

Penobscot County Commissioners' Meeting Minutes June 15, 2021 2339
9:00 AM Commissioners Peter Baldacci, Andre Cushing & Laura Sanborn 63°

Roll Call -

Commissioner Baldacci opened the meeting at 9:00 a.m. from the Commissioners Chambers with all Commissioners present.

Public Comment -

Larry Dansinger – Citizen of Bangor

Participant emphasized the group he belongs to “NO Penobscot County Jail Expansion” main concern is the fact that punishment does not increase public safety. That is why their focus is on reducing the number of people in the jail.

Participant spoke about the letter that was received in early March signed by 20+ inmates that are concerned about a series of problem conditions in the jail which include health care, cleanliness and punishments for people speaking out on various issues. Participant feels that no significant action was taken about the March letter.

About three weeks ago, this group received a similar letter concerning conditions in the jail. Excerpts from the letter included: “cruel and unusual treatment”, “disregard in regarding basic human rights”, “living hell”, “several inmate grievances – some in serious nature, that were completely disregarded”, “suffering from mental breakdowns – we did not have those feelings before, and were not suicidal, but were treated as those we were”, “biohazards – blood and feces in various places in the jail”, “jail staff that simply chose to do what they want, when they want and with whatever discretion they decide, which included unusually unnecessary violence and blatant disregard.” “An easy way for the proper agencies to recognize and address the issues would be to simply surprise the facility and do an inspection of every part of the jail, especially the ones already mentioned. We are literally begging someone with the ability to help rectify these very extreme conditions; to do so via surprise visit. It is not done spur of the moment; I assure you as witnessed so many times before, the staff will rush to make things barely presentable and this will all be ignored yet again.”

Participant questioned the Commissioners on their tour visit a couple weeks ago. Participant suggests that you go to the jail unannounced and see the conditions in the jail during that time. Ask to speak with inmates privately with no guards or other staff people around because you may or may not get the same information. According to this letter, people are living in dehumanizing conditions, or living in squalor. Participant stated that he will provide a copy of this letter to the Commissioners and District Attorney Lynch so that it can be read in its entirety and hear what is being experienced by the inmates in the jail. Participant hopes that the

Public Comment – Continued:

Commissioners take these allegations seriously and investigate them on your own and without requiring any additional involvement.

Commissioner Andre Cushing responded to the comments of Participant Larry Dansinger. Commissioner Cushing stated that we believe the Sheriff conducts himself in a professional manner. Commissioner Cushing is also privy to some conversation received between the Sheriff and Deputy Commissioner of DOC Dr. Ryan Thornell. Dr. Thornell participated in an unscheduled visit to the jail on June 4th at the request that was made of DOC and there were no violations found. As well as three other inspections made this year, with no violations found during those.

Commissioner Cushing wanted to clarify, that there are actions being taken to verify that the inmates that are in our care are being appropriately dealt with. From Commissioner Cushing's perspective, it is unfortunate that we continue to see very blatant adjectives used disparaging our corrections officers and our jail. We recognize that there is an overcrowding problem and we are working on that as Commissioners. However, Commissioner Cushing thinks it is a real dichotomy that we have people advocating for inmates in a correctional facility that is overcrowded, but they are opposed to us expanding the jail to meet the proper needs.

Commissioner Baldacci added that the Commissioners did receive that email of the inspection by the Department of Corrections. The important factor was that the inspector that performed the inspection, was able to speak with inmates and staff privately. The inspection email was positive that the actions of staff and the conditions for inmates from their determination was appropriate. As Commissioners, we found that it was encouraging to see that report from an impromptu inspection.

DA's Update –

DA Marianne Lynch reported the following:

- Due to the County's electrical problems yesterday, her staff was able to quickly adjust from working in the office, to returning home in order to provide support needed so people could get out on bails, rather than holding people an additional day. DA's office worked with the Sheriff to move inmates to the courts in order to get them seen for arraignment because video conferencing was unavailable.
- The newest staff member, ADA Joanne Lewis was introduced. Ms. Lewis will be replacing now retired ADA Steve Burlock with a good part of her time will be dedicated to domestic violence. As reported, domestic violence cases are the most important

DA's Update – Continued:

cases that we take care of. They are among the most challenging cases for a variety of social economic reasons. In addition, to prosecuting them, Ms. Lewis will be joining us to do some additional community organization.

