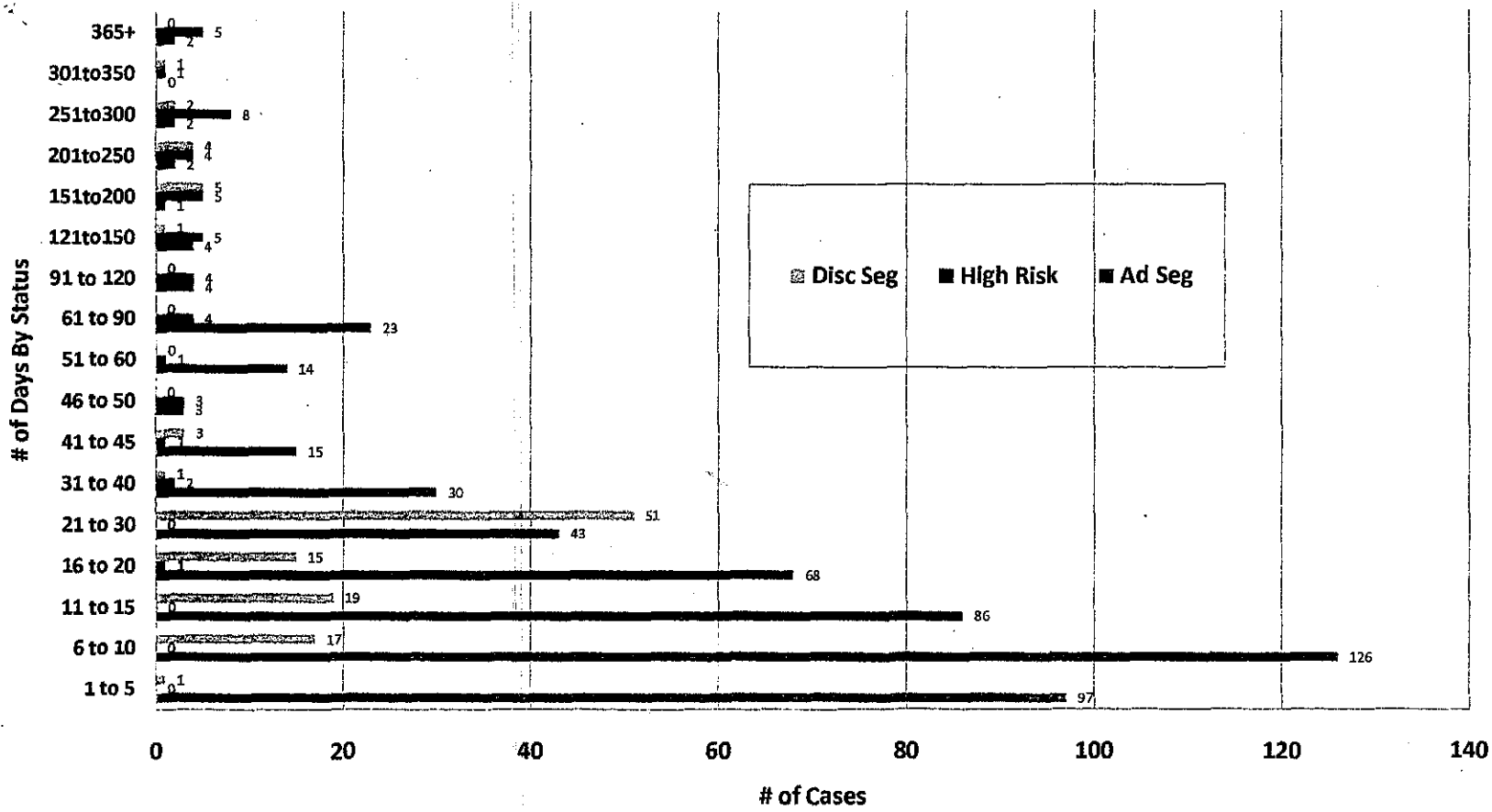


### MSP, MCC & DCF SMU Length of Stay in Days By Status July 1, 2009 to February 18, 2010



**MAINE DEPARTMENT OF CORRECTIONS  
MAINE STATE PRISON  
SPECIAL MANAGEMENT UNIT**

**High Risk Incentive Level Program  
AAA – Acceptance and Accountability**

- The High Risk Incentive Based Level Program was implemented in September of 2006.
- The MSP High Risk Program was inspired by model High Security Management Programs located at the Colorado State Penitentiary and the Centennial Correctional Facility. (Both located in Canon City, Colorado). In addition, other segregation units across the country were contacted regarding program designs.
- The National Institute of Corrections (NIC) sponsored a consultation visit for six MDOC staff. MDOC staff spent 3 days at the Canon City correctional facilities where they observed all operations, and consulted with staff about all security and treatment practices and programs.
- Two MSP Unit Managers have completed the intensive week long training for Management of High Risk Inmates which is sponsored by NIC. Much of this training is focused on behavioral and cognitive programs that have been found to be effective with the high custody population. Both of these unit managers have been instrumental in the design and implementation of this program.
- The MSP High Risk Program reinforces positive/appropriate behavior utilizing incentives or rewards. From the time of the initial High Risk Program intake, the focus is to prepare the inmate for his return to general population.
- Both a clinician and a caseworker meet with the High Risk inmate to complete an intake. This psycho-social interview provides information about criminal/institutional history, educational level, substance abuse issues, mental health treatment needs, and if relevant, release planning needs.
- The clinician and the inmate draw up an Individualized Program Plan, outlining which cognitive/ behavioral change programs are appropriate. This IPP is then reviewed by the Unit Team which is a multi-disciplinary team with representatives from: security, medical, mental health, caseworker services, education, and chaplain's office.
- During the initial two levels of the program, inmates receive program packets at their cell doors. The assigned clinician provides feedback on the written work. Accommodations are made for any inmate with literacy or language issues.
- Once an inmate has progressed to Levels three and four, program delivery is provided in groups.

