



Maine Sheriffs' Association

"One Team, One Mission"

Sheriff Dale Lancaster, President

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March 1, 2022

L.D. 1946 – An Act To Ensure Constitutionally Adequate Contact with Counsel

OPPOSED

Senator Carney, Representative Harnett, and esteemed members of the Joint Standing Committee on Judiciary, my name is Dale Lancaster, the Sheriff of Somerset County and President of the Maine Sheriffs Association and this testimony is provided on their behalf.

Maine sheriffs discussed this bill and voted unanimously to **oppose** L.D. 1946 – An Act To Ensure Constitutionally Adequate Contact with Counsel.

Too often, media sources present inaccurate or misleading information, whether intentionally or not, that may be blindly accepted as truth. We believe the public's misperception of what actually occurs when county inmates make calls to their counsel originates from misleading media stories. We hope our detailed explanation of what is actually occurring in Maine's jails will help members of this committee to better understand why this bill would cause irreparable harm to the citizens we're elected to serve.

Like any system, processes are only as good as the people who implement them. For example, we know that when an inmate provides us with his or her counsel's phone number, we block that phone number from being recorded. Upon receipt of a number, we check to ensure that the number is actually the number of their counsel. When confirmed, that number is blocked from recording.

Whenever an inmate makes or receives a call from a number that is not blocked, an automated message tells both parties that the call is being recorded. If an inmate or counsel were to hear that message, they could easily disconnect and arrange for recording to be blocked. It's incumbent upon the inmate to provide the correct number to ensure their calls with counsel are not recorded. Each and every inmate is informed of this process upon their arrival.

The equally important facet of this conversation is the impact of recording those calls, not to counsel but to domestic violence victims, known criminals, or external drug dealers. Domestic violence victims deserve to be protected from intimidation and threats, calls that can and should be caught in recordings. Arranging to smuggle in contraband and providing drugs to other inmates has been prevented by catching these arrangements in taped phone calls. Those inmates who are trying to overcome substance abuse deserve a drug-free environment in which to heal. Sheriffs are tasked with protecting all Maine citizens, including those who are incarcerated in our facilities.

Finally, we ask that any future lawmaking discussions about jail operations include sheriffs. We sincerely wish we had been given the opportunity to discuss the concerns that brought this bill forward. Maine sheriffs are committed to identifying problems in any jail-related system and working with legislators to find solutions that protect the rights of our inmates, but in a way that does not jeopardize their fellow inmates and/or victims who deserve protection from additional harm.

Maine sheriffs appreciate the opportunity to share our concerns with this committee.

Sincerely,

Sheriff Dale Lancaster
President, Maine Sheriffs' Association