



Maine Sheriffs' Association

"One Team, One Mission"

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April 10, 2023

LD 692 An Act Regarding Eligibility of County Jail Inmates for a Community Confinement Monitoring Program.

Good morning, Senator Beebe-Center, Representative Salisbury and distinguished members of the Criminal Justice and Public Safety committee. My Name is Kevin Joyce and I am the Sheriff of Cumberland County. I am here testifying on behalf of the Maine Sheriffs' Association in support of LD 692, An Act Regarding Eligibility of County Jail Inmates for a Community Confinement Monitoring Program.

When I read the language in LD 692, my first response was that this is common sense. In the early 2000's, the Cumberland County Sheriff's Office periodically placed inmates into Community Confinement, especially those sentenced inmates who were close to their release date.

The requirement of conducting an investigation to identify any potential risk prior to the inmate's release, making a good faith effort to notify the victim that is being considered for community confinement; notifying the District Attorney's Office that prosecuted the individual and notifying the arresting law enforcement agency makes absolute sense. It is awkward when any of the aforementioned learns that the inmate is out on community confinement when he or she is seen out in the community. Community confinement is definitely a valuable option for inmates who are nearing the end of their sentence and are wanting to reintegrate back into the community.

The Maine Sheriffs support Representative Doudera's bill, LD 692, An Act Regarding Eligibility of County Jail Inmates for a Community Confinement Monitoring Program. Additionally, the Maine Sheriffs' Association has been in contact with Representative Doudera about offering a friendly amendment to LD 692. This amendment would add some verbiage to correct an issue regarding the authority of Corrections Officers and Transports Officers to utilize force to protect the inmates or prevent the escape of inmates once outside of the four walls of the jail.

In 2017, while reviewing our policies for law enforcement accreditation, we were asked how various job classifications derived their authority through state statute. We discovered that one of our job classifications, Transport Officer, which is defined in state statute, did not have any corresponding authority to use force outside of the jail facility. In fact, certified corrections officers have the authority to utilize force to protect inmates or themselves or to accomplish a lawful obligation while in the jail, but corrections officers do not have the authority outside of the jail.

Each day, all 16 Sheriffs and MDOC have transport officers shuttling or conveying inmates throughout the State of Maine. The lack of corrections officers and transport officers having the authority to utilize force outside of the jail places the corrections officer, transport officer and the inmate in potential danger if something should happen.

The attached language if added to state statute would fix the problem regarding the lack of authority by corrections officers and transport officers, which is an issue lying in wait. This bill basically clears up an oversight in Maine Statute.

Thank you and I hope that you will support LD 692, An Act Regarding Eligibility of County Jail Inmates for a Community Confinement Monitoring Program and our request for a friendly amendment to add language to Title 14 and Title 17-A to clarify the authority of corrections officers and transport officers to utilize force if necessary to protect an inmate or prevent the escape of an inmate outside of the four walls of the correctional facility.

I will be happy to answer any questions.

Kevin Joyce, Sheriff
Cumberland County