



SEN. CRAIG V. HICKMAN, SENATE CHAIR
REP. JESSICA FAY, HOUSE CHAIR

MEMBERS:

SEN. LISA KEIM
SEN. MIKE TIPPING
SEN. RICHARD BENNETT
SEN. JILL C. DUSON
SEN. JEFFREY TIMBERLAKE
REP. AMY ARATA
REP. H. SAWIN MILLETT, JR.
REP. MARK BLIER
REP. ANNE MARIE MASTRACCIO
REP. MARGARET M. O'NEIL

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

MEETING SUMMARY
July 7, 2023

Call to Order

The Chair, Sen. Hickman, called the Government Oversight Committee to order at 9:30 a.m.

ATTENDANCE

Senators:	Sen. Hickman, Sen. Duson, Sen. Tipping, Sen. Timberlake Absent: Sen. Bennett, Sen. Keim
Representatives:	Rep. Fay, Rep. Arata, Rep. Mastraccio, Rep. Blier Absent: Rep. O'Neil, Rep. Millett
Legislative Staff:	Peter Schleck, Director, OPEGA Sabrina Carey, Secretary, OPEGA, GOC Clerk
Others:	Michael Sauschuck, Commissioner, Department of Public Safety Todd Landry, Director, Office of Child and Family Services, DHHS Richard McCarthy, Fire Marshal

Introduction of Committee Members

The members of the Committee introduced themselves.

New Business

(To watch this meeting - the recorded Live Stream can be viewed here: <https://legislature.maine.gov/Audio/#220>)

- **Meeting Summary**

The May 26, 2023, Meeting Summary was accepted as written.

(A copy of this document can be found here: <https://legislature.maine.gov/doc/10192>)

- **Fire Marshal's Office – OPEGA Survey Results and Project Recommendation**

(A copy of the Project Recommendation Document can be found here: <https://legislature.maine.gov/doc/10191>)

Director Schleck presented a document that was the result of an employee survey of the staff within the Fire Marshal's Office. He shared that thirty-three out of the thirty-nine staff members participated in the survey and participants' names were kept confidential. He explained that the responses were arranged by subject matter and information also keyed to particular questions posed.

Rep. Mastraccio noted that as a local elected official, if she saw a lot of grievances in a Department, it would sometimes be an indication of problems that might exist that are not being taken care of. She asked if there was any indication that the grievance filing was an increasing trend.

Director Schleck answered that he did not have specific information on the trend but based on his observations the resolution at the Maine Labor Relations Board of a pending case may go a long way to clarifying management's relative authority in relation to the rank and file as to what can be imposed. He noted that management was clear in explaining the downsides of certain prior practices and the upsides of revised practices.

Rep. Mastraccio stated that she was trying to find out whether this was based on longstanding unresolved concerns.

Director Schleck answered that he got the impression that there was an intensifying of this type of activity. He noted that there was a prior lieutenant position that was seen as bringing certain uniformity for a time that was done away with for a while that the Commissioner brought back with the intention that issues be dealt with and accountability improved. He noted that there is a narrative that was clearly articulated at the Confirmation Hearing for the new Fire Marshal that there was a need for a different approach when the Commissioner assumed office.

Sen. Timberlake also asked for clarification on whether this is an issue that has been going on for years or if it is something new that employees are having a problem with the new management.

Director Schleck answered that prior to the new Lieutenant, Fire Marshal and even the Commissioner, there were ways that the rank and file were permitted to work overtime in a much less structured way than current management believes appropriate. More accountability measures were instituted and a number of people in the offices expressed positive views about it. He explained that in a collective bargaining environment that sometimes you can make certain changes and sometimes they have to be negotiated, with prior notice, prior to implementation.

Sen. Timberlake asked for examples.

Director Schleck noted that there used to be a process where there was more flexibility for an individual investigator to just go and take an assignment and they would get overtime out of it. Management decided that this was not the way to run things and that it resulted in workload imbalance and that a better process would be

if everyone takes their turn. There would also be more defined times when someone can be truly “off the clock”.

