



Maine Sheriffs' Association

"One Team, One Mission"

Sheriff Troy Morton, President

Sheriff William King, 1st Vice-President, Sheriff Dale Lancaster, 2nd Vice-President – Sheriff Barry Curtis, Secretary –
Sheriff Todd Brackett, Treasurer – Sheriff Kevin Joyce, Immediate Past President –
Sheriff Joel Merry, Past President-at-Large - Mary-Anne LaMarre, Executive Director

April 7, 2021

L.D. 1009 – Resolve, To Create a Health Care Ombudsman Position To Serve in Maine's County Jails.

Senator Claxton, Representative Meyer, and esteemed members of the Joint Standing Committee on Judiciary, my name is Bill King. I am the Sheriff of York County as well as the 1st Vice-President of the Maine Sheriffs' Association. Maine sheriffs discussed this amended language generously provided by the sponsor, Representative Madigan. We collectively decided that our position is Neither For Nor Against.

As you may know, there are 14 county jails and 1 regional jail in the state of Maine. All jails have some level of health care providers as residents of correctional facilities are the only class of people that are required by law to have medical care. All facilities have 24/7 medical staff available or have arrangements with nearby providers to seek medical attention quickly for a resident.

This bill creates a seventeen-member working group to design jail resource navigators for Maine's jails. Justification for this new position is explained in the summary that indicates the working group will be tasked to design county jail navigator services that will support all county jails in Maine with needed resources/services for persons incarcerated. The summary continues, "Currently, many jail administrators are unable to adequately address this due to lack of personnel dedicated to meet these needs."

Maine sheriffs are not certain which jail administrators believe their jails are not adequately addressing residents' health care. In York, we have a professional correctional health care provider and a professional monitor to ensure that medical and mental health services are delivered with the highest standards. Two jails in the state, Cumberland and Somerset, are certified by the American Correctional Association for their health care services. In York, we do not hold an ACA certification but our health care provider abides by ACA standards. All other jails are inspected bi-annually by the Maine Department of Corrections and part of that inspection is a review of medical and mental health services. To date, each and every jail has consistently earned ratings in the highest scoring bracket available.

Maine Sheriffs are not opposed to ensuring incarcerated residents obtain adequate mental and physical health care, but the insertion of an ombudsman could complicate the process. At present, residents may complain to the MDOC about their health care treatment and MDOC will initially ask for an explanation and if that is not to their satisfaction, will commence an

investigation. Having a third individual involved to solicit complaints to ensure residents get adequate health care seems cumbersome. This would become especially problematic if the ombudsman is not a trained health care provider themselves. I envision a doctor's time being expended answering an ombudsman's inquiry about the treatment plan for a resident – time that could potentially be better spent conducting proactive examinations.

We believe the ombudsman could be most helpful filling a gap that exists when an individual is released. The ombudsman could be tasked with researching providers in the area where an individual is being released and confirming the continuation of their treatment, whether physical or mental, upon release. This is a vital and recognized gap. That ombudsman could also coordinate additional community supports for an individual with a substance use disorder that is being released.

Maine Sheriffs applaud the forward thinking of the sponsors of this bill but seek additional clarity surrounding the role of the ombudsman during a resident's incarceration. Until then, the Maine Sheriffs will assume a neutral position on this legislation and look forward to being a participatory member of this work.

Maine sheriffs appreciate the opportunity to present to this committee. I would be happy to answer any questions you may have.

Sincerely,

Sheriff Bill King
1st Vice-President, Maine Sheriffs' Association