

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the amendment by striking out the substitute title and replacing it with the following:

**'Resolve, Regarding the State's Policy of Secure and Humane Use of Segregation in Correctional Facilities and Establishing a Policy and Procedure Review Process'**

Amend the amendment by striking out all of sections 1 and 2 (page 1, lines 17 to 31 in amendment) and inserting the following:

**'Sec. 1 Policy of secure and humane use of segregation. Resolved:** That the working group under section 2 shall review the policy described in this section. In order to provide a safe, secure and humane correctional environment that meets primary security objectives while promoting inmate rehabilitation, it is the policy of this State to employ segregation sparingly when needed to protect inmates and prison personnel from anticipated harm from dangerous inmates or to protect inmates from themselves. It is the policy of the State that such segregation is carried out in a manner consistent with efforts to preserve inmates' physical and mental health and to enable opportunities for the inmates' future progress; and be it further

**Sec. 2 Working group. Resolved:** That the Director of the Office of Program Evaluation and Government Accountability shall convene a working group, referred to in this resolve as "the working group," and invite the following members to attend:

1. A member of a group that advocates for inmate rights, recommended by that group;
2. A person who holds an advanced degree in psychology and has studied the effects of long-term solitary confinement, recommended by a group that advocates for inmate rights;
3. An attorney who has expertise in due process procedures and inmate rights, recommended by a group that advocates for inmate rights;
4. A former inmate who has experienced long-term solitary confinement, recommended by a group that advocates for inmate rights;
5. A member of a union representing guards and other prison employees, recommended by the union;
6. The Commissioner of Corrections and up to 2 employees of the Department of Corrections, appointed by the commissioner; and
7. The Director of the Office of Program Evaluation and Government Accountability; and be it further

**Sec. 3 Chair. Resolved:** That the Director of the Office of Program Evaluation and Government Accountability shall serve as chair at the first meeting of the working group. At that meeting the members shall take a vote and elect a chair; and be it further

**Sec. 4 Duties. Resolved:** That the working group shall review the policy of secure and humane use of segregation as set forth in section 1, departmental policies, rules and practices related to the placement of special management inmates and the availability of resources and data specific to this State including the following:

1. How policies relating to the amount of time inmates may spend in special management are implemented and the factors that may affect consistent application of these policies;

2. The current role of advocates for inmates in the review and assessment process relating to special management and determinations to terminate or continue special management;

3. The funding of mental health treatment options and appropriate facility design and whether the implementation of special management policies is affected by the availability of these and other resources; and

4. Information relating to the number of inmates in special management, their release to the community, recidivism rates, mental health status, whether they are incarcerated for violent or nonviolent offenses, whether English is their primary language, repeated confinements and other factors that may be useful in evaluating the implementation of these policies over the past 5 years; and be it further

**Sec. 5 Staffing. Resolved:** That staffing for the working group must be provided by the Office of Program Evaluation and Government Accountability; and be it further

**Sec. 6 Recommendations and report by working group. Resolved:** That the working group shall provide an interim report to the joint standing committee of the Legislature having jurisdiction over corrections matters by November 15, 2010, which must include the data collected under section 4 and any initial findings and recommendations relating to whether the State's policy of secure and humane use of segregation is consistently applied. Any resources, policies and procedures that may be necessary to fully implement this policy in a consistent manner throughout the State's correctional facilities must also be included in the report. The working group shall identify any additional information or resources that may be needed to complete its review and shall provide a final report including any policy or legislative changes to the joint standing committee of the Legislature having jurisdiction over corrections matters by December 15, 2011; and be it further

**Sec. 7 Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

## **CORRECTIONS, DEPARTMENT OF**

### **Administration - Corrections 0141**

Initiative: Provides one-time funds for the Department of Corrections to contract for assistance in providing the records review and data collection that are expected from the working group's review of the placement of certain prisoners.

<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$0	\$10,000

GENERAL FUND TOTAL

\$0

\$10,000

## SUMMARY

This amendment replaces the review of policies related to placement of special management inmates provided in Committee Amendment "A" with a requirement that the Director of the Office of Program Evaluation and Government Accountability convene a working group to review the policy of secure and humane use of segregation as set forth in this amendment and departmental policies, rules and practices related to the placement of special management inmates. The amendment requires the working group to provide an interim report to the joint standing committee of the Legislature having jurisdiction over corrections matters by November 15, 2010 and a final report including any suggested legislation to the committee by December 15, 2011. It also adds an appropriations and allocations section.

## FISCAL NOTE REQUIRED

(See attached)