Sen. Tipping stated that he would think that anyone coming into a management role would appreciate having a document like the one OPEGA prepared, laying out all the potential issues and having all the interviews done. He asked about the number of specifics and allegations listed and noted there was one that specifically was an allegation of an illegal act and wondered if OEGA could touch upon what was done for that and if there is any potential follow up. He noted an allegation that politically connected individuals were obtaining priority or special treatment. He asked Director Schleck if he thought there should be more done to investigate that claim. Director Schleck stated that he did not have enough information specific to rise to the level of further investigation as some did say they had a different view of the matters. He noted that people just may have had differing conclusions based on personal and professional experience, including based on a rather complex fire code.

Sen. Hickman asked if Director Schleck could quantify the number of inspectors that spoke of a type of perceived pressure.

Director Schleck answered that he could not quantify it, but noted that it was suggested by enough inspectors that it was present as part of the daily business of work. He stated that it is part of the process where at times there may be an error and someone has to point it out and be addressed. He noted that it should be a leadership engaged process to provide the assurance that when management reaches a different conclusion, it is for all the right reasons.

Sen. Tipping noted the examples included under hostile workplace and retaliation for union grievances was reported as part of the ongoing grievance process or reported to the Labor Board because, if true, these would be violations of the State Employees Labor Relations Act.

Director Schleck replied that these matters were generally part of the current proceedings at the Maine Labor Relations Board or grievances.

Sen. Tipping then asked about misogyny in the workplace where some employees expressed concerns that gender played an inappropriate role in personnel decision making. He noted that would be a violation of law and asked if that was investigated further or whether the allegations were credible.

Director Schleck answered that there is a civil suit pending where he believed that is being litigated.

Sen. Tipping then asked about the description of an office environment that was not free from statements that would be highly offensive or inappropriate to an objective observer. He noted that language was similar to what is used in Maine’s Human Rights Act and asked if the Director felt it rose to the level of a violation.

Director Schleck stated that if what was said was true, it could have been.

Sen. Tipping then asked if a Human Rights Complaint or referral has been made.

Director Schleck stated he would have to follow up on that.

Sen. Duson stated she was trying to figure out what they might recommend be referred to the CJPS Committee or what they might recommend to the leader of the organization. She stated that she would like to address any feedback to the leadership of the agency and ask the agency to digest and come back to maybe the CJPS Committee. She hoped to hear what the management takes to heart from the messages and concerns and how they will review and discuss their own management prerogatives, goals and priorities. She did not think it would be appropriate for the committee to try and resolve the yes or no, the truth or falsity of the allegations but thought their role is to make sure the agency itself is assessing and addressing the concerns. She hoped that within the process of the CJPS Committee taking back the matter that they would start directly with the Department’s response and discuss the framework of how they will address concerns.

Rep. Blier noted people interviewed said that higher management was approachable, good listeners, and good budgeters. He asked if people also said they were knowledgeable in subject matters like police investigations and fire services in order to supervise employees.

Director Schleck clarified that those remarks were credited to views of the current Fire Marshal, although he does not come from a law enforcement background. A Lieutenant has been brought in from the State Police who has the law enforcement background. He noted that did come up during the Confirmation Hearing and there is discussion on whether they should have a leader at that level who doesn't have the fire investigator experience.

Sen. Timberlake stated that he spent 37 years as a firefighter and volunteer firefighter, explaining that he had been a Captain and an assistant Chief for a number of years. He stated that he has seen times where the Fire Marshal's office and he or other groups have agreed and not agreed. He stated that he was interested to hear what the Department has to say about the report. He asked the Director if there was anything in the information that goes to an extreme that needs to be addressed immediately.

Director Schleck stated that one of the reasons there is a recommendation to transmit the information back to give the new Fire Marshal an opportunity in consultation with the support of the Commissioner is because there wasn't something so disqualifying that would make that inappropriate.

Sen. Timberlake asked if this was an issue with multiple instances or just one or two random times.

Director Schleck answered that there was consistent feedback from enough people that these are issues worthy of management attention. He explained that OPEGA just gathered the information and is publicly sharing it in a way that leadership can then decide what they should like to do or not do.

Rep. Fay noted that this is a leadership transition. She emphasized that some issues have been expressed and wanted to see if management can use this to address some of the issues that are in that Department. She asked if the Fire Marshal and the Commissioner have received this information yet. She suggested giving them an opportunity to read and digest the information before asking them to respond. She also stated that she would agree with having it be shared back with the Criminal Justice and Public Safety Committee. She suggested both Committees could be part of this process and create a timeline for the report back.

