



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF CORRECTIONS  
111 STATE HOUSE STATION  
AUGUSTA MAINE  
04333-0111

RANDALL A. LIBERTY  
COMMISSIONER

**TESTIMONY OF**

**RANDALL A. LIBERTY COMMISSIONER  
DEPARTMENT OF CORRECTIONS**

**In Support of**

**LD 13 An Act to Coordinate the Delivery of Individuals Sentenced to the Department of Corrections**

**Before the  
Joint Standing Committee on Criminal Justice and Public Safety**

**February 8, 2021**

Senator Deschambault and Representative Warren and other distinguished members of the Criminal Justice and Public Safety committee, I am Randall A. Liberty, Commissioner of the Maine Department of Corrections providing testimony in support of LD 13.

LD 13 is a departmental bill to ensure coordination between the MDOC and the transporting county correctional staff or sheriff. Thank you to Senator Deschambault for sponsoring this bill.

The delivery of individuals from sending jails to MDOC has always required thoughtful coordination. However, during the months of COVID-19, the need for exactitude has become a matter of public health. Based upon the lessons learned during the pandemic, we propose this bill for a more efficient and coordinated process.

Prior to the pandemic, when a county had an individual with a state sentence needing to be transferred to an MDOC facility, the sending county would, at best, call a classification officer at the facility and let him or her know to expect an intake, during which there may or may not have been a conversation to review commitment paperwork or identify when, exactly, the transport team would arrive. This would often occur all in the same day, allowing for no planning to take place. At worst, the county transport team might show up at the MDOC facility without a forewarning call, without having reviewed the judgment, sentence length, or other issues related to the individual. This pre-COVID-19 system was lacking in coordination and pre-planning from both MDOC and county staff, with results ranging from simple frustration on the part of staff to incidences of individuals sitting in intake at a DOC facility for hours on end, or worse, having to be transported right back to the sending county jail due to erroneous paperwork or other reasons for a DOC facility to refuse the individual. The county and MDOC staff know these types of situations occurred far too often.

The pandemic has highlighted the problem that we hope this bill solves, and that is that a lack of pre-planning and communication causes lengthy and impactful delays for the individual, and in times of public health issues, such as COVID-19 or the flu, can be an impetus for outbreaks. The MDOC sees this bill as the opportunity to codify the new system of communicating coordination of delivery of sentenced individuals that has been in place since June and has been working very well.

For the first few months of the pandemic, MDOC would not accept transfers from a county facility because we were all facing the unknowns about contagion, testing, length of time to receive testing results, and so many other unknowns. This action was supported by MSA. In June, after many conversations with MSA, individual sheriffs, and jail administrators worked to create an agreed upon system of coordination for transports and intakes, we were able to resume intakes with a new coordinated process in place.

The new process involves the county jail notifying MDOC's Central Office Classification team that there is an individual with a pending MDOC sentence. Together MDOC and the county jail personnel discuss and review the commitment paperwork, ensuring the person has a sentence that is to be served in an MDOC facility; discuss any no-contact or victim concerns prior to arrival at the MDOC so that information can be uploaded into the State's offender management system for security and classification teams; discuss agreed upon COVID precautions, including that the person quarantines in the county facility for 14 days prior to transfer. The MDOC and county staff then determine the day of transfer based on the MDOC's schedule for receiving intakes, the county's transport schedule, and other relevant factors. This new system has been a dramatic improvement over the pre-COVID system for both county and state corrections for the reasons mentioned above, but also as it relates to efficient management at intake. For example, prior to COVID male and females could be transported together and would remain in MCC's intake room together, which was usually problematic. As part of the new process we've agreed with the counties that women will be received on a specific day each week, a day when males are not received, eliminating the problem altogether. This results in a smoother intake process for both men and women. Additionally, related to the management of the intake room, the new system ensures MDOC knows exactly how many individuals are coming on a given day, their histories, ensuring that there is the appropriate level of MDOC staff onsite which reduces wait times and incidents, and ensures COVID-19 precautions are in place prior to the arrival of individuals.

We appreciate the close coordination with so many of the county sheriffs and jail administrators as we've worked on this new method and recognized the need for this bill. The Maine Sheriffs Association helped get the new process started, as they recognized that a new process was as useful for the jails as for MDOC. Since this new process has been in place, the MDOC has worked to ensure responsiveness to the jails' needs. We have worked to intake quickly so as not to cause delays that would impact their populations.

In closing, this bill isn't about the MDOC prescribing each detail of coordination, but rather this bill is about putting into law the critical need for regular coordination between the MDOC and the jails prior to a transfer, acknowledging that the coordination itself is the important thing and helpful to all parties.

Thank you for considering this important departmental bill.

I am happy to answer any questions.

Randall A. Liberty  
Commissioner