- Inmate progress and any requests for incentives is reviewed each week at the Unit Team Meeting.
- Inmates progress through the level system by: completing assigned programs; participating in the work pool; and maintaining appropriate behavior.
- Inmates were recently surveyed about their interests, and programs were designed with the survey results.
- Current behavioral programs include: Anger Management, Managing Anxiety, Dealing with Depression, Substance Abuse, Learning to Control Obsessive Thinking, Re-entry Issues – preparing for life after incarceration, building better personal relationships, parenting skills, improving educational level, changing negative thinking, examining criminal or anti-social perspectives. Inmates have also requested courses on social skills, and there is a significant interest in creative writing.
- When the program began in 2006, the rate of participation was 100%. Inmates who were not on High Risk status were also asking for program materials. Recreational materials were also very popular, such as: puzzles, riddles, drawings, and essay questions.
- Inmates in this segregation status seemed to respond with interest and enthusiasm to materials that both kept them busy, and stimulated their thinking.
- Inmates seemed to value the certificates of achievement they earned when courses were completed. Inmates asked that copies of their certificates be put in their files, and many inmates sent their certificates to family members.
- Staff knowledge of inmates was enhanced because of information shared at team meetings.
- The program had to be placed on hold for a period of time during a critical staffing shortage. The program requires at least two full time clinicians, and a minimum of one caseworker.
- With the hiring of two new clinicians, the High Risk level program has resumed with intake interviews scheduled for the week of March 1, 2010.
- A data base has been established to track program efficacy.

**MAINE STATE PRISON  
SPECIAL MANAGEMENT UNIT  
HIGH RISK INCENTIVE LEVEL PROGRAM  
AAA – ACCEPTANCE AND ACCOUNTABILITY**

**LEVEL DESCRIPTIONS**

**LEVEL ONE**

Initial stage of High Risk Management  
Review within 15 days of placement  
Assessment by the Mental Health Staff  
Psycho-social interview by Caseworker  
Begin Disciplinary time if there is any to serve

**Estimated time of Level one**

Two months

**Incentives**

Library books (3)  
Personal photos (5)

**Housing**

Maine State Prison  
Special Management Unit  
B-Wing Housing Unit

**Recreation**

Individual recreation pens, no physical contact with other prisoners.

**Movement**

Prisoner will be in restraints when out of the cell unless secured in the recreation pen.

**Purpose of this level**

This is the initial level, it will give staff the opportunity to assess the prisoner for the degree of safety required to supervise them, determine what programs would benefit the prisoners, and will serve as the opportunity for the prisoner to serve the disciplinary time for the behavior that lead to the High Risk Management Status. The punishment will be more effective the sooner it is implemented, and will give the prisoner a chance to progress after it has been completed. The Individual Program Plan (IPP) is developed and presented to the Unit Team for review.

**Progression to the next level**

Any disciplinary time will be completed before moving to the next level  
No disciplinary reports or behavior management reports of negative behavior for 60 days.  
The unit team will review and approve the prisoners move to the next level prior to moving.

### **Move backward in levels**

This is the 1<sup>st</sup> level there is no movement backwards, prisoner will simply remain on this level until such a time that there behavior warrants a move forward.

### **LEVEL TWO**

Continue good behavior  
Continue individual in cell treatment programs

### **Estimated time of Level two**

One month

### **Incentives**

Library books (3)  
Personal photos (5)  
Journal  
Personal Books and Magazines

### **Housing**

Maine State Prison  
Special Management Unit  
B-Wing Housing Unit

### **Recreation**

Individual recreation pens, no physical contact with other prisoners.

### **Movement**

Prisoner will be in restraints when out of he cell unless secured in the recreation pen.

### **Purpose of this level**

The prisoner will be given the opportunity to start programming without endangering other staff or prisoners. This will be a chance for the prisoner to show that they are cooperating with the program and provides justification for staff to believe that more leeway may be granted to begin contact with other prisoners.

### **Progression to the next level**

Continued good behavior  
Participation with programs as determined by program staff

### **Move backward in levels**

Disciplinary infractions, negative behavior management reports, and or refusal to participate in programming will result in a review by the unit team which could depending on the seriousness of the infraction result in moving back one level.

### **LEVEL THREE**

Continue good behavior  
Begin individual in cell treatment programs  
Participate in the work pool

#### **Estimated time of Level three**

One month

#### **Incentives**

Library books (3)  
Personal photos (5)  
Journal  
Personal Books and Magazines  
Additional Shower after working  
Additional phone call (1) per week

#### **Housing**

Maine State Prison  
Special Management Unit  
B or C Wing Housing Unit as determined by program reviews

#### **Recreation**

Individual recreation pens, no physical contact with other prisoners in B wing.  
A promotion to C wing would provide group treatment, as well as recreation with up to 10 other inmates.

#### **Movement**

Prisoner will be in restraints when out of the cell unless secured in the recreation pen.  
Prisoners will not be in restraints when going to and from showers and recreation.  
Prisoners will be in restraints when leaving the unit or meeting with support staff.