Rep. Mastraccio stated that she was on board with the suggestions. She stated that she would not mind hearing from the Commissioner to know how much of what was just heard was a surprise. She noted a lot of ongoing issues and wanted to know how they feel about the recommendations and what their next steps may be.

Sen. Hickman invited the Fire Marshal or Commissioner Sauschuck to join the Committee and give an initial response if they were willing.

Commissioner Sauschuck (Department of Public Safety) stated that they are looking at the report and process as an amazing opportunity and are glad to have conversations. He thanked the Chairs of the Criminal Justice and Public Safety Committee for having been involved as well. He explained that upon his arrival as Commissioner, it was suggested to him to look at the Fire Marshal's office, so he knew there were concerns around this office. He explained that he had individual conversations with the twelve investigators and the prior Fire Marshal where he had heard about some of the concerns brought forward. He noted that over a couple of years there has been staff changes in some of the leadership roles and some things were being addressed on the policy side and there have been efforts at culture change before. He stated that changing culture and making people accountable for their actions is where you can also get to grievances and things of that nature. He thanked Director Schleck and staff for their work and thought the process was incredibly valuable. He noted some changes within culture, training and office accountability.

Sen. Hickman thanked the Commissioner for joining and stated he looked forward to the progress that will be made.

Sen. Hickman asked Director Schleck if any of the Fire Marshal staff who did not participate in the survey gave reasons for declining the request or not.

Director Schleck noted that it was made clear that staff could respond by simply not responding to the request, that it was completely voluntary, and some took the approach of not responding.

Sen. Tipping asked the Commissioner and Fire Marshal if there was anything within the report that they would disagree with or felt might have been misinterpreted by the OPEGA staff that they would like to clarify or dispute.

Commissioner Sauschuck answered that they only just received the report, but that any time a complaint has been brought forward to him about any of his bureaus, the process is followed diligently by contacting Human resources and Employee Relations and working through issues as they come to their attention. He stated that he as followed the proper channels any time any complaint has been brought to him.

Motion: To follow OPEGA's Recommendation regarding the Fire Marshal's Office (as follows in the Project Recommendation Document, with edits/additions in italics)

“OPEGA recommends that the GOC direct OPEGA to transmit these survey results, *along with the Fire Marshal Office's official written response as soon as it can be prepared*, to the CJPS Committee, the Commissioner of Public Safety, and the Fire Marshal, with a request that they review and consider the results, and that the Commissioner and the Fire Marshal be invited to provide public updates at regular intervals to the CJPS Committee *and the GOC* on the status of any plans or actions to address matters and ensure an appropriate workplace climate. OPEGA recommends that such reporting intervals, at a minimum, be at 6 months and one year following the receipt of these results, or as otherwise deemed appropriate by the CJPS Committee.”

(Motioned by Rep. Mastraccio, Seconded by Sen. Timberlake, unanimous yes)

(Rep. Millett voted later in accordance with the GOC Rules)

- **Follow Up to Public Hearing on OPEGA Report “OCFS Case File Review: Safety Decisions and Actions Taken in the Case of Maddox Williams”**

(A copy of the Report can be found here: <https://legislature.maine.gov/doc/9997>)

Sen. Hickman invited the Office of Child and Family Services Director, Todd Landry, to join the Committee and OPEGA Director Schleck, in answering the Committee's questions.

Rep. Arata noted that the Ombudsman stated that in most cases, even in the best case scenario, three months of cooperation and progress with significant mental health and substance use issues would not be enough to determine that the parents were able to provide the children with long-term safety and stability. She asked what would be considered enough time, if three months is not enough.

Director Schleck replied that he did not have the data supporting this opinion by the Ombudsman.

Director Landry answered that three is no set timeframe and that it is on an individual basis involving multiple aspects and concerns including the type of challenge the parents are attempting to overcome. He stated that it depends on the feedback and evaluative perspectives that the Department and the Court receive from the providers of the services. It could be as short as the time period referred, or it could be several months. He stated that it varies widely based on the individual circumstances.

