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GOVERNOR

STATE OF MAINE
DEPARTMENT OF CORRECTIONS
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AUGUSTA MAINE
04333-0111

RANDALL A. LIBERTY
COMMISSIONER

**Testimony of
Randall A. Liberty, Commissioner
Department of Corrections**

In Support of

LD1995: An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2022 and June 30, 2023 Before the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Criminal Justice and Public Safety.

March 3, 2022

Good afternoon Senator Breen, Representative Pierce, and members of the Joint Standing Committee on Appropriations and Financial Affairs; Senator Deschambault, Representative Warren and members of the Joint Standing Committee on Criminal Justice and Public Safety. I am Randall Liberty, Commissioner of the Department of Corrections.

As Governor Mills said, “Maine people deserve every ounce of hard-won progress that we have achieved despite the pandemic. And Maine people have earned the progress that is yet to come.”

This supplemental provides additional relief to Maine people and ensures the continuity of the programs and services so vital to Maine residents. The Governor has proposed giving back half the surplus to Maine taxpayers to help them confront inflation, and she sets money aside in the Budget Stabilization Fund and other important reserves to ensure we can continue to fully fund public education and revenue sharing, two major accomplishments of this Legislative body and this Administration. The Governor also focuses sharply on addressing Maine’s biggest challenges, including tackling our state’s longstanding workforce shortage to improve our economy, providing an affordable, world-class education for Maine people, and on bolstering a health care system that has been pushed to the brink because of the pandemic.

The Governor seeks to do this in a fiscally-responsible manner that provides needed assistance and support to Maine people while heeding the warnings of Maine’s nonpartisan Revenue Forecasting Committee, which has expressed significant concern about shifting economic conditions, calling the fiscal environment “unprecedented” and “variable” and noting that the accuracy of their forecast becomes less reliable in future years, leading them to urge caution in use of the revenues.

The supplemental builds on the investments of the biennial and Maine Jobs Plan – both enacted within the last seven months.

DEPARTMENTAL OVERVIEW

The Maine Department of Corrections is responsible for the direction and general administrative supervision, guidance and planning of adult and juvenile correctional facilities, community corrections, and related programs within the State of Maine.

It is the Department's directive to provide for and promote the safety and wellbeing of staff, residents, and clients, while ensuring residents and community corrections clients see few barriers as they engage with meaningful and rehabilitative focused services.

Through the guidance of the Maine Legislature the Department endeavors to ensure residents and clients are provided services, programs, and interventions that empower change and restore lives. Staff throughout the Department value accountability, respect, integrity, teamwork, and a commitment to honor the rehabilitation of clients and residents.

Some of the success we've seen of late include:

- The opening of Downeast Correctional Facility on January 26, 2022. The reopening of this facility marks the fruition of a promise made by Governor Mills to the people of Washington County as supported by this Legislature in the biennium budget.
- In Windham, the construction, repairs and improvements to the Maine Correctional Center, as approved by the 128th Legislative are nearing completion, with the brand-new programs and activities building, and waste treatment building fully functional, and the new kitchen, dining, laundry, medical and housing areas expected online this summer.
- The Department has committed to use of solar power. In addition to several projects in the works, 118 roof top solar panels were installed as part of the Downeast Correctional Facility construction. These panels produced 4.26 MW of solar energy in February alone.
- In August of 2021 the Department opened Leading the Way Transitional Living Residence in Bangor. This community-based non secure residence provides men coming out of justice involvement a safe, structured living program designed to ensure engagement with supportive services that help individuals rebuild their lives.
- Lastly, I want to highlight the most significant expansion of the Department's substance use disorder treatment services that occurred in August 2021. It was during this time that MDOC made medications for substance use disorders universally accessible to all MDOC residents. We have been able to do this without cost to the legislature, through careful budgeting and with support from grants made to us by the Office of Behavioral Health. Today, roughly 600 people any given day are accessing medication and the accompanying counseling supports. We began providing medication for the treatment of substance use disorders in 2019, since then nearly 1,500 individuals in the State correctional system have successfully received this key treatment and the additional counseling.