#### **Purpose of this level**

This level begins to expose the prisoner to out of cell time without restraints for short periods of time, with one on one supervision of an officer, and possibly up to one other prisoner, which if successful gives staff more reason to believe that the prisoner may be able to have more contact with other prisoners without negative results.

This level also provides the incentive of moving to C wing.

#### **Progression to the next level**

Continued good behavior  
Participation with programs as determined by program staff  
Participation in the work pool with positive work reports

#### **Move backward in levels.**

Disciplinary infractions, negative behavior management reports, and or refusal to participate in programming, or the work pool will result in a review by the unit team which could depending on the seriousness of the infraction result in moving back one or more levels.

## **LEVEL FOUR**

Continue good behavior  
Continue to participate in the work pool  
Receive recreation in a group of up to ten prisoners  
Participate in group programming

### **Estimated time of Level four**

Four months

### **Incentives**

Library books (3)  
Personal photos (5)  
Journal  
Personal Books and Magazines  
Additional Shower after working  
Additional Phone Call  
Ability to play basketball at recreation  
Prisoner is allowed to have a T.V. or radio in their cell

### **Housing**

Maine State Prison  
Special Management Unit  
C-Wing Housing Unit

### **Recreation**

Recreation will be in a group of up to ten prisoners

### **Movement**

Prisoners will not be placed in restraints when going to recreation or showers.  
Prisoners will be in restraints when leaving the unit or meeting with program staff.

### **Purpose of this level**

This level begins to expose the prisoner to longer periods of out of cell time with other prisoners yet in a controlled environment. Completion of the level will give staff the justification to believe that a return to the general population could be completed without negative consequences.

### **Progression to the next level**

Continued good behavior  
Participation in group programs as determined by program staff  
Continued participation in the work pool with positive work reports  
Ability to demonstrate that they can interact with other prisoners without incident

### **Move backward in levels**

Disciplinary infractions, negative behavior management reports, refusal to participate in group programming, the work pool, or other activities designed to monitor interaction

with staff and other prisoners will result in a review by the unit team which could depending on the seriousness of the infraction result in moving back one or more levels.

#### **LEVEL FIVE**

Return to general population

#### **Estimated time of Level five**

Four months

#### **Incentives**

Prisoner is allowed to have all privileges of a general population prisoner

#### **Housing**

Maine State Prison

Close Unit

#### **Recreation**

As other Close Unit prisoners

#### **Movement**

As other Close Unit prisoners

#### **Purpose of this level**

This is the final level and works much like probation. In this level the prisoner will re-integrate to the population, monitored closely by the Unit staff. If the prisoner has a set back, the prisoner can be moved backward a level where staff can work with them on there issues, and then return them to population rather then beginning the High Risk program again or being placed on Administrative Segregation.

#### **Progression to the next level**

This is the last level successful completions of this level will result in removal from High Risk Management.

#### **Move backward in levels**

Disciplinary infractions, negative behavior management reports, refusal to participate in group programming, or other activities designed to monitor interaction with staff and other prisoners will result in a review by the unit team which could depending on the seriousness of the infraction result in moving back one or more levels.

MAINE DEPARTMENT OF CORRECTIONS  
MAINE STATE PRISON  
SPECIAL MANAGEMENT UNIT  
HIGH RISK LEVEL PROGRAM

**Introduction:** Inmate classified High Risk is given a description and over-view of the incentive level program by the SMU caseworker.

**Intake:** The caseworker will complete a high risk intake, by conducting a file review and meeting with the inmate to discuss risk/need assessment.

**Mental Health High Risk Intake:** Per policy, the assigned mental health clinician will meet with the inmate for purposes of assessment of mental status, history and review of current needs.

**Assessment Consultation:** The assigned caseworker and mental health clinician will meet to discuss program recommendations.

**Unit Team Review:** The caseworker will present the inmates' program recommendation to the SMU Unit Team.

**ICP Meeting:** The SMU Social Worker will meet with the inmate to create an ICP, to reflect team recommendations regarding programming. Details about the programs, homework, review meetings, etc., will be discussed with the inmate. The inmate will be asked to sign both the ICP and program contract agreement.

**Program participation:** The SMU social worker delivers program work to the inmate via unit mail system. The SMU social worker reviews program homework, and offers feedback. Progress reports will be documented in CORIS, and relevant and appropriate information will be shared at BC Unit Meetings.

**Level Review:** Level reviews and incentive requests will be reviewed at the BC Unit Meeting. Any staff person can present a request/review. The inmate may write the team, regarding a request.

**SPECIAL MANAGEMENT  
HIGH RISK LEVEL PROGRAM  
INDIVIDUAL PROGRAM PLAN**

**NAME:** \_\_\_\_\_ **MDOC:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**HR PLACEMENT DATE:** \_\_\_\_\_ **NEXT PERIODIC REVIEW DATE:** \_\_\_\_\_

**LEVEL ASSIGNMENT:** \_\_\_\_\_

**PROGRAM RECOMMENDATIONS:**

**PROGRAM REQUIREMENTS:**

**Cell cleaning/personal hygiene**

**Unit cleaning**

**Cooperation with staff**

**Unit adjustment**

**Prepared by:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Inmate's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**SMU Unit Manager:** \_\_\_\_\_

**Date:** \_\_\_\_\_

MAINE DEPARTMENT OF CORRECTIONS  
MAINE STATE PRISON  
SPECIAL MANAGEMENT UNIT  
HIGH RISK PROGRAM

HIGH RISK IPP REVIEW FORM

NAME:

MDOC #:

DATE:

PROGRAM PROGRESS AND PERFORMANCE:

