

Susan M. Hawes
3 Forest Circle Apt 3
Portland, Maine 04103-1333

TESTIMONY IN OPPOSITION TO
LD 1154

"An Act To Improve the Safety of Prisoners and Jail Staff by Limiting Work Hours of
Jail Employees"

Good morning, Senator Deschanbault, Representative Warren, and members of the
Committee On Criminal Justice and Public Safety.

My name is Sue Hawes. I live in Portland. My husband was a Corrections Officer and
later Deputy Sheriff, at Cumberland County Jail from 2006 until he was medically
retired in 2018 at age 47.

I implore the Committee to go slow with any attempt at a quick fix for the desperate
staffing crisis at our county jails. At Cumberland County Jail, the Sheriff recently
announced the staffing crisis which has persisted since 2015. See his recent letter to the
Cumberland County Commissioners attached.

I oppose this bill because it proposes only to put in writing that it's OK for Cumberland
County Jail and other employers to continue to force employees to work overtime
multiple times every week. Our states mandatory overtime law allows employees to
mandate another 40 hours every week of overtime.

Few business owners I know would look to their 100 or so employees to fill thousands of
hours of unstaffed shifts every month with no end in sight. This is exactly how the
Cumberland County Jail operates and has been operating for years.

Since July 2019, we have had two Cumberland County Jail Corrections Officers fall
asleep at the wheel after a 16 hour day at a county jail, one included a fatality. Kennebec
County Jail also had a CO fall asleep and crash in October 2020.

Please do no harm. Thank you.

Meeting Request

1 message

Kevin Joyce <joyce@cumberlandcounty.org>

Sun, Apr 18, 2021 at 1:32 PM

To: Steve Gorden <Gorden@cumberlandcounty.org>, Susan Witonis <witonis@cumberlandcounty.org>, Neil Jamieson <Jamieson@cumberlandcounty.org>, Tom Coward <coward@cumberlandcounty.org>, "James F. Cloutier" <cloutier@cumberlandcounty.org>, Jim Gailey <gailey@cumberlandcounty.org>

Good afternoon Commissioners and Manager Gailey,

I am respectfully requesting a meeting as soon as possible to discuss staffing at the Cumberland County Jail. We are nearing a 50% vacancy rate, which is causing everyone to work numerous overtime shifts even though we have instituted mandated overtime. This is becoming problematic and dangerous and as we approach the summer, circumstances will only get worse.

As you recall, under the Board of Corrections, I purposely kept 15 vacancies open because we never trusted that the legislature would adequately fund their portion of the jail funding and the vacancies would give us a cushion rather than create lay-offs should we not get adequately funded. Over time, we have lost more corrections officers than we have hired.

As time has gone on, when we were at 30 vacancies, it required a lot of overtime, but the staff at that time wanted the balance of overtime. As we approached 40 vacancies, 50 vacancies and now 60 vacancies it is becoming increasingly stressful and dangerous for our staff.

During the past couple of years, we have lost employees to retirement, promotions, to other jobs within the agency and within the county, to other law enforcement agencies and to other occupations. In a few cases, some employees were terminated. Some of those who left, were realizing their dream by retiring after a lifetime of service, getting that "dream job" or getting a job in law enforcement. Others have left for a job with better work life balance or less money in the short-term but with substantially more money in the near future. We have lost some really good people, while the departure of several others will be beneficial to the remaining jail staff and the agency.

Currently, we are receiving very few applications for the vacant positions that we have. Those applicants who do apply in many cases are slow to provide the necessary documents required by Human Resources to complete the hiring process. Last year, we began offering the alert test, which is required by the Maine Criminal Justice Academy of all law enforcement and corrections candidates. In fact, we not also offer the test, we made the decision to pay the \$50.00/test for individuals to take the alert test. We often get 3-4 individuals sign up for the test, but 1-2 generally show up to take the test. Believe it or not, the test is a basic reading comprehension, writing and arithmetic test, which quite a few do not pass.

Some improvements to attract potential employees that I have authority over such as the elimination of physical agility testing, is in process. The alert test is mandated by the state and eliminating the polygraph examination has potential ramifications after hiring that would be a huge risk.

The starting salary is an issue. We are competing with hundreds of other employers for potential employees, who can and are willing in some cases to make their vacant positions very attractive. Although we just entered a new contract with NCEU, we need to re-invent the shift schedules to accommodate the millennial and Y generations who want a work-life balance. Let's face it, the common recommendations by recruiting experts is to change from what we have always done in the past.

If we can't find a new way of attracting potential candidates, we will have to look at who we hold at the Cumberland County Jail. Currently, by law, I have the authority to release sentenced inmates in some limited instances. I have no authority to block law enforcement agencies from bringing inmates into the jail. For instance, in some cases a law enforcement officer can summon an individual as opposed to making a physical arrest and accomplish the same goal, but they don't. Therefore we MUST accept every arrest if the arrest is lawful.

If we can't hire people, then the only other remedy I see is to work on closing a pod or two. Although that seems easy, our current battle with COVID requires us to staff a quarantine pod and when we have several COVID cases, an isolation pod as well. Until recently, due to the COVID outbreak, we had all of the pods being utilized to separate people. If COVID went away tomorrow, we could close a pod and consolidate inmates, but that still wouldn't help or staffing.

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The only other change we can make is to lower our inmate population, but that will have financial effect for the county. NCEU is always suggesting that we should eliminate the York County boarders and Federal Inmates. We could eliminate York County Inmates which equates to 30 inmates or less at \$65.00/day, but that will not be enough to close a pod which could help with our staffing issues. I, like you, hold the Federal Inmates contract as the "holy grail" as it represents \$3-\$3.5 million in revenue that assists with the tax impact to Cumberland County Property tax payers. Another option that I will be exploring is whether or not we can move all sentenced inmates to a state facility. We all know that the state and judiciary often play around with inmate sentences to keep the inmates incarcerated in the jail, but if we moved the sentenced inmates to a state facility we could lower the inmate count by approximately 100+/- inmates and that would be enough to close a pod. The question is, what would be the cost of doing this?

We have a staffing crisis on our hands and we cannot afford to wait as it is not getting any better. We cannot close the jail and we have very few options other than to lower the inmate count in some areas and/or address the fact that we are not attracting candidates interested in corrections.

Although not an issue currently, we are starting to see the same issue of not getting candidates in law enforcement, but at a slightly slower rate. This is not a Portland Maine issue, this has been an issue nationwide and it has just arrived in Portland Maine.

I hope that we can get together soon and have some dialogue and develop ideas to get the staffing issues moved in a positive trajectory.

Respectfully,

Kevin Joyce

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Kevin J. Joyce, MBA, CHPP, CCE
Sheriff
Sheriff's Office Law Enforcement
Cumberland County
774-1444
FBINA 218th Session


Cumberland **County**

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