- The DA's Office continues to receive a lot of kudos from the community with regards to placing Ms. Amy McCrea physically at the Bangor Police Department. Ms. McCrea is a great source to provide her experience with her law enforcement background.
- Jury trials resume this week after a long absence. It is getting easier with COVID protocols. There is anticipated additional jury trials in July and August; so, a sense that we are beginning to return to normal and starting to come up with strategies to address our backlog.
- This month, we are beginning an experiment in a mental health docket. One of the challenges in doing this work is the issue with people who have a significant substance abuse and mental health issues. We are working with the court to have a six-month experiment of putting people who require a lot of services that are the most difficult to try to find a reasonable solution for going forward with a reasonable resolution on their cases. Members of the Maine Forensics community as well as Justice Murray will be a part of this program. Originally, we were going to do it one afternoon a month; after one month, we're moving it to two days a month because we have so many people.
- In answering Commissioner Cushing's question on inmates with mental health issues, DA Lynch states that they are continuing to look for resources and other ways of intervening meaningfully with those challenging cases. DA Lynch states that she'll come back after the mental health docket has been used for a time. The issue is constantly the challenge of inventory. There is conversation going on about lack of long-term substance abuse, rehabilitation and detox beds; the lack of group homes for some folks that are unable to fend for themselves out in the community. These folks need additional support; as you know, when they don't get help, problems arise. Connecting those folks with services is one issue and housing another; these challenges fall to the police departments because of these issues. Hopefully, this document will shed a little bit of light on the need for us to have some additional housing that is not the jail. We all agree that the jail is not a mental health facility, although a tremendous amount of work for mental illness and people that are having substance abuse issues.

Commissioner Baldacci stated that he met with the head of St. Joseph's ED. There had been previous meetings with different agencies and department heads before, but ended up with finger pointing on who's problem it was to fix the issue. Commissioner Baldacci feels that it would be advantageous to locate a site and perhaps use some of

DA's Update – Continued:

the rescue funds so that there is a place to put people to have options; the jail doesn't make them bad, it's just a resting place to keep them so that the public isn't threatened.

DA Lynch states she has heard the same thing from the ED heads from both Northern Light and St. Joseph's that they are not equipped for people who are experiencing violent episodes, but are also mentally ill. If we could stop the finger pointing and focusing on solutions, that would be best.

- Commissioner Cushing asked if the DA's office has received any complaints regarding the issues that have been brought up by the group of inmates that have submitted letters? DA Lynch responded that she has not, and when you look at the list, we have significantly pared down people who were there. As a matter of fact, we get complaints, from those that we held on bail before bailing out, then re-offending again, so that is very problematic. Most every defense attorney has got my cell phone number and I hear about stuff immediately. I have heard reports when there is a medical issue – I get calls like that all the time and we work very hard to get them out for other services.
- We are continuing to look very carefully at our numbers, utilizing the pre-trial services when we can to make sure that people are not being held inappropriately at the jail.

Office Manager Kristine Higgins reported the following:

- There was nothing new to report on finances.
- Ms. Higgins complemented her staff's ability to make things work when necessary. One of her staff lives locally and was able to go home and prepare all her incidents so that the court and the Sheriff's office was able to come together and make sure everything was successful.

PRCC Update –

Director Chris Lavoie reported the following:

- As reported from Facilities Director MacDonald on June 2, a contractor was working on the roof and ended up causing a short that knocked out power to dispatch. That was the first electrical issue we had; that day we did have to activate the backup center and transfer all of the 9-1-1 calls to the State Police Barracks in Bangor.
- There was another electrical issue on Saturday, June 12th where all the 9-1-1 computers went down. After multiple calls to different vendors, it was found the root of the problem was the UPS on the fourth floor that runs the 9-1-1 equipment. It seems with

PRCC Update – Continued:

the June 2nd power source, it cut the commercial power to that backup UPS. We ran on batteries for ten days. Consolidated Communication is looking into why the communication never came back to us. That problem has since then been corrected.

- With the electrical issue yesterday, when running on a backup generator, it failed. Calls again, were diverted to the State Police Barracks in Bangor. We moved two employees over to DPS Bangor to assist them with handling those phone calls.
- With the stress of losing 9-1-1 calls in our center three times in the last two weeks, we are looking at other solutions. There are none today, however, we are meeting with Administrator Honey, EMA Director Nuding and Facilities Director MacDonald to look at funding options. Potentially for another UPS and a secondary generator. The current generator that drives this building, failed yesterday after it was tested just days before and was working.
- Director Lavoie presented the Commissioners with nine before and after pictures of equipment (consoles, wires, antennas and desks) and explained the progress on the radio project.
 - As of today, we have spent \$675,259 in six months
 - The next step is going to be building out the tower sites which we've already identified. It looks like the first site to be worked on will be in Eddington which is going to be our centralized site since it is our busiest.
 - In order to identify all our sites, an engineer will be here for a couple weeks to visit those sites, do surveys and do the engineering studies on them. Once the engineering studies are done, then we'll order equipment and build the system.
- Director Lavoie thanked the following for their help during yesterday's power outage: IT department for making sure we set up at the backup center; previously a Dispatcher, now IT Manager, Taylor Keeran assisted by taking calls, EMA Director Nuding by providing a backup generator, Facilities Director MacDonald and Administrator Honey for their assistance.