BEHAVIORAL SUMMARY:

Recommendation: Retain at \_\_\_\_\_ for \_\_\_\_\_

Increase to Level: \_\_\_\_\_

Comments:

Approved \_\_\_\_\_

Denied \_\_\_\_\_

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Team Member

\_\_\_\_\_  
Unit Manager

Segregation Due Process Provided by Department of Corrections Policy (Meets or Exceeds All Constitutional Requirements)

Disciplinary Segregation	Administrative Segregation	High Risk Management
<ul style="list-style-type: none"> <li>• Prior to determination whether to pursue charge, reading to prisoner by investigator of report of alleged misconduct and opportunity for prisoner to reply</li> <li>• If charge pursued, written notice of charge and of right to hearing, to call witnesses, and to have assistance at hearing, copy of report of alleged misconduct, as well as notice of date and time of hearing</li> </ul> <p>Formal Hearing by Hearing Officer Prior to Discipline, with the following Rights:</p> <ul style="list-style-type: none"> <li>• Present at hearing unless disruptive</li> <li>• Reading to prisoner at hearing of report of alleged misconduct and charge</li> <li>• Oral reply to charge by prisoner</li> <li>• Call and question own witnesses (within reason)</li> <li>• Question other witnesses (within reason)</li> <li>• Present own exhibits (within reason)</li> <li>• Examine other exhibits (within reason)</li> <li>• Assistance of staff or another</li> </ul>	<ul style="list-style-type: none"> <li>• Approval by Unit Manager, Shift Commander, or above ranking staff at time of or immediately after placement</li> <li>• Review by approving staff within 72 hours</li> </ul> <p>If still in administrative segregation after above review:</p> <ul style="list-style-type: none"> <li>• Written notice of reasons for placement (copy of placement form) and of right to assistance by caseworker or of other staff in preparation for review, as well as notice of date and time of review</li> </ul> <p>Review by Unit Management Team within 7 working days, with the following Rights:</p> <ul style="list-style-type: none"> <li>• Present at review unless disruptive</li> <li>• Reading to prisoner of reasons for placement</li> <li>• Response by oral or written statement of prisoner</li> <li>• Oral and written reasons for decision</li> <li>• Written record of the review</li> <li>• Oral and written notice of right to appeal</li> </ul>	<ul style="list-style-type: none"> <li>• If emergency, approval by Chief Administrative Officer, or Designee, and approval by Commissioner, or Designee, prior to placement</li> <li>• If not an emergency (i.e., because prisoner is in administrative segregation), recommended by Unit Management Team at ad seg review (where prisoner has rights set out at left), approval by Chief Administrative Officer, or Designee, and approval by Commissioner, or Designee, prior to placement</li> </ul> <p>If placement in high risk management approved by Commissioner, or designee, whether on an emergency or non-emergency basis:</p> <ul style="list-style-type: none"> <li>• Written notice of reasons for placement (copy of placement form) and of right to assistance by caseworker or of other staff in preparation for high risk management review, as well as notice of date and time of review</li> </ul> <p>Review by Unit Management Team within 15 working days, with the following Rights:</p>

Q: Has this had a medical review?

Reviewed  
in AG's  
Office

Segregation Due Process Provided by Department of Corrections Policy (Meets or Exceeds All Constitutional Requirements)

