



CUMBERLAND COUNTY SHERIFF'S OFFICE

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Good afternoon, Senator Beebe-Center, Representative Hasenfus, 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 testifying in support of LD 1710, An Act Regarding the Authority to Transport Prisoners Confined in Jail and the Use of Physical Force with Respect to Prisoners and Persons Who Have Been Arrested.

In nearly all county jails, the transportation of prisoners to court, other correctional facilities, hospitals, and doctors' appointments is accomplished by corrections officers. The transportation of prisoners occurs every day of the week for the various aforementioned reasons. However, it was discovered several years ago that while certified corrections officers have the authority to utilize force to prevent the escape, protect themselves or others from assault, or to enforce jail standards while within the four walls of the jail, they do not have the authority to use force once they leave the jail.

In fact, the corrections officers sometimes referred to as transport officers are expected to protect the inmate being transported to and from court from those who may attend court hearings and be intent on causing harm to the inmate out of revenge. When inmates are transported to the hospital, corrections officers/transport officers are expected to provide around the clock security of the inmate. However, corrections officers/transport officers have no authority to use force on inmates or on anyone else to protect inmates or hospital staff.

On March 26, 2025, LD 532, An Act to Protect Health Care Workers by Addressing Assaults in Health Care Settings, was heard by this committee. Nearly every week, inmates are transported to the hospital for various reasons. However, they are often transported by corrections officers/transport officers who have no statutory authority to utilize force to prevent assaults or enforce any other actions that violate state law or jail procedures.



Unfortunately, the authority to use force by corrections officers dissipates once they leave the jail property. The most high-risk part of normal jail operations is when corrections officers/transport officers transport an inmate. During inmate transportation an inmate is away from solid brick walls, multiple locking doors, and is closest to individuals who could cause harm to them or provide the opportunity for escape. It is essential that corrections officers/transport officers have the statutory authority to use force.

Since corrections officers/transport officers have no authority to use force outside of the jail, the Cumberland County Sheriff's Office decided to commission our qualified corrections officers as deputy sheriffs. The commission gives corrections officers/transport officers the same authority to utilize force outside of the jail as certified deputy sheriffs. However, providing these commissions potentially violates 25 M.R.S.A. §2804-C by utilizing corrections officers in this status for more than a 12-month period and not sending them to the Basic Law Enforcement Training Program (BLETP). To avoid violating 25 M.R.S.A. §2804-C, a policy was developed that removes any "police like powers" and only leaves corrections officers/transport officers with use of force authority. While this is a temporary fix, not providing corrections officers with the authority to do what is expected of them each and every day is a problem "lying in wait".

In a few counties, the responsibilities of transport officers are covered by retired fully-certified police officers or deputy sheriffs. One county utilizes part-time law enforcement officers to fulfill the functions of transport officers, but their Sheriff allows them to perform part-time law enforcement activities, when necessary, as long as they report the number of hours to the Maine Criminal Justice Academy.

Thank you and I hope that you will support LD 1710, An Act Regarding the Authority to Transport Prisoners Confined in Jail and the Use of Physical Force with Respect to Prisoners and Persons Who Have Been Arrested.

I am happy and look forward to answering any questions.

Sincerely,



Kevin J. Joyce, Sheriff
Cumberland County Sheriff's Office