Now to the specifics of the Department's requests in the supplemental.

The Maine Department of Corrections has requested appropriations for two initiatives, and we also have two other requests.

First, the initiatives.



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- On page A-39 the Department is requesting a supplemental appropriation of \$239,700 for one-time funding for lapel cameras. Lapel cameras, also known as body cameras, are essentially small cameras worn by officers as part of their uniform to record interactions between residents and officers. The Maine DOC began using these cameras in 2015 and is considered an industry leader in the use of body cameras. Studies show that when an officer's uniform includes body cameras, the number of incidents requiring use of force decrease, complaints decrease, departmental transparency, and accountability increase. Whenever there is a critical incident within the DOC, review of lapel camera footage is an integral part of the review and or investigation process. The new cameras that will be purchased with the legislative appropriation will have the technology to send footage directly to a cloud-based server, so footage can be easily and quickly reviewed, software updates can happen seamlessly, and storage can easily be expanded. The Department's current lapel cameras, which are quite old, are not connected to the cloud, so footage must be upload and stored on hard drives, a system that is increasingly antiquated, and will no longer be a platform supported by our vendor, putting at risk our ability to use the current lapel cameras at all. The appropriation will allow the Department the purchase of 150 new cameras, enough to outfit all MDOC facilities, a five-year contract, purchase of service warranty, 30-month free upgrades, purchase of smaller magnetic camera uniform mounts, upgrading of charging capabilities, image stabilization options, and significant increase in upload, download and recharging speeds.

The total cost for this package is nearly \$500,000. The MDOC has a grant to cover half the cost of the body cameras, the appropriation request will cover the remaining balance.

- Also, on page A-39 the Department is requesting a supplemental appropriation of \$979,665 in FY 2021-22 and \$905,521 in FY 22-23 to fund increases incurred by the Department from the Office of Information Technology. As background, each State agency pays per device for things like computers, phones, printers, and other technology. The rate for these items is determined by OIT and OIT notifies the State agencies of how much they owe in total. To cover the rate increases dictated by OIT that were not included in the approved biennial budget, MDOC is requesting this appropriation to cover these rate increases.

Let's discuss the two other requests.

- On page A-39 you will see we have requested a reduction to funding in the amount of \$150,000. This adjustment is reflective of an error in the biennial for funding to the Batters Intervention Program, now known as the Domestic Violence Intervention Program, which had a sunset clause ending funding in 2021 as part of 2018's LD 525.
- Lastly, in Part S, page 27 of the budget, the Department is requesting authority to transfer personal services savings from the Long Creek Youth Development Facility budget, by financial order, to the facility's all other budget line to be used for juvenile community programs and services. Working with the Governor, many legislators and stakeholders over the last two years, the Department has embraced the need for prioritization of juvenile justice reforms. With agreement and blessing by local and national stakeholders, the Department committed to reducing the use of institutional secure confinement for those not best served by it, by increasing funding to support capacity-growth of community-based programs, services, and residences. While we have begun the process of building up youth serving community organizations, we recognize that more funding will allow for an even greater impact. This is why we

seek the permission to divest the savings that have accumulated in Long Creek's personal savings account into a different fund. With these monies MDOC will expand contracts for community-based behavioral health providers, residences that offer an alternative to secure detention, intervention services, and nationally recognized diversion programs like the Credible Messenger and Youth Advocate Programs that provide youth with transformative mentoring. Later this month we will be briefing the Joint Standing Committee on Criminal Justice and Public Safety about our specific successes and challenges related to the important and collaborative work of juvenile justice reforms.

This ends my testimony on the MDOC's supplemental funding requests. As you know, we operate the Department in an efficient manner looking internally for all possible cost-savings to offset additional costs. The supplemental funding requests proposed here today are requested out of necessity for the Department and its on-going operations. We appreciate the support you offer of the work we do.

I'm happy to answer any questions you may have.

Randall A. Liberty