**03 201 DEPARTMENT OF CORRECTIONS**

**Chapter 3: COUNTY JAIL OPERATIONS FUND DISTRIBUTION OF FUNDS FORMULA**

1. By August 1st of each year, each county shall report to the Department of Corrections the number of “county jail prisoner days” for that county for the previous fiscal year. This total is to be based on the daily reports made by the county in the BARS (Bed Availability Reporting System) or other reporting system approved by the Commissioner of Corrections. These daily reports must be entered into the system by 9:00 a.m. and reflect the jail’s population count as of 12:00 a.m. for the day reported.

2. The county shall provide the number of “county jail prisoner days” attributable to each prisoner who was charged with committing a crime in that county or was committed to the custody of or detained by the sheriff of that county. This includes persons who are housed in a jail as pre-trial detainees, pre-sentence detainees, and sentenced prisoners, and persons who have been found incompetent to stand trial or not criminally responsible but who are being detained pending placement in a state psychiatric hospital. This does not include persons charged with juvenile crimes nor does it include persons who are being held temporarily in a cell, holding area or detention area for purposes of processing, arranging bail, and/or release.

3. The county shall attribute a “county jail prisoner day” to the “county of origin” for the prisoner. When determining a prisoner’s “county of origin,” the following criteria shall be used:

a. The county in which the prosecution for the crime(s) is taking place or has taken place is the “county of origin,” unless venue was changed by the court or as otherwise noted below.

b. If venue was changed by the court, the “county of origin” is the county in which the prosecution originated.

c. The “county of origin” for a revocation of probation or revocation of supervised release for sex offenders is determined by the county where the prosecution for the underlying crime(s) took place.

d. For federal prisoners or prisoners transferred to the county from the Department, the “county of origin” shall be so noted as “federal” or “state,” as applicable.

e. A prisoner who is being boarded for another county shall have the sending county noted as the “county of origin.”

4. The Department shall determine the total “statewide county jail prisoner days” by totaling the county jail prisoner days provided by each county adjusted, as necessary, by the Department to correct any errors and excluding federal prisoners and prisoners transferred to the counties from the Department.

5. Based on the statewide county jail prisoner days and the amount of funds appropriated to the County Jail Operations Fund, the Department shall determine the per diem per prisoner reimbursement rate and shall notify each county as to this rate.

6. The Department shall determine the reimbursement amount for each county from the County Jail Operations Fund based on the proportion of “county prisoner jail days” for each “county of origin” to the total “statewide county jail prisoner days.” This reimbursement amount shall be distributed to each county annually, except as set forth in Title 34-A sections 1208-B(1)(B) (monetary penalty for noncompliance with standards) and 1210-D(2)(D) (failure to document required community corrections expenditures).

7. Each county shall report to the Department of Corrections the previous month’s financial data (revenue and expenditures) in the Corrections Reporting of Actuals System (CRAS) by the 10th business day of each month.

8. By August 1st of each year, each county shall report to the Department of Corrections all revenue and expenditures associated with county jail operations as reported in CRAS for the previous fiscal year. By August 1st of each year, each county shall also submit to the Department of Corrections its Community Corrections Account Annual Expenditure Report.

9. Each county shall provide to the Department of Corrections a copy of its independent annual jail audit as soon as it is available, but no later than six months after the fiscal year has ended. The county shall adjust the fiscal year financial data (revenue and expenditures) reported in CRAS to match the annual audit.

STATUTORY AUTHORITY: 34-A MRSA §§ 1208-B, 1210-D

EFFECTIVE DATE:

 August 31, 2015 – filing 2015-163 (Emergency)

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