm in the direction of another person or at a moving vehicle constitutes deadly force.

---

[1] 5 M.R.S.A. § 200-A

[2] As used in subsection 8, "serious bodily injury" means a bodily injury – i.e. physical pain, physical illness or any impairment of physical condition – that creates a substantial risk of death or which causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for receiving of physical health. 17-A M.R.S.A. § 2 (5) and (23).

[3] For purposes of this chapter, use by a law enforcement officer, a corrections officer or a corrections supervisor of the following is use of nondeadly force:
A. Chemical mace or any similar substance composed of a mixture of gas and chemicals that has or is designed to have a disabling effect upon human beings; or
B. A less-than-lethal munition that has or is designed to have a disabling effect upon human beings. For purposes of this paragraph, "less-than-lethal munition" means a low-kinetic energy projectile designed to be discharged from a firearm that is approved by the Board of Trustees of the Maine Criminal Justice Academy.

09.15.2013

Requirement. A law enforcement agency whose officer uses deadly force while acting in the performance of that officer's duties shall make notification of the event, as soon as practicable, to the Investigation Division of the Office of the Attorney General. The following circumstances in which physical force is used requires reporting by the agency whose officer uses such physical force while acting in the performance of that officer's duties:

1. The use of physical force that in fact causes death or serious bodily injury.

2. The use of physical force under circumstances that in fact create a substantial risk of causing death or serious bodily injury, whether or not death or injury actually results.

3. The use of physical force when it is the officer's intent to cause death or serious bodily injury, whether or not death or injury actually results.

4. The discharge of a firearm in the general direction of another person or at a moving vehicle, whether or not the projectile hits the person or vehicle. (It is not necessary to report the discharge of a firearm if the discharge is that of a "less-than-lethal munition," as defined in law. See Footnote 3 above. Also, pointing a firearm at another person without discharging it need not be reported.)

5. Ramming an occupied vehicle, except when the Precision Immobilization Technique (PIT maneuver) is used in the manner trained and under the circumstances permitted for its use and no serious bodily injury or death results.

6. A roadblock set up to terminate a vehicular pursuit when the roadblock in fact creates a substantial risk of causing death or serious bodily injury to the occupants of the fleeing vehicle or other persons and that in fact results in serious bodily injury or death.

Procedure for reporting. In any of the six mandatory reporting circumstances identified above, the incident must be reported as soon as practicable by the officer's agency to the Investigation Division of the Office of the Attorney General.

Contact Investigation Division of the Attorney General's Office
Brian MacMaster – Office 626-8520 – Home 582-4870 – Cell 441-0671

Preservation of the scene, electronic media, and witnesses. The scene shall be preserved and cordoned, and involved officers separated by available law enforcement officials until the arrival of a detective from the Office of the Attorney General or a designee whose responsibility is to coordinate the investigation and/or to process the scene. Preserve as soon as possible any electronic media, such as cruiser or body camera video recordings. Other than what is necessary to identify and preserve such recordings, no officers may view such recordings prior to the involved officers giving a statement. Do not disturb the scene. In the case of a death, the body of the deceased is not to be moved or disturbed in any way until authorized by the Attorney General's Office or the Office of Chief Medical Examiner, unless the body is in immediate danger of destruction or further damage. Other personnel authorized to access the scene are

evidence technicians of the State Police or other agencies or other personnel designated and dispatched under the authority of the Attorney General.

Interviews of officers. During the Attorney General's investigation, no member or representative of an involved law enforcement officer's agency may be present during interviews of the officer, unless previously authorized by the Attorney General's Director of Investigations or the Director's designee. No agent of an involved law enforcement officer's agency may issue any order or instruction of any type concerning whether the officer should or should not speak with a detective from the Office of the Attorney General.[4]

Public Statements. No media statements or other public comments regarding a determination of an involved officer's legal justification or criminal culpability may be made or given except by the Office of the Attorney General. Other public comments, particularly as they relate to the facts of a particular event, may not be made or given without prior authorization and coordination with the Office of the Attorney General. Release of the name of an involved officer will be postponed until the officer and the head of the officer's employing agency are notified that the information will be released.[5] The name of a decedent or injured person will be released after the family or next of kin is notified.

The following guidelines relate to the investigation by the Office of the Attorney General of the use of deadly force by a law enforcement officer in the performance of that officer's duties, and govern the release of information to the media or the public during the pendency of the investigation.

Examples of information that *may* be released:

1. The fact that an incident involving the use of deadly force occurred and, pursuant to statutory requirements, is being investigated by the Office of the Attorney General.

2. The fact that the investigation is focused upon a determination of whether deadly force was in fact used and whether the use complied with the applicable provisions of law.

3. Whether person(s) were injured or killed.

4. The identity of person(s) injured or killed to include name, age, residence, occupation, and family status, but only after proper notification of family or next of kin.

---

[4] This section is necessary to maintain the appropriate legal distinction between the Attorney General's criminal investigation and an administrative or internal affairs investigation by the employing agency.

[5] The name of the subject officer in matters involving the use of deadly force is a matter of public information. 5 M.R.S.A. § 7070-A, 30-A M.R.S.A. § 503(1-A) and § 2702(1-A).

5. The time and place of the incident under investigation.

6. The identity of an involved law enforcement officer, to include name, age, and agency affiliation.

7. A brief description of the circumstances of the particular incident, e.g., the nature of a call for service, an arrest, a vehicle stop, etc.

Examples of information that *may not* be released:

1. The details of investigative procedures or speculation upon any matters, legal or otherwise.

2. The character or reputation of any person(s) involved in the incident.

3. The existence or contents of any statement given by any persons involved in the incident, or the failure of any persons to provide statements.

4. The identity of witnesses and any information provided by witnesses.

Dated: August 15, 2017

s/Janet T. Mills
JANET T. MILLS
Attorney General

Appendix I

MAINE DEPARTMENT OF CORRECTIONS
HOLDING FACILITY/SDA MONTHLY POPULATION REPORT

Facility: _____ **Month/Year:** _____ **Completed By:** _____

Name: Last, First	DOB Example: xx/xx/xx	Please Check One: Adult	Please Check One: Juvenile	Offense Most Serious	Sex: Male	Sex: Female	Race	Ethnicity Hispanic?	Date/ Time In Secure Custody Example: xx/xx/xx-xxxx (Date –Time)	Date/ Time Released Example: xx/xx/xx-xxxx (Date –Time)	Released to:	Juvenile Only (Hours Held): Nonsecure	Juvenile Only (Hours Held): Secure Detention

Race: A=Asian B=African American C=Caucasian H=Hispanic I=American Indian O=Other

03-201 – DEPARTMENT OF CORRECTIONS

Rule Chapter 1

STATUTORY AUTHORITY: 34-A M.R.S. §1208

AMENDED: "Maine Standards for County Jails, Holding Facilities, and Short-Term Detention Areas", filed on March 11, 1982 – filing 82-46.

AMENDED: "Revised Detention and Correctional Standards for Counties and Municipalities", filed on December 22, 1992 – filing 92-485.

REPEALED AND REPLACED: "Detention and Correctional Standards for Counties and Municipalities", filed on August 10, 2005 (effective August 15, 2005) – filing 2005-325.

REPEALED AND REPLACED: "Detention and Correctional Standards for Counties and Municipalities", filed on September 19, 2017 (effective September 24, 2017) – filing 2017-150.

CORRECTION: new version of Appendix H (non-substantive) inserted November 29, 2017.