



Maine Sheriffs' Association

"One Team, One Mission"

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April 14, 2025

**TESTIMONY OF
SHERIFF TROY MORTON
MAINE SHERIFFS' ASSOCIATION**

LD 1416 - An Act To Require The Department Of Health And Human Services To Immediately Take Custody Of Persons Sentenced To Mental Health Facilities That May Not Include County Or Regional Jails

Senator Ingwersen, Representative Meyer, and honorable members of the Committee on Health and Human Services. My name is Troy Morton and I am the Sheriff of Penobscot. I have the privilege of serving as Vice-President of the Maine Sheriffs Association and I am here today on their behalf.

Your Maine Sheriffs have taken the position to **SUPPORT – LD 1416 – An Act To Require The Department Of Health And Human Services To Immediately Take Custody Of Persons Sentenced To Mental Health Facilities That May Not Include County Or Regional Jails.**

Reducing the number of individuals with mental illness in our county and regional jails is part of our mission to operate safe and humane correctional facilities. Over the past two decades, substantial steps have been taken to help manage the high number of individuals being admitted and held in county jails with mental illness. This starts with high-quality services available in our communities, and the ability to divert individuals in crisis from hospitals or jails. Although widely recognized as a substantial issue, serious gaps still exist.

The implementation of suicide screening tools, contracted mental health services, officer training, and policy adjustments has been integral to managing individuals admitted to jails. Despite advancements in mental health services, it is important to recognize that jails are fundamentally not designed to provide therapeutic care. These services are often most beneficial for individuals who face challenges in following prescribed medication regimens and adopting healthy lifestyle practices that promote mental well-being.

Our greatest concern involves individuals remaining in county or regional jails simply because there are no other appropriate facilities available. A person's history, diagnosis, level of violence, and medical issues are just a few of the factors considered when mental health professionals attempt to locate suitable housing or programs.

This bill focuses on a specific issue related to court-ordered custody and does not aim to cover the broader range of challenges associated with the lack of online inpatient mental health services. Currently, county and regional jails are being tasked with accommodating individuals deemed incompetent to stand trial following comprehensive evaluations and judicial procedures. The statute clearly states that after a court order, the Department of Health and Human Services is required to take custody of individuals deemed incompetent to stand trial. Unfortunately, it is common for these individuals to remain in county or regional jails for extended periods, sometimes lasting several months or more. This issue has been persistent for some time. In response, county and regional facilities have implemented various measures aimed at facilitating timely transfers, improving communication, and developing more effective processes. Despite these efforts, challenges remain in addressing the problem.

It is important to acknowledge and support the work being done by staff members in our state's mental health facilities. A comprehensive review and assessment are necessary to understand the reasons behind the consistent underutilization of these facilities, often operating at half capacity, and to determine appropriate measures for improvement.

Additionally, transferring individuals to the Maine Department of Corrections is not a viable solution for addressing mental health needs. Our state should not resort to incarceration as a means of managing the lack of adequate online in-patient mental health services.

There is a pressing need for a broader discussion about the availability of adequate online inpatient mental health beds. However, today we encourage you to support the motion to "VOTE, OUGHT TO PASS" on this significant amendment. Approving this amendment represents an important initial step toward addressing the larger issue at hand.

I am happy to answer any questions you might have today or during the upcoming work session.