Sheriff's Update –

Sheriff Troy Morton reported the following on the law enforcement side of the house.

- Law enforcement remains very busy responding to suicide calls and overdoses.
- Sheriff's Office has partnered with CHCS and met with CHCS supervisors and CHCS support person, Adam Perkins, in providing an overdose response for Penobscot County. There has been some good success with this already. This is a tool for those in crisis that may have been in contact with one of our deputies during an incident or family

Sheriff's Update – Continued:

members that are trying to cope with folks that are struggling with suicide and overdose incidents.

- Sheriff reported on the law enforcement contracts. All of the full-time contracts are three-five years; none are up this year. The supplemental law enforcement contracts for nine towns have additional services all have stayed in place; and have added one new town. Sheriff is requesting Commissioner's approval, then Administrator Honey's signature. Commissioners are requesting reviewing these contracts before approving them. Sheriff will provide them to the Commissioners, and will bring before the Commissioner at a later meeting.
- The hiring process is still going on for the two law enforcement positions due to retirements.
- Grant opportunities offered are being monitored at this time for body and car cameras and ballistics

Sheriff Troy Morton reported the following on the corrections side of the house:

- In-house jail population is 183 (147 males and 36 females); 26 boarded out to other facilities, three federal inmates, no county swaps and there **209** inmates in Pre-trial Services.
- Administrator Honey, Finance Director Alexander and Lt. Hotaling had their first review of the State Budget. This will be helpful in helping us prepare for our upcoming county budget.
- Sheriff discussed the power failure and his concern of a growing old building and campus is not conducive to these types of power failures.
- Daily conference calls with CDC are still taking place. Sheriff is looking for guidance in what is compliant for Maine State jails and prisons. The federal guidance is still fairly restrictive at this point. There needs to be some clarification.
- In the month of May, there were 71 PRC tests and 14 Binax tests given to inmates. There are zero inmates in custody that have tested positive for COVID-19. There were 46 inmates who received voluntary vaccinations. These are still be offered every Tuesday and Thursdays by our health providers PCHC.
- Sheriff stated there is discussion to open up another vaccination clinic for our county employees.
- The MAT program which is grant funded \$16K less than last year and the State will be providing \$62K less than last year. Sheriff is hopeful when the Opioid Settlement monies that the state is managing, gets funneled somehow to these county jails and state prisons to help fun MAT program long term.

Sheriff's Update – Continued:

- MEDPRO administration, Sheriff, county jail administrators, and a local methadone clinic discussed processes that we currently have and how it possibly can be expanded.
- One criticism from a group is that folks are overdosing upon leaving the jail. The Sheriff reached out to the medical examiner's office requesting information. The ME's office was unable to provide details, but will work with the Sheriff's Office. This is not just a Penobscot County problem, but a statewide problem. There needs to be a better process so that we're able to share information that conforms more readily to find out what those facts and state are accurate. It certainly would be helpful to develop programs.
- Sheriff received information on the FOAA he requested on lack of mental health beds.
 - In 2020, Doreatha Dix had an average daily population of 29. They have a state licensed capacity of 100. Their budget had a little over \$37.5M.
 - Riverview Hospital had an average daily population of 60. They have a licensed capacity of 92. Their budget is a little over \$46M.

Facilities Update –

Facilities Director Brian MacDonald reported the following:

- Two architectural firms toured the old Y Building on Friday.
- Director MacDonald then discussed the power failure yesterday.
 - The generator was tested Saturday morning and was fine.
 - What occurred was the low-level alarm/trip on the radiator for the coolant failed. If that coolant goes low, it will shut it down so that the engine doesn't get damaged. The level was not low, but was turbulent through the radiator. That turbulence caused a false reading on the low-level alarm/trip. We're going to look at repositioning that switch in a different location so that this will prevent this to happen again.
 - It's been a tough couple of weeks for dispatch and how this building is built and powered. Yesterday, was just a perfect storm of issues and we're dealing with those pieces that best we can. We will figure out what the best, safest approach is and we'll go from there. There is a dedicated circuit that the call center is fed through a panel in the fourth-floor that comes directly from that generator. There is a direct link between the line power, but the emergency power directly to PRCC.