<p>prisoner acting as counsel substitute</p> <ul style="list-style-type: none"> <li>• Burden of proof on DOC</li> <li>• Oral and written reasons for decision</li> <li>• Written record of the hearing</li> <li>• Oral and written notice of right to appeal</li> </ul> <p>Right to Appeal to Chief Administrative Officer, or Designee, Prior to Discipline</p>	<p>Right to Appeal to Chief Administrative Officer, or Designee</p> <p>Further Reviews by Unit Management Team every 7 days thereafter for two months, then every 30 days, with the following rights:</p> <ul style="list-style-type: none"> <li>• Written notice of date and time of review</li> <li>• Present at review unless disruptive</li> <li>• Oral or written statement by prisoner</li> <li>• Oral and written reasons for decision</li> <li>• Written record of the review</li> <li>• Oral and written notice of right to appeal</li> </ul> <p>Right to Appeal to Chief Administrative Officer, or Designee</p>	<ul style="list-style-type: none"> <li>• Present at review unless disruptive</li> <li>• Reading to prisoner of reasons for placement</li> <li>• Response by oral or written statement of prisoner</li> <li>• Oral and written reasons for decision</li> <li>• Written record of the review</li> <li>• Oral and written notice of right to appeal</li> </ul> <p>Right to Appeal to Chief Administrative Officer, or Designee</p> <p>Further Reviews by Unit Management Team at least every 6 months thereafter, with the following rights:</p> <ul style="list-style-type: none"> <li>• Written notice of date and time of review</li> <li>• Present at review unless disruptive</li> <li>• Oral or written statement by prisoner</li> <li>• Oral and written reasons for decision</li> <li>• Written record of the review</li> <li>• Oral and written notice of right to appeal</li> </ul> <p>Right to Appeal to Chief Administrative Officer, or Designee</p>
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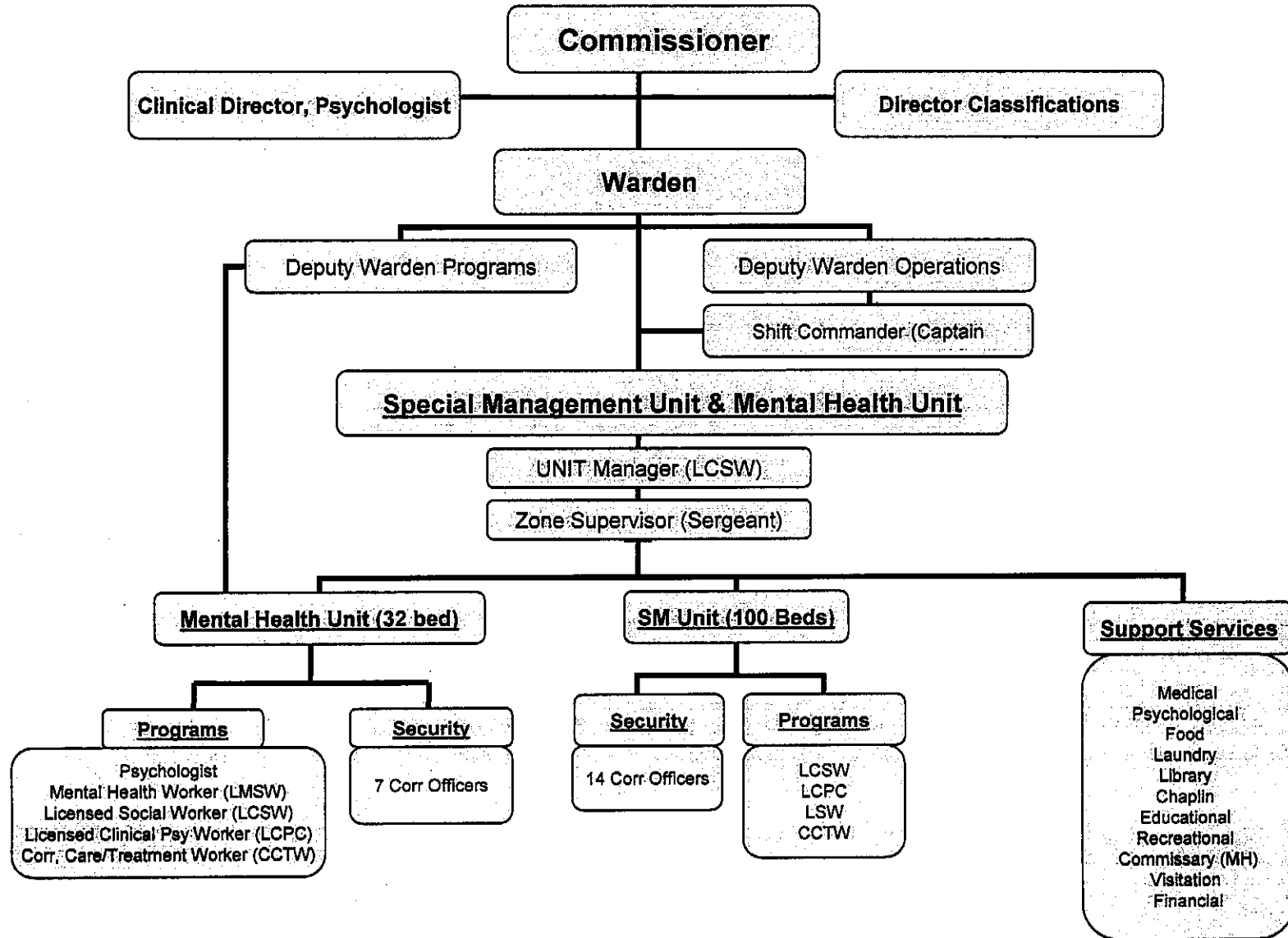
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## Daily SMU POD Schedule

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
0545	Wake Up/Count	Wake Up/Count	Wake Up/Count	Wake Up/Count	Wake Up/Count	Wake Up/Count	Wake Up/Count
0600	<b>AM #1 Count Period, Morning Meal, &amp; Shift Change - No Prisoner Activities</b>						
0630							
0700	Cell Inspections	Cell Inspections	Cell Inspections	Cell Inspections	Cell Inspections	Cell Inspections	Cell Inspections
0730	AM Med Run	AM Med Run	AM Med Run	AM Med Run	AM Med Run	AM Med Run	AM Med Run
0800	Sick call	Sick call	<b>Pod Cleaning</b>	Sick Call	<b>Pod Cleaning</b>	<b>Pod Cleaning</b>	
0830	Rec/phone calls	Rec./phone calls		Rec/showers			
0900			Phone calls		Sick Call	Sick Call	
0930			Medical Provider	Medical Provider	Religious volunteer	Library services	
1000	AM Visits end	AM Visits end	AM Visits end	AM Visits end	AM Visits end	AM Visits end	Am Visits end
1030	Noon Meal	Noon Meal	Noon Meal	Noon Meal	Noon Meal	Noon Meal	Noon Meal
1100	<b>Noon Med Run &amp; AM #2 Count Period - No Prisoner Activities</b>						
1130							
1200							
1230							
1300	Rec/phone calls	Rec/showers	Phone calls	Rec/showers	Recreation	Phone calls	Rec/showers
1330	Work Pool	Work Pool	Work Pool	Work Pool	Work Pool	Work Pool	Work Pool
1400		Chaplain Rounds	Medical Provider				
1430		MH Rounds	MH rounds	MH rounds	MH rounds	MH rounds	
1500	PM Visits end	PM Visits end	PM Visits end	PM Visits end	PM Visits end	PM Visits end	PM Visits end
1530		Mail Distributed	Mail Distributed	Mail Distributed	Mail Distributed	Mail Distributed	
1600	Evening Meal	Evening Meal	Evening Meal	Evening Meal	Evening Meal	Evening Meal	Evening Meal
1630	Hygienic Items						
	Shaving		Shaving			Shaving	
1700	Shower Cleaning	Shower Cleaning	Shower Cleaning	Shower Cleaning	Shower Cleaning	Shower Cleaning	Shower Cleaning
1730	<b>PM #1 Count Period, Evening Med Run, Shift Change, &amp; Mail Pass- No Prisoner Activities</b>						
1800							
1830							
1900		Upper Cell Cleaning	Lower Cell Cleaning	Upper Cell Cleaning	Lower Cell Cleaning	Upper Cell Cleaning	
1930	<b>Unit Area Cleaning</b>		<b>Unit Area Cleaning</b>		<b>Unit Area Cleaning</b>		<b>Unit Area Cleaning</b>
2000							
2030							
2100	<b>PM #2 Count Period &amp; Mail Pick-up - No Prisoner Activities</b>						
2130							
2200							