Rep. Arata asked if it would be helpful if the Legislature stepped in and gave some thresholds that the Department would then have to comply with.

Director Landry reiterated that they want to rely on the professional judgement of those that are delivering the services and providing information back to the department about how the individuals can overcome their personal challenges. He emphasized that people vary greatly in the length that it takes to overcome a challenge.

Sen. Timberlake asked Director Schleck about why the office did not interview Maddox William's grandmother and look at things first hand instead of simply looking at and reviewing records.

Director Schleck answered that he had heard that said a couple places including a radio interview, that Maddox's grandmother was never interviewed. He explained that OPEGA did interview her on January 17, 2023 in the OPEGA offices, so he did not know where that information is coming from, and further stated that the process also involved talking to a range of knowledgeable people outside of OCFS. He added that he also attended the trial in Waldo County and listened to all the victim statements.

Sen. Timberlake stated that he thought that the OPEGA Report did not clarify that something went wrong. He noted that the mother had a criminal record and that the Department must have done something wrong because there is a dead child.

Director Schleck addressed the reference to the fact that the mother (as well as the father) both had criminal records in this case, but noted that even during this 131st Legislature, LD 1279, that was put forth to strengthen Maine's Child Protection Laws by limiting contact with so-called "violent offenders", did not get enacted. He made clear he was not suggesting either parent were convicted violent offenders but emphasized that it was very important to continue to discuss the facts in the context of law and policy as it exists, and that there appears to remain a knowledge or expectation gap at times between what the Department is legally authorized to do, and what some in the public expect.

Sen. Timberlake recalled a certain month period that was to pass and then the child should have been removed from the house automatically, and it wasn't, but should have been taken care of. He asked if the Committee would be making a recommendation to DHHS or suggest that they put in a rule or pass a law that says that during this term so it will be done. He stated that he really thought something was wrong here and added that he was appreciative of the Committee taking steps to try and personally see the records.

Rep. Fay asked Director Schleck what actions are available to the Committee for the Report and amending or changing it.

Director Schleck stated that the Report was an effort to provide a full account of what happened, what the current state of law, policy and practice is, and what the Department was empowered to do. He clarified that it was OPEGA's conclusion that the Department was not responsible for the death of Maddox Williams. The person deemed responsible for the death of Maddox was convicted by a jury in the Superior Court of Waldo County. He stated that it is understandable the questions around the prior Child Welfare involvement and what was or could have been done which is what the Report tried to emphasize. He reminded that as a matter of public policy in Maine, children are deemed better in their homes with their families, and if possible, there are very limited and divine circumstances under which they can be removed, also subject to Judicial supervision.

He stated that there were some issues that come out of the report to emphasize. He noted that the mother had substance affected babies four times. He stated that there is a substance affected infant statute and suggested that there should maybe be some consideration or discussion as to whether something is different for the subsequent children versus the first and if that should come into play. He noted that cooperation comes up a number of times and the report states that there are times that the Department missed something, and OPEGA reported that. He recalled the parent could say no to allowing a caseworker into the home and explained an example where the caseworker did manage to talk her way into the house despite that and was able to at least see something instead of nothing. He also noted that the general framework of whether reunification as a general presumption under the law that children always be put back with their families could be examined. He stated that OPEGA highlighted the notion that a termination of parental rights process is clear in statute, yet there is a point in this case where a time was reached and the Department did not file for the termination of parental rights or document the reasons for not doing so. He emphasized though, that this was not a termination decision about Maddox Williams, it was about two of the other children in the family, before Maddox was born. He suggested this process could also be examined and explored further. He stated that they also talked about the Mental Health Evaluation process and that OPEGA found it alarming that there are only three court ordered diagnostic evaluators in the entire state of Maine and that seems to be a criticality that needs to be addressed. He

added that Child Protection is having a hard time getting candidates to even interview for the Case Worker jobs. He mentioned the discussion of whether every caseworker must be a licensed clinical social worker.

Rep. Fay clarified that she was asking what options the Committee has in terms of evaluating the report. Director Schleck answered that there is precedent in the history of the Committee and OPEGA, where the Committee can either vote to endorse the Report, endorse in part, or not endorse it at all. He noted it is also possible to have a divided breakdown of that, and cited a prior example by which the GOC added its own written views as a separate addendum.