Facilities Update – Continued:

- Former Facility Director Ayers was told that the generator was healthy and had more than enough capacity to feed everything. However, the technician that responded yesterday said it is just about at its max capacity.

Administration Update –

Administrator Honey reported on the following:

- A quick recap on the excitement of yesterday morning and the power outage and backup generator failure. Thank you to all the departments: IT, Facilities, EMA – everybody was right on scene and quickly jumped into action to make sure departments were still able to function. There will be follow up meetings on how everybody reacted to the situation and if there is anything we can improve on.
- Communication placed in the Commissioners folders:
 - Donation request
 - Communication from the West Enfield Hydroelectric Project
 - Brookfield Renewable Correspondence for your review
- Employment within the County:
 - We are finishing up interviews for the HR clerical assistant position this week
 - We still have call taker positions open that we're advertising for
 - We recently put out the payroll assistant position
- Last week's meetings included:
 - Attended the MCCA intermittently. It has been a bit of a challenge still having zoom meetings while I am still on campus and accessible. While it is very convenient, I will welcome in person meetings hopefully soon.
 - MACCAM met last week and we are going to be scheduling, in addition to our monthly meetings, specific meetings to talk about the ARP funding. A kind of roundtable discussions with administrators sharing ideas.
 - Met with Lee Umphrey last week with EMDC to discuss how they may support us in some of our grant writing initiatives. EMA Director Nuding passed on some funding opportunities for a UPS system for PRCC.
 - Finance Director Alexander, Sheriff and Administrator Honey met last Friday to start discussions around the state's jail budget.
- Coming up meetings this week include:
 - Scheduled today is a meet and greet meeting with Scott Ferguson who works with the State Division of Financial and Personnel Services, specific to

Administration Update – Continued:

- corrections. Director Alexander and myself will be in attendance to provide an overview of process and about the state funding details.
- HR Coordinator Michelle LaBree and Administrator Honey will be attending an HR conference virtually this Thursday.
- A request was sent to meet with each department heads to review the ARP funds and what might be needed internally that might be best fit that funding criteria.
- LD 32 – *An Act Regarding Remote Participating in Public Proceedings* voted ought to pass on June 7th. This authorizes members of the body to participate remotely in a public meeting. If this is something you'd like to move forward with.
- Governor Mills announced that the State of Emergency will end on June 30th. The agreement that we signed indicated that once the State of Emergency ends, so does the hazard pay.
- Commissioners will be attending the NACo conference that will be held July 8th through the 12th. I want to publicly announce that there will be no Commissioners meeting on the 13th.
- Commissioner Sanborn moved to approve the warrants as presented. Commissioner Cushing seconded the motion. Vote to approve passed 3-0.
- Payroll Change Notices signed for: Jakob Bouchard – Resignation; Ruel Libby – Hired Full-time; Christopher Fox – Payroll Status Change Notice.
- Payroll Warrant to be approved for 06.11.2021: \$281,934.83
- A/P Warrant to be approved for 06.15.2021: \$83,563.20
- PRCC Bond Warrant to be approved for 06.15.2021: \$160.00
- Unorganized Territory Warrant to be approved for: NONE
- Unorganized Territory TIF Warrant to be approved for: NONE

Executive Session---Commissioner Sanborn made a motion to go into Executive Session at 10:31 a.m., under 1 M.R.S.A. § 405 (6) (A) Personnel Matter. Commissioner Cushing seconded the motion. Vote to approved passed 3-0. Present were: Commissioners, Sheriff Morton, John Hamer and Administrator Honey. Session ended at 10:50 a.m.

Executive Session---Commissioner Sanborn made a motion to go into Executive Session at 10:55 a.m., under 1 M.R.S.A. § 405 (6) (D) Contract Matter. Commissioner Cushing seconded the motion. Vote to approved passed 3-0. Present were: Commissioners, Director Weeks, Deputy Director Buswell, Director Alexander and Administrator Honey. Session ended at 11:15 a.m.

Meeting Adjourned-

Commissioner Sanborn moved to adjourn the meeting at 11:16 a.m. with no further business on the agenda. Commissioner Cushing seconded the motion. Vote to approve passed 3-0.

Certified By:

Administrator, Erika Honey

Peter K. Baldacci, Chairman

Laura J. Sanborn, Commissioner

Andre E. Cushing, III, Commissioner