

Pinette, Susan

From: Matt Moonen <mattmoonen207@gmail.com>
Sent: Wednesday, March 6, 2024 1:36 PM
To: Pinette, Susan
Subject: Fwd: A Statement of concern regarding LD 2250/SP 0970 and a provision outside the requirements of the PREA

This message originates from outside the Maine Legislature.

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From: Jennifer Carignan <jcarignan@stopabuseforeveryone.org>
Date: Wed, Mar 6, 2024 at 12:37 PM
Subject: A Statement of concern regarding LD 2250/SP 0970 and a provision outside the requirements of the PREA
To:

This message originates from outside the Maine Legislature.



A Statement of Concern Regarding LD 2250, SP0970

The Safety of Corrections Officers due to the addition of a provision that goes outside the scope of requirements of PREA

Stop Abuse For Everyone is a human rights agency with a long history of advocating for all victims of abuse and as such we gladly uphold the provisions of the PREA. Maine's efforts to remain in compliance are laudable and we encourage continued compliance. SP970/LD2250 do go outside the required provisions however and we urge the Maine Legislature and especially the Judiciary Committee to look closely at the provisions of Section 115.73 especially section (C) as the following information will highlight.

PREA's requirements, as of March 4, 2024 contain the following provisions: (they are linked directly to the Federal Register)

§ 115.73 Reporting to inmates.

(a) Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

(b) If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.

(c) Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever:

(1) The staff member is no longer posted within the inmate's unit;

(2) The staff member is no longer employed at the facility;

(3) The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or

(4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

The potential addition to Sec. 3. 5 MRSA §7070, sub-§2, ¶F includes the substance of (F) (2) 1, (F) (3)1, and (F) (4)1.

However, the first addition to Maine law is not part of PREA, and completely unnecessary. PREA does not require the notification to an alleged victim of (F) (1) "The subsequent work locations, if any, of the individual alleged to have engaged in the sexual misconduct or sexual harassment;"

It is one thing to notify an alleged victim of the fact that the staff member is no longer posted within the unit or facility, thereby relieving anxiety. However, giving them information on future work locations is entirely unnecessary and given the lack of adjudication, puts the staff member at greater potential risk from the prison population if they were to become aware of the accusation.

I urge you to visit the PREA regulations and read them for yourself. The Department of Corrections is placing corrections officers at great risk, with this unnecessary addition to the code. None of the interpretations require it, and PREA simply requires a notification regarding when the employee is no longer employed at the unit and/or facility.

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Thank you,

Jennifer Carignan

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