Sen. Hickman read the last paragraph of the Child Welfare Ombudsman's testimony out loud. He stated that the OPEGA conclusion was that the Department's decisions were not unsound but takes the Ombudsman's statement as they were all unsound. He asked if Director Schleck could respond to the criticism heard from the Public Hearing that the decisions were not unsound.

Director Schleck stated that OPEGA examined the safety decisions concerning Maddox Williams to reach conclusions as to whether those decisions were sound in light of prevailing Child Protection law, policy and practice. He noted that not every step taken in the course of making safety assessments is itself a safety decision, but sometimes add up to an overall safety decision at a particular interval. The Report talks about why it is helpful in understanding how certain safety decisions were made or certain actions were or were not taken in response to various events and information. He stated they gave a full account of what happened in addition to reaching a conclusion about safety decisions. He noted the TPR discussion as a source of concern, and also gave the example regarding the eldest child of the mother who later testified in Court to an incident involving at a hotel in New Hampshire. OPEGA concluded that the Department would not have known about that, unless they approached the out-of-home father and asked to interview that child, but Director Landry noted last meeting that the father had a history of denying such requests. Director Schleck repeated that the case worker still should have asked. He further discussed this in the context of the fact that the Department received a report from Law Enforcement detailing an alleged domestic violence incident occurring in the home, but that at no point during the investigation did a caseworker find or was provided with any information that the mother posed a threat of physical abuse to any of her children. The mother at that time was the alleged victim. He nevertheless stated that the fact that the Department missed something is vitally important and should be documented and called out but it was considered to be one step (albeit missed) in what were many steps in reaching an overall safety decision at the time.

Sen. Hickman stated that is probably where the Child Welfare Ombudsman disagrees. He stated that for him, the targeted child being missed by a department of well trained and intentioned caseworkers and supervisors is hard to understand. He stated that it seemed that the mother hated this child from the start, including not having any relationship with him for two years. He hoped that for training purposes for the future, that there are people who do child welfare in the state of Maine, who can see all of the circumstances around a targeted child and take the necessary action to protect that child from abuse.

Sen. Duson stated that she thought her responsibility is to look at everything with an emotionally clear mind. She stated that she was stuck on the instance where there is not compliance with the statute for TPRs, which are minimal mandatory directions for intervention. She believed there was a missed step with the TPR. She noted that if the Department does not file to terminate parental rights, there is a required filing in lieu of that TPR to present to the court a compelling reason to not file. She stated there should have been a review and consult with the caseworker and the team to produce that document. She believed that may have resulted in a different outcome. She stated that if they don't articulate it as a problem, they won't articulate a solution.

Director Schleck answered that he appreciated her outlook and appreciated the opportunity to explain why OPEGA was not characterizing that as a safety decision itself. He clarified that while he also appreciates the Ombudsman's role, her position is established by statute as an advocate in counterpoint to the Department, whereas OPEGA endeavored to lay out all the facts of what happened.

Director Schleck stated that the most impactful safety related events in the last two years of Maddox's life arose because of conduct, in terms of what the Department could respond to, identifiable, actionable situations, were based on the conduct of his father. He stated that when talking about a TPR two years prior, involving other children, it is rather removed in time and space from Maddox's safety. Maddox was still in the custody of DHHS at the time of the prior TPR timeline involving the other children.

Sen. Hickman read another line from the Ombudsman's testimony regarding the mother's mental health and lack of treatment and the father's underlying substance use issues were listed as concerns. He stated that it was clear to him that there is systemic failure there because the law was not followed.

Director Schleck answered that OPEGA has another Report coming in the near future that is looking systemically at the reunification process. He explained that the Report will have some information about more cases that touch on this notion of the filing and timing of a TRP and that he hoped it would be of great interest to the Committee.

Sen. Duson stated that when doing a performance audit, if there is no adverse finding, there is minimal justification for corrective action. She believed that the basis for the GOC to proceed with asking the Department to be attentive to a written management action plan or a summary of corrective action plan is slim because of the manner in which OPEGA characterized events.

Sen. Timberlake asked the Chair's if he was wrong in his assumption that they were going to be receiving a review of the case and what happened and the recommendations would be to see how this could not happen again. He stated that he was not expecting the report to be neutral.