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**Special Management & Mental Health Units  
Organization Chart  
Maine State Prison**



MAINE DEPARTMENT OF CORRECTIONS

MAINE STATE PRISON & MAINE CORRECTIONAL CENTER  
 CRITICAL INCIDENTS  
 AUGUST 2009 – JANUARY 31, 2010

Maine Correctional Center - SMU

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Date	Gender	Unit		Chair Used		Note
8/10/09	M	Seg	Yes	Yes		Refused to comply - hand his tray out
8/11/09	M	Seg	Yes	Yes	Yes	Refused orders - covering cell window - cell extraction
8/25/09	M	Seg		Yes		
9/6/09	M	Seg		Yes		
9/7/09	M	Seg		Yes		
10/20/09	M	Seg		Yes		
12/1/09	M	Seg		Yes		
12/6/09	M	Seg		Yes		
1/5/10	F	Ad-Seg-S	Yes	Yes	Yes	
1/9/10	M	Seg		Yes		
1/23/10	M	Seg	Yes	Yes	Yes	Prisoner covered cell window; non-compliant
1/25/10	M	Seg		Yes		
1/27/10	M	Seg	Yes	Yes	Yes	Disturbance in Seg/4 prisoners involved
1/27/10	M	Seg	Yes	Yes	Yes	Disturbance in Seg/4 prisoners involved
1/27/10	M	Seg	Yes	Yes	Yes	Disturbance in Seg/4 prisoners involved
1/27/10	M	Seg		Yes	Yes	Disturbance in Seg/4 prisoners involved
1/31/10	M	Seg		Yes		

**MAINE STATE PRISON – SMU**

Date		Chair Used		Note
8/7/09		Yes	Yes	
8/14/09			Yes	Creating a disturbance
8/15/09	Yes	Yes	Yes	Disturbance
8/15/09		Yes	Yes	Disturbance
8/15/09	Yes	Yes	Yes	Disturbance
8/15/09	Yes	Yes	Yes	Disturbance
8/18/09	Yes	Yes	Yes	
8/19/09				Code Blue – To hospital (PBMC)
8/20/09			Yes	Covered cell window
8/22/09		Yes		
8/22/09			Yes	
8/23/09				Code Blue - Medical
9/3/09			Yes	
9/11/09		Yes	Yes	Refused orders
9/17/09	Yes		Yes	Covered window, refused to respond – To hospital (PBMC)
10/1/09				
10/5/09				
10/16/09	Yes	Yes	Yes	
11/3/09	Yes		Yes	Refused order – Trashed corridor
11/12/09		Yes		
11/12/09				
11/14/09		See note		
11/21/09		Yes		
11/28/09		Yes		
12/6/09		Yes	Yes	
12/7/09				
12/8/09				
12/9/09				
12/10/09				
12/10/09				
12/15/09				
12/27/09				
12/27/09		Yes		
12/30/09				Refused to have handcuffs removed – Inmate complied
1/6/10		Yes		
1/12/10	Yes	Yes		
1/14/10	Yes	Yes		
1/26/10	Yes	Yes		

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The use of mace at Maine Correctional Center and Maine State Prison is documented each time it is used. Each canister is weighed after each use and/or at the end of the month. Results are documented either on a deployment form (see sample) or in a database. A recent purchase of 75 cans of mace at the Maine State Prison was to replace canisters due to expiration dates.

**MCC**

<b>Restraint Chair Used</b>	17
<b>Reasons</b>	
	8
Disturbance	4
Refused Orders	3
	2
	7
<b>Reasons</b>	
Refused Orders	3
Disturbance	3
	1

**MSP**

<b>Restraint Chair Used</b>	19
<b>Reasons</b>	
	11
Disturbance	4
Refused Orders	1
	3
	10
<b>Reasons</b>	
Refused Orders	1
Disturbance	3
	6

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## MAINE STATE PRISON AND MAINE CORRECTIONAL CENTER PERSONNEL INVESTIGATIONS AND OUTCOMES