Sen. Hickman answered that they all bring their own expectations and lived experiences, and that a longtime member of the Committee may expect something different than a new member. He stated that they have two more Reports to review when ready, and then they will look at all four cases in totality and decide how to vote on each Report. From all of that, they could then make a decision about what is thought to be an appropriate recommendation moving forward so these things do not happen again and can be better prevented. He noted Sen. Timberlake wanted OPEGA to state that DHHS/OCFS did something wrong and that is why the children are dead. He acknowledged that when children die it's a tragedy and stated that when children die on the watch of a Department that is overseen by lawmakers it's common to look for any answers that will solve the problems from ever happening again.

Rep. Fay stated that she understood that the Committee has had a lot of Reports on Child Protection in the last couple years and still have more to come and that it was frustrating to not receive all the information at once and that they are looking at the little pictures instead of the big picture. She stated that the good reason for doing all the smaller reports is so that they don't have a huge lag time in between, but that waiting is still a challenge. She thought there is an immediacy and a tension between what can be done long-term and what can be done in the short term and what does each report mean without having it all in one package. She also noted that the language OPEGA used affects how they interpret and understand the reports. She hoped to come together after all the Reports and have a conversation that's comprehensive with some concrete legislative conclusions to share with the HHS Committee and the whole Legislature.

Sen. Hickman added that they are a standing investigative Committee of the Legislature and they are supposed to have a power to conduct their own investigation even outside of what OPEGA does. The Committee has tried to do that by subpoenaing documents that have been denied and he believed they needed to review the source material to draw their own conclusions about it.

Sen. Timberlake stated that he was not looking to find one person to put the blame on, but was looking for a solution so that it never happens again. He asked about if it was a common practice that the Department gets the Report two weeks prior to the Committee.

Sen. Hickman stated that was in statute and that it was amended to that but he had not looked into legislative history to figure out why that requirement was added.

Rep. Mastraccio stated that she didn't disagree with some of the conclusions but she did not agree that she needed to see documents to be able to interpret what happened because she did not feel entitled to see

some of them as an elected official. She stated she knows how hard it is to keep things confidential and thought that as a legislative body that changes every two years she was satisfied with the function that OPEGA provides. She stated that if it was an easy thing to solve, they wouldn't be there. She thought it was difficult because they are balancing the parental rights against the rights of children, which is a policy issue that as a State and Legislature, they are going to have to make a decision on at some point. She stated that the best way to solve this problem was to prevent it. She stated that she wanted to help families not reach this point and that some of the issues that are seen relate to policies and protection supports for families that were taken away. She stated she was going to use that to inform her decisions going forward. She recalled an example of going further after a report where they invited everyone in and talked to them under oath and thought that if the Committee wanted to do that, they could figure out how, but she preferred to wait until all the Reports are in to look at that in terms of what the Committee can actually do to affect policy so that this will be much less likely to happen.

Sen. Hickman reiterated his frustration for not being able to see any of the confidential documents, because he felt he had questions that he just cannot ask publicly.

Rep. Arata stated that she has been contacted by people who believe that their children have been taken away when they shouldn't have and that as Legislators they often see both sides. She noted the legal justification for not filing an otherwise statutorily TPR petition and asked for a copy of that statute for the Work Session. She asked for some feedback from Director Landry as to whether it is realistic to have to accomplish these reports every single time. She asked for some feedback from the Judicial Branch as to what sort of impediments there might be to accomplishing this every single time.

Sen. Duson stated that she felt the OPEGA Report is thorough and stated that in her opinion on the court filing is that she would not require access to the actual documents so long as she has strong faith in the work of the OPEGA process.

Sen. Hickman asked Director Landry and Director Schleck if they had any final words before moving on to the next agenda item.

Director Landry stated that they appreciate the opportunity to continue the dialogue with the Committee and noted he would provide the requested documents.

Director Schleck stated that he remained hopeful that if the Committee gets an opportunity (through a Law Court decision) and they want him to, he will be there to help walk them through the records in an Executive Session. He appreciated everyone who spoke on the Report and reiterated that everyone just wants to make the system better.