Incident	Date	Disposition	
Use of Excessive Force	Jan-09	Dismissed	MSP
Use of Excessive Force	Jan-09	Dismissed	MSP
Driving in the course of duty while license was suspended	Jan-09	Written Reprimand/3 days suspension without pay, suspended for review in 6 months	MSP
Failure to follow a direct order	Jan-09	Withdrawn	MSP
Impersonating an officer	Feb-09	Termination	MSP
Failure to control and dispose of a contaminated sharp	Feb-09	Written Reprimand	MSP
Insubordination	Feb-09	Officer received Oral reprimand from Captain for failure to follow orders	MCC
Inappropriate Conduct	Mar-09	Oral Reprimand/Training assign	MSP
Zero Time	Mar-09	Written Reprimand following oral reprimand on January 17, 2009	MCC
Sexual Harassment, over familiarity, possession of cell phone	Mar-09	Resignation during investigation	MCC
Failure to follow nursing protocols	Apr-09	Pending	MSP
Authorization of CO to leave post	Apr-09	Not substantiated	MSP
Misuse of firearms	Apr-09	Not substantiated	MSP
Driving in the course of duty while license was suspended	Apr-09	Pending	MSP
Failure to follow Policy and Post Orders	Apr-09	Resigned prior to Termination	MSP
Failure to provide supervision	Apr-09	Demoted to Correctional Officer	MSP
Not at post, not available for rounds	Apr-09	Four week suspension, suspended for 6 mos. pending review of performance	MSP
Communicating confidential information to a prisoner	Apr-09	Not substantiated	MSP
Unprofessional behavior	Apr-09	15 day notice for over familiarity with a prisoner, inappropriate physical touching, and making false statements in an investigation.	MCC

OUI Charge and conviction	Apr-09	Dismissal for OUI conviction #3	MCC
Failure to report missing tools	Apr-09	Suspended for 8.5 hrs 4/22/09 for not reporting missing tools.	MCC
Failure to follow Policy and Post Orders	May-09	Written reprimand (3 days susp. w/out pay, suspended)	MSP
Failure to follow Policy and Post Orders	May-09	Written reprimand (2 days susp. w/out pay, suspended)	MSP
Inappropriate Conduct	May-09	Not substantiated	MSP
Failure to follow Nursing protocols	May-09		MSP
Failure to follow Nursing protocols	May-09		MSP
Failure to follow Nursing protocols	May-09	Resigned prior to Termination	MSP
Authorization of CO to leave post	May-09	Suspended (susp. For 6 mos.)	MSP
Authorization of CO to leave post	May-09	Dismissed/not substantiated	MSP
Negligent in the consistency of application of operations Policy/Procedures	May-09	Not substantiated	MSP
Unprofessional behavior - horseplay leading to injury	May-09	Resignation during investigation	MCC
OUI	May-09	Suspended for 24.6 hrs for OUI - dropped to driving to endanger.	MCC
Theft - outside charge	May-09	Suspension of 12.333 hrs for the charge of theft.	MCC
Instigated, facilitated, and/or encouraged inmates under supervision to cause personal injury to another inmate	Jun-09	Termination	MSP
Inappropriate comments to prisoners/Threatening Staff	Jun-09	Dismissal	MCC
Giving away food beyond expiration date	Jun-09	12.5 hrs suspension and reassignment	MCC
Making False Statements	Jun-09	Dismissal reduced to one week suspension	MCC
Bringing unauthorized card games and dice into the facility	Jun-09	One day suspension	MCC
Unprofessional Behavior/Throwing a chair at the tower window	Jun-09	Two day suspension	MCC
Refused to provide relief to an officer/inappropriate behavior	Jul-09	1 wk susp. w/out pay/reassign duties	MSP
Gave incorrect or false information to a prisoner, inappropriately removed him from recreation, directed him to his cell and handcuffed him.	Jul-09	Resigned prior to Termination	MSP
Unprofessional comments toward staff	Jul-09	2 day suspension	MCC

Unprofessional behavior	Jul-09	Oral Reprimand	MCC
Failure to fulfill responsibilities as a supervisor, initiated in jokes of sexual nature, engaged in horseplay involving chemical agents.	Aug-09	4 wks. Susp. Susp. for 6 month review/training period assigned	MSP
Made inappropriate comment to subordinate	Aug-09	Not substantiated	MSP
Threatening violence toward MSP staff	Aug-09	Written rep./5 days susp. (susp for 6 mos.)	MSP
Violation of rules or policies	Aug-09	Written Reprimand - Officer brought a personal CD and food into the facility and allowed prisoners access to the material.	MCC
Off duty conduct which resulted in criminal charges	Sep-09	Resigned prior to Termination	MSP
Outside Charge - Threatening	Sep-09	Employee Dismissed, 2nd charge in less than 1 year	MCC
Inappropriate contact with prisoner about law suit		3 day suspension, all but one suspended	MCC
Engaged in disruptive behavior, left assigned duty during critical time,	Oct-09	Pending	MSP
Misused elements of the prison's security infrastructure and engaged in disruptive behavior on the job.	Oct-09	Pending	MSP
Left narcotics unattended, unmanaged key control, failed to check on patient at BCF, violated HIPPA	Oct-09	Termination	MSP
Outside charge - DV Assault	Oct-09	Disposition pending	MCC
Off duty conduct which resulted in criminal charges	Nov-09	Pending	MSP
Off duty conduct which resulted in criminal charges	Nov-09	Pending	MSP
Unprofessional statement to prisoner	Nov-09	Written reprimand and additional cross gender supervision training	MCC
Late to work	Nov-09	Oral Reprimand	MCC
Late to work	Nov-09	Oral Reprimand	MCC
Searched info on CORIS not required by job, inappropriately accessed confidential info about a juvenile client of DOC, divulged that info violating confidentiality and ethics policies.	Dec-09	Pending	MSP