- **Letter from Labor and Housing Committee regarding Riverview Psychiatric Center and Dorothea Dix Psychiatric Center**

(A copy of this letter can be found here: <https://legislature.maine.gov/doc/10193>)

Sen. Tipping (the Senate Chair of Labor and Housing) stated that the LBHS Committee had a Public Hearing on a couple of bills about a retirement special plan for Riverview and Dorothea Dix. He explained that they have retirement plans for people that are in high stress, difficult and very dangerous occupations. Usually Law Enforcement and Corrections retire early because they have very difficult jobs. He shared that during the testimony on these, they heard some bad stories of working conditions and sometimes regular or daily assaults on workers at these facilities. He noted the past investigation on Riverview in 2007 related to admissions procedures and other issues and in 2015 they looked into the incident reporting and the use of restraints by staff. He hoped that the Committee would look into staffing levels, workplace conditions and recruitment and retention plans to address these problems.

Rep. Fay noted that in the Budget that was just passed they did have some additional funding for safety measures and improvements at both facilities, and thought that was a positive step. She asked Director Schleck to go through the process of what type of investigation this might be.

Director Schleck explained the steps taken so far in the process, which consisted of having received a letter concerning a state agency or program, sponsored by a member of the Legislature. The Committee could now consider an action, by referring OPEGA to gather more information, vote to place the topic on the Work Plan or on standby, refer it to another entity or standing committee, or vote to take no action. He stated that he is hearing a refer to OPEGA for more information and report back.

Rep. Arata asked Sen. Tipping if vacancies in staff was an issue or if the Legislature was simply not funding an adequate number of staff in the Budget.

Sen. Tipping stated he would like to get those answered.

Rep. Arata asked if it would be a better question for the Labor and Housing Committee, because every Department has staffing issues and didn't see how it would be a GOC/OPEGA issue to solve.

Sen. Tipping stated that the severity of the issues in the working conditions were unlike those of other occupations that the LBHS Committee had heard previously. He added that these are State run facilities and that the GOC/OPEGA have taken a direct oversight role before by looking into some related issues that would hopefully have a n opportunity to be revisited at the same time.

Rep. Arata stated that she would like to know more about their policies and why patients are given an opportunity to pull people's hair or to punch them in the face and if there is anything the Committee can do about that. She assumed there were national standards that would need to be complied with in regards to how patients are treated and that must somewhat conflict with protecting staff.

Sen. Timberlake asked if this has gone through the Committee of jurisdiction and if they have asked people to come before them to ask questions about the regulations or the positions.

Sen. Tipping stated that it is a multijurisdictional issue and that the LBHS Committee also invited the HHS Committee to join in on this but they have not heard back from them. The LBHS Committee unanimously agreed that they felt this matter was for the Government Oversight's continued investigation into Riverview.

Rep. Fay asked if there was an easy way to get copies of the Reports that have been done in the past. She stated that the other Committees are not meeting because it is out of session so there is a balance between can it wait for them, or can the GOC lay some groundwork.

Director Schleck stated that as a practical matter stated that this is an issue that would go into 2024 anyway because there are multiple ongoing reviews to finish before starting another.

Sen. Tipping stated that he felt that the letter was the LBHS Committee's intent to lay that groundwork and communicate with both of the other Committees (GOC and HHS).

Director's Report and Next GOC meeting date and planning

Director Schleck reminded that traditionally the GOC has moved to once-a-month meeting sessions on the third Wednesday of every month in the Interim (out of session) and suggested that schedule would continue. He suggested an email with a proposed schedule to approve would be sent after the meeting.

Rep. Fay noticed a lot of the OPEGA staff in the room and thanked them for heir hard work that they have done this Session.

Unfinished Business

Rep. Arata asked about the next Case File Review Report and when that would be expected.

Director Schleck answered that the third case is waiting for sentencing in the criminal case where the father was convicted of manslaughter, hopefully in August, and the fourth case is set for jury selection also in August and will go to trial the following Monday. He noted he planned to attend that trial. He reminded that this step allows for the release of the Department's public memo which allows OPEGA and the Committee to talk about more things publicly.

Adjourn

The Chair, Sen. Hickman, adjourned the Government Oversight Committee meeting at 1:02 PM on a motion by Rep. Fay, Second by Rep. Mastraccio.