Searched info on CORIS not required by job, inappropriately accessed confidential info about a juvenile client of DOC, divulged that info violating confidentiality and ethics policies.	Dec-09	Pending	MSP
Searched info on CORIS not required by job, inappropriately accessed confidential info about a juvenile client of DOC, divulged that info violating confidentiality and ethics policies.	Dec-09	Pending	MSP
Searched info on CORIS not required by job, inappropriately accessed confidential info about a juvenile client of DOC, divulged that info violating confidentiality and ethics policies.	Dec-09	Pending	MSP
Unprofessional comments toward prisoner	Dec-09	Pending	MCC
Searched info on CORIS not required by job, inappropriately accessed confidential info about a juvenile client of DOC, divulged that info violating confidentiality and ethics policies.	Jan-10	Pending	MSP
Made sexual comment to an officer in front of inmate causing stress to officer	Jan-10	Pending	MSP
Inappropriate behavior in presence of staff and prisoners	Jan-10	Pending	MSP
Not taking appropriate action with a subordinate	Jan-10	Not substantiated	MSP
Not taking appropriate action with a subordinate	Jan-10	Not substantiated	MSP
Off duty misconduct	Jan-10	Pending	MSP
Off duty misconduct resulting in criminal charge	Feb-10	Pending	MSP

Four cases (two state employees and two contract employees) were referred for prosecution.

**MAINE DEPARTMENT OF CORRECTIONS  
CONTRACT EMPLOYEES  
PERFORMANCE INCIDENTS AND OUTCOMES**

Incident	Date	Corrective Action	
Performance	02/12/09	Verbal Counseling - Key Control	MSP
Time and Attendance	03/05/09	Verbal Counseling	MSP
Time and Attendance	04/09/09	Final Written	MSP
Performance	04/09/09	Verbal Counseling Documentation	MSP
Performance	5/09	Resigned, pending investigation	MSP
Time and Attendance	06/17/09	Verbal Counseling	MSP
Time and Attendance	06/18/09	Dismissed	MSP
Time and Attendance	06/21/09	Verbal Counseling	MSP
Time and Attendance	06/22/09	Verbal Counseling	MSP
Performance (Same employee from 2/12/09)	06/26/09	Final Written - Medication Error	MSP
Time and Attendance	07/06/09	Verbal Counseling	MSP
Performance (Same employee from 7/6/09)	07/06/09	Final Written - Refusal to see Inmate	MSP
Performance	07/09/09	Written Counseling	MSP
Time and Attendance (Same employee from 7/9/09)	07/16/09	Written Counseling	MSP
Time and Attendance (same employee from 6/17/09)	08/07/09	Written Counseling	MSP
Performance	08/11/09	Terminated - Inappropriate behavior w/ Inmate	MSP
Time and Attendance	08/16/09	Verbal Counseling	MSP
Behavior (Exceeded scope of practice)	9/09	Verbal Counseling	MCC
Behavior (Exceeded scope of practice)	9/09	Verbal Counseling	MCC

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Performance	09/02/09	Terminated - Illegal Activity	MSP
Performance	09/11/09	Written Counseling - Medication Error	MSP
Performance	10/13/09	Terminated - Drug Diversion	MSP
Time and Attendance (Same employee from 8/16/09)	11/16/09	Written Counseling	MSP
Attendance	11/09	Verbal Counseling	MCC
Time and Attendance	12/08/09	Verbal Counseling	MSP
Performance	12/23/09	Verbal Counseling - Failure to count	MSP
Time and Attendance (Same employee from 12/23/09)	12/23/09	Verbal Counseling	MSP
Time and Attendance	12/29/09	Written Counseling	MSP
Attendance	12/09	Verbal Counseling	MCC
Behavior (Insubordination, failure to follow a direct order) (Same employee from 12/09)	12/09	Final Written Counseling	MCC
Attendance (Same employee from 11/09)	12/09	Written Counseling	MCC
Attendance (Same employee from 11/09 and 12/09 above)	12/09	Final Written Counseling	MCC

**Lord, Denise V**

**From:** Sleek, Diane  
**Sent:** Thursday, February 25, 2010 10:59 AM  
**To:** Lord, Denise V  
**Subject:** LD 1611 and Prisoner Lawsuits Question

Since the Maine State Prison Special Management Unit opened as the Maine Correctional Institution-Warren in 1992, there have been 363 lawsuits filed against the DOC and/or its employees, including lawsuits filed by or on behalf of prisoners or ex-prisoners of all DOC adult facilities, except Central Maine Pre-Release Center; lawsuits filed by or on behalf of ex-residents of Long Creek Youth Development Center; lawsuits filed by or on behalf of probationers or ex-probationers; and lawsuits filed by miscellaneous others (visitors, land owner, etc.) Of those, as best as I can tell, there have been no more than twenty lawsuits in which courts have addressed segregation-related issues (and probably fewer).

I do know for a fact that of those, there have been only two lawsuits in which a court has substantiated an allegation related directly or indirectly to segregation. One was a 1997 lawsuit, in which a jury found that a supervisor had violated a prisoner's constitutional rights when he ordered that a segregation prisoner who was struggling against being placed in the restraint chair have a towel put over his mouth because he was spitting on officers. The jury awarded the prisoner one dollar in nominal damages. The other was a 2007 lawsuit, in which a former officer failed to answer the prisoner's allegations and was defaulted. The judge then found that the former officer (whose employment had been terminated prior to the lawsuit because of the incident) had violated the prisoner's constitutional rights when, after getting into an argument with the prisoner about returning an empty meal tray through the tray slot in the segregation cell door, he slammed the door to the tray slot on one of the prisoner's hands causing pain and swelling, but no permanent damage. The judge awarded \$2500 in compensatory damages and \$5000 in punitive damages.